

Calendar No. 22

114TH CONGRESS
1ST SESSION**S. 534**

To prohibit funds from being used to carry out certain Executive actions related to immigration and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2015

Ms. COLLINS introduced the following bill; which was read the first time

FEBRUARY 24, 2015

Read the second time and placed on the calendar

A BILL

To prohibit funds from being used to carry out certain Executive actions related to immigration and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigration Rule of
5 Law Act of 2015”.

1 **SEC. 2. PROHIBITION ON FUNDING FOR CERTAIN EXECU-**
2 **TIVE ACTIONS RELATED TO IMMIGRATION.**

3 (a) PROHIBITION ON FUNDING CERTAIN EXECUTIVE
4 ACTIONS.—No funds, resources, or fees made available to
5 the Secretary of Homeland Security, or to any other offi-
6 cial of a Federal agency, including any deposits into the
7 “Immigration Examinations Fee Account” established
8 under section 286(m) of the Immigration and Nationality
9 Act (8 U.S.C. 1356(m)), may be used to implement, ad-
10 minister, enforce, or carry out (including through the
11 issuance of any regulations) any of the policy changes set
12 forth in the following memoranda (or any substantially
13 similar policy changes issued or taken on or after January
14 9, 2015, whether set forth in memorandum, Executive
15 order, regulation, directive, or by other action):

16 (1) The memorandum from the Secretary of
17 Homeland Security entitled “Southern Border and
18 Approaches Campaign” dated November 20, 2014.

19 (2) The memorandum from the Secretary of
20 Homeland Security entitled “Policies for the Appre-
21 hension, Detention and Removal of Undocumented
22 Immigrants” dated November 20, 2014.

23 (3) The memorandum from the Secretary of
24 Homeland Security entitled “Secure Communities”
25 dated November 20, 2014.

1 (4) The memorandum from the Secretary of
2 Homeland Security entitled “Exercising Prosecu-
3 torial Discretion with Respect to Individuals Who
4 Came to the United States as Children and with Re-
5 spect to Certain Individuals Who Are the Parents of
6 U.S. Citizens or Permanent Residents” dated No-
7 vember 20, 2014.

8 (5) The memorandum from the Secretary of
9 Homeland Security entitled “Expansion of the Pro-
10 visional Waiver Program” dated November 20,
11 2014.

12 (6) The memorandum from the Secretary of
13 Homeland Security entitled “Policies Supporting
14 U.S. High-Skilled Businesses and Workers” dated
15 November 20, 2014.

16 (7) The memorandum from the Secretary of
17 Homeland Security entitled “Families of U.S.
18 Armed Forces Members and Enlistees” dated No-
19 vember 20, 2014.

20 (8) The memorandum from the Secretary of
21 Homeland Security entitled “Directive to Provide
22 Consistency Regarding Advance Parole” dated No-
23 vember 20, 2014.

24 (9) The memorandum from the Secretary of
25 Homeland Security entitled “Policies to Promote

1 and Increase Access to U.S. Citizenship” dated No-
2 vember 20, 2014.

3 (10) The memorandum from the President enti-
4 tled “Modernizing and Streamlining the U.S. Immig-
5 rant Visa System for the 21st Century” dated No-
6 vember 21, 2014.

7 (11) The memorandum from the President enti-
8 tled “Creating Welcoming Communities and Fully
9 Integrating Immigrants and Refugees” dated No-
10 vember 21, 2014.

11 (b) NO LEGAL EFFECT OF EXECUTIVE ACTIONS.—
12 The memoranda referred to in subsection (a) (or any sub-
13 stantially similar policy changes issued or taken on or
14 after January 9, 2015, whether set forth in memorandum,
15 Executive order, regulation, directive, or by other action)
16 have no statutory or constitutional basis and therefore
17 have no legal effect.

18 (c) PROHIBITION ON PROVIDING IMMIGRATION BEN-
19 EFITS.—No funds or fees made available to the Secretary
20 of Homeland Security, or to any other official of a Federal
21 agency, including any deposits into the “Immigration Ex-
22 aminations Fee Account” established under section
23 286(m) of the Immigration and Nationality Act (8 U.S.C.
24 1356(m)), may be used to grant any Federal benefit to
25 any alien pursuant to any of the policy changes set forth

1 in the memoranda referred to in subsection (a) (or any
2 substantially similar policy changes issued or taken on or
3 after January 9, 2015, whether set forth in memorandum,
4 Executive order, regulation, directive, or by other action).

5 (d) BUDGETARY EFFECTS.—The budgetary effects of
6 this section shall not be entered on either PAYGO score-
7 card maintained pursuant to section 4(d) of the Statutory
8 Pay-As-You-Go Act of 2010.

9 **SEC. 3. PROHIBITION ON FUNDING CERTAIN CIVIL IMMI-**
10 **GRATION ENFORCEMENT PRIORITIES.**

11 No funds or fees made available to the Secretary of
12 Homeland Security may be used to implement, administer,
13 enforce, or carry out (including through the issuance of
14 any regulations) any policy relating to the apprehension,
15 detention, or removal of aliens that does not treat any
16 alien convicted of any offense involving domestic violence,
17 sexual abuse, child molestation, or child exploitation as
18 within the categories of aliens subject to the Department
19 of Homeland Security’s highest civil immigration enforce-
20 ment priorities.

21 **SEC. 4. FINDINGS AND SENSE OF CONGRESS ON POLICIES**
22 **THAT DISADVANTAGE THE HIRING OF**
23 **UNITED STATES CITIZENS AND LAWFULLY**
24 **PRESENT ALIENS.**

25 (a) FINDINGS.—Congress finds that—

1 (1) under the Patient Protection and Affordable
2 Care Act (Public Law 111–148; 124 Stat. 119),
3 many individuals and businesses are required to pur-
4 chase health insurance coverage for themselves and
5 their employees;

6 (2) individuals who were unlawfully present in
7 the United States who have been granted deferred
8 action under the Deferred Action for Childhood Ar-
9 rivals Program undertaken by the Executive Branch
10 and who then receive work authorization are exempt
11 from these requirements;

12 (3) many United States employers hiring
13 United States citizens or individuals legally present
14 in the United States are required to either offer
15 those persons affordable health insurance or pay a
16 penalty of approximately \$3,000 per employee per
17 year; and

18 (4) an employer does not have to provide insur-
19 ance, or in many instances pay a penalty, if they
20 hire individuals who were not lawfully present but
21 who have been granted deferred action under the
22 Deferred Action for Childhood Arrivals Program and
23 work authorization.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) this disparate treatment has the unaccept-
2 able effect of discouraging the hiring of United
3 States citizens and those in a lawful immigration
4 status in the United States; and

5 (2) the Executive Branch should refrain from
6 pursuing policies, such as granting deferred action
7 under the Deferred Action for Childhood Arrivals
8 Program and work authorization to unlawfully
9 present individuals, that disadvantage the hiring of
10 United States citizens and those in a lawful immi-
11 gration status in the United States.

12 **SEC. 5. SENSE OF CONGRESS ON POLICIES THAT DIS-**
13 **ADVANTAGE LAWFULLY PRESENT ALIENS.**

14 It is the sense of the Congress that the Director of
15 United States Citizenship and Immigration Services
16 should—

17 (1) stop putting the interests of aliens who are
18 unlawfully present in the United States ahead of the
19 interests of aliens who are following proper immigra-
20 tion laws and procedures by adjudicating petitions
21 and applications for immigration benefits submitted
22 by aliens unlawfully present in the United States be-
23 cause when adjudicators and resources of U.S. Citi-
24 zenship and Immigration Services are used to adju-
25 dicate petitions and applications for aliens who are

1 unlawfully present, the time it takes to process peti-
2 tions and applications submitted by other aliens is
3 significantly increased and a backlog is created and
4 it is unfair to use the fees paid by other aliens to
5 cover the costs of adjudicating petitions and applica-
6 tions for aliens unlawfully present in the United
7 States; and

8 (2) use the funds available under existing law
9 to improve services and increase the efficiency of the
10 immigration benefits application process for aliens
11 abroad or who are lawfully present in the United
12 States.

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