

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To ensure compliance with Federal welfare and public benefits laws.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 744**

To provide for comprehensive immigration reform and for other purposes

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH (for himself and Mr. RUBIO)

Viz:

1 At the end of subtitle B of title III, add the following:

2 **SEC. \_\_\_\_ . ENSURING COMPLIANCE WITH RESTRICTIONS**

3 **ON WELFARE AND PUBLIC BENEFITS FOR**

4 **ALIENS.**

5 (a) GENERAL PROHIBITION.—No officer or employee

6 of the Federal Government may—

7 (1) waive compliance with any requirement in

8 title IV of the Personal Responsibility and Work Op-

9 portunity Reconciliation Act of 1996 (8 U.S.C. 1601

10 et seq.) in effect on the date of enactment of this

11 Act or with any restriction on eligibility for any form

1 of assistance or benefit described in section 403(a)  
2 of the Personal Responsibility and Work Oppor-  
3 tunity Reconciliation Act of 1996 (8 U.S.C.  
4 1613(a)) established under a provision of this Act or  
5 an amendment made by this Act;

6 (2) waive the prohibition under subsection  
7 (d)(3) of section 245B of the Immigration and Na-  
8 tionality Act (as added by section 2101 of this Act)  
9 on eligibility for Federal means-tested public bene-  
10 fits for any alien granted registered provisional im-  
11 migrant status under section 245B of the Immigra-  
12 tion and Nationality Act;

13 (3) waive the prohibition under subsection  
14 (e)(3) of section 2211 of this Act on eligibility for  
15 Federal means-tested public benefits for any alien  
16 granted blue card status under that section;

17 (4) waive the prohibition under subsection (e)  
18 of section 2309 of this Act on eligibility for Federal  
19 means-tested public benefits for any noncitizen who  
20 is lawfully present in the United States pursuant to  
21 section 101(a)(15)(V) of the Immigration and Na-  
22 tionality Act (8 U.S.C. 1101(a)(15)(V)) (as amend-  
23 ed by section 2309(a)); or

24 (5) waive the prohibition under subsection  
25 (w)(2)(C) of section 214 of the Immigration and Na-

1        tionality Act (8 U.S.C. 1184(w)(2)(C)) (as added by  
2        section 4504(b) of this Act) on eligibility for any as-  
3        sistance or benefits described in section 403(a) of  
4        the Personal Responsibility and Work Opportunity  
5        Reconciliation Act of 1996 (8 U.S.C. 1613(a)) for  
6        any alien described in section 101(a)(15)(Y) of the  
7        Immigration and Nationality Act (8 U.S.C.  
8        1101(a)(15)(Y) (as added by section 4504 of this  
9        Act) who is issued a nonimmigrant visa.

10       (b) ENSURING COMPLIANCE WITH FEDERAL WEL-  
11 FARE LAW.—

12            (1) RESTRICTION OF SECRETARY OF HEALTH  
13        AND HUMAN SERVICES AUTHORITY.—In addition to  
14        the prohibitions specified in subsection (a), the Sec-  
15        retary of Health and Human Services (in this sub-  
16        section referred to as the “Secretary”) shall not do  
17        the following:

18            (A) Waive compliance by a State with, or  
19        otherwise permit a State not to comply with,  
20        any of the Temporary Assistance for Needy  
21        Families (TANF) work requirements in section  
22        407 of the Social Security Act (42 U.S.C. 607),  
23        including the participation rate requirements.  
24        The Secretary also may not permit account-  
25        ability by a State for negotiated outcomes to

1 substitute for the participation rate require-  
2 ments under such section.

3 (B) Permit a State to spend TANF funds  
4 for a benefit or service that is not an allowable  
5 use of funds under section 404 of the Social Se-  
6 curity Act (42 U.S.C. 604).

7 (C) Permit a State to use funds provided  
8 under section 403(a)(2) of the Social Security  
9 Act (42 U.S.C. 603(a)(2)) for healthy marriage  
10 promotion and responsible fatherhood grants  
11 for expenditures other than expressly permitted  
12 under that section.

13 (D) Waive compliance by a State with, or  
14 otherwise permit a State not to comply with,  
15 any of the prohibitions and requirements in sec-  
16 tion 408 of the Social Security Act (42 U.S.C.  
17 608), including extending assistance to a family  
18 for which assistance would otherwise be prohib-  
19 ited under that section.

20 (E) Waive the imposition of a penalty on  
21 a State derived from any experimental pilot or  
22 demonstration projects under section 1115 of  
23 the Social Security Act (42 U.S.C. 1315) or as  
24 part of authorizing, approving, renewing, modi-  
25 fying or extending any such project, including

1 with respect to work participation rates or pro-  
2 viding assistance to a family beyond the period  
3 permitted under section 408(a)(7) of the Social  
4 Security Act (42 U.S.C. 608(a)(7)), that the  
5 Secretary is required to apply under section  
6 409 of the Social Security Act (42 U.S.C. 609)  
7 or determine there is a reasonable cause excep-  
8 tion to the imposition of a penalty on a State  
9 required by that section.

10 (F) Authorize, approve, renew, modify, or  
11 extend any experimental, pilot, or demonstra-  
12 tion project under section 1115 of the Social  
13 Security Act (42 U.S.C. 1315) submitted by a  
14 State that requests a waiver of compliance with  
15 any rule, requirement, or prohibition described  
16 in subsection (a) or subparagraphs (A) through  
17 (E) of this paragraph, including through a  
18 waiver under—

19 (i) section 1115(a)(1) of such Act of  
20 any TANF requirement in, or incorporated  
21 by reference in, section 402 of the Social  
22 Security Act (42 U.S.C. 602); or

23 (ii) section 1115(a)(2)(B) of such Act  
24 by authorizing an expenditure that would  
25 not otherwise be an allowable use of funds

1           under a State program funded under part  
2           A of title IV of such Act (42 U.S.C. 601  
3           et seq.) to be regarded as an allowable use  
4           of funds under that program for any pe-  
5           riod.

6           (2) RESCISSION OF WAIVERS AND 1115  
7           PROJECTS.—Any waiver, and any approval of any  
8           experimental, pilot, or demonstration project under  
9           section 1115 of the Social Security Act (42 U.S.C.  
10          1315), of any rule, requirement, or prohibition de-  
11          scribed in subsection (a) or subparagraphs (A)  
12          through (E) of paragraph (1) of this subsection,  
13          that is granted before the date of the enactment of  
14          this section is hereby rescinded and shall be null and  
15          void.

16          (3) RULE OF CONSTRUCTION.—Nothing in  
17          paragraph (1) or (2) shall be construed as limiting  
18          the authority of the Secretary of Health and Human  
19          Services under section 1115 of the Social Security  
20          Act (42 U.S.C. 1315) to grant a State application  
21          to conduct an experimental, pilot, or demonstration  
22          project under section 1115 with respect to the Med-  
23          icaid program established under title XIX of the So-  
24          cial Security Act (42 U.S.C. 1396 et seq.), including  
25          a State application for a project to operate the Med-

- 1 icaid program with a block grant for the federal
- 2 share of the program funding.