

HATCH – RUBIO AMENDMENT (ERN13222)

Federal Welfare and Public Benefits

DESCRIPTION:

To ensure compliance with federal welfare and public benefits law.

REASON FOR THE AMENDMENT:

Last July, the Department of Health and Human Services (HHS) issued an information memo to states allowing them to waive federal welfare work requirements.

HHS attorneys have concluded that the Secretary also has the authority to allow states to ignore prohibitions on federal welfare spending which would, “permit a state to extend assistance to a family for which assistance would be prohibited under Section 408 of the Social Security Act.”

The following individuals and activities are prohibited under Section 408 of the Social Security Act:

- Fugitive felons and parole violators;
- Families where the adult has exceeded 5 years of assistance;
- Noncitizens with a five-year ban on assistance as described in Title IV of Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); and,
- Medical services, such as abortion.

Under S.744, the prohibitions detailed in Title IV of PRWORA for federal means-tested public benefits, such as cash welfare are extended to Registered Provisional Immigrants (RPI), blue card holders and aliens admitted to the United States under 101(a)(15)(V) or 101(a)(15)(Y).

However, under HHS’s current interpretation of Section 1115 authority, since Title IV can be ignored, federal welfare benefits could be paid to these groups of noncitizens.

This straightforward amendment would prevent current and future Administrations from undermining welfare reform and ensure that no noncitizen will get welfare.

HATCH – RUBIO AMENDMENT (MCG13569)

Back Taxes Relating to Registered Provisional Immigrants

DESCRIPTION:

Modifies provisions relating to the payment of back taxes to include all income and employment taxes owed by the Registered Provisional Immigrant (RPI) applicants and for other purposes.

REASON FOR THE AMENDMENT:

- As currently written, RPIs are not required to satisfy their federal tax obligations during any period of their U.S. residency unless the Internal Revenue Service (IRS) has already found that they have not been paying federal taxes.
- Under this approach, very few RPI applicants will be required to pay back taxes.
- This is fundamentally unfair to American citizens who dutifully pay their taxes.
- Therefore, this amendment requires RPI applicants to demonstrate that they have actually paid their back taxes, and that they remain current once they achieve the status of an RPI.

HATCH – RUBIO AMENDMENT (MDM13897)

Five-year Waiting Period

DESCRIPTION:

To apply a five-year waiting period before certain immigrants become eligible for tax credits and cost sharing subsidies under the Patient Protection and Affordable Care Act (PPACA).

REASON FOR THE AMENDMENT:

- Under this bill, although Registered Provisional Immigrants (RPI) and blue card holders cannot access PPACA subsidies, once they become Lawful Permanent Residents (LPR), they can access them immediately.
- Under current federal law, most LPRs or “green card holders” must wait for five years before becoming eligible for federal means-tested programs, such as Medicaid and TANF.
- The bill however fails to apply this same five-year waiting period to PPACA subsidies for LPRs.
- This amendment will ensure that federal means-tested programs are treated equally, so that LPRs become eligible for federal benefits at the appropriate time.
- Furthermore, although the bill prohibits RPIs and blue card holders from accessing PPACA credits and subsidies, it fails to apply the same prohibition to nonimmigrants.
- This amendment simply extends this common-sense prohibition to nonimmigrants.

HATCH – RUBIO AMENDMENT (GAI13418)

Social Security

DESCRIPTION:

Precludes crediting of quarters of coverage for unauthorized employment.

REASON FOR THE AMENDMENT:

- For a worker to be eligible for social security benefits, the worker must be classified as being “fully insured” or “permanently insured.”
- To become insured, a worker accrues “quarters of coverage” during the years they work.
- The legislation is unclear as to whether the time an immigrant works as an unauthorized employee can be included in individual’s quarters of coverage.
- In order to preserve the integrity of the Social Security program, this amendment makes clear that any unauthorized employment cannot count as a period of time used for determining Social Security eligibility.