

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 _____

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . ENSURE COMPLIANCE WITH RESTRICTIONS ON**
 3 **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 (restricting welfare and Federal, State, and local
 12 public benefits for aliens) or with any restriction on

1 eligibility for any form of assistance or benefit de-
2 scribed in section 403(a) of the Personal Responsi-
3 bility and Work Opportunity Reconciliation Act of
4 1996 (8 U.S.C. 1613(a)) established under a provi-
5 sion of this Act or 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; or

13 (3) count any expenditures made by, or on be-
14 half of, a State or local political subdivision toward
15 satisfying any maintenance of effort or State or local
16 spending requirement of any program funded in
17 whole or in part with Federal funds if the expendi-
18 tures violate of any requirement in title IV of the
19 Personal Responsibility and Work Opportunity Rec-
20 onciliation Act of 1996 (8 U.S.C. 1601 et seq.) in
21 effect on the date of enactment of this Act.

22 (b) ENSURE COMPLIANCE WITH FEDERAL WELFARE
23 LAW.—

24 (1) RESTRICTION OF SECRETARY OF HEALTH
25 AND HUMAN SERVICES AUTHORITY.—In addition to

1 the prohibitions specified in subsection (a), the Sec-
2 retary of Health and Human Services (in this sub-
3 section referred to as the “Secretary”) shall not do
4 the following:

5 (A) Waive compliance by a State with, or
6 otherwise permit a State not to comply with,
7 any of the Temporary Assistance for Needy
8 Families (TANF) work requirements in section
9 407 of the Social Security Act (42 U.S.C. 607),
10 including the participation rate requirements.
11 The Secretary also may not permit account-
12 ability by a State for negotiated outcomes to
13 substitute for the participation rate require-
14 ments under such section.

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

19 (C) Permit a State to use funds provided
20 under section 403(a)(2) of the Social Security
21 Act (42 U.S.C. 603(a)(2)) for healthy marriage
22 promotion and responsible fatherhood grants
23 for expenditures other than expressly permitted
24 under that section.

1 (D) Waive compliance by a State with, or
2 otherwise permit a State not to comply with,
3 any of the prohibitions and requirements in sec-
4 tion 408 of the Social Security Act (42 U.S.C.
5 608), including extending assistance to a family
6 for which assistance would otherwise be prohib-
7 ited under that section.

8 (E) Waive the imposition of a penalty on
9 a State derived from any experimental pilot or
10 demonstration projects under section 1115 of
11 the Social Security Act (42 U.S.C. 1315) or as
12 part of authorizing, approving, renewing, modi-
13 fying or extending any such project, including
14 with respect to work participation rates or pro-
15 viding assistance to a family beyond the period
16 permitted under section 408(a)(7) of the Social
17 Security Act (42 U.S.C. 608(a)(7)), that the
18 Secretary is required to apply under section
19 409 of the Social Security Act (42 U.S.C. 609)
20 or determine there is a reasonable cause excep-
21 tion to the imposition of a penalty on a State
22 required by that section.

23 (F) Authorize, approve, renew, modify, or
24 extend any experimental, pilot, or demonstra-
25 tion project under section 1115 of the Social

1 Security Act (42 U.S.C. 1315) submitted by a
2 State that requests a waiver of compliance with
3 any rule, requirement, or prohibition described
4 in subsection (a) or subparagraphs (A) through
5 (E) of this paragraph, including through a
6 waiver under—

7 (i) section 1115(a)(1) of such Act of
8 any TANF requirement in, or incorporated
9 by reference in, section 402 of the Social
10 Security Act (42 U.S.C. 602); or

11 (ii) section 1115(a)(2)(B) of such Act
12 by authorizing an expenditure that would
13 not otherwise be an allowable use of funds
14 under a State program funded under part
15 A of title IV of such Act (42 U.S.C. 601
16 et seq.) to be regarded as an allowable use
17 of funds under that program for any pe-
18 riod.

19 (2) RESCISSION OF WAIVERS AND 1115
20 PROJECTS.—Any waiver, and any approval of any
21 experimental, pilot, or demonstration project under
22 section 1115 of the Social Security Act (42 U.S.C.
23 1315), of any rule, requirement, or prohibition de-
24 scribed in subsection (a) or subparagraphs (A)
25 through (E) of paragraph (1) of this subsection,

1 that is granted before the date of the enactment of
2 this section is hereby rescinded and shall be null and
3 void.