

105TH CONGRESS
1ST SESSION

H. R. 1133

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide exceptions for mentally disabled aliens from provisions which restrict welfare and public benefits for aliens.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. KENNEDY of Rhode Island introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide exceptions for mentally disabled aliens from provisions which restrict welfare and public benefits for aliens.

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 “Fairness for Mentally
5 Disabled New Americans Act of 1997”.

1 **SEC. 2. LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR**
2 **SSI AND FOOD STAMPS: EXCEPTION FOR**
3 **MENTALLY DISABLED ALIENS.**

4 (a) IN GENERAL.—Section 402(a)(2) of the Personal
5 Responsibility and Work Opportunity Reconciliation Act
6 of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding after
7 subparagraph (D) the following new subparagraph:

8 “(E) CERTAIN DISABLED ALIENS.—Para-
9 graph (1) shall not apply to an alien who—

10 “(i) on the date of the enactment of
11 the Personal Responsibility and Work Op-
12 portunity Reconciliation Act of 1996 is a
13 qualified alien (as defined in section 431);
14 and

15 “(ii) is, or would be, considered dis-
16 abled due to mental impairment under sec-
17 tion 1614 of the Social Security Act.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall be effective as if included in the enact-
20 ment of title IV of the Personal Responsibility and Work
21 Opportunity Reconciliation Act of 1996.

1 **SEC. 3. LIMITED ELIGIBILITY OF QUALIFIED ALIENS FOR**
2 **TEMPORARY ASSISTANCE FOR NEEDY FAMI-**
3 **LIES, SOCIAL SERVICES BLOCK GRANT, AND**
4 **MEDICAID: EXCEPTION FOR MENTALLY DIS-**
5 **ABLED ALIENS.**

6 (a) IN GENERAL.—Section 402(b)(2) of the Perma-
7 nent Responsibility and Work Opportunity Reconciliation
8 Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding
9 after subparagraph (D) the following new subparagraph:

10 “(E) CERTAIN DISABLED ALIENS.—Para-
11 graph (1) shall not apply to an alien who—

12 “(i) on the date of the enactment of
13 the Personal Responsibility and Work Op-
14 portunity Reconciliation Act of 1996 is a
15 qualified alien (as defined in section 431);
16 and

17 “(ii) is, or would be, considered dis-
18 abled due to mental impairment under sec-
19 tion 1614 of the Social Security Act.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall be effective as if included in the enact-
22 ment of title IV of the Personal Responsibility and Work
23 Opportunity Reconciliation Act of 1996.

1 **SEC. 4. STATE AUTHORITY TO LIMIT ELIGIBILITY OF**
2 **QUALIFIED ALIENS FOR STATE PUBLIC BENE-**
3 **FITS: EXCEPTION FOR MENTALLY DISABLED**
4 **ALIENS.**

5 (a) IN GENERAL.—Section 412(b) of the Permanent
6 Responsibility and Work Opportunity Reconciliation Act
7 of 1996 (8 U.S.C. 1622(b)) is amended by adding after
8 paragraph (4) the following new paragraph:

9 “(5) CERTAIN DISABLED ALIENS.—Subsection
10 (a) shall not apply to an alien who—

11 “(A) on the date of the enactment of the
12 Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 is a qualified alien
14 (as defined in section 431); and

15 “(B) is, or would be, considered disabled
16 due to mental impairment under section 1614
17 of the Social Security Act.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall be effective as if included in the enact-
20 ment of title IV of the Personal Responsibility and Work
21 Opportunity Reconciliation Act of 1996.

1 **SEC. 5. PROHIBITION ON STATE REQUIREMENTS OF MINI-**
2 **MUM UNITED STATES RESIDENCE FOR STATE**
3 **BENEFITS FOR MENTALLY DISABLED ALIENS.**

4 Title IV of the Permanent Responsibility and Work
5 Opportunity Reconciliation Act of 1996 is amended by in-
6 serting after section 412 the following new section:

7 **“SEC. 413. PROHIBITION ON REQUIREMENT FOR MINIMUM**
8 **UNITED STATES RESIDENCE FOR MENTALLY**
9 **DISABLED ALIENS.**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of law, in determining the eligibility or the amount
12 of benefits of a mentally disabled alien for any State or
13 local public benefits, a State or political subdivision that
14 offers the benefits may not provide for a minimum period
15 of residence in the United States for any alien who on
16 the date of the enactment of the Personal Responsibility
17 and Work Opportunity Reconciliation Act of 1996 was
18 lawfully present in the United States.

19 “(b) MENTALLY DISABLED DEFINED.—For the pur-
20 poses of subsection (a) the term ‘mentally disabled’ means
21 an alien who is, or would be, considered disabled due to
22 mental impairment under section 1614 of the Social Secu-
23 rity Act.”.

1 **SEC. 6. NATURALIZATION OF CERTAIN MENTALLY DIS-**
2 **ABLED PERMANENT RESIDENT ALIENS.**

3 (a) AMENDMENT TO THE IMMIGRATION AND NA-
4 TIONALITY ACT.—Chapter 2 of the Immigration and Na-
5 tionality Act is amended by inserting after section 312 the
6 following new section:

7 “NATURALIZATION OF MENTALLY DISABLED PERSONS

8 “SEC. 312A. The requirements of section 312 and
9 337 shall not apply to an alien who—

10 “(1) on the date of the enactment of the Per-
11 sonal Responsibility and Work Opportunity Rec-
12 onciliation Act of 1996 is lawfully admitted to the
13 United States for permanent residence under the
14 Immigration and Nationality Act;

15 “(2) is unable due to developmental disability
16 or mental impairment to comply with such require-
17 ments; and

18 “(3) has a legally appointed guardian who is a
19 United States citizen.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply to applications for naturaliza-
22 tion filed on or after the date of enactment of this Act
23 and to applications for naturalization pending on such
24 date.

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