

105TH CONGRESS
1ST SESSION

S. 615

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for continued eligibility for supplemental security income and food stamps with regard to certain classifications of aliens.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 1997

Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mr. D'AMATO, Mr. LIEBERMAN, Mr. DEWINE, Mr. MOYNIHAN, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for continued eligibility for supplemental security income and food stamps with regard to certain classifications of 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 Legal Im-
5 migrants Act of 1997”.

1 **SEC. 2. CONTINUED ELIGIBILITY OF CERTAIN ALIENS FOR**
 2 **SUPPLEMENTAL SECURITY INCOME AND**
 3 **FOOD STAMPS.**

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—

7 (1) by striking subparagraph (A) and inserting
 8 the following:

9 “(A) REFUGEES AND ASYLEES.—

10 “(i) REFUGEES LAWFULLY PRESENT
 11 ON DATE OF ENACTMENT.—Paragraph (1)
 12 shall not apply to an alien who was admit-
 13 ted to the United States as a refugee
 14 under section 207 of the Immigration and
 15 Nationality Act on or before the date of
 16 enactment of this Act.

17 “(ii) TIME-LIMITED EXCEPTION FOR
 18 OTHER REFUGEES AND ASYLEES.—Para-
 19 graph (1) shall not apply to an alien until
 20 5 years after the date—

21 “(I) an alien is granted asylum
 22 under section 208 of such Act;

23 “(II) an alien’s deportation is
 24 withheld under section 243(h) of such
 25 Act (as in effect immediately before
 26 enactment of section 307 of division C

1 of Public Law 104–208) or section
 2 241(b)(3) of such Act (as amended by
 3 section 305(a) of division C of Public
 4 Law 104–208); or

5 “(III) an alien who is not de-
 6 scribed in clause (i) is admitted to the
 7 United States as a refugee under sec-
 8 tion 207 of the Immigration and Na-
 9 tionality Act.”; and

10 (2) by striking subparagraph (D) and inserting
 11 the following:

12 “(D) ALIENS CURRENTLY RECEIVING SSI
 13 AND FOOD STAMPS.—Paragraph (1) shall not
 14 apply to an alien who—

15 “(i) lawfully entered and is lawfully
 16 residing in the United States as of the
 17 date of enactment of this Act; and

18 “(ii) is receiving benefits under any
 19 specified Federal program described in
 20 paragraph (3) as of such date.”.

21 (b) NOTICE AND REDETERMINATION.—The Commis-
 22 sioner of Social Security, in the case of the specified Fed-
 23 eral program described in section 402(a)(3)(A) of such
 24 Act (8 U.S.C. 1612(a)(3)(A)), and the State agency, in
 25 the case of the specified Federal program defined in sec-

1 tion 402(a)(3)(B) of such Act (8 U.S.C. 1612(a)(3)(B)),
 2 shall notify any individual described in section
 3 402(a)(2)(D) of the Personal Responsibility and Work Op-
 4 portunity Reconciliation Act of 1996 (8 U.S.C.
 5 1612(a)(2)(D)), as amended by subsection (a), who, on
 6 or after August 22, 1996, has been determined to be ineli-
 7 gible for such specified Federal program solely on the
 8 basis of the application of section 402 of such Act (8
 9 U.S.C. 1612), as in effect on the day before the date of
 10 enactment of this Act, that the individual's eligibility for
 11 such program shall be redetermined, and shall conduct
 12 such redetermination in a timely manner. Any benefits
 13 that such an individual should have received during the
 14 period beginning on August 22, 1996, and ending on the
 15 date of the redetermination shall be restored to that indi-
 16 vidual.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 subsection (a) take effect as if included in the enactment
 19 of section 402 of the Personal Responsibility and Work
 20 Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

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