

104TH CONGRESS
2D SESSION

H. R. 4335

To amend the Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and benefits for aliens.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 1996

Mr. SMITH of Texas (for himself and Mr. GINGRICH) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Banking and Financial Services, Economic and Educational Opportunities, and Commerce, 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 Immigration and Nationality Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to modify provisions of law relating to public assistance and 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,*

1 **SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION**
 2 **AND NATIONALITY ACT; TABLE OF CON-**
 3 **TENTS; SEVERABILITY.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Alien Public Assistance Benefits Amendments of 1996”.

6 (b) **AMENDMENTS TO IMMIGRATION AND NATIONAL-**
 7 **ITY ACT.**—Except as otherwise specifically provided,
 8 whenever in this Act an amendment or repeal is expressed
 9 as the amendment or repeal of a section or other provision,
 10 the reference shall be considered to be made to that sec-
 11 tion or provision in the Immigration and Nationality Act.

12 (c) **TABLE OF CONTENTS.**—The table of contents for
 13 this Act is as follows:

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents; severability.

TITLE I—AFFIDAVITS OF SUPPORT

Sec. 101. Application of affidavits of support to means-tested public benefits.
 Sec. 102. Increasing income as a percentage of poverty for affidavits of support.

TITLE II—PUBLIC CHARGE DEPORTATION

Sec. 201. Ground for deportation.

TITLE III—ATTRIBUTION OF SPONSOR’S INCOME

Sec. 301. Application of deeming to current immigrants.

TITLE IV—INELIGIBILITY OF ILLEGAL ALIENS FOR PUBLIC ASSISTANCE AND BENEFITS

Sec. 401. Authorization of States to deny driver’s licenses to illegal aliens.
 Sec. 402. Social Security benefits.
 Sec. 403. Denial of treatment of HIV infection for illegal aliens.

TITLE V—ENHANCED VERIFICATION OF ELIGIBILITY BASED ON CITIZENSHIP OR IMMIGRATION STATUS

Sec. 501. Requiring proof of identity for certain public assistance.
 Sec. 502. Authorization for States to require proof of eligibility for State programs.

- Sec. 503. No verification requirement for nonprofit charitable organizations.
 Sec. 504. Verification of student eligibility for postsecondary Federal student financial assistance.

TITLE VI—HOUSING ASSISTANCE.

- Sec. 601. Short title; superseding of other provisions.
 Sec. 602. Prorating of financial assistance.
 Sec. 603. Actions in cases of termination of financial assistance.
 Sec. 604. Verification of immigration status and eligibility for financial assistance.
 Sec. 605. Prohibition of sanctions against entities making financial assistance eligibility determinations.
 Sec. 606. Regulations.
 Sec. 607. Report on housing assistance programs.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Unemployment benefits.
 Sec. 702. Repeal of Food Stamp transition provision.
 Sec. 703. Computation of targeted assistance.
 Sec. 704. Addition to reports.

TITLE VIII—GENERAL PROVISIONS

- Sec. 801. Effective dates.
 Sec. 802. Not applicable to foreign assistance.
 Sec. 803. Notification.
 Sec. 804. Definitions.

1 **TITLE I—AFFIDAVITS OF** 2 **SUPPORT**

3 **SEC. 101. APPLICATION OF AFFIDAVITS OF SUPPORT TO** 4 **MEANS-TESTED PUBLIC BENEFITS.**

5 Section 213A, as amended by section 551(a) of the
 6 Illegal Immigration Reform and Immigrant Responsibility
 7 Act of 1996, is amended—

8 (1) in subsection (a)(1)(B), by striking “sub-
 9 section (e)” and inserting “subsection (g)”;

10 (2) in subsection (a)(3)(A), by striking “Fed-
 11 eral means-tested public benefit (as provided under
 12 section 403 of the Personal Responsibility and Work

1 Opportunity Reconciliation Act of 1996)” and in-
2 sserting “means-tested public benefit (as defined in
3 subsection (g))”;

4 (3) in the last sentence of subsection (a)(3)(B),
5 by striking “Federal means-tested public benefit (as
6 provided under section 403 of the Personal Respon-
7 sibility and Work Opportunity Reconciliation Act of
8 1996)” and inserting “means-tested public benefit”;

9 (4) in subsection (d)(2)(B), by striking “any
10 means-tested public benefits (other than benefits de-
11 scribed in section 401(b), 403(e)(2), or 411(b) of the
12 Personal Responsibility and Work Opportunity Rec-
13 onciliation Act of 1996)” and inserting “any benefit
14 described in section 241(a)(5)(D)”;

15 (5) by inserting after subsection (f) the follow-
16 ing new subsection:

17 “(e) MEANS-TESTED PUBLIC BENEFIT.—For pur-
18 poses of this section—

19 “(1) IN GENERAL.—Subject to paragraph (2),
20 the term ‘means-tested public benefit’ means any
21 public benefit (including cash, medical, housing,
22 food, and social services) provided or funded in
23 whole or in part by the Federal Government, or of
24 a State or political subdivision of a State, in which
25 the eligibility of an individual, household, or family

1 eligibility unit for such benefit or the amount of
2 such benefit, or both are determined on the basis
3 of income, resources, or financial need of the individ-
4 ual, household, or unit.

5 “(2) EXCEPTIONS.—Such term does not include
6 the following benefits:

7 “(A) Short-term noncash emergency disaster
8 relief.

9 “(B) Assistance or benefits under—

10 “(i) the National School Lunch Act
11 (42 U.S.C. 1751 et seq.);

12 “(ii) the Child Nutrition Act of 1966
13 (42 U.S.C. 1771 et seq.);

14 “(iii) section 4 of the Agriculture and
15 Consumer Protection Act of 1973 (Public
16 Law 93–86; 7 U.S.C. 612c note);

17 “(iv) the Emergency Food Assistance
18 Act of 1983 (Public Law 98–8; 7 U.S.C.
19 612c note);

20 “(v) section 110 of the Hunger Pre-
21 vention Act of 1988 (Public Law 100–435;
22 7 U.S.C. 612c note); and

23 “(vi) the food distribution program on
24 Indian reservations established under sec-

1 tion 4(b) of Public Law 88–525 (7 U.S.C.
2 2013(b)).

3 “(C) Public health assistance for immuni-
4 zations and, if the Secretary of Health and
5 Human Services determines that it is necessary
6 to prevent the spread of a serious commu-
7 nicable disease, for testing and treatment for
8 such disease (which may not include treatment
9 for HIV infection or acquired immune defi-
10 ciency syndrome).

11 “(D) Benefits under programs of student
12 assistance under titles IV, V, IX, and X of the
13 Higher Education Act of 1965 and titles III,
14 VII, and VIII of the Public Health Service Act.

15 “(E) Benefits under any means-tested pro-
16 grams under the Elementary and Secondary
17 Education Act of 1965.

18 “(F) Such other in-kind service or noncash
19 assistance (such as soup kitchens, crisis coun-
20 seling, intervention (including intervention for
21 domestic violence) and short-term, shelter) as
22 the Attorney General specifies, in the Attorney
23 General’s sole and unreviewable discretion, after
24 consultation with the heads of appropriate Fed-
25 eral agencies, if—

1 “(i) such service or assistance is deliv-
2 ered at the community level, including
3 through public or private nonprofit agen-
4 cies;

5 “(ii) such service or assistance is nec-
6 essary for the protection of life, safety, or
7 public health; and

8 “(iii) such service or assistance or the
9 amount or cost of such service or assist-
10 ance is not conditioned on the recipient’s
11 income or resources.”.

12 **SEC. 102. INCREASING INCOME AS A PERCENTAGE OF POV-**
13 **ERTY FOR AFFIDAVITS OF SUPPORT.**

14 Section 213A, of the Illegal Immigration Reform and
15 Immigrant Responsibility Act of 1996, is amended—

16 (1) in subsection (a)(1)(A), by striking “125
17 percent” and inserting “appropriate percentage (ap-
18 plicable to the sponsor under subsection (f))”,

19 (2) by amending subparagraph (E) of sub-
20 section (g)(1) to read as follows:

21 “(E) demonstrates (as provided in para-
22 graph (6)) the means to maintain an annual in-
23 come equal to at least 200 percent of the Fed-
24 eral poverty line (or in the case of an affidavit

1 for a spouse or minor child of the petitioner
2 140 percent of the Federal poverty line).”;

3 (3) by amending paragraph (2) of subsection
4 (g) to read as follows:

5 “(2) INCOME REQUIREMENT CASE.—Such term
6 also includes an individual who does not meet the re-
7 quirement of paragraph (1)(E) but demonstrates (as
8 provided in paragraph (6)) the means to maintain
9 an annual income equal to at least 125 percent of
10 the Federal poverty line and accepts joint and sev-
11 eral liability together with an individual under para-
12 graph (5).”; and

13 (4) by amending paragraphs (4) and (5) of sub-
14 section (g) to read as follows:

15 “(4) CERTAIN EMPLOYMENT-BASED IMMI-
16 GRANTS CASE.—Such term also includes an individ-
17 ual—

18 “(A) who does not meet the requirement of
19 paragraph (1)(D), but is the relative of the
20 sponsored alien who filed a classification peti-
21 tion for the sponsored alien as an employment-
22 based immigrant under section 203(b) or who
23 has a significant ownership interest in the en-
24 tity that filed such a petition; and

1 “(B)(i) who demonstrates (as provided
2 under paragraph (6)) the means to maintain an
3 annual income equal to at least 200 percent of
4 the Federal poverty line (or in the case of an
5 affidavit for a spouse or minor child of the peti-
6 tioner 140 percent of the Federal poverty line),
7 or

8 “(ii) does not meet the requirement of
9 paragraph (1)(E) but demonstrates (as pro-
10 vided in paragraph (6)) the means to maintain
11 an annual income equal to at least 125 percent
12 of the Federal poverty line and accepts joint
13 and several liability together with an individual
14 under paragraph (5).

15 “(5) NON-PETITIONING CASE.—Such term also
16 includes an individual who does not meet the re-
17 quirement of paragraph (1)(D) but who accepts joint
18 and several liability with a petitioning sponsor under
19 paragraph (2) or relative of an employment-based
20 immigrant under paragraph (4) and who dem-
21 onstrates (as provided under paragraph (6)) the
22 means to maintain an annual income equal to at
23 least 200 percent of the Federal poverty line (or in
24 the case of an affidavit for a spouse or minor child

1 of the petitioner 140 percent of the Federal poverty
2 line).”;

3 (5) by striking clause (ii) of subsection
4 (g)(6)(A) and redesignating clause (iii) of such sub-
5 section as clause (ii).

6 **TITLE II—PUBLIC CHARGE**
7 **DEPORTATION**

8 **SEC. 201. GROUND FOR DEPORTATION.**

9 (a) IMMIGRANTS.—Section 241(a)(5) (8 U.S.C.
10 1251(a)(5)) is amended to read as follows:

11 “(5) PUBLIC CHARGE.—

12 “(A) IN GENERAL.—

13 “(i) Except as provided in subpara-
14 graph (B), an immigrant who during the
15 public charge period becomes a public
16 charge, regardless of when the cause for
17 becoming a public charge arises, is deport-
18 able.

19 “(ii) The immigrant shall be subject
20 to deportation under this paragraph only if
21 the deportation proceeding is initiated not
22 later than the end of the 7-year period be-
23 ginning on the last date the immigrant re-
24 ceives a benefit described in subparagraph
25 (D) during the public charge period.

1 “(B) EXCEPTIONS.—Subparagraph (A)
2 shall not apply—

3 “(i) to an alien granted asylum under
4 section 208;

5 “(ii) to an alien admitted as a refugee
6 under section 207; or

7 “(iii) if the cause of the alien’s becom-
8 ing a public charge—

9 “(I) arose after entry in the case
10 of an alien who entered as an immi-
11 grant or after adjustment to lawful
12 permanent resident status in the case
13 of an alien who entered as a non-
14 immigrant, and

15 “(II) was a physical illness or
16 physical injury so serious the alien
17 could not work at any job, or was a
18 mental disability that required contin-
19 uous institutionalization.

20 “(C) DEFINITIONS.—

21 “(i) PUBLIC CHARGE PERIOD.—For
22 purposes of subparagraph (A), the term
23 ‘public charge period’ means the period
24 ending 7 years after the date on which the
25 alien attains the status of an alien lawfully

1 admitted for permanent residence (or at-
2 tains such status on a conditional basis).

3 “(ii) PUBLIC CHARGE.—For purposes
4 of subparagraph (A), the term ‘public
5 charge’ includes any alien who receives
6 benefits described in subparagraph (D) for
7 an aggregate period of at least 12 months
8 or 36 months in the case of an alien de-
9 scribed in subparagraph (E).

10 “(D) BENEFITS DESCRIBED.—

11 “(i) IN GENERAL.—Subject to clause
12 (ii), the benefits described in this subpara-
13 graph are means-tested public benefits de-
14 fined under section 213A(g)(1).

15 “(ii) EXCEPTIONS.—Benefits de-
16 scribed in this subparagraph shall not in-
17 clude the following:

18 “(I) Any benefits to which the
19 exceptions described in section
20 213A(g)(2) apply.

21 “(II) Emergency medical assist-
22 ance (as defined in subparagraph
23 (F)).

24 “(III) Payments for foster care
25 and adoption assistance under parts B

1 and E of title IV of the Social Secu-
2 rity Act made on the child's behalf
3 under such part.

4 “(IV) Benefits under laws admin-
5 istered by the Secretary of Veterans
6 Affairs and any other benefit available
7 by reason of service in the United
8 States Armed Forces.

9 “(V) Benefits under the Head
10 Start Act.

11 “(VI) Benefits under the Job
12 Training Partnership Act.

13 “(VII) Benefits under any Eng-
14 lish as a second language program.

15 “(iii) SUCCESSOR PROGRAMS.—Bene-
16 fits described in this subparagraph shall
17 include any benefits provided under any
18 successor program as identified by the At-
19 torney General in consultation with other
20 appropriate officials.

21 “(E) SPECIAL RULE FOR BATTERED
22 SPOUSE AND CHILD.—Subject to the second
23 sentence of this subparagraph, an alien is de-
24 scribed under this subparagraph if the alien
25 demonstrates that—

1 “(i)(I) the alien has been battered or
2 subjected to extreme cruelty in the United
3 States by a spouse or a parent, or by a
4 member of the spouse or parent’s family
5 residing in the same household as the alien
6 and the spouse or parent consented or ac-
7 quiesced to such battery or cruelty, or (II)
8 the alien’s child has been battered or sub-
9 jected to extreme cruelty in the United
10 States by a spouse or parent of the alien
11 (without the active participation of the
12 alien in the battery or cruelty), or by a
13 member of the spouse or parent’s family
14 residing in the same household as the alien
15 when the spouse or parent consented or ac-
16 quiesced to and the alien did not actively
17 participate in such battery or cruelty;

18 “(ii) the need for benefits described in
19 subparagraph (D) beyond an aggregate pe-
20 riod of 12 months has a substantial con-
21 nection to the battery or cruelty described
22 in clause (i); and

23 “(iii) any battery or cruelty under
24 clause (i) has been recognized in an order

1 of a judge or an administrative law judge
2 or a prior determination of the Service.

3 An alien shall not be considered to be described
4 under this subparagraph during any period in which
5 the individual responsible for such battery or cruelty
6 resides in the same household or family eligibility
7 unit as the individual subjected to such battery or
8 cruelty.

9 “(F) EMERGENCY MEDICAL ASSIST-
10 ANCE.—

11 “(i) IN GENERAL.—For purposes of
12 subparagraph (C)(ii)(II), the term ‘emer-
13 gency medical assistance’ means medical
14 assistance under title XIX of the Social
15 Security Act (or any successor program to
16 such title) for care and services that are
17 necessary for the treatment of an emer-
18 gency medical condition of the alien in-
19 volved and are not related to an organ
20 transplant procedure.

21 “(ii) EMERGENCY MEDICAL CONDITION
22 DEFINED.—For purposes of this subparagraph,
23 the term ‘emergency medical condition’ means a
24 medical condition (including emergency labor
25 and delivery) manifesting itself by acute symp-

1 toms of sufficient severity (including severe
2 pain) such that the absence of immediate medi-
3 cal attention could reasonably be expected to re-
4 sult in—

5 “(I) placing the patient’s health in se-
6 rious jeopardy,

7 “(II) serious impairment to bodily
8 functions, or

9 “(III) serious dysfunction of any bod-
10 ily organ or part.”.

11 (b) EXCLUSION AND DEPORTATION OF NON-
12 IMMIGRANTS COMMITTING FRAUD OR MISREPRESENTA-
13 TION IN OBTAINING BENEFITS.—

14 (1) EXCLUSION.—Section 212(a)(6)(C) (8
15 U.S.C. 1182(a)(6)(C)), as amended by section
16 344(a) of the Illegal Immigration Reform and Immig-
17 grant Responsibility Act of 1996, is amended—

18 (A) by redesignating clause (iii) as clause
19 (iv), and

20 (B) by inserting after clause (ii) the follow-
21 ing clause (iii):

22 “(iii) NONIMMIGRANT PUBLIC BENE-
23 FIT RECIPIENTS.—Any alien who was ad-
24 mitted as a nonimmigrant and who has ob-
25 tained benefits for which the alien was in-

1 eligible, through fraud or misrepresenta-
2 tion, under Federal law is excludable for a
3 period of 5 years from the date of the
4 alien's departure from the United States.”.

5 (2) DEPORTATION.—Section 241(a)(1)(C) (8
6 U.S.C. 1251(a)(1)(C)) is amended by adding after
7 clause (ii) the following:

8 “(iii) NONIMMIGRANT PUBLIC BENE-
9 FIT RECIPIENTS.—Any alien who was ad-
10 mitted as a nonimmigrant and who has ob-
11 tained through fraud or misrepresentation
12 benefits for which the alien was ineligible
13 under Federal law is deportable.”.

14 (c) INELIGIBILITY TO NATURALIZATION FOR ALIENS
15 DEPORTABLE AS PUBLIC CHARGE.—

16 (1) IN GENERAL.—Chapter 2 of title III of the
17 Act is amended by inserting after section 315 the
18 following new section:

19 “INELIGIBILITY TO NATURALIZATION FOR PERSONS
20 DEPORTABLE AS PUBLIC CHARGE

21 “SEC. 315A. (a) A person shall not be naturalized
22 if the person is deportable as a public charge under section
23 241(a)(5).

24 “(b) An applicant for naturalization shall provide a
25 written attestation, under penalty of perjury, as part of
26 the application for naturalization that the applicant is not

1 deportable as a public charge under section 241(a)(5) to
2 the best of the applicant's knowledge.

3 “(c) The Attorney General shall make a determina-
4 tion that each applicant for naturalization is not deport-
5 able as a public charge under section 241(a)(5).”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents is amended by inserting after the item relating
8 to section 315 the following:

“Sec. 315A. Ineligibility to naturalization for persons deportable as public
charge”.

9 (d) EFFECTIVE DATES.—

10 (1) SUBSECTION (a).—

11 (A) IN GENERAL.—Except as provided in
12 this paragraph, the amendment made by sub-
13 section (a) shall apply only to aliens who obtain
14 the status of an alien lawfully admitted for per-
15 manent residence more than 30 days after the
16 date of the enactment of this Act.

17 (B) APPLICATION TO CURRENT ALIENS.—
18 Such amendments shall apply also to aliens who
19 obtained the status of an alien lawfully admit-
20 ted for permanent residence less than 30 days
21 after the date of the enactment of this Act, but
22 only with respect to benefits received after the
23 1-year period beginning on the date of enact-

1 ment and benefits received before such period
2 shall not be taken into account.

3 (2) SUBSECTION (b).—The amendments made
4 by subsection (b) shall take effect on the date of the
5 enactment of this Act and shall apply to fraud or
6 misrepresentation committed before, on, or after
7 such date.

8 (3) SUBSECTION (c).—The amendments made
9 by subsection (c) shall take effect on the date of the
10 enactment of this Act and shall apply to applications
11 submitted on or after 30 days after the date of the
12 enactment of this Act.

13 **TITLE III—ATTRIBUTION OF**
14 **SPONSOR’S INCOME**

15 **SEC. 301. APPLICATION OF DEEMING TO CURRENT IMMI-**
16 **GRANTS.**

17 (a) IN GENERAL.—Section 421 of the Personal Re-
18 sponsibility and Work Opportunity Reconciliation Act of
19 1996 (8 U.S.C. 1631), as amended by section 552 of the
20 Illegal Immigration Reform and Immigrant Responsibility
21 Act of 1996, is amended by adding at the end the follow-
22 ing new subsection:

23 “(g) APPLICATION OF DEEMING TO CURRENT IMMI-
24 GRANTS.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 for an alien for whom an affidavit of support has
3 been executed other than as required under section
4 213A of the Immigration and Nationality Act, the
5 requirement of subsection (a) shall apply for a pe-
6 riod of 5 years beginning on the day such alien was
7 provided lawful permanent resident status after the
8 execution of such affidavit or agreement, but in no
9 case after the date of naturalization of the alien.

10 (2) EXCEPTION.—Subsection (a) shall not
11 apply and the period of attribution of a sponsor’s in-
12 come and resources under this subsection with re-
13 spect to an alien shall terminate at such time as an
14 affidavit of support of such sponsor with respect to
15 the alien becomes no longer enforceable under sec-
16 tion 213A(a)(3) of the Immigration and Nationality
17 Act.”.

18 (b) APPLICATION.—

19 (1) IN GENERAL.—The amendment made by
20 subsection (a) shall apply with respect to determina-
21 tions of eligibility and amount of benefits for individ-
22 uals for whom an application is filed on or after the
23 first day of the first month beginning more than 60
24 days after the date of the enactment of this Act.

1 (2) REDETERMINATIONS.—Such amendment
2 shall apply with respect to any redetermination of
3 eligibility and amount of benefits occurring on or
4 after the date determined under paragraph (1).

5 **TITLE IV—INELIGIBILITY OF IL-**
6 **LEGAL ALIENS FOR PUBLIC**
7 **ASSISTANCE AND BENEFITS**

8 **SEC. 401. AUTHORIZATION OF STATES TO DENY DRIVER’S**
9 **LICENSES TO ILLEGAL ALIENS.**

10 Any State is authorized to deny a driver’s license to
11 any alien who is not lawfully present in the United States.

12 **SEC. 402. SOCIAL SECURITY BENEFITS.**

13 (a) NO CREDITING FOR UNAUTHORIZED EMPLOY-
14 MENT.—

15 (1) IN GENERAL.—Section 210 of the Social
16 Security Act (42 U.S.C. 410) is amended by adding
17 at the end the following new subsection:

18 “Demonstration of Required Citizenship Status

19 “(s) For purposes of this title, service performed by
20 an individual in the United States shall constitute ‘em-
21 ployment’ only if it is demonstrated to the satisfaction of
22 the Commissioner of Social Security that such service was
23 performed by such individual while such individual was a
24 citizen, a national, a permanent resident, or otherwise au-

1 thORIZED to be employed in the United States in such serv-
2 ice.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply with respect to services
5 performed after December 31, 1996.

6 (b) TRADE OR BUSINESS.—

7 (1) IN GENERAL.—Section 211 of such Act (42
8 U.S.C. 411) is amended by adding at the end the
9 following new subsection:

10 “Demonstration of Required Citizenship Status

11 “(j) For purposes of this title, a trade or business
12 (as defined in subsection (c)) carried on in the United
13 States by any individual shall constitute a ‘trade or busi-
14 ness’ only if it is demonstrated to the satisfaction of the
15 Commissioner of Social Security that such trade or busi-
16 ness (as so defined) was carried on by such individual
17 while such individual was a citizen, a national, a perma-
18 nent resident, or otherwise lawfully present in the United
19 States carrying on such trade or business.”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall apply with respect to any
22 trade or business carried on after December 31,
23 1996.

24 (c) CONSTRUCTION.—Nothing in the amendments
25 made by this section shall be construed to affect the appli-

1 cation of chapter 2 or chapter 21 of the Internal Revenue
2 Code of 1986.

3 **SEC. 403. DENIAL OF TREATMENT OF HIV INFECTION FOR**
4 **ILLEGAL ALIENS.**

5 Section 401(b)(1)(C) of the Personal Responsibility
6 and Work Opportunity Reconciliation Act of 1996 (8
7 U.S.C. 1611(b)(1)(C)) is amended by inserting “(which
8 may not include treatment for HIV infection or acquired
9 immune deficiency syndrome)” before the period at the
10 end.

11 **TITLE V—ENHANCED VERIFICA-**
12 **TION OF ELIGIBILITY BASED**
13 **ON CITIZENSHIP OR IMMI-**
14 **GRATION STATUS**

15 **SEC. 501. REQUIRING PROOF OF IDENTITY FOR CERTAIN**
16 **PUBLIC ASSISTANCE.**

17 (a) REVISION OF SAVE PROGRAM.—

18 (1) IN GENERAL.—Paragraph (2) of section
19 1137(d) of the Social Security Act (42 U.S.C.
20 1320b–7(d)) is amended to read as follows:

21 “(2) There must be presented the item (or
22 items) described in one of the following subpara-
23 graphs for that individual:

24 “(A) A United States passport (either cur-
25 rent or expired if issued both within the pre-

1 vious 12 years and after the individual attained
2 18 years of age).

3 “(B) A resident alien card or an alien reg-
4 istration card, if the card (i) contains a photo-
5 graph of the individual and (ii) contains secu-
6 rity features to make it resistant to tampering,
7 counterfeiting, and fraudulent use.

8 “(C) A driver’s license or similar document
9 issued for the purpose of identification by a
10 State, if it contains a photograph of the individ-
11 ual.

12 “(D) If the individual attests to being a
13 citizen or national of the United States and
14 that the individual does not have other docu-
15 mentation under this paragraph (under penalty
16 of perjury), such other documents or evidence
17 that identify the individual as the Attorney
18 General may designate as constituting reason-
19 able evidence indicating United States citizen-
20 ship or nationality.”.

21 (2) TEMPORARY ELIGIBILITY FOR BENEFITS.—
22 Section 1137(d) of such Act is further amended by
23 adding after paragraph (5) the following new para-
24 graph (6):

1 “(6) If at the time of application for benefits,
2 the documentation under paragraph (2) is not pre-
3 sented or verified, such benefits may be provided to
4 the applicant for not more than 2 months, if—

5 “(A) the applicant provides a written attes-
6 tation (under penalty of perjury) that the appli-
7 cant is a citizen or national of the United
8 States, or

9 “(B) the applicant provides documentation
10 certified by the Department of State or the De-
11 partment of Justice, which the Attorney Gen-
12 eral determines constitutes reasonable evidence
13 indicating satisfactory immigration status.”.

14 (3) CONFORMING AMENDMENTS.—Section
15 1137(d) of such Act is further amended in para-
16 graph (3), by striking “(2)(A) is presented” and in-
17 serting “(2)(B) is presented and contains the indi-
18 vidual’s alien admission number or alien file number
19 (or numbers if the individual has more than one
20 number)”.

21 (b) SSI.—Section 1631(e) of such Act (42 U.S.C.
22 1383(e)(7)) is amended by adding at the end the following
23 new paragraph:

24 “(8) The Commissioner of Social Security shall pro-
25 vide for the application under this title of rules similar

1 to the requirements of section 1137(d), insofar as they
2 apply to the verification of immigration or citizenship sta-
3 tus for eligibility for supplemental security income benefits
4 under this title.”.

5 (c) REVISION IN PROCEDURES FOR PROOF OF CITI-
6 ZENSHIP.—Section 432(a)(2) of the Personal Responsibil-
7 ity and Work Opportunity Reconciliation Act of 1996 (8
8 U.S.C. 1642(a)(2)), as added by section 504(2) of the Ille-
9 gal Immigration Reform and Immigrant Responsibility
10 Act of 1996, is amended by striking all that follows “citi-
11 zenship” up to the period at the end.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—This section shall apply to
14 application for benefits filed on or after such date as
15 the Attorney General specifies in regulations under
16 paragraph (2). Such date shall be at least 60 days,
17 and not more than 90 days, after the date the Attor-
18 ney General first issues such regulations.

19 (2) REGULATIONS.—The Attorney General (in
20 consultation with the heads of other appropriate
21 agencies) shall first issue regulations to carry out
22 this section (and the amendments made by this sec-
23 tion) not later than 180 days after the date of the
24 enactment of this Act. Such regulations shall be ef-

1 fective on an interim basis, pending change after op-
2 portunity for public comment.

3 **SEC. 502. AUTHORIZATION FOR STATES TO REQUIRE**
4 **PROOF OF ELIGIBILITY FOR STATE PRO-**
5 **GRAMS.**

6 (a) IN GENERAL.—In carrying out this title (and the
7 amendments made by this title), subject to section 510,
8 a State or political subdivision is authorized to require an
9 applicant for benefits under a program of a State or politi-
10 cal subdivision to provide proof of eligibility consistent
11 with the provisions of this title.

12 (b) EFFECTIVE DATE.—This section shall take effect
13 on the date of the enactment of this Act.

14 **SEC. 503. NO VERIFICATION REQUIREMENT FOR NON-**
15 **PROFIT CHARITABLE ORGANIZATIONS.**

16 Subsection (d) of section 432 of the Personal Respon-
17 sibility and Work Opportunity Reconciliation Act of 1996
18 (8 U.S.C. 1642(d)), as added by section 508 of the Illegal
19 Immigration Reform and Immigrant Responsibility Act of
20 1996, is amended to read as follows:

21 “(d) NO VERIFICATION REQUIREMENT FOR NON-
22 PROFIT CHARITABLE ORGANIZATIONS.—

23 “(1) IN GENERAL.—Subject to paragraph (2)
24 and notwithstanding any other provision of this title,
25 a nonprofit charitable organization, in providing any

1 Federal public benefit (as defined in section 401(e))
2 or any State or local public benefit (as defined in
3 section 411(e)), but not including any hospital bene-
4 fit, as defined by the Attorney General in consulta-
5 tion with Secretary of Health and Human Services)
6 is not required to determine, verify, or otherwise re-
7 quire proof of eligibility of any applicant for such
8 benefits.

9 “(2) REQUIREMENT OF STATE OR FEDERAL
10 DETERMINATION OF ELIGIBILITY.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (C), in order for a nonprofit
13 charitable organization to provide to an appli-
14 cant any benefit to which paragraph (1) ap-
15 plies, the organization shall obtain the follow-
16 ing:

17 “(i) In the case of a citizen or na-
18 tional of the United States, a written at-
19 testation (under penalty of perjury) that
20 the applicant is a citizen or national of the
21 United States.

22 “(ii) In the case of an alien and sub-
23 ject to subparagraph (B), written verifica-
24 tion, from an appropriate State or Federal
25 agency, of the applicant’s eligibility for as-

1 assistance or benefits and the amount of as-
2 sistance or benefits for which the applicant
3 is eligible.

4 “(B) NO NOTIFICATION WITHIN 10
5 DAYS.—If the organization is not notified with-
6 in 10 business days after a request of an appro-
7 priate State or Federal agency for verification
8 under subparagraph (A)(i), the requirement
9 under subparagraph (A) shall not apply to any
10 benefit to which paragraph (1) applies provided
11 to such applicant by the organization until 30
12 calendar days after such notification is received.

13 “(C) LIMITATIONS.—

14 “(i) PRIVATE FUNDS.—The require-
15 ment under subparagraph (A) shall not
16 apply to assistance or benefits provided
17 through private funds.

18 “(ii) SECTION 401 EXCEPTED BENE-
19 FITS.—The requirement under subpara-
20 graph (A) shall not apply to assistance or
21 benefits described in section 401(b) which
22 are not subject to the limitations of section
23 401(a).

24 “(D) ADMINISTRATION.—

1 “(i) IN GENERAL.—The Attorney
2 General shall through regulation provide
3 for an appropriate procedure for the ver-
4 ification required under subparagraph
5 (A)(ii).

6 “(ii) TIME PERIOD FOR RESPONSE.—
7 The appropriate State or Federal agencies
8 shall provide for a response to a request
9 for verification under subparagraph (A)(ii)
10 of an applicant’s eligibility under section
11 401(a) and the amount of eligibility under
12 section 421 (or comparable provisions of
13 State law as authorized under section 422)
14 not later than 10 business days after the
15 date the request is made.

16 “(iii) RECORDKEEPING.—If the Attor-
17 ney General determines that recordkeeping
18 is required for the purposes of this sub-
19 section, the Attorney General may require
20 that such a record be maintained for not
21 more than 90 days.”.

1 **SEC. 504. VERIFICATION OF STUDENT ELIGIBILITY FOR**
2 **POSTSECONDARY FEDERAL STUDENT FINAN-**
3 **CIAL ASSISTANCE.**

4 No student shall be eligible for postsecondary Federal
5 student financial assistance unless—

6 (1) the student has certified that the student is
7 a citizen or national of the United States or an alien
8 lawfully admitted for permanent residence, and

9 (2) the Secretary of Education has verified such
10 certification.

11 **TITLE VI—HOUSING ASSISTANCE**

12 **SEC. 601. SHORT TITLE; SUPERSEDING OF OTHER PROVI-**
13 **SIONS.**

14 (a) **SHORT TITLE.**—This subtitle may be cited as the
15 “Use of Assisted Housing by Aliens Act of 1996”.

16 (b) **SUPERSEDING OTHER PROVISIONS.**—The provi-
17 sions of subtitle E of title V of the Illegal Immigration
18 Reform and Immigrant Responsibility Act of 1996 are re-
19 pealed and the provisions of law amended by such subtitle
20 are restored as they were in effect before the date of the
21 enactment of such Act. The amendments made by this
22 subtitle shall be executed after the restoration made by
23 the previous sentence.

1 **SEC. 602. PRORATING OF FINANCIAL ASSISTANCE.**

2 Section 214(b) of the Housing and Community De-
3 velopment Act of 1980 (42 U.S.C. 1436a(b)) is amend-
4 ed—

5 (1) by inserting “(1)” after “(b)”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2) If the eligibility for financial assistance of at
9 least one member of a family has been affirmatively estab-
10 lished under the program of financial assistance and under
11 this section, and the eligibility of one or more family mem-
12 bers has not been affirmatively established under this sec-
13 tion, any financial assistance made available to such fam-
14 ily by the Secretary of Housing and Urban Development
15 shall be prorated, based on the number of individuals in
16 the family for whom eligibility has been affirmatively es-
17 tablished under the program of financial assistance and
18 under this section, as compared with the total number of
19 individuals who are members of the family.”.

20 **SEC. 603. ACTIONS IN CASES OF TERMINATION OF FINAN-**
21 **CIAL ASSISTANCE.**

22 (a) IN GENERAL.—Section 214(c)(1) of the Housing
23 and Community Development Act of 1980 (42 U.S.C.
24 1436a(c)(1)) is amended—

25 (1) in the matter preceding subparagraph (A)—

1 (A) by striking “on the date of the enact-
2 ment of the Housing and Community Develop-
3 ment Act of 1987”; and

4 (B) by striking “may, in its discretion,”
5 and inserting “shall”;

6 (2) in subparagraph (A), by adding at the end
7 the following new sentence: “Financial assistance
8 continued under this subparagraph for a family shall
9 be provided only on a prorated basis under which
10 the amount of financial assistance is based on the
11 percentage of the total number of members of the
12 family that are eligible for such assistance under the
13 program for financial assistance and under this sec-
14 tion.”; and

15 (3) by striking subparagraph (B), and inserting
16 the following new subparagraph:

17 “(B) Defer the termination of financial assist-
18 ance, if necessary to permit the orderly transition of
19 the individual and any family members involved to
20 other housing, subject to the following requirements:

21 “(i) Except as provided in clause (ii), any
22 deferral under this subparagraph shall be for a
23 single 3-month period.

24 “(ii) The time period referred to in clause
25 (i) shall not apply in the case of a refugee

1 under section 207 of the Immigration and Na-
2 tionality Act or an individual seeking asylum
3 under section 208 of such Act.”.

4 (b) SCOPE OF APPLICATION.—

5 (1) IN GENERAL.—The amendment made by
6 subsection (a)(3) shall apply to any deferral granted
7 under section 214(c)(1)(B) of the Housing and
8 Community Development Act of 1980 on or after
9 the date of the enactment of this Act.

10 (2) TREATMENT OF DEFERRALS AND RENEW-
11 ALS GRANTED BEFORE ENACTMENT.—In the case of
12 any deferral which was granted or renewed under
13 section 214(c)(1)(B) of the Housing and Community
14 Development Act of 1980 before the date of the en-
15 actment of this Act—

16 (A) if the deferral or renewal expires be-
17 fore the expiration of the 3-month period begin-
18 ning upon such date of enactment, the deferral
19 or renewal may, upon expiration of the deferral
20 period, be renewed for not more than a single
21 additional 3-month period; and

22 (B) if the deferral or renewal expires on or
23 after the expiration of such 3-month period, the
24 deferral or renewal may not be renewed or ex-
25 tended.

1 **SEC. 604. VERIFICATION OF IMMIGRATION STATUS AND**
2 **ELIGIBILITY FOR FINANCIAL ASSISTANCE.**

3 (a) IN GENERAL.—Section 214(d) of the Housing
4 and Community Development Act of 1980 (42 U.S.C.
5 1436a(d)) is amended—

6 (1) by striking the matter preceding paragraph
7 (1) and inserting the following:

8 “(d) No individual applying for financial assistance
9 shall receive such financial assistance before the affirma-
10 tive establishment and verification of the eligibility of the
11 individual under this subsection by the Secretary or other
12 appropriate entity, and the following conditions shall apply
13 with respect to financial assistance being or to be provided
14 for the benefit of an individual:”;

15 (2) in paragraph (1)—

16 (A) in subparagraph (A), by adding at the
17 end the following: “If the declaration states
18 that the individual is not a citizen or national
19 of the United States and the individual is
20 younger than 62 years of age, the declaration
21 shall be verified by the Immigration and Natu-
22 ralization Service.”;

23 (B) by striking subparagraph (B) and in-
24 serting the following new subparagraph:

25 “(B) In the case of any individual who is
26 younger than 62 years of age and is receiving or ap-

1 plying for financial assistance, there must be pre-
2 sented the item (or items) described in one of the
3 following subparagraphs for that individual:

4 “(i) A United States passport (either cur-
5 rent or expired if issued both within the pre-
6 vious 20 years and after the individual attained
7 18 years of age).

8 “(ii) A resident alien card or an alien reg-
9 istration card, if the card (i) contains a photo-
10 graph of the individual and (ii) contains secu-
11 rity features to make it resistant to tampering,
12 counterfeiting, and fraudulent use.

13 “(iii) A driver’s license or similar docu-
14 ment issued for the purpose of identification by
15 a State, if it contains a photograph of the indi-
16 vidual.

17 “(iv) If the individual attests to being a
18 citizen or national of the United States and the
19 individual does not have other documentation
20 under this paragraph, such other documents or
21 evidence that identify the individual, as the At-
22 torney General may designate as constituting
23 reasonable evidence indicating United States
24 citizenship.”.

1 (3) by striking paragraph (2) and inserting the
2 following new paragraph:

3 “(2) In the case of an individual who is not a citizen
4 or national of the United States, is not 62 years of
5 age or older, and is applying for financial assistance,
6 the Secretary may not provide such assistance for
7 the benefit of the individual before such documenta-
8 tion is presented and verified under paragraph (3)
9 or (4).”;

10 (4) in paragraph (3), by striking “(2)(A) is pre-
11 sented” and inserting “(1)(B)(ii) is presented and
12 contains the individual’s alien admission number or
13 alien file number (or numbers if the individual has
14 more than one number)”

15 (5) in paragraph (4)—

16 (A) in the matter preceding subparagraph

17 (A)—

18 (i) by striking “on the date of the en-
19 actment of the Housing and Community
20 Development Act of 1987” and inserting
21 “or applying for financial assistance”;

22 (ii) by striking “paragraph (2)” and
23 inserting “paragraph (1)(B)(ii)”; and

24 (iii) by striking “paragraph (2)(A)”
25 and inserting “paragraph (1)(B)(ii)”;

1 (B) in subparagraph (A)—

2 (i) in clause (i)—

3 (I) by inserting “, not to exceed
4 30 days,” after “reasonable oppor-
5 tunity”; and

6 (II) by striking “and” at the end;
7 and

8 (ii) by striking clause (ii) and insert-
9 ing the following new clauses:

10 “(ii) in the case of any individual who
11 is receiving assistance, may not delay,
12 deny, reduce, or terminate the individual’s
13 eligibility for financial assistance on the
14 basis of the individual’s immigration status
15 until such 30-day period has expired, and

16 “(iii) in the case of any individual who
17 is applying for financial assistance, may
18 not deny the application for such assist-
19 ance on the basis of the individual’s immi-
20 gration status until such 30-day period has
21 expired; and”; and

22 (C) in subparagraph (B), by striking clauses
23 (i) and (ii) and inserting the following new
24 clauses:

1 “(i) the Secretary shall transmit to
2 the Immigration and Naturalization Serv-
3 ice either photostatic or other similar cop-
4 ies of such documents, or information from
5 such documents, as specified by the Immi-
6 gration and Naturalization Service, for of-
7 ficial verification,

8 “(ii) pending such verification or ap-
9 peal, the Secretary may not—

10 “(I) in the case of any individual
11 who is receiving assistance, delay,
12 deny, reduce, or terminate the individ-
13 ual’s eligibility for financial assistance
14 on the basis of the individual’s immi-
15 gration status, and

16 “(II) in the case of any individ-
17 ual who is applying for financial as-
18 sistance, deny the application for such
19 assistance on the basis of the individ-
20 ual’s immigration status, and”;

21 (6) in paragraph (5), by striking all that follows
22 “satisfactory immigration status” and inserting the
23 following: “, the Secretary shall—

24 “(A) deny the individual’s application for
25 financial assistance or terminate the individ-

1 ual’s eligibility for financial assistance, as the
2 case may be,

3 “(B) provide the individual with written
4 notice of the determination under this para-
5 graph, which in the case of an individual who
6 is receiving financial assistance shall also notify
7 the individual of the opportunity for a hearing
8 under subparagraph (C), and

9 “(C) in the case of an individual who is re-
10 ceiving financial assistance and requests a hear-
11 ing under this subparagraph, provide a hearing
12 within 5 days of receipt of the notice under sub-
13 paragraph (B), at which hearing the individual
14 may produce the documentation of immigration
15 status required under this subsection or the
16 reasons for the termination shall be explained
17 and the individual shall be notified of his or her
18 eligibility for deferral under subsection
19 (c)(1)(B).”;

20 (7) by striking paragraph (6) and inserting the
21 following new paragraph:

22 “(6) The Secretary shall terminate the eligi-
23 bility for financial assistance of an individual and
24 the members of the household of the individual, for
25 a period of not less than 24 months, upon determin-

1 ing that such individual has knowingly permitted an-
2 other individual who is not eligible for such assist-
3 ance to use the assistance (including residence in the
4 unit receiving the assistance). This provision shall
5 not apply to a family if the ineligibility of the ineli-
6 gible individual at issue was considered in calculat-
7 ing any proration under this section of assistance
8 provided for the family.”; and

9 (8) by striking the matter following paragraph
10 (6) and inserting the following new paragraphs:

11 “(7) An owner of housing receiving financial as-
12 sistance—

13 “(A) may initiate procedures to affirma-
14 tively establish or verify the eligibility of an in-
15 dividual or family under this section at any
16 time at which the owner determines that such
17 eligibility is in question, regardless of whether
18 or not the individual or family is at or near the
19 top of the waiting list for the housing;

20 “(B) shall affirmatively establish or verify
21 the eligibility of an individual or family under
22 this section in accordance with the procedures
23 set forth in section 274A(b)(1) of the Immigra-
24 tion and Nationality Act; and

1 “(C) shall have access to any relevant in-
2 formation contained in the SAVE system (or
3 any successor thereto) that relates to any indi-
4 vidual or family applying for financial assist-
5 ance.

6 For purposes of this paragraph, the term ‘owner’ in-
7 cludes any public housing agency (as such term is
8 defined in section 3 of the United States Housing
9 Act of 1937). For purposes of this paragraph, when
10 used in reference to a family, the term ‘eligibility’
11 means the eligibility of each member of the family.

12 “(8) For purposes of this subsection, the follow-
13 ing definitions shall apply:

14 “(A) The term ‘satisfactory immigration
15 status’ means an immigration status which does
16 not make the individual ineligible for financial
17 assistance.

18 “(B) The term ‘Secretary’ means the Sec-
19 retary of Housing and Urban Development, a
20 public housing agency, or another entity that
21 determines the eligibility of an individual for fi-
22 nancial assistance.”.

23 (b) EFFECTIVE DATE.—

24 (1) IN GENERAL.—Notwithstanding section 576
25 of this Act, the amendment made by subsection

1 (a)(2)(B) of this section shall apply to application
2 for benefits filed on or after such date as the Attor-
3 ney General specifies in regulations under paragraph
4 (2) of this subsection. Such date shall be at least 60
5 days, and not more than 90 days, after the date the
6 Attorney General first issues such regulations.

7 (2) REGULATIONS.—The Attorney General (in
8 consultation with the heads of other appropriate
9 agencies) shall first issue regulations to carry out
10 the amendment made by subsection (a)(2)(B) of this
11 section not later than 180 days after the date of the
12 enactment of this Act. Such regulations shall be ef-
13 fective on an interim basis, pending change after op-
14 portunity for public comment.

15 **SEC. 605. PROHIBITION OF SANCTIONS AGAINST ENTITIES**
16 **MAKING FINANCIAL ASSISTANCE ELIGI-**
17 **BILITY DETERMINATIONS.**

18 Section 214(e) of the Housing and Community Devel-
19 opment Act of 1980 (42 U.S.C. 1436a(e)) is amended—

20 (1) in paragraph (2), by inserting “or” after
21 the comma at the end;

22 (2) in paragraph (3), by inserting after “, or”
23 at the end the following: “the response from the Im-
24 migration and Naturalization Service to the appeal
25 of such individual.”; and

1 (3) by striking paragraph (4).

2 **SEC. 606. REGULATIONS.**

3 (a) **ISSUANCE.**—Not later than the expiration of the
4 60-day period beginning on the date of the enactment of
5 this Act, the Secretary of Housing and Urban Develop-
6 ment shall issue any regulations necessary to implement
7 the amendments made by this subtitle. Such regulations
8 shall be issued in the form of an interim final rule, which
9 shall take effect upon issuance and shall not be subject
10 to the provisions of section 533 of title 5, United States
11 Code, regarding notice or an opportunity for comment.

12 (b) **FAILURE TO ISSUE.**—If the Secretary fails to
13 issue the regulations required under subsection (a) before
14 the expiration of the period referred to in such subsection,
15 the regulations relating to restrictions on assistance to
16 noncitizens, contained in the final rule issued by the Sec-
17 retary of Housing and Urban Development in RIN 2501–
18 AA63 (Docket No. R-95–1409; FR–2383–F–050), pub-
19 lished in the Federal Register of March 20, 1995 (Vol.
20 60., No. 53; pp. 14824–14861), shall not apply after the
21 expiration of such period.

22 **SEC. 607. REPORT ON HOUSING ASSISTANCE PROGRAMS.**

23 Not later than 90 days after the date of the enact-
24 ment of this Act, the Secretary of Housing and Urban
25 Development shall submit a report to the Committee on

1 the Judiciary and the Committee on Banking, Housing,
2 and Urban Affairs of the Senate, and the Committee on
3 the Judiciary and the Committee on Banking and Finan-
4 cial Services of the House of Representatives, describing
5 the manner in which the Secretary is enforcing section
6 214 of the Housing and Community Development Act of
7 1980 and containing statistics with respect to the number
8 of individuals denied financial assistance under such sec-
9 tion.

10 **TITLE VII—MISCELLANEOUS** 11 **PROVISIONS**

12 **SEC. 701. UNEMPLOYMENT BENEFITS.**

13 (a) **ELIMINATION OF CREDITING EMPLOYMENT**
14 **MERELY ON BASIS OF PRUCOL STATUS.**—Section
15 3304(a)(14)(A) of the Internal Revenue Code of 1986 is
16 amended—

17 (1) by striking “, was lawfully” and inserting
18 “or was lawfully”, and

19 (2) by striking “, or was permanently” and all
20 that follows up to the comma at the end.

21 (b) **EFFECTIVE DATE.**—The amendments made by
22 subsection (a) shall apply with respect to certifications of
23 States for 1998 and subsequent years, or for 1999 and
24 subsequent years in the case of States the legislatures of

1 which do not meet in a regular session which closes in
2 the calendar year 1997.

3 (c) REPORT.—The Secretary of Labor, in consulta-
4 tion with the Attorney General, shall provide for a study
5 of the impact of limiting eligibility for unemployment com-
6 pensation only to individuals who are citizens or nationals
7 of the United States or qualified aliens (as defined in sec-
8 tion 431(b) of the Personal Responsibility and Work Op-
9 portunity Reconciliation Act of 1996, 8 U.S.C. 1641(b)).
10 Not later than 2 years after the date of the enactment
11 of this Act, the Secretary shall submit a report on such
12 study to the Committee on the Judiciary and the Commit-
13 tee on Labor and Human Resources of the Senate and
14 the Committee on the Judiciary and the Committee on
15 Economic and Educational Opportunities of the House of
16 Representatives.

17 **SEC. 702. REPEAL OF FOOD STAMP TRANSITION PROVI-**
18 **SION.**

19 Section 510 of the Illegal Immigration Reform and
20 Immigrant Responsibility Act of 1996 is repealed and the
21 provisions of law, as amended by subsection section, are
22 restored as if such section had not been enacted.

1 **SEC. 703. COMPUTATION OF TARGETED ASSISTANCE.**

2 (a) IN GENERAL.—Section 412(c)(2) (8 U.S.C.
3 1522(c)(2)) is amended by adding at the end the following
4 new subparagraph:

5 “(C) All grants made available under this paragraph
6 for a fiscal year (other than the Targeted Assistance Ten
7 Percent Discretionary Program) shall be allocated by the
8 Office of Resettlement in a manner that ensures that each
9 qualifying county shall receive the same amount of assist-
10 ance for each refugee and entrant residing in the county
11 as of the beginning of the fiscal year who arrived in the
12 United States not more than 60 months prior to such fis-
13 cal year.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall be effective for fiscal years after fiscal
16 year 1996.

17 **SEC. 704. ADDITION TO REPORTS.**

18 Section 565 of the Illegal Immigration Reform and
19 Immigrant Responsibility Act of 1996 is amended by add-
20 ing at the end the following:

21 “(4) VERIFICATIONS OF ELIGIBILITY.—The
22 number of situations in which a Federal or State
23 agency fails to respond within 10 days to a request
24 for verification of eligibility under section 432(d)(2)
25 of the Personal Responsibility and Work Oppor-
26 tunity Reconciliation Act of 1996, including the rea-

1 sons for, and the circumstances of, each such fail-
2 ure.”.

3 **TITLE VIII—GENERAL** 4 **PROVISIONS**

5 **SEC. 801. EFFECTIVE DATES.**

6 Except as provided in this Act, this Act and the
7 amendments made by this Act shall take effect on the date
8 of the enactment of this Act.

9 **SEC. 802. NOT APPLICABLE TO FOREIGN ASSISTANCE.**

10 This Act does not apply to any Federal, State, or
11 local governmental program, assistance, or benefits pro-
12 vided to an alien under any program of foreign assistance
13 as determined by the Secretary of State in consultation
14 with the Attorney General.

15 **SEC. 803. NOTIFICATION.**

16 (a) **IN GENERAL.**—Each agency of the Federal Gov-
17 ernment or a State or political subdivision that admin-
18 isters a program affected by the provisions of this Act,
19 shall, directly or through the States, provide general noti-
20 fication to the public and to program recipients of the
21 changes regarding eligibility for any such program pursu-
22 ant to this Act.

23 (b) **FAILURE TO GIVE NOTICE.**—Nothing in this sec-
24 tion shall be construed to require or authorize continu-

1 ation of eligibility if the notice under this section is not
2 provided.

3 **SEC. 804. DEFINITIONS.**

4 Except as otherwise provided in this Act, for purposes
5 of this Act—

6 (1) the terms “alien”, “Attorney General”, “na-
7 tional”, “naturalization”, “State”, and “United
8 States” shall have the meaning given such terms in
9 section 101(a) of the Immigration and Nationality
10 Act; and

11 (2) the term “child” shall have the meaning
12 given such term in section 101(c) of the Immigra-
13 tion and Nationality Act.

○