

Public Law 99-605
99th Congress

An Act

To amend the Immigration and Nationality Act to extend for two years the authorization of appropriations for refugee assistance, and for other purposes.

Nov. 6, 1986

[H.R. 1452]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Refugee
Assistance
Extension Act of
1986.

8 USC 1101 note.

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) **SHORT TITLE.**—This Act may be cited as the “Refugee Assistance Extension Act of 1986”.

(b) **AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.**—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Immigration and Nationality Act.

8 USC 1101 note.

SEC. 2. TWO-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

(a) **TWO-YEAR EXTENSION.**—Section 414(a) (8 U.S.C. 1524(a)) is amended by striking out “fiscal year 1983” and inserting in lieu thereof “each of fiscal years 1987 and 1988” in paragraph (1).

(b) **ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.**—Such section is further amended—

(1) by striking out “(2) and (3)” in paragraph (1) and inserting in lieu thereof “(2) through (5)”;

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

“(2) There are hereby authorized to be appropriated for fiscal year 1987 \$74,783,000 and for fiscal year 1988 \$77,924,000 for the purpose of providing services with respect to refugees under section 412(c)(1).

8 USC 1522.

“(3) There are hereby authorized to be appropriated for fiscal year 1987 \$8,761,000 and for fiscal year 1988 \$9,125,000 for the purpose of carrying out section 412(b)(5).”; and

(3) by adding at the end the following new paragraph:

“(4) There are authorized to be appropriated for fiscal year 1987 \$5,215,000 and for fiscal year 1988 \$5,434,000 for the purpose of carrying out the provisions of section 412(f).”.

SEC. 3. **PLACEMENT OF OFFICE OF REFUGEE RESETTLEMENT WITHIN THE OFFICE OF SECRETARY OF HEALTH AND HUMAN SERVICES AND CLARIFYING ROLE OF SECRETARY OF EDUCATION.**

(a) **PROVISION OF ASSISTANCE FOR REFUGEE CHILDREN BY SECRETARY OF EDUCATION.**—Section 412(d)(1) (8 U.S.C. 1522(d)(1)) is amended by striking out “Director” and inserting in lieu thereof “Secretary of Education”.

(b) **AUTHORIZING SECRETARY OF EDUCATION AND ATTORNEY GENERAL TO ISSUE REGULATIONS.**—Section 412(a)(9) (8 U.S.C. 1522(a)(9)) is amended by inserting “, the Secretary of Education, the Attorney General,” after “The Secretary”.

SEC. 4. POLICIES FOR PLACEMENT OF REFUGEES AND REGULAR CONSULTATION WITH STATE AND LOCAL GOVERNMENTS IN PLACEMENT PROCESS.

Section 412(a)(2) (8 U.S.C. 1522(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by inserting “and the Federal agency administering subsection (b)(1)” after “Director”,

(B) by inserting “(not less often than quarterly)” after “regularly”, and

(C) by inserting “before their placement in those States and localities” after “localities”;

(2) in subparagraph (C)—

(A) by striking out “and” at the end of clause (i),

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof “, and”, and

(C) by adding at the end the following new clause:

“(iii) take into account—

“(I) the proportion of refugees and comparable entrants in the population in the area,

“(II) the availability of employment opportunities, affordable housing, and public and private resources (including educational, health care, and mental health services) for refugees in the area,

“(III) the likelihood of refugees placed in the area becoming self-sufficient and free from long-term dependence on public assistance, and

“(IV) the secondary migration of refugees to and from the area that is likely to occur.”; and

(3) by adding at the end the following new subparagraph:

“(D) With respect to the location of placement of refugees within a State, the Federal agency administering subsection (b)(1) shall, consistent with such policies and strategies and to the maximum extent possible, take into account recommendations of the State.”.

SEC. 5. RECEPTION AND PLACEMENT GRANTS.

(a) **DIRECT GAO AUDIT OF GRANTS.**—Paragraph (6) of section 412(b) (8 U.S.C. 1522(b)) is amended to read as follows:

“(6) The Comptroller General shall directly conduct an annual financial audit of funds expended under each grant or contract made under paragraph (1) for fiscal year 1986 and for fiscal year 1987.”.

(b) **REQUIREMENTS UNDER GRANTS.**—Such section is further amended—

(1) by adding at the end the following new paragraph:

“(7) Each grant or contract with an agency under paragraph (1) shall require the agency to do the following:

“(A) To provide quarterly performance and financial status reports to the Federal agency administering paragraph (1).

“(B)(i) To provide, directly or through its local affiliate, notice to the appropriate county or other local welfare office at the time that the agency becomes aware that a refugee is offered employment and to provide notice to the refugee that such notice has been provided, and

“(ii) upon request of such a welfare office to which a refugee has applied for cash assistance, to furnish that office with documentation respecting any cash or other resources provided directly by the agency to the refugee under this subsection.

Contracts.

Reports.

“(C) To assure that refugees, known to the agency as having been identified pursuant to paragraph (4)(B) as having medical conditions affecting the public health and requiring treatment, report to the appropriate county or other health agency upon their resettlement in an area.

Health and
medical care.

“(D) To fulfill its responsibility to provide for the basic needs (including food, clothing, shelter, and transportation for job interviews and training) of each refugee resettled and to develop and implement a resettlement plan including the early employment of each refugee resettled and to monitor the implementation of such plan.

“(E) To transmit to the Federal agency administering paragraph (1) an annual report describing the following:

Reports.

“(i) The number of refugees placed (by county of placement) and the expenditures made in the year under the grant or contract, including the proportion of such expenditures used for administrative purposes and for provision of services.

“(ii) The proportion of refugees placed by the agency in the previous year who are receiving cash or medical assistance described in subsection (e).

“(iii) The efforts made by the agency to monitor placement of the refugees and the activities of local affiliates of the agency.

“(iv) The extent to which the agency has coordinated its activities with local social service providers in a manner which avoids duplication of activities and has provided notices to local welfare offices and the reporting of medical conditions of certain aliens to local health departments in accordance with subparagraphs (B)(i) and (C).

“(v) Such other information as the agency administering paragraph (1) deems to be appropriate in monitoring the effectiveness of agencies in carrying out their functions under such grants and contracts.

The agency administering paragraph (1) shall promptly forward a copy of each annual report transmitted under subparagraph (E) to the Committees on the Judiciary of the House of Representatives and of the Senate.”, and

(2) by striking out the fifth and sixth sentences of paragraph (1)(A).

(c) PERFORMANCE CRITERIA FOR GRANTS.—Such section is further amended by adding after paragraph (7) (added by subsection (b)) the following new paragraph:

Contracts.
8 USC 1522.

“(8) The Federal agency administering paragraph (1) shall establish criteria for the performance of agencies under grants and contracts under that paragraph, and shall include criteria relating to an agency’s—

“(A) efforts to reduce welfare dependency among refugees resettled by that agency,

“(B) collection of travel loans made to refugees resettled by that agency for travel to the United States,

“(C) arranging for effective local sponsorship and other nonpublic assistance for refugees resettled by that agency,

“(D) cooperation with refugee mutual assistance associations, local social service providers, health agencies, and welfare offices,

“(E) compliance with the guidelines established by the Director for the placement and resettlement of refugees within the United States, and

“(F) compliance with other requirements contained in the grant or contract, including the reporting and other requirements under subsection (b)(7).

The Federal administering agency shall use the criteria in the process of awarding or renewing grants and contracts under paragraph (1).”

Grants.
Contracts.
8 USC 1522 note.

(d) **EFFECTIVE DATES OF AMENDMENTS.**—(1) Section 412(b)(7) (other than subparagraphs (B)(i), (C), and (D)) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the 30-day period beginning on the date of the enactment of this Act.

(2) Section 412(b)(7)(D) of the Immigration and Nationality Act, as added by subsection (b)(1) of this section, shall apply to grants and contracts made or renewed after the end of the six-month period beginning on the date of the enactment of this Act.

(3) The criteria required under the amendment made by subsection (c) shall be established not later than 60 days after the date of the enactment of this Act.

Contracts.

(e) **REPORT ON RECEPTION AND PLACEMENT GRANTS.**—(1) Within amounts provided in appropriation acts, the United States Coordinator for Refugee Affairs shall provide for a study on the advisability and feasibility of—

(A) using competitive proposals, cost reimbursement contracts, financial incentives based on performance standards, and other means for providing greater efficiency in awarding grants and contracts for initial reception and placement under section 412(b) of the Immigration and Nationality Act,

(B) modifying the eligibility requirements for agency participation under that section,

(C) permitting refugee mutual assistance associations to participate under that section and to apply for such grants and contracts, and

(D) using financial incentives linked to performance standards in awarding social service grants and contracts for services under section 412(c) of the Immigration and Nationality Act.

Reports.

(2) The Coordinator shall submit the results of the study to Congress not later than six months after the date of the enactment of this Act.

(f) **ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR RECEPTION AND PLACEMENT SERVICES.**—(1) In order to insure that sufficient funds are authorized to be appropriated to provide for reception and placement services in fulfillment of the responsibilities required under section 412(b)(7)(D) of the Immigration and Nationality Act (as added by subsection (b)(1) of this section), there are authorized to be appropriated (in addition to the amounts described in paragraph (2)) for fiscal years 1987 and 1988 any such additional sums as may be necessary to fulfill the responsibilities under that section.

(2) The amounts described in this paragraph are—

(A) the amounts authorized to be appropriated to the Department of State for “Migration and Refugee Assistance” for fiscal years 1986 and 1987, which may be used for enhanced reception and placement services under section 412(b) of the Immigration and Nationality Act; and

(B) any other amounts authorized to be appropriated for such services.

SEC. 6. ALLOCATION AND USE OF SOCIAL SERVICE FUNDS.

(a) **BASED ON REFUGEE POPULATION.**—Section 412(c) (8 U.S.C. 1522(c)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively,

(2) by inserting “(1)(A)” before “The Director”, and

(3) by adding at the end the following new subparagraph:

“(B) The funds available for a fiscal year for grants and contracts under subparagraph (A) shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year.”

Grants.
Contracts.

(b) **CLARIFICATION OF USE OF SOCIAL SERVICE FUNDS.**—Such section is further amended by adding at the end the following new subparagraph:

“(C) Any limitation which the Director establishes on the proportion of funds allocated to a State under this paragraph that the State may use for services other than those described in subsection (a)(1)(B)(ii) shall not apply if the Director receives a plan (established by or in consultation with local governments) and determines that the plan provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.”

29 USC 1516.
8 USC 1522 note.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to allocations of funds for fiscal years beginning with fiscal year 1987.

(d) **CONFORMING AMENDMENT.**—Section 412(e)(2)(A)(i) (8 U.S.C. 1522(e)(2)(A)(i)) is amended by striking out “(c)(1)” and inserting in lieu thereof “(c)(1)(A)(i)”.

SEC. 7. MAINTAINING FUNDING LEVEL OF MATCHING GRANT PROGRAM.

(a) **MAINTAINING FUNDING LEVEL.**—Subject to the availability of appropriations, the Director of the Office of Refugee Resettlement shall not reduce the maximum average Federal contribution level per refugee in the matching grant program and shall not increase the percentage grantee matching requirement under that program below the level, or above the percentage, in effect under the program for grants in fiscal year 1985.

8 USC 1522 note.

(b) **MATCHING GRANT PROGRAM.**—The “matching grant program” referred to in subsection (a) is the voluntary agency program which is known as the matching grant program and is funded under section 412(c) of the Immigration and Nationality Act.

SEC. 8. TARGETED ASSISTANCE PROJECT GRANTS.

(a) **SPECIFIC AUTHORIZATION FOR TARGETED ASSISTANCE PROJECT GRANTS.**—Section 412(c) (8 U.S.C. 1522(c)), as amended by section 6, is further amended by adding at the end the following new paragraph:

“(2)(A) The Director is authorized to make grants to States for assistance to counties and similar areas in the States where, because of factors such as unusually large refugee populations (including

secondary migration), high refugee concentrations, and high use of public assistance by refugees, there exists and can be demonstrated a specific need for supplementation of available resources for services to refugees.

“(B) Grants shall be made available under this paragraph—

“(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency,

“(ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity.”.

(b) **CONFORMING AMENDMENT.**—Section 412(e)(2)(A)(ii) (8 U.S.C. 1522(e)(2)(A)(ii)) is amended by inserting “or targeted assistance” after “social service”.

SEC. 9. CASH AND MEDICAL ASSISTANCE.

(a) **CLARIFICATION OF DISQUALIFICATION FROM CASH ASSISTANCE FOR REFUGEES REFUSING OFFERS OF EMPLOYMENT OR TRAINING.**—Paragraph (2) of section 412(e) (8 U.S.C. 1522(e)) is amended—

(1) by striking out the last sentence of subparagraph (A), and

(2) by adding at the end the following new subparagraph:

“(C) In the case of a refugee who—

“(i) refuses an offer of employment which has been determined to be appropriate either by the agency responsible for the initial resettlement of the refugee under subsection (b) or by the appropriate State or local employment service,

“(ii) refuses to go to a job interview which has been arranged through such agency or service, or

“(iii) refuses to participate in a social service or targeted assistance program referred to in subparagraph (A)(ii) which such agency or service determines to be available and appropriate,

cash assistance to the refugee shall be terminated (after opportunity for an administrative hearing) for a period of three months (for the first such refusal) or for a period of six months (for any subsequent refusal).”.

(b) **CONSIDERATION OF RECOMMENDATIONS AND ASSISTANCE OF VOLUNTARY AGENCIES.**—Such section is further amended by adding at the end the following new paragraph:

“(8) In its provision of assistance to refugees, a State or political subdivision shall consider the recommendations of, and assistance provided by, agencies with grants or contracts under subsection (b)(1).”.

8 USC 1522 note.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) of this section shall apply to aliens entering the United States as refugees on or after the first day of the first calendar quarter that begins more than 90 days after the date of the enactment of this Act.

SEC. 10. PERMITTING COVERAGE OF CERTAIN DEPENDENT REFUGEES UNDER ALTERNATIVE PROJECTS.

Section 412(e)(7)(A) (8 U.S.C. 1522(e)(7)(A)) is amended by adding at the end the following new sentence: “The Secretary may permit alternative projects to cover specific groups of refugees who have been in the United States 36 months or longer if the Secretary determines that refugees in the group have been significantly and disproportionately dependent on welfare and need the services pro-

vided under the project in order to become self-sufficient and that their coverage under the projects would be cost-effective.”

SEC. 11. REFUGEES COVERED BY ANNUAL REPORT.

Section 413(a)(2)(A) (8 U.S.C. 1523(a)(2)(A)) is amended by striking out “under this Act since May 1975” and inserting in lieu thereof “the United States within the five-fiscal-year period immediately preceding the fiscal year within which the report is to be made and for refugees who entered earlier and who have shown themselves to be significantly and disproportionately dependent on welfare”.

SEC. 12. PROHIBITING USE OF BLOCK OR CONSOLIDATED GRANTS.

Section 412(a)(4) (8 U.S.C. 1522(a)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively,
 (2) by inserting “(A)” after “(4)”, and
 (3) by adding at the end the following new subparagraphs:
 “(B) No funds may be made available under this chapter (other than under subsection (b)(1)) to States or political subdivisions in the form of block grants, per capita grants, or similar consolidated grants or contracts. Such funds shall be made available under separate grants or contracts—

State and local
governments.
Contracts.

“(i) for medical screening and initial medical treatment under subsection (b)(5),
 “(ii) for services for refugees under subsection (c)(1),
 “(iii) for targeted assistance project grants under subsection (c)(2), and
 “(iv) for assistance for refugee children under subsection (d)(2).
 “(C) The Director may not delegate to a State or political subdivision his authority to review or approve grants or contracts under this chapter or the terms under which such grants or contracts are made.”

SEC. 13. ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.

Prisoners.

Section 412 (8 U.S.C. 1522) is further amended by adding at the end the following new subsection:

“(f) ASSISTANCE TO STATES AND COUNTIES FOR INCARCERATION OF CERTAIN CUBAN NATIONALS.—(1) The Attorney General shall pay compensation to States and to counties for costs incurred by the States and counties to confine in prisons, during the fiscal year for which such payment is made, nationals of Cuba who—

“(A) were paroled into the United States in 1980 by the Attorney General,

“(B) after such parole committed any violation of State or county law for which a term of imprisonment was imposed, and

“(C) at the time of such parole and such violation were not aliens lawfully admitted to the United States—

“(i) for permanent residence, or

“(ii) under the terms of an immigrant or a nonimmigrant visa issued,

under this Act.

“(2) For a State or county to be eligible to receive compensation under this subsection, the chief executive officer of the State or county shall submit to the Attorney General, in accordance

with rules to be issued by the Attorney General, an application containing—

“(A) the number and names of the Cuban nationals with respect to whom the State or county is entitled to such compensation, and

“(B) such other information as the Attorney General may require.

“(3) For a fiscal year the Attorney General shall pay the costs described in paragraph (1) to each State and county determined by the Attorney General to be eligible under paragraph (2); except that if the amounts appropriated for the fiscal year to carry out this subsection are insufficient to cover all such payments, each of such payments shall be ratably reduced so that the total of such payments equals the amounts so appropriated.

“(4) The authority of the Attorney General to pay compensation under this subsection shall be effective for any fiscal year only to the extent and in such amounts as may be provided in advance in appropriation Acts.

“(g) It shall be the policy of the United States Government that the President, in consultation with the Attorney General and all appropriate Federal, State, and county officials referred to in section 13 of this Act, shall place top priority on seeking the expeditious removal from this country and the return to Cuba of such persons defined in subsection (f)(1) by any reasonable and responsible means, and to this end the Attorney General may use the funds hereafter authorized by this section to conduct such policy.”

President of U.S.

Approved November 6, 1986.

LEGISLATIVE HISTORY—H.R. 1452 (S. 1262):

HOUSE REPORTS: No. 99-132, Pt. 1 (Comm. on the Judiciary).

SENATE REPORTS: No. 99-154 accompanying S. 1262 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

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Vol. 132 (1986): Oct. 18, considered and passed Senate, amended; House concurred in Senate amendment.