

Bill

Amend Section 15 of the reported bill (August 6, 1965 Print) by adding thereto a new subsection (c) after line 9 on p. 42 to read as follows:

"(c) Section 212 (f), (g), and (h) of the Immigration and Nationality Act, as added by the Act of September 26, 1961 (75 Stat. 654, 655; 8 U.S.C. 1182), are hereby redesignated section 212 (g), (h), and (i), respectively, and section 212 (g) as so redesignated is amended by inserting before the words 'Any alien afflicted with tuberculosis in any form' the following: 'Any mentally retarded alien who is the child or unmarried son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, or' and by adding at the end of such subsection the following sentence: 'Any alien excludable under paragraph (3) of subsection (a) of this section because of past history of mental illness who has one of the same family relationships as are prescribed in this subsection for aliens afflicted with tuberculosis and whom the Surgeon General of the United States Public Health Service finds to have been free of such mental illness for a period of time sufficient in the light of such history to demonstrate recovery shall be eligible for a visa in accordance with the terms of this subsection: Provided, That no alien who

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is mentally retarded shall be eligible for a visa under this subsection if both the parents or the sole surviving parent of such alien shall have entered the United States as immigrants without being preceded or accompanied by such alien."

Explanation: This would provide some hope of humanitarian relief to prevent separation of families by permitting the Surgeon General and the Attorney General to grant waivers of exclusion of mentally retarded children and relatives with a past history of mental illness who have been cured under proper safeguards of the public purse and public safety. It is much narrower than the waiver provisions of the original Administration bill, which covered close relatives with all types of exclusionary mental afflictions. It is identical to the waiver provisions previously enacted by Congress for close relatives excludable for tuberculosis, except for the proviso which would bar relief if both parents have already left an afflicted alien child behind.