

105TH CONGRESS
1ST SESSION

H. R. 849

IN THE SENATE OF THE UNITED STATES

JULY 9, 1997

Received

NOVEMBER 13, 1997

Read twice and referred to the Committee on Environment and Public Works

AN ACT

To prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

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. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**
2 **SISTANCE.**

3 (a) IN GENERAL.—Title I of the Uniform Relocation
4 Assistance and Real Property Acquisition Policies Act of
5 1970 (42 U.S.C. 4601 et seq.) is amended by adding at
6 the end the following:

7 **“SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**
8 **SISTANCE.**

9 “(a) IN GENERAL.—Except as provided in subsection
10 (c), a displaced person shall not be eligible to receive relo-
11 cation payments or any other assistance under this Act
12 if the displaced person is an alien not lawfully present in
13 the United States.

14 “(b) DETERMINATIONS OF ELIGIBILITY.—

15 “(1) ISSUANCE OF REGULATIONS.—Not later
16 than 6 months after the date of the enactment of
17 this section, and after providing notice and an op-
18 portunity for public comment, the head of the lead
19 agency shall issue regulations to carry out sub-
20 section (a).

21 “(2) CONTENTS OF REGULATIONS.—Regula-
22 tions issued under paragraph (1) shall—

23 “(A) prescribe the processes, procedures,
24 and information that a displacing agency must
25 use in determining whether a displaced person

1 is an alien not lawfully present in the United
2 States;

3 “(B) prohibit a displacing agency from dis-
4 criminating against any displaced person;

5 “(C) ensure that each eligibility determina-
6 tion is fair and based on reliable information;
7 and

8 “(D) prescribe standards for a displacing
9 agency to apply in making determinations relat-
10 ing to exceptional and extremely unusual hard-
11 ship under subsection (c).

12 “(c) EXCEPTIONAL AND EXTREMELY UNUSUAL
13 HARDSHIP.—If a displacing agency determines by clear
14 and convincing evidence that a determination of the ineli-
15 gibility of a displaced person under subsection (a) would
16 result in exceptional and extremely unusual hardship to
17 an individual who is the displaced person’s spouse, parent,
18 or child and who is a citizen of the United States or an
19 alien lawfully admitted for permanent residence, the dis-
20 placing agency shall provide relocation payments and
21 other assistance to the displaced person under this Act
22 if the displaced person is otherwise eligible for such assist-
23 ance.

24 “(d) LIMITATION ON STATUTORY CONSTRUCTION.—
25 Nothing in this section may be construed to affect any

1 rights available to a displaced person under any other pro-
2 vision of Federal or State law.”.

3 **SEC. 2. DUTIES OF LEAD AGENCY.**

4 Section 213(a) of the Uniform Relocation Assistance
5 and Real Property Acquisition Policies Act of 1970 (42
6 U.S.C. 4633(a)) is amended—

7 (1) by redesignating paragraphs (2), (3), and
8 (4) as paragraphs (4), (5), and (6), respectively; and

9 (2) by inserting after paragraph (1) the follow-
10 ing:

11 “(2) provide, in consultation with the Attorney
12 General (acting through the Commissioner of the
13 Immigration and Naturalization Service), through
14 training and technical assistance activities, informa-
15 tion developed with the Attorney General (acting
16 through the Commissioner) on proper implementa-
17 tion of section 104;

18 “(3) ensure that displacing agencies implement
19 section 104 fairly and without discrimination;”.

Passed the House of Representatives July 8, 1997.

Attest:

ROBIN H. CARLE,

Clerk.