

# Union Calendar No. 87

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 849

[Report No. 105-147]

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1997

Mr. PACKARD (for himself, Mr. BILBRAY, Mr. CUNNINGHAM, Mr. HUNTER, Mr. ROHRBACHER, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE 23, 1997

Additional sponsors: Mr. BONO, Mr. CALVERT, Mr. GALLEGLY, Mr. MCKEON, Mr. ROYCE, Mr. SMITH of Texas, Mr. GOODLATTE, Mr. EWING, Mr. KINGSTON, Mr. HAYWORTH, Mr. STUMP, Mr. PAPPAS, Mr. HASTERT, Mr. MILLER of Florida, Mr. BAKER, Mr. WATTS of Oklahoma, Mr. MANZULLO, Mr. FOLEY, Mr. SOUDER, and Mr. SHERMAN

JUNE 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uni-

form 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,*

3 **SECTION 1. DISPLACED PERSON DEFINED.**

4 Section ~~101(6)(B)~~ of the Uniform Relocation Assist-  
 5 ance and Real Property Acquisition Policies Act of 1970  
 6 (~~42 U.S.C. 4601(6)(B)~~) is amended—

7 (1) by striking the period at the end of clause

8 (ii) and inserting “; and”; and

9 (2) by adding at the end the following:

10 “(iii) an alien that is not lawfully present  
 11 in the United States.”

12 **SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR AS-**  
 13 **SISTANCE.**

14 (a) *IN GENERAL.*—*Title I of the Uniform Relocation*  
 15 *Assistance and Real Property Acquisition Policies Act of*  
 16 *1970 (42 U.S.C. 4601 et seq.) is amended by adding at the*  
 17 *end the following:*

18 **“SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSIST-**  
 19 **ANCE.**

20 “(a) *IN GENERAL.*—*Except as provided in subsection*  
 21 *(c), a displaced person shall not be eligible to receive reloca-*  
 22 *tion payments or any other assistance under this Act if the*  
 23 *displaced person is an alien not lawfully present in the*  
 24 *United States.*

1       “(b) *DETERMINATIONS OF ELIGIBILITY.*—

2               “(1) *ISSUANCE OF REGULATIONS.*—Not later  
3 than 6 months after the date of the enactment of this  
4 section, and after providing notice and an oppor-  
5 tunity for public comment, the head of the lead agen-  
6 cy shall issue regulations to carry out subsection (a).

7               “(2) *CONTENTS OF REGULATIONS.*—Regulations  
8 issued under paragraph (1) shall—

9                       “(A) prescribe the processes, procedures, and  
10 information that a displacing agency must use  
11 in determining whether a displaced person is an  
12 alien not lawfully present in the United States;

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

15                       “(C) ensure that each eligibility determina-  
16 tion is fair and based on reliable information;  
17 and

18                       “(D) prescribe standards for a displacing  
19 agency to apply in making determinations relat-  
20 ing to exceptional and extremely unusual hard-  
21 ship under subsection (c).

22       “(c) *EXCEPTIONAL AND EXTREMELY UNUSUAL HARD-*  
23 *SHIP.*—If a displacing agency determines by clear and con-  
24 vincing evidence that a determination of the ineligibility  
25 of a displaced person under subsection (a) would result in

1 *exceptional and extremely unusual hardship to an individ-*  
2 *ual who is the displaced person’s spouse, parent, or child*  
3 *and who is a citizen of the United States or an alien law-*  
4 *fully admitted for permanent residence, the displacing*  
5 *agency shall provide relocation payments and other assist-*  
6 *ance to the displaced person under this Act if the displaced*  
7 *person is otherwise eligible for such assistance.*

8       “(d) *LIMITATION ON STATUTORY CONSTRUCTION.—*  
9 *Nothing in this section may be construed to affect any*  
10 *rights available to a displaced person under any other pro-*  
11 *vision of Federal or State law.”.*

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

13       *Section 213(a) of the Uniform Relocation Assistance*  
14 *and Real Property Acquisition Policies Act of 1970 (42*  
15 *U.S.C. 4633(a)) is amended—*

16             (1) *by redesignating paragraphs (2), (3), and (4)*  
17 *as paragraphs (4), (5), and (6), respectively; and*

18             (2) *by inserting after paragraph (1) the follow-*  
19 *ing:*

20             “(2) *provide, in consultation with the Attorney*  
21 *General (acting through the Commissioner of the Im-*  
22 *migration and Naturalization Service), through*  
23 *training and technical assistance activities, informa-*  
24 *tion developed with the Attorney General (acting*

1       *through the Commissioner) on proper implementation*  
2       *of section 104;*

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

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