

116TH CONGRESS
1ST SESSION

H. R. 1190

To prohibit an alien who is not in a lawful immigration status in the United States from being eligible for postsecondary education benefits that are not available to all citizens and nationals of the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2019

Mr. GOSAR (for himself, Mr. MEADOWS, Mr. WEBER of Texas, Mr. BIGGS, Mr. KING of Iowa, Mr. DESJARLAIS, Mr. DUNCAN, and Mr. BABIN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, 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 prohibit an alien who is not in a lawful immigration status in the United States from being eligible for postsecondary education benefits that are not available to all citizens and nationals of the United States.

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. PROHIBITION OF PREFERENTIAL TREATMENT**
2 **FOR ILLEGAL ALIENS.**

3 (a) IN GENERAL.—Section 505 of the Illegal Immi-
4 gration Reform and Immigrant Responsibility Act of 1996
5 (8 U.S.C. 1623) is amended to read as follows:

6 **“SEC. 505. INELIGIBILITY FOR ALIENS NOT IN LAWFUL IM-**
7 **MIGRATION STATUS IN THE UNITED STATES**
8 **TO RECEIVE PREFERENTIAL POSTSEC-**
9 **ONDARY EDUCATION BENEFITS.**

10 “(a) IN GENERAL.—An alien who is not in a lawful
11 immigration status in the United States shall not be eligi-
12 ble for any postsecondary education benefit unless every
13 citizen and national of the United States is eligible to re-
14 ceive such a benefit (in no less an amount, duration, and
15 scope).

16 “(b) ENFORCEMENT THROUGH CIVIL ACTION.—

17 “(1) IN GENERAL.—Any citizen or national of
18 the United States who is enrolled at a postsecondary
19 educational institution in the United States that is
20 alleged to have violated subsection (a) may petition
21 the district court of the United States in which such
22 institution is located to enforce the restriction de-
23 scribed in such subsection by commencing a civil ac-
24 tion, on his or her own behalf, in such court against
25 any State official that oversees such institution.

1 “(2) RELIEF.—If the plaintiff in a civil action
2 commenced under paragraph (1) proves by a prepon-
3 derance of the evidence that the postsecondary edu-
4 cational institution in which the plaintiff was en-
5 rolled violated subsection (a), the court shall—

6 “(A) provide all appropriate relief to the
7 plaintiff, including damages equal to the mone-
8 tary value of any benefit provided to an alien
9 who is not in a lawful immigration status in the
10 United States that was denied to the plaintiff;
11 and

12 “(B) award attorneys’ fees and court costs
13 to the plaintiff.”.

14 (b) TABLE OF CONTENTS AMENDMENT.—The table
15 of contents in section 1(d) of the Illegal Immigration Re-
16 form and Immigrant Responsibility Act of 1996 (110 Stat.
17 3009–546) is amended by striking the item relating to sec-
18 tion 505 and inserting the following:

“Sec. 505. Ineligibility for aliens not in lawful immigration status in the United
States to receive preferential postsecondary education bene-
fits.”.

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