

113TH CONGRESS
2D SESSION

S. 1990

To prohibit aliens who are not lawfully present 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 SENATE OF THE UNITED STATES

FEBRUARY 4, 2014

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit aliens who are not lawfully present 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,*

3 **SECTION 1. PROHIBITION OF PREFERENTIAL TREATMENT**
4 **FOR ILLEGAL ALIENS.**

5 Section 505 of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is
7 amended to read as follows:

1 **“SEC. 505. INELIGIBILITY FOR ALIENS NOT LAWFULLY**
 2 **PRESENT IN THE UNITED STATES TO RE-**
 3 **CEIVE PREFERENTIAL POSTSECONDARY**
 4 **EDUCATION BENEFITS.**

5 “(a) IN GENERAL.—An alien who is not lawfully
 6 present in the United States shall not be eligible for any
 7 postsecondary education benefit unless every citizen and
 8 national of the United States is eligible to receive such
 9 a benefit (in no less an amount, duration, and scope).

10 “(b) ENFORCEMENT THROUGH CIVIL ACTION.—

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

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

25 “(A) provide all appropriate relief to the
 26 plaintiff, including damages equal to the mone-

1 tary value of any benefit provided to an alien
2 who is not lawfully present in the United States
3 that was denied to the plaintiff; and
4 “(B) award attorneys’ fees and court costs
5 to the plaintiff.”.

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