

104TH CONGRESS
2D SESSION

S. 1727

To amend the Internal Revenue Code of 1986 to repeal the 1993 tax rate increase on gasoline, diesel fuel, and special motor fuels, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2, 1996

Mr. GRAMM (for himself, Mr. SMITH, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to repeal the 1993 tax rate increase on gasoline, diesel fuel, and special motor fuels, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Gas Tax Rollback Act
5 of 1996”.

1 **TITLE I—REPEAL OF 1993 TAX**
 2 **RATE INCREASE ON GASO-**
 3 **LINE, DIESEL FUEL, AND SPE-**
 4 **CIAL MOTOR FUELS**

5 **SEC. 101. REPEAL OF 4.3-CENT INCREASE IN GASOLINE,**
 6 **DIESEL FUEL, AND SPECIAL MOTOR FUEL**
 7 **TAXES.**

8 (a) **GASOLINE.**—Clause (i) of section 4081(a)(2)(A)
 9 of the Internal Revenue Code of 1986 is amended by strik-
 10 ing “18.3 cents” and inserting “14 cents”.

11 (b) **DIESEL FUEL.**—Clause (ii) of section
 12 4081(a)(2)(A) of such Code is amended by striking “24.3
 13 cents” and inserting “20 cents”.

14 (c) **EFFECTIVE DATE.**—The amendments made by
 15 this section shall take effect on the date of the enactment
 16 of this Act.

17 **TITLE II—REVENUE OFFSETS**
 18 **Subtitle A—Restricting Welfare**
 19 **and Public Benefits for Aliens**
 20 **CHAPTER 1—ELIGIBILITY FOR FEDERAL**
 21 **BENEFITS**

22 **SEC. 201. ALIENS WHO ARE NOT QUALIFIED ALIENS INELI-**
 23 **GIBLE FOR FEDERAL PUBLIC BENEFITS.**

24 (a) **IN GENERAL.**—Notwithstanding any other provi-
 25 sion of law and except as provided in subsection (b), an

1 alien who is not a qualified alien (as defined in section
2 231) is not eligible for any Federal public benefit (as de-
3 fined in subsection (c)).

4 (b) EXCEPTIONS.—Subsection (a) shall not apply
5 with respect to the following Federal public benefits:

6 (1) Emergency medical services under title XIX
7 or XXI of the Social Security Act.

8 (2) Short-term, non-cash, in-kind emergency
9 disaster relief.

10 (3)(A) Public health assistance for immuniza-
11 tions.

12 (B) Public health assistance for testing and
13 treatment of a serious communicable disease if the
14 Secretary of Health and Human Services determines
15 that it is necessary to prevent the spread of such
16 disease.

17 (4) Programs, services, or assistance (such as
18 soup kitchens, crisis counseling and intervention,
19 and short-term shelter) specified by the Attorney
20 General, in the Attorney General's sole and
21 unreviewable discretion after consultation with ap-
22 propriate Federal agencies and departments, which
23 (A) deliver in-kind services at the community level,
24 including through public or private nonprofit agen-
25 cies; (B) do not condition the provision of assistance,

1 the amount of assistance provided, or the cost of as-
2 sistance provided on the individual recipient's in-
3 come or resources; and (C) are necessary for the
4 protection of life or safety.

5 (5) Programs for housing or community devel-
6 opment assistance or financial assistance adminis-
7 tered by the Secretary of Housing and Urban Devel-
8 opment, any program under title V of the Housing
9 Act of 1949, or any assistance under section 306C
10 of the Consolidated Farm and Rural Development
11 Act, to the extent that the alien is receiving such a
12 benefit on the date of the enactment of this Act.

13 (c) FEDERAL PUBLIC BENEFIT DEFINED.—

14 (1) Except as provided in paragraph (2), for
15 purposes of this subtitle, the term “Federal public
16 benefit” means a Federal public benefit providing di-
17 rect spending for—

18 (A) any grant, contract, loan, professional
19 license, or commercial license provided by an
20 agency of the United States or by appropriated
21 funds of the United States; and

22 (B) any retirement, welfare, health, dis-
23 ability, public or assisted housing, post-second-
24 ary education, food assistance, unemployment
25 benefit, or any other similar benefit for which

1 payments or assistance are provided to an indi-
2 vidual, household, or family eligibility unit by
3 an agency of the United States or by appro-
4 priated funds of the United States.

5 (2) Such term shall not apply—

6 (A) to any contract, professional license, or
7 commercial license for a nonimmigrant whose
8 visa for entry is related to such employment in
9 the United States; or

10 (B) with respect to benefits for an alien
11 who as a work authorized nonimmigrant or as
12 an alien lawfully admitted for permanent resi-
13 dence under the Immigration and Nationality
14 Act qualified for such benefits and for whom
15 the United States under reciprocal treaty agree-
16 ments is required to pay benefits, as determined
17 by the Attorney General, after consultation with
18 the Secretary of State.

19 **SEC. 202. LIMITED ELIGIBILITY OF CERTAIN QUALIFIED**
20 **ALIENS FOR CERTAIN FEDERAL PROGRAMS.**

21 (a) LIMITED ELIGIBILITY FOR SPECIFIED FEDERAL
22 PROGRAMS.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law and except as provided in paragraph

25 (2), an alien who is a qualified alien (as defined in

1 section 231) is not eligible for any specified Federal
2 program (as defined in paragraph (3)).

3 (2) EXCEPTIONS.—

4 (A) TIME-LIMITED EXCEPTION FOR REFUG-
5 GEES AND ASYLEES.—Paragraph (1) shall not
6 apply to an alien until 5 years after the date—

7 (i) an alien is admitted to the United
8 States as a refugee under section 207 of
9 the Immigration and Nationality Act;

10 (ii) an alien is granted asylum under
11 section 208 of such Act; or

12 (iii) an alien's deportation is withheld
13 under section 243(h) of such Act.

14 (B) CERTAIN PERMANENT RESIDENT
15 ALIENS.—Paragraph (1) shall not apply to an
16 alien who—

17 (i) is lawfully admitted to the United
18 States for permanent residence under the
19 Immigration and Nationality Act; and

20 (ii)(I) has worked 40 qualifying quar-
21 ters of coverage as defined under title II of
22 the Social Security Act, and (II) did not
23 receive any Federal means-tested public
24 benefit (as defined in section 203(c)) dur-
25 ing any such quarter.

1 (C) VETERAN AND ACTIVE DUTY EXCEP-
2 TION.—Paragraph (1) shall not apply to an
3 alien who is lawfully residing in any State and
4 is—

5 (i) a veteran (as defined in section
6 101 of title 38, United States Code) with
7 a discharge characterized as an honorable
8 discharge and not on account of alienage,

9 (ii) on active duty (other than active
10 duty for training) in the Armed Forces of
11 the United States, or

12 (iii) the spouse or unmarried depend-
13 ent child of an individual described in
14 clause (i) or (ii).

15 (D) TRANSITION FOR ALIENS CURRENTLY
16 RECEIVING BENEFITS.—Paragraph (1) shall
17 apply to the eligibility of an alien for a program
18 for months beginning on or after January 1,
19 1997, if, on the date of the enactment of this
20 Act, the alien is lawfully residing in any State
21 and is receiving benefits under such program on
22 the date of the enactment of this Act.

23 (3) SPECIFIED FEDERAL PROGRAM DEFINED.—

24 For purposes of this subtitle, the term “specified
25 Federal program” means any of the following:

1 (A) SSI.—The supplemental security in-
2 come program under title XVI of the Social Se-
3 curity Act.

4 (B) FOOD STAMPS.—The food stamp pro-
5 gram as defined in section 3(h) of the Food
6 Stamp Act of 1977.

7 (b) LIMITED ELIGIBILITY FOR DESIGNATED FED-
8 ERAL PROGRAMS.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of law and except as provided in section
11 203 and paragraph (2), a State is authorized to de-
12 termine the eligibility of an alien who is a qualified
13 alien (as defined in section 231) for any designated
14 Federal program (as defined in paragraph (3)).

15 (2) EXCEPTIONS.—Qualified aliens under this
16 paragraph shall be eligible for any designated Fed-
17 eral program.

18 (A) TIME-LIMITED EXCEPTION FOR REFU-
19 GEES AND ASYLEES.—

20 (i) An alien who is admitted to the
21 United States as a refugee under section
22 207 of the Immigration and Nationality
23 Act until 5 years after the date of an
24 alien's entry into the United States.

1 (ii) An alien who is granted asylum
2 under section 208 of such Act until 5 years
3 after the date of such grant of asylum.

4 (iii) An alien whose deportation is
5 being withheld under section 243(h) of
6 such Act until 5 years after such withhold-
7 ing.

8 (B) CERTAIN PERMANENT RESIDENT
9 ALIENS.—An alien who—

10 (i) is lawfully admitted to the United
11 States for permanent residence under the
12 Immigration and Nationality Act; and

13 (ii)(I) has worked 40 qualifying quar-
14 ters of coverage to be a fully insured indi-
15 vidual for old-age retirement benefits
16 under title II of the Social Security Act,
17 (II) did not receive any Federal means-
18 tested public benefit (as defined in section
19 203(c)) during any such quarter, and (III)
20 at the time of application is otherwise eligi-
21 ble for such benefits.

22 (C) VETERAN AND ACTIVE DUTY EXCEP-
23 TION.—An alien who is lawfully residing in any
24 State and is—

1 (i) a veteran (as defined in section
2 101 of title 38, United States Code) with
3 a discharge characterized as an honorable
4 discharge and not on account of alienage,

5 (ii) on active duty (other than active
6 duty for training) in the Armed Forces of
7 the United States, or

8 (iii) the spouse or unmarried depend-
9 ent child of an individual described in
10 clause (i) or (ii).

11 (D) TRANSITION FOR THOSE CURRENTLY
12 RECEIVING BENEFITS.—An alien who on the
13 date of the enactment of this Act is lawfully re-
14 siding in any State and is receiving benefits
15 under such program on the date of the enact-
16 ment of this Act shall continue to be eligible to
17 receive such benefits until January 1, 1997.

18 (3) DESIGNATED FEDERAL PROGRAM DE-
19 FINED.—For purposes of this subtitle, the term
20 “designated Federal program” means any of the fol-
21 lowing:

22 (A) TEMPORARY ASSISTANCE FOR NEEDY
23 FAMILIES.—The program of block grants to
24 States for temporary assistance for needy fami-

1 lies under part A of title IV of the Social Secu-
2 rity Act.

3 (B) SOCIAL SERVICES BLOCK GRANT.—
4 The program of block grants to States for so-
5 cial services under title XX of the Social Secu-
6 rity Act.

7 (C) MEDICAID AND MEDIGRANT.—The
8 program of medical assistance under titles XIX
9 and XXI of the Social Security Act.

10 **SEC. 203. FIVE-YEAR LIMITED ELIGIBILITY OF QUALIFIED**
11 **ALIENS FOR FEDERAL MEANS-TESTED PUB-**
12 **LIC BENEFIT.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law and except as provided in subsection (b), an
15 alien who is a qualified alien (as defined in section 231)
16 and who enters the United States on or after the date
17 of the enactment of this Act is not eligible for any Federal
18 means-tested public benefit (as defined in subsection (c))
19 for a period of five years beginning on the date of the
20 alien’s entry into the United States with a status within
21 the meaning of the term “qualified alien”.

22 (b) EXCEPTIONS.—The limitation under subsection
23 (a) shall not apply to the following aliens:

24 (1) EXCEPTION FOR REFUGEES AND
25 ASYLEES.—

1 (A) An alien who is admitted to the United
2 States as a refugee under section 207 of the
3 Immigration and Nationality Act.

4 (B) An alien who is granted asylum under
5 section 208 of such Act.

6 (C) An alien whose deportation is being
7 withheld under section 243(h) of such Act.

8 (2) VETERAN AND ACTIVE DUTY EXCEPTION.—
9 An alien who is lawfully residing in any State and
10 is—

11 (A) a veteran (as defined in section 101 of
12 title 38, United States Code) with a discharge
13 characterized as an honorable discharge and not
14 on account of alienage,

15 (B) on active duty (other than active duty
16 for training) in the Armed Forces of the United
17 States, or

18 (C) the spouse or unmarried dependent
19 child of an individual described in subparagraph
20 (A) or (B).

21 (c) FEDERAL MEANS-TESTED PUBLIC BENEFIT DE-
22 FINED.—

23 (1) Except as provided in paragraph (2), for
24 purposes of this subtitle, the term “Federal means-
25 tested public benefit” means a Federal public benefit

1 providing direct spending (including cash, medical,
2 housing, and food assistance and social services) by
3 the Federal Government in which the eligibility of an
4 individual, household, or family eligibility unit for
5 benefits, or the amount of such benefits, or both are
6 determined on the basis of income, resources, or fi-
7 nancial need of the individual, household, or unit.

8 (2) Such term does not include the following:

9 (A) Emergency medical services under title
10 XIX or XXI of the Social Security Act.

11 (B) Short-term, non-cash, in-kind emer-
12 gency disaster relief.

13 (C) Assistance or benefits under the Na-
14 tional School Lunch Act.

15 (D) Assistance or benefits under the Child
16 Nutrition Act of 1966.

17 (E)(i) Public health assistance for immuni-
18 zations.

19 (ii) Public health assistance for testing and
20 treatment of a serious communicable disease if
21 the Secretary of Health and Human Services
22 determines that it is necessary to prevent the
23 spread of such disease.

24 (F) Payments for foster care and adoption
25 assistance under part B of title IV of the Social

1 Security Act for a child who would, in the ab-
2 sence of subsection (a), be eligible to have such
3 payments made on the child's behalf under such
4 part, but only if the foster or adoptive parent
5 or parents of such child are not described under
6 subsection (a).

7 (G) Programs, services, or assistance (such
8 as soup kitchens, crisis counseling and interven-
9 tion, and short-term shelter) specified by the
10 Attorney General, in the Attorney General's
11 sole and unreviewable discretion after consulta-
12 tion with appropriate Federal agencies and de-
13 partments, which (i) deliver in-kind services at
14 the community level, including through public
15 or private nonprofit agencies; (ii) do not condi-
16 tion the provision of assistance, the amount of
17 assistance provided, or the cost of assistance
18 provided on the individual recipient's income or
19 resources; and (iii) are necessary for the protec-
20 tion of life or safety.

21 (H) Programs of student assistance under
22 titles IV, V, IX, and X of the Higher Education
23 Act of 1965.

24 (I) Means-tested programs under the Ele-
25 mentary and Secondary Education Act of 1965.

1 **CHAPTER 2—ATTRIBUTION OF INCOME**
2 **AND AFFIDAVITS OF SUPPORT**

3 **SEC. 221. ATTRIBUTION OF SPONSOR'S INCOME AND RE-**
4 **SOURCES TO ALIEN.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-
6 sion of law and except as provided in subsection (c), in
7 determining the eligibility and the amount of benefits of
8 an alien for any means-tested public benefits program (as
9 defined in subsection (e)) the income and resources of the
10 alien shall be deemed to include the following:

11 (1) The income and resources of any person
12 who executed an affidavit of support pursuant to
13 section 213A of the Immigration and Nationality
14 Act (as added by section 222) on behalf of such
15 alien.

16 (2) The income and resources of the spouse (if
17 any) of the person.

18 (b) **APPLICATION.**—Subsection (a) shall apply with
19 respect to an alien until such time as the alien achieves
20 United States citizenship through naturalization pursuant
21 to chapter 2 of title III of the Immigration and National-
22 ity Act.

23 (c) **EXCEPTIONS.**—Subsection (a) shall not apply
24 with respect to the following Federal public benefits:

1 (1) Emergency medical services under title XIX
2 or XXI of the Social Security Act.

3 (2) Short-term, non-cash, in-kind emergency
4 disaster relief.

5 (3) Assistance or benefits under the National
6 School Lunch Act.

7 (4) Assistance or benefits under the Child Nu-
8 trition Act of 1966.

9 (5)(A) Public health assistance for immuniza-
10 tions.

11 (B) Public health assistance for testing and
12 treatment of a serious communicable disease if the
13 Secretary of Health and Human Services determines
14 that it is necessary to prevent the spread of such
15 disease.

16 (6) Payments for foster care and adoption as-
17 sistance under part B of title IV of the Social Secu-
18 rity Act for a child who would, in the absence of
19 subsection (a), be eligible to have such payments
20 made on the child's behalf under such part, but only
21 if the foster or adoptive parent or parents of such
22 child are not described under subsection (a).

23 (7) Programs, services, or assistance (such as
24 soup kitchens, crisis counseling and intervention,
25 and short-term shelter) specified by the Attorney

1 General, in the Attorney General's sole and
2 unreviewable discretion after consultation with ap-
3 propriate Federal agencies and departments, which
4 (A) deliver in-kind services at the community level,
5 including through public or private nonprofit agen-
6 cies; (B) do not condition the provision of assistance,
7 the amount of assistance provided, or the cost of as-
8 sistance provided on the individual recipient's in-
9 come or resources; and (C) are necessary for the
10 protection of life or safety.

11 (8) Programs of student assistance under titles
12 IV, V, IX, and X of the Higher Education Act of
13 1965.

14 (d) REVIEW OF INCOME AND RESOURCES OF ALIEN
15 UPON REAPPLICATION.—Whenever an alien is required to
16 reapply for benefits under any means-tested public bene-
17 fits program, the applicable agency shall review the income
18 and resources attributed to the alien under subsection (a).

19 (e) MEANS-TESTED PUBLIC BENEFITS PROGRAM
20 DEFINED.—The term “means-tested public benefits pro-
21 gram” means a program of Federal public benefits provid-
22 ing direct spending (including cash, medical, housing, and
23 food assistance and social services) by the Federal Govern-
24 ment in which the eligibility of an individual, household,
25 or family eligibility unit for benefits, or the amount of

1 such benefits, or both are determined on the basis of in-
 2 come, resources, or financial need of the individual, house-
 3 hold, or unit.

4 (f) APPLICATION.—

5 (1) If on the date of the enactment of this Act,
 6 a means-tested public benefits program attributes a
 7 sponsor’s income and resources to an alien in deter-
 8 mining the alien’s eligibility and the amount of bene-
 9 fits for an alien, this section shall apply to any such
 10 determination beginning on the day after the date of
 11 the enactment of this Act.

12 (2) If on the date of the enactment of this Act,
 13 a means-tested public benefits program does not at-
 14 tribute a sponsor’s income and resources to an alien
 15 in determining the alien’s eligibility and the amount
 16 of benefits for an alien, this section shall apply to
 17 any such determination beginning 180 days after the
 18 date of the enactment of this Act.

19 **SEC. 222. REQUIREMENTS FOR SPONSOR’S AFFIDAVIT OF**
 20 **SUPPORT.**

21 (a) IN GENERAL.—Title II of the Immigration and
 22 Nationality Act is amended by inserting after section 213
 23 the following new section:

24 “REQUIREMENTS FOR SPONSOR’S AFFIDAVIT OF SUPPORT

25 “SEC. 213A. (a) ENFORCEABILITY.—(1) No affidavit
 26 of support may be accepted by the Attorney General or

1 by any consular officer to establish that an alien is not
2 excludable as a public charge under section 212(a)(4) un-
3 less such affidavit is executed as a contract—

4 “(A) which is legally enforceable against the
5 sponsor by the sponsored alien, the Federal Govern-
6 ment, and by any State (or any political subdivision
7 of such State) which provides any means-tested pub-
8 lic benefits program, but not later than 10 years
9 after the alien last receives any such benefit;

10 “(B) in which the sponsor agrees to financially
11 support the alien, so that the alien will not become
12 a public charge; and

13 “(C) in which the sponsor agrees to submit to
14 the jurisdiction of any Federal or State court for the
15 purpose of actions brought under subsection (e)(2).

16 “(2) A contract under paragraph (1) shall be enforce-
17 able with respect to benefits provided to the alien until
18 such time as the alien achieves United States citizenship
19 through naturalization pursuant to chapter 2 of title III.

20 “(b) FORMS.—Not later than 90 days after the date
21 of enactment of this section, the Attorney General, in con-
22 sultation with the Secretary of State and the Secretary
23 of Health and Human Services, shall formulate an affida-
24 vit of support consistent with the provisions of this sec-
25 tion.

1 “(c) REMEDIES.—Remedies available to enforce an
2 affidavit of support under this section include any or all
3 of the remedies described in section 3201, 3203, 3204,
4 or 3205 of title 28, United States Code, as well as an
5 order for specific performance and payment of legal fees
6 and other costs of collection, and include corresponding
7 remedies available under State law. A Federal agency may
8 seek to collect amounts owed under this section in accord-
9 ance with the provisions of subchapter II of chapter 37
10 of title 31, United States Code.

11 “(d) NOTIFICATION OF CHANGE OF ADDRESS.—

12 “(1) IN GENERAL.—The sponsor shall notify
13 the Attorney General and the State in which the
14 sponsored alien is currently a resident within 30
15 days of any change of address of the sponsor during
16 the period specified in subsection (a)(2).

17 “(2) PENALTY.—Any person subject to the re-
18 quirement of paragraph (1) who fails to satisfy such
19 requirement shall be subject to a civil penalty of—

20 “(A) not less than \$250 or more than
21 \$2,000, or

22 “(B) if such failure occurs with knowledge
23 that the alien has received any means-tested
24 public benefit, not less than \$2,000 or more
25 than \$5,000.

1 “(e) REIMBURSEMENT OF GOVERNMENT EX-
2 PENSES.—(1)(A) Upon notification that a sponsored alien
3 has received any benefit under any means-tested public
4 benefits program, the appropriate Federal, State, or local
5 official shall request reimbursement by the sponsor in the
6 amount of such assistance.

7 “(B) The Attorney General, in consultation with the
8 Secretary of Health and Human Services, shall prescribe
9 such regulations as may be necessary to carry out sub-
10 paragraph (A).

11 “(2) If within 45 days after requesting reimburse-
12 ment, the appropriate Federal, State, or local agency has
13 not received a response from the sponsor indicating a will-
14 ingness to commence payments, an action may be brought
15 against the sponsor pursuant to the affidavit of support.

16 “(3) If the sponsor fails to abide by the repayment
17 terms established by such agency, the agency may, within
18 60 days of such failure, bring an action against the spon-
19 sor pursuant to the affidavit of support.

20 “(4) No cause of action may be brought under this
21 subsection later than 10 years after the alien last received
22 any benefit under any means-tested public benefits pro-
23 gram.

24 “(5) If, pursuant to the terms of this subsection, a
25 Federal, State, or local agency requests reimbursement

1 from the sponsor in the amount of assistance provided,
 2 or brings an action against the sponsor pursuant to the
 3 affidavit of support, the appropriate agency may appoint
 4 or hire an individual or other person to act on behalf of
 5 such agency acting under the authority of law for purposes
 6 of collecting any moneys owed. Nothing in this subsection
 7 shall preclude any appropriate Federal, State, or local
 8 agency from directly requesting reimbursement from a
 9 sponsor for the amount of assistance provided, or from
 10 bringing an action against a sponsor pursuant to an affi-
 11 davit of support.

12 “(f) DEFINITIONS.—For the purposes of this sec-
 13 tion—

14 “(1) SPONSOR.—The term ‘sponsor’ means an
 15 individual who—

16 “(A) is a citizen or national of the United
 17 States or an alien who is lawfully admitted to
 18 the United States for permanent residence;

19 “(B) is 18 years of age or over;

20 “(C) is domiciled in any State; and

21 “(D) is the person petitioning for the ad-
 22 mission of the alien under section 204.

23 “(2) MEANS-TESTED PUBLIC BENEFITS PRO-
 24 GRAM DEFINED.—The term ‘means-tested public
 25 benefits program’ means a program of Federal pub-

1 lic benefits providing direct spending (including
2 cash, medical, housing, and food assistance and so-
3 cial services) by the Federal Government in which
4 the eligibility of an individual, household, or family
5 eligibility unit for benefits, or the amount of such
6 benefits, or both are determined on the basis of in-
7 come, resources, or financial need of the individual,
8 household, or unit.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of such Act is amended by inserting after the item relating
11 to section 213 the following:

“Sec. 213A. Requirements for sponsor’s affidavit of support.”.

12 (c) EFFECTIVE DATE.—Subsection (a) of section
13 213A of the Immigration and Nationality Act, as inserted
14 by subsection (a) of this section, shall apply to affidavits
15 of support executed on or after a date specified by the
16 Attorney General, which date shall be not earlier than 60
17 days (and not later than 90 days) after the date the Attor-
18 ney General formulates the form for such affidavits under
19 subsection (b) of such section.

20 (d) BENEFITS NOT SUBJECT TO REIMBURSE-
21 MENT.—Requirements for reimbursement by a sponsor for
22 benefits provided to a sponsored alien pursuant to an affi-
23 davit of support under section 213A of the Immigration
24 and Nationality Act shall not apply with respect to the
25 following:

1 (1) Emergency medical services under title XIX
2 or XXI of the Social Security Act.

3 (2) Short-term, non-cash, in-kind emergency
4 disaster relief.

5 (3) Assistance or benefits under the National
6 School Lunch Act.

7 (4) Assistance or benefits under the Child Nu-
8 trition Act of 1966.

9 (5)(A) Public health assistance for immuniza-
10 tions.

11 (B) Public health assistance for testing and
12 treatment of a serious communicable disease if the
13 Secretary of Health and Human Services determines
14 that it is necessary to prevent the spread of such
15 disease.

16 (6) Payments for foster care and adoption as-
17 sistance under part B of title IV of the Social Secu-
18 rity Act for a child who would, in the absence of
19 subsection (a), be eligible to have such payments
20 made on the child's behalf under such part, but only
21 if the foster or adoptive parent or parents of such
22 child are not described under subsection (a).

23 (7) Programs, services, or assistance (such as
24 soup kitchens, crisis counseling and intervention,
25 and short-term shelter) specified by the Attorney

1 General, in the Attorney General's sole and
2 unreviewable discretion after consultation with ap-
3 propriate Federal agencies and departments, which
4 (A) deliver in-kind services at the community level,
5 including through public or private nonprofit agen-
6 cies; (B) do not condition the provision of assistance,
7 the amount of assistance provided, or the cost of as-
8 sistance provided on the individual recipient's in-
9 come or resources; and (C) are necessary for the
10 protection of life or safety.

11 (8) Programs of student assistance under titles
12 IV, V, IX, and X of the Higher Education Act of
13 1965.

14 **SEC. 223. COSIGNATURE OF ALIEN STUDENT LOANS.**

15 Section 484(b) of the Higher Education Act of 1965
16 (20 U.S.C. 1091(b)) is amended by adding at the end the
17 following new paragraph:

18 “(6) Notwithstanding sections 427(a)(2)(C),
19 428B(a), 428C(b)(4)(A), and 464(c)(1)(E), a stu-
20 dent who is an alien lawfully admitted for perma-
21 nent residence under the Immigration and National-
22 ity Act shall not be eligible for a loan under this title
23 unless the loan is endorsed and cosigned by the
24 alien's sponsor under section 213A of the Immigra-

1 tion and Nationality Act or by another individual
2 who is a United States citizen.”.

3 **CHAPTER 3—GENERAL PROVISIONS**

4 **SEC. 231. DEFINITIONS.**

5 (a) **IN GENERAL.**—Except as otherwise provided in
6 this subtitle, the terms used in this subtitle have the same
7 meaning given such terms in section 101(a) of the Immi-
8 gration and Nationality Act.

9 (b) **QUALIFIED ALIEN.**—For purposes of this sub-
10 title, the term “qualified alien” means an alien who, at
11 the time the alien applies for, receives, or attempts to re-
12 ceive a Federal public benefit, is—

13 (1) an alien who is lawfully admitted for perma-
14 nent residence under the Immigration and National-
15 ity Act,

16 (2) an alien who is granted asylum under sec-
17 tion 208 of such Act,

18 (3) a refugee who is admitted to the United
19 States under section 207 of such Act,

20 (4) an alien who is paroled into the United
21 States under section 212(d)(5) of such Act for a pe-
22 riod of at least 1 year,

23 (5) an alien whose deportation is being withheld
24 under section 243(h) of such Act, or

1 (6) an alien who is granted conditional entry
2 pursuant to section 203(a)(7) of such Act as in ef-
3 fect prior to April 1, 1980.

4 **SEC. 232. REAPPLICATION FOR SSI BENEFITS.**

5 (a) APPLICATION AND NOTICE.—Notwithstanding
6 any other provision of law, in the case of an individual
7 who is receiving supplemental security income benefits
8 under title XVI of the Social Security Act as of the date
9 of the enactment of this Act and whose eligibility for such
10 benefits would terminate by reason of the application of
11 section 202(a)(2)(D), the Commissioner of Social Security
12 shall so notify the individual not later than 90 days after
13 the date of the enactment of this Act.

14 (b) REAPPLICATION.—

15 (1) IN GENERAL.—Not later than 120 days
16 after the date of the enactment of this Act, each in-
17 dividual notified pursuant to subsection (a) who de-
18 sires to reapply for benefits under title XVI of the
19 Social Security Act shall reapply to the Commis-
20 sioner of Social Security.

21 (2) DETERMINATION OF ELIGIBILITY.—Not
22 later than 1 year after the date of the enactment of
23 this Act, the Commissioner of Social Security shall
24 determine the eligibility of each individual who re-

1 applies for benefits under paragraph (1) pursuant to
2 the procedures of such title XVI.

3 **SEC. 233. STATUTORY CONSTRUCTION.**

4 (a) LIMITATION.—

5 (1) Nothing in this subtitle may be construed
6 as an entitlement or a determination of an individ-
7 ual's eligibility or fulfillment of the requisite require-
8 ments for any Federal, State, or local governmental
9 program, assistance, or benefits. For purposes of
10 this subtitle, eligibility relates only to the general
11 issue of eligibility or ineligibility on the basis of
12 alienage.

13 (2) Nothing in this subtitle may be construed
14 as addressing alien eligibility for a basic public edu-
15 cation as determined by the Supreme Court of the
16 United States under *Plyler v. Doe* (457 U.S. 202)
17 (1982).

18 (b) NOT APPLICABLE TO FOREIGN ASSISTANCE.—
19 This subtitle does not apply to any Federal, State, or local
20 governmental program, assistance, or benefits provided to
21 an alien under any program of foreign assistance as deter-
22 mined by the Secretary of State in consultation with the
23 Attorney General.

24 (c) SEVERABILITY.—If any provision of this subtitle
25 or the application of such provision to any person or cir-

1 cumstance is held to be unconstitutional, the remainder
2 of this subtitle and the application of the provisions of
3 such to any person or circumstance shall not be affected
4 thereby.

5 **Subtitle B—Communications and** 6 **Spectrum Allocation Provisions**

7 **SEC. 301. SPECTRUM AUCTIONS.**

8 (a) **EXTENSION AND EXPANSION OF AUCTION AU-**
9 **THORITY.—**

10 (1) **AMENDMENTS.—**Section 309(j) of the Com-
11 munications Act of 1934 (47 U.S.C. 309(j)) is
12 amended—

13 (A) by striking paragraphs (1) and (2) and
14 inserting the following:

15 “(1) **GENERAL AUTHORITY.—**If, consistent with
16 the obligations described in paragraph (6)(E), mutu-
17 ally exclusive applications are accepted for any ini-
18 tial license or construction permit, then the Commis-
19 sion shall grant such license or permit to a qualified
20 applicant through a system of competitive bidding
21 that meets the requirements of this subsection.

22 “(2) **EXEMPTIONS.—**The competitive bidding
23 authority granted by this subsection shall not apply
24 to licenses or construction permits issued by the
25 Commission—

1 “(A) that, as the result of the Commission
2 carrying out the obligations described in para-
3 graph (6)(E), are not mutually exclusive;

4 “(B) for public safety radio services, in-
5 cluding non-Government uses the sole or prin-
6 cipal purpose of which is to protect the safety
7 of life, health, and property and which are not
8 made commercially available to the public; or

9 “(C) for initial licenses or construction
10 permits for new terrestrial digital television
11 services assigned by the Commission to existing
12 terrestrial broadcast licensees to replace their
13 current television licenses, unless—

14 “(i) the Commission, not later than
15 180 days after the date of enactment of
16 the Act, after notice and public com-
17 ment, submits to Congress a report on the
18 use of the authority provided in this sub-
19 section for the assignment of initial li-
20 censes or construction permits for use of
21 the electromagnetic spectrum allocated but
22 not assigned as of the date of enactment of
23 that Act for television broadcast services;
24 and

1 “(ii) the Congress amends this sub-
2 section to authorize the use of the author-
3 ity provided by this subsection for such li-
4 censes or permits.

5 Except as provided in this subparagraph, the
6 Commission may not assign initial licenses or
7 construction permits under this title to terres-
8 trial commercial television broadcast licensees
9 to replace their existing broadcast licenses be-
10 fore November 15, 1996.”; and

11 (B) by striking “1998” in paragraph (11)
12 and inserting “2002”.

13 (2) CONFORMING AMENDMENT.—Subsection (i)
14 of section 309 of such Act is repealed.

15 (3) EFFECTIVE DATE.—The amendment made
16 by paragraph (1)(A) shall not apply with respect to
17 any license or permit for a terrestrial radio or tele-
18 vision broadcast station for which the Federal Com-
19 munications Commission has accepted mutually ex-
20 clusive applications on or before the date of enact-
21 ment of this Act.

22 (b) COMMISSION OBLIGATION TO MAKE ADDITIONAL
23 SPECTRUM AVAILABLE BY AUCTION.—

24 (1) IN GENERAL.—The Federal Communica-
25 tions Commission shall complete all actions nec-

1 essary to permit the assignment, by September 30,
2 2002, by competitive bidding pursuant to section
3 309(j) of the Communications Act of 1934 (47
4 U.S.C. 309(j)) of licenses for the use of bands of
5 frequencies that—

6 (A) individually span not less than 25
7 megahertz, unless a combination of smaller
8 bands can, notwithstanding the provisions of
9 paragraph (7) of such section, reasonably be ex-
10 pected to produce greater receipts;

11 (B) in the aggregate span not less than
12 100 megahertz;

13 (C) are located below 3 gigahertz; and

14 (D) have not, as of the date of enactment
15 of this Act—

16 (i) been designated by Commission
17 regulation for assignment pursuant to such
18 section;

19 (ii) been identified by the Secretary of
20 Commerce pursuant to section 113 of the
21 National Telecommunications and Infor-
22 mation Administration Organization Act;
23 or

24 (iii) been reserved for Federal Govern-
25 ment use pursuant to section 305 of the

1 Communications Act of 1934 (47 U.S.C.
2 305).

3 The Commission shall conduct the competitive
4 bidding for not less than one-half of such aggregate
5 spectrum by September 30, 2000.

6 (2) CRITERIA FOR REASSIGNMENT.—In making
7 available bands of frequencies for competitive bidding
8 pursuant to paragraph (1), the Commission
9 shall—

10 (A) seek to promote the most efficient use
11 of the spectrum;

12 (B) take into account the cost to incumbent
13 licensees of relocating existing uses to
14 other bands of frequencies or other means of
15 communication;

16 (C) take into account the needs of public
17 safety radio services;

18 (D) comply with the requirements of international
19 agreements concerning spectrum allocations; and
20

21 (E) take into account the costs to satellite
22 service providers that could result from multiple
23 auctions of like spectrum internationally for
24 global satellite systems.

1 (3) NOTIFICATION TO NTIA.—The Commission
2 shall notify the Secretary of Commerce if—

3 (A) the Commission is not able to provide
4 for the effective relocation of incumbent licens-
5 ees to bands of frequencies that are available to
6 the Commission for assignment; and

7 (B) the Commission has identified bands
8 of frequencies that are—

9 (i) suitable for the relocation of such
10 licensees; and

11 (ii) allocated for Federal Government
12 use, but that could be reallocated pursuant
13 to part B of the National Telecommuni-
14 cations and Information Administration
15 Organization Act (as amended by this sec-
16 tion).

17 (c) IDENTIFICATION AND REALLOCATION OF FRE-
18 QUENCIES.—The National Telecommunications and Infor-
19 mation Administration Organization Act (47 U.S.C. 901
20 et seq.) is amended—

21 (1) in section 113, by adding at the end the fol-
22 lowing new subsections:

23 “(f) ADDITIONAL REALLOCATION REPORT.—If the
24 Secretary receives a notice from the Commission pursuant
25 to section 301(b)(3) of the Act, the Secretary shall

1 prepare and submit to the President and the Congress a
2 report recommending for reallocation for use other than
3 by Federal Government stations under section 305 of the
4 1934 Act (47 U.S.C. 305), bands of frequencies that are
5 suitable for the uses identified in the Commission's notice.

6 “(g) RELOCATION OF FEDERAL GOVERNMENT STA-
7 TIONS.—

8 “(1) IN GENERAL.—In order to expedite the ef-
9 ficient use of the electromagnetic spectrum and not-
10 withstanding section 3302(b) of title 31, United
11 States Code, any Federal entity which operates a
12 Federal Government station may accept payment in
13 advance or in-kind reimbursement of costs, or a
14 combination of payment in advance and in-kind re-
15 imbursement, from any person to defray entirely the
16 expenses of relocating the Federal entity's oper-
17 ations from one or more radio spectrum frequencies
18 to another frequency or frequencies, including, with-
19 out limitation, the costs of any modification, replace-
20 ment, or reissuance of equipment, facilities, operat-
21 ing manuals, regulations, or other expenses incurred
22 by that entity. Any such payment shall be deposited
23 in the account of such Federal entity in the Treas-
24 ury of the United States. Funds deposited according
25 to this paragraph shall be available, without appro-

1 priation or fiscal year limitation, only for the oper-
2 ations of the Federal entity for which such funds
3 were deposited under this paragraph.

4 “(2) PROCESS FOR RELOCATION.—Any person
5 seeking to relocate a Federal Government station
6 that has been assigned a frequency within a band al-
7 located for mixed Federal and non-Federal use may
8 submit a petition for such relocation to NTIA. The
9 NTIA shall limit or terminate the Federal Govern-
10 ment station’s operating license when the following
11 requirements are met:

12 “(A) the person seeking relocation of the
13 Federal Government station has guaranteed to
14 defray entirely, through payment in advance,
15 in-kind reimbursement of costs, or a combina-
16 tion thereof, all relocation costs incurred by the
17 Federal entity, including all engineering, equip-
18 ment, site acquisition and construction, and
19 regulatory fee costs;

20 “(B) the person seeking relocation com-
21 pletes all activities necessary for implementing
22 the relocation, including construction of replace-
23 ment facilities (if necessary and appropriate)
24 and identifying and obtaining on the Federal
25 entity’s behalf new frequencies for use by the

1 relocated Federal Government station (where
2 such station is not relocating to spectrum re-
3 served exclusively for Federal use);

4 “(C) any necessary replacement facilities,
5 equipment modifications, or other changes have
6 been implemented and tested to ensure that the
7 Federal Government station is able to success-
8 fully accomplish its purposes; and

9 “(D) NTIA has determined that the pro-
10 posed use of the spectrum frequency band to
11 which the Federal entity will relocate its oper-
12 ations is—

13 “(i) consistent with obligations under-
14 taken by the United States in international
15 agreements and with United States na-
16 tional security and public safety interests;
17 and

18 “(ii) suitable for the technical charac-
19 teristics of the band and consistent with
20 other uses of the band.

21 In exercising its authority under subparagraph
22 (D)(i), NTIA shall consult with the Secretary of
23 Defense, the Secretary of State, or other appro-
24 priate officers of the Federal Government.

1 “(3) RIGHT TO RECLAIM.—If within one year
2 after the relocation the Federal Government station
3 demonstrates to the Commission that the new facili-
4 ties or spectrum are not comparable to the facilities
5 or spectrum from which the Federal Government
6 station was relocated, the person seeking such relo-
7 cation must take reasonable steps to remedy any de-
8 fects or pay the Federal entity for the costs of re-
9 turning the Federal Government station to the spec-
10 trum from which such station was relocated.

11 “(h) FEDERAL ACTION TO EXPEDITE SPECTRUM
12 TRANSFER.—Any Federal Government station which op-
13 erates on electromagnetic spectrum that has been identi-
14 fied for reallocation for mixed Federal and non-Federal
15 use in any reallocation report under subsection (a) shall,
16 to the maximum extent practicable through the use of the
17 authority granted under subsection (g) and any other ap-
18 plicable provision of law, take action to relocate its spec-
19 trum use to other frequencies that are reserved for Fed-
20 eral use or to consolidate its spectrum use with other Fed-
21 eral Government stations in a manner that maximizes the
22 spectrum available for non-Federal use. Subsection (c)(4)
23 of this section shall not apply to the extent that a non-
24 Federal user seeks to relocate or relocates a Federal power
25 agency under subsection (g).

1 “(i) DEFINITION.—For purposes of this section, the
2 term ‘Federal entity’ means any department, agency, or
3 other instrumentality of the Federal Government that uti-
4 lizes a Government station license obtained under section
5 305 of the 1934 Act (47 U.S.C. 305).”; and

6 (2) in section 114(a)(1), by striking “(a) or
7 (d)(1)” and inserting “(a), (d)(1), or (f)”.

8 (d) IDENTIFICATION AND REALLOCATION OF
9 AUCTIONABLE FREQUENCIES.—The National Tele-
10 communications and Information Administration Organi-
11 zation Act (47 U.S.C. 901 et seq.) is
12 amended—

13 (1) in section 113(b)—

14 (A) by striking the heading of paragraph
15 (1) and inserting “INITIAL REALLOCATION RE-
16 PORT.—”;

17 (B) by inserting “in the first report re-
18 quired by subsection (a)” after “recommend for
19 reallocation” in paragraph (1);

20 (C) by inserting “or (3)” after “paragraph
21 (1)” each place it appears in paragraph (2);

22 and

23 (D) by inserting after paragraph (2) the
24 following new paragraph:

1 “(3) SECOND REALLOCATION REPORT.—In ac-
2 cordance with the provisions of this section, the Sec-
3 retary shall recommend for reallocation in the sec-
4 ond report required by subsection (a), for use other
5 than by Federal Government stations under section
6 305 of the 1934 Act (47 U.S.C. 305), a single fre-
7 quency band that spans not less than an additional
8 20 megahertz, that is located below 3 gigahertz, and
9 that meets the criteria specified in paragraphs (1)
10 through (5) of subsection (a).”; and

11 (2) in section 115—

12 (A) in subsection (b), by striking “the re-
13 port required by section 113(a)” and inserting
14 “the initial reallocation report required by sec-
15 tion 113(a)”;

16 (B) by adding at the end the following new
17 subsection:

18 “(c) ALLOCATION AND ASSIGNMENT OF FRE-
19 QUENCIES IDENTIFIED IN THE SECOND REALLOCATION
20 REPORT.—With respect to the frequencies made available
21 for reallocation pursuant to section 113(b)(3), the Com-
22 mission shall, not later than 1 year after receipt of the
23 second reallocation report required by such section, pre-
24 pare, submit to the President and the Congress, and im-
25 plement, a plan for the allocation and assignment under

1 the 1934 Act of such frequencies. Such plan shall propose
2 the immediate allocation and assignment of all such fre-
3 quencies in accordance with section 309(j) of the 1934 Act
4 (47 U.S.C. 309(j)).”

○