

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4548

To enforce the restriction on in-State tuition for aliens unlawfully present  
in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2010

Mr. TIAHRT (for himself, Mr. BILBRAY, Mr. HUNTER, and Mr. ALEXANDER)  
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 com-  
mittee concerned

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## A BILL

To enforce the restriction on in-State tuition for aliens  
unlawfully present in 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. SHORT TITLE.**

4 This Act may be cited as the “Fairness for American  
5 Students Act”.

1 **SEC. 2. ENFORCING FEDERAL RESTRICTION ON IN-STATE**  
2 **TUITION FOR ALIENS NOT LAWFULLY**  
3 **PRESENT.**

4 (a) IN GENERAL.—Section 505 of the Illegal Immi-  
5 gration Reform and Immigrant Responsibility Act of 1996  
6 (8 U.S.C. 1623) is amended—

7 (1) in subsection (a)—

8 (A) by striking “on the basis of residence  
9 within a State (or a political subdivision)”; and

10 (B) by striking “unless a citizen” and all  
11 that follows through the period and inserting  
12 “unless every citizen and national of the United  
13 States is entitled to such benefit (in no less an  
14 amount, duration, and scope) without regard to  
15 the citizen or national’s place of residence or  
16 the geographic location of any school from  
17 which the citizen or national was graduated.”;

18 (2) by redesignating subsection (b) as sub-  
19 section (c);

20 (3) by inserting after subsection (a) the fol-  
21 lowing:

22 “(b) ENFORCEMENT BY CIVIL ACTION.—

23 “(1) IN GENERAL.—Any citizen or national of  
24 the United States who is attending, or is enrolled in,  
25 a postsecondary educational institution may com-  
26 mence a civil action against any official of the insti-

1       tution, or any official of a State agency that regu-  
2       lates the institution, to require compliance with sub-  
3       section (a).

4               “(2) RELIEF.—An individual prevailing in any  
5       action under paragraph (1) shall be entitled to all  
6       relief necessary to make the individual whole, includ-  
7       ing compensation for any special damages sustained  
8       as a result of the violation (such as any additional  
9       tuition and fees paid by the plaintiff above the tui-  
10      tion and fees charged to residents of the State or po-  
11      litical subdivision in question), litigation costs, ex-  
12      pert witness fees, and reasonable attorney fees.”;  
13      and

14              (4) by adding at the end the following:

15              “(d) ANNUAL REPORT.—The Attorney General shall  
16      report annually to the Congress on which, if any, postsec-  
17      ondary educational institutions are providing benefits in  
18      contravention of subsection (a).

19              “(e) DENIAL OF FEDERAL FINANCIAL ASSIST-  
20      ANCE.—No Federal agency shall provide any grant, reim-  
21      bursement, or other financial assistance to any postsec-  
22      ondary educational institution determined under sub-  
23      section (d) to be providing benefits in contravention of  
24      subsection (a). Any funds withheld under this subsection

1 shall be reallocated among qualifying educational institu-  
2 tions that are in compliance with subsection (a).”.

3 (b) AUTHORITY.—This section is enacted in the exer-  
4 cise of the power of the Congress under section 5 of the  
5 14th article of amendment to the Constitution of the  
6 United States.

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