

119TH CONGRESS
1ST SESSION

H. R. 2490

To amend section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to prohibit the provision of assistance under title IV of the Higher Education Act of 1965 to States that offer in-State tuition rates to aliens who are not lawfully present in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2025

Mr. BURCHETT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Workforce, 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 amend section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to prohibit the provision of assistance under title IV of the Higher Education Act of 1965 to States that offer in-State tuition rates to aliens who are not lawfully present in the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No In-State Tuition
3 for Illegal Immigrants Act”.

4 **SEC. 2. RESTRICTING IN-STATE TUITION RATES FOR**
5 **ALIENS NOT LAWFULLY PRESENT.**

6 Section 505 of the Illegal Immigration Reform and
7 Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is
8 amended—

9 (1) in subsection (b), by striking “This section”
10 and inserting “Subsection (a)”; and

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

12 “(c) PROHIBITION ON FEDERAL FINANCIAL ASSIST-
13 ANCE UNDER HEA TITLE IV.—

14 “(1) IN GENERAL.—A State may not receive
15 any Federal financial assistance under title IV of the
16 Higher Education Act of 1965 (20 U.S.C. 1070 et
17 seq.) for the fiscal year following any fiscal year in
18 which the Secretary of Education determines that
19 the State is an ineligible State under paragraph (2).

20 “(2) INELIGIBILITY.—A State is an ineligible
21 State for purposes of this subsection if the State
22 charges an alien who is not lawfully present in the
23 United States tuition for attendance at a public in-
24 stitution of higher education in the State at a rate
25 that is equal to or less than the rate charged for

1 residents of the State who are citizens of the United
2 States.

3 “(3) DEFINITIONS.—In this subsection:

4 “(A) The term ‘Federal financial assist-
5 ance’ has the meaning given such term in sec-
6 tion 7501(a)(5) of title 31, United States Code.

7 “(B) The term ‘institution of higher edu-
8 cation’ has the meaning given such term in sec-
9 tion 101 of the Higher Education Act of 1965
10 (20 U.S.C. 1001).

11 “(C) The term ‘State’ has the meaning
12 given such term in section 103 of the Higher
13 Education Act of 1964 (20 U.S.C. 1003).”.

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