

110TH CONGRESS
1ST SESSION

H. R. 416

To amend the Higher Education Act of 1965 to prohibit assistance to institutions of higher education located in States that provide in-State tuition or other forms of student financial assistance to illegal aliens.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2007

Mr. GALLEGLY introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to prohibit assistance to institutions of higher education located in States that provide in-State tuition or other forms of student financial assistance to illegal aliens.

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 in Higher
5 Education Act of 2007”.

1 **SEC. 2. LIMITATION ON ASSISTANCE TO INSTITUTIONS.**

2 Part B of title I of the Higher Education Act of 1965
3 (20 U.S.C. 1011 et seq.) is amended by adding at the end
4 the following new section:

5 **“SEC. 123. LIMITATION ON ASSISTANCE TO INSTITUTIONS.**

6 “(a) LIMITATION.—Notwithstanding any other provi-
7 sion of this Act, none of the funds made available under
8 this Act may be provided, under a grant to or contract
9 with an institution of higher education, to an institution
10 that is located in a State that by law expressly authorizes
11 the provision of State student financial assistance to stu-
12 dents who are aliens who are not lawfully present in the
13 United States.

14 “(b) INAPPLICABILITY TO FEDERAL STUDENT FI-
15 NANCIAL ASSISTANCE.—The limitation contained in sub-
16 section (a) shall not be construed to prohibit, limit, or oth-
17 erwise affect the payment of Federal student financial as-
18 sistance to any student at an institution that is located
19 in a State described in such subsection.

20 “(c) DEFINITIONS.—

21 “(1) STATE STUDENT FINANCIAL ASSIST-
22 ANCE.—The term ‘State student financial assist-
23 ance’ means any grant, loan, work-study, or other
24 form of financial assistance provided by a State (or
25 agency or instrumentality thereof) to reduce the cost
26 of attendance for a student at an institution of high-

1 er education, and includes a reduction in the tuition
2 or fees (or both) for students who reside within that
3 State (as compared to the tuition or fees charged to
4 non-residents of that State).

5 “(2) FEDERAL STUDENT FINANCIAL ASSIST-
6 ANCE.—The term ‘Federal student financial assist-
7 ance’ means any grant, loan, work-study, or other
8 form of financial assistance provided under this Act
9 to reduce the cost of attendance for a student at an
10 institution of higher education.”.

