

119TH CONGRESS
1ST SESSION

S. _____

To prevent any alien who is not lawfully admitted for permanent residence from obtaining in-State tuition rates at public institutions of higher education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To prevent any alien who is not lawfully admitted for permanent residence from obtaining in-State tuition rates at public institutions of higher education, 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 “Put American Stu-
5 dents First Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Section 505 of the Illegal Immigration Re-
2 form and Immigrant Responsibility Act of 1996 (8
3 U.S.C. 1623) already prohibits States from granting
4 in-State rates for tuition and fees to aliens who are
5 not lawfully present in the United States on the
6 basis of residence within the State, unless the same
7 rates are offered to all citizens of the United States
8 regardless of residence.

9 (2) Despite this prohibition, as of 2025, 22
10 States and the District of Columbia continue to pro-
11 vide in-State rates for tuition and fees to such aliens
12 through policies that circumvent Federal law, sub-
13 sidizing their postsecondary education at a cost to
14 taxpayers of the United States estimated at more
15 than \$1,000,000,000 annually.

16 (3) Providing such subsidies creates a perverse
17 incentive for illegal immigration, rewarding unlawful
18 presence with benefits unavailable to citizens and
19 legal residents of the United States who do not live
20 within such State, and undermines the rule of law.

21 (4) Students of the United States in higher
22 education, including students from modest-income
23 families in neighboring States, are effectively penal-
24 ized by States that provide such subsidies because
25 the students pay higher out-of-State rates for tuition

1 and fees while aliens not lawfully admitted for per-
2 manent residence receive taxpayer-subsidized dis-
3 counts.

4 (5) Enforcing this Federal prohibition nation-
5 wide is essential to restoring fairness, deterring ille-
6 gal immigration, and prioritizing postsecondary edu-
7 cation benefits for citizens and lawful permanent
8 residents of the United States.

9 **SEC. 3. PROHIBITION ON IN-STATE TUITION RATES FOR**
10 **ALIENS NOT LAWFULLY ADMITTED FOR PER-**
11 **MANENT RESIDENCE.**

12 (a) IN GENERAL.—Section 505 of the Illegal Immi-
13 gration Reform and Immigrant Responsibility Act of 1996
14 (8 U.S.C. 1623) is amended to read as follows:

15 **“SEC. 505. INELIGIBILITY FOR IN-STATE TUITION AND FEES**
16 **FOR ALIENS NOT LAWFULLY ADMITTED FOR**
17 **PERMANENT RESIDENCE.**

18 “(a) DEFINITIONS.—In this section:

19 “(1) IN-STATE TUITION RATE.—The term ‘in-
20 State tuition rate’ means the rate of tuition and fees
21 for attendance at a public institution of higher edu-
22 cation of a State or political subdivision of a State
23 that is charged for a resident of the State.

24 “(2) LAWFULLY ADMITTED FOR PERMANENT
25 RESIDENCE.—The term ‘lawfully admitted for per-

1 manent residence’ has the meaning given such term
2 in section 101(a)(20) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1101(a)(20)).

4 “(3) OUT-OF-STATE TUITION RATE.—The term
5 ‘out-of-State tuition rate’ means the rate of tuition
6 and fees for attendance at a public institution of
7 higher education of a State or political subdivision of
8 a State that is charged for a non-resident of the
9 State.

10 “(4) POSTSECONDARY EDUCATION BENEFIT.—
11 The term ‘postsecondary education benefit’ means
12 any tuition reduction, fee waiver, scholarship, grant,
13 or other financial assistance provided by a State or
14 political subdivision of a State for attendance at a
15 public institution of higher education, including an
16 in-State resident tuition rate.

17 “(5) STATE.—The term ‘State’ means the sev-
18 eral States of the United States, the District of Co-
19 lumbia, Puerto Rico, Guam, the Virgin Islands of
20 the United States, and the Commonwealth of the
21 Northern Mariana Islands.

22 “(b) INELIGIBILITY.—Notwithstanding any other
23 provision of law—

24 “(1) an alien who is not lawfully admitted for
25 permanent residence shall not be eligible for any

1 postsecondary education benefit, including an in-
2 State tuition rate, offered by a State or political sub-
3 division of a State; and

4 “(2) a State shall ensure that each public insti-
5 tution of higher education of the State or a political
6 subdivision of a State charges an alien who is not
7 lawfully admitted for permanent residence the out-
8 of-State tuition rate.

9 “(c) VERIFICATION OF IMMIGRATION STATUS.—

10 “(1) IN GENERAL.—Beginning on the date of
11 enactment of the Put American Students First Act,
12 each public institution of higher education shall
13 verify the immigration status of each student en-
14 rolled in the institution through the Systematic
15 Alien Verification for Entitlements (SAVE) program
16 operated by the Department of Homeland Security,
17 or a successor program, prior to granting any post-
18 secondary education benefit to the student.

19 “(2) FREQUENCY.—The verification required
20 under paragraph (1) shall be conducted annually for
21 each enrolled student receiving a postsecondary edu-
22 cation benefit.

23 “(3) REIMBURSEMENT.—Any public institution
24 of higher education that has provided an in-State

1 tuition rate or fee to an alien in violation of this sec-
2 tion—

3 “(A) shall seek reimbursement from such
4 alien for the difference between the in-State tui-
5 tion rate and the out-of-State tuition rate for
6 each term of enrollment, plus interest at the
7 rate applicable to a Federal Direct Unsub-
8 sidized Stafford Loan under section 455(b) of
9 the Higher Education Act of 1965 (20 U.S.C.
10 1085(b)) for such term of enrollment; and

11 “(B) if reimbursement as described in sub-
12 paragraph (A) is not made within 90 days of
13 the request, shall not allow the alien to enroll
14 for any future terms in the institution until the
15 reimbursement is completed.

16 “(d) APPLICABILITY.—This section applies to—

17 “(1) any alien who enrolls in a public institu-
18 tion of higher education on or after the date of en-
19 actment of the Put American Students First Act;
20 and

21 “(2) any alien—

22 “(A) who is a student enrolled in the pub-
23 lic institution of higher education who enrolled
24 before such date of enactment; and

1 “(B) whom the institution, after com-
2 pleting the verification required under sub-
3 section (c) for an academic year after such date
4 of enactment, determines is not lawfully admit-
5 ted for permanent residence.”.

6 (b) ADDITIONAL ENFORCEMENT REQUIREMENTS.—

7 (1) VIOLATIONS BY STATES.—Section 400 of
8 the Higher Education Act of 1965 (20 U.S.C. 1070)
9 is amended by adding at the end the following:

10 “(c) DISQUALIFICATION OF STATES THAT PROVIDE
11 IN-STATE TUITION TO ILLEGAL ALIENS.—Notwith-
12 standing any other provision of this part, a State that the
13 Secretary has determined has violated the requirements
14 of section 505 of the Illegal Immigration Reform and Im-
15 migrant Responsibility Act of 1996 (8 U.S.C. 1623) for
16 a fiscal year shall be ineligible for any grant under chapter
17 2 of subpart 2, subpart 4, or subpart 6 for the fiscal year
18 immediately following such determination.”.

19 (2) INSTITUTIONAL REQUIREMENT FOR PAR-
20 TICIPATION IN THE FEDERAL STUDENT LOAN PRO-
21 GRAM.—Section 487(a) of the Higher Education Act
22 of 1965 (20 U.S.C. 1094(a)) is amended by adding
23 at the end the following:

24 “(30) In the case of a public institution, the in-
25 stitution will comply with the requirements of sec-

1 tion 505 of the Illegal Immigration Reform and Im-
2 migrant Responsibility Act of 1996.”.

3 (c) EFFECTIVE DATE.—Except as otherwise speci-
4 fied, the amendments made by this section shall take ef-
5 fect on the date of enactment of this Act and shall apply
6 to academic years beginning on or after July 1, 2026.

7 **SEC. 4. SEVERABILITY.**

8 If any provision of this Act or the amendments made
9 by this Act, or the application of such provision to any
10 person or circumstance, is held to be unconstitutional, the
11 remainder of this Act and the amendments made by this
12 Act, and the application of the provisions of such to any
13 person or circumstance, shall not be affected thereby.