

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 11, 2006

LB 239

would argue that that allows the state to provide an in-state tuition residency opportunity for those who are residents here, and still prohibit those who are not residents of the state, but who are American citizens, from that same opportunity. Again, I believe that is a broad definition. Let me read you what the Congressional Record is on this section of law, Section 507. The House recedes to the Senate amendment Section 201, sub. (A), sub. (2) with modifications. And again, that's the same language that I just read to you. And here is the...here's the defining point from the Congressional Record. This section provides that illegal aliens are not eligible for in-state tuition rates at public institutions of higher education. That's not my interpretation, that's not an attorney that was hired to promote one point or another. That is the opinion of the conferees on the Immigration Reform Act. Let me read that again. This section, Section 507, provides that illegal aliens are not eligible for in-state tuition rates at public institutions of higher education. That's the Conference report on H.R. 2202, which was the Illegal Immigration Reform and Immigrant Responsibility Act. So if we're looking for clarity on the intent of the language, as we would do in this body, we would either look to the introducers, the floor transcript, or the committee amendment. Ultimately we're going to have to come back to the language of the law and how the court or how the law would be interpreted. But it was clear from the Conference report that while there are other options notwithstanding, this Conference report said it was clearly not the intent of Congress to provide that opportunity. If we want to do that, if we want to do that, you could vote for LB 239 and we can have our day in court, and we may win. And at the same time Congress is going through the process of trying to reform immigration issues on a broader scale, and part of their discussions may include these issues, and it would be appropriate for Congress to step up to the plate and to resolve these issues. Additionally, from the same Congressional Record, the history of immigration policy in the United States is this, and this is from the Congressional Record again, September 24, 1996. The purpose of the congressional grants of authority to states regarding eligibility for public benefits contained in this act is to encourage states to implement the national immigration policy of assuring that aliens be self-reliant and not become public