

VIRGINIA FOXX  
5TH DISTRICT, NORTH CAROLINA

503 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-2071

6000 MEADOWBROOK MALL, SUITE 3  
CLEMSON, NC 27512  
(336) 778-0211  
WWW.FOXX.HOUSE.GOV

COMMITTEE ON EDUCATION  
AND THE WORKFORCE

COMMITTEE ON AGRICULTURE

COMMITTEE ON  
GOVERNMENT REFORM

Congress of the United States  
House of Representatives  
Washington, DC 20515-3305

January 29, 2008

Mr. Erskine Bowles, President  
The University of North Carolina  
P.O. Box 2688  
Chapel Hill, N.C. 27515

Dear President Bowles:

After reading the *News & Observer* article "UNC joins fray on immigration tuition" I felt compelled to write this letter. The article states that you have said the UNC system will review its position on whether to give in-state tuition to illegal aliens following the suggestion given by the UNC Tomorrow Commission. There is relevant federal law with direct bearing on this issue that I wanted to bring to your attention. According to Title VIII, Chapter XIV, Subchapter II, Section 1623 of the United States Code, which took effect in 1998, **any state providing illegal aliens in-state tuition discounts must provide these discounts to all students, regardless of state of residence.**

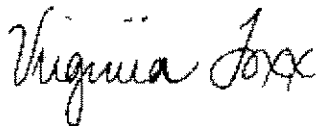
The text of this statute states:

Notwithstanding any other provision of the law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident [of the state] (emphasis added).

As such, the policy which is under review by you would result in a direct violation of federal law. Giving special treatment to illegal aliens is fundamentally unjust to both North Carolinians and legal immigrants who have invested a great deal to comply with our immigration laws or obtain legal citizenship. We should not reward those who have broken our immigration laws with the same benefits as those who have made an effort to respect the law.

With this in mind, I hope that you will review these statutes and continue to lead the UNC system in a direction that complies with federal law. As a proud alumnus of the UNC system, I am pleased that you are looking to the future but hope that this fine institution does nothing to undermine our nation's rule of law. It is my recommendation that you reject this policy to remain consistent with federal law and the interests of all North Carolinians.

Sincerely,



Virginia Foxx  
Member of Congress