

118TH CONGRESS
2D SESSION

H. R. 10415

To amend the Immigration and Nationality Act to provide that employment authorization is only available to aliens who are lawfully present in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2024

Mr. ARRINGTON introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, Transportation and Infrastructure, and Oversight and Accountability, 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 the Immigration and Nationality Act to provide that employment authorization is only available to aliens who are 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tough Love Act”.

1 **SEC. 2. RESERVING EMPLOYMENT AUTHORIZATION FOR**
2 **LAWFULLY PRESENT ALIENS.**

3 (a) IN GENERAL.—Title I of the Immigration and
4 Nationality Act (8 U.S.C. 1101 et seq.) is amended by
5 adding at the end the following:

6 **“SEC. 107. RESERVING EMPLOYMENT AUTHORIZATION FOR**
7 **LAWFULLY PRESENT ALIENS.**

8 “(a) IN GENERAL.—The Secretary of Homeland Se-
9 curity shall only authorize any ‘employment authorized’
10 endorsement or other appropriate work permit for any
11 alien who—

12 “(1) has been admitted to the United States
13 and has lawful immigration status in the United
14 States;

15 “(2) entered the United States at a port of
16 entry; and

17 “(3) has not been issued an order of removal
18 from an immigration judge or been otherwise or-
19 dered removed from the United States by any other
20 Federal official.

21 “(b) NO WAIVER AUTHORITY.—The Secretary of
22 Homeland Security shall not have the authority to waive
23 the limitations established by subsection (a).”.

24 (b) LIMITATION ON EMPLOYMENT AUTHORIZATION
25 AUTHORITY.—Section 241(a)(7) of the Immigration and

1 Nationality Act (8 U.S.C. 1231(a)(7)) is amended to read
2 as follows:

3 “(7) IN GENERAL.—The Secretary of Homeland
4 Security shall not authorize any ‘employment au-
5 thorized’ endorsement or other appropriate work
6 permit for any alien who—

7 “(A) does not have lawful immigration sta-
8 tus in the United States;

9 “(B) has been issued a removal order from
10 an immigration judge or been otherwise ordered
11 removed from the United States by any other
12 Federal official;

13 “(C) has not been granted asylum by an
14 immigration judge; or

15 “(D) has had his or her asylum application
16 denied by an immigration judge.

17 The Secretary of Homeland Security shall not have
18 the authority to waive the limitations established
19 under this paragraph.”.

20 (c) NO EMPLOYMENT AUTHORIZATION DOCUMENTA-
21 TION FOR TRAVEL.—Regardless of immigration status of
22 an alien, no ‘employment authorized’ endorsement or
23 other appropriate work permit shall be accepted by the
24 Federal Aviation Administration or Transportation Secu-

1 rity Administration for the purposes of identification or
2 travel.

3 (d) CLERICAL AMENDMENT.—The table of contents
4 of the Immigration and Nationality Act is amended by in-
5 serting after the item related to section 107 the following:
“107. Reserving employment authorization for lawfully present aliens.”.

6 **SEC. 3. MANDATORY DETENTION FOR ALIENS ORDERED**
7 **REMOVED.**

8 Section 241(a) of the Immigration and Nationality
9 Act (8 U.S.C. 1231(a)) is amended—

10 (1) in paragraph (1)(C), by striking “the alien
11 may remain in detention” and inserting “the alien
12 shall remain in detention”; and

13 (2) by repealing paragraph (3).

14 **SEC. 4. RESTRICTION ON PROVIDING MEDICAL CARE TO**
15 **ALIENS WITHOUT LAWFUL IMMIGRATION**
16 **STATUS.**

17 (a) IN GENERAL.—Beginning in the first fiscal year
18 that begins after the date of enactment of this Act, in
19 order to be eligible for Medicare or Medicaid funding, or
20 other health care related Federal funding (or any Federal
21 grant), a State shall—

22 (1) not provide non-emergency or chronic condi-
23 tion medical treatment to an alien without lawful
24 immigration status in the United States; and

1 (2) report to Congress, on an annual basis, the
2 cost of providing emergency medical care to aliens
3 without lawful immigration status in that State.

4 (b) **IMPACT ON FEDERAL FUNDING.**—If a State can-
5 not demonstrate its compliance with subsection (a) before
6 the date that is 6 months after the date of enactment of
7 this Act, the President shall instruct all agency heads to,
8 within 30 days of the notification by the President, cease
9 the disbursement of all Federal funding to that State.

10 (c) **STATEMENT REGARDING MEDICAL TREATMENT**
11 **FOR ALIENS NOT LAWFULLY PRESENT.**—Nothing in this
12 section shall be construed to prohibit or discourage any
13 type of medical treatment of any alien who is not lawfully
14 present in the United States, except that such treatment
15 shall be fully funded by the State that provides such treat-
16 ment, and no Medicare, Medicaid, or other health care re-
17 lated Federal funding, or any Federal grant, may be used
18 for such treatment.

19 **SEC. 5. RESTRICTION ON PROVIDING EDUCATION TO**
20 **ALIENS WITHOUT LAWFUL IMMIGRATION**
21 **STATUS.**

22 (a) **ELEMENTARY AND SECONDARY EDUCATION.**—
23 Beginning in the first fiscal year that begins after the date
24 of enactment of this Act, in order to be eligible for any
25 Federal grant that provides any funding for elementary

1 or secondary education, a State or local education agency
2 or school district shall be required to demonstrate that it
3 does not offer or provide any educational services to any
4 alien who does not have lawful immigration status in the
5 United States.

6 (b) STATE UNDERGRADUATE AND GRADUATE EDU-
7 CATION.—Beginning in the first fiscal year that begins
8 after the date of enactment of this Act, in order to be
9 eligible for any Federal grant that provides any funding
10 for undergraduate or graduate education or Federal loan
11 or scholarship support for attending students, a State col-
12 lege or university shall be required to demonstrate that
13 it does not offer or provide any educational services to any
14 alien who does not have lawful immigration status in the
15 United States.

16 (c) PRIVATE UNDERGRADUATE AND GRADUATE
17 EDUCATION.—Beginning in the first fiscal year that be-
18 gins after the date of enactment of this Act, in order to
19 be eligible for any Federal grant that provides any funding
20 for undergraduate or graduate education or Federal loan
21 or scholarship support for attending students, a private
22 college or university shall be required to demonstrate that
23 it does not offer or provide any educational services to any
24 alien who does not have lawful immigration status in the
25 United States.

1 (d) REGULATIONS.—The Secretary of Education, in
 2 consultation with other Federal agencies as needed, shall
 3 prescribe such regulations as may be necessary to carry
 4 out this section, except such regulatory authority shall be
 5 limited to enhancing and improving the Federal Govern-
 6 ment’s ability to implement this section, and may not cre-
 7 ate any limitations on, or waive any of the requirements
 8 of, this section.

9 (e) REPEAL OF OBSOLETE LANGUAGE.—Section
 10 505(a) of the Illegal Immigration Reform and Immigrant
 11 Responsibility Act of 1996 (8 U.S.C. 1623(a)) is repealed.

12 **SEC. 6. LAWFUL STATUS REQUIRED FOR ISSUANCE OF**
 13 **DRIVER’S LICENSE.**

14 (a) IN GENERAL.—If a State issues any type of driv-
 15 er’s license to any alien who does not have lawful immigra-
 16 tion status in the United States, the President shall in-
 17 struct all Federal agency heads to, within 30 days of the
 18 notification by the President, cease the disbursement of all
 19 Federal transportation funding to that State.

20 (b) REGULATIONS.—The Secretary of Homeland Se-
 21 curity, in consultation with other Federal agencies as
 22 needed, shall prescribe such regulations as may be nec-
 23 essary to carry out this section, except such regulatory au-
 24 thority shall be limited to enhancing and improving the
 25 Federal Government’s ability to implement this section,

1 and may not create any limitations on, or waive any of
2 the requirements of, this section.

3 (c) EFFECTIVE DATE.—The effective date of this sec-
4 tion will be 180 days after the effective date of this Act.

5 **SEC. 7. AUTHORIZATION AND FUNDING FOR E-VERIFY.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated \$120,000,000 for each of fiscal years 2024
8 through 2028 to carry out the E-Verify employment au-
9 thorization program established under section 403 of the
10 Illegal Immigration Reform and Immigration Responsi-
11 bility Act of 1996 (8 U.S.C. 1324a) (E-Verify).

12 (b) PREREQUISITE FOR FEDERAL AND STATE
13 GRANT FUNDING.—No individual or entity shall be eligi-
14 ble for any Federal or State grant funding unless they
15 are both registered for E-Verify and using E-Verify in
16 an effective and non-evasive manner.

17 (c) EFFECTIVE DATE.—The effective date of this sec-
18 tion will be October 1 of the first fiscal year to commence
19 after the effective date of this Act.

20 **SEC. 8. VISA OVERSTAY BONDS AND PENALTIES.**

21 (a) NONIMMIGRANT BOND REQUIREMENT.—

22 (1) IN GENERAL.—An alien seeking lawful pres-
23 ence in the United States as a nonimmigrant who is
24 not a national of a Visa Waiver Program participant
25 country shall be required to pay a bond or cash pay-

1 ment of no less than \$10,000 and no more than
2 \$25,000 to ensure the alien complies with the dura-
3 tion of stay authorized by his or her visa.

4 (2) AUTOMATIC AND NON-APPEALABLE FOR-
5 FEITURE.—The bond or cash payment required by
6 this subsection shall be forfeited without the possi-
7 bility of appeal or review if the alien fails to leave
8 by the first day after authorized stay by midnight.

9 (3) OFFSETTING ACCOUNT.—The forfeited bond
10 or cash payment required by this subsection shall be
11 deposited in an offsetting account under the jurisdic-
12 tion of the Secretary of Homeland Security and
13 called the “Immigration Detention and Enforcement
14 Account”, and the funds deposited in the account
15 shall be used solely for the purposes of funding alien
16 detention facilities and international transportation
17 for aliens being removed from the United States.

18 (b) IMMIGRATION PENALTY.—A nonimmigrant alien
19 who remains in the United States after midnight Eastern
20 time on the first day after the authorized duration of stay
21 permitted by the nonimmigrant alien’s visa and has his
22 or her bond or cash payment forfeited as described in sub-
23 section (a) shall, upon such forfeiture, be forthwith re-
24 moved from the United States, and subsequently ineligible
25 for any lawful immigration status or adjustment of status

1 for 5 years subsequent to his or her failure to comply with
2 the duration of stay authorized by his or her visa.

3 (c) REGULATIONS.—

4 (1) SECRETARY OF HOMELAND SECURITY.—

5 The Secretary of Homeland Security shall only be
6 authorized to engage in rulemaking to develop proce-
7 dures for collection and retention of bonds and cash
8 payments and notification to the Attorney General
9 regarding an alien's failure to comply with the dura-
10 tion of stay authorized by his or her visa, and shall
11 not be authorized to engage in rulemaking to waive
12 or nullify any of the requirements of this section.

13 (2) ATTORNEY GENERAL.—The Attorney Gen-
14 eral shall only be authorized to engage in rule-
15 making to develop appropriate procedures for enforc-
16 ing the civil and criminal penalties against aliens
17 who violate the requirements of this section, and
18 shall not be authorized to engage in rulemaking to
19 waive or nullify any of the requirements of this sec-
20 tion.

21 (d) EFFECTIVE DATE.—The effective date of this
22 section shall be 30 days after the date of enactment of
23 this Act.

1 **SEC. 9. SUPPORT OF SOVEREIGN STATES' AUTHORITY AND**
2 **DISCRETION TO ENSURE CITIZEN BENEFIT**
3 **FROM FEDERAL SPENDING.**

4 (a) IN GENERAL.—Each State shall have the discre-
5 tion to ensure that any Federal funding provided to the
6 State shall be provided only to United States citizens and
7 aliens who are lawfully present in the United States, and
8 shall be withheld from aliens who are unlawfully present
9 in the United States in any manner approved by the State.

10 (b) EFFECTIVE DATE.—This section shall take effect
11 immediately upon the enactment of this Act.

12 **SEC. 10. CLARIFICATION.**

13 For the purposes of this Act, an alien who has been
14 paroled into the United States pursuant to section 212(d)
15 of the Immigration and Nationality Act (8 U.S.C.
16 1182(d)) is not lawfully present in the United States, and
17 does not have lawful immigration status in the United
18 States.

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