

116TH CONGRESS
1ST SESSION

H. R. 1298

To prohibit discrimination in higher education against certain undocumented students on the basis of immigration status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2019

Mr. LEWIS (for himself and Mr. GALLEG0) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, 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 prohibit discrimination in higher education against certain undocumented students on the basis of immigration status, 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 “Higher Education
5 Dream Act of 2019”.

1 **SEC. 2. HIGHER EDUCATION FOR DREAMER STUDENTS.**

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:

5 **“SEC. 124. NONDISCRIMINATION AGAINST DREAMER STU-**
6 **DENTS IN HIGHER EDUCATION.**

7 “(a) IN GENERAL.—An institution of higher edu-
8 cation that receives Federal funds or financial assistance
9 under any Federal program shall not discriminate or take
10 adverse action against a Dreamer student on the basis of
11 that individual’s immigration status.

12 “(b) ELIGIBILITY.—An institution of higher edu-
13 cation that receives Federal funds or financial assistance
14 under any Federal program shall not prohibit a Dreamer
15 student from applying for admission, nor shall it prohibit
16 a Dreamer student who is accepted to that institution
17 from enrolling.

18 “(c) ADMISSIONS.—An institution of higher edu-
19 cation that receives Federal funds or financial assistance
20 under any Federal program shall not discriminate against
21 or penalize in the admissions process a Dreamer student
22 who is otherwise qualified for admission to the institution,
23 on the basis of that individual’s immigration status, nor
24 shall such an institution differentiate in the admissions
25 process on the basis of residency between a United States

1 citizen applicant and a Dreamer student applying from the
2 same State.

3 “(d) TUITION RATE.—An institution of higher edu-
4 cation that receives Federal funds or financial assistance
5 under any Federal program shall not charge a greater rate
6 of tuition than the rate charged for residents of the State
7 in which the institution is located to a Dreamer student
8 who, but for such individual’s immigration status, other-
9 wise qualifies as a resident of the State in which the insti-
10 tution is located.

11 “(e) CONFIDENTIALITY OF INFORMATION.—

12 “(1) PROHIBITION.—No officer or employee of
13 the United States, of a State, or of an institution of
14 higher education that receives Federal funds or fi-
15 nancial assistance under any Federal program to
16 which a Dreamer student applies for admission or
17 enrolls, may—

18 “(A) use the information furnished by the
19 Dreamer student to arrest, detain, or initiate
20 removal proceedings against any person identi-
21 fied in that information;

22 “(B) make any publication whereby the in-
23 formation furnished by any particular Dreamer
24 student can be identified; or

1 “(C) permit anyone other than an officer
2 or employee of the Federal Government or the
3 institution of higher education to which a
4 Dreamer student applies or enrolls, to examine
5 any information provided by a Dreamer student
6 relating to that individual’s immigration status
7 or qualifications to be a Dreamer student.

8 “(2) PENALTY.—Whoever knowingly uses, pub-
9 lishes, or permits information to be examined in vio-
10 lation of this subsection shall be fined not more than
11 \$50,000.

12 “(f) DEFINITION OF DREAMER STUDENT.—

13 “(1) IN GENERAL.—In this section, the term
14 ‘Dreamer student’ means an individual who—

15 “(A) as defined in section 101 of the Im-
16 migration and Nationality Act (8 U.S.C.
17 1101)—

18 “(i) is not a national of the United
19 States;

20 “(ii) maintains a residence in the
21 United States;

22 “(iii) does not possess a valid immi-
23 grant visa, a valid nonimmigrant visa, or
24 equivalent document demonstrating a law-

1 ful immigration status in the United
2 States; and

3 “(iv) is not considered to be a non-
4 immigrant solely due to the application of
5 section 244(f)(4) of such Act (8 U.S.C.
6 1254a(f)(4));

7 “(B) was younger than 18 years of age on
8 the date on which the individual initially en-
9 tered the United States;

10 “(C) has provided a list of each secondary
11 school that the student attended in the United
12 States; and

13 “(D)(i) has earned a high school diploma,
14 the recognized equivalent of such diploma from
15 a secondary school, or a high school equivalency
16 diploma in the United States or is scheduled to
17 complete the requirements for such a diploma
18 or equivalent before the next academic year be-
19 gins;

20 “(ii) has acquired a degree from an institu-
21 tion of higher education or is enrolled in a pro-
22 gram for a baccalaureate degree or higher de-
23 gree at an institution of higher education in the
24 United States;

1 “(iii) at any time was eligible for a grant
2 of deferred action under—

3 “(I) the June 15, 2012, memorandum
4 from the Secretary of Homeland Security
5 entitled ‘Exercising Prosecutorial Discre-
6 tion with Respect to Individuals Who
7 Came to the United States as Children’; or

8 “(II) the November 20, 2014, memo-
9 randum from the Secretary of Homeland
10 Security entitled ‘Exercising Prosecutorial
11 Discretion with Respect to Individuals
12 Who Came to the United States as Chil-
13 dren and with Respect to Certain Individ-
14 uals Who Are the Parents of U.S. Citizens
15 or Permanent Residents’; or

16 “(iv) has served in the uniformed services,
17 as defined in section 101 of title 10, United
18 States Code, for not less than 4 years and, if
19 discharged, received an honorable discharge.

20 “(2) HARDSHIP EXCEPTION.—The Secretary
21 shall issue regulations that direct when an institu-
22 tion of higher education shall waive the requirement
23 of subparagraph (B) or (C), or both, of paragraph
24 (1) for an individual to qualify as a Dreamer stu-
25 dent under such paragraph, if the individual—

1 “(A) demonstrates compelling cir-
2 cumstances for the inability to satisfy the re-
3 quirement of such subparagraph (B) or (C), or
4 both; and

5 “(B) satisfies the requirement of para-
6 graph (1)(D).”.

7 **SEC. 3. FEDERAL AID ELIGIBILITY.**

8 Section 484(a)(5) of the Higher Education Act of
9 1965 (20 U.S.C. 1091(a)(5)) is amended by inserting “a
10 Dreamer student (as defined in section 124(f),” after
11 “permanent resident of the United States,”.

12 **SEC. 4. REPEAL OF PROHIBITION.**

13 Section 505 of the Illegal Immigration Reform and
14 Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is
15 repealed.

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