

116TH CONGRESS
1ST SESSION

H. R. 768

To amend title IV of the Higher Education Act of 1965 to prohibit the provision of funds under such title to institutions of higher education that violate the immigration laws, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2019

Mr. HUNTER (for himself, Mr. JONES, Mr. BIGGS, Mr. BABIN, Mr. GOHMERT, Mr. GROTHMAN, Mr. HICE of Georgia, and Mr. GOSAR) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title IV of the Higher Education Act of 1965 to prohibit the provision of funds under such title to institutions of higher education that violate the immigration laws, 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 “No Funding for Sanc-
5 tuary Campuses Act”.

1 **SEC. 2. TREATMENT OF SANCTUARY CAMPUSES.**

2 (a) IN GENERAL.—Part G of title IV of the Higher
3 Education Act of 1965 (20 U.S.C. 1088 et seq.) is amend-
4 ed by adding at the end the following:

5 **“SEC. 493E. TREATMENT OF SANCTUARY CAMPUSES.**

6 “(a) DEFINITION.—

7 “(1) IN GENERAL.—For purposes of this sec-
8 tion, the term ‘sanctuary campus’ means any insti-
9 tution of higher education (as defined in section
10 102) that—

11 “(A) has in effect an ordinance, policy, or
12 practice that prohibits or restricts any institu-
13 tional entity, official, or personnel from—

14 “(i) sending, receiving, maintaining,
15 or exchanging with any Federal, State, or
16 local government entity information re-
17 garding the citizenship or immigration sta-
18 tus (lawful or unlawful) of any individual;

19 “(ii) complying with a request lawfully
20 made by the Secretary of Homeland Secu-
21 rity under section 236 or 287 of the Immi-
22 gration and Nationality Act (8 U.S.C.
23 1226 or 1357) to comply with a detainer
24 for, or notify about the release of, an indi-
25 vidual; or

1 “(iii) otherwise complying with section
2 642 of the Illegal Immigration Reform and
3 Immigrant Responsibility Act of 1996 (8
4 U.S.C. 1373);

5 “(B) brings in, or harbors, an alien in vio-
6 lation of section 274(a)(1)(A) of the Immigra-
7 tion and Nationality Act (8 U.S.C.
8 1324(a)(1)(A));

9 “(C) renders an alien who lacks a lawful
10 immigration status in the United States eligible
11 for any postsecondary education benefit pro-
12 vided on the basis of residence within a State
13 (or a political subdivision of a State) to the
14 same extent as a citizen or national of the
15 United States is eligible for such benefit; or

16 “(D) has in effect a policy or practice that
17 either prohibits, or in effect prevents, the Sec-
18 retary of Homeland Security from gaining ac-
19 cess to campuses or access to students (who are
20 17 years of age or older) on campuses, for pur-
21 poses of Department of Homeland Security re-
22 cruiting in a manner that is at least equal in
23 quality and scope to the access to campuses and
24 to students that is provided to any other em-
25 ployer.

1 “(2) EXCEPTIONS.—An institution of higher
2 education shall not be considered a sanctuary cam-
3 pus for purposes of this section based solely on the
4 institution having a policy under which its officials,
5 with respect to an individual who comes forward as
6 a victim or a witness to a criminal offense, will
7 not—

8 “(A) send, receive, maintain, or exchange
9 with any Federal, State, or local government
10 entity information regarding the citizenship or
11 immigration status (lawful or unlawful) of the
12 individual; or

13 “(B) comply with a request made by the
14 Secretary of Homeland Security under section
15 236 or 287 of the Immigration and Nationality
16 Act (8 U.S.C. 1226 or 1357) to comply with a
17 detainer for, or notify about the release of, the
18 individual.

19 “(b) DETERMINATION BY SECRETARY OF HOME-
20 LAND SECURITY.—Whenever the Secretary of Homeland
21 Security makes a determination that an institution of
22 higher education is a sanctuary campus, the Secretary—

23 “(1) shall transmit a notice of the determina-
24 tion to the Secretary of Education; and

1 “(2) shall publish in the Federal Register a no-
2 tice of the determination and the effect of the deter-
3 mination on the eligibility of the institution for fund-
4 ing under this title.

5 “(c) EFFECT OF DETERMINATION.—An institution
6 determined under subsection (b) to be a sanctuary campus
7 is ineligible to receive funds under this title.

8 “(d) SENSE OF CONGRESS.—It is the sense of the
9 Congress that providing the public benefit of in-State tui-
10 tion to an alien who lacks lawful immigration status in
11 the United States creates an incentive for illegal immigra-
12 tion and encourages and induces aliens to come to, enter,
13 or reside in the United States, as described in section
14 274(a)(1)(A)(iv) of the Immigration and Nationality Act
15 (8 U.S.C. 1324(a)(1)(A)(iv)).”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the date that is 90 days
18 after the date of the enactment of this Act.

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