
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 273 Session of
2017

INTRODUCED BY RAFFERTY, SCARNATI, EICHELBERGER, WARD, MENSCH,
AUMENT, HUTCHINSON, DISANTO, FOLMER, VOGEL, ALLOWAY, MARTIN,
STEFANO AND YAW, JANUARY 31, 2017

REFERRED TO EDUCATION, JANUARY 31, 2017

AN ACT

1 Prohibiting the expenditure of Commonwealth funds on certain
2 institutions of higher education that adopt certain practices
3 relating to immigration policy.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Institutions
8 of Higher Education Immigration Policy Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Department." The Department of Education of the
14 Commonwealth.

15 "Disqualifying immigration policy." A rule, order or policy
16 adopted by the governing body or administrator of an institution
17 of higher education that:

18 (1) prohibits the enforcement of a Federal law or the

1 laws of this Commonwealth pertaining to an immigrant or
2 immigration;

3 (2) refuses access by Federal authorities to a campus of
4 the institution of higher education for the purposes of
5 investigating or enforcing a Federal law pertaining to an
6 immigrant or immigration;

7 (3) directs employees of the institution of higher
8 education not to communicate, coordinate or cooperate with
9 Federal authorities regarding an immigrant or immigration; or

10 (4) takes adverse employment action against an employee
11 of the institution of higher education for communicating,
12 coordinating or cooperating with Federal authorities
13 regarding an immigrant or immigration.

14 "Institution of higher education." Any of the following:

15 (1) An institution within the State System of Higher
16 Education.

17 (2) An institution designated by law as State-related.

18 (3) A community college established under Article XIX-A
19 of the act of March 10, 1949 (P.L.30, No.14), known as the
20 Public School Code of 1949, or the act of August 24, 1963
21 (P.L.1132, No.484), known as the Community College Act of
22 1963.

23 (4) An independent institution of higher education that:

24 (i) Is located in this Commonwealth and incorporated
25 or chartered by the Commonwealth.

26 (ii) Is entitled to confer degrees under 24 Pa.C.S.
27 § 6505 (relating to power to confer degrees) and applies
28 the designation "college," "university" or "seminary" as
29 provided for by standards and qualifications prescribed
30 by the State Board of Education under 24 Pa.C.S. Ch. 65

1 (relating to private colleges, universities and
2 seminaries).

3 (iii) Directly or indirectly receives appropriated
4 funds from the Commonwealth.

5 Section 3. Annual certification.

6 An institution of higher education shall annually certify to
7 the department whether or not the institution of higher
8 education has a disqualifying immigration policy. The
9 certification shall be provided in a form and manner prescribed
10 by the department.

11 Section 4. Effect of disqualifying immigration policy.

12 Subject to the provisions of section 5, an institution of
13 higher education may not directly or indirectly receive funds
14 through a State appropriation if:

15 (1) the department determines, based on a certification
16 submitted under this act or other evidence presented to the
17 department, that the institution has a disqualifying
18 immigration policy; or

19 (2) the institution of higher education fails to submit
20 the certification required under this act.

21 Section 5. Corrective action.

22 The prohibition under section 4 shall cease to apply to an
23 institution of higher education if the institution of higher
24 education submits proof satisfactory to the department that the
25 institution of higher education has rescinded or abolished the
26 disqualifying immigration policy or taken other corrective
27 action to not have, use and enforce a disqualifying immigration
28 policy.

29 Section 6. Effective date.

30 This act shall take effect in 60 days.