

118TH CONGRESS
1ST SESSION

H. R. 3711

To prohibit the use of elementary, secondary, and post-secondary school facilities to provide shelter for unlawfully present aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2023

Mr. MOLINARO (for himself and Mr. LANGWORTHY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit the use of elementary, secondary, and post-secondary school facilities to provide shelter for unlawfully present aliens, 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 “Schools Not Shelters
5 Act”.

6 **SEC. 2. PROHIBITION ON USE OF SCHOOL FACILITIES TO**
7 **SHELTER CERTAIN ALIENS.**

8 (a) IN GENERAL.—As a condition on receipt of Fed-
9 eral financial assistance under any applicable program by

1 an elementary school, secondary school, or institution of
2 higher education, the facilities of the school or institution
3 may not be used to provide shelter for specified aliens un-
4 less—

5 (1) the facility is a dormitory facility; and

6 (2) the alien pays the amount normally assessed
7 residents of the dormitory facility for room and
8 board.

9 (b) CONSTRUCTION.—Subsection (a) shall apply
10 without regard to sections 401 and 411 of the Personal
11 Responsibility and Work Opportunity Reconciliation Act
12 of 1996 (2 U.S.C. 1611, 1621).

13 (c) DEFINITIONS.—For purposes of this Act:

14 (1) The term “alien” has the meaning given
15 such term in section 101(a) of the Immigration and
16 Nationality Act (8 U.S.C. 1101(a)).

17 (2) The term “applicable program” has the
18 meaning such term in section 400 of the General
19 Education Provisions Act (20 U.S.C. 1221).

20 (3) The term “dormitory facility” means—

21 (A) institutionally owned or operated dor-
22 mitory housing (including dining facilities inside
23 such housing); or

24 (B) another facility customarily used for
25 housing students, faculty, or staff.

1 (4) The terms “elementary school” and “sec-
2 ondary school” have the meaning given such terms
3 in section 8101 of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7801).

5 (5) The term “Federal financial assistance” has
6 the meaning given such term in section 7501(a)(5)
7 of title 31, United States Code.

8 (6) The term “institution of higher education”
9 has the meaning given such term in section 101 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1001).

12 (7) The term “shelter” excludes short-term
13 emergency shelter made necessary by a natural dis-
14 aster.

15 (8) The term “specified alien” means an alien
16 who—

17 (A) is unlawfully present in the United
18 States; or

19 (B)(i) has not been admitted (as defined in
20 section 101(a) of the Immigration and Nation-
21 ality Act (8 U.S.C. 1101(a)));

22 (ii) is in removal proceedings or has been
23 ordered removed; and

1 (iii) is not being detained by the Secretary
2 of Homeland Security during the pendency of
3 those removal proceedings or until removed.

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