

118TH CONGRESS
1ST SESSION

H. R. 3941

IN THE SENATE OF THE UNITED STATES

JULY 20, 2023

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To prohibit the use of the facilities of a public elementary school, a public secondary school, or an institution of higher education to provide shelter for aliens who have not been admitted into 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Schools Not Shelters
3 Act”.

4 **SEC. 2. PROHIBITION ON USE OF SCHOOL AND INSTITU-**
5 **TION FACILITIES TO SHELTER CERTAIN**
6 **ALIENS.**

7 (a) IN GENERAL.—As a condition on receipt of Fed-
8 eral financial assistance under any applicable program by
9 a public elementary school, a public secondary school, or
10 an institution of higher education, the facilities of the
11 school or institution may not be used to provide shelter
12 or housing for specified aliens.

13 (b) CONSTRUCTION.—Subsection (a) shall apply not-
14 withstanding subparagraphs (B) and (D) of section
15 401(b)(1) of the Personal Responsibility and Work Oppor-
16 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)(1))
17 and paragraphs (2) and (4) of section 411(b) of such Act
18 (8 U.S.C. 1621(b)).

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

20 (1) The term “applicable program” has the
21 meaning given such term in section 400 of the Gen-
22 eral Education Provisions Act (20 U.S.C. 1221).

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

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

4 (4) The term “institution of higher edu-
5 cation”—

6 (A) has the meaning given such term in
7 section 102 of the Higher Education Act of
8 1965 (20 U.S.C. 1002); and

9 (B) does not include an institution that is
10 not located in a State.

11 (5) The term “shelter or housing”—

12 (A) means emergency shelter or housing
13 provided exclusively to specified aliens under
14 order of the Federal Government, a State, or a
15 unit of local government; and

16 (B) does not include short-term emergency
17 shelter made necessary by a specified disaster.

18 (6) The term “short-term” means for a dura-
19 tion not to exceed 72 hours.

20 (7) The term “specified alien” means an alien
21 (as defined in section 101(a) of the Immigration and
22 Nationality Act (8 U.S.C. 1101(a))) who has not
23 been admitted (as so defined).

24 (8) The term “specified disaster” means—

1 (A) a fire on public or private forest land
2 or grassland described in section 420 of the
3 Robert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5187); and

5 (B) any fire, flood, explosion, hurricane,
6 tornado, storm, high water, winddriven water,
7 tidal wave, tsunami, earthquake, volcanic erup-
8 tion, landslide, mudslide, snowstorm, or drought
9 for which a disaster declaration is made by the
10 Federal Government or a State.

11 (9) The term “State” means any State of the
12 United States, the District of Columbia, Puerto
13 Rico, the Virgin Islands, Guam, American Samoa,
14 and the Commonwealth of the Northern Mariana Is-
15 lands.

Passed the House of Representatives July 19, 2023.

Attest: KEVIN F. MCCUMBER,
Clerk.