

118TH CONGRESS
1ST SESSION

H. R. 3941

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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Mr. MOLINARO (for himself, Mr. D'ESPOSITO, Mr. LAWLER, Mr. LANGWORTHY, and Mr. WILLIAMS of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Schools Not Shelters
5 Act”.

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

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

9 (b) **CONSTRUCTION.**—Subsection (a) shall apply not-
10 withstanding subparagraphs (B) and (D) of section
11 401(b)(1) of the Personal Responsibility and Work Oppor-
12 tunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)(1))
13 and paragraphs (2) and (4) of section 411(b) of such Act
14 (8 U.S.C. 1621(b)).

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

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

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

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

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

3 (A) has the meaning given such term in
4 section 102 of the Higher Education Act of
5 1965 (20 U.S.C. 1002); and

6 (B) does not include an institution that is
7 not located in a State.

8 (5) The term “shelter or housing”—

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

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

15 (6) The term “specified alien” means an alien
16 (as defined in section 101(a) of the Immigration and
17 Nationality Act (8 U.S.C. 1101(a))) who has not
18 been admitted (as so defined).

19 (7) The term “specified disaster” means—

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

24 (B) any fire, flood, explosion, hurricane,
25 tornado, storm, high water, winddriven water,

1 tidal wave, tsunami, earthquake, volcanic erup-
2 tion, landslide, mudslide, snowstorm, or drought
3 for which a disaster declaration is made by the
4 Federal Government or a State.

5 (8) The term “State” means any State of the
6 United States, the District of Columbia, Puerto
7 Rico, the Virgin Islands, Guam, American Samoa,
8 and the Commonwealth of the Northern Mariana Is-
9 lands.

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