

118TH CONGRESS  
1ST SESSION

# H. R. 3941

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## 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:

*Clerk.*



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