

Union Calendar No. 102

118TH CONGRESS
1ST SESSION

H. R. 3941

[Report No. 118-130]

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

JUNE 30, 2023

Additional sponsors: Mrs. HOUCHIN and Ms. MALLIOTAKIS

JUNE 30, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 9, 2023]

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”.*

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

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

15 (b) *CONSTRUCTION.*—*Subsection (a) shall apply not-*
16 *withstanding subparagraphs (B) and (D) of section*
17 *401(b)(1) of the Personal Responsibility and Work Oppor-*
18 *tunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)(1))*
19 *and paragraphs (2) and (4) of section 411(b) of such Act*
20 *(8 U.S.C. 1621(b)).*

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

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

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

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

8 (4) *The term “institution of higher education”—*

9 *(A) has the meaning given such term in sec-*
10 *tion 102 of the Higher Education Act of 1965*
11 *(20 U.S.C. 1002); and*

12 *(B) does not include an institution that is*
13 *not located in a State.*

14 (5) *The term “shelter or housing”—*

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

19 *(B) does not include short-term emergency*
20 *shelter made necessary by a specified disaster.*

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

25 (7) *The term “specified disaster” means—*

1 (A) a fire on public or private forest land
2 or grassland described in section 420 of the Rob-
3 ert T. Stafford Disaster Relief and Emergency
4 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 (8) The term “State” means any State of the
12 United States, the District of Columbia, Puerto Rico,
13 the Virgin Islands, Guam, American Samoa, and the
14 Commonwealth of the Northern Mariana Islands.

Union Calendar No. 102

118TH CONGRESS
1ST Session

H. R. 3941

[Report No. 118-130]

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.

JUNE 30, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed