

118TH CONGRESS
1ST SESSION

S. 2983

To prohibit the use of the facilities of a public elementary school, a public secondary school, or an institution of higher education receiving funding from the Department of Education to provide shelter for aliens who have not been admitted into the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 22), 2023

Mr. CRUZ (for himself, Mr. COTTON, Mr. BUDD, Mr. HAWLEY, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit the use of the facilities of a public elementary school, a public secondary school, or an institution of higher education receiving funding from the Department of Education to provide shelter for aliens who have not been admitted into the United States.

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. DEFINITIONS.**

7 In this Act:

1 (1) APPLICABLE PROGRAM.—The term “appli-
2 cable program” has the meaning given such term in
3 section 400(c) of the General Education Provisions
4 Act (20 U.S.C. 1221(c)).

5 (2) ELEMENTARY SCHOOL; SECONDARY
6 SCHOOL.—The terms “elementary school” and “sec-
7 ondary school” have the meanings given such terms
8 in section 8101 of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 7801).

10 (3) FEDERAL FINANCIAL ASSISTANCE.—The
11 term “Federal financial assistance” has the meaning
12 given such term in section 7501(a) of title 31,
13 United States Code.

14 (4) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education”—

16 (A) has the meaning given such term in
17 section 102(a) of the Higher Education Act of
18 1965 (20 U.S.C. 1002); and

19 (B) does not include an institution that is
20 not located in a State.

21 (5) SHELTER OR HOUSING.—The term “shelter
22 or housing”—

23 (A) means emergency shelter or housing
24 provided exclusively to specified aliens under

1 order of the Federal Government, a State, or a
2 unit of local government; and

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

5 (6) SHORT-TERM.—The term “short-term”
6 means a duration of not more than 72 hours.

7 (7) SPECIFIED ALIEN.—The term “specified
8 alien”—

9 (A) has the meaning given the term
10 “alien” in section 101(a) of the Immigration
11 and Nationality Act (8 U.S.C. 1101(a)); and

12 (B) does not include any alien who has
13 been admitted to the United States.

14 (8) SPECIFIED DISASTER.—The term “specified
15 disaster” means—

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

20 (B) any fire, flood, explosion, hurricane,
21 tornado, storm, high water, wind-driven water,
22 tidal wave, tsunami, earthquake, volcanic erup-
23 tion, landslide, mudslide, snowstorm, or drought
24 for which a disaster declaration is made by the
25 Federal Government or by a State.

1 (9) STATE.—The term “State” means any
2 State of the United States, the District of Columbia,
3 Puerto Rico, the Virgin Islands, Guam, American
4 Samoa, and the Commonwealth of the Northern
5 Mariana Islands.

6 **SEC. 3. PROHIBITION ON USE OF SCHOOL OR INSTITUTION**
7 **FACILITIES TO SHELTER SPECIFIED ALIENS.**

8 Notwithstanding subparagraphs (B) and (D) of sec-
9 tion 401(b)(1) of the Personal Responsibility and Work
10 Opportunity Reconciliation Act of 1996 (8 U.S.C.
11 1611(b)(1)) and paragraphs (2) and (4) of section 411(b)
12 of such Act (8 U.S.C. 1621(b)), a public elementary
13 school, a public secondary school, or an institution of high-
14 er education may not receive Federal financial assistance
15 under any applicable program if the facilities of such
16 school or institution are used to provide shelter or housing
17 for specified aliens.

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