

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3941  
OFFERED BY MR. WILLIAMS OF NEW YORK**

Strike all after the enacting clause and insert the following:

**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)).

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

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

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

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

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

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

17 (B) does not include an institution that is  
18 not located in a State.

19 (5) The term “shelter or housing”—

20 (A) means emergency shelter or housing  
21 provided exclusively to specified aliens under  
22 order of the Federal Government, a State, or a  
23 unit of local government; and

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

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

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

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

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

16           (8) The term “State” means any State of the  
17           United States, the District of Columbia, Puerto  
18           Rico, the Virgin Islands, Guam, American Samoa,  
19           and the Commonwealth of the Northern Mariana Is-  
20           lands.

