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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

To amend the Immigration and Nationality Act to clarify the definition of “public charge” and “likely at any time to become a public charge,” to establish requirements for affidavits of support and public charge bonds, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEHLS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to clarify the definition of “public charge” and “likely at any time to become a public charge,” to establish requirements for affidavits of support and public charge bonds, 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 “Public Charge Clari-
5 fication Act of 2025”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Section 212(a)(4) of the Immigration and
4 Nationality Act (8 U.S.C. 1182(a)(4)) establishes
5 that an alien who, in the opinion of the consular of-
6 ficer or the Attorney General, is likely at any time
7 to become a public charge is inadmissible.

8 (2) Congress has laid out specific factors to be
9 considered in determining whether an alien is likely
10 to become a public charge, including the alien's age,
11 health, family status, assets, resources, financial sta-
12 tus, education, and skills, as well as any affidavit of
13 support under section 213A.

14 (3) These statutory factors have not been faith-
15 fully applied in the intended totality of the cir-
16 cumstances analysis by executive agencies, leading to
17 inconsistent and overly permissive interpretations
18 that undermine congressional intent to ensure self-
19 sufficiency among immigrants.

20 (4) The proposed rule entitled "Inadmissibility
21 on Public Charge Grounds," published by the De-
22 partment of Homeland Security in the Federal Reg-
23 ister on October 10, 2018 (83 FR 51114), provided
24 a clear framework for identifying public benefits that
25 render an alien a public charge, including both
26 monetizable and non-monetizable benefits.

1 (5) To protect American taxpayers and promote
2 immigrant self-sufficiency, it is necessary to codify
3 and expand upon this framework, ensuring that all
4 current and future government benefits are consid-
5 ered in public charge determinations.

6 **SEC. 3. DEFINITION OF PUBLIC CHARGE.**

7 Section 212(a)(4) of the Immigration and Nationality
8 Act (8 U.S.C. 1182(a)(4)) is amended to read as follows:

9 “(4) PUBLIC CHARGE.—

10 “(A) IN GENERAL.—Any alien who, in the
11 opinion of the consular officer at the time of
12 application for a visa, or in the opinion of the
13 Attorney General at the time of application for
14 admission or adjustment of status, is likely at
15 any time to become a public charge is inadmis-
16 sible.

17 “(B) DEFINITION.—For purposes of this
18 paragraph—

19 “(i) The term ‘public charge’ means
20 an alien who receives one or more public
21 benefits (as defined in subparagraph (C))
22 for more than 12 months in the aggregate
23 within any 36-month period (such that, for
24 instance, receipt of two benefits in one
25 month counts as two months).

1 “(ii) An alien is ‘likely at any time to
2 become a public charge’ if the alien is like-
3 ly to receive one or more public benefits
4 (as defined in subparagraph (C)) for more
5 than 12 months in the aggregate within
6 any 36-month period after the date of ad-
7 mission or adjustment of status.

8 “(C) PUBLIC BENEFITS DEFINED.—The
9 term ‘public benefits’ means any Federal, State,
10 local, or tribal cash assistance for income main-
11 tenance, supplemental nutrition assistance,
12 housing assistance, non-emergency medical as-
13 sistance, or other similar benefits, including all
14 monetizable and non-monetizable benefits as de-
15 fined in the proposed rule entitled ‘Inadmis-
16 sibility on Public Charge Grounds,’ published in
17 the Federal Register on October 10, 2018 (83
18 FR 51114). This definition shall include—

19 “(i) Supplemental Security Income
20 (SSI) under title XVI of the Social Secu-
21 rity Act;

22 “(ii) Temporary Assistance for Needy
23 Families (TANF) under part A of title IV
24 of the Social Security Act;

1 “(iii) Any Federal, State, local, or
2 tribal cash benefit program for income
3 maintenance;

4 “(iv) The Supplemental Nutrition As-
5 sistance Program (SNAP) under the Food
6 and Nutrition Act of 2008;

7 “(v) Section 8 Housing Choice Vouch-
8 er Program under section 8 of the United
9 States Housing Act of 1937;

10 “(vi) Section 8 Project-Based Rental
11 Assistance (including Moderate Rehabilita-
12 tion) under section 8 of the United States
13 Housing Act of 1937;

14 “(vii) Public housing under section 9
15 of the United States Housing Act of 1937;

16 “(viii) Medicaid under title XIX of the
17 Social Security Act (except for emergency
18 medical assistance, benefits provided to in-
19 dividuals under 21 years of age, or benefits
20 provided to pregnant women);

21 “(ix) Premium and cost-sharing sub-
22 sidies under section 36B of the Internal
23 Revenue Code of 1986 (relating to refund-
24 able credit for coverage under a qualified
25 health plan) or section 1402 of the Patient

1 Protection and Affordable Care Act (relat-
2 ing to reduced cost sharing); and

3 “(x) Any other Federal, State, local,
4 or tribal program providing monetizable or
5 non-monetizable benefits, including pro-
6 grams created after the date of enactment
7 of the Public Charge Clarification Act of
8 2025.

9 “(D) PUBLICATION OF LIST OF BENE-
10 FITS.—Not later than 180 days after the date
11 of enactment of the Public Charge Clarification
12 Act of 2025, the Secretary of Homeland Secu-
13 rity, acting through the Director of U.S. Citi-
14 zenship and Immigration Services, shall publish
15 in the Federal Register a comprehensive list of
16 all public benefits (as defined in subparagraph
17 (C)) that may render an alien a public charge
18 or likely to become a public charge. The Sec-
19 retary shall update such list as necessary to in-
20 clude any new programs or benefits created
21 after publication and shall publish notice of
22 such updates in the Federal Register.

23 “(E) FACTORS TO BE CONSIDERED.—In
24 determining whether an alien is inadmissible
25 under this paragraph, the consular officer or

1 the Attorney General shall consider, in the to-
2 tality of the circumstances, the alien's—

3 “(i) age;

4 “(ii) health;

5 “(iii) family status;

6 “(iv) assets, resources, and financial
7 status;

8 “(v) education and skills;

9 “(vi) prospective immigration status
10 and expected period of admission; and

11 “(vii) any affidavit of support under
12 section 213A.

13 No single factor shall be dispositive, and the de-
14 termination shall be based on a holistic assess-
15 ment of the alien's likelihood of becoming a
16 public charge.

17 “(F) EXEMPTIONS.—This paragraph shall
18 not apply to—

19 “(i) refugees admitted under section
20 207;

21 “(ii) asylees granted asylum under
22 section 208; or

23 “(iii) aliens serving in the Armed
24 Forces of the United States or the depend-
25 ents of such aliens.

1 “(G) WAIVERS.—No waiver of inadmis-
2 sibility under this paragraph shall be granted to
3 any alien not exempted under subparagraph
4 (F), unless specifically authorized by an Act of
5 Congress.

6 “(H) AFFIDAVITS OF SUPPORT.—

7 “(i) An affidavit of support under sec-
8 tion 213A may be considered as one factor
9 in the totality of the circumstances under
10 subparagraph (E), but shall not be suffi-
11 cient, standing alone, to overcome a find-
12 ing that an alien is likely to become a pub-
13 lic charge.

14 “(ii) Any affidavit of support sub-
15 mitted under section 213A shall be accom-
16 panied by documentary evidence dem-
17 onstrating the sponsor’s ability to finan-
18 cially support the alien and all members of
19 the sponsor’s household, including proof of
20 income, assets, and resources sufficient to
21 maintain the household at an annual in-
22 come equal to at least 125 percent of the
23 Federal poverty line.

24 “(I) PUBLIC CHARGE BONDS.—

1 “(i) The consular officer or the Attor-
2 ney General shall require the posting of a
3 public charge bond as a condition of ad-
4 mission or adjustment of status if the alien
5 is determined to be likely to become a pub-
6 lic charge but other factors warrant condi-
7 tional approval.

8 “(ii) Such bond shall be in an amount
9 of not less than \$10,000, payable to the
10 United States, and shall be forfeited if the
11 alien becomes a public charge within 10
12 years of admission or adjustment of status.

13 “(iii) The Secretary of Homeland Se-
14 curity shall establish regulations for the
15 administration, forfeiture, and cancellation
16 of such bonds.”.

17 **SEC. 4. CONFORMING AMENDMENTS.**

18 (a) Section 213A of the Immigration and Nationality
19 Act (8 U.S.C. 1183a) is amended by adding at the end
20 the following:

21 “(i) **REQUIREMENTS FOR PUBLIC CHARGE DETER-**
22 **MINATIONS.**—Affidavits of support under this section shall
23 comply with the requirements of section 212(a)(4)(H).”.

24 (b) Any reference in Federal law or regulation to
25 “public charge” or “likely to become a public charge” shall

1 be construed in accordance with the amendments made by
2 this Act.

3 **SEC. 5. EFFECTIVE DATE.**

4 The amendments made by this Act shall take effect
5 180 days after the date of enactment of this Act and shall
6 apply to all applications for visas, admission, or adjust-
7 ment of status pending on or filed after such effective
8 date.