DEPARTMENT OF JUSTICE OFFICE OF LEGAL COUNSEL

Interpretation of "Federal Means-Tested Public Benefit" in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

49 Op. O.L.C. __ (Dec. 16, 2025) · Decided December 16, 2025

SUMMARY

This memorandum opinion of the Office of Legal Counsel withdraws its 1997 interpretation of the phrase "Federal means-tested public benefit" in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In light of Loper Bright Enterprises v. Raimondo, the opinion concludes that the phrase's best reading covers any federal public benefit whose eligibility or amount is determined by income, resources, or financial need, regardless of whether the program is funded through mandatory or discretionary spending. The opinion is dated December 16, 2025.

CASE DETAILS

COURT	Department of Justice Office of Legal Counsel
WRITING FOR THE COURT	T. Elliot Gaiser
DECIDED	December 16, 2025
DISPOSITION	other
PROCEDURAL POSTURE	The Office of Legal Counsel reconsidered its 1997 opinion at the request of the Department of Health and Human Services, with the concurrence of the Department of Housing and Urban Development, following the Supreme Court's decision in Loper Bright Enterprises v. Raimondo.
PRECEDENTIAL VALUE	Executive-branch legal authority; OLC memorandum

TOPICS

statutory interpretation · legislative history · legislative intent · immigration · federal spending

PRACTICE AREAS

Administrative law · Immigration law · Federal benefits · Statutory interpretation · Federal spending

QUESTIONS PRESENTED

1. Whether PRWORA's phrase "Federal means-tested public benefit" includes benefits funded through both mandatory and discretionary federal spending programs.
2. Whether OLC should withdraw its 1997 opinion because its Chevron-based framework was superseded and its statutory interpretation was erroneous.
3. Whether PRWORA's legislative history, including the deletion of a proposed statutory definition under the Byrd Rule, supports limiting the phrase to mandatory spending programs.

HOLDINGS

1. A "Federal means-tested public benefit" is any federal public benefit for which eligibility, the amount of benefits, or both are determined on the basis of an individual's, household's, or family eligibility unit's income, resources, or financial need, regardless of whether the benefit is funded through mandatory or discretionary spending.
2. OLC withdrew its 1997 opinion because Loper Bright undermined its Chevron-based analytical framework and because the 1997 opinion did not adopt the best reading of PRWORA.
3. The deletion of a proposed definition of "Federal means-tested public benefit" from the reconciliation bill, based on a procedural Byrd Rule objection, does not establish that Congress intended to exclude discretionary spending programs from the enacted phrase.

KEY QUOTATIONS

> *"A "Federal means-tested public benefit" is any federal public benefit for which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, or both, are determined on the basis of the income, resources, or financial need of the individual, household, or unit—regardless of the funding sources for that federal public benefit."* (Slip op. at 1)

> *"Our 1997 Opinion did not advance the best reading of PRWORA, but merely what it considered a "permissible" one urged by HHS and HUD."* (Slip op. at 7)

> *"For these reasons, we conclude that the best reading of "Federal means-tested public benefit" in PRWORA includes benefits under both mandatory and discretionary spending programs, and we withdraw our contrary 1997 Opinion."* (Slip op. at 19)

FACTUAL BACKGROUND

PRWORA restricts certain aliens' eligibility for federal public benefits and uses, but does not expressly define, the phrase "Federal means-tested public benefit." In 1997, OLC deferred under Chevron to HHS and HUD's interpretation limiting the phrase to benefits funded through mandatory spending programs. After Loper Bright rejected Chevron deference, OLC reassessed PRWORA's text, structure, statutory context, and legislative history.

PROCEDURAL HISTORY

In 1997, OLC concluded that agencies could permissibly interpret "Federal means-tested public benefit" under PRWORA to cover only benefits administered through mandatory federal spending programs. In this memorandum, OLC reconsidered that interpretation, concluded that it was not the best reading of the statute, and withdrew it.

DISPOSITION

other

CASES CITED

- Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984)
- Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024)
- Milner v. Department of Navy, 562 U.S. 562, 574 (2011)
- Sebelius v. Cloer, 569 U.S. 369, 376 (2013)
- Federal Deposit Insurance Corp. v. Meyer, 510 U.S. 471, 476 (1994)
- New Prime Inc. v. Oliveira, 139 S. Ct. 532, 539 (2019)
- Lynch v. Alworth-Stephens Co., 267 U.S. 364, 370 (1925)
- Bufkin v. Collins, 145 S. Ct. 728, 737 (2025)
- Ratzlaf v. United States, 510 U.S. 135, 147-48 (1994)
- Loughrin v. United States, 573 U.S. 351, 358 (2014)
- TRW Inc. v. Andrews, 534 U.S. 19, 28 (2001)
- Oklahoma v. Castro-Huerta, 142 S. Ct. 2486, 2496-97 (2022)
- Parker Drilling Management Services, Ltd. v. Newton, 139 S. Ct. 1881, 1890 (2019)
- Revocation of Prior Monument Designations, 49 Op. O.L.C. __, at *48 (May 27, 2025)
- Lamie v. United States Trustee, 540 U.S. 526, 542 (2004)
- Elizabeth Blackwell Health Center for Women v. Knoll, 61 F.3d 170, 180 (3d Cir. 1995), cert. denied, 516 U.S. 1093 (1996)
- INS v. Cardoza-Fonseca, 480 U.S. 421, 442-43 (1987)
- NLRB v. SW General, Inc., 580 U.S. 288, 307 (2017)
- United States v. Johnson, 114 F.4th 148, 159 (3d Cir. 2024)
- Corley v. United States, 556 U.S. 303, 315 (2009)
- King v. Burwell, 576 U.S. 473, 502, 514 (2015) (Scalia, J., dissenting)
- National Federation of Independent Business v. Sebelius, 567 U.S. 519, 580 (2012)
- Illinois v. Sullivan, 919 F.2d 428, 434 (7th Cir. 1990)
- Bennett v. Kentucky Department of Education, 470 U.S. 656, 670 (1985)
- Department of Homeland Security v. Regents of the University of California, 140 S. Ct. 1891, 1930 (2020) (Thomas, J., concurring in part and dissenting)