

118TH CONGRESS
2D SESSION

H. R. 8039

To amend the Higher Education Act of 1965 to establish immigration and residency requirements for individuals served by Federal TRIO programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2024

Mr. BANKS (for himself and Ms. FOXX) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to establish immigration and residency requirements for individuals served by Federal TRIO programs, 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 “American Students
5 First Act”.

1 **SEC. 2. ELIGIBILITY FOR PARTICIPATION IN FEDERAL TRIO**
2 **PROGRAMS.**

3 (a) ELIGIBILITY.—Section 402A of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1070a–11) is amended—

5 (1) by redesignating subsections (f) through (h)
6 as subsections (g) through (i), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) CITIZENSHIP AND RESIDENCY REQUIRE-
10 MENTS.—

11 “(1) IN GENERAL.—To be eligible to participate
12 in a program that receives assistance under this
13 chapter, an individual shall be—

14 “(A) a national of the United States (as
15 defined in paragraph (22) of section 101(a) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)));

18 “(B) an alien (as defined in paragraph (3)
19 of such section) lawfully admitted for perma-
20 nent residence (as defined in paragraph (20) of
21 such section);

22 “(C) an alien (as defined in paragraph (3)
23 of such section) who is physically present in the
24 United States (as defined in paragraph (38) of
25 such section) for other than a temporary pur-
26 pose and who is able to provide evidence from

1 the Secretary of Homeland Security of the
2 alien's intent to become lawfully admitted for
3 permanent residence (as defined in paragraph
4 (20) of such section);

5 “(D) a citizen of one of the Freely Associ-
6 ated States lawfully residing in the United
7 States in accordance with the Compact of Free
8 Association set forth in section 201 of the Com-
9 pact of Free Association Act of 1985 (48
10 U.S.C. 1901 note; Public Law 99–239) or the
11 Compact of Free Association set forth in sec-
12 tion 201 of Public Law 99–658 (48 U.S.C.
13 1931 note);

14 “(E) an alien having CNMI Resident sta-
15 tus under section 6(e)(6) of the Joint Resolu-
16 tion entitled ‘A Joint Resolution to approve the
17 Covenant To Establish a Commonwealth of the
18 Northern Mariana Islands in Political Union
19 with the United States of America, and for
20 other purposes’, approved March 24, 1976 (48
21 U.S.C. 1806); or

22 “(F) a lawful resident of one of the Freely
23 Associated States.

24 “(2) WAIVER PROHIBITED.—The requirement
25 under paragraph (1) may not be waived under—

1 “(A) any provision of section 523 of De-
2 partments of Labor, Health and Human Serv-
3 ices, and Education, and Related Agencies Ap-
4 propriations Act, 2024 (Public Law 118–47);

5 “(B) any of the authorities provided by
6 any of the laws referred to in subsection (b) of
7 such section 523; or

8 “(C) any other authority provided in any
9 law—

10 “(i) to carry out, or participate in, a
11 Performance Partnership Pilot (as defined
12 in section 526(1) of the Departments of
13 Labor, Health and Human Services, and
14 Education, and Related Agencies Appro-
15 priations Act, 2014 (42 U.S.C. 12301
16 note)); or

17 “(ii) that allows additional time to op-
18 erate, or participate in, a Performance
19 Partnership Pilot site selected on or before
20 the date of the enactment of such law.”.

21 (b) CONFORMING AMENDMENTS.—The Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1011 et seq.) is further
23 amended—

1 (1) in section 318(b) (20 U.S.C. 1059e(b)), by
2 striking “section 402A(h)” each place it appears and
3 inserting “section 402A(i)”;

4 (2) in section 371(c) (20 U.S.C. 1067q(c)), by
5 striking “section 402A(h)” each place it appears and
6 inserting “section 402A(i)”;

7 (3) in section 402E(g) (20 U.S.C. 1070a–
8 15(g)), by striking “section 402A(g)” and inserting
9 “section 402A(h)”;

10 (4) in section 402H (20 U.S.C. 1070a–18), by
11 striking “section 402A(f)(4)” each place it appears
12 and inserting “section 402A(g)(4)”.

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