To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide certain benefits to noncitizens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. JAYAPAL introduced the following bill; which was referred to the Committee on __________________

A BILL

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide certain benefits to noncitizens, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lifting Immigrant Families Through Benefits Access Restoration Act of 2021” of the “LIFT the BAR Act of 2021”.
SEC. 2. AVAILABILITY OF BASIC ASSISTANCE TO LAWFULLY PRESENT NONCITIZENS.

(a) ELIMINATION OF ARBITRARY ELIGIBILITY RESTRICTIONS.—Sections 402, 403, 411, 412, 421, and 422 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612, 1613, 1621, 1622, 1631, and 1632) are repealed.

(b) NOTIFICATION AND INFORMATION REPORTING.—Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1614) is amended by striking “, 402, or 403”.

(c) QUALIFIED NONCITIZENS.—Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) is amended—

(1) in the header, by striking “ALIENS” and inserting “NONCITIZENS”;

(2) by striking “alien” each place it appears and inserting “noncitizen”;

(3) by striking “aliens” each place it appears and inserting “noncitizens”;

(4) by striking “alien’s” each place it appears and inserting “noncitizen’s”;

(5) by striking “an alien” each place that it appears and inserting “a noncitizen”;

(6) by striking “alien” each place that it appears and inserting “noncitizen”;

...
(7) by striking “qualified alien” each place that it appears and inserting “qualified noncitizen”;
(8) by striking “qualified aliens” each place that it appears and inserting “qualified noncitizens”;
(9) by striking “qualified alien’s” each place that it appears and inserting “qualified noncitizen’s”;
(10) in section 402—
   (A) in the header, by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”; and
   (B) in subsection (a)(2)(L), by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”;
(11) in section 403, in the header, by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”;
(12) in section 411, in the header, by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”; and
(13) in section 412, in the header, by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”.
(d) Access to Basic Services for Lawfully Residing Noncitizens.—Section 431 of the Personal Re-
sponsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) is amended—

(1) in subsection (b)—

(A) in the header, by striking “QUALIFIED ALIEN” and inserting “QUALIFIED NONCITIZEN”;

(B) by striking “qualified alien” and inserting “qualified noncitizen”; and

(C) by striking “alien” and inserting “noncitizen”;

(D) by striking “an alien” and inserting “a noncitizen”; and

(E) by striking “benefit” and all that follows through the period at the end of the subsection and inserting “benefit, is lawfully present in the United States.”; and

(2) in subsection (c)—

(A) in the header, by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”; and

(B) by striking “; or” at the end of paragraph (3) and inserting “;”;

(C) by striking the period at the end of paragraph (4) and inserting “; or”; and

(D) by inserting after paragraph (4):
“(5) a noncitizen—

“(A) in a category that was treated as lawfully present for purposes of section 1101 of the Patient Protection and Affordable Care Act of 2010 (42 U.S.C. 18001);

“(B) who met the requirements of section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)) on or before January 1, 2021;

“(C) who is granted special immigrant juvenile status as described by section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J));

“(D) who has a pending, bona fide application for nonimmigrant status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C 1101(1)(15)(U));

“(E) who was granted relief under the Deferred Action for Childhood Arrivals program; or

“(F) any other person who is not a citizen of the United States but who resides in a State or territory of the United States and is Feder-
ally authorized to be present in the United States.”; and

(3) by adding at the end the following new subsection:

“(d) NONCITIZEN.—For the purposes of this title, the term ‘noncitizen’ means any individual who is not a citizen of the United States.”.

(e) CHILD NUTRITION PROGRAMS.—Section 742 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1615) is amended—

(1) in subsection (a)—

(A) in the header by striking “SCHOOL LUNCH AND BREAKFAST PROGRAMS” and inserting “CHILD NUTRITION PROGRAMS”;

(B) by striking “the school lunch program” and inserting “any program”; and

(C) by striking “the school breakfast program under section 4 of the” and inserting “any program under”; and

(2) in subsection (b)(1)—

(A) by striking “Nothing in this Act shall prohibit or require a State to provide to an individual who is not a citizen or a qualified alien, as defined in section 431(b),” and inserting “A State shall not deny”; and
(B) by striking “paragraph (2)” and inserting “paragraph (2) on the basis of an individual’s citizenship or immigration status”.

(f) EXCLUSION OF MEDICAL ASSISTANCE EXPENDITURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—Section 1108(h) of the Social Security Act (42 U.S.C. 1308(h)) is amended—

(1) by striking “Expenditures” and inserting:

“(1) Expenditures”; and

(2) by adding at the end the following new paragraph:

“(2) With respect to eligibility for benefits for the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program), paragraph (1) shall not apply to any individual who lawfully resides in 1 of the 50 States or the District of Columbia in accordance with the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and shall not apply, at the option of the Governor of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa as communicated to the Secretary of Health and Human Serv-
ices in writing, to any individual who lawfully resides
in the respective territory in accordance with such
Compacts.”.

(g) CHILD HEALTH INSURANCE PROGRAM.—Section
2107(e)(1) of the Social Security Act (42 U.S.C.
1397gg(e)(1)) is amended—

(1) by striking subparagraph (O); and

(2) by redesignating subparagraphs (P), (Q),
(R), (S), (T), and (U) as subparagraphs (O), (P),
(Q), (R), (S), and (T).

(h) CONFORMING AMENDMENTS.—

(1) SUPPLEMENTAL FOOD ASSISTANCE PRO-
GRAM.—The Food and Nutrition Act of 2008 (7
U.S.C. 2011 et seq.) is amended—

(A) in section 5—

(i) by striking subsection (i); and

(ii) by redesignating subsections (j)
through (n) as subsection (i) through (m),
respectively;

(B) in section 6—

(i) in subsection (f), by striking “an
alien lawfully admitted for permanent” and
all that follows through the end of the sub-
section and inserting “a noncitizen lawfully
present in the United States.”;
(ii) in subsection (s)(2), by striking “(m), and (n)” and inserting “and (m)”;

and

(C) in section 11(e)(2)(B)(v)(II) by striking “aliens” each place it appears and inserting “noncitizens”.

(2) MEDICAID.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(A) in paragraph (1), by striking “admitted for” and all that follows through the end of the paragraph and inserting “present in the United States.”; and

(B) striking paragraph (4).

(3) HOUSING ASSISTANCE.—Section 214(a) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) inserting after paragraph (5):

“(6) a qualified noncitizen as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641),”.

(4) GENERAL RULE ON NONCITIZENS’ ELIGIBILITY.—Section 401 of Personal Responsibility and
Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611) is amended—

(A) in section 401, in the header—

(i) by striking “QUALIFIED ALIENS” and inserting “QUALIFIED NONCITIZENS”; and

(ii) by striking “ALIENS” and inserting “NONCITIZENS”;

(B) by striking “qualified alien” wherever it occurs and inserting “qualified noncitizen”; and

(C) by striking “alien” wherever it occurs and inserting “noncitizen”.

(5) ASSISTANCE NOT TREATED AS DEBT ABSENT FRAUD.—Section 213A(b)(1)(A) of the Immigration and Nationality Act is amended by striking “benefit,” and inserting “benefit by fraud,”.

(i) PRESERVING ACCESS TO HEALTH CARE.—Section 36B(c)(1)(B) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B) SPECIAL RULE FOR CERTAIN INDIVIDUALS LAWFULLY PRESENT IN THE UNITED STATES.—If—

“(i) a taxpayer has a household income which is not greater than 100 per-
cent of an amount equal to the poverty line
for a family of the size involved,

“(ii) the taxpayer is a non-citizen law-
fully present in the United States,

“(iii) the taxpayer is ineligible for
minimum essential coverage under section
5000A(f)(1)(A)(ii), and

“(iv) under the Medicaid eligibility
criteria for non-citizens in effect on De-
cember 26, 2020, the taxpayer would be
ineligible for such minimum essential cov-
erage by reason of the taxpayer’s immigra-
tion status,

the taxpayer shall, for purposes of the credit
under this section, be treated as an applicable
taxpayer with a household income which is
equal to 100 percent of the poverty line for a
family of the size involved.”.

(j) Federal Agency Guidance.—Not later than
180 days after the date of the enactment of this Act, each
Federal agency, as applicable, shall issue guidance with
respect to implementing the amendments made by this
Act.

(k) Effective Date.—The amendments made by
this section shall take effect on the date of enactment of
this Act and shall apply to services furnished on or after the date that is 180 days after the date on which any guidance is issued pursuant to subsection (i).