



(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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.

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 “Lifting Immigrant
5 Families Through Benefits Access Restoration Act of
6 2021” of the “LIFT the BAR Act of 2021”.

1 **SEC. 2. AVAILABILITY OF BASIC ASSISTANCE TO LAWFULLY**
2 **PRESENT NONCITIZENS.**

3 (a) **ELIMINATION OF ARBITRARY ELIGIBILITY RE-**
4 **STRICTIONS.**—Sections 402, 403, 411, 412, 421, and 422
5 of the Personal Responsibility and Work Opportunity Rec-
6 onciliation Act of 1996 (8 U.S.C. 1612, 1613, 1621, 1622,
7 1631, and 1632) are repealed.

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

12 (c) **QUALIFIED NONCITIZENS.**—Title IV of the Per-
13 sonal Responsibility and Work Opportunity Reconciliation
14 Act of 1996 (8 U.S.C. 1601 et seq.) is amended—

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

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

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

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

23 (5) by striking “an alien” each place that it ap-
24 pears and inserting “a noncitizen”;

25 (6) by striking “alien” each place that it ap-
26 pears and inserting “noncitizen”;

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

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

5 (9) by striking “qualified alien’s” each place
6 that it appears and inserting “qualified nonciti-
7 zen’s”;

8 (10) in section 402—

9 (A) in the header, by striking “**QUALI-**
10 **FIED ALIENS**” and inserting “**QUALIFIED**
11 **NONCITIZENS**”; and

12 (B) in subsection (a)(2)(L), by striking
13 “**QUALIFIED ALIENS**” and inserting “**QUALI-**
14 **FIED NONCITIZENS**”;

15 (11) in section 403, in the header, by striking
16 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
17 **NONCITIZENS**”;

18 (12) in section 411, in the header, by striking
19 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
20 **NONCITIZENS**”; and

21 (13) in section 412, in the header, by striking
22 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
23 **NONCITIZENS**”.

24 (d) ACCESS TO BASIC SERVICES FOR LAWFULLY RE-
25 SIDING NONCITIZENS.—Section 431 of the Personal Re-

1 sponsibility and Work Opportunity Reconciliation Act of
2 1996 (8 U.S.C. 1641) is amended—

3 (1) in subsection (b)—

4 (A) in the header, by striking “QUALIFIED
5 ALIEN” and inserting “QUALIFIED NONCIT-
6 IZEN”;

7 (B) by striking “qualified alien” and in-
8 serting “qualified noncitizen”; and

9 (C) by striking “alien” and inserting “non-
10 citizen”;

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

13 (E) by striking “benefit” and all that fol-
14 lows through the period at the end of the sub-
15 section and inserting “benefit, is lawfully
16 present in the United States.”; and

17 (2) in subsection (c)—

18 (A) in the header, by striking “QUALIFIED
19 ALIENS” and inserting “QUALIFIED NONCITI-
20 ZENS”;

21 (B) by striking “; or” at the end of para-
22 graph (3) and inserting “;”;

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

25 (D) by inserting after paragraph (4):

1 “(5) a noncitizen—

2 “(A) in a category that was treated as law-
3 fully present for purposes of section 1101 of the
4 Patient Protection and Affordable Care Act of
5 2010 (42 U.S.C. 18001);

6 “(B) who met the requirements of section
7 402(a)(2)(D) of the Personal Responsibility and
8 Work Opportunity Reconciliation Act of 1996
9 (8 U.S.C. 1612(a)(2)(D)) on or before January
10 1, 2021;

11 “(C) who is granted special immigrant ju-
12 venile status as described by section
13 101(a)(27)(J) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1101(a)(27)(J));

15 “(D) who has a pending, bona fide applica-
16 tion for nonimmigrant status under section
17 101(a)(15)(U) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1101(1)(15)(U));

19 “(E) who was granted relief under the De-
20 ferred Action for Childhood Arrivals program;
21 or

22 “(F) any other person who is not a citizen
23 of the United States but who resides in a State
24 or territory of the United States and is Feder-

1 ally authorized to be present in the United
2 States.”; and

3 (3) by adding at the end the following new sub-
4 section:

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

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

11 (1) in subsection (a)—

12 (A) in the header by striking “SCHOOL
13 LUNCH AND BREAKFAST PROGRAMS” and in-
14 serting “CHILD NUTRITION PROGRAMS”;

15 (B) by striking “the school lunch pro-
16 gram” and inserting “any program”; and

17 (C) by striking “the school breakfast pro-
18 gram under section 4 of the” and inserting
19 “any program under”;

20 (2) in subsection (b)(1)—

21 (A) by striking “Nothing in this Act shall
22 prohibit or require a State to provide to an in-
23 dividual who is not a citizen or a qualified alien,
24 as defined in section 431(b),” and inserting “A
25 State shall not deny”; and

1 (B) by striking “paragraph (2)” and in-
2 serting “paragraph (2) on the basis of an indi-
3 vidual’s citizenship or immigration status”.

4 (f) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
5 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
6 Section 1108(h) of the Social Security Act (42 U.S.C.
7 1308(h)) is amended—

8 (1) by striking “Expenditures” and inserting:

9 “(1) Expenditures”; and

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

12 “(2) With respect to eligibility for benefits for
13 the designated Federal program defined in para-
14 graph (3)(C) (relating to the Medicaid program),
15 paragraph (1) shall not apply to any individual who
16 lawfully resides in 1 of the 50 States or the District
17 of Columbia in accordance with the Compacts of
18 Free Association between the Government of the
19 United States and the Governments of the Fed-
20 erated States of Micronesia, the Republic of the
21 Marshall Islands, and the Republic of Palau and
22 shall not apply, at the option of the Governor of
23 Puerto Rico, the Virgin Islands, Guam, the North-
24 ern Mariana Islands, or American Samoa as commu-
25 nicated to the Secretary of Health and Human Serv-

1 ices in writing, to any individual who lawfully resides
2 in the respective territory in accordance with such
3 Compacts.”.

4 (g) CHILD HEALTH INSURANCE PROGRAM.—Section
5 2107(e)(1) of the Social Security Act (42 U.S.C.
6 1397gg(e)(1)) is amended—

7 (1) by striking subparagraph (O); and

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

11 (h) CONFORMING AMENDMENTS.—

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

15 (A) in section 5—

16 (i) by striking subsection (i); and

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

20 (B) in section 6—

21 (i) in subsection (f), by striking “an
22 alien lawfully admitted for permanent” and
23 all that follows through the end of the sub-
24 section and inserting “a noncitizen lawfully
25 present in the United States.”;

1 (ii) in subsection (s)(2), by striking
2 “(m), and (n)” and inserting “and (m)”;
3 and
4 (C) in section 11(e)(2)(B)(v)(II) by strik-
5 ing “aliens” each place it appears and inserting
6 “noncitizens”.

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

9 (A) in paragraph (1), by striking “admit-
10 ted for” and all that follows through the end of
11 the paragraph and inserting “present in the
12 United States.”; and

13 (B) striking paragraph (4).

14 (3) HOUSING ASSISTANCE.—Section 214(a) of
15 the Housing and Community Development Act of
16 1980 (42 U.S.C. 1436a(a)) is amended by—

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

19 (B) inserting after paragraph (5):

20 “(6) a qualified noncitizen as defined in section
21 431 of the Personal Responsibility and Work Oppor-
22 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

23 (4) GENERAL RULE ON NONCITIZENS’ ELIGI-
24 BILITY.—Section 401 of Personal Responsibility and

1 Work Opportunity Reconciliation Act of 1996 (8
2 U.S.C. 1611) is amended—

3 (A) in section 401, in the header—

4 (i) by striking “**QUALIFIED ALIENS**”
5 and inserting “**QUALIFIED NONCITI-**
6 **ZENS**”; and

7 (ii) by striking “**ALIENS**” and insert-
8 ing “**NONCITIZENS**”;

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

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

14 (5) ASSISTANCE NOT TREATED AS DEBT AB-
15 SENT FRAUD.—Section 213A(b)(1)(A) of the Immi-
16 gration and Nationality Act is amended by striking
17 “benefit,” and inserting “benefit by fraud,”.

18 (i) PRESERVING ACCESS TO HEALTH CARE.—Sec-
19 tion 36B(c)(1)(B) of the Internal Revenue Code of 1986
20 is amended to read as follows:

21 “(B) SPECIAL RULE FOR CERTAIN INDI-
22 VIDUALS LAWFULLY PRESENT IN THE UNITED
23 STATES.—If—

24 “(i) a taxpayer has a household in-
25 come which is not greater than 100 per-

1 cent of an amount equal to the poverty line
2 for a family of the size involved,

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

5 “(iii) the taxpayer is ineligible for
6 minimum essential coverage under section
7 5000A(f)(1)(A)(ii), and

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

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

19 (j) FEDERAL AGENCY GUIDANCE.—Not later than
20 180 days after the date of the enactment of this Act, each
21 Federal agency, as applicable, shall issue guidance with
22 respect to implementing the amendments made by this
23 Act.

24 (k) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect on the date of enactment of

- 1 this Act and shall apply to services furnished on or after
- 2 the date that is 180 days after the date on which any guid-
- 3 ance is issued pursuant to subsection (i).