

117TH CONGRESS
1ST SESSION

H. R. 5227

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

SEPTEMBER 10, 2021

Ms. JAYAPAL (for herself, Mr. CÁRDENAS, Ms. ADAMS, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Mr. BOWMAN, Mr. CARSON, Ms. CASTOR of Florida, Ms. CHU, Ms. CLARKE of New York, Mr. CONNOLLY, Mr. COOPER, Ms. DEAN, Ms. ESCOBAR, Mr. ESPAILLAT, Ms. LOIS FRANKEL of Florida, Mr. GALLEGO, Mr. GARCÍA of Illinois, Mr. GRJALVA, Ms. JACOBS of California, Mr. JOHNSON of Georgia, Mr. JONES, Mrs. KIRKPATRICK, Ms. LEE of California, Mr. LIEU, Mrs. CAROLYN B. MALONEY of New York, Mr. MCGOVERN, Ms. MENG, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Ms. NEWMAN, Ms. NORTON, Mr. POCAN, Ms. PRESSLEY, Ms. ROYBAL-ALLARD, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOTO, Ms. TITUS, Ms. TLAIB, Mrs. TORRES of California, Mr. TORRES of New York, Mr. TRONE, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Mr. KAHELE, and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Education and Labor, Energy and Commerce, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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” or the “LIFT the BAR Act of 2021”.

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

9 (a) **ELIMINATION OF ARBITRARY ELIGIBILITY RE-**
10 **STRICTIONS.**—Sections 402, 403, 411, 412, 421, and 422
11 of the Personal Responsibility and Work Opportunity Rec-
12 onciliation Act of 1996 (8 U.S.C. 1612, 1613, 1621, 1622,
13 1631, and 1632) are repealed.

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

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

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

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

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

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

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

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

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

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

13 (9) by striking “qualified alien’s” each place
14 that it appears and inserting “qualified nonciti-
15 zen’s”;

16 (10) in section 402—

17 (A) in the header, by striking “**QUALI-**
18 **FIED ALIENS**” and inserting “**QUALIFIED**
19 **NONCITIZENS**”; and

20 (B) in subsection (a)(2)(L), by striking
21 “**QUALIFIED ALIENS**” and inserting “**QUALI-**
22 **FIED NONCITIZENS**”;

23 (11) in section 403, in the header, by striking
24 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
25 **NONCITIZENS**”;

1 (12) in section 411, in the header, by striking
2 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
3 **NONCITIZENS**”; and

4 (13) in section 412, in the header, by striking
5 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
6 **NONCITIZENS**”.

7 (d) **ACCESS TO BASIC SERVICES FOR LAWFULLY RE-**
8 **SIDING NONCITIZENS.**—Section 431 of the Personal Re-
9 sponsibility and Work Opportunity Reconciliation Act of
10 1996 (8 U.S.C. 1641) is amended—

11 (1) in subsection (b)—

12 (A) in the header, by striking “**QUALIFIED**
13 **ALIEN**” and inserting “**QUALIFIED NONCIT-**
14 **IZEN**”;

15 (B) by striking “qualified alien” and in-
16 serting “qualified noncitizen”;

17 (C) by striking “alien” and inserting “non-
18 citizen”;

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

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

25 (2) in subsection (c)—

1 (A) in the header, by striking “QUALIFIED
2 ALIENS” and inserting “QUALIFIED NONCITI-
3 ZENS”;

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

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

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

9 “(5) a noncitizen—

10 “(A) in a category that was treated as law-
11 fully present for purposes of section 1101 of the
12 Patient Protection and Affordable Care Act of
13 2010 (42 U.S.C. 18001);

14 “(B) who met the requirements of section
15 402(a)(2)(D) of the Personal Responsibility and
16 Work Opportunity Reconciliation Act of 1996
17 (8 U.S.C. 1612(a)(2)(D)) on or before January
18 1, 2021;

19 “(C) who is granted special immigrant ju-
20 venile status as described by section
21 101(a)(27)(J) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1101(a)(27)(J));

23 “(D) who has a pending, bona fide applica-
24 tion for nonimmigrant status under section

1 101(a)(15)(U) of the Immigration and Nation-
2 ality Act (8 U.S.C 1101(1)(15)(U));

3 “(E) who was granted relief under the De-
4 ferred Action for Childhood Arrivals program;
5 or

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

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

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

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

19 (1) in subsection (a)—

20 (A) in the header by striking “SCHOOL
21 LUNCH AND BREAKFAST PROGRAMS” and in-
22 serting “CHILD NUTRITION PROGRAMS”;

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

1 (C) by striking “the school breakfast pro-
2 gram under section 4 of the” and inserting
3 “any program under”; and
4 (2) in subsection (b)(1)—

5 (A) by striking “Nothing in this Act shall
6 prohibit or require a State to provide to an in-
7 dividual who is not a citizen or a qualified alien,
8 as defined in section 431(b),” and inserting “A
9 State shall not deny”; and

10 (B) by striking “paragraph (2)” and in-
11 sserting “paragraph (2) on the basis of an indi-
12 vidual’s citizenship or immigration status”.

13 (f) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
14 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
15 Section 1108(h) of the Social Security Act (42 U.S.C.
16 1308(h)) is amended—

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

18 “(1) Expenditures”; and

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

21 “(2) With respect to eligibility for benefits for
22 the designated Federal program defined in para-
23 graph (3)(C) (relating to the Medicaid program),
24 paragraph (1) shall not apply to any individual who
25 lawfully resides in 1 of the 50 States or the District

1 of Columbia in accordance with the Compacts of
2 Free Association between the Government of the
3 United States and the Governments of the Fed-
4 erated States of Micronesia, the Republic of the
5 Marshall Islands, and the Republic of Palau and
6 shall not apply, at the option of the Governor of
7 Puerto Rico, the Virgin Islands, Guam, the North-
8 ern Mariana Islands, or American Samoa as commu-
9 nicated to the Secretary of Health and Human Serv-
10 ices in writing, to any individual who lawfully resides
11 in the respective territory in accordance with such
12 Compacts.”.

13 (g) CHILD HEALTH INSURANCE PROGRAM.—Section
14 2107(e)(1) of the Social Security Act (42 U.S.C.
15 1397gg(e)(1)) is amended—

16 (1) by striking subparagraph (O); and
17 (2) by redesignating subparagraphs (P), (Q),
18 (R), (S), (T), and (U) as subparagraphs (O), (P),
19 (Q), (R), (S), and (T).

20 (h) CONFORMING AMENDMENTS.—

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

24 (A) in section 5—

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

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

4 (B) in section 6—

5 (i) in subsection (f), by striking “an
6 alien lawfully admitted for permanent” and
7 all that follows through the end of the sub-
8 section and inserting “a noncitizen lawfully
9 present in the United States.”; and

10 (ii) in subsection (s)(2), by striking
11 “(m), and (n)” and inserting “and (m)”;
12 and

13 (C) in section 11(e)(2)(B)(v)(II) by strik-
14 ing “aliens” each place it appears and inserting
15 “noncitizens”.

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

18 (A) in paragraph (1), by striking “admit-
19 ted for” and all that follows through the end of
20 the paragraph and inserting “present in the
21 United States.”; and

22 (B) striking paragraph (4).

23 (3) HOUSING ASSISTANCE.—Section 214(a) of
24 the Housing and Community Development Act of
25 1980 (42 U.S.C. 1436a(a)) is amended by—

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

3 (B) inserting after paragraph (5):

4 “(6) a qualified noncitizen as defined in section
5 431 of the Personal Responsibility and Work Oppor-
6 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

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

11 (A) in section 401, in the header—

12 (i) by striking “**QUALIFIED ALIENS**”
13 and inserting “**QUALIFIED NONCITI-**
14 **ZENS**”; and

15 (ii) by striking “**ALIENS**” and insert-
16 ing “**NONCITIZENS**”;

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

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

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

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

4 “(B) SPECIAL RULE FOR CERTAIN INDI-
5 VIDUALS LAWFULLY PRESENT IN THE UNITED
6 STATES.—If—

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

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

13 “(iii) the taxpayer is ineligible for
14 minimum essential coverage under section
15 5000A(f)(1)(A)(ii), and

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

22 the taxpayer shall, for purposes of the credit
23 under this section, be treated as an applicable
24 taxpayer with a household income which is

1 equal to 100 percent of the poverty line for a
2 family of the size involved.”.

3 (j) FEDERAL AGENCY GUIDANCE.—Not later than
4 180 days after the date of the enactment of this Act, each
5 Federal agency, as applicable, shall issue guidance with
6 respect to implementing the amendments made by this
7 Act.

8 (k) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on the date of enactment of
10 this Act and shall apply to services furnished on or after
11 the date that is 180 days after the date on which any guid-
12 ance is issued pursuant to subsection (i).

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