

118TH CONGRESS
1ST SESSION

H. R. 4170

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

JUNE 15, 2023

Ms. JAYAPAL (for herself, Mr. CÁRDENAS, Ms. ADAMS, Mr. AUCHINCLOSS, Ms. BARRAGÁN, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BOWMAN, Mr. CARBAJAL, Mr. CARSON, Mr. CASAR, Mr. CASTEN, Ms. CASTOR of Florida, Mr. CASTRO of Texas, Mrs. CHERFILUS-McCORMICK, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY, Mr. CORREA, Mr. CROW, Ms. DEAN of Pennsylvania, Ms. DEGETTE, Ms. DELBENE, Mr. DESAULNIER, Mr. DOGGETT, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. EVANS, Mrs. FOUSHEE, Ms. LOIS FRANKEL of Florida, Mr. GALLEGRO, Mr. ROBERT GARCIA of California, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GRIJALVA, Mrs. HAYES, Mr. HUFFMAN, Mr. IVEY, Ms. JACOBS, Mr. JOHNSON of Georgia, Ms. KAMLAGER-DOVE, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILMER, Ms. LEE of California, Ms. LEE of Pennsylvania, Mr. LIEU, Ms. LOFGREN, Mr. MCGOVERN, Mr. MENENDEZ, Ms. MENG, Ms. MOORE of Wisconsin, Mr. MOULTON, Mr. MULLIN, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. OMAR, Mr. PANETTA, Mr. PAYNE, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Mr. QUIGLEY, Mrs. RAMIREZ, Mr. RASKIN, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SEWELL, Mr. SHERMAN, Mr. SMITH of Washington, Mr. SOTO, Ms. STANSBURY, Mr. SWALWELL, Mr. TAKANO, Mr. THANEDAR, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. TORRES of New York, Mrs. TORRES of California, Mrs. TRAHAN, Mr. TRONE, Mr. VARGAS, Mr. VEASEY, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Mr. PHILLIPS, and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Education and the Workforce, 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” or the
6 “LIFT the BAR Act”.

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—

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

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

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

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

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

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

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

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

17 (9) by striking “qualified alien’s” each place
18 that it appears and inserting “qualified nonciti-
19 zen’s”;

20 (10) in section 402—

21 (A) in the header, by striking “**QUALI-**
22 **FIED ALIENS**” and inserting “**QUALIFIED**
23 **NONCITIZENS**”; and

1 (B) in subsection (a)(2)(L), by striking
2 “QUALIFIED ALIENS” and inserting “QUALI-
3 FIED NONCITIZENS”;

4 (11) in section 403, in the header, by striking
5 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
6 **NONCITIZENS**”;

7 (12) in section 411, in the header, by striking
8 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
9 **NONCITIZENS**”; and

10 (13) in section 412, in the header, by striking
11 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**
12 **NONCITIZENS**”.

13 (d) ACCESS TO BASIC SERVICES FOR LAWFULLY RE-
14 SIDING NONCITIZENS.—Section 431 of the Personal Re-
15 sponsibility and Work Opportunity Reconciliation Act of
16 1996 (8 U.S.C. 1641) is amended—

17 (1) in subsection (b)—

18 (A) in the header, by striking “QUALIFIED
19 ALIEN” and inserting “QUALIFIED NONCIT-
20 IZEN”;

21 (B) by striking “alien” and inserting “non-
22 citizen”;

23 (C) by striking “an alien” and inserting “a
24 noncitizen”; and

1 (D) by striking “benefit” and all that fol-
2 lows through the period at the end of the sub-
3 section and inserting “benefit, is lawfully
4 present in the United States.”;

5 (2) in subsection (c)—

6 (A) in the header, by striking “QUALIFIED
7 ALIENS” and inserting “QUALIFIED NONCITI-
8 ZENS”;

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

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

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

14 “(5) a noncitizen—

15 “(A) in a category that was treated as law-
16 fully present for purposes of section 1101 of the
17 Patient Protection and Affordable Care Act of
18 2010 (42 U.S.C. 18001);

19 “(B) who met the requirements of section
20 402(a)(2)(D) of the Personal Responsibility and
21 Work Opportunity Reconciliation Act of 1996
22 (8 U.S.C. 1612(a)(2)(D)) on or before January
23 1, 2021;

24 “(C) who is granted special immigrant ju-
25 venile status as described by section

1 101(a)(27)(J) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1101(a)(27)(J));

3 “(D) who has a pending, bona fide applica-
4 tion for nonimmigrant status under section
5 101(a)(15)(U) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1101(1)(15)(U));

7 “(E) who was granted relief under the De-
8 ferred Action for Childhood Arrivals program;
9 or

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

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

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

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

23 (1) in subsection (a)—

1 (A) in the header by striking “SCHOOL
2 LUNCH AND BREAKFAST PROGRAMS” and in-
3 serting “CHILD NUTRITION PROGRAMS”;

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

6 (C) by striking “the school breakfast pro-
7 gram under section 4 of the” and inserting
8 “any program under”; and

9 (2) in subsection (b)(1)—

10 (A) by striking “Nothing in this Act shall
11 prohibit or require a State to provide to an in-
12 dividual who is not a citizen or a qualified alien,
13 as defined in section 431(b),” and inserting “A
14 State shall not deny”; and

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

18 (f) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
19 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
20 Section 1108(h) of the Social Security Act (42 U.S.C.
21 1308(h)) is amended—

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

23 “(1) Expenditures”; and

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

1 “(2) With respect to eligibility for benefits for
2 the designated Federal program defined in para-
3 graph (3)(C) (relating to the Medicaid program),
4 paragraph (1) shall not apply to any individual who
5 lawfully resides in 1 of the 50 States or the District
6 of Columbia in accordance with the Compacts of
7 Free Association between the Government of the
8 United States and the Governments of the Fed-
9 erated States of Micronesia, the Republic of the
10 Marshall Islands, and the Republic of Palau and
11 shall not apply, at the option of the Governor of
12 Puerto Rico, the Virgin Islands, Guam, the North-
13 ern Mariana Islands, or American Samoa as commu-
14 nicated to the Secretary of Health and Human Serv-
15 ices in writing, to any individual who lawfully resides
16 in the respective territory in accordance with such
17 Compacts.”.

18 (g) CHILD HEALTH INSURANCE PROGRAM.—Section
19 2107(e)(1) of the Social Security Act (42 U.S.C.
20 1397gg(e)(1)) is amended—

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

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

25 (h) CONFORMING AMENDMENTS.—

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

4 (A) in section 5—

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

6 (ii) by redesignating subsections (j)
7 through (n) as subsections (i) through (m),
8 respectively;

9 (B) in section 6—

10 (i) in subsection (f), by striking “an
11 alien lawfully admitted for permanent” and
12 all that follows through the end of the sub-
13 section and inserting “a noncitizen lawfully
14 present in the United States.”; and

15 (ii) in subsection (s)(2), by striking
16 “(m), and (n)” and inserting “and (m)”;
17 and

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

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

23 (A) in paragraph (1), by striking “admit-
24 ted for” and all that follows through the end of

1 the paragraph and inserting “present in the
2 United States.”; and

3 (B) striking paragraph (4).

4 (3) HOUSING ASSISTANCE.—Section 214(a) of
5 the Housing and Community Development Act of
6 1980 (42 U.S.C. 1436a(a)) is amended by—

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

9 (B) inserting after paragraph (5):

10 “(6) a qualified noncitizen as defined in section
11 431 of the Personal Responsibility and Work Oppor-
12 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

13 (4) GENERAL RULE ON NONCITIZENS’ ELIGI-
14 BILITY.—Section 401 of the Personal Responsibility
15 and Work Opportunity Reconciliation Act of 1996 (8
16 U.S.C. 1611) is amended—

17 (A) in the header—

18 (i) by striking “**QUALIFIED ALIENS**”
19 and inserting “**QUALIFIED NONCITI-**
20 **ZENS**”; and

21 (ii) by striking “**ALIENS**” and insert-
22 ing “**NONCITIZENS**”; and

23 (B) by striking “alien” each place it ap-
24 pears and inserting “noncitizen”.

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

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

8 “(B) SPECIAL RULE FOR CERTAIN INDI-
9 VIDUALS LAWFULLY PRESENT IN THE UNITED
10 STATES.—If—

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

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

17 “(iii) the taxpayer is ineligible for
18 minimum essential coverage under section
19 5000A(f)(1)(A)(ii), and

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

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

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

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

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