

117TH CONGRESS
2D SESSION

S. 4311

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

IN THE SENATE OF THE UNITED STATES

MAY 25, 2022

Ms. HIRONO (for herself, Mr. BOOKER, Mrs. MURRAY, Mr. LEAHY, Mr. MARKEY, Ms. WARREN, Mr. SANDERS, Mr. BROWN, Mr. PADILLA, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Finance

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 TITLES.**

4 This Act may be cited as the “Lifting Immigrant
5 Families Through Benefits Access Restoration Act of
6 2022” or the “LIFT the BAR Act of 2022”.

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

3 (a) **ELIMINATION OF ARBITRARY ELIGIBILITY RE-**
4 **STRICTIONS.—**

5 (1) **IN GENERAL.—**Sections 402, 403, 411, 412,
6 421, and 422 of the Personal Responsibility and
7 Work Opportunity Reconciliation Act of 1996 (8
8 U.S.C. 1612, 1613, 1621, 1622, 1631, and 1632)
9 are repealed.

10 (2) **CONFORMING AMENDMENTS.—**Title IV of
11 the Personal Responsibility and Work Opportunity
12 Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.)
13 is amended—

14 (A) in section 401(b)(5) (8 U.S.C.
15 1611(b)(5)), by striking “the program defined
16 in section 402(a)(3)(A) (relating to the supple-
17 mental security income program)” and inserting
18 “the Supplemental Security Income Program
19 under title XVI of the Social Security Act (42
20 U.S.C. 1381 et seq.)”;

21 (B) in section 404(a) (8 U.S.C. 1614(a)),
22 by striking “, 402, or 403”;

23 (C) in section 413 (8 U.S.C. 1625)—

24 (i) by striking “A State” and insert-
25 ing the following:

1 “(a) STATE OR LOCAL PUBLIC BENEFIT DE-
 2 FINED.—In this section, except as provided in paragraphs
 3 (2) and (3), the term ‘State or local public benefit’—

4 “(1) means—

5 “(A) any grant, contract, loan, professional
 6 license, or commercial license provided by an
 7 agency of a State or local government or by ap-
 8 propriated funds of a State or local govern-
 9 ment; and

10 “(B) any retirement, welfare, health, dis-
 11 ability, public or assisted housing, postsec-
 12 ondary education, food assistance, unemploy-
 13 ment benefit, or any other similar benefit for
 14 which payments or assistance are provided to
 15 an individual, household, or family eligibility
 16 unit by an agency of a State or local govern-
 17 ment or by appropriated funds of a State or
 18 local government;

19 “(2) shall not apply—

20 “(A) to any contract, professional license,
 21 or commercial license for a nonimmigrant
 22 whose visa for entry is related to such employ-
 23 ment in the United States, or to a citizen of a
 24 freely associated state, if section 141 of the ap-
 25 plicable compact of free association approved in

1 Public Law 99–239 or 99–658 (or a successor
2 provision) is in effect;

3 “(B) with respect to benefits for an alien
4 who as a work authorized nonimmigrant or as
5 an alien lawfully admitted for permanent resi-
6 dence under the Immigration and Nationality
7 Act qualified for such benefits and for whom
8 the United States under reciprocal treaty agree-
9 ments is required to pay benefits, as determined
10 by the Secretary of State, after consultation
11 with the Attorney General; or

12 “(C) to the issuance of a professional li-
13 cense to, or the renewal of a professional license
14 by, a foreign national not physically present in
15 the United States; and

16 “(3) does not include any Federal public ben-
17 efit.

18 “(b) PROOF OF ELIGIBILITY REQUIREMENT.—A
19 State”; and

20 (ii) in subsection (b), as redesignated,
21 by striking “(as defined in section
22 411(c))”;

23 (D) in section 432(d) (8 U.S.C. 1642(d)),
24 by striking “(as defined in section 411(c))” and
25 inserting “(as defined in section 413(a))”;

1 (E) in section 435 (8 U.S.C. 1645), by
2 striking “(as provided under section 403)”; and

3 (F) in section 436 (8 U.S.C. 1646)—

4 (i) by striking “the food stamp pro-
5 gram (as defined in section 402(a)(3)(B))”
6 and inserting “the supplemental nutrition
7 assistance program established under the
8 Food and Nutrition Act of 2008 (7 U.S.C.
9 2011 et seq.)”; and

10 (ii) by striking “the supplemental se-
11 curity income program (as defined in sec-
12 tion 402(a)(3)(A))” and inserting “the
13 Supplemental Security Income Program
14 under title XVI of the Social Security Act
15 (42 U.S.C. 1381 et seq.)”.

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

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

21 (2) in the header of section 401—

22 (A) by striking “**ALIENS**” and inserting
23 “**NONCITIZENS**”; and

24 (B) by striking “**QUALIFIED ALIENS**”
25 and inserting “**QUALIFIED NONCITIZENS**”;

1 (3) by striking “qualified alien” each place such
2 term appears and inserting “qualified noncitizen”;

3 (4) by striking “qualified aliens” each place
4 such term appears and inserting “qualified nonciti-
5 zens”;

6 (5) by striking “qualified alien’s” each place
7 such term appears and inserting “qualified nonciti-
8 zen’s”;

9 (6) by striking “an alien” each place such term
10 appears and inserting “a noncitizen”;

11 (7) by striking “alien” each place such term ap-
12 pears and inserting “noncitizen”;

13 (8) by striking “aliens” each place such term
14 appears and inserting “noncitizens”; and

15 (9) by striking “alien’s” each place such term
16 appears and inserting “noncitizen’s”.

17 (c) ACCESS TO BASIC SERVICES FOR LAWFULLY RE-
18 SIDING NONCITIZENS.—Section 431 of the Personal Re-
19 sponsibility and Work Opportunity Reconciliation Act of
20 1996 (8 U.S.C. 1641) is amended—

21 (1) in subsection (b)—

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

1 (B) by striking “qualified alien” and in-
2 serting “qualified noncitizen”;

3 (C) by striking “alien” and inserting “non-
4 citizen”;

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

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

11 (2) in subsection (c)—

12 (A) in the header, by striking “QUALIFIED
13 ALIENS” and inserting “QUALIFIED NONCITI-
14 ZENS”;

15 (B) in paragraph (3), by striking “or”
16 after the semicolon;

17 (C) in paragraph (4), by striking the pe-
18 riod at the end and inserting “; or”; and

19 (D) by inserting after paragraph (4) the
20 following:

21 “(5) a noncitizen—

22 “(A) in a category that was treated as law-
23 fully present for purposes of section 1101 of the
24 Patient Protection and Affordable Care Act of
25 2010 (42 U.S.C. 18001);

1 “(B) who met the requirements of section
2 402(a)(2)(D) of the Personal Responsibility and
3 Work Opportunity Reconciliation Act of 1996
4 (8 U.S.C. 1612(a)(2)(D)) on or before January
5 1, 2021;

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

10 “(D) who has a pending, bona fide applica-
11 tion for nonimmigrant status under section
12 101(a)(15)(U) of the Immigration and Nation-
13 ality Act (8 U.S.C. 1101(1)(15)(U));

14 “(E) who was granted relief under the De-
15 ferred Action for Childhood Arrivals program;
16 or

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

22 (3) by adding at the end the following:

23 “(d) NONCITIZEN.—In this title, the term ‘noncit-
24 izen’ means any individual who is not a citizen of the
25 United States.”.

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

4 (1) in subsection (a)—

5 (A) in the header by striking “SCHOOL
6 LUNCH AND BREAKFAST PROGRAMS” and in-
7 serting “CHILD NUTRITION PROGRAMS”;

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

10 (C) by striking “the school breakfast pro-
11 gram under section 4 of the” and inserting
12 “any program under”; and

13 (2) in subsection (b)(1)—

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

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

22 (e) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
23 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
24 Section 1108(h) of the Social Security Act (42 U.S.C.
25 1308(h)) is amended—

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

2 “(1) Expenditures”; and

3 (2) by adding at the end the following:

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

21 (f) CHILD HEALTH INSURANCE PROGRAM.—Section
22 2107(e)(1) of the Social Security Act (42 U.S.C.
23 1397gg(e)(1)) is amended—

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

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

4 (g) CONFORMING AMENDMENTS.—

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

8 (A) in section 5 (7 U.S.C. 2014)—

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

10 (ii) by redesignating subsections (j)
11 through (n) as subsections (i) through (m),
12 respectively;

13 (B) in section 6 (7 U.S.C. 2015)—

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

19 (ii) in subsection (s)(2), by striking
20 “(m), and (n)” and inserting “and (m)”;
21 and

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

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

3 (A) in paragraph (1), by striking “admit-
4 ted for” and all that follows through the end of
5 the paragraph and inserting “present in the
6 United States.”; and

7 (B) striking paragraph (4).

8 (3) HOUSING ASSISTANCE.—Section 214(a) of
9 the Housing and Community Development Act of
10 1980 (42 U.S.C. 1436a(a)) is amended by—

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

13 (B) inserting after paragraph (5):

14 “(6) a qualified noncitizen as defined in section
15 431 of the Personal Responsibility and Work Oppor-
16 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

17 (4) ASSISTANCE NOT TREATED AS DEBT AB-
18 SENT FRAUD.—Section 213A of the Immigration
19 and Nationality Act (8 U.S.C. 1183a) is amended—

20 (A) in subsection (a)(3)—

21 (i) in subparagraph (A), by striking
22 “(as provided under section 403 of the
23 Personal Responsibility and Work Oppor-
24 tunity Reconciliation Act of 1996)”;

1 (ii) in subparagraph (B), in the un-
2 designated matter following clause (ii), by
3 striking “(as provided under section 403 of
4 the Personal Responsibility and Work Op-
5 portunity Reconciliation Act of 1996)”;
6 and

7 (B) in subsection (b)(1)(A) is amended by
8 striking “benefit,” and inserting “benefit by
9 fraud,”.

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

13 “(B) SPECIAL RULE FOR CERTAIN INDI-
14 VIDUALS LAWFULLY PRESENT IN THE UNITED
15 STATES.—If—

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

20 “(ii) the taxpayer is a noncitizen law-
21 fully present in the United States,

22 “(iii) the taxpayer is ineligible for
23 minimum essential coverage under section
24 5000A(f)(1)(A)(ii), and

1 “(iv) under the Medicaid eligibility
2 criteria for noncitizens in effect on Decem-
3 ber 26, 2020, the taxpayer would be ineli-
4 gible for such minimum essential coverage
5 by reason of the taxpayer’s immigration
6 status,
7 the taxpayer shall, for purposes of the credit
8 under this section, be treated as an applicable
9 taxpayer with a household income which is
10 equal to 100 percent of the poverty line for a
11 family of the size involved.”.

12 **SEC. 3. FEDERAL AGENCY GUIDANCE.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, each Federal agency affected by any of
15 the amendments made by this Act shall issue guidance
16 with respect to the implementation of such amendments.

17 **SEC. 4. EFFECTIVE DATE.**

18 The amendments made by this Act—

19 (1) shall take effect on the date of the enact-
20 ment of this Act; and

21 (2) shall apply to services furnished on or after
22 the date that is 180 days after the date on which
23 any guidance is issued pursuant to section 3.

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