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IRENE -

HERE ARE COPIES OF THE
MATERIALS SENT BY THE
CA FOOD POLICY ADVOCATES.
PLEASE PASS ALONG A
COPY TO ERIC.

ONCE AGAIN, THANKS FOR
ENGAGING THEM.

Danny O'Brien



FAX COVER PAGE

Date: 8.19

To: Danny O'Brien

Fax phone Number: 202.456.6218

Regarding: Legal Immigrant Food Stamp cuts

Total number of pages sent: 3

Comments:

Hi Danny. Here are the county estimates of legal immigrants cut from the federal food stamp program by congressional district. Some households have been picked up by California's tenuous state-funded program, others remain unserved. Thanks for your assistance on this work.

From: Matt Sharp, CFPA – LA Office
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Danny O'Brien
Associate Director, Ethnic Outreach
White House Office of Public Liaison
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

August 16, 1999

Dear Mr. O'Brien:

Thank-you for your assistance in arranging our conference call on Friday, August 13. On behalf of California Food Policy Advocates, Coalition for Humane Immigrant Rights Los Angeles, Asian Pacific American Legal Center, and several other social service agencies, I want to extend our thanks to the Administration for taking the time to hear our concerns regarding the Moynihan-Levin bill: The Fairness to Legal Immigrants Act of 1999 (H.R. 1399, S. 792).

Our discussion on the federal restoration and expansion of nutrition, health and disability benefits covered by the Moynihan-Levin bill was constructive. Federal commitment to these essential safety net programs will ensure access to eligible non-participants in immigrant communities. Sustained outreach and clear eligibility information are needed to increase enrollment in these programs among immigrants. California's fiscal commitment to maintaining these federal benefits with state funds is unstable, making the Administration's commitment to working for the passage of The Fairness to Legal Immigrants Act of 1999 even more crucial.

We appreciate the Domestic Policy Council's support for the issues addressed by the Moynihan-Levin bill as well as the tips on effective strategies to advocate with members of California's Congressional Delegation. Thanks again and we look forward to continuing to work with you on strengthening access to the safety net programs.

Sincerely,

A handwritten signature in black ink that reads "Matt Sharp". The signature is fluid and stylized, with a long, sweeping underline.

Matt Sharp
Child Nutrition Advocate

Cc: Eric Gould, Domestic Policy Council
Irene Bueno, Domestic Policy Council

**Estimate of Legal Immigrants in Los Angeles County Whose Federal
Food Stamp Benefits Would Be Restored Under H.R. 1399**

Congressional District	Legal Immigrants Whose Federal Food Stamp Benefits Would be Restored⁽¹⁾
24 Brad Sherman	974
25 Howard P. "Buck" McKeon	1,069
26 Howard L. Berman	4,115
27 James E. Rogan	4,337
28 David Dreier	643
29 Henry A. Waxman	1,914
30 Xavier Becerra	5,922
31 Matthew G. Martinez	5,245
32 Julian C. Dixon	2,497
33 Lucille Roybal-Allard	5,860
34 Gracc Napolitano	2,377
35 Maxine Waters	3,842
36 Steven Kuykendall	619
37 Juanita Millender-McDonald	5,014
38 Steve Horn	3,289
39 Ed Royce	252
41 Gary G. Miller	840
Total	48,809 ⁽²⁾

¹ These estimates by district reflect legal immigrants residing in Los Angeles County only. Legislative districts that straddle county lines may include legal immigrants not represented here.

² Over 86% are estimated to be parents of minor children.



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Restoration Mtg - 4/29
Senate side
Dons

Leahy
Graham
Lilly
Dough
Pashley

Mayrhub/Levin - bill (Doug)

- Difficult to move big bill
- Admin bill may be hard to R to see except
- ~~make~~ Separate 3 parts

Chafee - children's health + pregnant woman bill. Checking w/ other d.

Working the bigger bill to get grassroots support but think about strategy - 3 part bill.

Mark maybe working w/ him (^{him} ~~that~~ Chafee staff (Ming)) on a limited bill. Governor's office pushing.

HGA ^{dislike} ~~dislike~~ funding w/ cost allocation even though support the bill but individual Gov

Jeffords is considering. ~~that~~

TX - try to work the Gov.

Trying to broaden beyond money from children's health + hunger programs.

Could be part of a larger solvency bill

Disability groups are not focused

Food Stamp - Leahy

Be much harder. TX would not work.

Just

Back - pursue point

- groups focus point

WA Event? - Timing?
VP

Vehicle

- no reconciliation
- individual codes

- Bipartisan bill

- need to think about what gives support to the
- health bill - right after or before memorial day

- Meet w/ the health guys

- \$5 million - FL comes

- Beware that agent that states already paying for it. This proposal even not mean more beds will be covered

- Gov. Davis - is interested.

- NCSL, NACD (LA County) -

- Press -

- LA Times
- Miami Herald

- Rollout

- VP work w/ guys -
- Agreement to an event

- Reconciliation -

- Governance issue - needs 2/3 vote

CBE mtg 4/30/99 - Restoration

(A)

Rep. Underwood - 1996 - took benefit away.
- FAS?

• Jimmy - unclear.

• No official CBE positions on Adam. or Levin/Mariner bill.
but still need to consult w/ members & but support
proposal generally.

Intro ~~bill~~ bill

Decide on health issue

with
Gil

- Develop a list of groups beyond organizations - ~~and~~
- still reports -
- work w/ Caucus

Proposal mtg

Imag
Elderly
Disability
Kids
Hunger
NGA, intl govt
Religious

Ways + Means - 4/30 Rums

Melvin - Levin bill - move on the same track even thyl Levin
more expensive → merge bill - break apart

Dr. Lerner

(1) Nursing home piece - Sen. Bob Graham

(2) CBO estimates - Pre-1994. daily quality of care \$81.00

(3) Future disabled get benefit, no Super bar, but sponsors ~~thought~~ ^{would be satisfied} under

FS

come all per 1994

Domestic
Violence

Qualified for all FPBs

\$2.7 billion = ?

For
Haskins

- willing to discuss, may not oppose

NESL - will support if commitment to no pay for home cat
allocation.

Has disavowed of Republican lawmakers - Jeb Bush, Pat Toomey, Daines

Republicans -

Greg - Palant
has Lehtinen } have not alot of power.

McC, CBC,
Big partisanship

- Include in strategy.

Melanie -

250 groups have signed on ~~the~~ to the bill - keep together.
2 yr. process.

Whitaker -

tax bill in July?

Quentis -

Rs

Nancy Johnson non-committed but prefer not to do anything, hook
Houghton?

Shaw -

Leadership

make a priority.

Mack -

Build support - start by state - CA, TX, FL

INS

- TPS ~~#~~ ~~4~~ + section ~~#~~
- Asylum Applicant
CABE applicants -
- Family Unity

We are not covering more than prior to WK

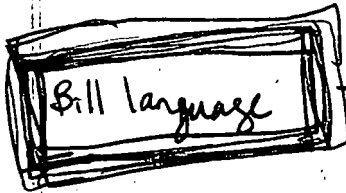
Barbara Shock - 5/5

- ~~Q~~ Temporary Status groups - getting bad
immig. strategy - need to be clear rules.
& integrity ~~of~~ in the system - once you get in
are it required to ~~be~~ leave.
- Lawfully present regulation -

concerns

- TPS - extending to C.A. - all 4 countries - consideration
does not cost anything unless status went too. Can
lose this argument -
- Short-term parolees
- IRCA temp
- Family Unity?
- What's the principal

PRUCOL -



5/4

~~STB~~

for

305-0134

Barbara - INS

- Helpful approach
- ~~the~~ little policy interest on who's eligible
- Some language issues
- Questions about categories

HHS

PRUCOL

tricked on to the end ~~of~~ = lawfully residing / PRUCOL category

OMB

OK w/ structure - Questions w/ PRUCOL

HHS

- Built on to Q.A. def.
- Native Am ~~new~~ new + not in PRUCOL
(TPS (1 yr. + work authorization) -
Asylum applicants)

INS

- Treat nonimmig differently ~~to~~ from other temporary ~~residents~~
residents like TPS.
- No good data[#] on TPS § 244 (f) &
• Barbara will check on this
~~setup~~

In Status Alien = non-immigrants
Covered under PRUCOL?

New

- TPS

- Indian

- Asylum applicants

~~new~~

Benefit Restoration 5/11

- Language - will wrap up restoration
- Transmittal letters - can be moved quickly to clear
- meetings -
 - H. Commerce Bipartisan briefing. wait to clear public to charge - tutorial
 - S. Finance/Alex & Vachon - briefing ~~next~~ this Friday?
 - Atty Gen. not ~~as~~ thrilled - concerned about offsets
- Outreach to ^{public health} groups + intergov't groups after P.C.

Next mtg. ~~5/11~~ 5/24.

 J. Eric Gould

08/12/99 05:59:42 PM

Record Type: Record

To: Irene Bueno/OPD/EOP@EOP

cc:

Subject: Statement by the President on the Immigrant Children's Health Improvement Act of 1999

It doesn't say much but it's something.

----- Forwarded by J. Eric Gould/OPD/EOP on 08/12/99 05:59 PM -----



Erica S. Lepping
06/16/99 02:40:32 PM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP

cc:

Subject: Statement by the President on the Immigrant Children's Health Improvement Act of 1999

----- Forwarded by Erica S. Lepping/WHO/EOP on 06/16/99 02:40 PM -----

From: Julia M. Payne on 06/16/99 01:34:49 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Statement by the President on the Immigrant Children's Health Improvement Act of 1999

THE WHITE HOUSE

Office of the Press Secretary
(Paris, France)

For Immediate Release

June 16, 1999

STATEMENT BY THE PRESIDENT

I am pleased that today a bipartisan group of Senators, led by Senators Chafee and McCain and including Senators Graham, Mack, Moynihan, and Jeffords, have taken an important step in ensuring health care coverage for children by introducing the "Immigrant Children's Health Improvement Act of 1999."

When I signed the 1996 welfare reform law, I pledged to work toward reversing the unnecessary cuts in benefits to legal immigrants that had nothing to do with the goal of moving people from welfare to work. As part of the Balanced Budget Act of 1997 and the Agricultural Research Act of 1998, my Administration worked with Congress to restore vital health, nutritional, and disability benefits to hundreds of thousands of vulnerable legal immigrants. Recognizing that more needs to be done, my budget includes a \$1.3 billion proposal to restore health care benefits to children and pregnant women, nutritional assistance to elderly individuals, and disability and health assistance to legal immigrants who become disabled after they arrive in the United States.

The proposal introduced today, which is similar to the one in my budget, would provide health care coverage for over 55,000 children, allowing states to use Medicaid or the Children's Health Insurance Program (CHIP) for pregnant women and children who are legal immigrants, regardless of when they came to the U.S. I look forward to working with Members of Congress on both sides of the aisle to enact this legislation to help many children lead healthier and more productive lives.

30-30-30

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THE WALL STREET JOURNAL

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NO. 29 WE/PA ★ ★ ★

WEDNESDAY, AUGUST 11, 1999

INTERNET ADDRESS: <http://wsj.com>

Report Finds Food Stamps Underutilized

By SHEILA MUTO

Staff Reporter of THE WALL STREET JOURNAL
A new report has found that the number of Californians using food stamps has plunged over the past few years—too much, in fact.

Citing statistics from the state Department of Social Services, the 1999 California Food Stamp Forum Report notes that the average number of people receiving food stamps monthly dropped 38% to two million in February, from 3.2 million in fiscal year 1995. In fiscal 1998, nearly \$2.1 billion in food stamps was issued in California. The forum report was the result of a one-day conference in June attended by officials of the California Department of Social Services; California Food Policy Advocates, a San Francisco nonprofit; and the U.S. Agriculture Department.

A strong economy and stricter eligibility requirements account for part of the decline. But another reason, the report cites, is that only 57% of those eligible to participate actually enroll in the state's food-stamp program. To encourage more poor Californians to use food stamps, the report recommends, among other things, that government coupons be repositioned as a "nutrition" program rather than "welfare."

With monthly food-stamp allotments amounting to \$70 a person on average, the report says, getting food stamps to those who qualify could mean an additional \$105 million a month spent at California grocery stores and other retailers that accept them. It could also mean easing the load on the state's already overburdened food banks.

California's 70 or so food banks, which distribute to community agencies that, in turn, distribute food to needy families and individuals, "are creative in trying to meet the demand," says Sharon Eghigian, executive director of the California Association of Food Banks in Sacramento. "But often," she adds, "there's not enough to meet the need."

Despite the state's strong economy, says Ed Bolen, a senior analyst at California Food Policy Advocates, "about half of all low-income families spend 70% of their income on housing" in California, which "leaves little for food. There's still a tremendous need" for food stamps.

But spending public funds to publicize
Please Turn to Page C45, Column 1

CALIFORNIA

Report Suggests Ways to Increase Use of Food Stamps

Continued From Page C4E

The oldest and largest federal food-assistance program is folly, says Naomi Lopez, a policy analyst at the Pacific Research Institute, a free-market-oriented think tank in San Francisco. "There's a cottage industry built around trying to get more people to sign up for welfare," she adds. People know about the food-stamps program, but often choose not to participate in it because of "the stigma" that is associated with doing so.

Issue Studied

The forum report follows a study released last week by the congressional General Accounting Office, which tried to explain why so many people who are eligible to receive food stamps aren't using them. The study concluded that "food-stamp participation has dropped faster than related economic indicators would predict," particularly following the federal welfare reform act of 1996. (Since that law took effect, food-stamp participation in California has dropped about 28%, the sixth-biggest percentage decline for states, after Wisconsin, Texas, Arizona, Kansas and Ohio.)

The GAO report cited the strong economy, more stringent eligibility requirements and confusion over the changes brought by welfare reform as primary reasons for the declines. Moreover, the study noted that many state and local governments "have not publicized the differences in the eligibility requirements for welfare and food stamps."

The food-stamp program is administered nationally by the Agriculture Department and in California by the state Department of Social Services and the 58 county welfare offices. The federal government pays the cost of food-stamp benefits and half the administrative costs; state and local governments make up the rest.

Eligibility for food stamps depends on the household's size, income level and assets. Generally, those who receive cash welfare benefits also receive food stamps. But many don't realize they can still qualify for food stamps even if they make the transition from welfare to work.

The GAO and others speculate that poor people assume that if they become ineligible for cash assistance, they also lose non-cash benefits such as food stamps—which often isn't the case. In addition, legal immigrants were disqualified from food stamps under the welfare-reform act of 1996—but unknown to many of them, have since been restored to the program. After President Clinton decelerated the restrictions as too harsh, Congress last year returned eligibility to those who were living in the U.S. when welfare reform was enacted and who were over age 65, under 18 or disabled.

The GAO report found that children accounted for about 48% of the total decline in participation during fiscal 1996 and 1997, the most recent data available. But in California, legal immigrants who weren't yet citizens and single adults accounted for much of the decline, says Mr. Bolen. Although the forum report offers no specific statistics on these groups, the GAO study reveals that legal immigrants accounted for nearly 50% of California's total decline in participation during that same time frame. While children accounted for 67% of the state's decline, according to the GAO, California Food Policy Advocates estimates that the number of single adults receiving food stamps dropped more than 50% over the past three years.

The GAO report offered recommendations that generally line up with those in this week's Food Stamp Forum report, particularly the call for state and local governments to recruit more eligible food-stamp recipients. But the forum report also recommends a host of initiatives and changes in the system that reflect the characteristics of those that have dropped off the food-stamp rolls in California. Among them:

- Use federal funds to publicize the food-stamp program as a nutrition program "to reduce the stigma" associated with welfare.

- Target advertising and promotional efforts on immigrant communities and on clients moving off welfare.

- Press the Agriculture Department to reassess eligibility requirements that don't account for regional variations in the cost of living.

- Encourage counties with high unemployment rates to seek waivers from the Agriculture Department to allow adults without dependents to receive food stamps if they can't find work.

- Make the program more flexible by simplifying the application process and increasing the hours and number of locations where applications can be submitted.

Currently, the California Department of Social Services has no plans for a statewide food-stamp publicity campaign, says spokeswoman Karen Perkins. And she declines to comment on any of the report's recommendations, saying she hasn't seen them. Still, there are several initiatives under way that incorporate some of the recommendations.

Assembly Bill 510, introduced by Assemblyman Roderick Wright (D., Los Angeles), would require every county to redetermine a recipient's eligibility for cash welfare benefits and food stamps quarterly rather than monthly, as is current practice. That, say supporters, would make the process for applying for food stamps and other benefits less burdensome and time consuming.

Moreover, by 2002, California must convert food stamps to debit cards, which recipients would use much like bank ATM cards. Aimed at reducing fraud—while allowing recipients to hide from others in the checkout line the fact that the government is paying for their groceries—the conversion to an electronic system was mandated by the 1996 welfare-reform law.



Barbara.L.Strack@usdoj.gov

06/16/99 06:12:00 PM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc: Allen.Erenbaum@intmail.usdoj.gov, Sarah.T.Taylor@intmail.usdoj.gov, Philip.B.Busch@intmail.usdoj.gov

Subject: Re:Legislative Language for the Medicaid/CHIP Restoration le

Irene, these comments aren't formal, but I wanted to pass them along before any more time passes.

OK 1. The following categories do not need to be separately identified, as they are included within "qualified alien:" aliens granted withholding of removal; Cuban or Haitian entrants; Amerasian immigrants; and "battered aliens." (Assuming, as seems reasonable, that what is intended is the same definition of battered alien used in the amended definition of qualified alien, and that by "Amerasians" we mean Amerasian immigrants as used in 402 and 403 of PRWORA. Those Amerasians are LPRs, and therefore qualified aliens; they are referenced in PRWORA to exempt them from limitations on LPR eligibility for certain programs, but if there is a general exemption in the new legislation for qualified aliens, a special reference for Amerasian LPRs is unnecessary).

OK 2. Section 402(a)(2)(K) of PRWORA, 8 USC 1612(a)(2)(K), provides a definition of Hmong and Highland Laotians that can be adopted (possibly excluding the element of "lawfully residing in the United States" in light of the "entered the United States on or after Aug. 22, 1996" requirement; I note also that most Hmong and Highland Laotians entered before then, but I understand that some have since).

NW 3. INS continues to question inclusion of DED and deferred action.

These are prosecutorial discretion cases, either individual or collective, and it is hard to explain why an administrative decision not to pursue

immediate removal under the INA of an unauthorized alien should create Medicaid eligibility. For the same reasons that TPS is not included, these should not be either.

4. Statements on this proposal should not describe its beneficiaries as "legal non-citizens." Many are illegal aliens under the INA. For example, "Cuban or Haitian entrant" includes any Cuban or Haitian who is in removal proceedings.

Reply Separator

Subject: Legislative Language for the Medicaid/CHIP Restoration legis
Author: Barbara L Strack
Date: 6/9/99 6:18 PM

Phil, under your old hat OR your new hat, I thought you should review the attachment. I haven't looked at it yet myself.

Forward Header

Subject: Legislative Language for the Medicaid/CHIP Restoration legis
Author: Irene_Bueno@opd.eop.gov_at_inetgw2 at wtgate
Date: 6/9/99 2:27 PM

In follow up to our earlier conference call with you and Phil, we discussed your concerns about the categories of immigrants who should be eligible for Medicaid and CHIP under the Administration proposal and have decided that immigrants eligible prior to welfare reform would be eligible under our legislation. However, the programs that you described as null sets are omitted. The attached document provides further information. Since I know

you are out or just coming back from Baltimore, I will follow up with you later today. Thanks.

(See attached file: Immcat.wpd)

 - IMMCAT.WPD

----- Forwarded with Changes

From: Philip B Busch at HQCOU

Date: 6/10/99 11:44AM

To: Barbara L Strack at HQ-002

*cc: Dea D Carpenter

Subject: Re:Legislative Language for the Medicaid/CHIP Restoration le

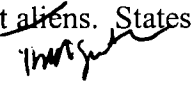
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The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed for the consideration of the Congress is the Administration's draft bill, the "Medicaid and Children's Health Insurance Program Amendments of 1999". The bill amends the Medicaid and Children's Health Insurance Program (CHIP) statutes under titles XIX and XXI of the Social Security Act, and programs under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), to carry out proposals included in the President's Budget for FY 2000.

The bill includes amendments adding State options to expand eligibility for benefits, making program improvements, and closing loopholes in HIPAA's guarantee of extended insurance availability. Other amendments are designed to control costs, improve program administration, and address fraud and abuse. Highlights of the bill are described below; all provisions of the bill are detailed in the enclosed section-by-section summary.

The bill adds State options to extend Medicaid eligibility to youths under age 21 who have "aged out" of the Federal foster care program; to certain individuals receiving in community settings the level of care provided in inpatient institutions; and to immigrant children and pregnant women who are qualified aliens or in other designated groups of lawfully present aliens. States may also extend CHIP eligibility to these same groups of immigrants. 

Various amendments adjust the relationship between the Medicaid program and the cash assistance programs under title IV-A of the Social Security Act (Temporary Assistance for Needy Families (TANF) and its predecessor program, Aid to Families with Dependent Children (AFDC)). The bill relaxes the rules for Medicaid coverage of individuals in families who have become ineligible for TANF or AFDC, in order to relieve State agencies and eligible families from burdensome administrative and reporting requirements, while ensuring that the safety net of Medicaid eligibility is maintained for these families. It provides enhanced Federal matching of costs of outreach to and eligibility determinations for children and families likely to be eligible for Medicaid and CHIP. It also reduces Federal matching for Medicaid administrative costs to recapture the windfall given States by inclusion of amounts for these costs in TANF appropriations.

Amendments to the CHIP program include proposals to expand the cap on administrative expenditures by 3 percent, provided the increase is used for outreach; to increase funding for territories; and to allow waiver of some requirements on territories.

Amendments to the HIPAA statutes add loss of Medicaid coverage as an event requiring group

The Honorable J. Dennis Hastert—Page 2

plans to offer an individual a special enrollment period; and provide that the period before an individual receives written notice that an employer has ceased making insurance payments may not be counted in calculating the length of a break in health insurance coverage.

This legislation would affect direct spending; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990. This draft bill would increase direct spending by \$_____ in FY 2000 and by a total of \$_____ during FYs 2000 through 2004.

We urge the Congress to give the draft bill its prompt and favorable consideration. The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress and that its enactment would be in accord with the Administration's program.

Sincerely,

Donna E. Shalala

Enclosures


Robert J. Pellicci

06/16/99 09:57:50 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Janet R. Forsgren/OMB/EOP@EOP

Subject: Medicaid Legal Immigrant Language

Attached for your review and comment is section 102 of HHS' draft bill entitled the "Medicaid and Children's Health Insurance Program Amendments of 1999." With the exception of this section, the remainder of the bill was cleared on March 15, 1999, as part of the Administration's omnibus budget legislation exercise.

Please give me your comments or sign-off by noon Friday, June 18th.


immsep.wpd

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SEC. 102. STATE OPTIONS FOR COVERAGE OF CERTAIN ALIEN
CHILDREN AND PREGNANT WOMEN.

(a) MEDICAID ELIGIBILITY OF CHILDREN AND PREGNANT WOMEN.❖

(1) STATE OPTION TO PROVIDE MEDICAID.❖

(A) CHILDREN.❖Section 1902(a)(10)(A)(ii) (42
U.S.C. 1396a(a)(10)(A)(ii)) is amended❖

(i) by striking "or" at the end of
subclause (XIII); and

(ii) by adding after subclause (XIV) the
following new subclause:

"(XV) who is an assistable alien child
(as defined in section 1905(v)(1)) who would
be eligible for medical assistance (or for a
greater amount of medical assistance) under
this subparagraph, but for one or more of the
provisions of section 412(e)(7) of the
Immigration and Nationality Act or title IV
of P.L. 104-193; but the State may not
exercise such option with respect to a
subcategory of such individuals."

(B) PREGNANT WOMEN.❖Section 1902(a)(10)(A)(ii) (42
U.S.C. 1396a(a)(10)(A)(ii)) is further amended❖

(i) by inserting "or" at the end of
subclause (XV); and

(ii) by adding after subclause (XV) the

following new subclause:

"(XVI) who is an assistable alien pregnant woman (as defined in section 1905(v)(2)) who would be eligible for medical assistance (or for a greater amount of medical assistance) under this subparagraph, but for one or more of the provisions of section 412(e)(7) of the Immigration and Nationality Act or title IV of P.L. 104-193; but medical assistance for such an individual shall be limited to the same amount, duration, and scope as the medical assistance for any other individual described in subsection (1)(1)(A) or section 1905(n));".

(C) MEDICALLY NEEDY.✠Section 1902(a)(10)(C) (42 U.S.C. 1396a(a)(10)(C)) is amended by inserting before the comma in clause (i)(I) "(and such criteria may provide for eligibility of individuals described in section 1905(v) who would be eligible for medical assistance (or for a greater amount of medical assistance) under the provisions of the plan under this subparagraph, but for one or more of the provisions of section 412(e)(7) of the Immigration and Nationality Act or title IV of P.L. 104-193)".

(2) DEFINITION OF ASSISTABLE ALIEN CHILDREN AND

PREGNANT WOMEN.✠Section 1905 (42 U.S.C. 1396d) is amended by

adding at the end the following new subsection:

"(v) (1) The term 'assistable alien child' means an individual who

"(A) is described in subsection (a) (i); and

"(B) is described in paragraph (3).

"(2) The term 'assistable alien pregnant woman' means an individual who

"(A) is described in section 1902(1) (1) (A) or subsection (n); and

"(B) is described in paragraph (3).

"(3) For purposes of paragraphs (1) and (2), an individual is described in this paragraph if the individual

"(A) is an alien who is

"(i) a qualified alien (as defined in section 431 of Public Law 104-193 as amended); or

"(ii) a lawfully present alien described in regulations promulgated by the Secretary in consultation with the Attorney General."

(3) ELIMINATION OF PAYMENT RESTRICTION WITH RESPECT TO CERTAIN ALIEN CHILDREN AND PREGNANT WOMEN. Section

1903(v) (1) (42 U.S.C. 1396b(v) (1)) is amended by inserting "and except with respect to individuals described in section 1905(v) who receive medical assistance pursuant to section 1902(a) (10) (A) (ii) (XV), 1902(a) (10) (A) (ii) (XVI), or 1902(a) (10) (C)" after "paragraph (2)".

(b) CHIP ELIGIBILITY OF CERTAIN ALIEN CHILDREN. Section 2110(b) (42 U.S.C. 1397jj(b)) is amended

(1) in paragraph (1) (A), by inserting before the semicolon "(including, at the option of the State, a child described in paragraph (3) (B))"; and

(2) in paragraph (3)❖

(A) by striking "SPECIAL RULE.❖" and inserting "SPECIAL RULES.❖"

(B) by designating the remainder of the text as subparagraph (A) and indenting accordingly below the paragraph heading;

(C) by adding the following after the subparagraph designation "(A)": "HEALTH INSURANCE COVERAGE.❖"; and

(D) by adding at the end the following new subparagraph:

"(B) ELIGIBILITY FOR CERTAIN ALIEN CHILDREN.❖For purposes of paragraph (1) (A), a child is described in this subparagraph if❖

"(i) the child is an assistable alien child under section 1905(v) (1); and

"(ii) the State exercises the option to provide medical assistance to the category of individuals described in section 1902(a) (10) (A) (ii) (XV).".

(c) PROHIBITION ON SEEKING SUPPORT FROM SPONSOR.❖

(1) MEDICAID.❖

(A) CHILDREN.❖Section 1902(a) (25) (42 U.S.C. 1396a(a) (25)) is amended❖

(i) by striking "and" at the end of

subparagraph (G);

(ii) by adding "and" at the end of
subparagraph (H); and

(iii) by adding after subparagraph (H) the
following new subparagraph:

"(I) that the State will disregard the
requirements of section 213A(b) of the Immigration and
Nationality Act with respect to medical assistance
furnished on behalf of an individual who is eligible
for such assistance under the State plan because of the
provisions of clause (XV) of paragraph (10) (A) (ii) or
because of the reference to such clause in paragraph
(10) (C). ❧.

(B) PREGNANT WOMEN. ❧ Section 1902(a) (25) (I) (42
U.S.C. 1396a(a) (25) (I)) is amended by inserting ❧or
(XVI)❧ after ❧clause (XV)❧.

(2) CHIP. ❧ Section 2107 (42 U.S.C. 1397gg) is amended by
adding after subsection (e) the following new subsection:

"(f) DISREGARD OF SPONSOR REIMBURSEMENT REQUIREMENT. ❧ A State
child health plan shall provide that the State will disregard the
requirements of section 213A(b) of the Immigration and
Nationality Act with respect to benefits under this title
provided to a child who is eligible for such benefits because of
the provisions of section 2110(b) (3) (B). ❧.

(d) EFFECTIVE DATES. ❧

(1) IN GENERAL. ❧ Except as otherwise provided, the
amendments made by this section shall become effective with

respect to calendar quarters beginning on and after October 1, 1999.

(2) PREGNANT WOMEN. ~~✕~~The amendments made by subsections (a) (2) (B) (and (a) (2) (C), but only with respect to assistable alien pregnant women described in section 1905(v) (2)) and (c) (1) (B) of this section shall become effective with respect to calendar quarters beginning on and after October 1, 2000.

Alien Eligibility for Medicaid (FY 2000 Budget)

For purposes of eligibility for the "Noncitizen Children and Pregnant Women Health Benefits Act of 1999", which is part of the Administration's FY 2000 budget, Medicaid eligibility for children and pregnant women would be for: "Qualified aliens and certain categories of legal non-citizens as determined by the Secretary of Health and Human Services in consultation with the Attorney General."

Using this phrase avoids the inclusion of a long intimidating list of immigrant categories in the legislative language.

However, the list of immigrant categories described by the above language would include the following categories, which would be defined by the implementing regulation:

- * a qualified alien (as defined in section 431 of Public Law 104-193 as amended);
- * an Indian (as defined in section 4(d) of the Indian Self Determination and Education Assistance Act) who is described in section 289 of the Immigration and Nationality Act (INA);
- * a family unity beneficiary pursuant to section 301 of Pub. L. 101-649, as amended;
- * currently under deferred enforced departure;
- * currently under deferred action status pursuant to the Service Operations Instructions of the Immigration and Naturalization Service;
- * the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status;
- * an person granted withholding or removal.
- * Cuban or Haitian entrants, Amerasian, Hmong/Lao tribe member, and battered immigrants (legislative language needed);

and entered the United States on or after August 22, 1996

**State-by-State Estimate of Noncitizens Made Eligible for SSI
by FY 2004 Under President's FY 2000 Budget**

State	Individuals
Total	54,000
Alabama	41
Alaska	54
Arizona	614
Arkansas	21
California	21,030
Colorado	427
Connecticut	327
Delaware	28
District of Columbia	63
Florida	5,124
Georgia	397
Hawaii	236
Idaho	40
Illinois	1,746
Indiana	78
Iowa	85
Kansas	123
Kentucky	63
Louisiana	177
Maine	45
Maryland	532
Massachusetts	1,971
Michigan	616
Minnesota	592
Mississippi	38
Missouri	150
Montana	11
Nebraska	60
Nevada	198
New Hampshire	27
New Jersey	1,643
New Mexico	269
New York	8,698
North Carolina	231
North Dakota	14
Ohio	385
Oklahoma	106
Oregon	344
Pennsylvania	846
Rhode Island	263
South Carolina	43
South Dakota	14
Tennessee	108

Texas	4,065
Utah	106
Vermont	16
Virginia	496
Washington	1,036
West Virginia	12
Wisconsin	389
Wyoming	2

Proportional distribution based on noncitizen SSI recipients in 12/98.

Data compiled by SSA.

State-by-State Population Distribution of Noncitizen Children & Women of Child Bearing Age

(Data source: March Supplement to the 1998 CPS Survey)

	Total Non-Citizens		Non-Citizen Children		Non-Citizen Women Age 15-44	
		Percent		Percent		Percent
TOTAL	16,542,147	100.0%	2,461,553	100.0%	5,115,846	100.0%
AK	14,989	0.1%	2,342	0.1%	4,704	0.1%
AL	75,903	0.5%	11,584	0.5%	28,240	0.6%
AR	34,311	0.2%	4,531	0.2%	9,880	0.2%
AZ	470,053	2.8%	83,421	3.4%	159,133	3.1%
CA	5,378,251	32.5%	780,595	31.7%	1,720,921	33.6%
CO	159,956	1.0%	38,086	1.5%	54,937	1.1%
CT	130,932	0.8%	5,012	0.2%	26,305	0.5%
DC	34,767	0.2%	2,473	0.1%	10,059	0.2%
DE	11,987	0.1%	1,989	0.1%	4,454	0.1%
FL	1,298,554	7.8%	194,440	7.9%	385,599	7.5%
GA	145,018	0.9%	16,855	0.7%	60,594	1.2%
HI	103,669	0.6%	9,847	0.4%	28,746	0.6%
IA	49,035	0.3%	12,944	0.5%	15,522	0.3%
ID	69,130	0.4%	15,832	0.6%	21,827	0.4%
IL	757,856	4.6%	129,407	5.3%	203,408	4.0%
IN	41,075	0.2%	3,927	0.2%	16,726	0.3%
KS	65,615	0.4%	14,432	0.6%	20,369	0.4%
KY	49,020	0.3%	13,924	0.6%	19,626	0.4%
LA	56,605	0.3%	9,304	0.4%	19,947	0.4%
MA	386,972	2.3%	62,667	2.5%	112,606	2.2%
MD	282,653	1.7%	45,730	1.9%	78,486	1.5%
ME	11,816	0.1%	1,807	0.1%	4,852	0.1%
MI	295,095	1.8%	37,383	1.5%	92,127	1.8%
MN	136,214	0.8%	25,040	1.0%	52,336	1.0%
MO	30,552	0.2%	0	0.0%	5,740	0.1%
MS	10,822	0.1%	0	0.0%	4,987	0.1%
MT	5,886	0.0%	0	0.0%	2,027	0.0%
NC	153,261	0.9%	33,362	1.4%	56,618	1.1%
ND	3,336	0.0%	410	0.0%	1,998	0.0%
NE	37,549	0.2%	6,110	0.2%	14,554	0.3%
NH	26,874	0.2%	2,618	0.1%	5,822	0.1%
NJ	683,091	4.1%	101,934	4.1%	182,323	3.6%
NM	73,628	0.4%	12,704	0.5%	19,832	0.4%
NV	127,429	0.8%	19,590	0.8%	39,934	0.8%
NY	2,178,581	13.2%	314,639	12.8%	644,499	12.6%
OH	156,082	0.9%	6,312	0.3%	29,476	0.6%
OK	41,416	0.3%	6,228	0.3%	15,254	0.3%
OR	234,996	1.4%	42,796	1.7%	67,352	1.3%
PA	273,210	1.7%	34,634	1.4%	80,559	1.6%
RI	47,130	0.3%	5,014	0.2%	18,318	0.4%
SC	26,916	0.2%	0	0.0%	7,678	0.2%
SD	3,400	0.0%	781	0.0%	1,360	0.0%
TN	58,519	0.4%	0	0.0%	19,190	0.4%
TX	1,622,264	9.8%	242,716	9.9%	516,339	10.1%
UT	93,393	0.6%	19,069	0.8%	25,620	0.5%
VA	242,281	1.5%	33,289	1.4%	96,862	1.9%
VT	8,717	0.1%	1,109	0.0%	2,333	0.0%
WA	235,696	1.4%	44,245	1.8%	80,652	1.6%
WI	99,061	0.6%	10,267	0.4%	22,122	0.4%
WV	6,210	0.0%	0	0.0%	2,117	0.0%
WY	2,369	0.0%	148	0.0%	876	0.0%

09-1999 16:25

NILC-D.C.

202 776 0474 P.02/07

NILC • Immigrant Eligibility for Public Benefits

QUALIFIED IMMIGRANT CATEGORIES UNDER THE 1996 WELFARE & IMMIGRATION LAWS

IMMIGRATION CATEGORY	DESCRIPTION	QUALIFIED IMMIGRANT?	LAWFULLY PRESENT?
LEGAL PERMANENT RESIDENT (LPR)	Person granted lawful permanent residence status (green card holders)	YES	YES
REFUGEE	Person admitted as refugee (retain refugee exemption for benefits even if subsequently adjust to LPR status)	YES	YES
ASYLEE	Person granted asylum (retain refugee exemption for benefits even if subsequently adjust to LPR status)	YES	YES
GRANTED CANCELLATION OF REMOVAL	Person granted cancellation of removal (formerly withholding of deportation) retain refugee exemption for benefits even if subsequently adjust to LPR status.	YES	YES
PAROLEE FOR A YEAR OR MORE	Person who has been paroled into the U.S. for at least one year	YES	YES
CUBAN AND HAITIAN ENTRANT	Person paroled into the U.S. as a Cuban or Haitian Entrant or any other national from Cuba or Haiti who is the subject of exclusion or removal proceedings or who has an application for asylum pending. Refugee Education Assistance Act of 1990, § 501(e).	YES	YES
AMERASIAN	Child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. conflict in that region. Amerasians were granted lawful permanent resident (LPR) status under special provisions of the immigration law; therefore, Amerasians are qualified aliens because they are LPRs.	YES	YES
DOMESTIC VIOLENCE VICTIMS (AND THEIR PARENTS OR CHILDREN)	Domestic violence victims are qualified aliens if: • Immigrant has been battered, or immigrant's child or parent has been battered, by spouse, parent or member of family in same household; and • Immigrant has a pending or approved spousal petition or a petition pending for relief under the Violence Against Women Act; and • Agency providing benefit determines (using Attorney General guidelines) that need for benefits has substantial connection to battery or severity.	YES	YES
NATIVE AMERICAN	American Indian born in Canada; and certain other tribal members born outside U.S. Immigration and Nationality Act, § 289 (8 U.S.C. § 1359) and Indian Self-Determination and Education Assistance Act of 1996, § 4(e), (25 U.S.C. § 450b(e)).	• If LPR, YES • If not LPR, NO	YES
PAROLEE FOR LESS THAN A YEAR	Alien paroled into the U.S. for less than one year are lawfully present unless they are (a) paroled for deferred inspection or pending exclusion proceedings, or (b) paroled into the U.S. for prosecution.	NO	YES
TEMPORARY RESIDENT	Alien in Temporary Resident status under the IRCA amnesty program.	NO	YES
TPS	Aliens granted Temporary Protected Status because of conflict in their home country.	NO	YES
FAMILY UNITY	Family Unity beneficiary under the IRCA amnesty program.	NO	YES
DED	Alien granted Deferred Enforced Departure.	NO	YES

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NILC • Immigrant Eligibility for Public Benefits

**QUALIFIED IMMIGRANT CATEGORIES • Page 2
UNDER THE 1996 WELFARE & IMMIGRATION LAWS**

IMMIGRATION CATEGORY	DESCRIPTION	QUALIFIED IMMIGRANT?	LAWFULLY PRESENT?
DEFERRED ACTION STATUS	Alien granted Deferred Action status pursuant to INS Service Operations Instructions.	NO	YES
SPOUSE/CHILD w/ ADJUSTMENT OF STATUS PENDING	Alien who is the spouse or child of a U.S. citizen whose visa petition has been approved and who has a pending application for adjustment of status.	NO	YES
ASYLUM OR CANCELLATION OF REMOVAL APPLICANT	Applicant for asylum or cancellation of removal (formerly withholding of deportation) who has been granted employment authorization. Applicants for these statuses under age 14 whose application has been pending for at least 180 days also treated as lawfully present.	NO	YES
IN STATUS ALIEN	Alien who has been inspected and admitted to the U.S. (in a category other than those listed above) and has not violated the terms of their status.	NO	YES
UNDOCUMENTED IMMIGRANT	Person who entered the U.S. without inspection (EWI) or entered lawfully and have overstayed their visa.	NO	NO

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National Immigration Law Center • 1/23/98

GCL DRAFT 5/02/99

A BILL

To amend titles XIX and XXI of the Social Security Act to give States the option of providing medical assistance and child health assistance to certain aliens, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Noncitizen Children and Pregnant Women Health Benefits Act of 1999".

SEC. 2. STATE OPTIONS FOR COVERAGE OF CERTAIN ALIEN CHILDREN AND PREGNANT WOMEN.

(a) MEDICAID ELIGIBILITY OF CHILDREN AND PREGNANT WOMEN.❖

(1) DEFINITION OF MEDICAID QUALIFIED ALIEN CHILDREN AND PREGNANT WOMEN.❖Section 1905 (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(v) (1) The term 'medicaid qualified alien child' means an individual who❖

"(A) is described in subsection (a)(1); and

"(B) is described in paragraph (3).

"(2) The term 'medicaid qualified pregnant woman' means an individual who❖

"(A) is described in section 1902(1)(1)(A) or subsection (n); and

"(B) is described in paragraph (3).

"(3) For purposes of paragraphs (1) and (2), an individual is described in this paragraph if the individual❖

"(A) is an alien who is

"(i) a ~~qualified alien~~ (as defined in section 431 of Public Law 104-193);

"(ii) an Indian (as defined in section 4(d) of the Indian Self Determination and Education Assistance Act) who is described in section 289 of the Immigration and Nationality Act and is not described in clause (i);

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for immi, that will stay longer.

"(iii) ~~paroled into the United States for~~
(people in adjusted status, permanent)
less than one year, unless the alien is paroled

INS. very
temporary.
but will

"(I) for deferred inspection or pending

exclusion proceedings; or

(iii) ~~requested to testify for proceedings~~
(INS section)
will develop additional law

"(II) for prosecution;

"(iv) in temporary resident status under the Immigration Reform and Control Act of 1986 amnesty program;

INS will
suggest
longer

INS site the section of law

"(v) ^{residing under} granted temporary protected status because of conflict in the individual's home country; ^{and natural disaster} (if may include)

"(vi) a family unity beneficiary under the § -- Immigration Reform and Control Act of 1986 amnesty program;

(INS)

✓ "(vii) granted deferred enforced departure; ~~will parole~~
~~of premium to TPS~~ ~~use discretion policy reasons~~ before WR

"(viii) granted deferred action status

pursuant to the Service Operations Instructions of

the Immigration and Naturalization Service;

INS procedural discussion - use information or addresses
family members

will parole
before WR

"(ix) the spouse or child of a United States citizen whose visa petition has been approved and who has a pending application for adjustment of status; or *OK* *PRUCOL bhr* *UN*

"(x) an applicant for asylum or cancellation of removal who has been granted employment authorization (or an applicant under the age of 14 whose application has been pending for at least 180 days); *with holding to apply* *PRUCOL* *D. of Ariz* *SS 1* *medicaid* *not AFDC* *b/c 1st decision*

"(B) entered the United States on or after August 22, 1996; and

"(C) would be eligible for medical assistance (or for a greater amount of medical assistance) under the State plan under this title but for any or all of the provisions of section 401(a), 403, or 421 of Public Law 104-193.".

should not have in state

(2) STATE OPTION TO PROVIDE MEDICAID.

(A) CHILDREN.

(i) CATEGORICALLY NEEDY. Section

1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended

(I) by striking "or" at the end of subclause (XIII); and

(II) by adding after subclause (XIV) the following new subclause:

"(XV) who is a medicaid qualified alien child (as defined in section 1905(v)(1)) but

the State may not exercise such option with respect to a subcategory of such individuals."

(ii) MEDICALLY NEEDY. Section 1902(a)(10)(C) (42 U.S.C. 1396a(a)(10)(C)) is amended by inserting before the comma in clause (i)(I) "(and such criteria may provide for eligibility of individuals described in section 1905(v) who are not described in subparagraph (A)(ii)(XV))".

(B) PREGNANT WOMEN.

(i) CATEGORICALLY NEEDY. Section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii)) is further amended

(I) by inserting "or" at the end of subclause (XV); and

(II) by adding after subclause (XV) the following new subclause:

"(XVI) who is a medicaid qualified alien pregnant woman (as defined in section 1905(v)(2)) but medical assistance for such an individual shall be limited to the same amount, duration, and scope as the medical assistance for any other individual described in such subsection (1)(1)(A) or section 1905(n));".

(ii) MEDICALLY NEEDY. Section 1902(a)(10)(C)

(42 U.S.C. 1396a(a)(10)(C)) is further amended by inserting "or (XVI)" after "subparagraph (A)(ii)(XV)".

(3) ELIMINATION OF PRUCOL RESTRICTION WITH RESPECT TO CERTAIN ALIEN CHILDREN AND PREGNANT WOMEN. ❖Section

1903(v)(1) (42 U.S.C. 1396b(v)(1)) is amended by inserting "and except with respect to individuals described in section 1905(v) who receive medical assistance pursuant to section 1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI), or 1902(a)(10)(C)" after "paragraph (2)".

(b) CHIP ELIGIBILITY OF CERTAIN ALIEN CHILDREN. ❖Section 2110(b) (42 U.S.C. 1397jj(b)) is amended❖

(1) in paragraph (1)(A), by inserting before the semicolon "(including, at the option of the State, a child described in paragraph (3)(B))"; and

(2) in paragraph (3)❖

(A) by striking "SPECIAL RULE."❖ and inserting "SPECIAL RULES."❖

(B) by designating the remainder of the text as subparagraph (A) and indenting accordingly below the paragraph heading;

(C) by adding the following after the subparagraph designation "(A)": "HEALTH INSURANCE COVERAGE."❖; and

(D) by adding at the end the following new subparagraph:

"(B) ELIGIBILITY FOR CERTAIN ALIEN CHILDREN.❖For

purposes of paragraph (1)(A), a child is described in this subparagraph if

"(i) the child is described in section 1905(v)(3); and

"(ii) the State exercises the option to provide medical assistance to the category of individuals described in section 1902(a)(10)(A)(ii)(XV).".

(c) PROHIBITION ON SEEKING SUPPORT FROM SPONSOR.

(1) MEDICAID.

(A) CHILDREN. Section 1902 (42 U.S.C. 1396a) is amended

(i) in subsection (a)(25), in the matter preceding subparagraph (A), by inserting "subject to subsection (aa)" after "provide"; and

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

"(aa) Section 213A(b) of the Immigration and Nationality Act shall not apply to medical assistance furnished on behalf of an individual who is eligible for such assistance under the State plan because of the provisions of clause (XV) of paragraph (10)(A)(ii) or because of the reference to such clause in paragraph (10)(C).".

(B) PREGNANT WOMEN. Section 1902(aa) (42 U.S.C. 1396a(aa)), as added by subparagraph (A), is amended by inserting "or (XVI)" after "clause (XV)".

(2) CHIP.❖Section 2107 (42 U.S.C. 1397gg) is amended by adding after subsection (e) the following new subsection:

7 " (f) DISREGARD OF SPONSOR REIMBURSEMENT REQUIREMENT.❖The requirements of section 213A(b) of the Immigration and Nationality Act shall not apply to benefits under this title provided to a child who is eligible for such benefits because of the provisions of section 2110(b)(3)(B).".

(d) EFFECTIVE DATES.❖

(1) IN GENERAL.❖Except as otherwise provided, the amendments made by this section shall become effective with respect to calendar quarters beginning on and after October 1, 1999.

(2) PREGNANT WOMEN.❖The amendments made by subsections (a)(2)(B) and (c)(1)(B) of this section shall become effective with respect to calendar quarters beginning on and after October 1, 2000.

The Honorable J. Dennis Hastert
Speaker of the House
of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed for the consideration of the Congress is the Administration's draft bill, the "Noncitizen Children and Pregnant Women Health Benefits Act of 1999". The bill supports the President's Budget for FY 2000.

The bill would amend titles XIX and XXI of the Social Security Act to give States the option to extend benefits under Medicaid and the Children's Health Insurance Program (CHIP) to certain noncitizens. The bill would permit States to provide benefits under Medicaid, or under Medicaid and the Children's Health Insurance Program (CHIP), to certain noncitizen children who entered the United States on or after August 22, 1996. States would also be permitted to provide pregnancy-related Medicaid benefits to certain pregnant noncitizens who entered the U.S. on or after such date. This proposal would fill a significant gap in health care coverage for low-income working noncitizen families who are now denied Medicaid and CHIP eligibility under welfare reform rules.

The bill would also prohibit States from seeking reimbursement from sponsors for Medicaid or CHIP benefits provided to these categories of sponsored noncitizens.

We urge the Congress to give the draft bill its prompt and favorable consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

Donna E. Shalala

Enclosure

May 2, 1999

NOTE TO OMB (JEFF FARKAS/BOB PELLICCI)

Re: Revised version of draft "Noncitizen Children and Pregnant Women Health Benefits Act of 1999"

Attached for OMB review is (1) a revised version of the above referenced draft bill; (2) a revised speaker letter; and (3) a redline version of the bill showing changes from the version transmitted to OMB on April 15.

We made several changes to the draft bill in response to the concerns raised by INS. In an attempt to avoid the difficulties identified by INS with respect to the use of the term "lawfully residing" we have substituted for references to "aliens lawfully residing in the United States (as determined pursuant to the rules of the Immigration and Naturalization Services)" a list of the categories of aliens to whom the new State options would apply. The list includes qualified aliens (as defined in PRWORA) plus nine additional immigration categories. The descriptions of the additional categories were taken from a chart supplied by the National Immigration Law Center, and should be reviewed by INS and others for technical accuracy.

We also revised the sponsor reimbursement provisions of the draft bill in response to the INS comments.

The revised bill does not include the amendment to proposed section 1905(v)(3)(C) suggested by DOJ. Section 402(b) of PRWORA provides that, with certain exceptions, States are authorized to determine the eligibility of qualified aliens for any designated Federal program (including Medicaid). Since the draft bill would provide for coverage of the proposed alien children and pregnant women categories at State option (there is no mandate to cover these groups) we do not see the potential for conflict between the provisions.

We have also retained the PRUCOL amendment under section 2(a)(3) of the draft bill. We agree with the INS comment that this provision has the effect of expanding eligibility beyond what it was before welfare reform (since it is our understanding that the proposed State optional categories do include aliens that are not PRUCOL), but we gather that this is the Administration's intent.

Please note that we are circulating the attached for concurrent HHS review, and we may have changes once the HHS review team has a chance to review the revised language.

Please do not hesitate to contact me with any questions.

Thayer Nelson
(202) 690-7773

Attachment

National Immigration Law Center

1101 14th Street, NW Suite 410

Washington, DC 20005

(202) 216-0261 • Fax: (202) 216-0266

E-mail: joshe@pipeline.com

FACSIMILE COVER LETTER

Wednesday, March 31, 1999

Please Deliver The Following Pages To:

Name: David Nielsen

Firm: U.S. Department of Health & Human Services (ASPE)

Fax: (202) 690-5514

From: Josh Bernstein

No. of Pages: 10
(Including Cover Page)

Remarks:

Attached are the POMS relevant to determining "lawful residence."

SI 00502.142 Qualified Aliens who are Blind or Disabled and Lawfully Residing
in the U.S. on 8/22/96

A. BACKGROUND

On August 5, 1997, the Balanced Budget Act of 1997 amended the Reconciliation Act of 1996 to allow qualified aliens who were lawfully residing in the U.S. on 8/22/96, and who are blind or disabled, to be eligible for SSI benefits, provided all other eligibility requirements are met.

IMPORTANT: If the alien is eligible for SSI benefits that are not time-limited (e.g., LAPR with 40 QOs, a veteran or active duty military service member or his/her spouse, or certain American Indians born outside of the U.S.), the application of this provision might not be necessary.

B. POLICY

1. Eligibility

Qualified aliens who were lawfully residing in the U.S. on 8/22/96 and who are blind or disabled can be SSI-eligible, regardless of:

- o the alien's age.
- o whether onset of blindness/disability occurs before, on or after 8 /22/96.
- o when an application is filed.

See SI 00502.100C. for a list of all qualified alien categories.

NOTE: This provision applies to SSI aged and non-aged qualified aliens. These qualified aliens do not have to meet the 40 QOs or the veteran/active duty military exceptions or other SSI alien eligibility requirements described in SI 00502.100D.

2. Lawfully Residing in the U.S. on 8/22/96

An alien is lawfully residing in the U.S. if he/she is a resident of the U.S. and is "lawfully present" as defined by the Attorney General in regulations published September 6, 1996.

a. Resident of the U.S.

A U.S. resident is an individual who establishes residency in the United States with the intent to continue living within the geographic limits of the U.S. A U.S. resident is generally physically present during the period of his /her residency. However, a temporary absence of less than 6 months from the U.S. with no intention of abandoning U.S. residency does not terminate or interrupt the individual's period of U.S. residency. If the resident is absent for more than 6 months, presume that U.S. residency was abandoned unless the individual presents evidence of his/her intent to resume U.S. residency. Follow residency development instructions in GN 00303.740C. An alien who is residing in the U.S. must also be "lawfully present" as explained below.

Annex
b. Lawful Presence

In order to be a qualified alien under this provision, the individual must also establish his/her lawful presence in the U.S. on August 22, 1996. If the alien was temporarily outside the U.S. on that date, he/she must establish that INS would or did allow his/her lawful entry back into the U.S.

The following categories of aliens meet the definition of "lawfully present" for SSI purposes:

- o Qualified aliens (see SI 00502.100C.)
- o Aliens paroled under section 212(d)(5) of the INA for less than 1 year (except for aliens paroled for deferred inspection or exclusion)

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distance

proceedings under section 236(a) of the INA or prosecution in the U.S. under 8 CFR 212.5(a)(3))

- c Aliens inspected and admitted to the U.S. and who have not violated the applicable terms of their status
- o Aliens with a pending application for political asylum under section 208(a) of the INA or a pending application for withholding of deportation under section 243(h) of the INA or removal withheld under section 241(b)(3) of the INA, and employment authorization has been granted and such applicants under age 14 who have had an application pending for at least 180 days
- o Aliens in the following categories permitted to remain in the U.S. under U.S. law or policy, for humanitarian or other public policy reasons:
 - Temporary resident status under section 210 or 245A of the INA;
 - Temporary Protected Status under section 244A of the INA;
 - Family Unity beneficiary status under section 301 of P.L. 101-649, as amended;
 - Deferred Enforced Departure status under a decision made by the President;
 - Deferred action status under INS Operations Instructions at OI 242.1(a)(22); and
 - Spouses and children of U.S. citizens whose visa petitions have been approved and who have a pending application for adjustment of status.

NOTE: Any alien who had qualified alien status on 8/22/96 and was residing in the U.S. meets the "lawfully residing" criteria. In addition, an alien who did not have qualified alien status, but who was "lawfully residing" on 8/22/96, may be eligible under this provision if he/she is blind or disabled and is a qualified alien at the time of application for benefits.

IMPORTANT: For purposes of this provision, a determination that an individual is ineligible for SSI benefits due to absence from the U.S. (N03) as explained in SI 00501.410 does not preclude a finding of lawful presence in the U.S.

EXAMPLE: An LAPR alien left the U.S. in August 1996, and returned in August 1997. He was readmitted to the U.S. as LAPR. He applied for SSI disability benefits in September 1997, but does not have 40 QOs. He submits convincing evidence that he did not intend to abandon his U.S. residence. The FO confirms with INS that the individual was lawfully present in the U.S. on 8/22/96 (i.e., that INS did not revoke his LAPR status) based on an adjustment date before 8/22/96 on INS Form I-551, and makes a determination of U.S. residency (per GN 00303.740C). If the FO determines that the individual did not abandon his U.S. residency and was in lawful presence status on 8/22/96, the alien may be eligible for SSI if he is determined to be disabled.

For development of lawful presence of an alien in the U.S., follow instructions in C. below.

EVIDENCE: See RS 00204.025

C. PROCEDURE: LAWFUL PRESENCE

IMPORTANT: Do not follow this procedure if the alien is eligible for SSI benefits that are not time-limited (e.g., LAPR with 40 QOs, a veteran or active duty military service member or his/her spouse, or certain American Indians born outside of the U.S.).

Ask the individual if he/she was lawfully residing in the U.S. on 8/22/96. If so, request his/her INS documents showing immigration status for that date. Develop residence under B.2.a. above. The determination of whether an alien meets the lawful presence requirements is usually based on documents issued by the INS or information provided by that agency. Develop lawful

presence on 8/22/96 as necessary under the following rules:

1. Verification With Individual

A qualified alien with current INS documents that were effective on or before 8/22/96 was lawfully present and thus meets the lawfully residing requirement. Do not request INS verification of alien status as of 8/22/96.

A qualified alien whose current alien status was granted after 8/22/96 may be able to provide a document(s) (e.g., a passport with an I-94 stamp) that shows an earlier status in one of the categories listed in B.2. above, and that was granted before 8/22/96. If such a document conforms to the description in RS 00204.025B. and appears authentic, it establishes lawful presence. If such a document is not available or the document presented is questionable, follow 2. below.

2. Verification With INS

- o Contact INS to verify an alien's status on 8/22/96 only if a qualified alien's current INS status was granted after 8/22/96 and lawful presence cannot be met under 1. above.

- o Use the G-845 process for this verification. Provide the alien's full name, "A" number, alleged 8/22/96 status, and a photocopy of his/her current INS document. Using the G-845 attachment (see exhibit in SI 00502.115B.), complete the entry for 8/22/96 status just below the line "Complete the following items:". If INS verifies that the individual was in one of the categories in B.2. above on 8/22/96, the lawfully residing requirement is met. If the individual was not in one of the designated categories (including no status) on that date, the requirement is not met.

D. PROCEDURE: DISABILITY DETERMINATION

1. Initial Claims

If a qualified alien alleges blindness or disability, and the alien was lawfully residing in the U.S. on 8/22/96, complete the application process for the disability/blindness claim, including the Disability Report (SSA-3369) and Authorization to Release Medical Information (SSA-827), etc., and forward the claim to the DDS for a disability determination.

NOTE: Make a Presumptive Disability determination when appropriate. See DI 11055.230 and DI 11055.240.

Refer to instructions in DI 11055.130 for preparing Form SSA-831-U3 (Disability Determination and Transmittal). If the applicant is age 65 or older, include the following notation in the "Remarks" portion of the SSA-831-U3: "Title XVI Alien--Blindness/Disability Alleged -- Systems Limitation."

a. Alien is Age 65 or Over

If payment is possible because the individual is eligible under one of the time-limited categories described in SI 00502.130, adjudicate the application as an aged claim and obtain the disability decision postadjudicatively. If payment is not possible without a disability determination, complete the disability forms described above, and send to the DDS.

NOTE: The application of this provision might not be necessary if the alien is eligible without a time limit (e.g., LAPR with 40 QCs or military status). If a disability determination is needed for other reasons (e.g., optional State supplement), follow applicable established operating procedures.

SYSTEMS PROCEDURE:

- o Disability/Blindness Alleged--Alien Can Be Paid Under a Time-Limited Category

If payment is possible under one of the time-limited categories, answer

GN 00303.740 Establishing U.S. Residency**A. POLICY - ESTABLISHING U.S. RESIDENCY**

It is important to distinguish between U.S. "residency" as a requirement for payment of Special Age 72, Health Insurance or Supplementary Medical Insurance for uninsured individuals and SSI benefits and the concept of "presence" in the U.S.

1. SSI Benefit Eligibility

To be eligible to receive a monthly SSI benefit, an individual must:

- o be a U.S. resident; AND

- o once eligible, meet the physical presence in the U.S. requirement. (An individual cannot be paid SSI benefits for any month during all of which he/she is outside the U.S. An individual who was outside the U.S. for 30 days or more must be present in the U.S. for an additional 30 days before SSI benefits are reinstated.) (SeeSI 00501.410 for additional information about SSI ineligibility due to absence from the U.S.)

2. U.S. Residency Evidence

U.S. residency is usually demonstrated by evidence which indicates that the individual is an active participant in the U.S. community where he/she resides, with a strong economic and social attachment to the U.S.

Make a U.S. residency determination if there is an indication that the individual applying for a benefit for which U.S. residency is a requirement is not residing in the U.S. (See GN 00303.740B. for exception.)

3. Kinds of Doubtful Residency Situations

Question circumstances which raise doubt as to U.S. residency, including but not limited to situations such as:

- a. The address is a rooming house that caters to a transient population or a post office box or general delivery address in a city or town near Mexico or Canada; or
- b. The claimant presents a grommeted I-551 or a commuter I-551 (both documents indicate the bearer commutes to the U.S. to work); or
- c. The address is in care of another person (refer to GN 00303.740C.5. for development when the in care of address is in a FO service area which borders Canada or Mexico); or
- d. The address is near Mexico or Canada and the claimant is filing out of service area.
- e. The claimant declares that his/her spouse lives in another country.
- f. The claimant explains that he/she lives with a "friend", but his/her family is in another country.

IMPORTANT: If after establishing U.S. residency, the beneficiary moves to another country, he/she cannot still be considered a U.S. resident, unless development establishes that the individual is actually maintaining U.S. residency. This is true even if he/she returns to the U.S. one or more days monthly to visit. A person cannot establish residency in two places at the same time.

B. POLICY - SSI FOR CHILDREN OF MILITARY PERSONNEL**Eligibility for SSI for Children of Armed Forces Personnel Residing Abroad**

No determination of U.S. residency is needed for a child who:

- o Is a U.S. citizen; and

- o Effective November 1, 1993, is living with a parent who is a member of

the U.S. Armed Forces assigned to permanent duty ashore outside the United States; and

o Was receiving SSI benefits during the month before the parent reported for the assignment abroad.

(See SI 00501.415 ff. for processing instructions regarding this provision.)

C. PROCEDURE - RESIDENCY DEVELOPMENT

If there is any doubt that the individual resides in the U.S., question him/her concerning residency; develop evidence to establish where the claimant lives; and prepare a special determination or report of contact to document your residency determination. Use the evidence in 1. or 2. below to develop residency.

1. Convincing Evidence

Proof of a claimant's institutionalization is convincing evidence of U.S. residency.

In all other cases, base a finding of U.S. residency on a combination of two or more documents.

NOTE: It is normally the claimant's responsibility to supply evidence to establish that he/she is living in the U.S.

Since some types of evidence listed may be routinely obtained in certain localities by an individual who does not intend to establish U.S. residency, use as much as possible of the following **current** convincing evidence to establish U.S. residency.

- a. Property, income or other tax forms or receipts;
 - b. Proof of U.S. home ownership or rental lease or rent payment record;
 - c. Utility bills addressed to the claimant;
 - d. U.S. driver's license;
 - e. Telephone directory listing;
 - f. Regular and frequent participation in social programs such as vocational rehabilitation, Meals on Wheels or evidence showing that the claimant regularly receives services from a social agency;
 - g. Proof of employment, such as pay stubs or a contract;
 - h. Proof of active participation in a church or in a fraternal or social organization;
 - i. A record of volunteer activity which shows regular and frequent performance;
 - j. Clinic cards or doctor's record showing dates of visits for **regular** medical treatment;
 - k. Proof of a local U.S. bank account or check-cashing card at a local establishment; and
1. Correspondence addressed to the claimant.

2. Secondary Evidence

Use the following secondary evidence, in the absence of evidence to the contrary, to establish U.S. residency when convincing evidence is not available.

- a. Satisfactory answers to open-ended questions that a U.S. resident, depending on the situation, could reasonably be expected to know, such as:

- o How long have you lived at your current address? Describe the rooms in your house/apartment.
- o Where did you live previously? If applicable, when did you move here from Mexico/Canada/other country?
- o What are your neighbor's names? Describe them.
- o Where do you shop? What are the names of businesses near your residence?
- o Are you married? Where does your spouse/family live? How often do you see family members?
- o What is your daily routine? How much time do you spend at your address?
- o Where do you keep your household and personal goods?; and

- b. Statements from two reliable **disinterested** individuals who have first-hand knowledge of the claimant's U.S. residence.

Consider obtaining statements from the following individuals, including (but not limited to):

- o An employer stating that the claimant works on several days a week or evidence which indicates that the claimant works one or two hours several days weekly;
- o An official of a religious or other organization confirming the person regularly attends services and functions sponsored by the organization;
- o A landlord who provides lodging for the claimant (provided that the landlord is not known to provide housing for a transient clientele only); or
- o A neighbor of the claimant (a crisscross city directory may be helpful in locating a likely individual).

Since such statements are usually self-serving, solicit them only after all attempts at securing convincing evidence have been exhausted.

3. Residency Determination

If a claimant cannot provide convincing evidence to establish U.S. residency, prepare a special determination or report of contact to document your residency determination.

Include the following documentation to support a finding that either U.S. residency is met or is not met:

- o The reason why the claimant could not provide convincing evidence of U.S. residency; AND
- o Open-ended questions asked and answers provided; AND
- o A minimum of two required statements from knowledgeable, disinterested persons; AND
- o Any additional information gained in the application process, including interviewer observations, which impact on the residency determination.

If U.S. residency is questionable, document the file to support the decision that a claimant resides (or does not reside) in the U.S. (See evidence requirements for documentation in GN 00301.285 ff.)

D. EXAMPLES - RESIDENCY DETERMINATIONS

1. Intent to Establish U.S. Residency Met

Juanita G., age 66, resides near the U.S./Mexican border with her daughter, who provides for all her needs. She says she did not file previously because she did not realize she might be eligible.

She is unable to provide any convincing evidence of her U.S. residence except a receipt from a local doctor, which does not show her address. Upon questioning, she can describe her home, is familiar with her neighborhood and is able to name businesses and several of her neighbors.

She has 2 children in the U.S. and 3 in Mexico. She claims to visit her other children occasionally, for a week or two at a time, but keeps all her personal possessions at her given address. FO calls to two neighbors confirm her full-time residence and she answers the telephone 2 days later when the CR makes an unexpected telephone call to the residence.

U.S. residency is established. The claimant demonstrates familiarity with her residential neighborhood, two statements from disinterested persons confirm her residence and the CR's telephone call all support a finding of U.S. residency. The CR documents his/her determination of residency on a Report of Contact.

2. Intent to Establish U.S. Residency Not Met

Juan R., age 65, rents a room in a boarding house near the U.S./Mexican border. When questioned about his residency, he presents a current weekly room receipt from his landlord and a check cashing card as evidence of U.S. residency. He claims to have no other evidence. The CR, concluding that the weekly room receipt establishes only a temporary living arrangement and the establishment listed on the check cashing card issues cards without regard to residence, questions the claimant further.

Upon questioning, Juan has difficulty answering questions about businesses, streets or neighbors in his neighborhood. He states that his family is in Mexico, but he doesn't see them often.

When asked for the names of persons who can attest to his U.S. residency, he gives only the name of a nephew who lives in the same town and the owner of the boarding house. The boarding house owner verifies that he has rented a room for the past several weeks but declines to sign a statement to that effect. The nephew confirms his uncle's residence in a FO telephone call. The claimant declines to present any additional evidence.

U.S. residency is not established because the combination of evidence submitted does not meet requirements. Although the two documents presented are listed as "convincing" evidence in GN 00303.740C.1., the CR determines them insufficient, based on his/her knowledge of the local area. Only one verbal statement obtained is from a disinterested person and answers to open-ended questions about the neighborhood reflect the claimant's unfamiliarity with the area.

The CR prepares a special determination to document his/her finding that U.S. residency is not met.

3. Intent Not To Abandon Residency

Melissa W. has resided in the U.S. for several years. She went to Canada to visit her son for a few weeks. While visiting, she became ill and the short visit extended to 4 months. Melissa took only a suitcase with her on the visit, leaving the bulk of her household goods and clothing at her apartment.

Upon questioning, she indicates that she continued to pay rent on her apartment in the U.S. and pay utility bills from her U.S. bank account. She presents monthly rent receipts from the entire last year and cancelled checks from her U.S. bank account used as payment for utility bills.

U.S. residency is maintained. She presents "convincing" evidence of her U.S. residency. (See SI 02301.215 for development for "presence" in the U.S.)

4. No Intent to Establish U.S. Residency

Jacques V., who works in the U.S., owns a house in Canada. He also rents a room in a boarding house in the U.S., near the U.S./Canadian border, where he occasionally stays if he works late or during inclement weather.

When questioned about his residency, Jacques presents as evidence several weekly rental receipts for scattered periods in the last 6 months. He has no other evidence of U.S. residency nor can he give the names of any persons to attest to his U.S. residency.

Upon further questioning, Jacques states that he does not participate in local U.S. social or other programs. He receives medical care in Canada, his household goods and most of his personal belongings are kept in Canada, and he banks at a Canadian bank.

U.S. residency is not established. His weekly rental receipts are not sufficient "convincing" evidence and he can't provide the names of persons to attest to his U.S. residency. His room at the boarding house is not sufficient evidence of U.S. residency and, thus, he cannot be considered a U.S. resident.

E. PROCEDURE - IN CARE OF ADDRESS

If the address of the claimant is in care of another person and the city or town in the address is in a FO service area which borders Canada or Mexico, contact the claimant in person and question him/her regarding U.S. residency.

Be alert for situations where the claimant is using a U.S. mail drop address where relatives and/or friends receive and hold the benefit check for the claimant who may be residing outside the U.S.

In addition to the development in GN 00303.740 C. 1., request an explanation of:

1. How long the claimant has lived at the in care of address;
2. If the claimant is not living at the in care of address:
 - o Where the claimant actually resides and for how long;
 - o Where he/she can be reached;
 - o Why he/she is not receiving mail where he/she lives;
 - o Who lives at the in care of address;
 - o The claimant's relationship to that individual; and
 - o When the claimant can be reached at the in care of address.

If U.S. residency cannot be established based on convincing evidence from GN 00303.740C.1. and answers to these questions, obtain secondary evidence as described in GN 00303.740C.2.

F. EXAMPLE - IN CARE OF ADDRESS

The following is an example of an "in care of address" development that leads to a finding that U.S. residency has been abandoned.

Juan V., a U.S. resident living near the U.S./Mexican border for several years, requests an in care of change of address to his daughter's residence in the same U.S. neighborhood. Upon questioning, it appears that Juan may have moved back to Mexico. He states that he is close to his daughter and stays frequently with her.

~~As evidence of continued residency, he can provide only an expired driver's~~
license and a receipt showing his old address. Two neighbors give statements by telephone indicating that they have known him for many years and see him frequently. Further questioning reveals that he:

- o Keeps some clothing and a few personal articles at his daughter's home, but the bulk of his personal belongings are in Mexico.
- o Visits friends and joins them for activities while staying with his daughter.

- o Does not participate in any local U.S. social programs, organizations or religious services.
- o Frequently visits his daughter, but spends most of his time with family in Mexico.

The CR makes several phone calls to the daughter's residence, but the daughter is unable to say when he will be at home. She states she will tell him to call the office when she sees him.

Juan V. has not maintained U.S. residency. He cannot provide "convincing" evidence of U.S. residency. Although he has knowledge of the neighborhood and neighbors verify seeing him at the given residence frequently, his answers to open ended questions and the CR's attempt to contact him "at home" do not support a finding of U.S. residency.

Irene Bueno

05/27/99 10:05:15 AM

Record Type: Record

To: J. Eric Gould/OPD/EOP

cc:

bcc:

Subject: Re: LI benefits / Medicaid language

I would recommend the following based on the principle that groups eligible for benefits prior to PRWORA should be made eligible under the Administration's Medicaid proposal:

Groups already considered "qualified aliens",

- LPR
- Refugees and Asylees
- Withholding of deportation
- Parolee for at least 1 year
- Cuban/Haitian entrants

Formerly PRUCOL should be included b/c they were eligible for Medicaid prior to PRWORA:

- Temporary Resident Status
- Family Unity
- Resident of US territories?
- ~~Parolee for less than a year~~

probably adjusted by now.

Groups that should be included for policy reasons even though eligibility pre-PRWORA was dependent on their immigration status:

- Native Americans
- Amerasians
- Domestic Violence
- Hmong/Lao tribe

Groups that were formerly eligible before PRWORA

- DED - similar to TPS guided by AG?
- Deferred Action Status
- Spouse/Children w/ adjustment of status petition pending
- alien granted permission to remain in the US
- aliens in the US prior to 1972 if LPR

INS concerned w/ all.

Groups that should NOT be eligible are:

- TPS - statute not ~~clear~~ placed ~~trust~~ by POUS
- Asylum applicants - ~~current~~ less than 180 days - ~~what about~~ If nothing yet, then get EAD
- Non-immigrants
- Undocumented immigrants
- ~~Parolee less than 1 year~~

*- Unlimited #
- what about parents?
- what about LPR child + spouse?*

J. Eric Gould 05/26/99 06:57:54 PM

INS concerned w/:

- TPS
- OED
- Deferred action
- Native Am. - not sure what they intended - self-discrim
- alien granted permission
- parolee less than 1 yr - § 289 of the INA.



● J. Eric Gould

05/26/99 06:57:54 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Irene Bueno/OPD/EOP

cc:

bcc:

Subject: Re: LI benefits / Medicaid language 

Farkas should be on the line too and I'll call him. Let's make the call from Cynthia's office.
Cynthia A. Rice



Cynthia A. Rice

05/26/99 06:48:53 PM

Record Type: Non-Record

To: J. Eric Gould/OPD/EOP

cc:

bcc:

Subject: Re: LI benefits / Medicaid language 

Should we have Farkas on the phone too?

J. Eric Gould 05/26/99 06:16:04 PM



● J. Eric Gould

05/26/99 06:16:04 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Irene Bueno/OPD/EOP, Eugenia Chough/OPD/EOP

cc:

Subject: LI benefits / Medicaid language

I set up a call with Barbara Strack tomorrow morning at 10:30 to discuss the HHS final version of what groups they foresee being eligible for Medicaid under our proposal. We need to discuss what we do about the temporary groups that were not eligible pre- 8/96 (TPS and asylum applicants). I think we discussed early last week that they should not be considered eligible under the proposal we are now considering. If you want to participate let me know and I'll either call you or we can meet in one room. thanks

May 19, 1999

To: Erik Gould, Irene Bueno, DPC
FAX 456-7431

From: Karin Small Wurapa, Linda Sanches

The attached draft chart displays changes in eligibility for Medicaid services based on alien/immigrant status resulting from The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and the Administration's proposal.

It is understood that the Proposal recommends approving eligibility for only pregnant women and children of select alien/immigrant categories. Note that this chart does not address the intricate details referenced in specific statutes for individual "alien" categories.

Copies of the references for terms and accuracy of information as cited in the endnotes are attached. We expect that INS and DOJ will have comments to improve the accuracy of the chart.

Please call Linda at 690-7233 with any questions.

- Don't like any PRUCOL

* Bootshapping - a wedge issue - get other benefits +
work reauthorization

- Want to 10 ~~years~~ immigrants

Draft Revised 5/19/99

ALIEN ELIGIBILITY FOR MEDICAID

Alien Category ¹	Description ²	Pre PRWORA (Shaded=PRUCOL)	PRWORA ³ = Q.A.	Proposed Amendment '99
Legal Permanent Resident (LPR) ✓	Person granted lawful permanent residence status (green card)	YES	YES	YES
Refugee ✓ (b9)	Person admitted as refugee (retain eligibility for benefits even if subsequently adjust to LPR status)		YES	YES
Asylee ✓ (b8)	Person granted asylum (retain eligibility for benefits even if subsequently adjust to LPR status)		YES	YES
Granted Withholding of Removal/Deportation ✓ (b15)	Person granted withholding of removal, formerly withholding of deportation <i>only relevant to asylum.</i>		YES	YES
Parolee for ≥ a year ✓ (b2)	Person paroled into the U.S. for at least one year		YES	YES
Cuban or Haitian Entrant ✓ (*)(b2)	Person paroled into the U.S. as a Cuban or Haitian entrant or any other nat'l from Cuba or Haiti who is the subject of exclusion or removal proceedings or who has a pending application for asylum		YES	YES
DED ? (b14/16)	Alien granted Deferred Enforced Departure (also extended voluntary departure)		NO	YES
Deferred Action Status ? (b11)	Alien granted Deferred Action status pursuant to INS Service Operations Instruction, <i>presented Discretion (can Informant)</i>		NO	YES
Spouse/Child with Adjustment of Status Pending or Petition Approved ✓ (b5/6)	Alien who is the spouse or child of a U.S. citizen whose visa petition has been approved or who has a properly filed application for adjustment of status		NO	YES
Alien Granted Permission to Remain in the U.S. ✓ (b3/4/7/10/14/15)	Alien granted indefinite voluntary departure, stay of deportation, suspension of deportation <i>doesn't exist anymore.</i>		NO	NO
Alien in the U.S. before 1972 <i>Registry</i> ✓ (b13)	Alien residing in U.S. prior to 1/1/72. Requires proof of continuous residency		YES, if LPR status NO, if not LPR status	YES

Draft Revised 5/19/99

ALIEN ELIGIBILITY FOR MEDICAID				
Alien Category ¹	Description ²	Pre PRWORA (Shaded=PRUCOL)	PRWORA ³	Proposed Amendment '99
Temporary Resident Status ? ✓ (*)	Legalized alien in Temporary Resident status (TRS) under IRCA amnesty program <i>had to be here by 1982</i>	YES	NO	YES
Family Unity ? ✓ (*)	Family Unity beneficiary under the IRCA amnesty program (spouse or child of legalized alien with Temporary Resident status)	YES	NO	YES
Resident of U.S. Territories <i>Disown w/ 1/16 F.</i> (b16) ✓	Alien who is resident of former U.S. cross territories of the Pacific (i.e., Republic of Marshall Island, Federated States of Micronesia) as described in the document-Compact of Free Association	YES	NO	not addressed
Parolee for <a year <i>(with in, etc)</i> <i>can't distinguish r2n</i> ✓	Alien paroled into the U.S. for less than one year is lawfully present unless a) paroled for deferred inspection or pending exclusion proceedings or b) paroled into the U.S. for prosecution pursuant to section 212 (a) (15) or the INA	NO	NO	YES
Native American Alien ✓	American Indian born in Canada and certain other tribal members born outside the U.S.	YES, if LPR or PRUCOL (b16) status	YES, if LPR status NO, if not	YES
Amerasian (not an immigration status) ✓	Child fathered by a U.S. citizen in certain Southeast Asian countries during the years of U.S. Conflict in that region (now granted LPR status)	Eligibility depends on other Pre PRWORA status—may be PRUCOL (b5,16)	YES	YES
Domestic Violence Victims (& their parents or children) * (not an immigration status) ✓	Domestic Violence victims are qualified aliens if: Immigrant battered, immigrant's child or parent battered by spouse, parent, or member of family in same household; and, Immigrant has pending or approved petition for relief under Violence Against Women Act; and, Agency providing benefits determines that need for benefits has connection to battery	Eligibility depends on other Pre PRWORA status—may be PRUCOL (b16)	YES	YES
Hmong/Lao Tribe Member ✓ (not an immigration status)	Member of Hmong or Lao tribe during the Vietnam era when they provided military assistance to the U.S.; category includes spouse, unremarried surviving spouse, and child or tribe member	Eligibility depends on other Pre PRWORA status—may be PRUCOL (b16)	Depends on immigration status	Depends on immigration status

Draft Revised 5/19/99

ALIEN ELIGIBILITY FOR MEDICAID				
Alien Category ¹	Description ²	Pre PRWORA (Shaded=PRUCOL)	PRWORA ³	Proposed Amendment '99
Temporary Protected Status X	Alien granted Temporary Protected Status (TPS) because of conflict in their home, including natural disasters	NO	NO	YES
Applicant for Asylum or Withholding of Removal X	Applicant for asylum or withholding of removal (formerly withholding of deportation) who has been granted employment authorization	NO, although if receiving SSI, may be PRUCOL for Medicaid	NO	YES
Non Immigrant +	Person who entered the U.S. as a student, diplomat, tourist, for temporary employment, etc., as categorized in the Immigration and Nationality Act, section 101(a)(15)	NO	NO	NO
Undocumented Immigrant +	Person who entered the U.S. without inspection or entered lawfully and have overstayed their visa	NO	NO	NO Some yes & some NO

1. Alien category refers to PRUCOL & other alien status related to Medicaid eligibility in The Code of Federal Regulations, Title 42, Vol. 3, (42 CFR 435.408). Parenthetical numbers refer to specific PRUCOL alien listings in 42 CFR 435.408 (b) (1998 version).

(*) Cuban or Haitian Entrant, & Temporary Resident Status are included in 42 CFR 435.406 (a)(3), (a)(4) & (b); and, Family Unity provision in the Immigration Act of 1990, (section 301 of Public Law 101-649). These provisions require a 5 year bar prior to receipt of non-emergency medical services for non-disabled adults who do not meet AFDC eligibility standards.

Certain battered aliens who meet the complicated statutory test at 431(c) of PRWORA may be qualified aliens, but may not yet be in a lawful immigration status until they are adjusted to LPR status.

2. Descriptions taken from the Nat'l Immigration Law Center's Glossary of Terms 12/98; The Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (PRWORA), section 431; and Medicaid Rules at 42 CFR 435.406 & .408.

3. Eligibility as defined in section 431 of The Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. 104-193 (8 U.S. C. 1641).