



SOCIAL SECURITY

Office of the Commissioner

August 5, 1999

The Honorable Al Gore
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

Enclosed for the consideration of the Congress is the Administration's bill, the "Disability and Health Assistance for Immigrants Act of 1999." This draft bill supports the President's FY 2000 Budget.

After President Clinton signed the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (PRWORA), he vowed to restore basic disability and health benefits to "immigrants who came to this country legally, who work hard, pay taxes and obey the law." With the help of the Congress, cash benefits under the Supplemental Security Income (SSI) program and medical assistance under Medicaid have been restored to virtually all noncitizens who were receiving such benefits on August 22, 1996, the date of enactment of PRWORA. Provisions in the "Balanced Budget Act of 1997," the "Agricultural Research, Extension, and Education Reform Act of 1998," and the "Noncitizens Benefit Clarification and Other Technical Amendments Act of 1998" provided protection of vulnerable noncitizens who were lawfully residing in the country on August 22, 1996.

This draft bill would continue the President's effort of restoring basic benefits by providing assistance to certain immigrants who lawfully enter the United States after August 22, 1996. The bill provides SSI benefits to needy immigrants who become blind or disabled after they enter the country. SSI benefits also would be provided to children who enter with a disability. The proposal would provide SSI benefits to an estimated 54,000 legal immigrants by FY 2004. In addition, because the receipt of SSI benefits generally confers Medicaid eligibility, this proposal would extend Medicaid benefits to legal immigrants made eligible for SSI.

The proposal recognizes that most immigrants enter the United States with the expectation of becoming self-sufficient, but that a debilitating illness or injury that prevents continued work could leave them with no means of support. Similarly, the proposal recognizes that many children with congenital disabilities or injuries or diseases that occur before they turned age 18 may never be able to work at a level allowing them to be self-sufficient. For these children, SSI benefits would not be an incentive to immigrate to the United States. In most cases, they would be rejoining their parents or siblings.

The Omnibus Budget Reconciliation Act requires that all revenue and direct spending legislation meet a pay-as-you-go (PAYGO) requirement. That is, no such bill should result in a net budget cost; and if it does, it could contribute to a sequester if it is not fully offset. This draft bill would not increase direct spending in FY 2000. It, however, would increase direct spending by a total of \$929 million during FYs 2000-2004 and is therefore subject to the PAYGO requirement.

This proposal is fully offset in the President's Budget and should be considered in conjunction with all other proposals in the Budget. The Administration will work closely with the Congress on this and other PAYGO legislation to avoid a sequester of mandatory programs.

Two other proposals in the President's FY 2000 Budget also complement this bill by restoring important health and nutrition benefits to additional categories of legal immigrants. The first would allow States to enroll legal immigrant children in the Child Health Insurance Program (CHIP) and provide Medicaid coverage to pregnant women and children. The other would extend the provision of the 1998 Agricultural Research Act by allowing legal immigrants in the United States on August 22, 1996, who subsequently reach age 65 to be eligible for food stamps. Together, these proposals will ensure that vulnerable groups of legal immigrants have healthy children, enough to eat, and basic support if they become disabled.

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

I am sending an identical letter to the Honorable J. Dennis Hastert, Speaker of the House of Representatives.

Sincerely,

A handwritten signature in black ink that reads "Kenneth S. Apfel". The signature is written in a cursive style with a large initial 'K'.

Kenneth S. Apfel
Commissioner
of Social Security

Enclosures

Supplemental Security Income and Related Medicaid Benefits
for Certain Disabled Aliens

Section 1 of the bill provides the short title, the "Disability and Health Assistance for Immigrants Act of 1999."

Section 2 would provide SSI and related Medicaid eligibility for two groups of qualified aliens who are lawfully admitted to the United States after August 22, 1996, and live in the United States for 5 years: disabled children who apply for benefits before age 18 or within 6 months after their 5-year bar elapses; and individuals aged 18 or older who become disabled after their entry. While the current-law 5-year bar on immigrant eligibility for Federal means-tested benefits would remain in effect, the current-law provisions requiring deeming of sponsor's income and resources, and sponsor reimbursement of benefits provided to immigrants, would be modified under the proposal for sponsors of immigrants made eligible by the proposal.

The provisions would be effective with respect to benefits payable for months after enactment but only on the basis of applications filed on or after the date of enactment.

A B I L L

restore Supplemental Security Income and related Medicaid benefits to certain disabled immigrants who lawfully enter the United States after August 22, 1986.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disability and Health Assistance for Immigrants Act of 1999".

SEC. 2. SUPPLEMENTAL SECURITY INCOME ELIGIBILITY FOR CERTAIN DISABLED ALIENS.

(a) In General.--Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end a new subparagraph as follows:

"(L) Certain disabled aliens who enter the United States after August 22, 1996.--With respect to eligibility for benefits for the program defined in paragraph (3)(A) (relating to the supplemental security income program), paragraph (1) shall not apply to a qualified alien--

"(i) who is admitted or paroled for lawful entry into the United States after August 22, 1996;

"(ii) who is blind or disabled, as defined in section 1614(a)(2) or 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(2) or 1382c(a)(3), respectively); and

"(iii) whose onset date of such blindness or disability--

"(I) precedes attainment of age 18, in the case of

an individual who files an application for such benefits prior to attainment of such age (or, in the case of an individual who attains such age prior to the expiration of the period described in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act (P.L. 104-193), within 6 months following the expiration of such period); or

"(II) in the case of any individual not covered by subclause (I), follows the date of the individual's admission or parole to the United States."

(b) Conforming Amendments.--

(1) Exception to sponsor deeming.--Section 421(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(b)) is amended--

(A) in paragraph (1), by striking "or";

(B) in paragraph (2), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(3) is blind or disabled, as defined in section 1614(a)(2) or 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(2) or 1382c(a)(3), respectively) in the case of an alien whose onset date of such blindness or disability meets the requirements of section 402(a)(2)(L)(iii) (8 U.S.C. 1612(a)(2)(L)).

Paragraph (3) shall apply to an alien only with respect to the program defined in section 402(a)(3)(A) (8 U.S.C. 1612(a)(3)(A))

and the program defined in section 402(b)(3)(c) (8 U.S.C. 1612(b)(3)(c)).".

(2) Exception to sponsor liability for reimbursement.-- Section 213A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1183a(b)(1)) is amended --

(A) by redesignating subparagraph (B) as (C);

(B) in subparagraph(A), by striking "Upon" and inserting "Except as provided in subparagraph(B), upon"; and

(C) by inserting the following new subparagraph immediately following subparagraph(A):

"(B) EXCEPTIONS.--

"(i) SUPPLEMENTAL SECURITY INCOME.--Paragraph (A) shall not apply to benefits payable under the program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(3)(A)) to or on behalf of an alien described in section 402(a)(2)(L) of that Act (8 U.S.C. 1612(a)(2)(L), during a period in which the alien's sponsor experiences financial hardship and is unable to make reimbursement, as determined by the Commissioner of Social Security.

"(ii) MEDICAID.--Paragraph (A) shall not apply to benefits payable under the program defined in section 402(b)(3)(C) of that Act (8 U.S.C. 1612(b)(3)(C)) to or on behalf of an alien described in section 402(a)(2)(L)

of that Act (8 U.S.C. 1612(a)(2)(L))."

(c) Effective Date.--The amendments made by this section are effective with respect to benefits payable for months after the month in which this Act is enacted, but only on the basis of applications filed on or after the date of the enactment of this Act.