

–CITE–

8 USC CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC  
BENEFITS FOR ALIENS 01/06/03

–EXPCITE–

TITLE 8 – ALIENS AND NATIONALITY

CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

.

–HEAD–

CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

–MISC1–

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This chapter is referred to in title 42 section 1437a.

–CITE–

8 USC Sec. 1601 01/06/03

–EXPCITE–

## TITLE 8 – ALIENS AND NATIONALITY

### CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

–HEAD–

Sec. 1601. Statements of national policy concerning welfare and immigration

–STATUTE–

The Congress makes the following statements concerning national policy with respect to welfare and immigration:

(1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes.

(2) It continues to be the immigration policy of the United States that –

(A) aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and

(B) the availability of public benefits not constitute an incentive for immigration to the United States.

(3) Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, State,

and local governments at increasing rates.

(4) Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that individual aliens not burden the public benefits system.

(5) It is a compelling government interest to enact new rules for eligibility and sponsorship agreements in order to assure that aliens be self-reliant in accordance with national immigration policy.

(6) It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.

(7) With respect to the State authority to make determinations concerning the eligibility of qualified aliens for public benefits in this chapter, a State that chooses to follow the Federal classification in determining the eligibility of such aliens for public assistance shall be considered to have chosen the least restrictive means available for achieving the compelling governmental interest of assuring that aliens be self-reliant in accordance with national immigration policy.

–SOURCE–

(Pub. L. 104–193, title IV, Sec. 400, Aug. 22, 1996, 110 Stat. 2260.)

–REFTEXT–

#### REFERENCES IN TEXT

This chapter, referred to in par. (7), was in the original "this

title" meaning title IV of Pub. L. 104–193, Aug. 22, 1996, 110 Stat. 2260, as amended, which enacted this chapter, section 1183a of this title, and sections 611a and 1437y of Title 42, The Public Health and Welfare, amended section 1383 of this title, sections 32 and 6213 of Title 26, Internal Revenue Code, and sections 1436a and 1471 of Title 42, and enacted provisions set out as notes under section 1183a of this title and section 32 of Title 26. For complete classification of title IV to the Code, see Tables.

–CITE–

8 USC SUBCHAPTER I – ELIGIBILITY FOR FEDERAL BENEFITS 01/06/03

–EXPCITE–

TITLE 8 – ALIENS AND NATIONALITY

CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

SUBCHAPTER I – ELIGIBILITY FOR FEDERAL BENEFITS

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SUBCHAPTER I – ELIGIBILITY FOR FEDERAL BENEFITS

–CITE–

8 USC Sec. 1611 01/06/03

–EXPCITE–

TITLE 8 – ALIENS AND NATIONALITY

CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

SUBCHAPTER I – ELIGIBILITY FOR FEDERAL BENEFITS

–HEAD–

Sec. 1611. Aliens who are not qualified aliens ineligible for Federal public benefits

–STATUTE–

(a) In general

Notwithstanding any other provision of law and except as provided in subsection (b) of this section, an alien who is not a qualified alien (as defined in section 1641 of this title) is not eligible for any Federal public benefit (as defined in subsection (c) of this section).

(b) Exceptions

(1) Subsection (a) of this section shall not apply with respect to the following Federal public benefits:

(A) Medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or any successor program to such title) for care and services that are necessary for the treatment of an emergency medical condition (as defined in section 1903(v)(3) of such Act (42 U.S.C. 1396b(v)(3))) of the alien involved and are not related to an organ transplant procedure, if the alien involved otherwise meets the eligibility requirements for medical assistance under the State plan approved under such title (other than the requirement of the receipt of aid or assistance under title IV of such Act (42 U.S.C. 601 et seq.), supplemental security income benefits under title XVI of such Act (42 U.S.C. 1381 et seq.), or a State supplementary payment).

(B) Short-term, non-cash, in-kind emergency disaster relief.

(C) Public health assistance (not including any assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.)) for immunizations with respect to immunizable diseases and

for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

(D) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (i) deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) are necessary for the protection of life or safety.

(E) Programs for housing or community development assistance or financial assistance administered by the Secretary of Housing and Urban Development, any program under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), or any assistance under section 1926c of title 7, to the extent that the alien is receiving such a benefit on August 22, 1996.

(2) Subsection (a) of this section shall not apply to any benefit payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) to an alien who is lawfully present in the United States as determined by the Attorney General, to any benefit if nonpayment of such benefit would contravene an international agreement described in section 233 of the Social Security Act (42 U.S.C. 433), to any

benefit if nonpayment would be contrary to section 202(t) of the Social Security Act (42 U.S.C. 402(t)), or to any benefit payable under title II of the Social Security Act to which entitlement is based on an application filed in or before August 1996.

(3) Subsection (a) of this section shall not apply to any benefit payable under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (relating to the medicare program) to an alien who is lawfully present in the United States as determined by the Attorney General and, with respect to benefits payable under part A of such title (42 U.S.C. 1395c et seq.), who was authorized to be employed with respect to any wages attributable to employment which are counted for purposes of eligibility for such benefits.

(4) Subsection (a) of this section shall not apply to any benefit payable under the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) or the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.) to an alien who is lawfully present in the United States as determined by the Attorney General or to an alien residing outside the United States.

(5) Subsection (a) of this section shall not apply to eligibility for benefits for the program defined in section 1612(a)(3)(A) of this title (relating to the supplemental security income program), or to eligibility for benefits under any other program that is based on eligibility for benefits under the program so defined, for an alien who was receiving such benefits on August 22, 1996.

(c) "Federal public benefit" defined

(1) Except as provided in paragraph (2), for purposes of this

chapter the term "Federal public benefit" means –

(A) any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

(B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.

(2) Such term shall not apply –

(A) to any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the United States, or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658 (or a successor provision) is in effect;

(B) with respect to benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) qualified for such benefits and for whom the United States under reciprocal treaty agreements is required to pay benefits, as determined by the Attorney General, after consultation with the Secretary of State; or

(C) to the issuance of a professional license to, or the renewal of a professional license by, a foreign national not

physically present in the United States.

–SOURCE–

(Pub. L. 104–193, title IV, Sec. 401, Aug. 22, 1996, 110 Stat. 2261; Pub. L. 105–33, title V, Sec. 5561, 5565, Aug. 5, 1997, 111 Stat. 638, 639; Pub. L. 105–306, Sec. 2, 5(a), Oct. 28, 1998, 112 Stat. 2926, 2927.)

–REFTEXT–

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles II, IV, XVI, XVIII, and XIX of the Act are classified generally to subchapters II (Sec. 401 et seq.), IV (Sec. 601 et seq.), XVI (Sec. 1381 et seq.), XVIII (Sec. 1395 et seq.), and XIX (Sec. 1396 et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. Part A of title XVIII of the Act is classified generally to part A (Sec. 1395c et seq.) of subchapter XVIII of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Housing Act of 1949, referred to in subsec. (b)(1)(E), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Act is classified generally to subchapter III (Sec. 1471 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

The Railroad Retirement Act of 1974, referred to in subsec. (b)(4), is act Aug. 29, 1935, ch. 812, as amended generally by Pub.

L. 93–445, title I, Sec. 101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (Sec. 231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(4), is act June 25, 1938, ch. 680, 52 Stat. 1094, as amended, which is classified principally to chapter 11 (Sec. 351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (c)(1), was in the original "this title" meaning title IV of Pub. L. 104–193, Aug. 22, 1996, 110 Stat. 2260, which enacted this chapter, section 1183a of this title, and sections 611a and 1437y of Title 42, The Public Health and Welfare, amended section 1383 of this title, sections 32 and 6213 of Title 26, Internal Revenue Code, and sections 1436a and 1471 of Title 42, and enacted provisions set out as notes under section 1183a of this title and section 32 of Title 26. For complete classification of title IV to the Code, see Tables.

Section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658, referred to in subsec. (c)(2)(A), means section 141 of the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia, which is contained in section 201 of Pub. L. 99–239, set out as a note

under section 1901 of Title 48, Territories and Insular Possessions, and section 141 of the Compact of Free Association between the United States and the Government of Palau, which is contained in section 201 of Pub. L. 99–658, set out as a note under section 1931 of Title 48.

The Immigration and Nationality Act, referred to in subsec.

(c)(2)(B), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (Sec. 1101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

–MISC2–

#### AMENDMENTS

1998 – Subsec. (b)(5). Pub. L. 105–306, Sec. 2, added par. (5).

Subsec. (c)(2)(C). Pub. L. 105–306, Sec. 5(a), added subpar. (C).

1997 – Subsec. (b)(3). Pub. L. 105–33, Sec. 5561(a), added par. (3).

Subsec. (b)(4). Pub. L. 105–33, Sec. 5561(b), added par. (4).

Subsec. (c)(2)(A). Pub. L. 105–33, Sec. 5565, inserted before semicolon ", or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658 (or a successor provision) is in effect".

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–33 effective as if included in the enactment of title IV of the Personal Responsibility and Work

Opportunity Reconciliation Act of 1996, Pub. L. 104–193, see section 5582 of Pub. L. 105–33, set out as a note under section 1367 of this title.

–TRANS–

#### ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

–MISC5–

#### ADDITIONAL FUNDING FOR STATE EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS

Section 4723 of Pub. L. 105–33 provided that:

"(a) Total Amount Available for Allotment. – There are available for allotments under this section for each of the 4 consecutive fiscal years (beginning with fiscal year 1998) \$25,000,000 for payments to certain States under this section.

"(b) State Allotment Amount. –

"(1) In general. – The Secretary of Health and Human Services shall compute an allotment for each fiscal year beginning with fiscal year 1998 and ending with fiscal year 2001 for each of the 12 States with the highest number of undocumented aliens. The amount of such allotment for each such State for a fiscal year shall bear the same ratio to the total amount available for allotments under subsection (a) for the fiscal year as the ratio of the number of undocumented aliens in the State in the fiscal

year bears to the total of such numbers for all such States for such fiscal year. The amount of allotment to a State provided under this paragraph for a fiscal year that is not paid out under subsection (c) shall be available for payment during the subsequent fiscal year.

"(2) Determination. – For purposes of paragraph (1), the number of undocumented aliens in a State under this section shall be determined based on estimates of the resident illegal alien population residing in each State prepared by the Statistics Division of the Immigration and Naturalization Service as of October 1992 (or as of such later date if such date is at least 1 year before the beginning of the fiscal year involved).

"(c) Use of Funds. – From the allotments made under subsection (b), the Secretary shall pay to each State amounts the State demonstrates were paid by the State (or by a political subdivision of the State) for emergency health services furnished to undocumented aliens.

"(d) State Defined. – For purposes of this section, the term 'State' includes the District of Columbia.

"(e) State Entitlement. – This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section."

STUDY AND REPORT ON ALIEN STUDENT ELIGIBILITY FOR POSTSECONDARY  
FEDERAL STUDENT FINANCIAL ASSISTANCE

Pub. L. 104–208, div. C, title V, Sec. 506, Sept. 30, 1996, 110

Stat. 3009–672, provided that:

"(a) GAO Study and Report. –

"(1) Study. – The Comptroller General shall conduct a study to determine the extent to which aliens who are not lawfully admitted for permanent residence are receiving postsecondary Federal student financial assistance.

"(2) Report. – Not later than 1 year after the date of the enactment of this Act (Sept. 30, 1996), the Comptroller General shall submit a report to the appropriate committees of the Congress on the study conducted under paragraph (1).

"(b) Report on Computer Matching Program. –

"(1) In general. – Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the appropriate committees of the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965 (20 U.S.C. 1091(p)).

"(2) Report elements. – The report under paragraph (1) shall include the following:

"(A) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

"(B) The ratio of successful matches under the program to inaccurate matches.

"(C) Such other information as the Secretary and the Commissioner jointly consider appropriate.

"(c) Appropriate Committees of the Congress. – For purposes of this section the term 'appropriate committees of the Congress' means the Committee on Economic and Educational Opportunities and the Committee on the Judiciary of the House of Representatives and the Committee on Labor and Human Resources and the Committee on the Judiciary of the Senate."

–SECRET–

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1183a, 1612, 1613, 1614, 1621, 1642 of this title.

–CITE–

8 USC Sec. 1612 01/06/03

–EXPCITE–

#### TITLE 8 – ALIENS AND NATIONALITY

#### CHAPTER 14 – RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

#### SUBCHAPTER I – ELIGIBILITY FOR FEDERAL BENEFITS

–HEAD–

Sec. 1612. Limited eligibility of qualified aliens for certain

Federal programs

–STATUTE–

(a) Limited eligibility for specified Federal programs

(1) In general

Notwithstanding any other provision of law and except as provided in paragraph (2), an alien who is a qualified alien (as defined in section 1641 of this title) is not eligible for any specified Federal program (as defined in paragraph (3)).

(2) Exceptions

(A) Time-limited exception for refugees and asylees

With respect to the specified Federal programs described in paragraph (3), paragraph (1) shall not apply to an alien until 7 years after the date –

(i) an alien is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157);

(ii) an alien is granted asylum under section 208 of such Act (8 U.S.C. 1158);

(iii) an alien's deportation is withheld under section 243(h) of such Act (8 U.S.C. 1253) (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208) or section 241(b)(3) of such Act (8 U.S.C. 1231(b)(3)) (as amended by section 305(a) of division C of Public Law 104–208);

(iv) an alien is granted status as a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980); or

(v) an alien is admitted to the United States as an Amerasian immigrant pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as contained in section 101(e) of Public Law 100–202 and amended by the 9th proviso under migration and refugee assistance in title II of the Foreign Operations, Export Financing, and Related Programs

Appropriations Act, 1989, Public Law 100–461, as amended).

(B) Certain permanent resident aliens

Paragraph (1) shall not apply to an alien who –

(i) is lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(ii)(I) has worked 40 qualifying quarters of coverage as defined under title II of the Social Security Act (42 U.S.C. 401 et seq.) or can be credited with such qualifying quarters as provided under section 1645 of this title, and (II) in the case of any such qualifying quarter creditable for any period beginning after December 31, 1996, did not receive any Federal means–tested public benefit (as provided under section 1613 of this title) during any such period.

(C) Veteran and active duty exception

Paragraph (1) shall not apply to an alien who is lawfully residing in any State and is –

(i) a veteran (as defined in section 101, 1101, or 1301, or as described in section 107 of title 38) with a discharge characterized as an honorable discharge and not on account of alienage and who fulfills the minimum active–duty service requirements of section 5303A(d) of title 38,

(ii) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(iii) the spouse or unmarried dependent child of an individual described in clause (i) or (ii) or the unremarried

surviving spouse of an individual described in clause (i) or (ii) who is deceased if the marriage fulfills the requirements of section 1304 of title 38.

(D) Transition for aliens currently receiving benefits

(i) SSI

(I) In general

With respect to the specified Federal program described in paragraph (3)(A), during the period beginning on August 22, 1996, and ending on September 30, 1998, the Commissioner of Social Security shall redetermine the eligibility of any individual who is receiving benefits under such program as of August 22, 1996, and whose eligibility for such benefits may terminate by reason of the provisions of this subsection.

(II) Redetermination criteria

With respect to any redetermination under subclause (I), the Commissioner of Social Security shall apply the eligibility criteria for new applicants for benefits under such program.

(III) Grandfather provision

The provisions of this subsection and the redetermination under subclause (I), shall only apply with respect to the benefits of an individual described in subclause (I) for months beginning on or after September 30, 1998.

(IV) Notice

Not later than March 31, 1997, the Commissioner of Social

Security shall notify an individual described in subclause (I) of the provisions of this clause.

(ii) Food stamps

(I) In general

With respect to the specified Federal program described in paragraph (3)(B), ineligibility under paragraph (1) shall not apply until April 1, 1997, to an alien who received benefits under such program on August 22, 1996, unless such alien is determined to be ineligible to receive such benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.). The State agency shall recertify the eligibility of all such aliens during the period beginning April 1, 1997, and ending August 22, 1997.

(II) Recertification criteria

With respect to any recertification under subclause (I), the State agency shall apply the eligibility criteria for applicants for benefits under such program.

(III) Grandfather provision

The provisions of this subsection and the recertification under subclause (I) shall only apply with respect to the eligibility of an alien for a program for months beginning on or after the date of recertification, if on August 22, 1996, the alien is lawfully residing in any State and is receiving benefits under such program on August 22, 1996.

(E) Aliens receiving SSI on 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 an alien who is lawfully residing in the United States and who was receiving such benefits on August 22, 1996.

(F) Disabled aliens lawfully residing in the United States on August 22, 1996

With respect to eligibility for benefits for the specified Federal programs described in paragraph (3), paragraph (1) shall not apply to an alien who –

(i) in the case of the specified Federal program described in paragraph (3)(A) –

(I) was lawfully residing in the United States on August 22, 1996; and

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

(ii) in the case of the specified Federal program described in paragraph (3)(B), is receiving benefits or assistance for blindness or disability (within the meaning of section 3(r) of the Food Stamp Act of 1977 (7 U.S.C. 2012(r))).

(G) Exception for certain Indians

With respect to eligibility for benefits for the specified Federal programs described in paragraph (3), section 1611(a) of this title and paragraph (1) shall not apply to any individual –

(i) who is an American Indian born in Canada to whom the

provisions of section 289 of the Immigration and Nationality

Act (8 U.S.C. 1359) apply; or

(ii) who is a member of an Indian tribe (as defined in section 450b(e) of title 25).

(H) SSI exception for certain recipients on the basis of very old applications

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 any individual –

(i) who is receiving benefits under such program for months after July 1996 on the basis of an application filed before January 1, 1979; and

(ii) with respect to whom the Commissioner of Social Security lacks clear and convincing evidence that such individual is an alien ineligible for such benefits as a result of the application of this section.

(I) Food stamp exception for certain elderly individuals

With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to any individual who on August 22, 1996 –

(i) was lawfully residing in the United States; and

(ii) was 65 years of age or older.

(J) Food stamp exception for certain children

With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1)

shall not apply to any individual who is under 18 years of age.

(K) Food stamp exception for certain Hmong and Highland  
Laotians

With respect to eligibility for benefits for the specified  
Federal program described in paragraph (3)(B), paragraph (1)  
shall not apply to –

(i) any individual who –

(I) is lawfully residing in the United States; and

(II) was a member of a Hmong or Highland Laotian tribe at  
the time that the tribe rendered assistance to United  
States personnel by taking part in a military or rescue  
operation during the Vietnam era (as defined in section 101  
of title 38);

(ii) the spouse, or an unmarried dependent child, of such  
an individual; or

(iii) the unremarried surviving spouse of such an  
individual who is deceased.

(L) Food stamp exception for certain qualified aliens

With respect to eligibility for benefits for the specified  
Federal program described in paragraph (3)(B), paragraph (1)  
shall not apply to any qualified alien who has resided in the  
United States with a status within the meaning of the term  
"qualified alien" for a period of 5 years or more beginning  
on the date of the alien's entry into the United States.

(3) "Specified Federal program" defined

For purposes of this chapter, the term "specified Federal

program" means any of the following:

(A) SSI

The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), including supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act (42 U.S.C. 1382e(a)) and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.

(B) Food stamps

The food stamp program as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

(b) Limited eligibility for designated Federal programs

(1) In general

Notwithstanding any other provision of law and except as provided in section 1613 of this title and paragraph (2), a State is authorized to determine the eligibility of an alien who is a qualified alien (as defined in section 1641 of this title) for any designated Federal program (as defined in paragraph (3)).

(2) Exceptions

Qualified aliens under this paragraph shall be eligible for any designated Federal program.

(A) Time–limited exception for refugees and asylees

(i) Medicaid

With respect to the designated Federal program described in paragraph (3)(C), paragraph (1) shall not apply to an alien until 7 years after the date –

(I) an alien is admitted to the United States as a  
refugee under section 207 of the Immig