

**DEPARTMENT OF HOMELAND SECURITY**

**[CIS No. 2499-10; DHS Docket No. USCIS-2010-0012]; RIN 1615-AA22**

**Proposed Rule: Inadmissibility on Public Charge Grounds**

**Economic Analysis Supplemental Information for Analysis of Public Benefits Programs**

The purpose of this document is to provide additional information and further details about estimates DHS presents in the Public Charge proposed rule regarding public benefits programs included in the economic analysis. In order to estimate the total economic impact of the proposed rule, it was necessary for DHS to estimate various aspects of the populations that receive benefits from public benefits programs, the total amount of benefits each public benefits program paid to recipients, and the average amount each recipient received in benefits. DHS also estimated the population of recipients that are likely to disenroll or forego enrollment in public benefits programs because of this proposed rule. Finally, DHS estimated the total reduction in transfer payments paid by the federal government to the population that is likely to disenroll or forego enrollment in a public benefits program.

For each of the public benefits program in this economic analysis, DHS estimated the total annual average enrollment based on a 5-year average, whenever possible. Table 1 shows annual total enrollment figures for the most recent 5-year periods for which data are available as reported by the benefits-granting agencies. In some cases, however, DHS was not able to base its estimates on a 5-year average and, instead, had to rely on the most recent annual data reported.

**Table 1. Estimated 5-year Average Total Public Benefits Enrollment by Public Benefits Program.**

Fiscal Year	Medicaid <sup>1</sup>	Low Income Subsidy (LIS) for Medicare Part D Prescription Drug Coverage <sup>2</sup>	Supplemental Nutrition Assistance Program (SNAP) <sup>3</sup>	Temporary Assistance for Needy Families (TANF) <sup>4</sup>	Supplemental Security Income (SSI) <sup>5</sup>
2011					
2012	54,109,500			4,106,881	
2013	55,025,000	11,500,000	47,636,090	3,782,146	8,363,000
2014	66,544,168	11,800,000	46,663,616	3,504,648	8,336,000
2015	71,849,006	12,100,000	45,766,672	3,088,432	8,310,000
2016	73,882,093	12,400,000	44,219,363	2,763,514	8,251,000
2017		12,700,000	42,188,413		8,251,780
<b>5-year Average</b>	<b>64,281,954</b>	<b>12,100,000</b>	<b>45,294,831</b>	<b>3,449,124</b>	<b>8,302,356</b>

Fiscal Year	Earned Income Tax Credit (EITC) <sup>6</sup>	Additional Child Tax Credit (ACTC) <sup>7</sup>	HUD Rental Assistance <sup>8</sup>	HUD Housing Choice Vouchers <sup>8</sup>	HUD Public Housing <sup>9</sup>
2011	27,911,726				
2012	27,848,264	20,533,173			
2013	28,821,785	20,727,634			
2014	28,538,000	20,225,421			
2015	28,082,000	19,705,356			
2016		18,429,087	5,051,000	2,189,000	1,100,000
2017					
<b>5-year Average (where available)</b>	<b>28,240,355</b>	<b>19,924,134</b>	<b>5,051,000</b>	<b>2,189,000</b>	<b>1,100,000</b>

Sources:

<sup>1</sup>Medicaid – See U.S. Department of Health and Human Services (HHS), Centers for Medicare & Medicaid (CMS). *Monthly Medicaid & CHIP Application, Eligibility Determination, and Enrollment Reports & Data*. Available at <https://www.medicaid.gov/medicaid/program-information/medicaid-and-chip-enrollment-data/monthly-reports/index.html>. Accessed May 31, 2018. Note that each annual total was calculated by averaging the monthly enrollment population over each year. The numbers that were used for the average can be found in Table 1A: Medicaid and CHIP for each month, using the number listed as the “Total Across All States.”

<sup>2</sup> LIS – See U.S. HHS, CMS. *2018 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds*. Table IV.B9.—Incurred Reimbursement Amounts per Enrollee for Part D Expenditures, p.145. Available at <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/ReportsTrustFunds/Downloads/TR2018.pdf>. Accessed July 31, 2018. The LIS number of recipients receiving benefits includes LIS in Medicare Advantage Prescription Drug (MAPD-LIS) and LIS in stand-alone Medicare Part D prescription drug plans (PDP-LIS).

<sup>3</sup> SNAP – See U.S. Department of Agriculture, Food and Nutrition Service, Supplemental Nutrition Assistance Program. “Persons, Households, Benefits, and Average Monthly Benefit per Person & Household.” Available at

<https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>. Accessed May 31, 2018.

<sup>4</sup> TANF – See U.S. HHS, Office of Family Assistance. “TANF Caseload Data.” Available at <https://www.acf.hhs.gov/ofa/resource/tanf-caseload-data-2016>. Accessed June 11, 2018. Note: The number of participants are listed for the fiscal year, not calendar year since the dollar amount of assistance received is only presented for fiscal years.

<sup>5</sup> SSI – See U.S. Social Security Administration, Office of Research, Statistics, & Policy Analysis. *Annual Report of the Supplemental Security Income Program, 2017*. Table IV.B9, p. 46. Available at: <https://www.ssa.gov/oact/ssir/SSI17/ssi2017.pdf>. Accessed July 31, 2018.; See also U.S. Social Security Administration, Office of Research, Statistics, & Policy Analysis. “SSI Monthly Statistics, January 2018.” Available at [https://www.ssa.gov/policy/docs/statcomps/ssi\\_monthly/2018-01/table01.html](https://www.ssa.gov/policy/docs/statcomps/ssi_monthly/2018-01/table01.html). Accessed July 31, 2018.

<sup>6</sup> EITC – See Urban Institute & Brookings Institution, Tax Policy Center. “EITC Recipients.” Data source: Internal Revenue Service, Statistics of Income Division, Table 1, Individual Income Tax Returns: Selected Income and Tax Items for Tax Years 1999 – 2014; and for 2015 data, IRS, Statistics of Income Division, Publication 1304, September 2017. Available at <https://www.taxpolicycenter.org/statistics/eitc-recipients>. Accessed June 11, 2018.

<sup>7</sup> ACTC – See Dept. of the Treasury, Internal Revenue Service. *Statistics of Income – Individual Income Tax Returns, Line Item Estimates*. Available at <https://www.irs.gov/statistics/soi-tax-stats-individual-income-tax-returns-line-item-estimates>. See line item “Additional child tax credit. Attach Schedule 8812” for each year in the “Payments” section. For example, for tax year 2015 the total can be found on p. 16 at line item 67). Accessed July 17, 2018.; For tax year 2016, see Dept. of the Treasury, Internal Revenue Service. *SOI Tax Stats – Individual Income Tax Returns. Preliminary Data*. Available at <https://www.irs.gov/statistics/soi-tax-stats-individual-income-tax-returns#prelim>. Accessed July 17, 2018.

<sup>8</sup> HUD Rental Assistance and HUD Housing Choice Vouchers – Data on annual total expenditure on public benefits: See Center on Budget and Policy Priorities. National and State Housing Fact Sheets & Data. Federal Rental Assistance, “Download the Data” and Housing Choice Voucher Program, “Download the Data.” Available at <https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data>. Accessed Aug. 15, 2018.

<sup>9</sup> HUD Public Housing – See U.S. Dept. of Housing and Urban Development. HUD FY 2017 Congressional Justifications. Fiscal Year 2018 Budget, p. 6-1, Request; and 7-1 to 7-2, Program Purpose and Fiscal Year 2018 Budget Overview, and Request. Available at [https://www.hud.gov/sites/documents/FY\\_18\\_CJS\\_COMBINED.PDF](https://www.hud.gov/sites/documents/FY_18_CJS_COMBINED.PDF). Accessed Aug. 16, 2018. Note: HUD Public Housing includes both HUD Capital Fund and HUD Operating Fund.

For each of the public benefits programs in this economic analysis, DHS estimated the total annual average public benefits payments based on a 5-year average, whenever possible. Table 2 shows annual total public benefits payments made for the most recent 5-year periods for which data are available as reported by the benefits-granting agencies. In some cases, however, DHS was not able to base its estimates on a 5-year average and, instead, had to rely on the most recent annual data reported.

<b>Table 2. Estimated 5-year Average Total Benefits Payments by Public Benefits Program.</b>					
<b>Fiscal Year</b>	<b>Medicaid<sup>1</sup></b>	<b>Low Income Subsidy (LIS) for Medicare Part D Prescription Drug Coverage<sup>2</sup></b>	<b>Supplemental Nutrition Assistance Program (SNAP)<sup>3</sup></b>	<b>Temporary Assistance for Needy Families (TANF)<sup>4</sup></b>	<b>Supplemental Security Income (SSI)<sup>5</sup></b>
<b>2011</b>					

<b>2012</b>	\$408,849,906,444			\$5,003,359,698	
<b>2013</b>	\$433,109,973,466	\$23,200,000,000	\$76,066,318,500	\$4,485,279,615	\$53,402,000,000
<b>2014</b>	\$467,426,379,977	\$24,300,000,000	\$69,998,835,569	\$4,485,938,448	\$54,153,000,000
<b>2015</b>	\$526,710,873,983	\$25,600,000,000	\$69,645,138,228	\$4,273,006,781	\$54,827,000,000
<b>2016</b>	\$550,881,322,328	\$26,400,000,000	\$66,539,351,219	\$3,698,513,083	\$54,634,000,000
<b>2017</b>		\$27,500,000,000	\$63,710,567,854		\$56,700,852,000
<b>5-year Average</b>	<b>\$477,395,691,240</b>	<b>\$25,400,000,000</b>	<b>\$69,192,042,274</b>	<b>\$4,389,219,525</b>	<b>\$54,743,370,400</b>

<b>Fiscal Year</b>	<b>Earned Income Tax Credit (EITC)<sup>6</sup></b>	<b>Additional Child Tax Credit (ACTC)<sup>7</sup></b>	<b>HUD Rental Assistance<sup>8</sup></b>	<b>HUD Housing Choice Vouchers<sup>8</sup></b>	<b>HUD Public Housing<sup>9</sup></b>
<b>2011</b>	\$55,350,499,000				
<b>2012</b>	\$56,189,578,000	\$27,717,367,000			
<b>2013</b>	\$59,144,504,000	\$27,855,164,000			
<b>2014</b>	\$58,889,000,000	\$27,062,605,000			
<b>2015</b>	\$58,795,000,000	\$26,590,109,000			
<b>2016</b>		\$24,417,090,000	\$41,020,000,000	\$16,704,100,000	\$6,501,646,000
<b>2017</b>					
<b>5-year Average (where available)</b>	<b>\$56,765,989,000</b>	<b>\$26,728,467,000</b>	<b>\$41,020,000,000</b>	<b>\$16,704,100,000</b>	<b>\$6,501,646,000</b>

Sources:

<sup>1</sup> Medicaid – Data on annual program expenditure on public benefits: See U.S. Department of Health and Human Services (HHS), Centers for Medicare & Medicaid (CMS). *Expenditure Reports From MBES/CBES*. Available at <https://www.medicare.gov/medicaid/finance/state-expenditure-reporting/expenditure-reports/index.html>. Accessed Aug. 2, 2018. The average annual program expenditure on public benefits was estimated by calculating the 5-year average over the period fiscal year 2012 – 2016.

<sup>2</sup> LIS – Data on annual program expenditure on public benefits: See U.S. HHS, CMS. *2018 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds*. Table IV.B10—Aggregate Part D Reimbursement Amounts on an Incurred Basis, p.145. Available at <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/ReportsTrustFunds/Downloads/TR2018.pdf>. Accessed July 31, 2018.

<sup>3</sup> SNAP – See U.S. Department of Agriculture, Food and Nutrition Service, Supplemental Nutrition Assistance Program. “Persons, Households, Benefits, and Average Monthly Benefit per Person & Household.” Available at <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>. Accessed May 31, 2018.

<sup>4</sup> TANF – Data on annual program expenditure on public benefits: See U.S. HHS, Office of Family Assistance. “TANF Financial Data - FY 2016.” See [Table A.1.: Federal TANF and State MOE Expenditures Summary by ACF-196 Spending Category. Federal Funds for Basic Assistance](#). Available at <https://www.acf.hhs.gov/ofa/resource/tanf-financial-data-fy-2016>. Accessed June 11, 2018. Note that the link shows fiscal year 2016 TANF financial data, but links to financial data for other fiscal years can also be accessed. DHS calculated the 5-year average annual program expenditure on public benefits for “basic assistance” over the period fiscal year 2012 – 2016.

<sup>5</sup> SSI – See U.S. Social Security Administration, Office of Research, Statistics, & Policy Analysis. *Annual Report of the Supplemental Security Income Program, 2017*. Table IV.C1.—SSI Federal Payments, p. 47. Available at: <https://www.ssa.gov/oact/ssir/SSI17/ssi2017.pdf>. Accessed July 31, 2018.; See also U.S. Social Security Administration, Office of Research, Statistics, & Policy Analysis. “SSI Monthly Statistics, January 2018.” Available at

[https://www.ssa.gov/policy/docs/statcomps/ssi\\_monthly/2018-01/table01.html](https://www.ssa.gov/policy/docs/statcomps/ssi_monthly/2018-01/table01.html). Accessed July 31, 2018.

<sup>6</sup> EITC – See Urban Institute & Brookings Institution, Tax Policy Center. “EITC—Number of Recipients and Amount of Credit, 1975-2015.” Data source: Internal Revenue Service, Statistics of Income Division, Table 1, Individual Income Tax Returns: Selected Income and Tax Items for Tax Years 1999 – 2014; and for 2015 data, IRS, Statistics of Income Division, Publication 1304, September 2017. Available at <https://www.taxpolicycenter.org/statistics/eitc-recipients>. Accessed June 11, 2018.

<sup>7</sup> ACTC – See Dept. of the Treasury, Internal Revenue Service. *Statistics of Income – Individual Income Tax Returns, Line Item Estimates*. Available at <https://www.irs.gov/statistics/soi-tax-stats-individual-income-tax-returns-line-item-estimates>. See line item “Additional child tax credit. Attach Schedule 8812” for each year in the “Payment” section. For example, for tax year 2015 the total can be found on p. 17 at line item 67). Accessed July 17, 2018.; For tax year 2016, see Dept. of the Treasury, Internal Revenue Service. *SOI Tax Stats – Individual Income Tax Returns. Preliminary Data*. Available at <https://www.irs.gov/statistics/soi-tax-stats-individual-income-tax-returns#prelim>. Accessed July 17, 2018. Note that data on the refundable amount of the ACTC was not available and, therefore, the amount presented here may be an overestimate of the annual program expenditure.

<sup>8</sup> HUD Rental Assistance and HUD Housing Choice Vouchers – Data on annual total expenditure on public benefits: See Center on Budget and Policy Priorities. National and State Housing Fact Sheets & Data. Federal Rental Assistance, “Download the Data” and Housing Choice Voucher Program, “Download the Data.” Available at <https://www.cbpp.org/research/housing/national-and-state-housing-fact-sheets-data>. Accessed Aug. 15, 2018.

<sup>9</sup> HUD Public Housing – See U.S. Dept. of Housing and Urban Development. HUD FY 2017 Congressional Justifications. Fiscal Year 2018 Budget, pp. 6-1, Public Housing Capital Fund, 2016 Appropriations, Outlays; 7-1, Public Housing Operating Fund, 2016 Appropriations, Outlays. Available at [https://www.hud.gov/sites/documents/FY\\_18\\_CJS\\_COMBINED.PDF](https://www.hud.gov/sites/documents/FY_18_CJS_COMBINED.PDF). Accessed Aug. 16, 2018. Note: HUD Public Housing includes both HUD Capital Fund and HUD Operating Fund.

Using these annual data on the total public benefits enrollment and the total benefits payments for each of the public benefits programs, DHS estimated the average annual benefit received per person for each program in table 3. The average benefit per person is calculated for each public benefit program by dividing the average annual program payments for one public benefit by the average annual total number of recipients.<sup>1</sup> As shown above, these estimates are based on 5-year averages to the extent that data are available.

<b>Table 3. Estimated Average Annual Benefit per Person, by Public Benefit Program</b>			
<b>Public Benefits Program</b>	<b>Average Annual Total Number of Recipients</b>	<b>Average Annual Public Benefits Payments</b>	<b>Average Annual Benefit per Person<sup>1</sup></b>

<sup>1</sup> DHS notes that the amounts presented may not account for overhead costs associated with administering each of these public benefits programs. The costs presented are based on amounts recipients have received in benefits as reported by benefits-granting agencies.

<b>Medicaid</b>	64,281,954	\$477,395,691,240	\$7,426.59
<b>Low Income Subsidy (LIS) for Medicare Part D Prescription Drug Coverage</b>	12,100,000	\$25,400,000,000	\$2,099.17
<b>Supplemental Nutrition Assistance Program (SNAP)</b>	45,294,831	\$69,192,042,274	\$1,527.59
<b>Temporary Assistance for Needy Families (TANF)</b>	3,449,124	\$4,389,219,525	\$1,272.56
<b>Supplemental Security Income (SSI)</b>	8,302,356	\$54,743,370,400	\$6,593.72
<b>Earned Income Tax Credit (EITC)</b>	28,240,355	\$56,765,989,000	\$2,010.10
<b>Additional Child Tax Credit (ACTC)</b>	19,924,134	\$26,728,467,000	\$1,341.51
<b>HUD Rental Assistance</b>	5,051,000	\$41,020,000,000	\$8,121.16
<b>HUD Housing Choice Vouchers</b>	2,189,000	\$16,704,100,000	\$7,630.93
<b>HUD Public Housing<sup>2</sup></b>	1,100,000	\$6,501,646,000	\$5,910.59
Sources and notes: USCIS analysis of data provided by the federal agencies that administer each of the listed public benefits program or research organizations. Note that figures for the annual total enrollment and the annual total public benefits payments are based on 5-year averages, whenever possible, for the most recent 5-year period for which data are available.			
<sup>1</sup> The calculation for Average Annual Benefits per Person = (Average Annual Public Benefits Payment) / (Average Annual Total Number of Recipients).			
<sup>2</sup> HUD Public Housing includes both HUD Capital Fund and HUD Operating Fund.			

DHS anticipates that a number of individuals would be likely to disenroll or forego enrollment in a public benefits program as a result of the proposed rule, which would result in a reduction of transfer payments from the federal government to such individuals. However, to estimate the economic impact of disenrollment or foregone enrollment from public benefits programs, it is necessary to estimate the average annual amount of public benefits a person receives for each public benefits program included in this economic analysis. Table 4 shows the estimated population of foreign-born non-citizens receiving benefits that would be likely to disenroll or forego enrollment in a public benefits program at a rate of 2.5 percent as a result of this proposed rule.

**Table 4. Estimated Population of Foreign-Born Non-Citizens Receiving Public Benefits Likely to Disenroll or Forego Enrollment in a Public Benefits Program.**

<b>Public Benefits Program</b>	<b>Foreign-Born Non-Citizens Receiving Benefits</b>	<b>Households with At Least 1 Foreign-Born Non-Citizen Receiving Benefits</b>	<b>Foreign-Born Non-Citizens Receiving Benefits Based On A 2.5% Rate of Disenrollment or Foregone Enrollment<sup>1</sup></b>	<b>Households with At Least 1 Foreign-Born Non-Citizen Receiving Benefits Based On A 2.5% Rate of Disenrollment or Foregone Enrollment<sup>1</sup></b>
Medicaid	5,685,422		142,136	
Low Income Subsidy (LIS) for Medicare Part D Prescription Drug Coverage	1,070,185		26,755	
Supplemental Nutrition Assistance Program (SNAP)	5,182,508		129,563	
Temporary Assistance for Needy Families (TANF)	305,058		7,626	
Supplemental Security Income (SSI)	734,303		18,358	
Earned Income Tax Credit (EITC)	2,497,720		62,443	
Additional Child Tax Credit (ACTC)	1,762,192		44,055	
HUD Rental Assistance		352,055		8,801
HUD Housing Choice Vouchers		152,573		3,814
HUD Public Housing <sup>2</sup>		76,670		1,917
<b>Totals</b>	<b>17,237,388</b>	<b>581,289</b>	<b>430,936</b>	<b>14,532</b>

Source : USCIS analysis.

Notes:

<sup>1</sup> DHS estimates the rate of disenrollment/foregone enrollment based on the number of foreign-born immigrants seeking to adjust status as a percentage of the foreign-born non-citizen population in the United States. Calculation: (Individuals adjusting status / Estimated foreign-born non-citizen population) \*100 = Rate of disenrollment/foregone enrollment. To estimate the population that could choose to disenroll/forego enrollment, DHS multiplied the population of foreign-born non-citizens receiving benefits or the number of households with at least 1 foreign-born non-citizen by 2.5 percent.

<sup>2</sup> HUD Public Housing includes HUD Capital Funds and HUD Operating Fund.

Finally, Table 5 shows the estimated population of foreign-born non-citizens who would be likely to disenroll from or forego enrollment in public benefits programs due to the provisions of the proposed rule and the total reduction in transfer payments paid by the federal government to this population. The table also presents the previously estimated average annual benefit per person who received benefits for each of the public benefits programs. This proposed rule would result in a reduction of transfer payments from the federal government to those foreign-born non-citizens who choose to disenroll from or forego future enrollment in a public benefits program.

<b>Public Benefits Program</b>	<b>Foreign-Born Non-Citizens Receiving Benefits Based On A 2.5% Rate of Disenrollment or Foregone Enrollment</b>	<b>Households with At Least 1 Foreign-Born Non-Citizen Receiving Benefits Based On A 2.5% Rate of Disenrollment or Foregone Enrollment</b>	<b>Average Annual Benefit per Person or Household</b>	<b>Estimated Reduction in Transfer Payments to Foreign-Born Non-Citizens Based On A 2.5% Rate of Disenrollment or Foregone Enrollment</b>
Medicaid	142,136		\$7,426.59	\$1,055,582,500
Low Income Subsidy (LIS) for Medicare Part D Prescription Drug Coverage	26,755		\$2,099.17	\$56,163,388
Supplemental Nutrition Assistance Program (SNAP)	129,563		\$1,527.59	\$197,919,143
Temporary Assistance for Needy Families (TANF)	7,626		\$1,272.56	\$9,704,543
Supplemental Security Income (SSI)	18,358		\$6,593.72	\$121,047,512
Earned Income Tax Credit (EITC)	62,443		\$2,010.10	\$125,516,674
Additional Child Tax Credit (ACTC)	44,055		\$1,341.51	\$59,100,223

<b>HUD Rental Assistance</b>		8,801	\$8,121.16	\$71,474,329
<b>HUD Housing Choice Vouchers</b>		3,814	\$7,630.93	\$29,104,367
<b>HUD Public Housing<sup>1</sup></b>		1,917	\$5,910.59	\$11,330,601
<b>Totals</b>	<b>430,936</b>	<b>14,532</b>	<i>N/A</i>	<b>\$1,736,946,577</b>

Source: USCIS analysis.

Notes:

<sup>1</sup> HUD Public Housing includes HUD Capital Fund and HUD Operating Fund.