

NLWJC - Kagan

Counsel - Box 035 - Folder 011

**National Governors' Association
Sessions**

TO: Elena Kagan

FR: Diana Fortuna

Here are top 5 welfare reform issues from the 3 state organizations, distributed at our meeting with them today. Interesting to see what the states highlight.

**NATIONAL
GOVERNORS'
ASSOCIATION**

Bob Miller
Governor of Nevada
Chairman

Raymond C. Scheppach
Executive Director

George V. Voinovich
Governor of Ohio
Vice Chairman

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September 17, 1996

M E M O R A N D U M

To: Diane Fortuna
From: Evelyn Ganzglass and Susan Golonka
Re: Our Top Five Issues on Welfare Reform

1. Clarify which issues will be addressed through regulations and which not. Reach agreement on a timetable and process for consultation with the states regarding the development of federal regulations and the timely resolution of non regulatory issues such as the following:
 - State concerns about being penalized for actions taken prior to the promulgation of regulations or other federal guidance;
 - What the Secretary's interpretation will be regarding what "inconsistent with the act" means for purposes of states' ability to continue certain provisions of existing waivers;
 - What will be included in the definition of administrative costs for purposes of federal audits and penalties.
2. Establish a process for developing outcome-based measures for use in awarding bonuses from the performance fund.
3. Clarify issues related to the state plan submittal process including the time frames for certification of completeness; when do the TANF funding and requirements for time limits and penalties begin in states that are found not to have submitted a complete plan?
4. Establish an interagency working group on information systems for TANF, the child care block grant, the new food stamp work requirement and the child support enforcement program to coordinate efforts, develop a system that will allow cost sharing among programs, and provide technical assistance to states to ensure that one system may meet multiple purposes

Page 2

5. Try to reach agreement on areas which require technical amendments. Our current list includes the following:
- Permit transfer of Targeted Assistance for Needy Families (TANF) block grant funds directly into the Social Services Block Grant.
 - Allow states the option to count as a single-parent family for purposes of the work requirement those two-parent families in which one spouse is incapacitated.
 - Modify the reconciliation and MOE provisions of the contingency fund so needy states will be able to access the fund.
 - Reconcile the effective dates for eliminating the federal contribution to the \$50 child support pass-through and repealing the actual pass-through.
 - Clarify that state spending on immigrant families who become ineligible for TANF will count as qualified spending for purpose of meeting the TANF maintenance-of-effort.
 - Permit adjustments in the maintenance of effort requirements for state SSI supplements when caseloads decline.
 - Reconcile the "look back" dates to state AFDC programs for child welfare and Medicaid eligibility.

We look forward to discussing these issues with you at our next meeting.



AMERICAN PUBLIC WELFARE ASSOCIATION

Gerald H. Miller, President

A. Sidney Johnson III, Executive Director

September 18, 1996

To: Sid Johnson

Fr: Elaine M. Ryan

Re: Top Five Implementation Issues Facing States

1. Medicaid

- Cost neutrality liabilities discontinuing Section 1115 welfare waivers
- Transitional waivers and cost neutrality liabilities
- HCFA, ACF, INS and SSA joint working group
- SSI for Children

SR: HCFA/SSA are why tag - do larger gpp; we need to get on act tag 1st JBA

continue on MA for 1-2 yrs; then why control gpps, eval. if you discontinue only part of a waiver - deeming too

2. State Plan

- TANF funding based on submission or deemed complete
- 45 comment period

worried more about whether TANF picks up

3. Claims and Disallowances

- program close out
- reduction in TANF block grant allocations

will create unhappiness; not clear where \$ comes from

4. Immigration

- definition of means tested benefit - child care, CW
- rules applied to current non-citizens
- application to child care and child welfare services

5. Penalties

- application
- inconsistencies
- data reporting
- work rates - two parents and all families

something's out on child care?



NATIONAL CONFERENCE OF STATE LEGISLATURES

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DEPUTY CONTROLLER GENERAL
DELAWARE
STAFF CHAIR, NCSL

NATIONAL CONFERENCE OF STATE LEGISLATURES

Five Priorities from Welfare Briefing

WILLIAM POUND
EXECUTIVE DIRECTOR

I. Getting Started Issues

- A. State Plan vs. State Law *caution*
- B. "Completeness" of State Plan

II. Conflict Resolution Process

- A. Waivers
- B. Work Requirements
- C. Other Penalties

— corrections w/o penalties

III. Legal Immigrants

- A. Clarifications
- B. Documenting Cost-Shifts
- C. Documenting Litigation
- D. Possible Regulatory Grace Periods *— like fs*
- E. Proposals for Legislative Change

10/1 myth that immigrants affected

IV. Consultation on Technical Corrections

- A. Legislation
- B. Regulation

V. Technical Assistance

- A. Child Support
- B. Immigration
- C. SSI
- D. Targeting Unique Policymaking Responsibilities of State Legislators and Staff
- E. *MA*
- F. *Inf systems*

THE WHITE HOUSE
WASHINGTON

September 6, 1996

TO: DISTRIBUTION LIST
FR: Carol Rasco
Assistant to the President for Domestic Policy
RE: Meeting on Wednesday, September 18th

We will hold our next meeting on Wednesday, September 18th, 12:15p-1:45p, OEOB RM 180. I hope this somewhat "different" timing will accommodate the greatest number of persons. It appeared to be the only time we could meet in the afternoon and still have adequate representation from the maximum number of groups.

I have allowed longer than our agreed upon one hour weekly for this meeting as I feel coming out of the September 9 and 10 conference we will have a great deal to put on the table. If we finish our work earlier, we will adjourn early!

As agreed upon at our meeting this week, I am asking each of the organizations - NGA, APWA, NCSL, HHS, USDA, INS, SSA - to each put together a "top five" listing of the issues/concerns/questions to be addressed for states as the implementation process proceeds. We will use those lists as a starting point for formulating our working group agenda for the coming weeks. In order to maximize the productive use of our time on the 18th, I would ask that you fax your listing of five items to Diana Fortuna, Domestic Policy Council (fax: 456-7431) by noon on Tuesday, September 17. We will simply print the individual lists so that we can have them in front of everyone as we start the meeting on the 18th.

At this time, I see the discussion of these lists as our only agenda item at the meeting on the 18th. However, if anyone has additional agenda items that come to mind before the 18th, please send and don't hesitate to submit them to Diana Fortuna.

I want to take this opportunity to thank each of you for working to hold attendance at these meetings to a minimum of persons. I believe it has and will allow us to actually work in a more productive manner.

I look forward to seeing you at the conference next week and then on the 18th.

MEETING WITH NGA/NCSL/APWA ON WELFARE REFORM

AGENDA
September 4, 1996

- I. Review of Conference Agenda
- II. Review of Agency Roles
 - o Presentations
 - o Break-out sessions
 - o Paper to be handed out
- III. Press issues
- IV. Follow-up Meetings

**APWA, NCSL, NGA Welfare Reform Briefing
September 9-10, 1996**

Federal Agency Handouts for the Conference as of September 3, 1996

Materials Received

HHS letter and summary of child care
HHS TANF estimates
HHS child care reporting matrix

USDA implementation memo
USDA extension of certification periods

AG order on definition of community programs

Materials Needed

SSA estimates
SSA timing of events

INS package on Save
INS definition of lawfully present

DRAFT AGENDA 8/29
BRIEFING ON WELFARE REFORM*
SEPTEMBER 9-10

DRAFT

MONDAY, SEPTEMBER 9

9:00am-12:00-Welcome-Sid Johnson, Executive Director, American Public Welfare Association

Overview of PL 104-193

Elaine Ryan, Director of Government Affairs, APWA

Sheri Steisel, title

Susan Golonka, title

12:15-1:45 Luncheon

Ray Scheppach, Executive Director, National Governors' Association Moderator

Barry Van Lare, Executive Director, Welfare Information Network

2:00-4:00 Administration Plenary

Gerald Miller, title, Moderator

John Monahan, Director of Intergovernmental xx, HHS

Mary Jo Bane, Assistant Secretary, Administration on Children and Families

Sally Richardson, title HCFA

Ellen Haas, Assistant Secretary, Food and Nutrition Services, USDA

4:00-4:15 Break

4:15-5:45 Break-Outs

Waivers

Elaine Ryan, Director of Government Affairs, APWA

Sheri Steisel moderators and presenters

Work Requirements

Moderator and Speaker: Susan Golonka

Doug Howard, Administrator, Division of Economic Assistance, Iowa Department of Human Services

Don Winstead, Welfare Reform Administrator, Florida Department of Health and Rehabilitative Services

This session will review the 'nuts and bolts' of the work requirement provisions in HR 3734. Topics to be addressed include: who is covered, hours of work, participation rates, activities that count as work, penalties, and the prorata reduction of the work participation rate based on caseload declines. The primary focus will be on the TANF work requirements, with a brief review of food stamp and child support work provisions.

DRAFT

Getting Started Strategically

Moderator: Andrea Kane, Senior Policy Analyst, NGA

Speakers: Mary Jo Bane, Assistant Secretary, Administration on Children and Families,
U.S. Department of Health and Human Services

Sue Christy, APWA

Helene Stebbins,

legislator possibly from MD FL,MI

This session will review the key strategic issues facing states as they implement PL 104-193 Topics include: implementation decisions and time frames, state options and how to exercise them, penalties and bonuses, state plan time frames and requirements, and areas of federal authority.

Changing the Message

Moderator: Jack Tweedie, Program Manager, Children and Families Program, NCSL

Speakers: Antonio Riley, Wisconsin

Linda Wolfe, title, APWA

States face a tremendous challenge in transforming their welfare programs from cash assistance to work-based systems. They must change the vision and culture of the program almost overnight at the same time as they must grapple with difficult implementation questions. Speakers will describe their experiences with changing the vision of their welfare programs at the policy making, administrative, and recipient levels.

Cross Systems Implications: Medicaid

Moderator: Lee Partridge, APWA Health Policy Director

Jeff Harris, Senior Policy Analyst, NGA

John Peller, title APWA

Joy Johnson Wilson, title, NCSL

Ann Morse, title, NCSL

Judy Moore, Deputy Director of the Medicaid Bureau, HCFA

With the link between cash assistance and Medicaid broken, states are faced with the challenge of changing complex Medicaid eligibility systems to establish new categories of eligibility. During this session, case studies will be reviewed to illustrate the Medicaid eligibility changes required by the immigration provisions, including deeming a sponsor's income. In addition, the participants will learn the Medicaid implications of the SSI eligibility changes for children and immigrants.

Child Care

Moderator: Joan Lombardi, Associate Commissioner, Child Care Bureau, ACF

John Sciamanna, Senior Policy Associate, APWA

2 state legislators

Federal work participation rate requirements on states and time limits for recipients will expand the number of welfare recipients participating in work activities and, as a result, the demand for child care will increase. How will states manage three different funding streams, expand child care supply, and maintain quality of services? Panelists will discuss the law's requirements and state strategies to meet the need.

6:00-7:30 **Reception**

TUESDAY, SEPTEMBER 10

7:30-8:30 **Administration Plenary**

Moderator: Carmen R. Nazario, Cabinet Secretary, Delaware Department of Health and Social Services

Speakers: Carolyn W. Colvin, Deputy Commissioner for Programs and Policy, Social Security Administration

Robert Bach, title, Immigration and Naturalization Service, U.S. Department of Justice

8:45-10:15 Breakouts

Waivers

Elaine Ryan and Sheri Steisel moderators and presenters

Mary Jo Bane, Assistant Secretary, Administration on Children and Families, U.S. Department of Health and Human Services

Ron Haskins, Staff Director, Subcommittee on Human Resources of the Committee on Ways and Means, U.S. House of Representatives

The new welfare reform law contains a number of provisions with regard to Section 1115 welfare reform waivers, Transitional Medicaid waivers and transitional Child Care Waivers. This session will explore the complex decisions states face in determining whether to continue, expand or discontinue Section 1115 waivers. Particularly, the session will review waiver implications on work and time limit requirements as well as cost neutrality and research and evaluation considerations.

Immigration

Moderator: Ann Morse, title NCSL

Bob Bach title, Immigration and Naturalization Service, U.S. Department of Justice

Josh Bernstein, title, organiz.

The bulk of federal savings in welfare reform were found by denying public benefits to legal immigrants (\$23.8 billion, or 44% of the 6-year savings). New immigrants are barred from most federal means-tested programs; new and current immigrants lose SSI and food stamp benefits; and the federal government delegates authority to states to provide or deny Medicaid, TANF, and SSBG to immigrants as well as state-funded benefit programs. Participants will hear a summary of the changes, a state impact an

analysis of costs and implementation issues, and INS progress on verification systems and citizenship programs.

Cross System Implications: Child Welfare and Services to Teens

Moderator: Betsey Rosenbaum, APWA Director of the Family and Child Welfare Section

Julie Strawn, title, Welfare Information Network

Evelyn Ganzglass

Shelly Smith, NCSL

Arnold Tompkins, Iowa??

This session will highlight the provisions of the new welfare reform law that encourage school attendance and completion, require teens on assistance to live at home and that focus on the prevention of out-of-wedlock births. In addition, the moderators will discuss implications of the changes in cash assistance and SSI for children that could produce new challenges for the child welfare system.

Fiscal Issues

Moderator: Susan Golonka, title, NGA

Mark Greenberg, Senior Staff Attorney, Center for Law and Social Policy

Peter Burns (AZ)

Todd Bland, Fiscal and Policy Analyst, California Legislative Analyst's Office

An interactive discussion on the fiscal issues and decisions states face in implementing the Personal responsibility and Work Opportunity Reconciliation Act of 1996. This session will focus on the restrictions and options states face in managing the TANF and Child Care block grants, as well as issues to consider regarding state assistance for the newly ineligible recipient population.

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Moderator: Jack Tweedie, Program Manager, Children and Families Program, NCSL

Speakers: Antonio Riley, Wisconsin

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Information Management

Moderator: Kelly Thompson, Senior Policy Associate, APWA

John Peller, Health Policy Analyst, APWA

Mark Ragan, title, HHS

Rick Friedman, title, HCFA

Tim O'Connor, title, FCS

DRAFT

In order to implement the new welfare reform law, states will be required to fund and develop a wide range of new information systems related to cash, welfare, time limits, child support and Medicaid and Food Stamp eligibility changes. Systems must also be designed to generate the data required to meet the expanded reporting requirements contained in the law. This session will brief participants on the enhanced funding to complete child support information systems of the 1988 Family Support Act as well as the Statewide Automated Child Welfare Information Systems (SACWIS).i

10:15-10:45 **Break**

10:45-12:15 **Breakouts**

Work Requirements

Moderator: Evelyn Ganzglass, Director, Employment and Social Service Policy Studies, NGA

Julie Strawn, title Welfare Information Network

David Shreve, title, NCSL

This session will provide a very brief overview of the 'nuts and bolts' of the work requirements in HR 3734, but the primary focus of the session will be on program design issues and challenges facing states in implementing the work requirements. Topics to be addressed include: program and caseload priorities, design options, fiscal implications, change from the current system, long-term capacity building, and design implications of sanctions and time limits.

Food Stamps

Moderator: Larry Goolsby, Senior Policy Analyst, APWA

Julie Osnes, South Dakota Food Stamp Administrator

Bonnie O'Neill, Associate Deputy Administrator, Food and Consumer Service, U.S. Department of Agriculture

The administration of the Food Stamp program will change dramatically with new time limits on assistance and work requirements mandated by the new welfare reform law. In addition, The session will include presentations on the new simplified food stamp program, changes to the standard and other deductions, new waiver authority, cash out and immigrant eligibility changes.

Fiscal Issues

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Ron Haskins, Staff Director, Subcommittee on Human Resources of the Committee on Ways and Means, U.S. House of Representatives

Mark Greenberg, Senior Staff Attorney, Center for Law and Social Policy

Todd Bland, Fiscal and Policy Analyst, California Legislative Analyst's Office

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Getting Started Strategically

Moderator: Andrea Kane

Sue Christy

Helene Stebbins,

FL,MI, 1 legisl possibly from MD

This session will review the key strategic issues facing states as they implement HR 3734. Topics include: implementation decisions and time frames, state options and how to exercise them, penalties and bonuses, state plan time frames and requirements, and areas of federal authority

Anticipating Legal Challenges

Moderator: John Dunlop

Barry Brumer, Indiana Legislative Services Agency

Becky Lennahan, Colorado Legislative Counsel

Lucy Hadi, Florida Senate Ways and Means Committee

Sara McCarthy, California Senate Health and Human Services Committee

Paul Lesch, Texas Office of General Counsel

A number of options that PL 104-193 gives the states may contradict standing court interpretations of both the federal constitution and state constitutions. Furthermore, the federal welfare law contains mandates which may potentially put states at risk of litigation. A panel will identify possible contradictions between the new law and standing court decisions, review provisions in the law that require state actions that may create legal liabilities for states, and explore who may have standing to bring a welfare lawsuit against a state.

Child Support Enforcement

Moderator and Presenter: Kelly Thompson, Senior Policy Associate, APWA

Judge Ross

Paul Legler

Sheri Steisel, title, APWA

A major component of federal welfare reform was improving the child support collections and enforcement system. The new federal child support statute expands the authority of state IV-D agencies, requires the passage of numerous state laws and mandates new automated systems and interstate cooperation. This session will examine the federal requirements on states, deadlines and administrative requirements.

DRAFT

12:30 P.M.-2:00 P.M. **Luncheon**

Moderator: Bill Pound, Executive Director, National Conference of State Legislatures

Leon Panetta (invited)

Representative Clay Shaw

2:00-2:15 Break

2:15-4:00

American Public Welfare Association Meeting

National Conference of State Legislatures

National Governors' Association

meeting closed to the press

meeting room available to participants for private meetings, press interviews etc. Contact
Debbie Woods at registration to schedule the room

message board

must wear credentials

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THE WHITE HOUSE
WASHINGTON

September 3, 1996

TO: DISTRIBUTION LIST
FR: Jill Pizzuto, Domestic Policy Council
456-2249
RE: Meeting tomorrow with Carol Rasco

This is just a REMINDER of the meeting scheduled for tomorrow, September 4th at 1:00p.m., OEOB RM 180.

Purpose of the meeting is to go over the agenda for the conference on September 9th & 10th and to make sure the Federal Government roles are properly understood and prepared.

If there are other items that should be included on agenda, please give me a call at 456-2249 and I will relay the information to Carol for discussion at tomorrow's meeting.

Waves have already been taken care of for those of you who needed to be waved in. Please remember to bring with you your photo I.D. and enter through the OEOB on 17th & G street entrance.

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THE WHITE HOUSE
WASHINGTON

August 22, 1996

TO: DISTRIBUTION LIST
FR: CAROL RASCO
Assistant to the President for Domestic Policy

We will be meeting again on Wednesday, September 4th at 1:00p.m., RM 180. In addition, we had indicated we would share with the full group the schedule of APWA's welfare reform seminars around the country next month. They are:

September 12-13	Newark, NJ
September 16-17	Minneapolis, MN
September 19-20	Nashville, TN
September 24-25	Portland, OR
September 26-27	Los Angeles, CA

Jill Pizzuto will go forward and wave in the group listed on the enclosed distribution list. If there are any conflicts or questions, please call Jill at 456-2249.