

NLWJC - Kagan

Counsel - Box 037 - Folder 005

**Miscellaneous Agency Guidance /
Materials [1]**

This authority appears in several places in the Act, including: § 401(b)(1)(D), with respect to federal public benefits; § 403(c)(2)(G), with respect to the five-year limited eligibility for federal means-tested public benefits; and § 411(b)(4), with respect to state and local public benefits. (This authority also appears in § 423(d)(7) in the context of new requirements with regard to individuals who execute an affidavit of support on behalf of a sponsored alien.)

Attorney General Review

As required by the statute, the Department of Justice has conducted preliminary consultations with other federal agencies regarding the scope and interpretation of these provisions and their proper application. Given the great variety of federal, state and local programs conducted or supported at the community level, including those administered by private non-profit organizations, and the limited time available, the Department's consultation process is still ongoing. At my direction, the Department is seeking additional, more specific recommendations from all appropriate federal agencies, from representatives of state and local governments, and from the public.

Given the immediate effective date of provisions of the Act, I have decided to provide a "provisional specification" of programs, services and assistance that will be exempt from the limitations on alien eligibility discussed above, based upon preliminary consultations with appropriate federal agencies and departments. This "provisional specification" is effective .

immediately and will continue in effect pending adoption of a revised specification, if necessary, after further consultations. Should ongoing consultations indicate that further refinements in this specification are appropriate under the Act, I will revise it accordingly.

Specification

Therefore, by virtue of the authority vested in me as Attorney General by law, including Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, I hereby specify that:

1. I do not construe the Act to preclude aliens from receiving police, fire, ambulance, transportation (including paratransit), sanitation, and other regular, widely available services and, for that reason, I am not making specifications of such programs, services or assistance. It is not the purpose of this Order, however, to define more specifically the scope of the public benefits that Congress intended to deny certain aliens either altogether or absent my specification and nothing herein should be so construed.

2. The government-funded programs, services or assistance specified in this Order are those that: deliver in-kind (non-cash) services at the community level, including through public or private non-profit agencies or organizations; serve purposes of the type described in paragraph 3, below, for the protection of life and safety; and do not condition the

assistance according to the individual recipient's income or resources; as discussed in paragraph 4, below.

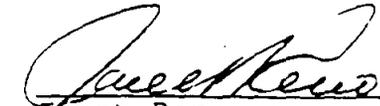
3. Included within the specified programs, services or assistance determined to be necessary for the protection of life and safety are:

- (a) Crisis counseling and intervention programs, services and assistance relating to child protection, adult protective services, violence and abuse prevention, victims of domestic violence or other criminal activity, or treatment of mental illness or substance abuse;
- (b) Short-term shelter or housing assistance for the homeless, for victims of domestic violence, or for runaway, abused or abandoned children;
- (c) Programs, services or assistance to help individuals during periods of heat, cold, or other adverse weather conditions;
- (d) Soup kitchens, community food banks, senior nutrition programs such as meals on wheels, and other such community nutritional services for persons requiring special assistance;
- (e) Medical and public health services (including treatment and prevention of diseases and injuries) and mental health, disability or substance abuse assistance necessary to protect life or safety;
- (f) Activities designed to protect the life and safety of workers, children and youths, or community residents; and
- (g) Any other programs, services, or assistance necessary for the protection of life or safety.

4. The community-based programs, services or assistance specified in paragraphs 2 and 3 of this Order are limited to those that provide in-kind (non-cash) benefits and are open to individuals needing or desiring to participate without regard to income or resources. Programs, services or assistance delivered at the community level, even if they serve purposes of the type described in paragraph 3 above, are not within this specification

if they condition (a) the provision of assistance, (b) the amount of assistance provided, or (c) the cost of the assistance provided on the individual recipient's income or resources.

August 23, 1996
Date



Janet Reno,
Attorney General

ATTACHMENT 3
INTERIM GUIDANCE -- DOCUMENTARY EVIDENCE OF
STATUS AS A U.S. CITIZEN OR U.S. NATIONAL

The following documents demonstrate that a person is a U.S. citizen or national for purposes of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996:

- o A birth certificate showing birth in one of the 50 States, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam (on or after April 10, 1899), the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands, unless the person was born to foreign diplomats residing in the U.S. (Note: If the document shows that the individual was born in Puerto Rico, Guam, the U.S. Virgin Islands or the Northern Mariana Islands before these areas became part of the U.S., the individual may be a collectively naturalized citizen -- see RM 00203.320 attached hereto.)
- o United States passport (not limited passports, which are issued for periods of less than five years)
- o Religious record recorded in the U.S. within three months after birth showing that the birth occurred in the U.S. and the date of birth or the individual's age at the time the record was made
- o Report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens)
- o Certification of birth (FS-545) (issued by a foreign service post) or Certification of Report of Birth (DS-1350) (issued by the Department of State), copies of which are available from the Department of State
- o Certificate of Naturalization (N-550 or N-570) (issued by INS through a Federal or State court, or through administrative naturalization after December 1990 to individuals who are individually naturalized; the N-570 is a replacement certificate issued when the N-550 has been lost or mutilated or the individual's name has been changed)
- o Certificate of Citizenship (N-560 or N-561) (issued by INS to individuals who derive U.S. citizenship through a parent; the N-561 is a replacement certificate issued when the N-560 has been lost or mutilated or the individual's name has been changed)
- o United States Citizen Identification Card (I-197) (issued by INS until April 7, 1983 to naturalized U.S. citizens living near the Canadian or Mexican border who

needed it for frequent border crossings) (formerly Form I-179, last issued in February 1974)

- o Northern Mariana Identification Card (issued by INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 3, 1986)
- o Statement provided by a U.S. consular officer certifying that the individual is a U.S. citizen (this is given to an individual born outside the U.S. who derives citizenship through a parent but does not have an FS-240, FS-545 or DS-1350)
- o American Indian Card with a classification code "KIC" and a statement on the back (issued by the INS to identify U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border)
- o Adoption Finalization Papers showing the child's name and place of birth or, where an adoption is not finalized and the State in which the child was born will not release a birth certificate prior to final adoption, a statement from a state-approved adoption agency showing the child's name and place of birth (Note: the source of the information must be an original birth certificate and must be indicated in the statement.)
- o Certificate of Identity and Registration (FS-225) (issued by Foreign Service Posts until June 1972)
- o Hospital record of birth
- o Census record showing U.S. citizenship or a U.S. place of birth or Indian census record
- o Voter registration card

ATTACHMENT 4
INTERIM GUIDANCE -- DOCUMENTARY EVIDENCE OF STATUS AS
A "QUALIFIED ALIEN" ELIGIBLE FOR FEDERAL PUBLIC BENEFITS

The following documents (examples of which are attached) will establish that an applicant falls within one of the categories of qualified alien for purposes of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act") when combined with satisfactory proof of the identity of the alien:

Alien Lawfully Admitted for Permanent Residence:

- o INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") or
- o Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94.

Note: INS has replaced Forms AR-3 and I-151 with Form I-551. If a person presents an old INS Form AR-3 or Form I-151 Alien Registration Receipt Card in support of lawful permanent resident status, file INS Form G-845 along with a copy of the document with the local INS district office to verify immigration status, and refer the person to the INS to apply for a replacement card. (See 8 CFR 264.1.)

Asylee:

- o INS Form I-94 annotated with stamp showing grant of asylum under § 208 of the INA or
- o Grant letter from the Asylum Office of INS or
- o INS Form I-688B or I-766 (Employment Authorization Documents) annotated "274a.12(a)(5)" or
- o Order of an immigration judge granting asylum.

Refugee:

- o INS Form I-94 annotated with stamp showing admission under § 207 of the INA or
- o INS Form I-688B or I-766 (Employment Authorization Document) annotated "274a.12(a)(3)" or
- o INS Form I-571 (Refugee Travel Document) showing admission in refugee status.

Alien Paroled Into the U.S. for at Least One Year:

- o INS Form I-94 with stamp showing admission for at least one year under § 212(d)(5) of the INA.

Alien Whose Deportation Was Withheld:

- o INS Form I-688B or I-766 (Employment Authorization Documents) annotated "274a.12(a)(10)" or
- o Copy of the order from the immigration judge showing deportation withheld under § 243(h) of the INA.

Alien Granted Conditional Entry:

- o INS Form I-94 with stamp showing admission under § 203(a)(7) of the INA or
- o INS Form I-688B or I-766 (Employment Authorization Documents) annotated "274a.12(a)(3).

Alien Who Has Been Battered or Subjected to Extreme Cruelty:

Guidance on appropriate documentation is attached as Exhibit 1.

Absence of Documentation: If a person presents an expired Form I-94 or is unable to present any evidence of his or her immigration status other than an alien number and/or the document presented does not reasonably appear on its face to be genuine, file INS Form G-845 along with a copy of the pertinent documents with the local INS district office to verify status. If a person is unable to present any document demonstrating his or her status and cannot provide you with an alien number, refer the person to the local INS district office to obtain evidence of status.

Receipt for Replacement Document: If an applicant presents a receipt indicating that he or she has applied to the INS for a replacement document for one of the documents identified above, file INS Form G-845 along with a copy of the receipt with the local INS district office to verify status.

EXHIBIT 1 TO ATTACHMENT 4
ALIENS WHO HAVE BEEN BATTERED OR SUBJECTED TO
EXTREME CRUELTY WITHIN THE MEANING OF SECTION 431 OF THE ACT

The definition of "qualified alien" includes an alien:

1. (a) who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced in such battery or cruelty; or (b) whose child has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced in such battery or cruelty, and the alien did not actively participate in such battery or cruelty,

Evidence: An alien who has been approved for a status set forth in Paragraph 4 below has been found to have been battered or subjected to extreme cruelty, and has satisfied the requirements of this Paragraph 1. All other applicants should be reviewed under the standards set forth in 8 CFR § 204.2 attached hereto.

2. if the Attorney General has determined that there is a substantial connection between such battery or cruelty and the need for benefits,
3. who (or whose child, if the child is the person who has been battered or subjected to extreme cruelty) does not reside in the same household or family eligibility unit as the individual responsible for such battery or cruelty, and
4. who has been approved or has an application pending which sets forth a prima facie case for (a) status as a spouse or child of a U.S. citizen pursuant to clause (ii), (iii) or (iv) of § 204(a)(1)(A) of the INA; (b) classification pursuant to clause (ii) or (iii) of § 204(a)(1)(B) of the INA; (c) suspension of deportation and adjustment of status pursuant to § 244(a)(3) of INA; or (d) status as a spouse or child of a U.S. citizen pursuant to clause (i) of § 204(a)(1)(A) of the INA, or classification pursuant to clause (i) of § 204(a)(1)(B) of the INA.

ATTACHMENT 5
INTERIM GUIDANCE -- DOCUMENTARY EVIDENCE FOR EXCEPTED
CATEGORIES OF ALIENS ELIGIBLE FOR PARTICULAR FEDERAL PUBLIC
BENEFITS

This interim guidance discusses the excepted categories of aliens that, under Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), remain eligible for SSI, Food Stamps, TANF, Social Services Block Grant and Medicaid, and outlines the documents that may be used to determine eligibility under these exceptions.

EXCEPTIONS

SSI and Food Stamps

Subject to the transition periods set forth in the Interim Guidance, only the following aliens remain eligible for SSI and Food Stamps:

- o Asylees and aliens whose deportation has been withheld, for a period of five years after obtaining such status;
- o Refugees, for a period of five years after the date they entered the U.S.;
- o Aliens lawfully residing in any state who are honorably discharged veterans, or on non-training active duty in the U.S. Armed Forces, or are the spouse or unmarried dependent child of such a veteran or active-duty personnel; and
- o Lawfully admitted permanent resident aliens who have worked or can be credited with 40 qualifying quarters.

Temporary Assistance for Needy Families,
Social Services Block Grant and Medicaid

In the absence of any state decision to restrict such benefits, all "qualified aliens" are eligible for TANF, Social Services Block Grant and Medicaid. The first step is to determine if your State has restricted eligibility for these benefits. (Prior to January 1, 1997, the State may only restrict the eligibility of qualified aliens who are new applicants for such benefits; after January 1, 1997, it may, subject to certain exceptions, restrict all qualified aliens' eligibility for such benefits.)

Even if the State decides to restrict qualified aliens' eligibility, the following aliens (plus any others specifically excepted by the State) nonetheless remain eligible for TANF, Social Services Block Grant and Medicaid:

- o Refugees, asylees and aliens whose deportation has been withheld remain eligible for a period of five years after obtaining such status;
- o Aliens lawfully residing in any state who are honorably discharged veterans, or on non-training active duty in the U.S. Armed Forces, or are the spouse or unmarried dependent child of such a veteran or active-duty personnel; and
- o Lawfully admitted permanent resident aliens who have worked or can be credited with 40 qualifying quarters are eligible.

DOCUMENTATION OF EXCEPTIONS

The following documents (examples of which are attached) establish that an applicant falls within one of the excepted categories of aliens:

Asylee:

- o INS Form I-94 annotated with stamp showing grant of asylum under § 208 of the INA or
- o Grant letter from the Asylum Office of INS or
- o INS Form I-688B or I-766 (Employment Authorization Documents) annotated "274a.12(a)(5)" or
- o Order of an immigration judge granting asylum.

Five-Year Limit: Where eligibility is limited to asylees who obtained asylee status within the previous five years, INS Form I-94, the INS grant letter and the court order will each include the date asylee status was granted; if the applicant cannot provide any of these documents, file INS Form G-845 along with a copy of the documents indicating asylee status with the local INS district office to verify the date the status was granted.

Refugee:

- o INS Form I-94 annotated with stamp showing admission under § 207 of the INA or
- o INS Form I-688B or I-766 (Employment Authorization Document) annotated "274a.12(a)(3)" or
- o INS Form I-571 (Refugee Travel Document) showing admission in refugee status.

Five-Year Limit: Where eligibility is limited to aliens who were admitted as refugees within the previous five years, the date of inspection on the refugee stamp on INS Form I-94 will indicate the date of admission as a refugee; if the date is missing or if the applicant cannot present an I-94, file INS Form G-845 along with a copy of the pertinent documents with the local INS district office to verify the date of admission as a refugee.

Alien Whose Deportation Was Withheld:

- o INS Form I-688B or I-766 (Employment Authorization Documents) annotated "274a.12(a)(10)" or
- o Copy of the order from the immigration judge showing deportation withheld under § 243(h) of the INA.

Five-Year Limit: Where eligibility is limited to aliens whose deportation was withheld within the previous five years, the court order will include the date deportation was withheld; if the applicant does not present a court order, file INS Form G-845 along with a copy of the pertinent documents with the local INS district office to verify the date deportation was withheld.

Alien Lawfully Admitted for Permanent Residence ("LPR") under the INA Who Has Worked or Can Be Credited With 40 Qualifying Quarters or Who Is Otherwise Eligible:

LPR:

- o INS Form I-551 (Alien Registration Receipt Card, commonly known as a "green card") or
- o Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94.

Note: INS has replaced Forms AR-3 and I-151 with Form I-551. If a person presents an old INS Form AR-3 or Form I-151 Alien Registration Receipt Card in support of lawful permanent resident status, file INS Form G-845 along with a copy of the document with the local INS district office to verify immigration status, and refer the person to the INS to apply for a replacement card. (See 8 CFR 264.1.)

40 Qualifying Quarters: Refer to SSA Guidance attached as Exhibit A for guidance on how to verify 40 qualifying quarters.

LPR Who Is Otherwise Eligible: An LPR who does not have 40 qualifying

quarters will still be eligible if he or she:

- o entered the U.S. as a refugee within the previous five years, was granted asylum during the previous five years, or had his or her deportation withheld within the previous five years:

If an applicant attests to having been admitted as a refugee within the previous five years, review the applicant's INS Form I-551 (green card) for one of the following codes: [insert] and derive the date of admission from the date on the card. If an applicant attests to having been granted asylum or having had deportation withheld within the previous five years, file INS Form G-845 along with a copy of the I-551 with the local INS district office to verify status.

or

- o is an honorably discharged veteran or on non-training active duty or is the spouse or dependent child of such a person:

Refer to DOD Guidance attached as Exhibit B for guidance on how to verify such status.

Aliens Lawfully Residing in Any State Who Are Honorably Discharged Veterans, On Non-Training Active Duty in the U.S. Armed Forces, or the Spouse or Unmarried Dependent Child of Such a Veteran or Active-Duty Personnel:

- o Refer to DOD/VA Guidance attached as Exhibit B for guidance on how to verify such status.

Absence of Documentation: If a person presents an expired Form I-94 or is unable to present any evidence of his or her immigration status other than an alien number and/or the document presented does not reasonably appear on its face to be genuine, file INS Form G-845 along with a copy of the pertinent documents with the local INS district office to verify status. If a person is unable to present any document demonstrating his or her status and cannot provide you with an alien number, refer the person to the local INS district office to obtain evidence of status.

Receipt for Replacement Document: If an applicant presents a receipt indicating that he or she has applied to the INS for a replacement document for one of the documents identified above, file INS Form G-845 along with a copy of the receipt with the local INS district office to verify status.

All State Commissioners

This letter provides guidance for implementing section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Section 402 generally limits the eligibility of legal immigrants for the Food Stamp Program, but section 402(a)(2)(B) provides an exception for legal immigrants who have worked or can be credited with 40 quarters of qualified work in a job covered by Social Security. The law provides that quarters worked by a parent or a spouse may also be credited to the individual in determining the number of qualifying quarters.

Implementing this requirement will be challenging for the individual immigrants, eligibility workers, and the Social Security Administration (SSA) which is the primary source of quarters of coverage information. While some immigrants will already have 40 quarters clearly established in their Social Security records, others may have been employed in jobs covered by Social Security, but earnings may not have been appropriately reported. Many immigrants, particularly migrant workers, may have difficulty obtaining verification of employment, and SSA will have to work with them to establish quarters.

This letter and the enclosed procedures provide guidance to State agencies in administering the 40 quarters determination. These procedures have been developed in cooperation with SSA, and we are drafting regulations on 40 quarter verification that will be based on the guidance outlined in this letter. Until regulations are published, FCS and SSA expect State agencies to follow these procedures. Quality control reviews will be based on these certification procedures as well.

At this time, SSA is developing an automated system to provide State agencies, on an overnight basis, with information on quarters of coverage. Verification of quarters of coverage for most applicants and current recipients will be accomplished primarily by means of this automated system which SSA expects to be operational in January. Pending the implementation of the automated system, FCS and SSA have developed interim procedures for processing households with immigrant members.

The enclosed procedures authorize certification pending verification (CPV) for certain immigrants. Provided an immigrant, alone or in combination with his parents and/or spouse, has spent sufficient time in this country to have acquired 40 quarters of coverage, the individual's attestation to 40 quarters is sufficient. The individual need only state that he or she, alone or in combination with his or her parents and/or spouse, has met the work requirement. No further documentation of earnings is required at application.

Within 3 months after the month in which the SSA system is operational, the State agency shall submit the required information for each CPV individual to SSA. SSA will report back a quarters of coverage history for each individual and applicable family member requested.

If SSA's existing records do not verify that an individual claiming 40 quarters in fact has them and the individual believes SSA's records are not correct. SSA will work with the individual to determine whether additional quarters can be established. Individuals in this situation should be advised of this option and that they will be allowed to participate for 6 more months provided SSA certifies that it is working to clarify their records. The individual will be required to provide a document from SSA indicating that the number of quarters is under review. SSA is developing a document to meet this requirement.

If SSA cannot establish additional earnings and the individual does not have 40 qualifying quarters, the State agency shall establish an inadvertent household error claim for the overissuance, unless the individual knowingly provides false information.

We hope that these procedures will go a long way toward easing implementation difficulties and ensuring that the law is implemented in a fair and effective manner. Please contact your FCS regional office if you have any questions.

Sincerely,

(Regional Administrator)

Enclosures

cc: Food Stamp Program Director

Certification Pending Verification Procedures for Legal Immigrants

The following procedures are for legal immigrants who believe that they have a work history that meets the 40 quarters exemption in the law. These procedures need not be followed for those legal immigrants who qualify for other exemptions in the law (refugees, asylees, deportees, or applicants with a claim to eligibility based on military service).

To determine eligibility based on social security coverage, the State agency should ascertain the applicant's understanding as to the following:

1. How many years has the applicant, the applicant's spouse, or the applicant's parents (before the applicant turned 18) lived in this country.

(If the answer to question 1 is less than 10 years, the State agency does not need to ask question 2.)

2. In how many of the years reported in answer to question 1, did the applicant, the applicant's spouse, or the applicant's parent earn money through work.

(To determine whether the applicant's earnings were sufficient to establish "quarters of coverage" in those years, the State agency may wish to refer to the attached chart.)

If the answer to question 2 is 10 years or more, the State agency shall verify, from INS documents, the date of entry into the country of the applicant, spouse and/or parent. If the dates are consistent with having 10 or more years of work, no further documentation is required at this time; the State agency shall include the immigrant in the household pending verification from SSA. The State agency shall inform these immigrants that a claim will be established for any benefits to which they were not entitled. The State agency shall keep a record of each individual certified pending verification from SSA.

If the dates of entry are inconsistent with having 10 or more years of work, the State agency shall determine the individual ineligible. The State agency shall then inform the applicant of his or her fair hearing rights.

The applicant shall also provide, for purposes of future verification, the full name, social security number, date of birth, and sex of each individual (self, parent or spouse) whose work history is relevant to the determination of eligibility. In addition, the applicant shall provide a release form signed by each such individual (copy attached) giving SSA permission to release information on that individual to the State agency and/or the applicant. This form shall be retained in the case file to document the individual's consent.

SSA is drafting an addendum to the current Computer Matching and Privacy Protection Act agreement between SSA and each State agency. In accordance with that revised agreement, and within 3 months after the month in which the SSA verification system becomes operational, the State agency will send the identifying information provided by the applicant to SSA for overnight processing. In its response, SSA will provide information about qualifying quarters of work. If the immigrant believes the information from SSA is inaccurate or incomplete, the State agency shall refer the applicant to SSA for review. SSA will give the individual a document indicating that the number of quarters is under review. An immigrant who provides the State agency with this document can continue to receive benefits for 6 months from the date of SSA's initial response or until SSA has completed its review, whichever is earlier.

ESTABLISHING QUARTERS

The term "quarter" means the 3 calendar month periods ending with March 31, June 30, September 30 and December 31 of any year.

Social Security credits (formerly called "quarters of coverage" are earned by working at a job or as a self employed individual. A maximum of 4 credits can be earned each year.

For 1978 and later, credits are based solely on the total yearly amount of earnings. All types of earnings follow this rule. The amount of earnings needed to earn a credit increases and is different for each year. For 1978 through 1996, the amount of earnings needed for each credit is:

1978.....	\$250	1988.....	\$470
1979.....	\$260	1989.....	\$500
1980.....	\$290	1990.....	\$520
1981.....	\$310	1991.....	\$540
1982.....	\$340	1992.....	\$570
1983.....	\$370	1993.....	\$590
1984.....	\$390	1994.....	\$620
1985.....	\$410	1995.....	\$630
1986.....	\$440	1996.....	\$640
1987.....	\$460		

A current year quarter may be included in the 40 quarter computation. Use the current year amount as the divisor to determine the number of quarters available. DO NOT CREDIT CALENDAR QUARTERS THAT HAVE NOT ENDED.

If you need to use quarters before 18 years ago:

- o A credit was earned for each calendar quarter in which an individual was paid \$50 or more in wages (including agricultural wages for 1951-1955);
- o Four credits were earned for each taxable year in which an individual's net earnings from self-employment were \$400 or more; and/or
- o A credit was earned for each \$100 (limited to a total of 4) of agricultural wages paid during the year for years 1955 through 1977.

Social Security Administration
Consent for Release of Information

TO: Social Security Administration

Name Date of Birth Social Security Number

I authorize the Social Security Administration to release information or records about me to:

NAME ADDRESS

I want this information released because:

(There may be a charge for releasing information.)

Please release the following information:

- ___ Social Security Number
- ___ Identifying information (includes date and place of birth, parents' names)
- ___ Monthly Social Security benefit amount
- ___ Monthly Supplemental Security Income payment amount
- ___ Information about benefits/payments I received from _____ to _____
- ___ Information about my Medicare claim/coverage from _____ to _____
(specify) _____
- ___ Medical records
- ___ Record(s) from my file (specify) _____
- ___ Other (specify) _____

I am the individual to whom the information/record applies or that person's parent (if a minor) or legal guardian. I know that if I make any representation which I know is false to obtain information from Social Security records, I could be punished by a fine or imprisonment or both.

Signature: _____

(Show signatures, names, and addresses of two people if signed by mark.)

Date: _____ Relationship: _____

Guidance for Implementing the Veteran and Active Duty Member Exception

[402(b)(2)(c) of Pub. L. 104-193]

This fact sheet provides guidance for implementing section of (402(b)(3)) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 402(b)(3) limits a state's authority to determine eligibility of aliens to receive benefits. An alien who is lawfully residing in a state and is (1) a veteran (per 38 U.S.C. section 101(2) with an Honorable Discharge (not on account of alienage), (2) on active duty (other than active duty for training) in the United States Armed Forces; or (3) or a spouse or unmarried dependent child of an individual ~~or~~ on active duty (not on active duty for training) or of a veteran with an honorable discharge certificate, is a "qualified alien" who shall be eligible for any designated Federal program.

Honorably Discharged Veterans

- A discharge certificate, DD Form 214 or equivalent, that shows active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard and character of discharge "Honorable" is acceptable to qualify for the veteran exemption without further inquiry, unless the certificate appears to have been altered or is otherwise irregular. A discharge certificate that shows character of discharge as anything but "Honorable" is not acceptable for purposes of this exemption and need not be referred to the VA. A discharge certificate that shows "Honorable" and any other branch of service or any other type of duty (e.g., "Active Duty for Training," "Inactive Duty for Training," etc.) should be referred to the local VA regional office for determination as to veteran status.
- If veteran status is claimed, but the individual has no papers showing service or discharge, refer the inquiry to the local VA regional office to determine veteran status.
- Applications for exception based on status as a spouse or unmarried dependent child of an honorably discharged veterans should not be referred to the VA. VA will not make spousal or dependency findings in these cases.

Members on Active Duty

- Active duty as a member of the Armed Forces means the individual is on full time duty in the U. S. Army, Navy, Air Force, Marine Corps, or Coast Guard. It does not include full-time National Guard duty.

- **Service members on active duty shall establish their status by presenting a current Military Identification Card (DD Form 2 (Active)) that lists an expiration date of more than one year from the date of determination.**
- **If the Military Identification Card is due to expire within one year from the date of the determination, the service member shall verify active duty by showing a copy of his or her current military orders. If the service member is unable to furnish a copy of his or her military orders, active duty may be verified through the nearest RAPIDS (Real Time Automated Personnel Identification System) (located at many military installations) or by notifying the following office in writing (which can be transmitted by facsimile):**

**DEERS Support Office
ATTN: Research and Analysis
400 Gigling Road
Seaside, California 93955-6771
Fax Number (408) 655-8317**

Reserve Members (not on active duty for training)

- **Active duty for training is temporary full-time duty in the Armed Forces performed by members of the Reserves, Army National Guard, or Air National Guard for training purposes. Active duty for training does not establish eligible status. However, a discharge from active duty for training may establish veteran status or should be referred to VA for a determination.**
- **A Member of a Reserve Component shall establish status by showing a current DD Form 2 (Reserve) [red] and military orders showing such person is on active duty, but not on active duty for training. No other method for verifying this status is currently available.**

Spouse or Children of Active Duty Members

Step 1. Establish that the individual is a spouse or dependent child of an active duty member or veteran.

- **A spouse is a wife or husband who is validly married and possesses evidence of marriage (such as a marriage certificate). Possession of a military Identification Card showing that the individual is married to a veteran or active duty member is sufficient to establish marriage to the member.**

- A child is an unmarried dependent child of a veteran or active duty member of the Armed Forces who is the legally adopted or biological child of an active duty member of the Armed Forces or an honorably discharged veteran of the Armed Forces of the U.S., or the biological or legally adopted child of his or her spouse, and is not married. The child must be dependent on the veteran or on the active duty member of the Armed Forces for his or her support and must be under the age of eighteen or under age 22 and regularly attending school as a student. Possession of a military Identification card is proof of that a child is a dependent on the member and meets the age requirements.

Step 2. Determine that the member is on active duty or a veteran.

- A spouse or child in possession of a Military Identification Card with an expiration date of more than one year from the date of its presentation presumptively meets the active duty requirement for the sponsor.
- If the Identification Card is due to expire within one year, the spouse or child must provide a copy of the sponsor's military orders to establish the active duty status of the service member. If married to a reserve member or if an unmarried child of a reserve member, the orders must show that the service member is on active duty and not on active duty for training.
- For dependents not possessing military orders but possessing an Identification Card with an expiration date less than one year from the date of the date of presentation active duty status can be verified by contacting RAPIDS or the DEERS Support Office.
- If a dependent child does not possess a Dependent Military Identification Card, (children under 10 years old are not issued Identification Cards) status may be ascertained through the nearest RAPIDS (Real Time Automated Personnel Identification System) station or by contacting the DEERS Office at the address described above.
- A spouse or child showing a discharge certificate, DD Form 214 or equivalent, that shows active duty in the Army, Navy, Air Force, Marine Corps or Coast Guard and character of discharge "Honorable" is acceptable to establish veteran status without further inquiry, unless the certificate appears to be altered. If veteran status is claimed, but the spouse or child does not have papers showing service or discharge, refer the inquiry to the local VA regional office for determination.

ATTACHMENT 6
INTERIM GUIDANCE -- FEDERAL MEANS-TESTED PUBLIC BENEFITS

The Act provides that qualified aliens entering the U.S. after August 22, 1996, are ineligible for federal means-tested public benefits during the first five years they are qualified aliens, unless they fall within a specific exception.

The eligibility of qualified aliens for federal means-tested public benefits turns on three factors: the date on which they entered the U.S., the benefits they are seeking, and their immigration status.

1. Determine the date on which the qualified alien entered the U.S. by reviewing the documents evidencing his or her status or, if the documents do not indicate the date of entry, by filing INS Form G-845 along with a copy of the document with the local INS district office. If the qualified alien entered the U.S. on or before August 22, 1996, he or she is eligible for all federal means-tested public benefits for which he or she satisfies all programmatic eligibility requirements, and you should not engage in any further verification of immigration status. If the qualified alien entered the U.S. after August 22, 1996, determine if he or she is eligible under paragraph 2 below.
2. Qualified aliens entering the U.S. after August 22, 1996, are immediately eligible for some federal means-tested public benefits, but are ineligible for all other federal means-tested benefits during the first five years after their entry into the U.S. as a qualified alien unless they fall within an exception.
 - a. Qualified aliens entering the U.S. after August 22, 1996, are eligible for all federal means-tested benefits during the first five years after their entry into the U.S. as a qualified alien only if they are:
 - (1) Refugees, asylees and aliens whose deportation has been withheld -- see Attachment 4 for definition and documentation, or
 - (2) Aliens lawfully residing in any State who are honorably discharged veterans, or on non-training active duty in the U.S. Armed Forces, or are the spouse or unmarried dependent child of such a veteran or active duty personnel - see Attachment 6 and Exhibit B thereto for definition and documentation.

- b. All qualified aliens entering the U.S. after August 22, 1996, are eligible for the following benefits:
- o Medical assistance under Title XIX of the SSA described in the first paragraph of Step 2 ¶ B above;
 - o Short-term, non-cash, in-kind emergency disaster relief;
 - o Assistance or benefits under the National School Lunch Act;
 - o Assistance or benefits under the Child Nutrition Act of 1966;
 - o Public health assistance (not including any assistance under title XIX of the Social Security Act) 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;
 - o Payments for foster care and adoption assistance under parts B and E of title IV of the Social Security Act for a parent or child who would, in the absence of the Act's prohibition on payment of federal means-tested public benefits to qualified aliens during the first five years after entry into the U.S. with qualified alien status, be eligible to have such payments made on the child's behalf under such part, but only if the foster or adoptive parent(s) of such child is a qualified alien;
 - o Benefits covered by Attorney General Order No. 2049, 61 F.R. 45985 (Aug. 30, 1996), attached hereto re: government-funded community programs, services or assistance that are necessary for protection of life or safety;
 - o Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, and titles III, VII, and VIII of the Public Health Service Act;
 - o Means-tested programs under the Elementary and Secondary Education Act of 1965;

- o Benefits under the Head Start Act;
- o Benefits under the Job Training Partnership Act; and
- o Refugee and entrant assistance activities authorized by title IV of the INA and section 501 of the Refugee Education Assistance Act of 1980 for Cuban and Haitian entrants as defined in § 501(e)(2) of the Refugee Education Assistance Act of 1980.



see espec 2,3,7

U. S. Department of Justice

Office of Legal Counsel

PRELIMINARY DRAFT -
FOR DISCUSSION
PURPOSES

Washington, D. C. 20530

December 10, 1996

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act") requires the Attorney General, by February 1998, to develop regulations requiring verification that an applicant is a qualified alien eligible to receive federal public benefits under the Act, and States have an additional 24 months to develop a verification system that complies with the new regulations. The Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, also requires the Attorney General, within the same 18-month time period, to establish procedures for an applicant to provide proof of citizenship in a fair and nondiscriminatory manner. The Department of Justice has drafted interim guidance on how to verify citizenship, immigration status and eligibility under the Act during the period prior to the Attorney General's issuance of regulations. Attached is a discussion draft of that Interim Guidance. There are a number of substantive issues that remain to be resolved before the Interim Guidance can be issued, each of which is discussed below. We look forward to hearing your comments on both the draft and the outstanding issues.

1. Granting or Denying Benefits Pending Verification;
Applicant's Declaration of Status.

The draft, like the Act, is silent as to whether a benefit provider should grant or deny benefits pending verification of citizenship or immigration status. We view this as an issue to be resolved by each benefit-granting agency. We understand that some agencies instruct providers to grant some or all benefits pending verification, while others require final verification before they will grant benefits. We could either remain silent on this issue or could state explicitly that it is up to each agency overseeing a program to decide whether, or under what circumstances, to grant benefits under that program pending verification.

As mentioned above, several benefit programs have for some time been required to verify immigration status prior to granting benefits. Their first step is to ask the applicant to self-certify, under penalty of perjury, that he or she is a U.S. citizen, U.S. national or legal alien. The Interim Guidance is similarly structured, with Step 3 instructing benefit providers to ask an applicant to declare, under penalty of perjury, his or her citizenship/immigration status. The issue has been raised as to whether this declaration should be under penalty of perjury. The primary reason to impose such a requirement is if benefit providers are going to grant benefits pending verification of status based on such a declaration. Whether to include this requirement will therefore turn in part on whether agencies plan on granting benefits based on such a declaration.

2. Proof of Citizenship.

The issue of how to verify status as a United States citizen or national is a thorny one. As a practical matter, such verification will be difficult because there is no one repository of documents demonstrating citizenship. In addition, benefit programs currently have quite different practices regarding the circumstances under which and the degree to which they require verification of citizenship and nationality. We have therefore drafted the Guidance with any eye to giving agencies some flexibility in implementing this requirement. This is in contrast to the approach taken with regard to verification of immigration status, where the draft sets forth explicit steps to be taken in each instance.

Attachment 3, which lists documents proving status as a U.S. citizen or national, was drawn largely from SSA Guidance regarding evidence of U.S. citizenship. The list is not complete, and we would be interested in seeing any guidance on proof of citizenship distributed by other benefit programs, as well as information regarding any other documents that might demonstrate citizenship.

3. Meaning of Federal Public Benefit.

The Act imposes restrictions on the provision of "federal public benefits." Attachment 2, which summarizes the federal public benefits covered by the Act, does not address a host of issues regarding the scope of the term "federal public benefit." It includes the statutory language and a general discussion of principles in order to provide some guidance to benefit-granting agencies pending resolution of a number of complex, hypothetical issues that have been raised. The draft is not intended to eliminate reasonable constructions that might be adopted in the future.

On a technical level, we would appreciate receiving guidance from SSA as to how a benefit provider is to determine if a program falls within the exceptions for various SSA programs outlined in the Act and summarized in Attachment 2. We are concerned that simply referring providers to statutory cites will be insufficient.

In addition, INS has raised the question as to whether any of the exempted SSA and HUD benefits currently have verification requirements that remain in effect despite their exemption from the Act's requirements. If so, the Guidance should make clear that those requirements remain in effect.

4. Burden of Proof/Standard for Review of Documents Evidencing Status.

The draft Interim Guidance currently provides that benefit providers should accept a document evidencing immigration status if it reasonably appears on its face to be genuine and to relate to the applicant. This standard is the standard to which employers are currently held when hiring aliens. We selected this standard as a reasonable one to impose on benefit providers on an interim basis, particularly given that many benefit providers may currently lack training

on how to review the pertinent documents.

5. Charitable Organizations' Exemption from Verification Requirements.

The Act provides that "[s]ubject to subsection (a), a nonprofit charitable organization, in providing any Federal public benefit . . . is not required under this title to determine, verify, or otherwise require proof of eligibility of any applicant for such benefits." This language is confusing, given that subsection (a) requires the Attorney to develop regulations requiring verification that an applicant for a federal public benefit is a qualified alien. The current draft simply says: "Nonprofit charitable organizations providing federal public benefits are not required to determine, verify, or otherwise require proof an applicant's eligibility for such benefits based on the applicant's status as a U.S. citizen, U.S. national or qualified alien." A number of issues remain to be resolved regarding the meaning of this provision.

6. Exception for Benefits Provided Under Reciprocal Treaty Agreements.

The Act provides that its prohibitions on the provision of federal public benefits to non-qualified aliens does not apply to benefits payable to a work authorized non-immigrant or alien lawfully admitted for permanent residence who is qualified for such benefits and for whom the U.S. is required to pay benefits under reciprocal treaty agreements, as determined by the Attorney General after consultation with the Secretary of State. The State Department has not yet provided the list of treaties that it believes fall within the exception, and has indicated that it will be a time-consuming process to do so.

7. Hearing Rights.

Under the draft Interim Guidance, benefit granting agencies are to inform applicants of their rights, if any, to appeal a denial of benefits based on a determination that the applicant is not a U.S. citizen, U.S. national or qualified alien. We understand that, with the exception of HUD programs, adverse determinations of immigration status are not directly appealable to the INS. Instead, such determinations form the basis for a denial of benefits which is then appealable to the agency providing such benefits. The INS then assists the agency in reviewing and responding to the appeal. Please let us know if the draft's provision regarding notice of appeal rights makes sense in light of your program.

8. State and Local Public Benefits.

The Act also imposes immigration requirements on the provision of state and local public benefits. As drafted, the Interim Guidance applies only to federal public benefits. The Act requires the Attorney General to develop regulations requiring verification that an applicant is a qualified alien eligible to receive federal public benefits under the Act, but does not require her do the same for verification of eligibility for state and local public benefits. Indeed, the Act is silent as to exactly who has the authority to issue such guidance. The draft notes that the Interim Guidance may prove useful to providers in making such determinations when used in

consultation with state and local authorities, but we may want to issue some form of supplemental guidance directly addressing state and local public benefits.

9. Battered Aliens.

The Act provides that an alien who (or whose child) has been battered or subjected to extreme cruelty is a qualified alien if there is, in the opinion of the Attorney General, a substantial connection between the battery or cruelty and the need for the benefits, the battered person does not live with the batterer, and the alien has filed a self-petition for legal immigration status based on such battery or cruelty. This provision raises a number of difficult issues.

Most significantly, recognizing that the Department of Justice is not well-suited to make determinations regarding the need for benefits, the Administration has drafted a proposed technical amendment transferring to the benefit providers the Attorney General's authority to make individual determinations as to who has been subjected to battery or extreme cruelty that has a substantial connection to the need for benefits. The benefit providers would make these determinations based on guidance issued by the Attorney General after consultation with federal benefit granting agencies. In the meantime, it remains the Attorney General's responsibility to make these determinations. The Office of Policy Development at the Department of Justice is considering the difficult question of how this provision might be implemented pending enactment of the proposed technical amendment. We would appreciate any thoughts you might have on this matter.

10. SAVE System. The question has been raised as to whether the draft should include statements regarding the limitations and error rates of the SAVE system. As currently drafted, the Interim Guidance instructs providers currently required to use the SAVE system to verify immigration status to continue doing so, but does not offer use of the system to other providers that will for the first time face verification requirements. Because current users are familiar with the system and any new users can obtain information about the system from INS, we have not included a description of the SAVE system and its limits in the Interim Guidance, which we would like to make as simple and straightforward as possible. If you believe that such information should be included, please let us know.

Please contact Lisa Brown (tel: 514-3658; fax: 514-0563) at the Office of Legal Counsel with views on these issues and comments on the draft.

**INTERIM GUIDANCE ON VERIFICATION OF CITIZENSHIP,
QUALIFIED ALIEN STATUS AND ELIGIBILITY UNDER THE PERSONAL
RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996**

DISCUSSION DRAFT December 10, 1996

Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act") provides that, with certain exceptions, only United States citizens, United States nationals and "qualified aliens" (and sometimes only particular categories of qualified aliens) are eligible for federal, state and local public benefits. The Act requires the Attorney General, by February 1998, to promulgate regulations requiring verification that an applicant is a qualified alien eligible to receive federal public benefits under the Act, and States have an additional 24 months to put into effect a verification system that complies with the new regulations. The Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, also requires the Attorney General, within the same 18-month time period, to establish procedures for an applicant to provide proof of citizenship in a fair and nondiscriminatory manner. Benefit providers, however, are required to implement the Act, and hence to make determinations regarding citizenship, qualified alien status, and eligibility under Title IV of the Act before the Attorney General's development of new regulations and their own development of conforming verification systems.

This memorandum provides guidance on how to verify citizenship, immigration status and eligibility under Title IV of the Act during this interim period. This guidance is structured in four steps: 1) Determine if your program provides a federal public benefit subject to the Act's verification requirements; 2) Determine whether the applicant is otherwise eligible under the general program requirements; 3) Verify the applicant's status as a U.S. citizen, U.S. national or qualified alien; and 4) Verify the applicant's eligibility for benefits under the Act. If at any step you determine that you are not required to verify (or further verify) immigration status, you should not go on to the following step(s). If you have any questions regarding verification of immigration status pursuant to this Interim Verification, contact INS at [insert number].

THIS GUIDANCE APPLIES ONLY TO FEDERAL PUBLIC BENEFITS. Title IV of the Act also imposes immigration requirements on the provision of state and local public benefits, however. To the extent that you are required to verify immigration status when determining eligibility for a state or local program, this guidance may prove useful when used in consultation with state and local authorities.

Some federal programs (i.e., Food Stamps, Medicaid, unemployment compensation, educational assistance and housing assistance) already require, absent a waiver, verification of the immigration status of noncitizens applying for benefits through the Systematic Alien Verification for Entitlements (SAVE) system. **Nothing in the Act changes these preexisting legal requirements or relieves the administrators of statutorily mandated programs of their obligations to comply with the SAVE program. You should note, however, that SAVE does not provide all of the immigration status information that is now relevant under the Act. You should use this guidance to obtain or verify that new information.**

Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. (Title VI), govern all federal, state, local and private entities providing federal public benefits. Title VI prohibits discrimination on the basis of race, color, and national origin in any program or activity, whether operated by a public or private entity, that receives federal funds or other federal financial assistance under the Act. Thus, in operating a federally assisted program and implementing the requirements of the Act, including those set forth in this Guidance related to determining eligibility, a provider cannot, on the basis of race, color or national origin, directly or indirectly, differentiate among persons in the types of program services, aids or benefits it provides or the manner in which it provides them. For example, benefit providers must treat all similarly situated individuals in the same manner, and cannot single out foreign looking or foreign sounding individuals for closer scrutiny. This nondiscrimination requirement is discussed more fully in Attachment 1. You should also ensure that your implementation of the Act complies with federal and state privacy laws.

STEP 1: DETERMINE IF YOUR PROGRAM PROVIDES A FEDERAL PUBLIC BENEFIT SUBJECT TO THE ACT'S VERIFICATION REQUIREMENTS

The Act's requirement that benefit recipients be U.S. citizens, U.S. nationals or qualified aliens does not apply to all federally funded activity or programs. Therefore, federal, state and local agencies should first determine whether the Act requires them to verify citizenship, nationality or immigration status for the particular program they are administering. Guidance on which programs constitute "federal public benefits" subject to the Act's verification requirements is set forth in Attachment 2. If the federal program is not a "federal public benefit" covered by the Act, the program provider is not required to, and should not attempt to, verify an applicant's status. All aliens, regardless of their immigration status, are eligible for these federal benefits. ✓

Nonprofit charitable organizations providing federal public benefits are not required to determine, verify, or otherwise require proof of an applicant's eligibility for such benefits based on the applicant's status as a U.S. citizen, U.S. national or qualified alien. ✓

STEP 2: DETERMINE WHETHER APPLICANT IS ELIGIBLE UNDER GENERAL PROGRAM REQUIREMENTS

Given the intrusiveness and possibly time-consuming nature of the alien status verification inquiry, a provider should, to the extent reasonably practicable, determine whether an applicant is otherwise eligible for benefits under the specific program's requirements before initiating the immigration verification process. This will reduce verification inquiries that prove unnecessary because the applicant is not otherwise eligible for the benefits requested. This Interim Guidance does not address program requirements; a provider should refer to the statute, regulations and agency guidance (if any) governing its program for such requirements.

STEP 3: VERIFY APPLICANT'S STATUS AS U.S. CITIZEN, U.S. NATIONAL OR QUALIFIED ALIEN

Because the process of determining an individual's status as a U.S. citizen, U.S. national or qualified alien raises significant issues involving privacy and anti-discrimination protections, no verification of an applicant's status as a U.S. citizen, U.S. national or qualified alien should be undertaken where benefits are not contingent on such status.

If you have questions regarding issues of discrimination that might arise with respect to the fairness of provider procedures and responsibilities relating to the issuance of benefits or the implementation of this Interim Guidance, you should contact the civil rights office of the pertinent benefit-granting agency or the Office of Special Counsel for Immigration Related Unfair Employment Practices in the Civil Rights Division of the U.S. Department of Justice, as applicable. INS is also available to answer questions about verification not covered in this Guidance.

If benefits under your program are available only to U.S. citizens, U.S. nationals and persons with certain immigration statuses, you should verify an applicant's status as set forth below. If you are on the SAVE system, you should continue following the SAVE procedures.

A. U.S. Citizen or National

1. Ask for Declaration of Status. If you are required to verify an applicant's status as a U.S. citizen, U.S. national or qualified alien, you should begin by asking the applicant to declare, under penalty of perjury, that he or she is a citizen or national of the U.S. (or that he or she is a qualified alien -- see Paragraph B.1. below).

Subject to certain exceptions, a United States citizen is:

- * a person born in the United States (other than the child of a foreign diplomat) who has not renounced citizenship;
- * a child of a U.S. citizen; or
- * a naturalized U.S. citizen.

As a general matter, a United States national is a person born in an outlying possession of the United States on or after the date the U.S. acquired the possession or a person whose parents are U.S. nationals subject to certain residency requirements.

2. Verify Status. Documents that can be used to demonstrate that an applicant is a U.S. citizen or national are described in Attachment 3. You should also request proof of his or her identity. If an applicant cannot present a document evidencing his or her status as a U.S. citizen or national or the document presented does not on its face reasonably appear to be

genuine, you should consider the methods of verifying citizenship or nationality set forth below. The method you select will depend upon on the needs of your particular program, including, but not limited to, any existing legal requirements regarding verification that govern the program, the nature of the benefits to be provided, the need for benefits to be provided on an expedited basis, the length of time during which benefits will be provided, the cost of providing the benefits, and the cost of verification. Your decision as to the appropriate method must be made in a non-discriminatory fashion; it cannot, for example, turn on the fact that the applicant looks or sounds foreign or has an ethnic surname. (See Nondiscrimination Advisory in Attachment 1.) To verify that the applicant is a U.S. citizen or national you could:

(a) Contact the governmental entity that originally issued the document presented or that can confirm the applicant's status as a U.S. citizen or national. With regard to naturalized citizens and derivative citizens (children of naturalized citizens), the INS is the appropriate governmental entity to contact for verification of such status. If the applicant presents documents relating to such status, you may request verification of status by filing INS Form G-845 along with copies of the pertinent documents provided by the applicant with the local INS district office. The local INS district office can also provide documentation of status for applicants who have lost their original documents or never had an original document.

(b) Accept a sworn statement from one or more third parties indicating a reasonable basis for personal knowledge that the applicant is a U.S. citizen or national.

(c) Accept the applicant's declaration, made under penalty of perjury and possibly subject to later verification of status, that he or she is a U.S. citizen or national.

3. Take Action Based on Results of Verification. If you verify that the applicant is a U.S. citizen or national, you are subject to no further verification requirements under the Act and should grant the benefits requested to applicants who are otherwise eligible for them under the specific program's requirements. If you verify that the applicant is not a U.S. citizen or national, deny the benefits requested unless the alien presents evidence that he or she is a qualified alien in conformity with this Interim Guidance, and notify applicant of his or her rights to appeal the denial of benefits based on the finding that the applicant is not a U.S. citizen or national.

B. Qualified Alien

1. Ask for Declaration of Status. If you are required to verify an applicant's status as a U.S. citizen, U.S. national or qualified alien, you should begin by asking the applicant to declare, under penalty of perjury, that he or she is a she is not a citizen or national of the U.S., but has an immigration status that makes him or her a "qualified alien".

A "qualified alien" is:

- * an alien lawfully admitted for permanent residence under the Immigration and

Nationality Act ("INA");

- * an alien granted asylum under § 208 of the INA;
- * a refugee admitted to the U.S. under § 207 of the INA;
- * an alien paroled into the U.S. under § 212(d)(5) of the INA for at least one year;
- * an alien whose deportation is being withheld under § 243(h) of the INA;
- * an alien granted conditional entry pursuant to § 203(a)(7) of the INA as in effect prior to April 1, 1980; or
- * an alien who (or whose child) has been battered or subjected to extreme cruelty under the terms and conditions of § 431(c) of the Act.

2. Request Documentation of Immigration Status. Ask the applicant to provide proof of his or her identity and documents evidencing his or her status as a qualified alien. The documents that will demonstrate that an applicant is a "qualified alien" are described in Attachment 4. Note that, if the applicant is applying for SSI, Food Stamps, TANF, Social Services Block Grant, Medicaid, or a federal means-tested public benefit covered by the Act, they may well have to present additional documentation demonstrating eligibility under the Act - - see Step 4 below -- and you will also want to ask the applicant to provide all the pertinent documentation demonstrating eligibility.

3. If Supported by Documents, Conclude that Applicant is a Qualified Alien. If the documents reasonably appear on their face to be genuine and to pertain to the individual presenting them, you should accept the documents as conclusive evidence that the applicant is a qualified alien, should not verify immigration status with the INS, and should proceed to determine if the applicant satisfies the Act's other eligibility requirements (if any) for the benefits requested as set forth in Step 4 below.

4. If, Based on the Documents Presented, You Are Considering Concluding that the Applicant Is Not a Qualified Alien, Take the Following Steps.

(a) Verify Status. If based on your review of the documents presented, you are considering determining that an applicant is not a qualified alien and thus is not eligible for the benefits requested based on his or her immigration status (e.g., because the applicant presents an expired INS form, is unable to present any form demonstrating his or her status, and/or the document does not on its face reasonably appear to be genuine or to relate to the person presenting it), you should check with the INS to verify the information presented as set forth below. Do not determine that an applicant is not a qualified alien, and do not deny benefits on that basis, without first verifying the applicant's status with the INS as follows:

If you are connected to the INS SAVE system, check the applicant's immigration status using the standard procedures for use of the SAVE system, including both the electronic mechanism and, if necessary (e.g., if information regarding the pertinent immigration status cannot be confirmed through the electronic SAVE database), the procedures for manual secondary verification. If you are not connected to the SAVE system and the applicant presents documents or alien identification number relating to such status, request verification of immigration status by filing INS Form G-845 along with copies of the pertinent immigration documents and/or alien identification number provided by the applicant with the local INS District Office. If you are not connected to the SAVE system and the applicant presents no documents evidencing such immigration status and no alien number, refer the applicant to the local INS office to obtain evidence of status.

(b) Take Action Based on Response to Verification Inquiry.

If the INS verifies that the applicant has an immigration status that makes him or her a qualified alien within the meaning of the Act, accept such evidence as conclusive evidence of satisfactory immigration status, and determine if the applicant satisfies the Act's other eligibility requirements (if any) for the benefits requested as set forth in Step 4 below.

If the INS verifies that the applicant does not have an immigration status that makes him or her a qualified alien within the meaning of the Act, deny benefits and notify applicant of his or her rights to appeal the denial of benefits based on the finding that the applicant is not a qualified alien.

STEP 4: VERIFY ELIGIBILITY UNDER THE ACT

The Act provides that all qualified aliens are eligible for some federal public benefits, while it imposes additional immigration eligibility requirements for receipt of other benefits. If the qualified alien is applying for a benefit for which all qualified aliens are eligible, you should not engage in any further verification of immigration status; if he or she is applying for a program for which the Act imposes additional eligibility requirements, you should determine if the applicant satisfies those requirements.

A. Federal Public Benefits With No Further Immigration Eligibility Requirements for Qualified Aliens

All qualified aliens are eligible for certain federal public benefits, while only specified categories of qualified aliens are eligible for SSI, Food Stamps, federal means tested public benefits (see Attachment 6), and possibly TANF, Social Services Block Grant, and Medicaid. If the qualified alien is applying for a federal public benefit for which all qualified aliens are eligible, you should not engage in any further verification of immigration status.

Qualified aliens receiving SSI and Food Stamps as of August 22, 1996, continue to be eligible for such benefits for the period of time set forth below:

SSI: aliens receiving benefits as of August 22, 1996 remain eligible until SSA redetermines their eligibility, which will occur during the Spring and Summer of 1997 - see Attachment 6, Exhibit A (October 24, 1996, Social Security Administration Letter)

Food Stamps: aliens lawfully residing in state and eligible for and receiving Food Stamps as of August 22, 1996 remain eligible at least until recertification between April 1, 1997 and August 22, 1997.

After January 1, 1997, individual states may continue making all qualified aliens eligible for TANF, Social Services Block Grant, and Medicaid or they may decide, subject to certain exceptions, to limit qualified aliens' eligibility for such benefits. (Prior to January 1, 1997, they may make the same decision with regard to new applicants who are qualified aliens.) You should determine whether your state is continuing to provide TANF, Social Services Block Grant and Medicaid to all qualified aliens. If it is, you should not engage in any further verification of immigration status; if, on the other hand, the state has restricted qualified aliens' eligibility for such benefits, you should determine if the applicant is eligible for such benefits as set forth in B below.

B. Federal Benefits With Additional Eligibility Requirements for Qualified Aliens:

SSI, Food Stamps, TANF, Social Services Block Grant and Medicaid: The Act provides that only certain excepted categories of aliens are eligible for SSI and Food Stamps, and that states must make at least these same excepted categories of aliens eligible for TANF, Social Services Block Grants, and Medicaid. The excepted categories of aliens include refugees, asylees and aliens whose deportation has been withheld during the first five years they have such status; certain veterans and their families; and lawfully admitted permanent resident aliens who can be credited with working for 40 qualifying quarters. These excepted categories, and the documentation that will demonstrate that an alien falls within such an exception and thus is eligible for these programs, are set forth in Attachment 5.

Federal Means-Tested Public Benefits. The Act provides that, unless they fall within a specified exception, qualified aliens entering the U.S. after August 22, 1996, are ineligible for federal means-tested public benefits during the first five years they are qualified aliens. Exceptions are made for refugees, asylees, aliens whose deportation has been withheld and certain veterans and their families; programmatic exceptions are also made for certain types of benefits. If a qualified alien is applying for such a benefit, you should determine, in accordance with Attachment 6, whether he or she falls within one of the exceptions and thus is eligible for the benefit.

ATTACHMENT 1 NONDISCRIMINATION ADVISORY

Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), govern all federal, state, local and private entities, including contractors, providing federal public benefits. Title VI prohibits discrimination on the basis of race, color, and national origin in any program or activity, whether operated by a public or private entity, that receives federal funds or other federal financial assistance under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act").

When operating a federally assisted program, a benefit provider cannot, on the basis of race, color or national origin, either directly or indirectly, including through contractual means, distinguish among individuals in the types, quantity, quality or timeliness of program services, aids or benefits that it provides or the manner in which it provides them. This prohibition applies to disparate treatment, as well as to the utilization of facially neutral procedures, criteria or methods of administration that have the purpose or effect of discriminating against individuals because of their race, color, or national origin. Policies and practices that are neutral in design and operation but have a disparate impact based on race, color or national origin must be eliminated unless they are necessary to the program's operation and there is no less discriminatory alternative.

Violations of Title VI may be obvious or subtle. A benefit provider that denies benefits or delays determinations of eligibility on the basis of an individual's race, color or national origin violates Title VI. A benefit provider violates Title VI if it concludes that applicants with ethnic surnames or origins outside the United States, or who look or sound foreign, are ineligible for benefits. It also violates Title VI if it acts upon the assumption that applicants with these characteristics are illegal aliens, or if it requires that ethnic or racial minorities overcome additional barriers to the receipt of public benefits because of their ethnicity or race.

It is important to note that although the Act limits the benefits available to some aliens, many aliens are entitled to receive public benefits.

When confirming immigration status for purposes of determining eligibility for public benefits, recipients should be aware that there is no single immigration document that will establish an alien's qualifications to receive benefits under the Act. The types of documents that an alien will be able to present to establish immigration status will vary depending upon the status in which the alien entered the U.S. and his or her individual circumstances. Demanding that an alien present one specific type of document to the exclusion of all other legally valid documents establishing immigration status, or demanding more or different documentation based on assumptions about the applicant's citizenship or national origin rather than knowledge of such status obtained in a non-discriminatory fashion, may constitute a violation of Title VI. For example, demanding that a specific applicant present three documents to establish her identity merely because she speaks Spanish or looks Asian, while allowing English-speaking persons and non-Asians to present only one identity document, is discriminatory.

States and participating entities, public and private, should also be cognizant of their responsibilities under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (Section 504), the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq. (ADA), and the Age Discrimination Act of 1975, 42 U.S.C. 6101, et seq. Section 504 and the Age Discrimination Act prohibit a program or activity receiving federal financial assistance from discriminating on the basis of disability and age respectively. The ADA prohibits discrimination on the basis of disability by state and local governments and by most private entities, without any requirement of federal financial assistance. States and benefit providers may contact 1-800-514-1301 (voice) or 1-888-514-0383 (TDD) to ask questions regarding their responsibilities under the ADA or to request materials.

States and benefit providers with questions about possible violations of Title VI may contact the U.S. Department of Justice, Civil Rights Division, Coordination and Review Section at 1-888-TITLE-06 (848-5306). Finally, any questions regarding the anti-discrimination provisions of the Immigration and Nationality Act, or the general fairness of immigration status verification procedures, can be referred to the U.S. Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices. That office can be reached at 1-800-255-8155 (voice) or (202) 616-5526 (TDD).

ATTACHMENT 2 FEDERAL PUBLIC BENEFITS

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act") applies only to "federal public benefits" as defined by the Act, rather than to all federally funded programs. (It also applies to certain state and local public benefits, which are not the subject of this Guidance.) Benefit-providers are only required to verify the immigration status of applicants for programs that fall within the Act's definition of "federal public benefits."

Federal Public Benefit: A "federal public benefit" is:

- o Any grant, contract, loan, professional license, or commercial license provided by a U.S. agency or by U.S. appropriated funds; or
- o Any retirement, welfare, health, disability, public or assisted housing, post-secondary 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 a U.S. agency or by U.S. appropriated funds.

Except as provided below, the Act precludes all aliens who are not "qualified" from receiving any such federal public benefit. In determining whether a program constitutes a "federal public benefit," you should first consider whether the program provides one of the expressly enumerated services or benefits. Thus, for example, if you provide "food assistance" to "individuals" using "U.S. appropriate funds," the definition is satisfied. In contrast, if you provide generally available fire or ambulance services, or do not provide services to "individual[s], household[s], or family eligibility unit[s]," or do not provide benefits through a "U.S. agency" or with "U.S. appropriated funds," the definition does not apply.

Second, if your program provides payments or assistance to individuals, households or family eligibility units through a U.S. agency or by U.S. appropriated funds, but the benefits are not expressly enumerated above, you should consider whether the benefits are "similar" to one of the enumerated benefits. This determination is necessarily factbound and will, at times, require difficult judgments. If a close case is presented, you should consult with the agency or department that oversees your program. Federal agencies and departments should, in turn, consult with their general counsels where appropriate.

Third, you should consider who the recipients are of the benefits or services that you provide. Although the Act renders certain aliens ineligible for "federal public benefits," it does not preclude governmental or private entities from receiving benefits that they might then use to provide services to aliens, so long as the service ultimately provided to the non-qualified aliens does not itself constitute a "federal public benefit." Thus, if a local agency were to receive a "grant" that the agency used to provide police or ambulance services, fire protection or crime victim counseling to a group including non-qualified aliens, the prohibition would not apply. In contrast, if the "grant" was itself used to provide a "federal public benefit" -- e.g.,

}
|| necessary?

a loan, assisted housing, welfare or unemployment benefits -- to non-qualified aliens, the prohibition would apply. Similarly, if the "grant" was provided directly to non-qualified aliens, for whatever purpose, the prohibition would apply.

Exceptions: The Act does not apply to all "federal public benefits." If a program falls within one of the following exceptions, the program provider is not required to, and should not attempt to, verify an applicant's immigration status, because all aliens, regardless of their immigration status, are eligible for these benefits:

- o Any contract, professional license, or commercial license for a nonimmigrant whose visa for entry is related to such employment in the U.S.;
- o Any benefits that the U.S. is required to pay under the reciprocal treaty agreements listed in the forthcoming Attorney General Order to a work authorized non-immigrant or alien lawfully admitted for permanent residence qualified for such benefits;
- o Medical assistance under Title XIX of the Social Security Act (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 § 1903(v)(3) of such Act) 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, SSI benefits under title XVI of such Act, or a state supplementary payment);
- o Short-term, non-cash, in-kind emergency disaster relief;
- o Public health assistance (not including any assistance under title XIX of the Social Security Act) 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;
- o Benefits covered by Attorney General Order No. 2049, 61 F.R. 45985 (Aug. 30, 1996), attached hereto, or any successor order, re: government-funded community programs, services or assistance that are necessary for protection of life or safety;
- o Programs for housing or community development assistance or financial assistance administered by the Secretary of Housing and Urban Development ("HUD"), any program under title V of the Housing Act of 1949, or any assistance under § 306C of the Consolidated Farm and Rural Development Act, to the extent that the alien is receiving such a benefit on August 22, 1996;

- o Any benefit covered by Attorney General Order No. 2054, 61 F.R. 47039 (Sept. 6, 1996), attached hereto re: benefits payable under title II of the Social Security Act to an alien who is lawfully present in the U.S.;
- o Any benefit the nonpayment of which would contravene an international agreement described in § 233 of the Social Security Act (an agreement establishing totalization arrangements between the social security system of the U.S. and that of any foreign country which establishes entitlement to and amount of old-age, survivors, disability, or derivative benefits based on an individual's coverage under both systems);
- o Any benefit the nonpayment of which would be contrary to § 202(t) of the Social Security Act; and
- o Any benefit payable under title II of the Social Security Act to which entitlement is based on an application filed on or before August 1996.

BILLING CODE: 4410-01

DEPARTMENT OF JUSTICE

[AG Order No.]

Specification of Community Programs Necessary for
Protection of Life or Safety under Welfare Reform Legislation

AGENCY: Department of Justice.

ACTION: Notice.

EFFECTIVE DATE: August 23, 1996.

FOR FURTHER INFORMATION OR TO PROVIDE COMMENT CONTACT: Lisalyn
R. Jacobs, Counsel, Office of Policy Development, Department of
Justice, 10th Street & Constitution Avenue, N.W., Washington,
D.C. 20530, telephone (202) 514-9114.

SUPPLEMENTARY INFORMATION:

The Personal Responsibility and Work Opportunity Reconcilia-
tion Act of 1996, H.R. 3734, which the President signed on
August 22, 1996, vests in the Attorney General the authority to
designate the kinds of government-funded community programs,
services or assistance that are necessary for protection of life
or safety and for which all aliens will continue to be eligible.
This Order implements that authority.

Background

Section 401 provides a new rule that an alien who is not a "qualified alien," as defined in § 431 of the Act, is not eligible for any "Federal public benefit" -- which, in general, means

- (a) any grant, contract, loan, professional license, or commercial license provided by a federal agency or through appropriated federal funds; or
- (b) any retirement, welfare, health, disability, public or assisted housing, post-secondary education, food assistance, unemployment benefit or any other similar benefit for which payments or assistance are provided to individuals, households or families by a federal agency or through appropriated federal funds.

Section 411 also makes certain non-qualified aliens ineligible for state and local public benefits unless the state enacts new legislation after August 22, 1996 that affirmatively provides for such eligibility. In addition, § 403 of the Act makes qualified aliens ineligible for specific means-tested federal benefit programs for a five-year period after their entry into the United States as a qualified alien.

In addition to certain statutory exceptions, the Act authorizes the Attorney General to establish limited exceptions to these provisions for the following kinds of benefits:

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.

TO: Steve Warnath
Jeremy Ben-Ami
Elena Kagan
Ken Apfel
Emily Bromberg

FROM: Diana Fortuna

DATE: December 6, 1996

Attached is a package from SSA with a draft of the notice to be sent to legal immigrants on SSI. Brian Coyne asked for any comments "as soon as possible."

I assume Steve Warnath and I will coordinate comments.

DEC - 3 1996

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1996 DEC
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NOTE TO BRIAN COYNE

Subject: Proposed Informational (Startup) Notices for Title XVI Aliens -- ACTION

Attached for your review and any necessary approvals are the notices that we plan to send to title XVI alien beneficiaries in February-March 1997 to meet the legislative requirement that an informational notice be sent before March 31, 1997. We now need your and the Domestic Policy Council's approval as soon as possible. Once clearances have been received, we must share the final language with the Office of Systems.

How These Notices Will Be Used

These are standalone notices that will be used in a one-time informational mailing and will be the first official notification beneficiaries receive about the new law. These notices will explain the new law and tell the beneficiaries what actions, if any, they need to take. We assume that each notice will also include an enclosure from the Immigration and Naturalization Service (INS) to provide information about citizenship. The proposed enclosure language, which is still undergoing final approval within INS, is at tab E.

In addition to these informational notices, each alien beneficiary will also receive later notices (not included in this package) to explain any determinations we make, or to inform them of actions we plan to take. Those notices will include appeal rights and due process information so that beneficiaries are fully informed about their rights and options. We have provided information before each of the attached notices to show the sequence and types of notices these beneficiaries may receive.

Related Issues

We also wanted you to be aware that:

- The Deputy Commissioner for Finance, Assessment and Management and his staff inform us that including the INS enclosure will increase the overall cost of the Informational Notice mailing by approximately \$65,000-70,000. Of that amount, \$46,000 is the additional postage cost; the rest is added contract costs.
- The Office of Communications suggested that we revise certain parts of the proposed notices to make the wording identical to public information material. That included a suggestion to use the word "noncitizen" rather than "alien" throughout the notices. However, these suggestions were not incorporated because of legal and policy issues, and the need to have more technically appropriate language on client-specific notices.

- Because of recent policy developments, the attached notices contain language similar, but not identical to, language in some notices that were approved earlier and are contained in the title XVI alien POMS that was released on November 4. Once the language in the attached notices is finalized, we will make corresponding changes in any other affected notices.

Please call me if you have any comments or questions.



Carolyn Colvin
Deputy Commissioner
Office of Programs and Policy

Attachments:

- Tab A - Startup Notice, Type I
- Tab B - Startup Notice, Type II
- Tab C - Startup Notice, Type III
- Tab D - Alternate Referral Paragraph for Areas with Special Interviewing Sites
- Tab E - Draft Language for Enclosure from INS

TAB A

Startup Notice - Type I

These notices will be sent to individuals likely to *not* remain eligible.

These individuals will also receive one or more of the following notices:

- If the individual contacts us with proof of eligibility, he/she will receive a Form Letter for Eligible Individuals. This notice will inform the individual which eligibility requirement he/she met and what proof we used to make our decision. It will also include appeal rights.

- If the individual does not contact us, or has not provided proof of eligibility, he/she will receive a Notice of Planned Action in the Summer of 1997. This notice will explain that we plan to stop payments because we do not have proof of eligibility. The notice will include due process and appeal rights.

START-UP -TYPE I ALIENS
SOCIAL SECURITY ADMINISTRATION
LOCAL OFFICE MAILING ADDRESS
CITY, STATE ZIP

Social Security Administration
Supplemental Security Income
Important Information

Date: February XX, 1997
Claim Number: 999-99-9999

Beneficiary Name
Street Address
City, State ZIP

Important Notice - You May Lose Your SSI

A new law may affect your Supplemental Security Income (SSI) eligibility. The new law says that only U.S. citizens, nationals, or people in one of the alien categories listed below can get SSI.

If you think that you can get SSI under the new law, you must contact us by [MM/DD/YY, 90 days after date of this notice]. We should see proof that you are in one of these categories:

1. Citizens or nationals of the U.S.
2. Aliens admitted as refugees (under section 207 of the Immigration and Nationality Act--INA) for 5 years after admission. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
3. Aliens granted asylum (under section 208 of the INA) for 5 years after asylum is granted. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
4. Aliens whose deportation has been withheld (under section 243(h) of the INA) for 5 years after the deportation is withheld. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
5. Aliens who are lawfully admitted for permanent residence under the INA and who have at least a total of 40 qualifying quarters of coverage. An alien may get the 40 quarters of coverage himself or herself. Also, work done by a spouse or parent may count toward the 40 quarters of coverage for getting SSI only, but does not help qualify the alien for Social Security benefits.

We cannot count any quarter of coverage acquired after December 31, 1996 if the alien or the worker received certain types of federally funded assistance during the period in which the work was done.

6. Certain aliens who are:

- active duty members of the U.S. Armed Forces (except for training purposes only), or
- honorably discharged veterans of the U.S. Armed Forces but not discharged because of alien status, or
- spouses or unmarried dependent children of people in the above two groups.

OPTIONAL PARAGRAPH

Because other parts of the SSI program were also changed, you may receive, or have already received, a letter about those changes. This letter does not affect any actions on your case based on that other letter.

Remember - Call or Contact Us By [MM/DD/YY]

If you think that you can get SSI because you are in one of the categories listed above, we should see proof. Call or contact any Social Security office. (See the end of this letter for the telephone number and address of an office near you.) Tell us which category you are in and provide any proofs you have about your status. We usually need to see an original or certified copy. However, do not delay in contacting us, even if you do not have all of the necessary proofs. We may be able to help you get the information that we need.

Later we will send you a letter telling you whether you will continue to receive SSI. You can appeal that decision. The letter will tell you how to appeal.

Proofs To Bring If You Contact Us

This is a list of the kinds of information we should see if you contact us:

- U.S. birth certificate; or
- U.S. Naturalization papers; or
- Proof of your alien status (for example, an Immigration and Naturalization Service (INS) Form I-94 that has not expired); or
- An order from an immigration judge withholding deportation or granting asylum;
or
- U.S. military service identity card (U.S. Form DD-2); or
- Discharge Certificate from U.S. Military (Department of Defense Form 214).

Information About Medicaid

If you are getting Medicaid based on SSI, Medicaid should continue as long as you get SSI. If we find that you are not eligible under the new law, the letter about our decision will tell you more about your Medicaid.

Things To Remember

OPTIONAL PARAGRAPH:

This letter is only about your SSI. The new law does not affect any Social Security benefits you may now receive.

OPTIONAL PARAGRAPH(2489):

This information is also being sent to (your representative payee/Name of Recipient).

OPTIONAL PARAGRAPH(1000):

The other letter you received with this one is (an English/a Spanish translation) of the same information contained in this letter.

If You Are Not A Citizen

If you want to know more about becoming a U.S. citizen, see the information on the enclosed Immigration and Naturalization Service fact sheet, "How To Become A United States Citizen."

If You Have Any Questions

If you have any questions, you may call us toll-free at 1-800-772-1213, 7 a.m. to 7 p.m. Monday through Friday. We can answer most of your questions over the phone. Our busiest times are the first week of the month and Mondays. So, we may be able to handle your call more quickly if you can call us at other times.

You can call your local office at _____. You can write or visit any Social Security office. The address of the office that serves your area is:

LOCAL OFFICE STREET ADDRESS
CITY, STATE, ZIP

If you call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Janice L. Warden
Deputy Commissioner
for Operations

Enclosure:

INS Fact Sheet: How To Become A United States Citizen

SSA-L8166 - I

TAB B

Startup Notice - Type II

These notices will be sent to individuals most likely to remain eligible.

These individuals will also receive one or more of the following notices:

- The individual may receive a standard come-in/call-in letter from the field office (FO). This notice would ask the individual to contact the FO and would explain what information we need.
- If we receive proof of eligibility, the individual will receive a Form Letter for Eligible Individuals. This notice will inform the individual which eligibility requirement he/she met and what proof we used to make our decision. It will also include appeal rights.
- If we do *not* receive proof of eligibility, the individual will receive a Notice of Planned Action in the Summer of 1997. This notice will explain that we plan to stop payments because we do not have proof of eligibility. The notice will include due process and appeal rights.

Startup Notice for Type II Aliens
SOCIAL SECURITY ADMINISTRATION
LOCAL OFFICE MAILING ADDRESS
CITY, STATE ZIP

Social Security Administration
Supplemental Security Income
Important Information

Date: November 7, 1996
Claim Number: 999-99-9999

Beneficiary Name
Street Address
City, State ZIP

Important Notice - New SSI Rules on Eligibility

A new law changes the Supplemental Security Income (SSI) rules on eligibility. The new law says that only U. S. citizens, nationals, or people in one of the alien categories listed below can get SSI. We must update our records to see if the new law will affect you. You don't need to do anything unless we contact you.

Below is a list of the only categories of people who may be eligible for SSI:

1. Citizens or nationals of the U.S.
2. Aliens admitted as refugees (under section 207 of the Immigration and Nationality Act --INA) for 5 years after admission. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
3. Aliens granted asylum (under section 208 of the INA) for 5 years after asylum is granted. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
4. Aliens whose deportation has been withheld (under section 243(h) of the INA) for 5 years after the deportation is withheld. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
5. Aliens who are lawfully admitted for permanent residence under the INA and who have at least a total of 40 qualifying quarters of coverage. An alien may get the 40 quarters of coverage himself or herself. Also, work done by a spouse or parent may count toward the 40 quarters of coverage for getting SSI only, but does not help qualify the alien for Social Security benefits.

We cannot count any quarter of coverage acquired after December 31, 1996 if the alien or the worker received certain types of federally funded assistance during the period in which the work was done.

6. Certain aliens who are:

- active duty members of the U.S. Armed Forces (except for training purposes only), or
- honorably discharged veterans of the U.S. Armed Forces but not discharged because of alien status, or
- spouses or unmarried dependent children of people in the above two groups.

Because of these changes, some people may no longer be eligible for SSI.

OPTIONAL PARAGRAPH

Because other parts of the SSI program were also changed, you may receive, or have already received, a letter about those changes. This letter does not affect any actions on your case based on that other letter.

What We Will Do

We plan to review your case to see if you are eligible under the new SSI law. We may have contacted you already for the information we need to decide your eligibility or we may contact you soon.

What You Should Do

You don't need to do anything unless we contact you to ask for the information we need to see if you are eligible.

Information About Medicaid

If you are getting Medicaid based on SSI, Medicaid should continue as long as you get SSI. If we find that you are not eligible under the new law, the letter about our decision will tell you more about your Medicaid.

Things To Remember

OPTIONAL PARAGRAPH

This letter is only about your SSI. The new law does not affect any Social Security benefits you may now receive.

OPTIONAL PARAGRAPH (2489)

This information is also being sent to (your representative payee/name of recipient).

OPTIONAL PARAGRAPH (1000)

The other letter you received with this one is [an English/a Spanish] translation of the same information contained in this letter.

If You Are Not A Citizen

If you want to know more about becoming a U.S. citizen, see the information on the enclosed Immigration and Naturalization Service fact sheet, "How To Become A United States Citizen."

If You Have Any Questions

If you have any questions, you may call us toll- free at 1-800-772-1213, 7 a.m. to 7 p.m. Monday through Friday. We can answer most of your questions over the phone. Our busiest times are the first week of the month and Mondays. So, we may be able to handle your call more quickly if you can call us at other times.

You can call your local office at _____. You can write or visit any Social Security office. The address of the office that serves your area is:

**LOCAL OFFICE STREET ADDRESS
CITY, STATE, ZIP**

If you call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Janice L. Warden
Deputy Commissioner
for Operations

Enclosure:

INS Fact Sheet: How To Become A United States Citizen

TAB C

Startup Notice - Type III

This notice will be sent to certain asylees, refugees, and aliens whose deportation was withheld. These are individuals whose 5-year eligibility period extends past August 1997.

These individuals will also receive one of the following notices:

- If the individual contacts us with information about a change in status (for example, becoming a U.S. citizen), he/she will receive a Form Letter for Eligible Individuals. This notice will inform the individual which eligibility requirement he/she met and what proof we used to make our decision. It will also include appeal rights.
- If we have received no information about a change in status, we will recontact the individual near the end of the 5-year eligibility period. Notice language (to be developed) will contain appeal rights.

Startup Notice for Type III Aliens
SOCIAL SECURITY ADMINISTRATION
LOCAL OFFICE MAILING ADDRESS
CITY, STATE ZIP

Social Security Administration
Supplemental Security Income
Important Information

Date: February XX, 1997
Claim Number: 999-99-9999

Beneficiary Name
Street Address
City, State ZIP

Important Notice - New SSI Rules on Eligibility

A new law changes the Supplemental Security Income (SSI) rules on eligibility. The new law says that only U. S. citizens, nationals, or people in one of the alien categories listed below can get SSI. This letter describes the new rules and tells you what we plan to do.

Below is a list of the only categories of people who are eligible for SSI:

1. Citizens or nationals of the U.S.
2. Aliens admitted as refugees (under section 207 of the Immigration and Nationality Act (INA)) for 5 years after admission. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
3. Aliens granted asylum (under section 208 of the INA) for 5 years after asylum is granted. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
4. Aliens whose deportation has been withheld (under section 243(h) of the INA) for 5 years after the deportation is withheld. (The 5 years apply even if status changes to lawfully admitted for permanent residence.)
5. Aliens who are lawfully admitted for permanent residence under the INA and who have at least a total of 40 qualifying quarters of coverage. An alien may get the 40 quarters of coverage himself or herself. Also, work done by a spouse or parent may count toward the 40 quarters of coverage for getting SSI only, but does not help qualify the alien for Social Security benefits.

We cannot count any quarter of coverage acquired after December 31, 1996 if the alien or the worker received certain types of federally funded assistance during the period in which the work was done.

6. Certain aliens who are:

- active duty members of the U.S. Armed Forces (except for training purposes only), or
- honorably discharged veterans of the U.S. Armed Forces but not discharged because of alien status, or
- spouses or unmarried dependent children of people in the above two groups.

Because of these changes, some people may no longer be eligible for SSI.

OPTIONAL PARAGRAPH

Because other parts of the SSI program were also changed, you may receive, or have already received, a letter about those changes. This letter does not affect any actions on your case based on that other letter.

There is a Time Limit on Your SSI

Our records show that you are [see * below]. You may get SSI only for 5 years from the date [see ** below]. We will send you another letter before [MM/YY] giving you our decision about this limit on your eligibility. You will have the right to appeal that decision.

What You Should Do

Let us know right away if you become a citizen, or if any facts that affect your eligibility as an alien change. This will help us to pay you correctly.

Information About Medicaid

If you are getting Medicaid based on SSI, Medicaid should continue as long as you get SSI. If we find that you are not eligible under the new law, the letter about our decision will tell you more about your Medicaid.

* *Fill-in choices:*

- a refugee admitted under section 207 of the INA in MM/YY (date refugee was admitted)
- an alien granted asylum under section 208 of the INA
- an alien whose deportation was withheld under section 243(h) of the INA beginning MM/YY.

** *Fill-in choices:*

- you were admitted
- you were granted asylum
- deportation was withheld

Things To Remember

OPTIONAL PARAGRAPH

This letter is only about your SSI. The new law does not affect any Social Security benefits you may now receive.

OPTIONAL PARAGRAPH (2489)

This information is also being sent to (your representative payee or name of recipient).

OPTIONAL PARAGRAPH (1000)

The other letter you received with this one is [an English/a Spanish] translation of the same information contained in this letter.

If You Are Not A Citizen

If you want to know more about becoming a U.S. citizen, see the information on the enclosed Immigration and Naturalization Service fact sheet, "How To Become A United States Citizen."

If You Have Any Questions

If you have any questions, you may call us toll- free at 1-800-772-1213, 7 a.m. to 7 p.m. Monday through Friday. We can answer most of your questions over the phone. Our busiest times are the first week of the month and Mondays. So, we may be able to handle your call more quickly if you can call us at other times.

You can call your local office at _____. You can write or visit any Social Security office. The address of the office that serves your area is:

LOCAL OFFICE STREET ADDRESS
CITY, STATE, ZIP

If you call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Janice L. Warden
Deputy Commissioner
for Operations

Enclosure:

INS Fact Sheet: How To Become A United States Citizen

SSA-L8166 - III

TAB D

**Alternate Referral Paragraph
for
Areas with Special Interviewing Sites**

**Alternate Version of Referral Paragraph
for
Type I, II, and III Informational (Startup) Notices
To Use in Areas With Special Interviewing Sites ¹**

If You Have Any Questions

If you have any questions, you may call us toll-free at 1-800-772-1213, 7 a.m. to 7 p.m. Monday through Friday. We can answer most of your questions over the phone. Our busiest times are the first week of the month and Mondays. So, we may be able to handle your call more quickly if you can call us at other times. You can call your local office at _____.

You can also visit us. We have a special interviewing site to help people who get this letter. The address for this site is:

**INTERVIEWING SITE STREET ADDRESS
CITY, STATE, ZIP**

Or you can write or visit any Social Security office. The address of the office that serves your area is:

**LOCAL OFFICE STREET ADDRESS
CITY, STATE, ZIP**

If you call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

¹ See next page for another version to be used in certain areas in the Chicago Region, where two interviewing sites will be available.

**Alternate Version of Referral Paragraph
for
Type I, II, and III Informational (Startup) Notices**

For Chicago Region- Where Two Special Interviewing Sites are Available

If You Have Any Questions

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TAB E

Draft Language for INS Enclosure

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

FACT SHEET

11/27/96

HOW TO BECOME A UNITED STATES CITIZEN

To be eligible for U.S. citizenship, you must :

- Be 18 years of age or older;
- Be a Legal Permanent Resident ("Green Card" holder) for at least 5 years, or 3 years if you are married to a U.S. citizen. You may submit an Application for Naturalization to the Immigration and Naturalization Service (INS) 3 months before you reach the residency requirement;
- Be a person of good moral character;
- Be able to speak, read, write and understand ordinary English words and phrases. If you are over 55 years old and have lived in the U.S. as a Legal Permanent Resident for 15 years, or are over 50 years old and have lived in the U.S. as a Legal Permanent Resident for 20 years, you may be exempt from this requirement; and
- Be able to demonstrate knowledge and understanding of the fundamentals of U.S. history and principles of government.

You must also :

- Submit an Application for Naturalization (Form N-400) to the INS, with the \$95.00 application fee, two photos, and a fingerprint card. INS will send the fingerprint card to the FBI to check whether you have committed a crime which might disqualify you from citizenship;
- Be interviewed by an INS officer when you are scheduled for an appointment; and
- If you are approved for citizenship by the INS, take the Oath of Allegiance to the United States of America.

Special exceptions to some of the general requirements above for citizenship are available for the disabled, members of the military, veterans, spouses married to U.S. citizens living overseas, and Legal Permanent Residents who work for certain organizations that promote U.S. interests abroad. If you are the minor child (under 18 years of age) of a U.S. citizen and were born outside the U.S., you may automatically be eligible for a Certificate of Citizenship. You should file an INS Form N-600 to receive this certificate.

To request an Application for Naturalization (INS Form N-400) and complete instructions, or an Application for Certificate of Citizenship (INS Form N-600), please call the INS at 1-800-870-3676. You may also call 1-800-755-0777 for additional recorded information.

Ray Menden

Dear Commissioner XXXX:

Under new provisions established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the Act), Food Stamp Program eligibility will be limited to three months in a three-year period for certain able-bodied adults who are not working or participating in a work program for at least 20 hours each week or who are not enrolled in a workfare program. Recognizing that area labor market forces and the availability of job training slots determine an individual's ability to meet the new criteria, the Act authorizes the U.S. Department of Agriculture (USDA) to grant to States waivers of the three month restriction for individuals who reside in an area that: (1) has an unemployment rate which exceeds 10 percent; or (2) does not have a "sufficient number of jobs to provide employment for the individuals."

When a State agency can certify that data from the Bureau of Labor Statistics (BLS) show an unemployment rate above 10 percent in specified areas, the State may begin to operate the waiver in those areas at the time the waiver request is submitted. To assist you, we have enclosed a list of counties for which BLS data indicate that the unemployment rate, averaged from July, 1995 to June, 1996, exceeded 10 percent.

USDA must approve waivers based on a lack of sufficient jobs before they take effect, and we will certainly work with you to expedite these requests.

To aid you in this process, we are providing you with guidance on submitting a waiver request, data sources which can be used to substantiate the request, and descriptions of various approaches for evaluating whether an area lacks a "sufficient number of jobs" to justify a waiver. We hope this information will be helpful to you in evaluating and substantiating waivers of the three-month time limit. Please contact your regional office if you have any questions.

Sincerely,

Yvette S. Jackson
Deputy Administrator
Food Stamp Program

Enclosures

GUIDANCE FOR STATES SEEKING WAIVERS FOR FOOD STAMP LIMITS

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 limits receipt of food stamp benefits to three months in a 3-year period for able-bodied adults who are not working, participating in a work program for 20 hours or more each week, or in workfare. Individuals are exempt from this provision if they are:

- under 18 or over 50 years of age,
- responsible for the care of a child or incapacitated household member,
- medically certified as physically or mentally unfit for employment,
- pregnant, or
- already exempt from the work requirements of the Food Stamp Act.

States may request a waiver of this provision in areas with an unemployment rate above 10 percent, or for those residing in an area that does not have "...a sufficient number of jobs to provide employment for the individuals." The Department of Agriculture (USDA) will allow States broad discretion to decide if a waiver request is appropriate for a particular locale or situation.

USDA believes that the law provided authority to waive these provisions in recognition of the challenges that low-skilled workers may face in finding and keeping permanent employment. In some areas, including parts of rural America, the number of unemployed persons and the number of job seekers may be far larger than the number of vacant jobs. This may be especially so for persons with limited skills and minimal work history. The purpose of this guidance is to address some of the issues that States may consider in identifying areas for which to seek a waiver of the time limits on food stamp participation. *USDA may reevaluate the guidance offered here and its policies for approving waiver requests in the event of a national economic recession.*

General Issues

Defining an Area: USDA will give States broad discretion in defining areas that best reflect the labor market prospects of program participants and State administrative needs. In general, USDA encourages States to consider requesting waivers for areas smaller than the entire State. There is enough variety in local employment conditions that statewide averages may mask slack job markets in some counties, cities, or towns. Accordingly, states should consider areas within, or combinations of, counties, cities, and towns for the same reason. USDA also urges States to consider the particular needs of rural areas and Indian reservations.

Duration of Waivers: In general, it is USDA's intent to grant waivers for a maximum of one year. Waivers may be renewed if conditions warrant. In some circumstances described below, or if States request, waivers may be granted for less than one year.

Waivers for Unemployment Rates Above 10 Percent

Established Federal policy requires Federal executive branch agencies to use the most recent National, State or local labor force and unemployment data from the Bureau of Labor Statistics (BLS) for all program purposes, including the determination of eligibility for and the allocation of Federal resources unless otherwise directed by statute.¹ This policy ensures the standardization of collection methods and the accuracy of data used to administer Federal programs. In accordance with this policy, States seeking waivers for areas with unemployment rates higher than 10 percent will be expected to rely on standard BLS data or methods.

Availability of Local Area Unemployment Rates: Unemployment figures for many local areas based on standard BLS data or methods are readily available. In the Local Area Unemployment Statistics (LAUS) program, BLS works in concert with State employment security agencies to estimate unemployment rates for:

- all States,
- all counties in the United States,
- all cities with a population of 25,000 or more,
- all cities and towns in New England, and
- all metropolitan and small labor market areas in the United States.

These estimates are produced monthly. In addition, State employment security agencies can use standard BLS methods to generate unemployment rates for smaller geographic areas and special geographic areas such as Indian reservations (as long as the boundaries of those areas coincide with the boundaries of a group of census tracts).²

There are two key issues related to the availability of data to document areas with unemployment rates above 10 percent. First, it is essential to identify areas with unemployment rates above 10 percent using standard BLS data or methods. Second, while these standard methods can be used to estimate unemployment rates for areas smaller than those routinely covered by current BLS publications, the reliability of these estimates will necessarily be less for smaller areas.

Duration of High Unemployment: Unemployment rates can and will fluctuate from month to month. The size of these fluctuations is likely to be larger for estimates based on smaller areas.

¹ This policy is contained in Statistical Policy Directive No. 11, issued by the Office of Federal Statistical Policy Standards, Office of Management and Budget.

² A list of each cooperating State employment security agency is included as Appendix A. A list of State employment security administration contacts can be accessed through the BLS LAUS Home Page [found at <http://stats.bls.gov:80/laus/home.htm>]. Monthly State and local area unemployment rates are also readily available from a variety of published sources. These include the Bureau of Labor Statistics *State and Metropolitan Area Employment and Unemployment* news release, the monthly *Employment and Earnings*, and *Unemployment in State and Local Areas* (available on microfiche). States wishing to subscribe to these documents may contact the U.S. Government Printing Office at the number shown in Appendix A. A complete set of up-to-date data can be obtained via the LAUS home page, the LAUS program, BLS regional offices, or the State employment security agency.

One fairly standard approach to smooth such fluctuations is by using an average over a number of months, calculated by first averaging unemployment and the labor force.³

If requested, USDA will automatically grant a waiver for any area in which the average unemployment rate in the preceding 12 months is greater than 10 percent. BLS routinely publishes monthly data so that 12-month moving average unemployment rates can be produced for all counties, all cities of 25,000 or more, and all cities and towns in New England.⁴ A list of counties with unemployment rates above 10 percent for the period from July 1995 to June 1996 is included as Appendix D.

There are two shortcomings associated with using a 12-month average to waive the time limits on food stamp participation. First, a 12-month average will mask portions of the year when the unemployment rate rises above or falls below 10 percent. Second, a 12-month average will also require a sustained period of high unemployment before an area becomes eligible for a waiver.

To avoid these situations and ensure that waivers are granted as quickly as possible where needed, States have several options. First, a State might opt to use a shorter moving average. A moving average of at least three months is preferred. In periods of rising unemployment, a three-month average provides a reliable and relatively early signal of a labor market with high unemployment. A State might also consider using historical unemployment trends to show that such an increase is not part of a predictable seasonal pattern to support a waiver for an extended period (up to one year).

Second, in areas with predictable seasonal variations in unemployment, States may use historical trends to anticipate the need for waivers for certain periods. For example, if the pattern of seasonal unemployment is such that an area's unemployment rate typically increases by two percentage points in January, February, and March, and the area's unemployment rate is currently 9 percent, a State may request a waiver for this area based on its current rate and historical trends. The period covered by the waiver will then coincide with the period of high unemployment. (If a State did not anticipate the rise in unemployment, the increase in unemployment rates would not show up until after the fact.)

USDA will generally expect that the duration of the waiver requested will have some relationship to the period of high unemployment on which the request is based, although the time period for the waiver need not be identical to the period of unemployment data. There may be circumstances in which States may want to consider requesting waivers for as long as one year based on a shorter period of high unemployment. USDA will entertain such requests if a reasonable case is made that the high unemployment is not a seasonal or short term aberration. States may renew waivers as necessary, as long as area unemployment rates exceed 10 percent.

³ A 12 month average of monthly total unemployment and monthly labor force should be computed, with the average unemployment rate estimated by dividing average unemployment into average labor force.

⁴ A 12-month moving average is computed each month based on data for the month and the 11 months prior to that month.

Waivers for Areas Without Sufficient Jobs

The statute recognizes that the unemployment rate alone is an imperfect measure of the employment prospects of individuals with little work history and diminished opportunities. It provides States with the option to seek waivers for areas in which there are not enough jobs for groups of individuals who may be affected by the new time limits in the Food Stamp Program.

To some extent, the decision to approve waivers based on an insufficient number of jobs must be made on an area-by-area basis. Examples of such situations include areas where an important employer has either relocated or gone out of business. In other areas there may be a shortage of jobs that can be filled by persons with limited skills and work experience relative to the number of persons seeking such jobs.

The guidance that follows offers some examples of the types and sources of data available to States as they consider waiver requests for areas with insufficient jobs. Because there are no standard data or methods to make the determination of the sufficiency of jobs, the list that follows is not exhaustive. States may use these data sources as appropriate, or other data as available, to provide evidence that the necessary conditions exist in the area for which they intend the waiver to apply. The absence of a particular data source or approach (for example, data or statistics compiled by a university) is not meant to imply that it would not be considered by USDA if requested by a State.

Lack of Jobs in Designated Labor Surplus Areas: The U.S. Department of Labor (DOL) Employment and Training Administration compiles an annual list of labor surplus areas. As the name implies, these are areas in which it has been determined that the number of workers is relatively larger than the number of available jobs. Employers located in labor surplus areas can be given preference in bidding on Federal procurement contracts. The purpose in providing such preference is to help direct the government's procurement dollars into areas where people are in the most severe economic need.

Labor surplus areas are classified on the basis of civil jurisdictions rather than on a metropolitan area or labor market area basis. By classifying labor surplus areas in this way, specific localities with high unemployment rather than all civil jurisdictions within a metropolitan area, (not all of which may suffer from the same degree of unemployment) can be identified. This feature also makes the classification potentially useful to identify areas for which to seek waivers.

The labor surplus listing is issued for each Federal fiscal year. During the course of the fiscal year, the annual listing is updated on the basis of exceptional circumstance petitions submitted by State employment security agencies and approved by the Employment and Training Administration. Monthly updates of the list are available in Area Trends in Employment and Unemployment.

Lack of Jobs in States with Extended UI Benefits: The Department of Labor's Unemployment Insurance Service determines whether a State can qualify for extended unemployment benefits. Unemployed persons in these areas are eligible to receive extended unemployment insurance (UI) benefits. Extended UI benefits are an indication that jobs are relatively hard to find. The designation of a State as meeting the criterion for extended UI benefits, therefore, may be a useful indicator that insufficient jobs are available. DOL issues a list of States that meet the criteria for extended benefits each week. States may request a copy from the DOL Unemployment Insurance Service.

Lack of Jobs Due to Lagging Job Growth: Job seekers may have a harder time finding work in an area where job growth lags behind population growth. A falling ratio of employment to population may be an indicator of an adverse job growth rate. When the number of jobs in an area grows more slowly than the working age population, the local economy is not generating enough jobs.

The employment-to-population ratio complements measures of unemployment by taking into account working age persons who may have dropped out of the labor force altogether. The ratio can be computed by dividing the number of employed persons in an area by the area's total population. A decline in this ratio over a period of months could indicate an adverse job growth rate for the area.

State social service agencies can obtain employment data from State employment security agencies or BLS. Population estimates for the corresponding areas are also available through the Bureau of the Census, or State employment security agencies.⁵ Census population data at the county level are updated annually as of July 1 of each year. There is a lag of at least one year in this population data (the most recent county data are for 1995, the most recent city data are for 1994).

Lack of Jobs in Declining Occupations or Industries: Employment markets dominated by declining industries could lead to the presence of large numbers of people whose current job skills are no longer in demand. This can be especially true in smaller, rural areas where the loss of a single employer can immediately have a major effect on local job prospects and unemployment rates. In more occupationally diverse areas however, displaced workers might have more work options available to them, including jobs other than those for which they may have been previously trained

States might consider several options to capture the effect of a declining industry or occupation. BLS provides monthly data on State and local employment figures by major industry (including mining, construction, manufacturing, transportation and public utilities, wholesale and retail trade; finance, insurance and real estate; services, and government). This information, published in

⁵ The Bureau of Labor Statistics provides population estimates each year to cooperating State employment security agencies. The Census Bureau does not routinely publish small area population estimates, but they will provide it upon request.

Employment and Earnings, compares the current month to the month before and to the same month from the previous year. A declining trend within a particular industry or sector may be taken as evidence of declining employment prospects for persons with experience in or skills appropriate to that sector.

State welfare agencies can also work with State employment security agencies to identify declining industries and occupations in their areas. Databases on occupation and employment changes are used by the UI divisions of State employment security departments to determine how quickly displaced workers can find new jobs (a process known as "profiling"). These databases may also be helpful in identifying groups of individuals that may have an unusually difficult time finding work.

Finally, evidence of increased filing of unemployment insurance claims, available from State employment security agencies, may also offer signs of diminished employment prospects in some areas.

Applying for Waivers

To ensure that waivers are granted quickly where they are needed, USDA will keep the application and approval process as simple as possible. USDA will offer States the option to self-certify areas where the unemployment rate exceeds 10 percent. States will have to seek prior approval from USDA for waiver requests for areas that lack available jobs.

Areas with Unemployment Rate Above 10 Percent: States may self-certify areas that have an unemployment rate higher than 10 percent based upon standard BLS data or methods. State welfare agencies should work with State employment security agencies to make this determination. States must inform their USDA Food and Consumer Service Regional Office and Headquarters (at the address shown in Appendix A) of each area that meets this criterion and certify that the determination was based on standard BLS data or methods. States may update these certifications as frequently as necessary. The waiver period will begin as soon as a State certifies that an area's unemployment rate is above 10 percent. USDA will contact States if additional clarification on the waiver is needed.

Areas with Insufficient Jobs: Waivers granted under this category may not be implemented until they are approved by USDA. As indicated above, waiver request for areas with insufficient jobs may be based on a number of criteria, some of which are straightforward (such as areas designated as labor surplus areas or meeting the criteria for extended UI benefit) while others are more subjective. States are encouraged to request waivers for any area based on the circumstances in those areas. States should indicate the current unemployment rate for the area (based on standard BLS data or methods) and describe the type of waiver that they are requesting. States should also provide enough documentary evidence for USDA to determine whether to grant a waiver.

Waiver requests of either type may be renewed on request if the condition which formed the basis of the initial approval persists.

**APPENDIX A:
CONTACT NUMBERS**

State and local agencies should be able to get most of their employment/unemployment information from their respective state employment security department (list provided). Additional information or data necessary to support a waiver request may be obtained by contacting the organizations listed below.

U.S. Department of Agriculture

Food and Consumer Service
3101 Park Center Drive
Alexandria, VA 22302
(703) 305-2133

Bureau of the Census

Statistical Information Staff - Population Division
(301) 457-2422

U.S. Department of Labor

Employment and Training Administration
(202) 219-9092 x129.

Federal Unemployment Insurance Service
(202) 219-5309.

Bureau of Labor Statistics

Current Employment Statistics Survey (State & Area Branch)
(202) 606-6559.

Division of Labor Force Statistics (Educational Attainment)
(202) 606-6378.

Division of Local Area Unemployment Statistics
(202) 606-6392.

U.S. Government Printing Office

Subscription information
(202) 512-2168.

APPENDIX B: THE STATISTICAL INFORMATION SHEETS

The following tables are designed to provide "at a glance" information about the statistical data that USDA has identified as being useful for determining state and area waiver eligibility. Information contained in the tables is broken down by category as follows:

Name - Refers as closely as possible to the specific title of a publication or a data set.

Size - Describes the items used to compose the data set.

Area Coverage - The geographic regions covered by the data set.

Periodicity - The frequency with which the data is compiled and/or released.

Description of Data Set - Brief description of the data set with an emphasis on its content, seasonal adjustment status (whether the data absorbs seasonal unemployment fluctuations into an average percentage), and comparative benchmarks.

Contact Source - The most direct known contact number to request information.

Applicability for Identifying Waiver Areas - Suggested use for the information, including caveats where appropriate.

While organizational contact numbers have been provided, much of the data mentioned herein should also be readily obtainable through state labor departments, local libraries or other depositories of government documents. Additionally, a good portion of the information described can be found in the U.S. Statistical Abstract and the State and Metropolitan Area Data Book (however, formats in these books may differ slightly and the data may not be as current). USDA will also consider other data that is gathered directly by state and local agencies.

STATISTICAL INFORMATION SHEET

Name	State and metropolitan area employment and unemployment.
Size	50 states, DC, Puerto Rico and 276 Metropolitan Areas (MAs).
Area Coverage	States and selected Metropolitan Areas.
Periodicity	Released Monthly in BLS <u>News</u> (see also BLS periodical <u>Employment and Earnings</u>).
Description of Data Set	Seasonally adjusted unemployment data for states and not seasonally adjusted data for states and selected metropolitan areas. Compares the current month's data with the prior month and the same month a year earlier. Unemployment rates do not account for workers who have dropped out of the labor force (discouraged workers).
Contact Source	Bureau of Labor Statistics, (202) 606-6392 (unemployment).
Applicability for Identifying Waiver Areas	Useful for identifying the unemployment rate in the defined area.

STATISTICAL INFORMATION SHEET

Name	Unemployment in States and local areas.
Size	50 States, D.C., Puerto Rico, 342 metropolitan areas, over 2,000 small labor market areas, 3140 counties, and over 2000 cities and towns.
Area Coverage	States, metropolitan and small labor market areas, all counties, cities of 25,000 or more population, and all cities and towns in New England.
Periodicity	Released monthly in microfiche and on the LAUS home page.
Description of Data Set	Labor force, employment, unemployment, and unemployment rate for all months plus annual averages, for 1990 forward for substate areas. Unemployment rates do not account for workers who have dropped out of the labor force (discouraged workers).
Contact Source	Bureau of Labor Statistics (202) 606-6392.
Applicability for Identifying Waiver Areas	Useful for identifying the unemployment rate in the defined area.

STATISTICAL INFORMATION SHEET

Name	<u>Area Trends in Employment and Unemployment.</u>
Size	1,311 civil jurisdictions.
Area Coverage	All 50 states, the District of Columbia, and Puerto Rico.
Periodicity	Initial list is compiled annually and updated as necessary on the basis of exceptional circumstance. Updates are released on a monthly basis.
Description of Data Set	List of eligible designated "labor surplus areas" by state and affected civil jurisdictions.
Contact Source	Department of Labor Employment and Training Administration (202) 219-5185.
Applicability for Identifying Waiver Areas	Useful for identifying a "lack of available jobs" criterion based on "labor surplus area" status.

STATISTICAL INFORMATION SHEET

Name	State extended benefit indicators.
Size	50 states, District of Columbia, Puerto Rico, Virgin Islands.
Area Coverage	State level.
Periodicity	Updated weekly.
Description of Data Set	Identifies states that are "on trigger" for extended Unemployment Insurance (UI) benefits. Provides state insured and total unemployment rates. Compares current rates as a percentage of the last two previous years.
Contact Source	U.S. Department of Labor Unemployment Insurance Service (202) 219-5309.
Applicability for Identifying Waiver Areas	Useful for identifying statewide trends over a two period and for determining whether a state's employment situation warrants extended benefits. Cannot identify unemployment rates for counties or cities.

STATISTICAL INFORMATION SHEET

Name	Employees on nonfarm payrolls in States and selected areas by major industry.
Size	50 states, DC, Puerto Rico; approximately 276 cities and Metropolitan Statistical Areas (MSAs). Covers employment data for a variety of industries (construction, wholesale/retail, service, etc.).
Area Coverage	States and selected Metropolitan Statistical Areas.
Periodicity	Released Monthly in Bureau of Labor Statistics periodical <u>Employment and Earnings</u> .
Description of Data Set	Non-seasonally adjusted employment figures for states and selected metropolitan areas. Compares the current month's data with the prior month's data from the current year and the same month's data from the previous year.
Contact Source	Bureau of Labor Statistics, (202) 606-6559 (employment
Applicability for Identifying Waiver Areas	Useful for identifying a "lack of available jobs" criterion (for example, industries where employment rates in the defined area are declining). Note: the data does not display percentage changes.

**APPENDIX C:
SAMPLE FORMAT FOR WAIVER REQUESTS**

The following is a suggested format state agencies may use to submit time limit waiver requests to USDA. Such requests should contain *at a minimum* the following information:

State Agency submitting the waiver request: (include a contact name, address and phone number).

Area(s) covered by the request:

Category under which waiver is being requested: (self-certification based on an unemployment rate higher than 10 percent, or request due to lack of sufficient jobs).

Duration of the waiver: (one year, other than one year).

Basis for the request: provide the rationale for the waiver request in this section. If self-certifying for a waiver based on an unemployment rate higher than 10 percent, include evidence of the area's current unemployment rate as released by either BLS or the state employment security agency and the length of the average for which this figure was generated.

If requesting a waiver based on the lack of sufficient jobs in an area, include the area's unemployment rate as released by either BLS or the state employment security agency and indicate the criterion under which the waiver is being sought (labor surplus area, extended UI benefit area, etc.). Provide additional documentary evidence of the condition for which the waiver is being requested.

Appendix D:
COUNTIES WITH UNEMPLOYMENT RATES ABOVE 10 PERCENT

According to the Bureau of Labor Statistics, the counties listed below have an unemployment rate higher than 10 percent for the period from July, 1995 to June, 1996.

County	State	Civilian Labor Force	Employment	Unemployment	Unemployment Rate
BULLOCK COUNTY	AL	4,325	3,607	718	16.6
WILCOX COUNTY	AL	3,826	3,195	631	16.5
GREENE COUNTY	AL	3,622	3,067	555	15.3
LOWNDES COUNTY	AL	4,239	3,610	629	14.8
MONROE COUNTY	AL	10,425	8,918	1,507	14.5
PERRY COUNTY	AL	4,626	3,954	672	14.5
SUMTER COUNTY	AL	6,134	5,300	834	13.6
WASHINGTON COUNTY	AL	6,154	5,329	825	13.4
DALLAS COUNTY	AL	21,349	18,682	2,667	12.5
CONECUH COUNTY	AL	6,787	5,944	843	12.4
CHOCTAW COUNTY	AL	6,551	5,753	798	12.2
CLARKE COUNTY	AL	13,492	11,969	1,523	11.3
YUKON-KOYUKUK CENSUS AREA	AK	2,080	1,716	364	17.5
NORTHWEST ARCTIC BOROUGH	AK	2,265	1,882	383	16.9
SOUTHEAST FAIRBANKS CENSUS AREA	AK	2,475	2,128	347	14.0
NOME CENSUS AREA	AK	3,453	2,991	462	13.4
KENAI PENINSULA BOROUGH	AK	22,197	19,386	2,811	12.7
WADE HAMPTON CENSUS AREA	AK	1,798	1,578	220	12.2
PRINCE OF WALES-OUTER KETCHIKAN CENSUS AREA	AK	3,342	2,952	390	11.7
HAINES BOROUGH	AK	1,210	1,082	128	10.6
WRANGELL-PETERSBURG CENSUS AREA	AK	3,889	3,482	407	10.5

DENALI BOROUGH	AK	1,104	990	114	10.3
MATANUSKA-SUSITNA CENSUS AREA	AK	26,409	23,719	2,690	10.2
BETHEL CENSUS AREA	AK	5,399	4,856	543	10.1
YUMA COUNTY	AZ	65,288	47,557	17,731	27.2
SANTA CRUZ COUNTY	AZ	15,188	12,157	3,031	20.0
APACHE COUNTY	AZ	19,943	16,661	3,282	16.5
NAVAJO COUNTY	AZ	31,442	26,828	4,614	14.7
LA PAZ COUNTY	AZ	6,427	5,775	652	10.1
RANDOLPH COUNTY	AR	7,983	7,098	885	11.1
IMPERIAL COUNTY	CA	60,335	42,512	17,823	29.5
COLUSA COUNTY	CA	8,652	6,934	1,718	19.9
MERCED COUNTY	CA	83,119	68,917	14,202	17.1
SUTTER COUNTY	CA	34,065	28,332	5,733	16.8
TULARE COUNTY	CA	160,463	133,616	26,847	16.7
GLENN COUNTY	CA	11,711	9,926	1,785	15.2
MADERA COUNTY	CA	50,192	42,714	7,478	14.9
STANISLAUS COUNTY	CA	195,832	166,646	29,186	14.9
KINGS COUNTY	CA	41,578	35,468	6,110	14.7
SISKIYOU COUNTY	CA	18,402	15,719	2,683	14.6
TRINITY COUNTY	CA	5,243	4,490	753	14.4
YUBA COUNTY	CA	21,519	18,472	3,047	14.2
FRESNO COUNTY	CA	369,546	318,022	51,524	13.9
KERN COUNTY	CA	277,671	240,446	37,225	13.4
SAN BENITO COUNTY	CA	23,330	20,295	3,035	13.0
PLUMAS COUNTY	CA	9,945	8,671	1,274	12.8
MODOC COUNTY	CA	4,304	3,772	532	12.4
MONTEREY COUNTY	CA	176,340	155,272	21,068	11.9

SAN JOAQUIN COUNTY	CA	242,528	213,580	28,948	11.9
DEL NORTE COUNTY	CA	10,076	8,911	1,165	11.6
LAKE COUNTY	CA	24,252	21,443	2,809	11.6
MONO COUNTY	CA	6,167	5,456	711	11.5
LASSEN COUNTY	CA	11,639	10,348	1,291	11.1
TEHAMA COUNTY	CA	23,613	21,024	2,589	11.0
SIERRA COUNTY	CA	1,762	1,573	189	10.7
TUOLUMNE COUNTY	CA	20,243	18,084	2,159	10.7
SHASTA COUNTY	CA	72,005	64,332	7,673	10.7
CALAVERAS COUNTY	CA	13,935	12,495	1,440	10.3
SAN JUAN COUNTY	CO	299	253	46	15.4
SAGUACHE COUNTY	CO	2,639	2,353	286	10.8
HENDRY COUNTY	FL	16,089	13,659	2,430	15.1
HARDEE COUNTY	FL	11,303	9,794	1,509	13.4
ST LUCIE COUNTY	FL	73,347	64,033	9,314	12.7
OKEECHOBEE COUNTY	FL	15,320	13,662	1,658	10.8
BURKE COUNTY	GA	9,175	7,856	1,319	14.4
TERRELL COUNTY	GA	4,224	3,620	604	14.3
TREUTLEN COUNTY	GA	2,996	2,619	377	12.6
JEFFERSON COUNTY	GA	8,521	7,513	1,008	11.8
WHEELER COUNTY	GA	2,148	1,894	254	11.8
JOHNSON COUNTY	GA	4,362	3,861	501	11.5
MACON COUNTY	GA	5,493	4,889	604	11.0
TELFAIR COUNTY	GA	5,220	4,646	574	11.0
HANCOCK COUNTY	GA	4,197	3,760	437	10.4
RANDOLPH COUNTY	GA	3,299	2,960	339	10.3

KAUAI COUNTY	HI	28,796	25,553	3,243	11.3
ADAMS COUNTY	ID	1,766	1,521	245	13.9
CLEARWATER COUNTY	ID	3,972	3,480	492	12.4
IDAHO COUNTY	ID	6,555	5,833	722	11.0
BENEWAH COUNTY	ID	4,272	3,836	436	10.2
PERRY COUNTY	IL	7,952	6,962	990	12.4
FRANKLIN COUNTY	IL	16,818	14,928	1,890	11.2
HARDIN COUNTY	IL	1,953	1,746	207	10.6
PULASKI COUNTY	IL	2,917	2,608	309	10.6
SALINE COUNTY	IL	10,647	9,537	1,110	10.4
LAWRENCE COUNTY	IL	7,169	6,443	726	10.1
ELLIOTT COUNTY	KY	2,564	2,143	421	16.4
HARLAN COUNTY	KY	10,009	8,482	1,527	15.3
MAGOFFIN COUNTY	KY	4,946	4,241	705	14.3
MARTIN COUNTY	KY	3,415	2,957	458	13.4
LAWRENCE COUNTY	KY	5,065	4,390	675	13.3
CARTER COUNTY	KY	10,974	9,604	1,370	12.5
CUMBERLAND COUNTY	KY	3,080	2,709	371	12.0
BREATHITT COUNTY	KY	4,664	4,116	548	11.7
LETCHER COUNTY	KY	8,124	7,195	929	11.4
LEWIS COUNTY	KY	5,491	4,877	614	11.2
MORGAN COUNTY	KY	4,410	3,921	489	11.1
FLOYD COUNTY	KY	14,372	12,836	1,536	10.7
RUSSELL COUNTY	KY	6,869	6,134	735	10.7
MENIFEE COUNTY	KY	2,322	2,075	247	10.6
KNOTT COUNTY	KY	5,978	5,351	627	10.5
MC CREARY COUNTY	KY	6,135	5,499	636	10.4

PERRY COUNTY	KY	11,782	10,577	1,205	10.2
EAST CARROLL PARISH	LA	3,425	2,870	555	16.2
WEST CARROLL PARISH	LA	5,093	4,296	797	15.6
MADISON PARISH	LA	5,677	4,947	730	12.9
CONCORDIA PARISH	LA	8,213	7,249	964	11.7
RED RIVER PARISH	LA	3,875	3,423	452	11.7
RICHLAND PARISH	LA	8,187	7,313	874	10.7
CATAHOULA PARISH	LA	5,330	4,770	560	10.5
ST JAMES PARISH	LA	8,893	7,979	914	10.3
DORCHESTER COUNTY	MD	15,688	14,007	1,681	10.7
GARRETT COUNTY	MD	13,318	11,896	1,422	10.7
SOMERSET COUNTY	MD	11,130	9,952	1,178	10.6
ONTONAGON COUNTY	MI	3,706	3,138	568	15.3
PRESQUE ISLE COUNTY	MI	6,234	5,335	899	14.4
MONTMORENCY COUNTY	MI	3,429	2,978	451	13.2
KEWEENAW COUNTY	MI	724	632	92	12.7
SCHOOLCRAFT COUNTY	MI	4,001	3,510	491	12.3
CHEBOYGAN COUNTY	MI	11,749	10,381	1,368	11.6
LAKE COUNTY	MI	3,143	2,777	366	11.6
GOGEBIC COUNTY	MI	8,342	7,414	928	11.1
MANISTEE COUNTY	MI	10,179	9,065	1,114	10.9
OCEANA COUNTY	MI	12,702	11,319	1,383	10.9
MACKINAC COUNTY	MI	7,327	6,548	779	10.6
CLEARWATER COUNTY	MN	3,843	3,298	545	14.2
RED LAKE COUNTY	MN	1,860	1,651	209	11.2

SHARKEY COUNTY	MS	2,960	2,414	546	18.4
ISSAQUENA COUNTY	MS	773	640	133	17.2
JEFFERSON COUNTY	MS	2,472	2,066	406	16.4
QUITMAN COUNTY	MS	3,733	3,184	549	14.7
JEFFERSON DAVIS COUNTY	MS	5,140	4,395	745	14.5
PANOLA COUNTY	MS	13,710	11,898	1,812	13.2
WILKINSON COUNTY	MS	3,513	3,050	463	13.2
TALLAHATCHIE COUNTY	MS	5,583	4,923	660	11.8
HOLMES COUNTY	MS	7,534	6,654	880	11.7
MONROE COUNTY	MS	16,629	14,677	1,952	11.7
HUMPHREYS COUNTY	MS	4,570	4,052	518	11.3
CHICKASAW COUNTY	MS	8,906	7,937	969	10.9
SUNFLOWER COUNTY	MS	11,741	10,457	1,284	10.9
CHOCTAW COUNTY	MS	3,457	3,089	368	10.6
CLAIBORNE COUNTY	MS	3,823	3,424	399	10.4
CLAY COUNTY	MS	8,811	7,894	917	10.4
WASHINGTON COUNTY	MS	28,441	25,477	2,964	10.4
COAHOMA COUNTY	MS	12,573	11,289	1,284	10.2
GEORGE COUNTY	MS	8,126	7,309	817	10.1
TUNICA COUNTY	MS	5,095	4,582	513	10.1
WAYNE COUNTY	MO	3,716	3,212	504	13.6
WRIGHT COUNTY	MO	7,474	6,620	854	11.4
SANDERS COUNTY	MT	4,021	3,433	588	14.6
GLACIER COUNTY	MT	5,748	4,938	810	14.1
LINCOLN COUNTY	MT	7,518	6,554	964	12.8
BIG HORN COUNTY	MT	4,697	4,136	561	11.9
MINERAL COUNTY	MT	1,519	1,343	176	11.6
ROSEBUD COUNTY	MT	4,960	4,405	555	11.2

BLAINE COUNTY	MT	2,871	2,577	294	10.2
ROOSEVELT COUNTY	MT	4,367	3,928	439	10.1
LINCOLN COUNTY	NV	1,186	1,047	139	11.7
CAPE MAY COUNTY	NJ	45,890	40,418	5,472	11.9
LUNA COUNTY	NM	10,650	8,062	2,588	24.3
MORA COUNTY	NM	1,754	1,392	362	20.6
TAOS COUNTY	NM	13,120	11,127	1,993	15.2
RIO ARRIBA COUNTY	NM	17,995	15,646	2,349	13.1
CATRON COUNTY	NM	1,411	1,237	174	12.3
CIBOLA COUNTY	NM	10,434	9,217	1,217	11.7
GUADALUPE COUNTY	NM	1,883	1,669	214	11.4
SAN JUAN COUNTY	NM	48,238	43,183	5,055	10.5
HAMILTON COUNTY	NY	2,407	2,127	280	11.6
SWAIN COUNTY	NC	5,900	4,873	1,027	17.4
GRAHAM COUNTY	NC	4,220	3,668	552	13.1
RICHMOND COUNTY	NC	21,006	18,874	2,132	10.1
ROLETTE COUNTY	ND	5,999	5,390	609	10.2
MORGAN COUNTY	OH	5,229	4,468	761	14.6
ADAMS COUNTY	OH	11,631	10,144	1,487	12.8
VINTON COUNTY	OH	3,989	3,540	449	11.3
MEIGS COUNTY	OH	8,927	7,938	989	11.1
MONROE COUNTY	OH	6,336	5,667	669	10.6
SCIOTO COUNTY	OH	33,359	29,961	3,398	10.2

HASKELL COUNTY	OK	4,142	3,647	495	12.0
CHOCTAW COUNTY	OK	5,550	4,913	637	11.5
LATIMER COUNTY	OK	4,185	3,763	422	10.1
HARNEY COUNTY	OR	3,560	3,145	415	11.7
WALLOWA COUNTY	OR	3,371	3,001	370	11.0
GRANT COUNTY	OR	4,108	3,664	444	10.8
FOREST COUNTY	PA	1,867	1,669	198	10.6
HUNTINGDON COUNTY	PA	19,298	17,302	1,996	10.3
WILLIAMSBURG COUNTY	SC	16,414	13,839	2,575	15.7
MARLBORO COUNTY	SC	12,113	10,470	1,643	13.6
MARION COUNTY	SC	16,193	14,166	2,027	12.5
DILLON COUNTY	SC	13,964	12,311	1,653	11.8
BARNWELL COUNTY	SC	11,007	9,796	1,211	11.0
SHANNON COUNTY	SD	3,144	2,714	430	13.7
DEWEY COUNTY	SD	2,198	1,929	269	12.2
JOHNSON COUNTY	TN	8,176	6,867	1,309	16.0
STEWART COUNTY	TN	3,963	3,388	575	14.5
HOUSTON COUNTY	TN	3,330	2,880	450	13.5
LEWIS COUNTY	TN	5,087	4,421	666	13.1
LAWRENCE COUNTY	TN	21,986	19,314	2,672	12.2
HAYWOOD COUNTY	TN	9,100	8,022	1,078	11.8
MEIGS COUNTY	TN	4,290	3,787	503	11.7
WAYNE COUNTY	TN	7,605	6,730	875	11.5
RHEA COUNTY	TN	11,792	10,464	1,328	11.3
SCOTT COUNTY	TN	8,323	7,388	935	11.2

PICKETT COUNTY	TN	2,393	2,127	266	11.1
MONROE COUNTY	TN	17,399	15,490	1,909	11.0
COCKE COUNTY	TN	17,219	15,382	1,837	10.7
HENDERSON COUNTY	TN	13,387	11,977	1,410	10.5
MC MINN COUNTY	TN	21,764	19,533	2,231	10.3
PRESIDIO COUNTY	TX	3,502	2,227	1,275	36.4
MAVERICK COUNTY	TX	19,033	13,170	5,863	30.8
STARR COUNTY	TX	22,511	15,789	6,722	29.9
ZAVALA COUNTY	TX	4,594	3,484	1,110	24.2
WILLACY COUNTY	TX	7,964	6,260	1,704	21.4
HIDALGO COUNTY	TX	190,543	152,178	38,365	20.1
DIMMIT COUNTY	TX	3,817	3,226	591	15.5
WEBB COUNTY	TX	69,404	58,773	10,631	15.3
MATAGORDA COUNTY	TX	17,719	15,245	2,474	14.0
DUVAL COUNTY	TX	4,741	4,083	658	13.9
CAMERON COUNTY	TX	124,749	108,517	16,232	13.0
BROOKS COUNTY	TX	3,310	2,889	421	12.7
JASPER COUNTY	TX	16,005	14,047	1,958	12.2
ORANGE COUNTY	TX	41,950	36,999	4,951	11.8
NEWTON COUNTY	TX	6,205	5,488	717	11.6
EL PASO COUNTY	TX	287,974	254,580	33,394	11.6
UVALDE COUNTY	TX	10,921	9,662	1,259	11.5
MARION COUNTY	TX	4,113	3,643	470	11.4
LOVING COUNTY	TX	89	79	10	11.2
REEVES COUNTY	TX	6,940	6,167	773	11.1
VAL VERDE COUNTY	TX	18,842	16,746	2,096	11.1
PANOLA COUNTY	TX	8,435	7,514	921	10.9
FRIO COUNTY	TX	6,558	5,847	711	10.8
DICKENS COUNTY	TX	1,064	951	113	10.6

SOMERVELL COUNTY	TX	2,292	2,048	244	10.6
ZAPATA COUNTY	TX	4,309	3,874	435	10.1
DICKENSON COUNTY	VA	6,270	5,102	1,168	18.6
WISE COUNTY	VA	16,767	13,704	3,063	18.3
LANCASTER COUNTY	VA	5,220	4,534	686	13.1
BUCHANAN COUNTY	VA	9,632	8,382	1,250	13.0
NORTON CITY	VA	1,580	1,376	204	12.9
LEE COUNTY	VA	11,090	9,697	1,393	12.6
NORTHUMBERLAND COUNTY	VA	5,308	4,654	654	12.3
RUSSELL COUNTY	VA	14,522	12,963	1,559	10.7
LUNENBURG COUNTY	VA	4,841	4,335	506	10.5
COLUMBIA COUNTY	WA	1,394	1,197	197	14.1
PEND OREILLE COUNTY	WA	3,984	3,425	559	14.0
FERRY COUNTY	WA	2,864	2,501	363	12.7
YAKIMA COUNTY	WA	115,357	100,825	14,532	12.6
ADAMS COUNTY	WA	8,459	7,505	954	11.3
KLICKITAT COUNTY	WA	8,889	7,886	1,003	11.3
FRANKLIN COUNTY	WA	21,914	19,456	2,458	11.2
GRAYS HARBOR COUNTY	WA	27,650	24,676	2,974	10.8
OKANOGAN COUNTY	WA	23,227	20,803	2,424	10.4
SKAMANIA COUNTY	WA	3,998	3,587	411	10.3
CHELAN COUNTY	WA	34,667	31,176	3,491	10.1
CALHOUN COUNTY	WV	2,770	2,181	589	21.3
POCAHONTAS COUNTY	WV	4,271	3,540	731	17.1
WIRT COUNTY	WV	2,117	1,782	335	15.8
BARBOUR COUNTY	WV	6,536	5,603	933	14.3
MINGO COUNTY	WV	10,038	8,610	1,428	14.2

CLAY COUNTY	WV	3,635	3,121	514	14.1
LINCOLN COUNTY	WV	7,095	6,146	949	13.4
RITCHIE COUNTY	WV	4,316	3,738	578	13.4
TUCKER COUNTY	WV	3,846	3,337	509	13.2
ROANE COUNTY	WV	6,277	5,487	790	12.6
MCDOWELL COUNTY	WV	8,097	7,080	1,017	12.6
BRAXTON COUNTY	WV	5,435	4,754	681	12.5
WEBSTER COUNTY	WV	3,076	2,695	381	12.4
UPSHUR COUNTY	WV	10,178	8,922	1,256	12.3
LOGAN COUNTY	WV	14,310	12,608	1,702	11.9
RANDOLPH COUNTY	WV	13,477	11,905	1,572	11.7
MASON COUNTY	WV	9,764	8,670	1,094	11.2
WETZEL COUNTY	WV	7,549	6,705	844	11.2
NICHOLAS COUNTY	WV	10,351	9,202	1,149	11.1
GRANT COUNTY	WV	4,896	4,359	537	11.0
LEWIS COUNTY	WV	7,146	6,359	787	11.0
SUMMERS COUNTY	WV	4,534	4,040	494	10.9
TAYLOR COUNTY	WV	6,798	6,066	732	10.8
GILMER COUNTY	WV	2,746	2,454	292	10.6
BOONE COUNTY	WV	8,467	7,615	852	10.1
MENOMINEE COUNTY	WI	2,353	2,014	339	14.4

cc: Judy m.
Marilyn
Joe
Bob T.
Vicky W.
Ingrid O.
Deirdre D.

Final Version 11/1/96 5:00pm

SOCIAL SECURITY ADMINISTRATION
RM 201 2ND FLOOR
29 HARVARD STREET
CITY, STATE ZIP

Social Security Administration
Supplemental Security Income
Important Information

Date: October 30, 1996
Claim Number: 999-99-9999

John Jones for
Jane Doe
101 Main Street
City, STATE 00001

This letter is for informational purposes only. You do not need to call us.

We are writing to tell you about a new law that changes the Supplemental Security Income (SSI) program. These changes may affect Jane Doe's SSI. The new law changes the definition of disability for children. This letter describes the new definition of disability for children and tells you what we plan to do because of the new law.

OPTIONAL PARAGRAPH

Because other parts of the SSI program were also changed, she may receive, or have already received, a letter about those changes. This letter does not affect any actions on her case based on that other letter.

A New Definition of Disability for Children

We will consider a child disabled only if his or her condition meets the new definition of disability for children. When we review a child's case, we will use the following rules:

- a child must have a physical or mental condition or conditions that can be medically proven and which result in marked and severe functional limitations; and
- the medically proven physical or mental condition or conditions must last at least 12 months or be expected to result in death.

The new law also changes the way we consider certain behavior problems caused by a child's condition or conditions.

999.99.9999

Page 2 of 3

The new definition of disability requires more serious limitations than the old definition.

Because of these changes, we may no longer consider some children disabled.

The new law does not change the rules which allow certain children to continue to receive SSI even though they are working.

What We Will Do

We will review Jane Doe's case to see if she is disabled under the new definition of disability for children. If we need more information about her condition, we will contact you. After we review her case, we may decide that she is still disabled, or we may decide that she is not disabled because of the new law.

If we find she is not disabled because of the new law, we will stop her SSI, unless you appeal our decision. Even if you do not appeal our decision, her SSI will not stop before July 1, 1997, as long as she meets all other eligibility rules. When we make our decision, we will send you another letter to explain it. That letter will also explain your right to appeal the decision and how to continue getting SSI during the appeal.

What You Should Do Now

You should save any information you have about her disability, such as:

- the names of any prescriptions or other medicines she uses;
- hospital stays and/or surgeries;
- doctors and/or clinic visits and the reason;
- schools and/or special classes or tutoring;
- counseling and/or therapy; and
- teachers and/or counselors.

We will let you know later if we need this information.

Information About Medicaid

If Jane Doe is getting Medicaid based on SSI, Medicaid should continue as long as she gets SSI. If we find that she is not eligible for SSI under the new law, the letter about our decision will tell you more about her Medicaid.

099.99.9999

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Things To Remember**OPTIONAL PARAGRAPH**

This letter is only about Jane Doe's SSI. The new law does not affect any Social Security benefits she may now receive.

OPTIONAL PARAGRAPH (2489)

This information is also being sent to (your representative payee or name of recipient).

OPTIONAL PARAGRAPH (1000)

The other letter you received with this one is [an English/a Spanish] translation of the same information contained in this letter.

If You Have Any Questions

If you have any questions, you may call us toll free at 1-800-772 1213, 7 a.m. to 7 p.m. Monday through Friday. We can answer most of your questions over the phone. Our busiest times are the first week of the month and Mondays. So, we may be able to handle your call more quickly if you can call us at other times.

You can call your local office toll free at 1-xxx-xxx-xxxx. You can write or visit any Social Security office. The address of the office that serves your area is:

123 Main Street
Anywhere, USA 00000

If you call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Janice L. Warden
Deputy Commissioner
for Operations

DRAFT 11/12

GENERAL AND CATEGORICAL ELIGIBILITY REQUIREMENTS 3200

3200. CHANGES DUE TO WELFARE REFORM

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) eliminated the AFDC program and replaced it with a block grant program for temporary assistance for needy families (TANF.) This elimination of the AFDC program is effective (by State) on July 1, 1997 or the date on which the Secretary of Health and Human Services (the Secretary) receives the TANF State plan, if earlier. After the AFDC State program has been terminated, all references to AFDC (or title IV-A) in this chapter are references to AFDC under the AFDC State plan in effect on July 16, 1996. In addition, this legislation provided a new authority to use more liberal income and resource methodologies than were used under the AFDC program on that date. (§1931(b)(2)(B) of the Act; SMM §3301). Because this new authority differs in some respects from the existing authority under §1902(r)(2) of the Act, after the AFDC program has been terminated, all instructions in §3240 in this chapter will pertain only to more liberal income and resource methods chosen under the authority of §1902(r)(2) of the Act.

3205. [delete]

DRAFT 11/13

(NOTE TO REVIEWERS: On the transmittal sheet covering these instructions, we will explain that we will revise some additional sections for clarity in the future. These instructions set forth the basic eligibility guidance needed by States to implement the Medicaid portion of welfare reform.)

**MANDATORY COVERAGE OF CATEGORICALLY
NEEDY FAMILIES AND CHILDREN**

3300

3300. INTRODUCTION

This chapter describes the categorically needy groups of low income families, pregnant women, and children which States required to include under their Medicaid plans. Eligibility under these groups is related to the Aid to Families with Dependent Children (AFDC) program.

3300.1. CHANGES DUE TO WELFARE REFORM

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) eliminated the AFDC program and replaced it with a block grant program for temporary assistance for needy families (TANF.) This elimination of the AFDC program is effective (by State) on July 1, 1997 or the date on which the Secretary of Health and Human Services (the Secretary) receives the TANF State plan, if earlier. This law also established a new Medicaid eligibility group for low income families with children which is described in §3301 below. Under the law, receipt of TANF does not entitle the recipient to Medicaid.

IMPORTANT: After the AFDC State program has been terminated, all references to AFDC (or title IV-A) in this chapter are references to AFDC under the AFDC State plan in effect on July 16, 1996 except references in §§3302.1 and 3308. After the AFDC State program has been terminated:

- o all references to AFDC in §3302.1 (foster care and adoption subsidies under title IV-E) are references to the AFDC State plan on June 1, 1995; and

- o all references to AFDC in section 3308 (extended Medicaid benefits related to employment) are references to receipt of Medicaid under section 3301 below.

Less restrictive income and resource methodologies adopted under §3301.1F are carried over to the references to AFDC elsewhere in this chapter. Therefore, any less restrictive methodologies used to determine eligibility for low income families with children must also be used to determine eligibility for any other AFDC-related eligibility group.

3301. LOW INCOME FAMILIES WITH CHILDREN

This section is effective (by State) on July 1, 1997 or such earlier date as the Secretary receives the TANF State plan.

3301.1. Definitions.--For purposes of this section:

A. Child.--A child is an individual under the age of 18, and, if included under the AFDC State plan in effect on July 16, 1996, an individual age 18 who is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and is reasonably expected to complete the program before reaching age 19.

B. Dependent child.-- A dependent child is a child who is deprived of parental support or care by reason of the death, continued absence, physical or mental incapacity of a parent or unemployment of the parent who is the principal wage earner as determined under the AFDC State plan in effect on July 16, 1996.

C. Caretaker relative.-- A caretaker relative is one of the following: father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece and persons of preceding generations denoted by grand, great, or great-great. The term caretaker relative includes blood relatives and those of half-blood. It includes adoptive parents, grandparents and siblings, and relatives of adoptive parents in accordance with State law. It also includes the spouses of such relatives, even after the marriage is terminated by death or divorce.

D. AFDC income standards.--The AFDC income standards are the need standard and the payment standard, and the 185 percent gross income test. At State option, these standards may be established at the levels in the AFDC State plan in effect on July 16, 1996, at lower levels (no lower than the levels in effect in the AFDC State plan in effect on May 1, 1988), or at higher levels (no higher than the levels in effect in the AFDC State plan in effect on July 16, 1996 increased by any subsequent percentage increases in the consumer price index for all urban consumers (all items; U.S. city average)(CPI)).

(1) The need standard is the cost of basic living needs which the State recognizes as essential for all families and any special needs, recurring or nonrecurring, which are recognized by the State as essential for some persons but not for all.

(2) The payment standard is the level of income below which a family would be eligible for an AFDC cash assistance payment, if such payments were still being made.

(3) The 185 percent gross income test is a determination of whether total earned and unearned income minus:

- o any Earned Income Tax Credits,
- o any optional exclusions of a dependent child's income included in the AFDC State plan in effect on July 16, 1996, and
- o the \$50 (or less) pass-through of child support collected by the IV-D agency,

is less than 185 percent of the AFDC need standard included in the AFDC State plan in effect on July 16, 1996.

NOTE: The authority to use less restrictive income and resource methodologies (See F. below) may be used to disregard income in excess of 185 percent of the AFDC need standard for purposes of the 185 percent gross income test.

E. AFDC resource standard.--The AFDC resource standard is the total amount of non-excludable resources below which a family would have been eligible for a cash assistance payment under the AFDC State plan in effect on July 16, 1996 or at State option, a higher amount (but no higher than the amount in effect under the AFDC State on July 16, 1996 increased by any subsequent percentage increases in the CPI.)

F. AFDC income and resource methodologies.--The AFDC income and resource methodologies are the methods (e.g., disregards, exclusions, allocations) used under the AFDC State plan in effect on July 16, 1996 to establish the amount of a family's countable income and resources, or any more less restrictive methods which you may choose to apply. A method will be considered less restrictive if it results in a de minimis loss of eligibility for individuals who would not have been eligible had the July 16, 1996 methods been used and in a significantly greater percent of additional eligibles.

NOTE: The limitations on Federal financial participation described in §3240.5 place no limitations on the less restrictive income methodologies which may be applied under this authority.

3301.2. Policy.--Effective July 1, 1997, or such earlier date as the Secretary receives your TANF State plan, provide Medicaid eligibility as categorically needy to individuals in low income

families with children if:

- o the family includes a dependent child who is living with a caretaker relative;
- o the family income does not exceed the 185 percent gross income test limit; and
- o the family's countable income and resources do not exceed the applicable AFDC income and resource standards (including any special needs) established in your Medicaid State plan.

NOTE: Unless the State submits a Medicaid plan amendment specifying that it will exercise any of the options for covering low income families with children discussed in this section, we will construe the references to "AFDC" in your Medicaid State plan to refer to the AFDC program in effect under the State's AFDC State plan on July 16, 1996.

3301.3 Option to Terminate for Failure to Meet TANF Work Requirements.--If an individual's cash assistance funded under TANF is terminated for failure to meet a work requirement (as defined by TANF), the State may also terminate medical assistance (until there is no longer a basis for termination because of such refusal) unless the individual is either:

- o eligible as a pregnant women, infant, or child under one of the poverty level-related groups described in §§3311, 3312, or 3313; or
- o a minor child who is not the head of the household under TANF.

3301.4. Extension of Eligibility.--If a family becomes ineligible for Medicaid under this section, and either support payments or employment is involved, determine if the family is eligible for extended Medicaid benefits as described in §§3308 (related to employment) and 3313 (related to support payments) below.

3313. EXTENDED MEDICAID BENEFITS TO FAMILIES WHO LOSE ELIGIBILITY BECAUSE OF INCOME FROM SUPPORT PAYMENTS

3313.1 AFDC Cash Assistance Program in Effect.--Continue to provide Medicaid eligibility as categorically needy to individuals who lose eligibility for AFDC wholly or partly as a result of new or increased collection of child or spousal support under title IV-D of the Social Security Act, if the family received AFDC cash assistance in three of the preceding six months. Provide these benefits for four consecutive calendar months beginning with the first month of ineligibility for AFDC.

3313.2 TANF Plan in Effect.--Continue to provide Medicaid eligibility as categorically needy to individuals who lose eligibility for medical assistance under the group of low income families with children described in §3301 wholly or partly as a result of new or increased collection of child or spousal support under title IV-D of the Social Security Act, if the family was eligible for medical assistance under this group in three of the preceding six months. Provide these benefits for four consecutive calendar months beginning with the first month of ineligibility for medical assistance under this group.

CHAPTER 7---DRAFT 10/31

COVERAGE OF THE MEDICALLY NEEDY

3601

3600.1 CHANGES DUE TO WELFARE REFORM

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) eliminated the AFDC program and replaced it with a block grant program for temporary assistance for needy families (TANF.) This elimination of the AFDC program is effective (by State) on July 1, 1997 or the date on which the Secretary of Health and Human Services (the Secretary) receives the TANF State plan, if earlier. This law established a new Medicaid eligibility group for low income families with children which is described in §3301. After the AFDC State program has been terminated, all references to AFDC (or title IV-A) in this chapter are references to AFDC under the AFDC State plan in effect on July 16, 1996. The income standard under the July 16, 1996 AFDC State plan may be increased by any subsequent increases in the consumer price index for all urban consumers (all items; U.S. city average)(CPI), or lowered to a level no lower than the level in the AFDC State plan in effect on May 1, 1988.

A. Limitation of Federal Financial Participation (FFP).--If you choose to raise your AFDC income standard for purposes of determining eligibility under the mandatory group of low income families with children (§3301), the FFP limitation explained in §3624 is raised accordingly. However, if you choose to lower your income standard for that group below the July 16, 1996 level, the FFP limitation remains based on the July 16, 1996 level.

B. Medically Needy Income Level.--The medically needy income level (MNIL) may be no higher than the FFP limitation. If you choose to lower your income standard for the low income families with children eligibility group, you may lower the MNIL to a level no lower than the income standard used for the low income families with children group.

C. Income and Resource Methodologies.--Income and resource methodologies adopted under §3301 are carried over to the references to AFDC in this chapter.

00-00

THIRD PARTY LIABILITY

3906

3905.7 EFFECT OF WELFARE REFORM

Section 333 of the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) mandates that State Child Support Enforcement (CSE) agencies determine whether Medicaid recipients are cooperating in establishing paternity and obtaining medical care support. [However, consistent with SMM §§ 3905.3(A) and 3905.4(B), this new legislation does not require referral of poverty level pregnant women (see §3311 ff) to the title IV-D (Child Support Enforcement) agency.]

DRAFT 11/12/96

**GENERAL AND CATEGORICAL
ELIGIBILITY REQUIREMENTS**

3207.5 CHANGES DUE TO WELFARE REFORM

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) contains provisions that affect Medicaid's categorical disability requirement through its link to SSI.

A. Definition of Disability.—Under the new law, the definition of childhood disability is no longer linked to the definition of disability for adults. The reference to "comparable severity" in the old law was deleted. The new definition specifies that (1) an individual under the age of 18 shall be considered to be disabled under SSI if that child has a medically determinable physical or mental disability, which results in marked and severe functional limitation, and which can be expected to result in death or which has lasted or can be expected to last for a continuous period of at least twelve months. (2) no individual under the age of 18 who engages in substantial gainful activity may be considered disabled.

In addition to the new definition of disability for children, the law mandates two changes to current evaluation criteria in SSA's regulations. SSA must: discontinue the individualized functional assessment (IFA) for children and (2) eliminate maladaptive behavior in the domain of personal/behavior function in determining whether a child is disabled.

The new definition applies to all applications filed on or after August 22, 1996, and to applicants whose claims were not fully adjudicated as of that date. SSA must redetermine the medical evaluation of a child under age 18 who is currently eligible for SSI as of 8/22/96 and who may be affected by the changes in the evaluation criteria; i.e., whose claim was allowed because of IFA, or consideration of maladaptive behavior in the domain of personal/behavioral function. These disability redeterminations must be performed within one year (by 8/22/97).

Medicaid Application— The definition of childhood disability applies to 1634 States, and other States that use the SSI definition of disability to determine disability. Make determinations following regulations, guidelines, and instructions issued by the Social Security Administration.

209 (b) States may use a more restrictive definition of childhood disability than the SSI definition, provided that it is no more restrictive than the definition contained in the State's plan in effect on January 1, 1972.

B. Redetermination of Disability by SSA During Transitional Period--By August 22, 1997, SSA must redetermine the eligibility of any individual under 18 who was eligible for SSI(as of 8/22/96) on the basis of disability and is effected by the childhood disability definition. SSI benefits are guaranteed until July 1, 1997.

C. Continued Medicaid Benefits During the Transition Period--For States which provide Medicaid to SSI recipients, continue Medicaid benefits during the SSI redetermination and any subsequent timely appeal by the child's representative payee. If there is a timely SSI appeal, continue Medicaid benefits through the hearing. If the SSI denial is upheld on appeal, redetermine Medicaid as provided in section 3270.5D.

D. Medicaid Redeterminations--For those States which provide Medicaid to SSI recipients, or those 209 (b) States that use the SSI definition of childhood disability, or in SSI criteria States, if SSI notifies you after a redetermination that is not appealed, or after an appeal, that the child is no longer eligible for SSI benefits, redetermine the child's Medicaid eligibility to see if the child is eligible as a poverty level child or under some other eligibility group under the State's approved State plan. You must consider all other bases of eligibility for an individual before terminating benefits.

Complete the redetermination within the time frame specified by HCFA . Continue Medicaid benefits during the redetermination process. FFP is available for services provided during this period.

Draft 11/12/96

**MANDATORY COVERAGE OF
THE AGED, BLIND AND DISABLED**

3405. CHANGES DUE TO WELFARE REFORM

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) contains provisions that affect Medicaid through its link to SSI.

A. Change in SSI Payment.-- This Act requires that SSI payments may only begin as of the first day of the month following (1) the date the application is filed, or if later, (2) the date the person first meets all eligibility factors.

B. Medicaid Eligibility.--If you have an agreement with the Social Security Administration under section 1634 of the Act for determining Medicaid eligibility, or if you provide Medicaid to all SSI recipients (and have not exercised the 209(b) option), the individual is entitled to Medicaid when he or she receives SSI. If you have elected to cover an optional group that meets SSI income and resource requirements, or the individual meets the requirements of another optional group covered under your plan, then you must provide Medicaid to the individual for the months between the date of application and when SSI begins payment if the individual is eligible for Medicaid on a basis other than receipt of SSI. (The delay in SSI payment does not change the rules governing the 3 month retroactive period for Medicaid. For purposes of that period, you must determine the individual's Medicaid eligibility based upon whether the individual would have been eligible for Medicaid had he or she applied for Medicaid (or an application had been filed on behalf of the individual), not whether the individual had applied for SSI).

DRAFT 11/14

**GENERAL AND CATEGORICAL
ELIGIBILITY REQUIREMENTS**

3211

3210 CITIZENSHIP AND ALIENAGE

3210.1 General Requirements.--The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Medicaid must be provided to eligible citizens or nationals of the United States. Individuals who meet the eligibility requirements of Medicaid but are not citizens or nationals of the United States are Medicaid eligible only as provided in §§3212.1-3212.6. Those noncitizens who do not meet the requirements of §§3212.8-3212.10 may be eligible to receive treatment for an emergency medical condition as defined in §3212.11.

3210.2 Documentation and Verification of an Applicant's Citizenship or Alien Status.--Applicants for Medicaid must:

- A. Provide the State with documentation of citizenship or alien status, and
- B. Sign a declaration under penalty of perjury that the applicant is a citizen or national of the United States or an alien in a satisfactory immigration status (henceforth qualified alien) as provided in §3213.

All non citizen applicants for Medicaid must provide the Immigration and Naturalization Service (INS) documents to establish immigration status as described in §3212.2. Acceptable documentation for U.S. citizens is described in §3211.1

Use the documents presented to verify immigration status in accordance with the provisions of §3213.1. States are required to provide Medicaid eligibility pending verification of immigration status to an individual who meets all other non-immigration Medicaid eligibility requirements, as provided in §1137(d)(4) of the Social Security Act.

In the case of the optional program of presumptive eligibility for pregnant women, if a State elects to permit qualified providers ask about the woman's immigration status, self attestation is sufficient. No verification of immigration status is required in such cases. Under presumptive eligibility, a State may also elect to not ask about immigration status. In any case, under the law non-profit charitable organizations in providing any Federal public benefit or any State or local public benefit are not required to determine, verify, or otherwise require proof of eligibility of any applicant for such benefits.

3210.3 FFP for Services Provided to Non Citizens.-- FFP is available for services provided to Medicaid eligible non citizens in the following situations.

- A. **Qualified Aliens Meeting the Criteria in §§3212.1-3212.7.**
FFP is available for all Medicaid covered services provided to eligible individuals meeting the criteria. This includes emergency services (which are a subset of regular Medicaid covered services).
- B. **Eligible Non Qualified Aliens.**
FFP is available for services needed to treat an emergency medical condition. Emergency medical condition is defined in §3212.11.

3211. UNITED STATES CITIZENSHIP

For purposes of qualifying as a United States citizen, the United States as defined in the Immigration and Nationality Act includes the 50 States, the District of Columbia, Puerto Rico, Guam, Virgin Islands, and the Northern Mariana Islands. Nationals from American Samoa or Swain's Island shall also be regarded as United States citizens for purposes of Medicaid.

3212.4 GENERAL AND CATEGORICAL ELIGIBILITY REQUIREMENTS 12-96

3211.1 Methods of Documenting United States Citizenship.--The following constitute documentation of U.S. citizenship of all Medicaid applicants.

- o Birth certificate,
- o Religious document such as a baptismal record, recorded within 3 months of age showing that the ceremony took place in the U.S.,
- o United States passport,
- o Report of Birth Abroad of a Citizen of the U.S. (INS Form FS-240),
- o Certification of Birth (INS Form FS-545),
- o U.S. Citizen I.D. Card (INS Form I-97),
- o Naturalization Certificate (INS Form N-550), or
- o Certificate of Citizenship (INS Form N-560).

3212. ALIENS

Medicaid eligibility for aliens is based on whether the alien is a qualified or non-qualified alien, regardless of whether the alien entered the United States before or on or after August 22, 1996 (the date of enactment of P.L. 104-193). The previous categories of lawful permanent residents and aliens permanently residing in the United States under color of law (PRUCOL) no longer apply.

QUALIFIED ALIENS

3212.1 A qualified alien is an alien who is a.

- o A lawful permanent resident,
- o A refugee,
- o An asylee,
- o An alien who has had deportation withheld under section 243(h) of the Immigration and Nationality Act (INA),
- o An alien granted parole for at least 1 year by the INS, or
- o An alien granted conditional entry under immigration law in effect before April 1, 1980.

This definition eliminates most of the PRUCOL categories as well as PRUCOL as an eligibility classification.

3212.2 Documentation that Applicant is a Qualified Alien.-- The following instructions set forth the documents you may accept to determine qualified alien status, including whether the alien meets the 5 year limitations.

A. Acceptable documentation of qualified alien status consists of the following:

- o Lawful Permanent Resident--INS Form I-551, or for recent arrivals, a temporary I-551 stamp in a foreign passport or on Form I-94.

NOTE: INS has replaced Forms I-151, AR-3 and AR-3a. If a lawful permanent resident presents one of these old INS forms as evidence of status, contact INS to verify status by filing a G-845 and attaching a copy of the old form. Also refer the applicant/beneficiary to INS to apply for a replacement card.

- o Refugees--INS Form I-94 endorsed to show entry as refugee under section 207 of the INA and date of entry to the United States; INS Form I-688B or I-766 annotated "274a.12(a)(3)" or Form I-571.

12-96 GENERAL AND CATEGORICAL ELIGIBILITY REQUIREMENTS 3212.2

- o Asylees--INS Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA; a grant letter from the Asylum Office of the INS; Form I-688B or I-766 annotated "274a.12(a)(5)"; or an order of an Immigration Judge granting asylum. If the applicant/beneficiary presents a court order contact INS to verify that the order was not overturned on appeal by filing a G-845 with the local INS district office, attaching a copy of the document.

- o Alien who has had deportation withheld under §243(h) of the INA--Order of an Immigration Judge showing deportation withheld under §243(h) and date of the grant; or Forms I-688B or I-766 annotated "274a.12(a)(10)". If applicant/beneficiary presents a court order contact INS to verify that the order was not overturned on appeal by filing a G-845 with the local INS district office, attaching a copy of the document.

- o Alien granted parole for at least 1 year by the INS--INS Form I-94 endorsed to show grant of parole under §212(d)(5) of the INA and a date showing granting of parole for at least 1 year.

- o Alien granted conditional entry under the immigration law in effect before April 1, 1980--INS Form I-94 with stamp showing admission under §203(a)(7), refugee-conditional entry; or Forms I-688B or I-766 annotated "274a.12(a)(3)".

B. Determine 5-year limitation as follows:

- o Form I-94; The date of admission should be found on the refugee stamp. If missing, contact INS to verify the date of admission by filing a G-845, attaching a copy of the document.

- o If alien presents Forms I-688B or I-766 (Employment Authorization Documents), and I-571(refugee travel document), ask the alien to present Form I-94. If not available, contact INS by submitting a G-845, attaching a copy of the document presented.

- o Grant letters or Court orders derive date status granted from the date of the letter or court order. If missing contact INS to verify date of grant by filing G-845, attaching a copy of the document.

C. In general: If an applicant/beneficiary presents a receipt indicating that he or she has applied to INS for a replacement document for one of the documents identified above, contact the INS to verify status by filing a G-845 with the local INS district office, attaching a copy of the receipt. Contact the INS at any time if there is any reason to question the authenticity of a document presented or the information on the document is insufficient to determine whether the alien status requirements are met.

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3212.3 Transition for aliens receiving Medicaid benefits on August 22, 1996 or receiving SSI.--
 In general, two broad groups of aliens are affected by transition provisions in welfare reform. Aliens receiving SSI on the date of enactment (August 22, 1996) and aliens receiving Medicaid on August 22, 1996 but not receiving SSI.

A. Aliens receiving Medicaid on August 22, 1996.--Continue to provide Medicaid to any alien who was lawfully residing in a State, who continues to meet the State's Medicaid eligibility criteria, and who was receiving Medicaid on August 22, 1996 but is not receiving SSI, until January 1, 1997. An individual is considered to be "receiving Medicaid" on August 22, 1996 if the individual had a valid Medicaid card or your records show Medicaid eligibility on that date.

- o After January 1, 1997, continue to provide Medicaid to qualified aliens described in 3212.1 unless you elect otherwise.

- o If you elect to cover non-SSI eligible qualified aliens, redetermine the Medicaid eligibility of such qualified aliens no later than the next regularly scheduled redetermination.
- o If you do not elect to cover non-SSI eligible qualified aliens, redetermine the Medicaid eligibility of such qualified aliens as soon as possible after January 1, 1996.

- o Qualified aliens who are included under §3212.4 are mandatorily eligible for Medicaid.

B. Aliens receiving SSI.--States must continue to provide Medicaid to aliens receiving SSI (unless the State has elected the 209(b) option). SSA will issue an informational notice to all SSI eligible individuals whose citizenship status is unknown in early 1997. This notice will inform the SSI beneficiary of the changes in the law and give the individual 90 days to obtain evidence of citizenship or immigration status. The foregoing notice will be followed by another notice. The second notice will be an SSI notice of planned action telling the individual that SSI benefits will stop because the individual does not meet the alien eligibility requirements. The notice of planned action will generate an SDX record. Upon receipt of the SDX from SSA indicating that a Medicaid eligible SSI alien recipient's SSI benefits have stopped, redetermine the alien's Medicaid eligibility. FFP will be available in such cases within the context of 42 CFR 435.1003 for the period of time HCFA specifies. Complete the redetermination within this time period.

3212.4 Mandatory Eligibility of Certain Qualified Aliens Living in the United States before August 22, 1996.--Qualified aliens who were in the United States prior to August 22, 1996, who are members of the groups described below, are eligible for Medicaid. The alien need not be receiving Medicaid on that date. These qualified alien groups are:

- o Lawful permanent residents to whom 40 qualifying quarters of Social Security coverage can be credited (see §3212.15 for 40 quarters definition);
- o Refugees until 5 years after the date of the alien's entry into the United States;
- o Asylees until 5 years after the grant of asylum;
- o Aliens who have had deportation withheld under section 243(h) of the INA until 5 years after the grant of withholding; and,
- o Honorably discharged veterans and aliens on active duty in the United States armed forces, and the spouse or child(ren) of such individuals.

- o Qualified aliens who have Medicare coverage and also meet the requirements to be QMB/SLMB.

3212.5 Optional Eligibility of Qualified Aliens.-- Qualified aliens, described in 3212.1, living in the United States prior to August 22, 1996 who are not described in §3212.4 may be provided Medicaid at the option of the State. If you choose to cover these aliens the following requirements and limitations apply:

- o If you choose to cover any qualified alien under this section, you must cover all qualified aliens meeting the eligibility criteria specified in your approved State plan.
- o You may not choose to make eligible only those qualified aliens receiving benefits on August 22, 1996.



3212.10 GENERAL AND CATEGORICAL ELIGIBILITY REQUIREMENTS 12-96

3212.6 Mandatory Coverage of Qualified Aliens Entering the United States on or After August 22, 1996.--Qualified aliens entering the United States on or after August 22, 1996 are not eligible for Medicaid for 5 years except for:

- o Refugees for 5 years from date of entry;
- o Asylees for 5 years from date of entry;
- o Aliens whose deportation has been withheld under 243(h) of the INA for 5 years from grant of withholding;
- o Veterans and aliens on active duty in the United States' armed forces; and the spouse or dependent child of a veteran or active duty serviceman.
- o Qualified aliens who have Medicare coverage and also meet the requirements to be QMB/SLMB.
- o To the extent allowed under §403 of P.L. 104-193, qualified aliens who are eligible for title IV-E will also be eligible for Medicaid.

3212.7 Evidence of Honorable Discharge or Active Duty Status.--Acceptable documentation (as determined by DOD and VA) of honorable discharge or active duty status include the following documents:

- o Discharge:-- An original of the veteran's discharge papers issued by the branch of service in which the applicant was a member.
- o Active Duty Military:-- An original of the applicant's current orders posting the applicant to a military, air, or naval base.
- o Other documentation deemed acceptable by the State.
- o A self declaration under penalty may be accepted pending receipt of acceptable documentation.

3212.8 American Indian Born in Canada.--An American Indian born in Canada may freely enter and reside in the United States and is considered to be lawfully admitted for permanent residence if he/she is of at least one-half American Indian blood. This does not include a spouse or child of such an Indian nor a noncitizen whose membership in an Indian tribe or family is created by adoption, unless such person is of at least 50 percent or more Indian blood.

3212.9 American Indian Born in Canada - Types of Documentation.--Acceptable types of documentation are:

- o Birth or baptismal certificate issued on a reservation,
- o Tribal records,
- o Letter from the Canadian Department of Indian Affairs, or
- o School records.

ELIGIBILITY OF NON-QUALIFIED ALIENS

3212.10 Non-Qualified Aliens. These aliens do not meet the requirements of §3212.1.

If otherwise eligible, a non-qualified alien is eligible for Medicaid only for treatment of emergency medical conditions. Non-qualified aliens in this section do not include legal non-immigrants described in §3212.12. Treatment of emergency medical condition is defined and explained in §3212.11. These aliens do not have to make a declaration of immigration status. You do not have to verify the immigration status of non-qualified aliens. However, such aliens do have to provide their SSN(s) if one is available, or apply for an SSN if the applicant does not have one, as provided in §1137(a) and 42 CFR 435.910.

3213.1 GENERAL AND CATEGORICAL ELIGIBILITY REQUIREMENTS 12-96

Non-Qualified aliens also includes illegal aliens. These aliens either were never legally admitted to the United States for any period of time, or were admitted for a limited period of time and did not leave the United States when the period of time expired. These individuals, if they are otherwise eligible for Medicaid as provided by §1903(v) of the Act, may be eligible for Medicaid for treatment of an emergency medical condition. However, unlike other non-qualified aliens they are not issued SSNs. Therefore, such aliens do not have to provide an SSN as permitted by §1137(f) of the Act.

3212.11 Definition of Treatment of Emergency Medical Condition--An alien meeting the requirements §3212.8, or a qualified alien described in §3212.5 for whom a State elects not to provide full benefits, will be eligible for Medicaid only for treatment of medical conditions meeting this definition. Persons described in §3212.12, are also eligible for emergency services if the conditions in §3212.12 are met and the following conditions are met:

A. To be eligible for emergency services, an alien must meet all eligibility requirements for Medicaid as set forth in your approved State plan except the requirements in §1137(d) of the Act concerning the declaration of satisfactory immigration status and verification of that status;

B. Such care and services are necessary for the treatment of an emergency medical condition of the alien, as defined in subsection C, provided such care and services are not related to either an organ transplant procedure or routine prenatal or post-partum care; and

C. The alien has, after sudden onset, a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- o Placing the patient's health in serious jeopardy,
- o Serious impairment to bodily functions, or
- o Serious dysfunction of any bodily organ or part.

D. For purposes of paragraph C. above, all labor and delivery is considered emergency labor and delivery.

3212.12 Ineligible Aliens--Some aliens may be lawfully admitted to the United States but only for a temporary or specified period of time as legal non-immigrants. These aliens are never qualified aliens. However, in some cases an alien in a currently valid non-immigrant classification may meet the State residence rules. When this is the case, such an alien is eligible for Medicaid for the treatment of emergency medical conditions as defined in 3212.11 if the individual also meets the other eligibility criteria of the State's Medicaid plan.

Among otherwise ineligible aliens are visitors, tourists, some workers, and diplomats who are currently lawfully admitted as legal non-immigrants. These aliens would have the following types of INS documentation: Form I-94 Arrival-Departure Record; Form I-185, Canadian Border Crossing Card; Form I-186, Mexican Border Crossing Card; Form SW-434, Mexican Border Visitor's Permit; Form I-95A, Crewman's Landing Permit. These aliens are not eligible for Medicaid because of the temporary nature of their admission status. The following categories of individuals are ineligible aliens:

- o Foreign government representatives on official business and their families and servants,
- o Visitors for business or pleasure, including exchange visitors,
- o Aliens in travel status while traveling directly through the U.S.,
- o Crewmen on shore leave,
- o Treaty traders and investors and their families,
- o Foreign students,
- o International organization representation and personnel and their families and servants,
- o Temporary workers including agricultural contract workers, and
- o Members of foreign press, radio, film, or other information media and their families.

3213.1 GENERAL AND CATEGORICAL ELIGIBILITY REQUIREMENTS 12-96

3212.15 Definition of 40 Qualifying Quarters--A qualifying quarter means a quarter of work, as defined by SSA, which is worked by the alien or by the alien's spouse during their marriage, or by a parent of an alien. Any quarter of coverage, beginning after December 31, 1996, in which the alien received any Federal means tested benefit cannot be credited to the alien for purposes of meeting the 40-quarter requirement for eligibility for Medicaid.

Any quarter after December 31, 1996 in which either the alien applicant or spouse or parent of the alien applicant received means tested benefits will be deducted from the quarters of work to be credited.

The SSA will provide to States two types of files to assist States in determining that a lawful permanent resident has the required 40 quarters of work to qualify for the exception in §3212.4.

SSA will provide at State request the SVES file showing quarters of coverage and the SSI payment history for the individual named in the request. You may accept a self declaration that an applicant meets the 40 quarter rule until the full verification system is in place.

3213. DECLARATION OF SATISFACTORY IMMIGRATION STATUS

The State must require of all applicants, as a condition of eligibility for Medicaid, a signed declaration under penalty of perjury that the individual is a citizen or national of the United States, or a qualified alien as defined in § 3212.1. In the case of a child or incompetent applicant, another individual on the applicant's behalf must complete the same written declaration under the same terms and penalties as previously mentioned.

3213.1 VERIFICATION OF QUALIFIED ALIEN STATUS

States must verify the immigration status of all alien applicants for Medicaid benefits, who have signed the declaration and presented documentation of satisfactory immigration status, through the Systematic Alien Verification for Entitlements (SAVE) Program administered by the Immigration and Naturalization Service (INS). Unless waived by the Secretary of Health and Human Services, this verification should be accomplished via the appropriate SAVE access methods specified in the individual Memorandum of Agreement (MOA) between the State and the INS. Care should also be exercised to assure that the data restrictions and safeguards and the applicant's rights as outlined in the MOA are strictly adhered to.

3213.2 EFFECT ON MEDICAID ELIGIBILITY WHEN ALIEN LOSES SSI BECAUSE OF ALIEN STATUS.

A Medicaid-eligible alien who was receiving SSI on August 22, 1996 who loses SSI eligibility because of the provisions of welfare reform may still be eligible for Medicaid. The State must redetermine the individual's Medicaid eligibility when it receives information from SSA, the eligible individual, or someone acting responsibly on the eligible individual's behalf that the individual's SSI eligibility has been terminated. Follow the procedures in §§3212.3 and 3212.5 when an SSI alien recipient loses SSI eligibility.

Recent HCFA policy positions are marked with brackets.

We anticipate providing additional guidance at a later date on the the following topics:

Cuban/Haitian Immigrants
Vaccines for Children
Alien Sponsor Deeming
Federal Means-Tested Benefits
Battered Aliens
Fugitive Felons
3-3-25

Rev. 1



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F A X C O V E R S H E E T

DATE: 11/14/96

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RE:
CC:

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Message:

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NGA/APWA/NCSL Q/As

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Bruce Reed
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NGA/APWA/NCSL Questions
October 23, 1996

- Q1. "Breakdown of TANF Block Grant Allocation: States have requested a breakdown of the TANF Block Grant allocation detailing the AFDC, AFDC Administration (including child support share), JOBS and Emergency Assistance estimated and the base year it represents."

Answer:

Please see table at attachment A. State Family Assistance Grants were computed based on amounts "required to be paid" to States for various fiscal years. These amounts consisted of claims by States for Federal reimbursement of expenditures for AFDC benefits, administration, the development costs for Family Assistance Management Information Systems (FAMIS), Emergency Assistance (EA) and JOBS, as specified in the new section 403(a)(1) of the Social Security Act (under section 103 of Public Law 104-193). The statute excludes IV-A child care from the grant calculation formula.

Grant Calculation

The annual SFAG amount for each State is the greatest of:

- (A) the average of FY 1992-1994 payments;
- (B) FY 1994 payments, with an adjustment for States with approved EA plan amendments in FY 1994 or FY 1995; or
- (C) FY 1995 payments.

In calculating payment amounts for each fiscal year, ACF followed the statutory language in section 403(a)(1)(C)(i), which defines the amounts "required to be paid" to States. Federal obligations (grant awards) were used for the JOBS program, as specified in the statute.

The following items were summed for each Fiscal Year:

1. Federal Share of Maintenance Assistance Payments (line 9, Section A of the ACF-231);
2. Federal Share of Emergency Assistance Expenditures (line 4, Section B of the ACF-231);
3. Federal Share of FAMIS Expenditures (line 4, Section C of the ACF-231);
4. Federal Share of Administrative Expenditures

(line 13, Section F of the ACF-231); and

5. JOBS grant awards issued by ACF

Amounts reported on the ACF-231 include expenditures made by States in prior quarters and prior fiscal years that were not previously claimed. Amounts used for the Federal share of AFDC benefits were not reduced by the Federal share of child support collections or the recovery of AFDC overpayments. (see section 403(a)(1)(C)(i)(I)).

In addition, section 403(a)(1)(B)(ii)(II) of the Social Security Act provides for an upward adjustment to FY 1994 payments for States that had an Emergency Assistance plan amendment approved during either FY 1994 or FY 1995.

Forty-two States had EA plan amendments approved by ACF during FY 1994 or FY 1995. ACF interpreted the statutory language to include all plan amendments approved in FY 1994 or FY 1995 relating to the EA program, regardless of the content of the amendment or the type of services offered by the State. For these 42 States, FY 1994 payments were increased by 85% of the amount by which the FY 1995 Federal share of EA expenditures exceeded the FY 1994 Federal share of EA expenditures.

The statute specifies that in calculating the EA adjustment, ACF use FY 1995 data consisting of "information which was reported by the States and estimates made by the States" (see Section 403(a)(1)(D)(iii)(I)). ACF used actual expenditures reported by the State for each quarter to the extent it was available as of the statutory date. The EA data for FY 1995 consisted of reported actual expenditures for the first and second quarter of FY 1995.

The data originally provided to Congress by ACF and used by Hill staff in drafting the welfare reform legislation used State-estimated expenditures for the third quarter of FY 1995 for all States. ACF subsequently revised the third quarter data, using reported actual expenditures if ACF had received the third quarter ACF-231 expenditure report from the State by August 11, 1995. Because the statute sets a deadline of August 11, 1995 for this information, ACF will not revise the EA adjustment for actual expenditures reported after August 11, 1995. In order not to disadvantage States due to this change in the data, for States where actual third quarter expenditures were less than estimated expenditures ACF had provided to Congress, the higher estimated amount was used in the calculations.

The use of FY 1995 third quarter estimates as of August 11, 1995 applies only to the upward EA adjustment to FY 1994

payments. This is consistent with section 403(a)(1)(D)(iii)(I).

For States that did not submit a third quarter ACF-231 expenditure report by August 11, 1995, ACF used State-estimated expenditures for the third quarter of FY 1995. ACF used State-estimated expenditures for the fourth quarter of FY 1995 for all States.

For AFDC, EA, administration and FAMIS, FY 1995 expenditures were computed by annualizing three quarters of actual reported expenditures (as specified in Section 403(a)(1)(B)(iii)). For JOBS, the full obligations for fiscal year 1995 were used.

Data Sources

The JOBS grant awards included State obligations and deobligations taken by ACF after the close of the fiscal year. Obligation numbers are used because States have two years to expend JOBS funds, and therefore the financial reports for JOBS expenditures in past fiscal years may not have been complete.

Revisions to expenditure reports filed by States after the specified dates will not affect the grant computation formula. Similarly, any deferrals or disallowances taken by ACF against reported expenditures will not affect a State's SFAG grant amount.

ACF will shortly be making available to States more detailed information used to calculate SFAG annual allocations.

- Q2. "Estimates of State Maintenance of Effort: Please provide states with the state MOE requirements for TANF in FY 1997? How will state MOE be calculated when the state opts into the TANF block after the start of the federal fiscal year?"

Answer:

Please see the table at attachment B for the first part of the question. The attachment includes the TANF MOE table, listing each State's MOE requirement at the 75 and 80 percent levels.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires States to maintain a certain level of "historic state expenditures" under the Temporary Assistance to Needy Families (TANF) program. For those States that do not maintain this level of State spending, the statute directs ACF to reduce the

State Family Assistance Grant (SFAG) (section 409(a)(7)(A)).

MOE Calculation

Section 409(a)(7)(B)(iii) of PRWORA defines "historic State expenditures" used to determine State MOE requirements as the FY 1994 State expenditures under parts IV-A and IV-F of the Social Security Act.

Consistent with the statute, ACF calculated State MOE levels by using the FY 1994 State Share of expenditures for AFDC benefits, administration, FAMIS, Emergency Assistance (EA), IV-A child care (AFDC/JOBS, Transitional and At-Risk Child Care programs) and the Job Opportunities and Basic Skills Training (JOBS) program. Unlike the statutory language for the calculation of each State's annual SFAG amount (Section 403(a)(1)(C)), the statute includes State expenditures for IV-A child care programs in the MOE calculation. In addition, the statute directs ACF to use JOBS expenditures in calculating MOE (unlike the SFAG grant calculation formula where the statute directs ACF to use JOBS obligation data).

ACF calculated each State's expenditures for FY 1994 using the same data sources that were used in calculating each State's SFAG grant amount. Although the statute does not specify the dates of the data to be used in calculating MOE, ACF used data as of the date in section 403(a)(1)(D)(ii) of the statute in order to be consistent with the way the statute directs us to calculate States' SFAG amounts. In calculating State MOE levels, ACF used expenditure data as of April 28, 1995.

The expenditure data were taken from the ACF-231 "Aid to Families With Dependent Children Program Financial Report" for the AFDC, EA, and IV-A child care program and the ACF-331, "Job Opportunities and Basic Skills Training Program Financial Report."

The State shares of expenditure amounts were calculated by deducting the Federal share of expenditures from the Total Expenditures Eligible for FFP. Amounts also include any expenditures made by States in prior quarters and prior fiscal years that were claimed by States in FY 1994. ACF's calculation of SFAG grant amounts also used prior quarter and prior fiscal year expenditures. Thus, ACF's calculation of MOE levels mirrors the method for calculating the SFAG grant amounts.

Consistent with section 409(a)(7)(iii), State MOE levels may be revised to account for expenditures made by States on behalf of Tribes. The statute does not authorize other

revisions.

Alternate Calculation

Section 409(a)(7)(B)(iii) defines State MOE levels as the lesser of two amounts. The first amount, calculated using FY 1994 State expenditures as described above, was the basis for the State MOE levels calculated by ACF. The second amount was not used as the basis for the MOE calculations because it equalled or exceeded this amount.

1997 Determinations

For FY 1997, we will permit States to prorate their MOE requirement based on the number of days in FY 1997 the State operates a TANF program. "Qualified state expenditures" made on and after the date the State begins operation of the TANF program will count towards meeting the prorated MOE requirement.

A State may not use expenditures made in prior fiscal years or, in the case of FY 1997, expenditures made prior to the date the State implements the TANF program, to meet its MOE requirement.

ACF will shortly be making available to States more detailed information used to calculate FY 1994 MOE levels.

- Q3. "When Does a TANF Dollar Become a TANF Dollar?: Does the lifetime time limit or prohibitions begin -- on the date of implementation or the date that the first TANF dollar is spent on the client? Can a state phase in implementation of these provisions? How is the six-month penalty clock calculated--from the date of submission, the date of implementation or the date when the first TANF dollar is spent on a client case? Can states spend their own MOE and not be subject to the requirements of the TANF program?"

Answer:

Answer still being developed.

- Q4. "Draw Down of TANF and Child Care Block Grant: How much of the TANF or child care mandatory funds will states be permitted to draw down in any one quarter? Can the state retain the federal dollars in the state treasury and use those funds for rainy day loan funds, micro-enterprise development, etc.?"

Answer:

OMB has directed HHS to observe the following limitations regarding State draw down of TANF funds:

"For any fiscal quarter, a State may receive grants of no more than 30 percent of its State Family Assistance Grant amount, as defined by the Section 403(a)(1)(b) of the Social Security Act, as amended by P.L. 104-193. For any three contiguous or non-contiguous fiscal quarters in a fiscal year, a State may receive grants of no more than 80 percent of its State Family Assistance Grant amount. Of the amounts granted to a State for a fiscal quarter, a State may draw down up to 35 percent of the grant in the first month of that fiscal quarter, and up to 70 percent in the first two months of that quarter, without the Department notifying OMB. OMB should be notified 10 days in advance of the Department allowing grants to be drawn down more rapidly."

HHS will allow for exceptions in the event States have programmatic needs for grant amounts that exceed OMB's restrictions. At this time HHS has not yet received guidance from OMB regarding State draw down of Mandatory and Matching child care funds.

States cannot bank TANF or child care block grant funds in their State treasuries. The Cash Management Improvement Act applies for the TANF and child care programs. Under the statute, States must minimize the time period between the drawdown of funds and their immediate cash needs in accordance with their CMIA agreements with the Department of the Treasury. Further, States may use block grant funds only in accordance with purposes of the legislation for the TANF and Child Care Block Grant programs.

HHS will be assisting the Treasury Department as it works with States to develop formal CMIA agreements in the TANF program.

- Q5. "Concerning Teen Parents: Is a teen living in an adult supervised setting considered a head of household for the purpose of the time limit? If a teen is living at home with a parent whose lifetime time limit has expired, is the teen considered to be a head of household for the purpose of the time limit?"

Answer:

Section 408(a)(7) of the Social Security Act prohibits a State from using block grant funds for a family that includes an adult who has received assistance (under any State program funded under the block grant that is attributable to Federal funds) for 60 months after such State program starts, whether or not the months are consecutive. Therefore, a teen parent living at home with an adult parent whose lifetime limit has expired is not eligible for more TANF benefits, if the State has determined the eligible family as including the adult parent.

With respect to the first question, teen parents are separately subject to the time limit only if they are heads of households. Thus, the answer depends on how the State defines head of household.

A State may choose to define head of household such that any teen parent not living with his or her parent is a head of household, regardless of the teen's living arrangement.

Alternatively, the State could define head of household such that a teen parent living in some kinds of, or all, adult-supervised settings is not a head of household. In these latter cases, the teen parents would not be subject to the time clock for so long as they lived in the adult-supervised setting.

Q6. "Calculating the TANF Block Grant: If a state received its TANF allocation after the start of the Federal fiscal year, how is the grant calculated for AFDC, AFDC administrative costs, JOBS and Emergency Assistance? How will obligations vs. expenditures be calculated?"

Answer:

Not counting child care funds provided pursuant to the new section 418 of the Social Security Act, States receiving their TANF allocation after October 1, 1996 will receive three types of grant awards from ACF to cover their 1997 IV-A and IV-F expenditures. In addition, they will receive grant awards with respect to IV-A and IV-F expenditures made in years prior to FY 1997.

1) In FY 1997, States will receive reimbursement of the Federal share of expenditures made by the State in FY 1997 under its AFDC (including AFDC program and administrative expenditures, but excluding child care) and EA programs up until the TANF date. Reimbursement of FY 1997 AFDC and EA expenditures pertains only to those expenditures made in FY 1997; it does not include AFDC and EA expenditures made prior to FY 1997 but claimed during FY 1997. (Only AFDC and EA expenditures made in FY 1997 will affect a State's SFAG

calculation for FY 1997.)

2) FY 1997 JOBS grant awards will be issued to cover State obligations made from a State's FY 1997 JOBS allotment before the TANF date, i.e., the date the TANF program is implemented. (State expenditures made to liquidate these obligations will not affect a State's FY 1997 SFAG calculation.)

3) A State's SFAG payment for FY 1997 will equal all or a portion of its SFAG annual amount. ACF will compute the amount of a State's SFAG payment as the lesser of (a) the State's annual SFAG amount prorated by the number of days starting either from the date of receipt of a State plan, or, at the State's option, from a later implementation date, and ending on September 30, 1997 or (b) the State's annual SFAG amount (if any) minus State AFDC and EA expenditures and JOBS obligations made in FY 1997 up until the date the State implements the TANF program, as determined in 1), above. (For the JOBS program, ACF believes that the intent of the legislation was to base reimbursement of JOBS costs on obligations. This parallels the computation of SFAGs in section 403(a)).

In addition, States will also receive payment for the Federal share of expenditures made prior to FY 1997 under its AFDC, EA and Child Care programs which are claimed in FY 1997. Such claims will not impact a State's SFAG amount.

ACF will be issuing a Program Instruction shortly that will provide details on the Federal payments for AFDC, EA, JOBS and child care expenditures for States transitioning to the TANF program in FY 1997.

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F A X C O V E R S H E E T

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Number of pages including cover sheet: 16

Message:

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STATE MAINTENANCE OF EFFORT LEVELS REQUIRED UNDER P.L. 104-133

State	FY 1994 State Expenditures 1/	MAINTENANCE OF EFFORT (MOE):	
		75% MOE Level 2/	80% MOE Level 3/
Alabama	652,285,491	\$39,214,118	\$41,828,393
Alaska	65,256,536	48,942,402	52,205,229
Arizona	126,703,568	95,027,676	101,362,854
Arkansas	27,785,269	20,838,952	22,228,215
California	3,643,207,905	2,732,405,929	2,914,566,324
Colorado	110,494,527	82,870,895	88,395,622
Connecticut	244,561,409	183,421,057	195,649,127
Delaware	29,028,092	21,771,069	23,222,474
District of Columbia	93,931,934	70,448,951	75,145,547
Florida	494,558,734	370,919,051	395,646,987
Georgia	231,158,036	173,368,527	184,926,429
Hawaii	97,308,640	72,981,480	77,846,912
Idaho	18,238,307	13,678,730	14,590,646
Illinois	572,027,363	429,020,522	457,621,890
Indiana	151,366,637	113,524,978	121,093,310
Iowa	82,617,695	61,963,271	66,094,156
Kansas	82,332,751	61,749,563	65,866,201
Kentucky	89,891,312	67,418,484	71,913,050
Louisiana	73,886,837	55,415,128	59,109,470
Maine	50,370,048	37,777,536	40,296,038
Maryland	235,953,925	176,965,444	188,763,140
Massachusetts	478,596,697	358,947,523	382,877,358
Michigan	624,691,167	468,518,375	499,752,934
Minnesota	239,660,347	179,745,260	191,728,278
Mississippi	28,965,744	21,724,308	23,172,595
Missouri	160,161,033	120,120,775	128,128,826
Montana	20,919,224	15,689,418	16,735,379
Nebraska	38,628,645	28,971,484	30,902,916
Nevada	33,985,152	25,488,864	27,188,122
New Hampshire	42,820,131	32,115,098	34,256,105
New Jersey	405,274,008	303,955,506	324,219,206
New Mexico	49,933,908	37,450,431	39,947,126
New York	2,281,060,386	1,710,795,290	1,824,848,309
North Carolina	205,567,684	154,175,763	164,454,147
North Dakota	12,092,480	9,069,360	9,673,984
Ohio	520,734,467	390,550,850	416,587,574
Oklahoma	81,667,075	61,250,308	65,333,660
Oregon	123,006,454	92,254,841	98,405,163
Pennsylvania	542,834,133	407,125,600	434,267,306
Rhode Island	80,489,394	60,367,046	64,391,515
South Carolina	47,785,847	35,839,385	38,228,678
South Dakota	11,699,056	8,774,292	9,359,245
Tennessee	110,413,171	82,809,878	88,330,537
Texas	314,299,558	235,724,669	251,439,646
Utah	33,720,733	25,290,550	26,976,586
Vermont	34,204,541	25,653,406	27,363,633
Virginia	170,897,560	128,173,170	136,718,048
Washington	362,747,900	272,060,925	290,198,320
West Virginia	43,601,385	32,701,039	34,881,108
Wisconsin	225,638,309	169,228,732	180,510,647
Wyoming	14,220,435	10,665,326	11,376,348
State Total	\$13,913,281,640	\$10,434,961,230	\$11,130,625,312

1/ The State share of expenditures for AFDC benefits, administration, EA, IV-A child care and JOBS in FY 1994.

State expenditures may be revised to account for expenditures made by States on behalf of Tribes.

2/ States must maintain a level of effort at 75% of FY 1994 expenditures if they meet participation rate requirements.

3/ States must maintain a level of effort at 80% of FY 1994 expenditures if they do not meet participation rate requirements

25-Oct-96

State	(A) FY92-94 Avg. Payments	(B) FY94 With EA Adjustment	(C) FY95 Payments	SFAG: Greatest of (A), (B) or (C)	Basis for SFAG 2/
Alabama	\$85,818,038	\$93,316,207	\$86,750,010	\$93,316,207	FY 1994
Alaska	59,859,474	63,609,072	61,550,384	63,609,072	FY 1994
Arizona	200,741,334	219,384,350	222,419,988	222,419,988	FY 1995
Arkansas	56,732,858	56,032,501	53,818,822	56,732,858	FY92-94 Avg.
California	3,385,407,837	3,659,984,303	3,733,817,784	3,733,817,784	FY 1995
Colorado	114,705,942	136,056,690	135,553,187	136,056,690	FY 1994
Connecticut	218,728,484	266,788,107	258,392,474	266,788,107	FY 1994
Delaware	25,028,547	32,151,560	32,290,981	32,290,981	FY 1995
District of Columbia	83,822,233	92,609,815	85,217,277	92,609,815	FY 1994
Florida	515,818,058	562,340,120	558,436,432	562,340,120	FY 1994
Georgia	314,278,092	324,337,895	330,741,739	330,741,739	FY 1995
Hawaii	82,936,733	92,082,440	98,904,788	98,904,788	FY 1995
Idaho	27,467,544	31,938,052	31,851,236	31,938,052	FY 1994
Illinois	520,169,419	558,741,283	585,056,980	585,056,980	FY 1995
Indiana	181,710,754	206,799,109	178,869,282	206,799,109	FY 1994
Iowa	122,331,095	131,524,959	127,237,640	131,524,959	FY 1994
Kansas	93,381,267	101,931,081	94,591,573	101,931,081	FY 1994
Kentucky	181,287,869	173,229,851	162,544,658	181,287,869	FY92-94 Avg.
Louisiana	168,008,506	163,971,985	141,434,184	163,971,985	FY 1994
Maine	78,120,889	75,200,355	71,942,614	78,120,889	FY92-94 Avg.
Maryland	215,046,488	226,131,815	228,098,032	228,098,032	FY 1995
Massachusetts	451,842,998	469,371,116	408,018,857	459,371,116	FY 1994
Michigan	775,352,858	766,057,217	761,144,488	775,352,858	FY92-94 Avg.
Minnesota	261,849,664	267,984,886	249,348,528	267,984,886	FY 1994
Mississippi	86,767,578	82,965,043	78,726,277	86,767,578	FY92-94 Avg.
Missouri	199,580,924	217,051,740	210,593,260	217,051,740	FY 1994
Montana	41,220,352	43,273,280	45,534,006	45,534,006	FY 1995
Nebraska	50,157,545	63,232,788	58,028,579	58,028,579	FY 1995
Nevada	29,876,261	37,068,113	43,976,750	43,976,750	FY 1995
New Hampshire	34,787,777	38,521,261	37,809,004	38,521,261	FY 1994
New Jersey	394,724,820	404,034,823	391,768,400	404,034,823	FY 1994
New Mexico	101,730,788	121,574,026	126,103,156	126,103,156	FY 1995
New York	2,091,108,920	2,258,195,779	2,359,975,147	2,359,975,147	FY 1995
North Carolina	279,649,821	299,286,010	302,239,599	302,239,599	FY 1995
North Dakota	23,707,492	26,399,809	24,684,177	26,399,809	FY 1994
Ohio	709,556,367	727,968,260	637,439,943	727,968,260	FY 1994
Oklahoma	148,013,558	144,969,380	137,773,235	148,013,558	FY92-94 Avg.
Oregon	160,581,257	167,480,123	167,924,513	167,924,513	FY 1995
Pennsylvania	601,879,094	719,499,305	689,650,915	719,499,305	FY 1994
Rhode Island	81,324,868	93,376,419	95,021,587	95,021,587	FY 1995
South Carolina	99,967,824	98,325,084	96,842,461	99,967,824	FY92-94 Avg.
South Dakota	21,226,519	21,893,519	20,715,116	21,893,519	FY 1994
Tennessee	173,000,813	191,523,797	183,236,030	191,523,797	FY 1994
Texas	423,920,737	460,486,270	486,256,752	486,256,752	FY 1995
Utah	71,026,609	78,829,219	74,952,014	78,829,219	FY 1994
Vermont	45,828,466	46,469,286	47,353,181	47,353,181	FY 1995
Virginia	147,945,534	158,285,172	134,780,547	158,285,172	FY 1994
Washington	390,117,322	404,331,754	388,007,415	404,331,754	FY 1994
West Virginia	107,675,415	110,176,310	90,196,231	110,176,310	FY 1994
Wisconsin	318,188,410	316,997,586	296,643,976	318,188,410	FY92-94 Avg.
Wyoming	21,781,446	20,460,468	19,157,105	21,781,446	FY92-94 Avg.
State Total	\$15,065,689,097	\$16,102,258,243	\$15,942,411,282	\$16,405,711,780	

1/ Amounts shown do not include Contingency Funds, Grants for Population Increases, High Performance Bonus or the Bonus to Reward Decrease in Illegitimacy.

2/ SFAG was calculated based on: FY92-94 Avg. payments for 9 States, FY94 payments for 25 States, and FY95 payments for 17 States.

DATA FOR SFAG CALCULATION: FY 1992-94 AVG. PAYMENTS

STATE	FY 1992 MAP 1/	FY 1992 EA 1/	FY 1992 FAMIS 1/	FY 1992 ADMIN 1/	FY 1992 JOBS 2/	FY 1992 PAYMENTS
ALABAMA	62,069,925	0	0	10,467,881	6,203,394	78,741,200
ALASKA	48,172,928	0	281,966	3,952,654	1,738,786	54,146,334
ARIZONA	157,208,993	598,375	931,125	18,926,076	3,942,924	178,605,493
ARKANSAS	46,238,792	98,656	111,003	5,639,009	5,242,885	57,330,345
CALIFORNIA	2,914,144,746	23,405	0	247,085,669	96,589,946	3,257,843,766
COLORADO	89,032,058	1,301,045	1,460,702	13,824,751	6,816,462	112,455,018
CONNECTICUT	188,445,242	0	0	13,773,831	7,420,692	209,639,765
DELAWARE	18,715,400	160,221	99,183	3,463,498	1,702,781	24,141,099
DISTRICT OF COL	51,200,339	1,497,550	2,890,321	12,618,915	3,579,694	71,786,719
FLORIDA	400,947,100	1,816,716	14,729,678	45,478,084	14,194,447	477,166,023
GEORGIA	259,682,356	2,102,495	1,137,018	26,865,794	10,266,859	300,054,522
HAWAII	65,884,162	372,345	880,212	5,112,448	3,952,163	76,201,330
IDAHO	17,588,951	0	301,285	4,380,839	2,333,072	24,602,147
ILLINOIS	441,305,511	2,399,556	1,208,401	37,215,905	20,564,064	502,693,437
INDIANA	139,328,808	0	1,814,263	16,675,770	6,487,309	164,408,150
IOWA	106,839,141	850,565	210,820	7,789,972	5,750,780	121,441,278
KANSAS	70,812,859	257,028	1,171,760	8,689,894	6,710,662	88,642,001
KENTUCKY	155,169,993	0	1,383,325	18,434,810	11,529,491	184,517,619
LOUISIANA	137,185,396	0	58,804	10,790,259	15,443,816	163,478,374
MAINE	73,829,225	578,782	0	2,802,934	3,431,067	80,642,008
MARYLAND	188,686,637	2,472,665	1,050,457	23,034,373	14,553,599	207,777,731
MASSACHUSETTS	375,450,094	18,925,135	0	38,206,805	20,482,349	451,044,383
MICHIGAN	643,877,221	6,963,182	117,047	81,080,725	30,121,071	762,159,246
MINNESOTA	210,645,928	5,014,000	1,043,888	30,243,483	11,584,574	258,531,871
MISSISSIPPI	71,010,858	0	648,507	10,029,900	9,404,462	91,093,727
MISSOURI	166,810,545	378,164	191,782	14,389,804	6,336,561	187,907,836
MONTANA	32,791,329	135,007	313,971	3,241,101	2,503,691	38,985,099
NEBRASKA	42,114,820	555,042	0	5,786,770	3,109,122	51,585,754
NEVADA	20,509,804	0	85,082	4,685,635	1,023,986	26,304,587
NEW HAMPSHIRE	27,205,360	440,978	0	2,112,039	2,023,304	31,781,681
NEW JERSEY	263,804,306	26,134,028	1,653,107	75,317,152	24,873,926	391,582,519
NEW MEXICO	80,155,708	0	0	6,110,479	1,223,872	87,490,059
NEW YORK	1,472,127,089	222,088,692	0	269,817,784	85,695,090	2,049,728,635
NORTH CAROLINA	223,043,849	2,724,491	1,965,485	25,946,317	14,947,586	268,627,728
NORTH DAKOTA	20,015,765	0	401,737	1,708,615	1,244,743	23,370,860
OHIO	598,571,908	3,883,317	71	59,720,669	48,977,721	709,153,686
OKLAHOMA	119,876,993	2,916,013	951,958	21,691,312	6,338,891	151,575,167
OREGON	127,168,323	2,122,858	0	17,142,064	11,248,544	157,871,787
PENNSYLVANIA	514,938,767	1,317,967	205,865	50,939,261	31,222,004	698,623,864
RHODE ISLAND	68,431,790	0	595,600	2,799,500	4,247,382	78,074,272
SOUTH CAROLINA	86,829,082	0	2,398,529	8,550,252	4,579,251	102,157,114
SOUTH DAKOTA	18,328,173	0	88,899	1,769,848	1,267,807	21,454,827
TENNESSEE	140,758,375	0	5,197,175	14,382,512	5,482,837	185,800,899
TEXAS	331,496,313	0	398,235	32,305,510	33,374,358	397,572,414
UTAH	58,956,098	309,829	909,983	7,027,111	4,409,330	69,812,351
VERMONT	41,136,977	706,832	64,238	2,317,595	2,532,727	48,748,367
VIRGINIA	112,402,554	44,331	178,320	18,457,905	7,231,660	138,312,770
WASHINGTON	333,079,070	1,365,491	508,120	30,855,914	20,072,207	385,880,802
WEST VIRGINIA	93,308,372	881,969	238,703	3,052,581	8,609,768	106,091,391
WISCONSIN	273,718,593	1,622,820	2,845,199	27,193,637	21,805,154	326,785,403
WYOMING	18,766,786	115,807	789,293	1,503,871	1,416,771	22,592,528
TOTAL	12,192,787,309	313,174,354	51,417,273	1,399,389,497	674,625,547	14,631,393,980

1/ Data as of April 28, 1995.
2/ Data as of January 6, 1995.

DATA FOR SFAG CALCULATION: FY 1992-94 AVG. PAYMENTS

STATE	FY 1993 MAP 1/	FY 1993 EA 1/	FY 1993 FAMIS 1/	FY 1993 ADMIN 1/	FY 1993 JOBS 2/	FY 1993 PAYMENTS
ALABAMA	68,231,799	0	442,317	10,236,091	9,002,485	87,912,692
ALASKA	55,294,599	0	196,331	4,519,103	1,812,982	61,823,015
ARIZONA	181,995,203	1,837,413	996,696	17,390,388	5,642,681	207,862,379
ARKANSAS	44,474,027	1,278,677	117,066	5,931,128	5,034,829	56,835,727
CALIFORNIA	2,927,495,229	(107)	0	257,999,968	96,809,104	3,282,304,194
COLORADO	89,225,613	12,193	986,778	12,448,427	8,083,321	110,766,332
CONNECTICUT	193,126,916	0	0	14,154,872	6,135,366	213,417,154
DELAWARE	19,864,993	209,433	42,464	3,172,582	1,817,733	24,907,195
DISTRICT OF COL	56,318,502	10,638,110	3,080,278	12,341,785	4,691,491	87,070,166
FLORIDA	442,866,238	1,941,843	732,896	62,942,687	15,862,079	524,345,743
GEORGIA	268,250,967	4,764,602	1,532,271	27,968,102	15,925,819	318,441,760
HAWAII	71,680,924	185,279	428,163	4,431,036	4,050,435	80,775,827
IDAHO	20,319,849	0	337,582	3,974,120	2,340,843	28,872,394
ILLINOIS	441,471,803	2,075,783	1,450,529	37,732,892	25,884,124	508,625,031
INDIANA	142,114,850	0	4,973,049	17,729,358	9,109,749	173,827,004
IOWA	102,481,457	879,469	152,569	8,748,298	5,939,722	118,201,523
KANSAS	73,234,606	318,383	695,175	10,877,738	6,444,958	91,570,738
KENTUCKY	150,559,627	0	7,176,355	15,516,275	13,747,960	187,000,217
LOUISIANA	130,359,438	0	87,834	10,277,852	16,465,914	157,191,038
MAINE	72,406,479	374,682	529,780	2,924,139	3,728,211	79,983,271
MARYLAND	158,263,548	3,577,949	3,315,141	34,234,852	14,069,689	213,461,159
MASSACHUSETTS	374,952,883	22,837,774	413,317	35,003,702	21,094,553	454,302,229
MICHIGAN	664,532,398	11,883,464	4,104,364	82,438,888	35,196,957	798,154,051
MINNESOTA	210,961,049	5,633,844	9,670,876	23,941,108	11,608,488	261,813,365
MISSISSIPPI	68,635,578	0	352,106	8,478,769	10,779,613	88,243,984
MISSOURI	171,004,192	1,208,971	510,808	16,698,059	9,824,840	199,246,888
MONTANA	34,830,009	113,515	759,628	4,138,443	2,499,957	42,339,552
NEBRASKA	40,233,142	697,873	557,962	5,677,311	2,894,518	48,660,804
NEVADA	23,011,129	58,521	688,842	4,796,865	1,166,227	29,719,604
NEW HAMPSHIRE	28,022,362	807,200	0	3,371,473	2,317,542	34,318,577
NEW JERSEY	269,123,361	26,633,822	48,391	74,826,820	27,008,442	387,638,838
NEW MEXICO	89,507,285	0	0	5,541,967	1,518,818	96,565,870
NEW YORK	1,329,191,890	271,403,071	0	279,622,999	85,184,387	1,968,402,347
NORTH CAROLINA	232,978,341	2,732,072	1,211,747	28,162,986	17,732,076	282,817,222
NORTH DAKOTA	20,272,188	867,498	416,897	1,832,047	1,290,851	24,279,481
OHIO	590,721,551	4,300,210	0	52,168,348	54,461,826	701,851,933
OKLAHOMA	119,816,542	1,795,545	36,854	19,497,460	6,688,338	147,834,739
OREGON	126,301,539	2,382,728	0	19,276,845	(1,363,349)	159,324,461
PENNSYLVANIA	509,068,811	2,578,272	(205,775)	53,485,772	29,020,764	593,945,844
RHODE ISLAND	71,973,640	0	299,732	2,920,874	4,782,769	79,977,015
SOUTH CAROLINA	84,113,679	272,480	1,671,373	8,526,034	4,837,707	99,421,273
SOUTH DAKOTA	17,584,898	179,411	77,921	1,779,578	1,251,266	20,873,074
TENNESSEE	148,490,183	4,212,055	1,083,399	18,112,674	6,008,371	177,888,682
TEXAS	343,024,507	0	310,308	40,558,771	37,308,984	421,200,548
UTAH	58,983,608	159,803	914,036	7,681,250	4,490,073	72,208,770
VERMONT	39,389,157	724,872	58,325	2,487,257	2,902,094	46,519,705
VIRGINIA	115,679,038	21,097	327,735	22,214,859	9,098,134	147,238,661
WASHINGTON	333,175,751	1,543,736	545,808	33,632,770	19,905,000	388,802,865
WEST VIRGINIA	92,792,573	909,749	213,201	3,370,269	9,472,751	106,758,543
WISCONSIN	268,541,868	1,587,067	3,110,460	19,318,127	20,412,651	310,968,173
WYOMING	17,781,328	1,000,420	462,380	1,588,375	1,480,852	22,291,353
TOTAL	12,202,589,141	394,238,739	54,887,757	1,454,471,983	725,801,358	14,831,968,878

1/ Data as of April 28, 1995.
2/ Data as of January 6, 1995.

NOV-14-1996 10:07 IGA P.04/06

DATA FOR SFAG CALCULATION: FY 1992-94 AVG. PAYMENTS

STATE	FY 1994 MAP 1/	FY 1994 EA 1/	FY 1994 FAMIS 1/	FY 1994 ADMIN 1/	FY 1994 JOBS 1/	FY 1994 PAYMENTS
ALABAMA	65,479,709	3,762,390	151,341	11,857,218	9,543,565	90,794,223
ALASKA	58,261,637	0	323,276	4,920,810	2,103,549	63,609,072
ARIZONA	179,064,333	8,770,648	904,408	20,880,520	7,136,220	214,756,129
ARKANSAS	42,713,305	1,551,640	179,956	6,588,125	4,999,475	56,032,501
CALIFORNIA	3,044,160,449	146,017,327	0	290,439,445	135,458,329	3,618,075,550
COLORADO	85,927,957	12,899,429	702,885	12,320,656	9,055,549	120,908,476
CONNECTICUT	198,512,172	9,537,961	0	15,887,972	9,190,427	233,128,532
DELAWARE	19,825,032	277,521	245,348	3,355,966	2,333,485	26,037,352
DISTRICT OF COL	63,131,544	8,042,382	0	16,245,670	5,190,219	92,609,815
FLORIDA	441,838,170	5,849,966	0	81,821,964	17,032,308	545,942,408
GEORGIA	267,334,886	7,392,223	1,842,144	30,440,590	17,528,152	324,337,995
HAWAII	81,505,153	381,432	645,772	4,643,889	4,673,985	91,830,031
IDAHO	21,468,672	2,323,702	198,674	4,285,098	2,551,946	30,826,090
ILLINOIS	456,772,001	11,689,152	672,937	49,168,709	30,886,991	549,189,790
INDIANA	144,866,894	30,057,519	2,424,172	18,681,317	10,769,207	208,799,109
IOWA	107,177,090	879,075	133,301	10,420,332	8,740,687	127,350,485
KANSAS	73,281,646	6,061,219	83,274	15,790,777	6,734,145	101,931,061
KENTUCKY	140,617,922	0	1,993,295	18,488,477	13,245,478	172,345,172
LOUISIANA	123,725,401	0	2,699,651	10,323,778	16,607,277	153,356,105
MAINE	68,590,705	368,845	205,566	2,932,440	3,659,833	73,757,389
MARYLAND	158,899,325	5,097,248	4,408,849	41,470,517	16,026,830	223,900,569
MASSACHUSETTS	364,852,381	24,262,121	1,444,325	37,257,683	22,365,873	450,182,383
MICHIGAN	638,218,974	9,156,440	835,157	75,412,531	42,122,175	765,745,277
MINNESOTA	207,347,334	7,614,559	3,456,906	33,079,056	13,705,600	285,203,455
MISSISSIPPI	64,458,659	0	457,488	7,072,342	10,978,554	82,965,043
MISSOURI	173,980,184	7,542,414	331,458	18,206,661	11,527,350	211,588,087
MONTANA	34,789,727	193,162	592,872	4,321,787	2,458,857	42,336,405
NEBRASKA	38,186,888	455,805	2,821,543	4,948,567	2,652,173	49,046,076
NEVADA	24,196,095	337,318	1,202,473	8,724,351	1,144,357	33,604,592
NEW HAMPSHIRE	30,934,934	784,056	15,350	4,000,988	2,527,745	36,263,073
NEW JERSEY	265,671,687	20,815,121	2,197,934	78,173,087	28,297,297	394,955,106
NEW MEXICO	108,535,170	1,154	0	10,608,299	1,891,811	121,136,434
NEW YORK	1,458,548,853	418,855,228	0	292,667,081	90,126,817	2,258,195,779
NORTH CAROLINA	229,614,428	3,988,258	1,236,898	31,700,409	20,864,523	287,204,514
NORTH DAKOTA	18,175,816	1,502,046	428,102	1,910,458	1,457,914	23,472,136
OHIO	617,915,522	3,854,258	0	43,849,056	52,244,648	717,863,482
OKLAHOMA	118,254,973	513,607	4,092	19,547,464	8,310,631	144,830,767
OREGON	122,196,358	4,503,519	0	26,155,585	11,892,062	184,747,524
PENNSYLVANIA	510,474,847	2,874,690	769,025	51,318,629	47,830,384	613,067,575
RHODE ISLAND	73,286,199	1,005,586	326,441	8,737,571	4,587,519	87,923,316
SOUTH CAROLINA	81,809,844	386,879	1,425,101	8,604,353	6,098,907	98,325,084
SOUTH DAKOTA	17,076,423	901,465	65,475	2,057,603	1,250,690	21,351,656
TENNESSEE	144,418,740	956,500	4,678,350	16,320,604	8,940,664	175,314,858
TEXAS	349,348,308	1,764,478	859,231	65,205,673	35,811,682	452,989,250
UTAH	57,728,380	252,797	855,087	7,823,512	4,795,829	71,255,405
VERMONT	38,631,595	481,724	35,815	2,795,186	3,273,006	45,217,326
VIRGINIA	126,515,555	38,137	975,840	19,957,840	10,800,000	158,285,172
WASHINGTON	330,789,200	2,907,777	3,805,230	40,771,093	17,595,000	395,868,300
WEST VIRGINIA	95,304,414	2,772,377	172,886	3,259,880	8,666,753	110,176,310
WISCONSIN	256,758,065	1,677,832	3,420,694	29,174,932	25,780,132	316,811,855
WYOMING	14,054,594	2,608,182	783,321	1,490,067	1,544,304	20,460,458
TOTAL	12,444,945,848	781,545,163	50,787,743	1,621,716,184	834,709,394	15,733,704,332

1/ Data as of April 28, 1995.

DATA FOR SFAG CALCULATION: FY 1994 PAYMENTS WITH EA ADJUSTMENT

STATE	FY 1994 EA 1/	FY 1995 EA 2/	APPROVED PLANS	FY94-FY95 INCREASE	85% OF INCREASE	FY 1994 PAYMENTS	ADJUSTED FY 1994 PAYMENTS
ALABAMA	3,762,390	6,728,254	X	2,965,864	2,520,984	90,794,223	93,315,207
ALASKA						63,609,072	63,609,072
ARIZONA	6,770,648	12,215,614	X	5,444,966	4,628,221	214,756,129	219,384,350
ARKANSAS	1,551,640	2,508,020				56,032,501	56,032,501
CALIFORNIA	146,017,327	197,674,883	X	51,657,356	43,908,753	3,616,075,550	3,659,984,303
COLORADO	12,899,429	30,723,210	X	17,823,781	15,150,214	120,906,476	136,056,690
CONNECTICUT	9,537,961	49,137,481	X	39,599,500	33,659,575	233,128,532	266,788,107
DELAWARE	277,521	7,470,707	X	7,193,186	6,114,208	26,037,352	32,151,560
DISTRICT OF COL	8,042,382	5,418,703	X	(2,625,679)		92,609,815	92,609,815
FLORIDA	5,849,966	24,941,392	X	19,291,426	16,397,712	545,842,408	562,340,120
GEORGIA	7,392,223	8,371,068				324,337,995	324,337,995
HAWAII	361,432	670,149	X	308,717	262,409	91,830,031	92,092,440
IDAHO	2,823,702	3,629,540	X	1,305,838	1,109,862	30,828,090	31,938,052
ILLINOIS	11,889,152	22,928,179	X	11,237,027	9,551,473	549,189,790	558,741,263
INDIANA	30,057,519	22,250,200	X	(7,807,319)		206,799,109	206,799,109
IOWA	878,075	5,790,221	X	4,911,146	4,174,474	127,350,465	131,524,959
KANSAS	6,061,219	12,891,297				101,931,061	101,931,061
KENTUCKY		1,040,563	X	1,040,563	884,479	172,345,172	173,229,651
LOUISIANA		12,489,271	X	12,489,271	10,615,880	153,358,105	163,971,985
MAINE	368,845	2,066,452	X	1,697,607	1,442,966	73,757,389	75,200,355
MARYLAND	5,097,248	7,722,243	X	2,624,995	2,231,246	223,900,569	226,131,815
MASSACHUSETTS	24,262,121	35,072,395	X	10,810,274	9,188,733	450,182,383	459,371,116
MICHIGAN	9,156,440	9,523,428	X	366,988	311,940	785,745,277	786,057,217
MINNESOTA	7,814,559	10,888,831	X	3,272,272	2,781,431	265,203,455	267,984,886
MISSISSIPPI						82,965,043	82,965,043
MISSOURI	7,542,414	13,970,265	X	6,427,851	5,463,673	211,588,067	217,051,740
MONTANA	193,162	1,295,368	X	1,102,206	936,875	42,336,405	43,273,280
NEBRASKA	455,805	5,381,349	X	4,925,544	4,186,712	49,046,076	53,232,788
NEVADA	337,316	4,412,047	X	4,074,731	3,463,521	33,604,592	37,068,113
NEW HAMPSHIRE	784,058	1,087,806	X	303,750	258,188	36,283,073	38,521,281
NEW JERSEY	20,615,121	31,297,141	X	10,682,020	9,079,717	394,956,106	404,034,823
NEW MEXICO	1,154	515,968	X	514,814	437,592	121,136,434	121,574,026
NEW YORK	418,855,228	441,898,368				2,258,195,779	2,258,195,779
NORTH CAROLINA	3,988,256	18,201,781	X	14,213,525	12,081,496	287,204,614	299,286,010
NORTH DAKOTA	1,502,046	4,948,367	X	3,444,321	2,927,673	23,472,136	26,399,809
OHIO	3,854,266	15,742,230	X	11,887,974	10,104,778	717,863,482	727,968,260
OKLAHOMA	513,607	911,975	X	398,368	338,613	144,620,767	144,969,380
OREGON	4,503,519	7,718,341	X	3,214,822	2,732,599	164,747,524	167,480,123
PENNSYLVANIA	2,874,690	128,088,490	X	125,213,800	108,431,730	613,087,575	719,499,305
RHODE ISLAND	1,005,586	7,421,001	X	6,415,415	5,453,103	87,923,316	93,376,419
SOUTH CAROLINA	388,879	4,276,542				98,326,084	98,326,084
SOUTH DAKOTA	901,465	1,538,951	X	637,486	541,863	21,361,856	21,893,519
TENNESSEE	956,500	20,025,840	X	19,069,340	16,209,939	175,314,858	191,523,797
TEXAS	1,764,478	10,584,502	X	8,820,024	7,497,020	452,989,250	460,486,270
UTAH	252,797	6,810,225	X	6,557,428	5,573,814	71,255,405	76,829,219
VERMONT	481,724	1,954,818	X	1,472,894	1,251,960	45,217,326	46,469,288
VIRGINIA	36,137	34,105				158,285,172	158,285,172
WASHINGTON	2,907,777	12,864,782	X	9,957,005	8,483,454	395,868,300	404,331,754
WEST VIRGINIA	2,772,377	2,318,149	X	(454,228)		110,176,310	110,176,310
WISCONSIN	1,677,832	1,896,574	X	218,742	185,931	318,811,655	318,997,586
WYOMING	2,608,182	1,986,327				20,466,458	20,466,458
TOTAL	781,545,163	1,239,323,991		422,705,611	368,563,911	15,733,704,332	16,102,258,243

TOTAL P.06

1/ Data as of April 28, 1995
2/ Data as of August 11, 1995