

NLWJC - Kagan

Counsel - Box 037 - Folder 006

**Miscellaneous Agency Guidance /
Materials [2]**



SOCIAL SECURITY

Office of the Commissioner
1825 Connecticut Avenue, NW, Suite 714
Washington, DC 20254

CC Steve W
Elena
I need your
comments,
if any.
Diana

Date: 9/30

Number of Pages: 3

From: Brian D. Coyne

To: Diane Fortuna

Chief of Staff

Location/Organization: _____

Telephone Number: (202) 482-7128

Telephone Number: _____

Fax Number: (202) 482-7105

Fax Number: 456-7431

Message:

Here is revised handout to be used in
our field offices regarding noncitizens. We
will print about 1 million copies.

It has been approved by both INS
and SSA after substantial revision.

Please review for any final comments
and/or changes. Thanks.

Brian G

Social Security



Supplemental Security Income For Noncitizens

A new law changes the way we pay Supplemental Security Income (SSI) benefits to noncitizens. The new law is effective August 22, 1996, and applies to people who are already receiving SSI benefits and to people who are applying for benefits.

What The Law Says

Under the new law, only United States (U.S.) citizens and nationals and certain noncitizens can get SSI benefits.

Who may get SSI on or after August 22, 1996?

- Citizens or nationals of the U.S.
- Noncitizens who were already getting SSI on August 22, 1996, may continue to get benefits until we review their case (see "When Will Your Benefits Stop?" on the back of this factsheet).
- Noncitizens who have been lawfully admitted to the U.S. for permanent residence and have a total of 40 qualifying work credits.
 - Work credits earned by your spouse or parent may also count toward the 40 credits. (These work credits count for SSI eligibility, but not for Social Security benefit purposes.)
 - Work credits earned after December 31, 1996, cannot be counted if the noncitizen, spouse, or parent received certain types of federally funded benefits based on limited income and resources during that period.

- Noncitizens who are active duty members, or who are honorably discharged veterans, of the U.S. Armed Forces, their spouses, and unmarried dependent children.
- Certain other noncitizens may be eligible for five years after:
 - the date of admission as a refugee under Section 207 of the Immigration and Nationality Act (INA);
 - the date granted asylum under Section 208 of the INA; or
 - the date deportation is withheld under Section 243(h) of the INA;

Your local Social Security office can tell you whether you are eligible.

Proof Of Your Status Is Required

If you file a new application for SSI benefits, you must give us proof of your U.S. citizenship or noncitizen status. Noncitizens who have served in the U.S. Armed Forces may also need to give us proof of military service. Although procedures have not been finalized, here are some examples of the kind of information you may need to provide:

- As proof of citizenship—a U.S. birth certificate, passport, or naturalization certificate;
- As proof of your noncitizen status—an unexpired Form I-94 or I-551 from the Immigration and Naturalization Service (INS); or
- As proof of military service—U.S. military discharge papers (DD Form 214) showing honorable discharge—not based on your noncitizen status.

If you were receiving SSI as of August 22, 1996, you may also need to give us proof of citizenship or noncitizen status.

When Will Your Benefits Stop?

For noncitizens who are getting SSI as of August 22, 1996, the new law requires that we look at your case within 12 months to make sure that you are eligible under the new law. During February and March 1997, we will send you a letter asking you to prove that you are in one of the eligibility categories. If you are unable to prove that you are in one of the eligibility categories, we will send you a second letter telling you when your SSI benefits will stop.

If you can receive SSI benefits for only five years because of your particular noncitizen status, we will send you a letter telling you when the five-year period ends. We will also send you a letter before we stop your benefits.

Information About Medicaid

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

You Can File A New Claim

If your SSI benefits stop because you are not an eligible noncitizen, you can apply again. Contact us right away if you become a U.S. citizen, your immigration status changes and you become an eligible noncitizen, or you have gained 40 qualifying work credits (because of your work and/or that of a spouse or parent). You will need to provide your naturalization certificate or other documents that show your immigration status.

If You Have A Sponsor

When you entered the U.S., you may have had someone sign an agreement to provide support for you. This agreement is called an affidavit of support and the person who signed it is called your sponsor.

If you have a sponsor, we will count his or her income and resources (and his/her spouse's) as your income and resources for a

certain period of years from the time you arrive in the U.S.

Your local Social Security office can give you more information about these rules and how they apply in your case.

Becoming A Citizen

You can get more information about becoming a citizen by writing or visiting a local Immigration and Naturalization Service (INS) office or call 1-800-870-3676 to get an application for naturalization (N-400 Form).

For More Information About SSI

You can get more information 24 hours a day by calling Social Security's toll-free telephone number 1-800-772-1213. If you want to speak to a representative, you should call between the hours of 7 a.m. and 7 p.m. on Monday through Friday. Our lines are busiest early in the week and early in the month, so it's best to call at other times. Please have your Social Security number handy when you call. Our representatives can give you the address and telephone number of your local Social Security office if you would like to visit the office.

If you have a touch-tone phone, recorded information and services are available 24 hours a day, including weekends and holidays.

People who are deaf or hard of hearing may call our toll-free "TTY" number, 1-800-325-0778 between 7 a.m. and 7 p.m. on Monday through Friday.

The Social Security Administration treats all calls confidentially—whether they're made to our toll-free numbers or to one of our offices. We also want to be sure that you receive accurate and courteous service. That is why we have a second Social Security representative monitor some incoming and outgoing telephone calls.

Social Security Administration
SSA Publication No. 05-11051
September 1996
ICN 480360
Unit of Issue: HD (one hundred)



**OFFICE OF INTERGOVERNMENTAL AFFAIRS
DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 Independence Avenue, SW
Room 630F
Washington, DC 20201**



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

DATE: 10/8/96

TO: Jeremy Ben-Ami

PHONE:
FAX: 456-7028

FROM: John Monahan
Director

PHONE: (202) 690-6060
FAX: (202) 690-5672

RE:

CC:

Number of pages including cover sheet:

Message:

CC: DIANA F
ELENA KAGON
125-

DEPARTMENT OF HEALTH & HUMAN SERVICES



Memo from John Monahan
Director for Intergovernmental Affairs

Date: 10/8/96

To: Jeremy Ben-Ami, Bruce Reed & Emily Bromberg

For necessary action

For your information

Date due: _____

Comments/Recommendations

Please see me

Remarks:

The attached letter is very "TIME-SENSITIVE."

"We plan to send the attached letter approving Florida's TANF plan today. Please call with any comments ASAP. Thank you for your attention to this."

FINAL DRAFT

Mr. Edward Feaver
Acting Secretary
Department of Health and Rehabilitative Services
Building E, Room 22
1317 Winewood Boulevard
Tallahassee, Florida 32399-0700

Dear Mr. Feaver:

I am pleased to inform you that, as of October 1, 1996, Florida qualifies as an "eligible State" for purposes of receiving block grant funding under the Temporary Assistance for Needy Families (TANF) program authorized by the Social Security Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). I congratulate you on your early and continued commitment to welfare reform that is about work, responsibility, and protecting children.

Within the Department's statutory authority regarding the TANF program, the Secretary has found that Florida submitted a plan that includes the necessary elements listed in section 402 of the Social Security Act, as amended. By this finding, the Secretary neither approves nor disapproves the policies and practices outlined in the plan. Since Florida is now an eligible State, the Secretary is authorizing funding for FY 1997 in the amount of \$560,955,558. In addition to triggering funding, becoming an eligible State means that Florida will come under all the requirements of TANF, including the participation and work requirements and the five-year lifetime limit on welfare receipt, effective October 1, 1996.

As we reviewed your plan, issues within this Department's purview arose. We brought several matters that we believed needed further clarification to the State's attention. This was not intended to be a comprehensive list of issues, and did not reflect concerns that relate to the jurisdiction of other federal and State agencies. In a letter dated October 7, 1996, Don Winstead clarified these issues and provided additional information. With your agreement, we incorporate Mr. Winstead's letter into the State plan.

I look forward to providing any additional assistance or information that would be useful to you or your staff. If you have any questions, please contact Carol Osborne, TANF/Child Care Manager, at 404/331-6366, extension 220.

Sincerely,

W. Kenneth Jackson
Acting Regional Administrator

DRAFT RESPONSES TO 9/25 NGA QUESTIONS

Q1. "What constitutes completeness and how long will certification take, from what date will block grant funds flow (date of submission, implementation date identified in state plan, or when deemed complete), when do requirements take effect, what counts as 45-day comment period for initial plan, and is comment period also required for plan amendments?"

Answer:

The Department is committed to ensuring that States can move ahead promptly on welfare reform and receive the resources that Congress made available to them for the TANF block grant. We understand that the situations of individual States vary greatly and that for many States, the initial plan submitted this fall is likely to be amended as a result of later discussions and, in many cases, State legislative action. The guidance below has been developed to balance several critical goals: to allow States to move promptly, to ensure maximum flexibility for individual State circumstances, to carry out the Department's statutory responsibilities to review completeness, and to encourage States to take advantage of the State plan and public comment processes to the fullest extent possible.

Plan Completeness

A plan is complete if it contains all the information required by section 402 of the Social Security Act, as amended. Section 402 requires States to outline how they intend to achieve certain key goals. While there can be no fixed rule for the amount of detail required, the plan should provide enough information to make possible informed public comment. An optional State plan guide has been distributed by HHS in case it is useful to States.

The determination that a plan is complete must be made on a case-by-case basis.

Completeness Determinations

The Act requires the Secretary to find that a State plan contains the elements necessary under section 402 of the Social Security Act, as amended, i.e., that the plan is complete. It is our goal to determine plan completeness as promptly as possible and not more than 30 days after receipt. If a State submits a plan to the Secretary at the same time that it begins the 45-day comment period, we would expect to have determined whether a plan is complete shortly after the end of the 45-day period.

Effective Dates for Requirements

In order to provide maximum flexibility to accommodate individual State circumstances, we have identified three basic scenarios that are possible under the statute:

- a. A State which has fulfilled its 45-day consultation requirement may submit a complete plan, as described in the new section 402(a), to the Secretary and implement the plan immediately. The Secretary will review the plan, may request further explanation, and will assure that it includes the necessary elements. The State may implement immediately and does not have to wait for the Secretary's review. The State is subject to the TANF rules upon implementation.¹
- b. A State which has not fulfilled a 45-day consultation requirement may submit an otherwise complete plan, as described in the new section 402(a), to the Secretary, but it may not implement the plan until the 45-day period has expired. The Secretary will review the plan during that period, may request further explanation, and will assure that it includes the necessary elements. The State is subject to TANF rules on the date that it provides assurance that the 45-day comment requirement has been satisfied or such later date as elected by the State.
- c. A State which has fulfilled its 45-day consultation requirement may submit a complete plan, as described in the new section 402(a), to the Secretary and request that the Secretary assure that it includes the necessary elements. The State could elect to delay implementation until the Secretary's review is conducted or until some other future point (but prior to July 1, 1997). In this case, the new TANF rules would take effect after the plan submittal, on the delayed implementation date.

Effective Dates for Funding

Section 116(b)(1)(B) of PRWORA specifies how a State's SFAG is calculated in FY 1997. A State's FY 1997 SFAG is the lesser of:

- (1) the State's annual SFAG amount determined under section 403(a)(1) prorated by the number of days in FY 1997 between the date the Secretary first receives from a State the plan described in section 402(2) and September 30, 1997; or

¹ If a State implements a plan in violation of the Act, it may be subject to imposition of a penalty. An intentional violation may subject the State to an enhanced penalty.

- (2) the difference between the State's annual SFAG amount determined under section 403(a)(1) and the amount of Federal payment the State receives with respect to expenditures made in FY 1997 for AFDC, JOBS, and EA.

In the first and third scenarios, above, the same date, i.e., the date the State actually implements TANF, will be used in both calculations. In the first scenario, the date ACF receives the plan is the same as the date on which the State implements TANF. In the second scenario (if the State elects to delay implementing TANF beyond completion of the 45-day comment period) and the third scenario, where a State elects to delay implementing TANF until a date after its plan is received by the Secretary for her review, ACF will deem the date of receipt of the plan to be the same as the date the State elects to implement TANF.

For the second scenario, above, if the State chooses to implement immediately following completion of the 45-day comment period, then ACF will use the date it first receives the State plan for purposes of computing the first of the two amounts above. The date the State actually comes under TANF, i.e., the date the State completes its 45-day comment period, will be used in computing the amount of AFDC, EA, and JOBS reimbursement used in calculating the second of the amounts, above. In no case can a State receive both AFDC and TANF funds for the same time period.

45-day Comment Period on Initial Plan

For a plan to be complete, the State must explain how it has met the 45-day comment period required under the statute. Under section 402(a)(4), the certification by the State must include assurances that local governments and private organizations have been consulted and "have had at least 45 days to submit comments on the plan and the design of such services." While a State may certify that this requirement has been met by a process that occurred prior to enactment of PRWORA, we would encourage States to consider carrying out a period of public comment in the context of PRWORA.

At State option, a State may submit a plan that is complete in every other respect but has not yet received a period of public comment. In this case, the 45-day comment period can run concurrently with the Secretary's review of the plan; the State's TANF grant will be calculated back to the date of submission of the plan. Minor changes or corrections, additions or deletions in response to comments received during the 45-day comment period would not require a new comment period.

Comments on Plan Amendments

The statute does not specifically require a comment period for amendments. We believe a comment period is not necessary for

minor, procedural or non-substantive changes. However, we are considering whether to require a 45-day comment period if the amendment would significantly change the plan, either in its entirety, or with regard to any major provision of the plan. Additional guidance on this issue will be provided in future regulations.

The 45-day comment period will be necessary for biennial plan submittals that are required under the statute.

Q2. "Transferability: Pending technical amendments, is there an immediate/interim mechanism to allow TANF funds to be transferred directly to SSBG (without requiring transfer into CCDBG)?"

Answer: In light of the statutory language, we have no mechanism available to permit transfers to SSBG only. The practical impact of the statutory language is that a State must transfer \$2 from TANF to CCDBG in order to transfer \$1 to SSBG.

A State may transfer in total in a fiscal year up to 30% of the funds paid to it under section 403(a). The funds paid to it under section 403(a) include: State Family Assistance Grant; Bonus to Reward Decrease in Illegitimacy; Supplemental Grant for Population Increases in Certain States; and, Bonus to Reward High Performance States. (Funds may not be transferred from the Contingency Fund which is under section 403(b)).

All 30% of the funds may be transferred to the CCDBG program. However, if a State wishes to transfer funds to SSBG, funds must be transferred to the CCDBG program. The restriction on the transfer of funds to SSBG is found at section 404(d)(2) which stipulates that, of the amount transferred, no more than one-third may be transferred to SSBG.²

Q3. "Spending on immigrants counted toward MOE: pending technical amendments, is there an immediate/interim mechanism for permitting spending on legal immigrants to count towards MOE as suggested in the Managers Agreement?"

Answer: Section 409(a)(7)(B)(i)(III) of the Social Security Act (SSA), as amended by the PRWORA, provides that States may use State expenditures for families that would have been eligible for

² The statutory language is: "Notwithstanding paragraph (1) [relating to the 30% limit], not more than 1/3 of the total amount paid to a State under this part for a fiscal year that is used to carry out State programs pursuant to provisions of law specified in paragraph (1) [CCDBG and title XX] may be used to carry out State programs pursuant to title XX."

TANF but for the application of section 402 of Title IV of PRWORA. Thus, we can only count toward MOE spending on families who would be eligible but for the application of section 402 of title IV of PRWORA.

We recognize that a State would not often be in a position where it would choose to use its own funds when it is authorized to use TANF funds. Thus we agree that this provision would make more sense if it referenced section 403, instead of section 402. However, absent a technical amendment, we can only count toward MOE spending on families who would be eligible but for the application of section 402 of title IV. HHS shares the States' concern about this important policy issue and will be looking at it in the context of the technical amendments proposal required under section 113 of PRWORA.

Background

In general, section 402(b)(1) of Title IV of PRWORA provides that States have the option to provide TANF assistance to qualified aliens. If a State opts not to provide TANF to qualified aliens, such aliens receiving benefits as of the date of enactment (August 22, 1996) shall continue to receive such assistance until January 1, 1997.

However, aliens who are identified in the exceptions listed at section 402(b)(2)(A) cannot be denied benefits under TANF for the 5-year periods specified in section 402(b)(2)(A).

Section 402(b)(2)(B) and (C) identifies those aliens who cannot be denied benefits under TANF for any future period, so long as they meet the State's eligibility criteria for the TANF program.

Thus, if a State uses its own funds for an individual (and his/her family) who becomes ineligible for TANF (1) because the State has chosen not to provide assistance with TANF funds to those individuals after January 1, 1997, or (2) because the State has chosen not to provide assistance with TANF funds to those individuals who have exceeded the specific 5-year time limitations in section 402(b)(2)(A), these State funds can be used to meet the State's MOE requirement, provided that the expenditures are otherwise "qualified state expenditures" and the immigrants to whom the State provides assistance would be "eligible families" but for the application of section 402.

Q4. "Pro Rata Reductions: will FY 1997 work participation rates be reduced by the caseload reductions from FY 1995 to FY 1996? If so, does HHS intend to provide written guidance and/or standard data for states reflecting adjusted rates by state? How will pro rata reductions be calculated for two-parent families (based on entire caseload reduction or only two-parent/AFDC-UP

reduction)?"

Answer:

Reductions for Fiscal Year 1997

Yes, FY 1997 work participation rates will be reduced by the caseload reductions from FY 1995 to FY 1996. As required by section 407(b)(3), such reductions in caseload cannot take into account families that are diverted from a State program as a result of (1) differences in eligibility criteria or (2) changes required by Federal law. Any State that implements TANF prior to January 1, 1997, will be subject to the participation rate requirements effective July 1, 1997, or for the last quarter of FY 1997. (Any State implementing after January 1, 1997, will be subject to participation rates effective 6 months after TANF implementation.) Caseload reductions from FY 1995 to FY 1996 will be used to make the pro rata reductions required by revised section 407(b)(3) of the Social Security Act.

Written Guidance

Regarding the question on written guidance, section 407(b)(3) specifies that the Secretary of Health and Human Services must prescribe regulations for reducing the minimum participation rate for a fiscal year based on decreases in the average monthly number of families receiving assistance. We anticipate that these regulations will address calculations for both the entire caseload and two-parent families.

We are interested in hearing from our State partners on how the pro-rata reductions should be calculated and how to factor out the effects of reductions resulting from changes in Federal law or differences in eligibility criteria. This input will assist us in drafting the applicable regulations.

Q5. "Claims and disallowances. Can HHS clarify/confirm that prior-year claims will not be paid out of TANF funds? Will state funds used for prior-year disallowances count as qualified expenditures for MOE? Will disallowance payments be made separately or paid through a reduction in TANF grant?"

Answer:

Payment of Prior-Year Claims

Claims for prior-year expenditures, i.e., expenditures made prior to FY 1997, for AFDC and Emergency Assistance will be paid through the AFDC appropriation. They will not affect how much a State receives for FY 1997 for AFDC/JOBES and TANF. Prior-year JOBES expenditures will be charged to the JOBES grants for the

appropriate prior year.

Treatment of Prior-Year Disallowances under MOE

State funds used for prior year disallowances will not count as qualified expenditures for MOE. The MOE provisions at section 409(a)(7) require that a State make its expenditures in the fiscal year for which TANF funds are provided. Thus, for FY 1997, prior year expenditures, whether disallowed or not, cannot count towards meeting a current year's MOE requirement.

Recoupment of Disallowances

For TANF penalties, the various provisions in section 409 provide that penalties will be taken through offset of the next fiscal year's TANF grant. For AFDC and JOBS program disallowances, ACF's policy is to reduce claims for Federal reimbursement for AFDC or EA expenditures so long as such funds are available to offset. If sufficient funds are not available, debts will be collected via offsetting any grant to the State as required by the Debt Collection Improvement Act of 1996.

Q6. "\$50 Child support pass-through. What are states required to do vis-a-vis the \$50 pass-through and \$50 disregard after October 1, 1996? How and when will this information be communicated?"

State Requirements

Under title I of PRWORA (TANF block grant), if a State chooses not to implement Temporary Assistance to Needy Families sooner, it must continue to disregard for AFDC eligibility purposes until July 1, 1997, the first \$50 of any child support passed through to a family receiving assistance. However, under title III of the law (child support enforcement), effective October 1, 1996, in cases receiving assistance, a State must first pay the Federal government its share of the child support collection and then may retain, or pass through to the family, the State share of the collection. Therefore, the mandate to pass through to the family the first \$50 of support collected in assistance cases is eliminated after September 30, 1996.

A grace period is allowed until after the next State legislative session, however, in States in which a change in State law is required in order to eliminate the \$50 pass-through. In these States, the \$50 pass-through would remain in effect, as required under State law, during the grace period. Any support passed-through, whether required by State law or by State option, must come entirely from the State's share of the collection.

Distribution of Guidance

We have received numerous questions on this issue and have shared this response widely. We have provided it to each of our Regional Offices to ensure that quick, accurate and consistent responses are provided to questions on this topic.

We will send this send answer and the other answers to all States now. In addition, we hope to soon set up a web site to transmit policy questions and answers related to welfare reform and the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act electronically.

DRAFT RESPONSES TO 9/25 NGA QUESTIONS

Q1. "What constitutes completeness and how long will certification take, from what date will block grant funds flow (date of submission, implementation date identified in state plan, or when deemed complete), when do requirements take effect, what counts as 45-day comment period for initial plan, and is comment period also required for plan amendments?"

Answer:

The Department is committed to ensuring that States can move ahead promptly on welfare reform and receive the resources that Congress made available to them for the TANF block grant. We understand that the situations of individual States vary greatly and that for many States, the initial plan submitted this fall is likely to be amended as a result of later discussions and, in many cases, State legislative action. The guidance below has been developed to balance several critical goals: to allow States to move promptly, to ensure maximum flexibility for individual State circumstances, to carry out the Department's statutory responsibilities to review completeness, and to encourage States to take advantage of the State plan and public comment processes to the fullest extent possible.

Plan Completeness

A plan is complete if it contains all the information required by section 402 of the Social Security Act, as amended. Section 402 requires States to explain how they intend to achieve certain key goals. While there can be no fixed rule for the amount of detail required, the plan should provide enough information to make possible informed public comment. An optional State plan guide has been distributed by HHS in case it is useful to States.

The determination that a plan is complete must be made on a case-by-case basis.

Completeness Determinations

The Act requires the Secretary to find that a State plan contains the elements necessary under section 402 of the Social Security Act, as amended, i.e., that the plan is complete. It is our goal to determine plan completeness as promptly as possible and not more than 30 days after receipt. If a State submits a plan to the Secretary at the same time that it begins the 45-day comment period, we would expect to have determined whether a plan is complete shortly after the end of the 45-day period.

Effective Dates for Requirements

In order to provide maximum flexibility to accommodate individual State circumstances, we have identified three basic scenarios that are possible under the statute:

a. A State which has fulfilled its 45-day consultation requirement may submit a complete plan, as described in the new section 402(a), to the Secretary and implement the plan immediately. The Secretary will review the plan, may request further explanation, and will assure that it includes the necessary elements. The State may implement immediately and does not have to wait for the Secretary's review. The State is subject to the TANF rules upon implementation.¹

I take it
The state
may implement
after 45 days
even if the
Secy hasn't
yet approved?

b. A State which has not fulfilled a 45-day consultation requirement may submit an otherwise complete plan, as described in the new section 402(a), to the Secretary, but it may not implement the plan until the 45-day period has expired. The Secretary will review the plan during that period, may request further explanation, and will assure that it includes the necessary elements. The State is subject to TANF rules on the date that it provides assurance that the 45-day comment requirement has been satisfied.

Why aren't
these 4
scenarios?

c. A State which has fulfilled its 45-day consultation requirement may submit a complete plan, as described in the new section 402(a), to the Secretary and request that the Secretary assure that it includes the necessary elements. The State could elect to delay implementation until the Secretary's review is conducted or until some other future point (but prior to July 1, 1997). In this case, the new TANF rules would take effect after the plan submittal, on the delayed implementation date.

not bill
a) imp after 45
days

b) imp after approval
or later

Effective Dates for Funding

Section 116(b)(1)(B) of PRWORA specifies how a State's SFAG is calculated in FY 1997. A State's FY 1997 SFAG is the lesser of:

- (1) the State's annual SFAG amount determined under section 403(a)(1) prorated by the number of days in FY 1997 between the date the Secretary first receives from a State the plan described in section 402(2) and September 30, 1997; or
- (2) the difference between the State's annual SFAG amount

¹ If a State implements a plan in violation of the Act, it may be subject to imposition of a penalty. An intentional violation may subject the State to an enhanced penalty.

determined under section 403(a)(1) and the amount of Federal payment the State receives with respect to expenditures made in FY 1997 for AFDC, JOBS, and EA.

In the first and third scenarios, above, the same date, i.e., the date the State actually implements TANF, will be used in both calculations. In the first scenario, the date ACF receives the plan is the same as the date on which the State implements TANF. In the third scenario, where the State elects to delay implementing TANF until a date after its plan is received by the Secretary for her review, ACF will deem the date of receipt of the plan to be the same as the date the State elects to implement TANF.

For the second scenario, above, ACF will use the date it first receives the State plan for purposes of computing the first of the two amounts above. The date the State actually comes under TANF, i.e., the date the State completes its 45-day comment period, will be used in computing the amount of AFDC, EA, and JOBS reimbursement used in calculating the second of the amounts, above.

45-day Comment Period on Initial Plan

For a plan to be complete, the State must explain how it has met the 45-day comment period required under the statute. Under section 402(a)(4), the certification by the State must include assurances that local governments and private organizations have been consulted and "have had at least 45 days to submit comments on the plan and the design of such services." While a State may certify that this requirement has been met by a process that occurred prior to enactment of PRWORA, we would encourage States to consider carrying out a period of public comment in the context of PRWORA.

At State option, a State may submit a plan that is complete in every other respect but has not yet received a period of public comment. In this case, the 45-day comment period can run concurrently with the Secretary's review of the plan; the State's TANF grant will be calculated back to the date of submission of the plan. Minor changes or corrections, additions or deletions in response to comments received during the 45-day comment period would not require a new comment period.

Comments on Plan Amendments

The statute does not specifically require a comment period for amendments. We believe a comment period is not necessary for minor, procedural or non-substantive changes. However, a 45-day comment period would be necessary if the amendment would significantly change the plan, either in its entirety, or with regard to any major provision of the plan. The 45-day comment period will be necessary for biennial plan submittals that are required under the statute.

certification
is
not
rec

Where does it say this? Is there a process for approving amendments generally?

Additional guidance may be provided in future regulations.

Q2. "Transferability: Pending technical amendments, is there an immediate/interim mechanism to allow TANF funds to be transferred directly to SSBG (without requiring transfer into CCDBG)?"

Answer: In light of the statutory language, we have no mechanism available to permit transfers to SSBG only. The practical impact of the statutory language is that a State must transfer \$2 from TANF to CCDBG in order to transfer \$1 to SSBG.

A State may transfer in total in a fiscal year up to 30% of the funds paid to it under section 403(a). The funds paid to it under section 403(a) include: State Family Assistance Grant; Bonus to Reward Decrease in Illegitimacy; Supplemental Grant for Population Increases in Certain States; and, Bonus to Reward High Performance States. (Funds may not be transferred from the Contingency Fund which is under section 403(b)).

All 30% of the funds may be transferred to the CCDBG program. However, if a State wishes to transfer funds to SSBG, funds must be transferred to the CCDBG program. The restriction on the transfer of funds to SSBG is found at section 404(d)(2) which stipulates that, of the amount transferred, no more than one-third may be transferred to SSBG.²

HHS shares the States' concerns about this important policy issue and will be looking at it in the context of the technical amendments proposal required under section 113 of PRWORA.

Q3. "Spending on immigrants counted toward MOE: pending technical amendments, is there an immediate/interim mechanism for permitting spending on legal immigrants to count towards MOE as suggested in the Managers Agreement?"

Answer: Section 409(a)(7)(B)(i)(III) of the Social Security Act (SSA), as amended by the PRWORA, provides that States may use State expenditures for families that would have been eligible for TANF but for the application of section 402 of Title IV of PRWORA. Thus, we can only count toward MOE spending on families who would be eligible but for the application of section 402 of title IV of

² The statutory language is: "Notwithstanding paragraph (1) [relating to the 30% limit], not more than 1/3 of the total amount paid to a State under this part for a fiscal year that is used to carry out State programs pursuant to provisions of law specified in paragraph (1) [CCDBG and title XX] may be used to carry out State programs pursuant to title XX."

PRWORA.

In general, section 402(b)(1) of Title IV of PRWORA provides that States have the option to provide TANF assistance to qualified aliens. If a State opts not to provide TANF to qualified aliens, such aliens receiving benefits as of the date of enactment (August 22, 1996) shall continue to receive such assistance until January 1, 1997.

However, aliens who are identified in the exceptions listed at section 402(b)(2)(A) cannot be denied benefits under TANF for the 5-year periods specified in section 402(b)(2)(A).

Section 402(b)(2)(B) and (C) identifies those aliens who cannot be denied benefits under TANF for any future period, so long as they meet the State's eligibility criteria for the TANF program.

Thus, if a State uses its own funds for an individual (and his/her family) who becomes ineligible for TANF (1) because the State has chosen not to provide assistance with TANF funds to those individuals after January 1, 1997, or (2) because the State has chosen not to provide assistance with TANF funds to those individuals who have exceeded the specific 5-year time limitations in section 402(b)(2)(A), these State funds can be used to meet the State's MOE requirement, provided that the expenditures are otherwise "qualified state expenditures" and the immigrants to whom the State provides assistance would be "eligible families" but for the application of section 402.

HHS recognizes the States' concern about this important policy issue and will be looking at it in the context of the technical amendments proposal required under section 113 of PRWORA.

Q4. "Pro Rata Reductions: will FY 1997 work participation rates be reduced by the caseload reductions from FY 1995 to FY 1996? If so, does HHS intend to provide written guidance and/or standard data for states reflecting adjusted rates by state? How will pro rata reductions be calculated for two-parent families (based on entire caseload reduction or only two-parent/AFDC-UP reduction)?"

Answer:

Reductions for Fiscal Year 1997

Yes, 1997 work participation rates will be reduced by the caseload reductions from FY 1995 to FY 1996. Any State that implements TANF prior to January 1, 1997, will be subject to the participation rate requirements effective July 1, 1997, or for the last quarter of FY 1997. (Any State implementing after January 1, 1997, will be subject to participation rates effective 6 months after TANF

implementation.) Caseload reductions from FY 1995 to FY 1996 will be used to make the pro rata reductions required by revised section 407(b)(3) of the Social Security Act.

Written Guidance

Regarding the question on written guidance, section 407(b)(3) specifies that the Secretary of Health and Human Services must prescribe regulations for reducing the minimum participation rate for a fiscal year based on decreases in the average monthly number of families receiving assistance. We anticipate that these regulations will address calculations for both the entire caseload and two-parent families.

We are interested in hearing from our State partners on how the pro-rata reductions should be calculated. This input will assist us in drafting the applicable regulations.

Q5. "Claims and disallowances. Can HHS clarify/confirm that prior-year claims will not be paid out of TANF funds? Will state funds used for prior-year disallowances count as qualified expenditures for MOE? Will disallowance payments be made separately or paid through a reduction in TANF grant?"

Answer:

Payment of Prior-Year Claims

Claims for prior-year expenditures, i.e., expenditures made prior to FY 1997, for AFDC and Emergency Assistance will be paid through the AFDC appropriation. They will not affect how much a State receives for FY 1997 for AFDC/JOBS and TANF. Prior-year JOBS expenditures will be charged to the JOBS grants for the appropriate prior year.

Treatment of Prior-Year Disallowances under MOE

State funds used for prior year disallowances will not count as qualified expenditures for MOE. The MOE provisions at section 409(a)(7) require that a State make its expenditures in the fiscal year for which TANF funds are provided. Thus, for FY 1997, prior year expenditures, whether disallowed or not, cannot count towards meeting a current year's MOE requirement.

Recoupment of Disallowances

For TANF penalties, the various provisions in section 409 provide that penalties will be taken through offset of the next fiscal year's TANF grant. For AFDC and JOBS program disallowances, ACF's current policy is not to make a reduction to the TANF grant but to reduce future claims for Federal reimbursement for AFDC or EA expenditures so long as such funds are available to offset.

Q6. "\$50 Child support pass-through. What are states required to do vis-a-vis the \$50 pass-through and \$50 disregard after October 1, 1996? How and when will this information be communicated?"

Answer:

State Requirements

Under title I of PRWORA (TANF block grant), if a State chooses not to implement Temporary Assistance to Needy Families sooner, it must continue to disregard for AFDC eligibility purposes until July 1, 1997, the first \$50 of any child support passed through to a family receiving assistance. However, under title III of the law (child support enforcement), effective October 1, 1996, in cases receiving assistance, a State must first pay the Federal government its share of the child support collection and then may retain, or pass through to the family, the State share of the collection. Therefore, the mandate to pass through to the family the first \$50 of support collected in assistance cases is eliminated after September 30, 1996.

A grace period is allowed until after the next State legislative session, however, in States in which a change in State law is required in order to eliminate the \$50 pass-through. In these States, the \$50 pass-through would remain in effect, as required under State law, during the grace period. Any support passed-through, whether required by State law or by State option, must come entirely from the State's share of the collection.

Distribution of Guidance

We have received numerous questions on this issue and have shared this response widely. We have provided it to each of our Regional Offices to ensure that quick, accurate and consistent responses are provided to questions on this topic.

We will send this send answer and the other answers to all States now. In addition, we hope to soon set up a web site to transmit policy questions and answers related to welfare reform and the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act electronically.

HCFA-doe

DRAFTWhite House Report - Delinking Medicaid from AFDC - Potential Problems and Medicaid Bureau Implementation Efforts

Prior to welfare reform, receipt of AFDC benefits guaranteed eligibility for Medicaid in all States. Under welfare reform, the link between receipt of AFDC and eligibility for Medicaid is severed. Regardless of whether an individual is eligible for TANF, states in general will be required to maintain Medicaid eligibility for individuals eligible for benefits as of July 16, 1996.

We have identified the following potential problems/difficulties relating to delinking Medicaid from receipt of AFDC benefits.

- o States will have to reconfigure their data processing systems to accommodate dual Medicaid/TANF eligibility requirements and processes.
- o A number of currently eligible individuals may fall through the cracks as a result of the transition from AFDC to TANF and the delinking of AFDC and Medicaid eligibility systems. States and the federal government will have to find ways of identifying those individuals and, to the extent possible, maintaining Medicaid coverage for them under the new program.
- o State eligibility workers and policy staff will have to adjust to the new TANF program requirements and delinking Medicaid from receipt of cash benefits. This may require changes in staff size, training in the new program requirements and procedures, and adjustments to new workloads.

Medicaid Bureau Implementation Efforts

The Medicaid Bureau is engaged in a number of implementation efforts. These include:

- o Weekly teleconference consultations with the Medicaid Eligibility Technical Advisory Group (E-TAG) on various policy and technical issues arising from the welfare reform legislation. The E-TAG is a group of ten State Medicaid eligibility experts, each from a State in each of HCFA's ten regions. The APWA and representatives from the Department also participate in these teleconferences.
- o Consultation meetings with various outside organizations and advocacy groups, to take place within the next few weeks.
- o Issuance of operating instructions on welfare reform to the States in the form of a State Medicaid Manual transmittal in early December 1996.

DRAFTWhite House Report - Loss of Medicaid for SSI Children Losing Benefits

Under current law, children can be eligible for SSI based on a disability. In addition to medical criteria, disability determinations for children can be based on Individual Functional Assessments (IFA). In most States, receipt of SSI also guarantees eligibility for Medicaid.

Under welfare reform, the definition of disability is changed to eliminate the use of IFAs in determining whether a child is disabled. A determination of disability must be based only on medical criteria. This will result in an estimated 300,000 children currently eligible for SSI no longer being directly eligible for Medicaid because they will not be considered disabled in the absence of IFAs. These children for the most part have serious but not severe functional limitations, or certain mental or emotional disorders.

If these children lose SSI, they will also lose the direct Medicaid eligibility based on receipt of SSI benefits. Some should be able to requalify for SSI and Medicaid under the medical criteria for disability. Many of them should be able to requalify for Medicaid under another, non-disability related group; e.g., one of the poverty-level children's groups. However, some (exact number unknown) will not be able to requalify for Medicaid under any eligibility group, and will lose Medicaid as a result.

WHKIDS.WPD
RTrudel 8/29/96

DRAFT**MEDICAID WELFARE REFORM IMPLEMENTATION STRATEGY**

The HCFA strategy for implementing welfare reform in Medicaid basically consists of the following three major steps:

- o Creating coordinating groups to assure good communications about the myriad of issues involved in implementing welfare reform.
- o Undergoing an external consultation process to assure that we understand the views of our customers and partners.
- o Developing the policy guidance necessary to set forth the parameters of the new program as it affects Medicaid.

Each of these approaches is discussed below.

1. Coordinating Groups

To coordinate across the various components of HCFA involved in welfare reform, we have created an HCFA Welfare Reform Steering Committee. It is headed by Sally Richardson, the Acting Deputy Administrator. It meets on a weekly basis to examine the status of implementation and to provide direction on major policy issues.

The lead component for the day-to-day work on implementation is the Medicaid Bureau. Judy Moore, the Deputy Director of the Bureau, is in charge of the Bureau's work. She is assisted by several workgroups and Medicaid Bureau staff, which is also working with other agencies, such as ACF and FNS on cost allocation issues, with SSA on children's issues, and with the Departmental Work Group on immigration issues. Staff from four HCFA Regional Offices are participating in the development of eligibility policy.

2. Consultations

HCFA proposes to engage in discussions with a wide-ranging group of customers and partners in the Medicaid program to address eligibility issues which must be decided as part of the implementation process. In addition, we will seek ideas about greater flexibility in Medicaid eligibility, and proposals for allocating the \$500 million transition fund of enhanced matching dollars for State administrative expenses related to implementing the new law. In the next 4 to 6 weeks, we will meet with advocacy and other groups representing Medicaid beneficiaries, provider groups, State and local intergovernmental groups, and other interested parties.

In early October, welfare reform will be preeminent among the issues on the agenda of the annual meeting of the National Association of State Medicaid Directors (NASMD). A regular

meeting of the Camden Yards Group, an informal working group that has been meeting on Medicaid issues since 1993 and which consists of representatives from the National Governors Association, the National Conference of State Legislatures, the NASMD, the National Association of Counties, and the Association of State and Territorial Health Officers, is scheduled in conjunction with the NASMD meeting to further discuss Medicaid issues related to welfare reform.

The Medicaid Bureau has already begun discussions with the Medicaid Eligibility Technical Advisory Group, which is a standing committee of staff from the APWA, State Medicaid Agencies, and HCFA. This group meets weekly to go over the questions which State eligibility experts have on their minds, and to begin the development of policy guidance. The National Association of State Medicaid Directors recognizes this group as one with the technical expertise to work on the intricacies of the technical issues. They are discussing issues such as the de-linking of Medicaid from AFDC, the changes in SSI, and other eligibility-related issues which arise with this legislation.

HCFA and Medicaid staff will have ongoing discussions within HHS, with other Departments such as the Social Security Administration and the Department of Agriculture (FNS), and with OMB and the White House.

3. Policy Guidance Strategy

The vehicle for issuing policy guidance relatively quickly will be a State Medicaid Manual for the eligibility policy issues. HCFA will issue a Federal Register Notice for the allocation of the enhanced match. We plan to accomplish both forms of guidance in December. In addition, HCFA's Medicaid Bureau will issue some direct letters to the State Medicaid Directors on subjects that need to be handled before December. For example, the Medicaid Bureau will issue a letter on provisions which took effect upon enactment of the law. These would include provisions relating to aliens, SSI children, and public notices. In addition, since some States will move quickly with submission of their State Plans under TANF, the Medicaid Bureau will send States a letter to provide guidance on the submission of related Medicaid State Plan Amendments.

8/7/96

**CHILD SUPPORT LEGISLATION IN 104TH CONGRESS
TIMETABLE OF EFFECTIVE DATES**

Based on Dates in Text of Title III of HR3734
Personal Responsibility and Work Opportunity Reconciliation Act of 1996

N.B.: Section 395 states that except as specifically provided in the legislation, the effective date for provisions of HR3734 is 10/1/96 for provisions under §§454 & 466 of the Act, and the date of enactment for other provisions. Section 395 allows grace period for State law changes and State constitutional amendments. For State law changes, the grace period is until the effective date of the State law implementing provisions, but no later than the first day of the first calendar quarter after the close of the first regular legislative session that begins after enactment of HR3734, with each year of a two-year legislative session deemed as a separate regular session. For State constitutional amendments, the grace period is until one year after the effective date of the State constitutional amendment, but no later than five years after enactment of HR3734.

Effective Upon Enactment

Enhancements to Federal full faith & credit statute [§322] -- 28 U.S.C. 1738B

National paternity acknowledgement affidavit [§331(b)] -- §452(a)(7)

Establish procedures/definitions for State data reports [§343(a)] -- §452(a)(5)

1% and 2% funding set-asides for technical assistance, research/demos/FPLS [§345] -- §452 & 453

Furnishing consumer reports for certain purposes relating to child support [§352] -- 15 U.S.C. 1681b

Nonliability of depository institutions providing financial records to State child support agencies [§353] -- §469A

Military locator information, leave provisions, & removal of barriers to availability of military retirement pay as source of support [§363] -- §10 U.S.C. 1408

Definition of support order [§366] -- §453(p)

International CSE -- authority of Secretary of State to enter into agreements [§371] -- §459A(a)

International CSE -- Designation of U.S. central authority [§371] -- §459A(c)

Preliminary

Nondischargeability in bankruptcy of certain child support debts [§374] -- 11 U.S.C. 523(a)(18) & §456(b)

Direct Federal funding for Indian Tribes [§375(b)] -- §455(b)

Technical corrections to ERISA (incorporating administrative QMCSOs), but plans amendments are not required until 1/1/97 [§381(b)] -- 29 U.S.C. 1169(a)(2)(B)

First quarter after enactment

Paternity establishment percentage (PEP) and penalty changes [§341(c)] -- §452(g)

10/1/96 *

* Unless State law change or State constitutional amendment is needed for §§454 or 466 provisions. See the N.B. on page one.

Explicit statutory requirement that Title IV-D services be provided to nonresident applicants; enforce child support & support due on behalf of child's custodian [§301(a)] -- §§454(4)&(6)

Continuation of IV-D services for former recipients of IV-A assistance [301(b)] -- §454(25)

Distribution for current IV-A assistance recipients, including elimination of \$50 pass-through payments [§302] -- §457

Income withholding for orders predating October 1, 1996 [§314(a)] -- §466(a)(1)

Locator networks; access to motor vehicle and law enforcement data [§315] -- §466(a)(12)

SSNs on applications for professional, commercial drivers, occupational and marriage licenses; on records of divorce decrees, support orders, and paternity determinations; and death records & certificates [§317] -- §466(a)(13)

Administrative enforcement in interstate cases [§323] -- §466(a)(14)

OCSE must promulgate uniform national forms for use by States in interstate cases for collecting support through income withholding; imposition of liens; and administrative subpoenas [§324(a)] -- §452(a)(11)

State laws providing expedited procedures, including:

- Ordering genetic testing for paternity establishment; Issuing subpoenas for information and impose penalties for failure to respond; Requiring all entities in a State to promptly respond to inquiries by State agency and sanction failure to respond;
- Obtaining access to records of other State and local government agencies and records held by private entities including public utilities and financial institutions; Changing

payee in cases subject to an assignment; Ordering income withholding; Securing assets to satisfy arrearages by intercepting or seizing periodic or lump-sum payments from a State or local agency and judgments, settlements, and lotteries; attach assets held by financial institutions; attach retirement funds; and impose liens; Increasing the amount of monthly support payments to include amounts for arrearages; Filing of information on location/identity of parties in State case registry upon entry of order; Statewide jurisdiction over orders and transfer of cases between local jurisdictions without additional filing; and Using of automated system to maximum extent feasible to implement expedited administrative procedures [§325] -- §§466(c) & 454A(h)

State laws concerning paternity establishment, including:

Establish paternity before age 21 (retro to 8/16/84); Genetic tests in contested cases upon request w/sworn affidavits; Payment for genetic testing; Provide for a simple civil process for voluntarily acknowledging paternity with prior explanation/written notice to parents; Birth record agency must offer voluntary paternity establishment services, and other may; Name of father included on birth record only if both mother and father have signed an acknowledgment, or court or administrative authority has adjudicated paternity; Development of affidavit for voluntary acknowledgment of paternity which must be given full faith and credit in any other State; Procedures where voluntary acknowledgements and adjudication of paternity are filed with the State registry of birth records for comparison with State case registry; Admissibility of test results if performed by accredited laboratory; Rescission timeframe of 60 Days for signed voluntary paternity acknowledgments; elimination of judicial/administrative ratification proceedings on unchallenged paternity acknowledgments; Default orders; No right to jury trial in paternity cases; Issuance of temporary support orders in paternity cases; Evidentiary treatment of birth expenses/bills; and Opportunity for putative fathers to initiate paternity proceedings [§331(a)] -- §466(a)(5)

State plan requirements for paternity outreach activities [§332] -- §454(23)

Cooperation/good cause [§333] -- §454(29)

State use of definitions for collecting & reporting data [§343(b)] -- §454(30)

Changes to the annual report to Congress [346] -- §452(a)(10)

Simplified review & adjustment process [§351] -- §466(a)(10)

Voiding of fraudulent transfers [§364] -- §466(g)

Work requirement for persons owing child support [§365] -- §466(a)(15)

Reporting arrearages to credit bureaus [§367] -- §466(a)(7)

Liens on real/personal property by operation of law; full faith and credit to liens without

Pre liminary

registration of order [§368] -- §466(a)(4)

State law authorizing the suspension of licenses [§369] -- §466(a)(16)

International CSE -- State treatment of international requests [§371(b)] -- §454(32)

Financial institution data matches [§372] -- §466(a)(17)

Enforcing orders against grandparents in cases of minors [§373] -- §466(a)(18)

State cooperative agreements with Indian Tribes [§375(a)] -- §454(33)

Enforcement of orders for health care coverage [§382] -- §466(a)(19)

Grants to States for access and visitation programs; effective date for first allotment is FY 1997 [§391] -- §469B

Six Months After Enactment

Revisions to wage withholding from Federal pay [§362] -- §459

3/1/97

Use of forms by States in interstate cases [§324(b)] -- §454(9)(E)

Report to Congress on new system of performance-based incentives and penalties [§341(a)]
-- no cite to the Act

First quarter beginning 12 Months after Enactment

Annual State self-reviews & reports [§342(a)] -- §454(15)

Data submitted on compliance with Federal performance requirements [§342(a)] -- §454(15)

Federal reviews & audits [§342(b)] -- §452(a)(4)

10/1/97

Distribution for assigned post-assistance collections [302(a)] -- §457

State privacy safeguards [§303(a)] -- §454(26)

State procedures-notices & copies of orders [§304(b)] -- 454(12)

State directory of new hires [§313]

Preliminary

State new hire reporting systems in existence prior to HR3734 must report information to the national new hire directory [§313] -- §453A

National directory of new hires [§316] -- §453

ADP systems meeting all IV-D requirements enacted on or before Family Support Act [§344] -- §454(24)

IRS collection of arrearages [§361(b)] -- §6305(a) of the Internal Revenue Code of 1986

Denial/restriction/revocation of passport if arrears greater than \$5000 [§370] -- §§452(k) & 454(31)

1/1/98

Adoption of UIFSA (with modifications) [§321] -- §466(f)

5/1/98

Automated comparison of SSNs in the State case registry with new hire directory information [§313] -- §453A(f)

Enactment Plus Two years

Deadline for systems regulations [§344(A)(3)] -- no cite to the Act

10/1/98

Study and report to Congress on distribution policy impacts on welfare caseloads [§302(a)] -- §457

Case entry in State central registry [§311 and §344(a)(2)] -- §454A

Central State case registry & capacity for data matching [§311] -- §454A

Centralized automated unit for collections and disbursements [§312] -- §454(27)

Collection through State centralized collection unit of orders under wage withholding [§312] - §454B

Conducting automated comparisons of SSN information against State case registry [§313] -- §453A

State new hire reporting systems in existence prior to HR3734 must meet rest of new requirements [§313] -- §453A

Establish/operate national level "Federal Case Registry of Child Support Orders" [§316(f)] -- §453

10/1/99

End of optional exception period for local court collection of child support in lieu of State centralized collection unit [§312] -- §454B

Performance-based incentives & adjustments to payments [§341] [Note: §458 of the Act as in effect before enactment of law remains effective for purposes of incentive payments to States for fiscal years before FY 2000] -- §458

10/1/2000

Distribution for assigned pre-assistance collections [§302(a)] -- §457

ADP systems must meet all IV-D requirements enacted on or before this law (with additional time tied to regulation issuance) [§344(A)(4)] -- §454(24)

Five Years After Enactment

Changes to State constitution to meet any requirement [§395(c)]; earlier of five years from enactment or one year after the effective date of the State constitutional amendment

CCOMB

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**New Child Care Reporting Requirements under
the Personal Responsibility and Work
Opportunity Reconciliation Act of 1996**

**Draft
Child Care Bureau
9/9-10/96**

DRAFT

Reporting Requirements

DRAFT

New Bill (Conference Report)	CCDBG Old Requirements ACF 700 (Aggregate Report)	Title IV-A Non JOBS ACF 115 (Aggregate Report)	Title IV-A JOBS ACF 108 (Disaggregate - Sample Report)
Bi-annual Report (aggregate) =====			
1. Number of child care providers receiving funds by type of care			
2. Full monthly cost of services by type of care and proportion paid by subsidy	Average hourly subsidy paid for child care by type of provider	Average monthly subsidy paid for child care by type of provider	Average monthly subsidy paid for child care by type of provider
3. Number of payments by type of payment (vouchers, contract, cash, and diregard, etc.) by type of care	Number of children receiving care by certificate or contracts/grants		
4. Manner of consumer education provided and number of parents affected			
5. Unduplicated number of children and families served	Unduplicated number of children and families served.	Average monthly number of families and children receiving care	Average monthly (duplicated count) of Number of families and children served
Quarterly Report (unaggregated monthly data) =====			
1. Family income by source (employment, IV-A , cash assistance, housing assistance, food stamps, and other assistance)	Family income in relationship to poverty levels	Number of families with and without earnings	
2. County of Residence of children receiving child care			County FIPS code
3. Gender of children receiving child care			
4. Race of children receiving child care			
5. Age of children receiving child care	Age of children receiving care		Date of birth for children receiving care
6. Whether the family has only 1 parent			Number of adults in the family
7. Number of months the family received child care benefits		Number of families by number of months receiving care	
8. Type of child care (center, home, etc.)	Children served by type of care	Families served by type of care	Children served by type of care
9. Whether child care provider is a relative	Children served by type of provider, relative/non-relative	Number of families, relative/non-relative	Children served by relative
10. Cost of child care per family	Average hourly amount paid for child care	Average monthly amount paid for child care	Average monthly amount paid for child care
11. Average hours per week of child care	Average hours per week of child care		

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Proposed Biannual Child Care and Development Fund Report

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CHILD CARE AND DEVELOPMENT BLOCK GRANT BIENNIAL REPORT ON SERVICES PROVIDED FROM APRIL 1, 1997 THROUGH SEPTEMBER 30, 1997											OMB Approval Number: Expires:	
Complete Name of Grantee: Address: Contact Person and Phone:	CATEGORY/TYPE OF CHILD CARE											
	CARE PROVIDED BY A LICENSED OR REGULATED PROVIDER IN A					CARE PROVIDED BY A LEGALLY OPERATING PROVIDER (LICENSE CATEGORY UNAVAILABLE IN STATE OR LOCALITY) IN A						
	(a) TOTAL	(b) Child's Home	(c) Family Home	(d) Group Home	(e) Center	CHILD'S HOME BY A		FAMILY HOME BY A		GROUP HOME BY A		(l) Center
						(f) Relative	(g) Non-Relative	(h) Relative	(i) Non-Relative	(j) Relative	(k) Non-Relative	
1. Number of families receiving child care services												
2. Number of children receiving child care services												
3. <u>Payment Methods:</u> a. Number of children receiving child care services through certificates b. Of children served through certificates, number of children served through cash payments c. Number of children served through grants or contracts	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.	a. b. c.
4. Number of families receiving <u>consumer education and method</u> a. Resource and referral counseling b. List of legally operating child care providers c. Brochure, booklet or written material about types of care and quality of care d. Checklist of health and safety concerns e. Copies of child care regulatory information f. Familiarization with child care provider complaint policies (any method) g. Other	a. b. c. d. e. f. g.	[Shaded area]										
5. Number of child care providers receiving CCDF funding by type of care												

Teo mch detail

check off no details

*Suzanna Zafant Sennett
518-474-9454
NYS Dept. of Social Services
New York
- Family check*

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CCDF Biannual Report

Reporting Definitions

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Term	Definition
1. Number of Families	Provide the total unduplicated number of families assisted during the report period, counting each family assisted once (even if a family has exited and re-entered the program).
2. Number of Children	Provide the total unduplicated number of children assisted during the report period, counting each child assisted once (even if a child has exited and re-entered the program).
3. Payment Methods	
3a. Number of children receiving child care services through certificates	Provide the total unduplicated number of children served through certificates. <u>Count each child once</u> , even if they receive services from more than one type of provider, using the category which serves as the primary caregiver. The sum of the columns should equal the number in column (a), row 5a..
3b. <u>Of the children served through certificates</u> , number of children served through cash payments	Provide the total number of children served whose families receive cash payments or cash certificates. In the columns across the page, indicate the type of providers (see definitions below) which served these children. The sum of the columns should equal the number in column (a), row 5b..
3c. Number of children served through grants or contracts	Provide the total unduplicated number of children served through grants and contracts. In the columns across the page, indicate the type of providers (see definitions below) which received grants and contracts. The sum of the columns should equal the number in column (a), row 5c.
4. Consumer Education	
<u>One or more of the items in section 4 may be reported as appropriate for the State. Numbers need not be limited to subsidized families if information is unavailable by income or programmatic status. Consumer education may be provided directly by the State or through contracts with private agencies.</u>	
4a. Resource & Referral counseling	Number of families counseled concerning the selection of appropriate child care services through a resource and referral service contracted or directly operated by the Grantee.
4b. List of legal child care providers	Number of families receiving lists of legally operating child care providers. (May include oral or written lists provided by CCR&R or State staff.)
4c. Brochure, booklet, or written material about types of care and quality	Number of families who receive written materials concerning types and qualities of care.
4d. Checklist of health & safety concerns	Number of families who receive checklists of health and safety concerns. (These may be included with 4b. Above.)

4. Consumer Education, continued	One or more of the items in section 4 may be reported as appropriate for the State. Numbers need not be limited to subsidized families if information is unavailable by income or programmatic status. Consumer education may be provided directly by the State or through contracts with private agencies.
4e. Copies of child care regulatory information	Number of families who receive copies of State or local child care rules or regulations (for licensed, regulated or legally unregulated providers).
4f. Familiarization with child care provider complaint policies (any method)	Number of families receiving oral or written information pieces concerning State or local complaint procedures.
4g. Other	Numbers of families receiving any other type consumer education items provided by the State. Example: A State has an internet web site which provides information to parents about child care, regulations, complaint procedures, etc. Low-income families have access to the internet at a State agency office, a resource and referral office, or through the public library system. The State may count each web site "hit" as an assisted family. (If more than 1,000 families are assisted, please provide a short description.)
5. Number of child care providers receiving CCDF funding by type of care	Provide the total number of child care providers serving subsidized families. Across the columns indicate the number of providers serving subsidized families by provider type.
Types of Providers	Provider types are broken up into two broad categories of licensed/regulated and legally operating (no license category available in state or locality). Under each of these categories are four types of providers: in-home, family home, group home, and centers. (See columns (b) through (l).)
Licensed or regulated provider	Provider legally regulated or licensed by State or local public agency or through a State's designated licensing agent.
Legally operating provider (license category not available)	Legally operating care provided in a child's home, family child care home, group home, or center-based site for which no licensing category exists in the State or locality.
Child's Home	Care provided by a caregiver in the child's home.
Family Home	Care provided in a family child care home.
Group Home	Care provided in a group child care home (as differentiated from a family child care home by the grantee.)
Center	Care provided in a center-based setting, including programs in schools.
Relative	A provider who is at least 18 years of age and who is a grandparent, great-grandparent, aunt or uncle, or sibling living outside the child's home.

report on what categories

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CHILD CARE COLLECTION FORM

I. HEAD OF FAMILY UNIT

(1). Sample Date (Month) (Year) [][] [][] (1-4)	(2). Social Security Number (or other identifier) [][][][][][][][][][][][] (5-13)	(3). FIPS Code (a) State [][] (b) County [][][] (14-15) (16-18)	(4). Race [] (19)	(5). Number of Parents in the Family [] (20)	(6). Reason for Receiving Care [] (21)
--	--	---	--------------------------	--	---

II. FAMILY INCOME BY SOURCE OF INCOME

Income Source	Dollar Amount
(7). Employment, including self-employment:	[][][][][] (22-26)
(8). Cash or other assistance under Title IV of the Social Security Act (TANF):	[][][][][] (27-31)
(9). Housing assistance:	[][][][][] (32-36)
(10). Assistance under the Food Stamps Act of 1977:	[][][][][] (37-41)
(11). Other assistance programs (such as SSI):	[][][][][] (42-46)

III. DEPENDENT CHILDREN RECEIVING CHILD CARE ASSISTANCE

	12. Gender	13. Date of Birth (month) (year)	14. Date child care assistance started (month) (year)	15. Type of child care	16. Total Monthly cost of care	17. Amount of child care subsidy	18. Average hours of care per week during the month
1. Youngest child receiving care:	[] (47)	[][] [][][][] (48-51)	[][][][] [][][][] (52-55)	[][] (56-57)	[][][][] (58-60)	[][][] (61-63)	[][] (64-65)
2. Second child receiving care:	[] (66)	[][] [][][][] (67-70)	[][][][] [][][][] (71-74)	[][] (75-76)	[][][][] (77-79)	[][][] (80-82)	[][] (83-84)
3. Third child receiving care:	[] (85)	[][] [][][][] (86-89)	[][][][] [][][][] (90-93)	[][] (94-95)	[][][][] (96-98)	[][][] (99-101)	[][] (102-103)
4. Fourth child receiving care:	[] (104)	[][] [][][][] (105-108)	[][][][] [][][][] (109-112)	[][] (113-114)	[][][][] (115-117)	[][][] (118-120)	[][] (121-122)

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CHILD CARE UNIT DATA COLLECTION
Instructions and Definitions

SECTION I. HEAD OF FAMILY UNIT: The following group of elements (items 1-5) refer to the head of the family unit selected in this sample.

- 1) **SAMPLE DATE:** Enter the four digit code (in format: mmyy) that identifies the month and year for which the sample was drawn.

- 2) **SOCIAL SECURITY NUMBER:** Enter the unique identifying number (SSN) up to nine digits. If number is less than nine digits, use leading zeros. **Example:** 19056, code 000019056.

- 3) **FEDERAL INFORMATION PROCESSING STANDARDS (FIPS) CODE:** Enter the FIPS Code geographic identifier issued by the National Bureau of Standards to designate where the participant is residing.
 - a) **State** code, two digits, and
 - b) **County** code, three digits

- 4) **RACE (Ethnicity):** Enter the one digit code for the race of the participant.
 - 1 -- White, not Hispanic origin
 - 2 -- Black, not of Hispanic origin
 - 3 -- Hispanic
 - 4 -- Asian or Pacific Islander (Oriental)
 - 5 -- American Indian or Alaska Native
 - 6 -- Other

- 5) **NUMBER OF PARENTS IN FAMILY:** Enter the number of parents in the family.
 - 1 -- Single Parent
 - 2 -- 2 Parents

6) **REASON FOR RECEIVING SUBSIDIZED CHILD CARE:** Enter the one digit code indicating the reason for receiving subsidized child care.

1 -- Employment

2 -- Training

3 -- Education

4 -- Protective Services

5 -- Other

SECTION II. FAMILY INCOME BY SOURCE: Enter the total dollar amount of income by source of income totalled to the nearest dollar and use leading zeros as necessary.

7) Employment income, including self-employment.

8) Cash or other monetary assistance under Title IV of the Social Security Act (TANF), including child care disregard.

9) Housing assistance including vouchers.

10) Assistance under the Food Stamps Act of 1977.

11) Other cash assistance (for example SSI).

SECTION III. DEPENDENT CHILDREN RECEIVING CHILD CARE: This group of elements refers to dependent children in the child care unit (filing unit), and specifies demographic and child care service elements of children receiving care. Child care data in this section can be coded for up to four dependent children receiving care. If more than one child in the family is receiving care, please start with the youngest child and finish with the oldest child.

12) **CHILD GENDER:** Enter the one digit code for the gender of the child receiving care.

1 -- Male

2 -- Female

13) **DATE OF BIRTH:** Enter the four digit code (in the format: mmyy) for the month and year of birth of the child receiving care.

- 14) **DATE CHILD CARE ASSISTANCE STARTED:** Enter the four digit code (in the format: mmyy) for the month and year child care assistance started for the child receiving care. If there was a short interruption in child care assistance (like summer vacation, illness) enter the original date the assistance started, rather than when the assistance resumed.
- 15) **TYPE OF CHILD CARE:** Enter the type of care, two digit code, for each child. The following codes specify who cared for the child and where such care took place during the sample month. If more than one type of care is provided code the primary type (the one with most hours of care provided).

Codes:

- 01 -- Licensed/regulated in-home child care
- 02 -- Licensed/regulated family child care
- 03 -- Licensed/regulated group home child care
- 04 -- Licensed/regulated center-based care
- 05 -- Legally operating (no license category available in state or locality) in-home care provided by a non-relative
- 06 -- Legally operating (no license category available in state or locality) in-home care provided by a relative
- 07 -- Legally operating (no license category available in state or locality) family child care provided by a non-relative
- 08 -- Legally operating (no license category available in state or locality) family child care provided by a relative
- 09 -- Legally operating (no license category available in state or locality) group home child care provided by a non-relative
- 10 -- Legally operating (no license category available in state or locality) group home child care provided by a relative
- 11 -- Legally operating (no license category available in state or locality) center-based care

family group

- 16) **TOTAL MONTHLY COST OF CHILD CARE:** For each child receiving child care enter the total dollar amount (round to the nearest dollar and use leading zeros as necessary) of the amount the provider charges for providing the child care service. Include both the fee the family pays and the child care subsidy.
- 17) **AMOUNT OF CHILD CARE SUBSIDY:** For each child receiving child care enter the total dollar amount (round to the nearest dollar and use leading zeros as necessary) paid to the provider as a subsidy. The total amount should include Federal, State, and locally funded amounts.
- 18) **AVERAGE HOURS OF CHILD CARE PER WEEK DURING THE MONTH:** Enter the two digit code for the average number of hours provided per week for the sample month. If care started in the middle of the month, average only for the weeks child care was provided.

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NOTICE OF GRANT AWARD - FY 1997
CHILD CARE DEVELOPMENT FUND

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GRANTEE ADDRESS:

DEAR GRANTEE:

This grant award represents the first quarter allocation to the State for fiscal year 1997 for the Child Care Development Fund. These funds are made available under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

	This Action	Cumulative
Mandatory Funds	\$	\$
CAN:		
Matching Funds	\$	\$
CAN:		
Appropriation:		
CFDA Number:		
Discretionary Funds	\$	\$
CAN:		
Appropriation:		
CFDA Number:		

EIN:

Document Number:

This award provides Federal Funds for Expenditures made in accordance with applicable statutes and regulations, your assurances and plan submitted in accordance with section 45 CFR Parts 98 and 99, and the laws and procedures applicable to the expenditure of State funds. Determinations as to whether the State has complied with these requirements may be made as the result of the audit required by Section 658K(b) of the Act and the Single Audit Act of 1984, or as the result of reviews conducted under Section 658I(b) of the Act.

In accordance with Department of Treasury regulations at 31 CFR Part 205 implementing the Cash Management Improvement Act, you agree to limit your request to draw Federal funds to the minimum amount needed and to time the request to be in accord with the actual, immediate requirements of the State in carrying out programs funded through this award.

Funds included in this award will be made available through the DHHS Payment Management System (PMS). Inquiries concerning payments should be directed to PMS at P.O. Box 6021, Rockville, Maryland 20852, Phone: (301) 443-1660. Please refer any other questions about this grant to XXXXXXXX, the financial analyst assigned to your State, at (202) XXX-XXXX.

Sincerely Yours,

Joel B. Anthony
Director
Division of Grants Management

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**U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES**

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CHILD CARE DEVELOPMENT FUND ACF-696 FINANCIAL REPORT

Column (A)	Column (B)	Column (C)	Column (D)
STATE	FY MANDATORY/MATCHING:	SUBMISSION (MARK ONE BOX)	CURRENT QTR. ENDED:
	FY DISCRETIONARY:	ORIGINAL [] REVISED []	NEXT QTR. ENDED:

OBLIGATIONS

ITEMS	CURRENT FISCAL YEAR CUMULATIVE MANDATORY FUNDS	CURRENT FISCAL YEAR CUMULATIVE MATCHING FUNDS AT FY 1995 FMAP RATE %	PRIOR FISCAL YEAR CUMULATIVE DISCRETIONARY FUNDS
1. TOTAL OBLIGATIONS			
a. CHILD CARE SERVICES			
b. CHILD CARE ADMINISTRATION			
c. QUALITY ACTIVITIES			
2. STATE SHARE			
3. FEDERAL SHARE			
4. FEDERAL SHARE OF UNLIQUIDATED OBLIGATIONS			
5. AWARDED			
6. UNOBLIGATED BALANCE			

QUARTERLY ESTIMATES

ITEMS	MANDATORY FUNDS	MATCHING FUNDS	DISCRETIONARY FUNDS
1. FEDERAL FUNDS REQUESTED			

MAINTENANCE OF EFFORT

1. MAINTENANCE OF EFFORT			
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THIS IS TO CERTIFY THAT THE INFORMATION REPORTED ON ALL PARTS OF THIS FORM IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS ALSO CERTIFIES THAT THE STATE'S SHARE OF ESTIMATES IS OR WILL BE AVAILABLE TO MEET THE NON-FEDERAL SHARE OF ESTIMATES AS REQUIRED BY LAW.

SIGNATURE: STATE OFFICIAL	TYPED NAME, TITLE, AGENCY NAME
DATE SUBMITTED	FOR FEDERAL USE ONLY:
PAGE 1 OF 1	APPROVED OMB NO. XXXX-XXXX FORM ACF-696

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TENTATIVE Data Reporting Schedule (Pending OMB Approval)

Due Date	Type of Report	Report Period
12/31/96	ACF-700	10/1/95-9/30/96
12/31/97	Biannual Report	4/1/97-9/30/97
6/31/98	Biannual Report	10/1/97-3/31/98
12/31/98	Biannual Report	4/1/98-9/30/98
Due Date	Type of Report	Report Period
8/15/97	Quarterly Report	4/1/97-6/30/97
11/15/97	Quarterly Report	7/1/97-9/30/97
2/15/98	Quarterly Report	10/1/97-12/31/97
5/15/98	Quarterly Report	1/1/98-3/31-98
8/15/98	Quarterly Report	4/1/98-6/30/98
Due Date	Type of Report	Report Period
12/31/96	Financial Report (SF-269A)	10/1/95-9/30/96 (FY 93-95 CCDBG grants)
12/31/97	Financial Report (SF-269A)	10/1/95-9/30/96 (FY 94-96 CCDBG grants)
12/31/98	Financial Report (SF-269A)	10/1/95-9/30/96 (FY 95-96 CCDBG grants)
12/31/99	Financial Report (SF-269A)	10/1/95-9/30/96 (FY 96 CCDBG grant)
Due Date	Type of Report	Report Period
1/30/97	New Financial Report	10/1/96-12/31/96 (All CCDF Funds)
4/30/97	New Financial Report	1/1/97-3/30/97 (All CCDF Funds)
7/30/97	New Financial Report	4/1/97-6/30/97 (All CCDF Funds)
10/30/97	New Financial Report	7/1/97-9/30/97 (All CCDF Funds)

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KEY STATUTORY EFFECTIVE DATES

<u>REQUIREMENT</u>	<u>DATE</u>
1. State TANF Plans	7/1/97 or sooner
2. Tribal TANF Plans	No date specified
3. Supplemental Grants Available	FY 1998
4. Contingency Fund (administered by Treasury Department)	FY 1997
5. Loans (3-year loans)	FY 1997
6. Participation Rates	FY 1997
7. New Program Reporting	
- First monthly case-record data due	10/97
8. Research	FY 1997
- Fund evaluations of State TANF programs, innovative approaches, State-initiated demos, and §1115 demonstration projects	
- Provide T & TA funds	
- Disseminate information	
- Review reports by States terminating waivers	
9. One-year extension of SACWIS enhanced funding	FY 1997
10. Preventing Teen Pregnancy	1/97
- Strategy to prevent out-of-wedlock pregnancies and assure that at least 25% of communities have pregnancy prevention programs	
11. Child Care Programs	
- FY97 mandatory and matching funds available	10/97
- Proposed dates for new plans--covering FY 97/98 discretionary funds and FY 98/99 mandatory and matching funds (NOTE: these are ACF's proposed dates, not specified in statute)	

REPORTS

1. Program and Participant Characteristics Annual beg.
March 1998
 - Participation Rates
 - Employment and earnings
 - Decreasing out-of-wedlock births
 - State program characteristics
 - Demographics

2. Program Performance FY 97
 - Annual ranking of states
 - Review of most and least successful programs
 - Out-of-wedlock births

3. Report on Children and Families Annual beg.
August 1999
 - Covers children in families affected by time limits, children of teen parents and teens becoming parents
 - Looks at issues such as: drop-out rates; employment; crime; health insurance; income; and program participation

4. Child Poverty Rates (from State to HHS) Annual beg.
11/17/96

5. Data Processing 2/22/97
 - Status of State systems
 - \$ to track participants over time, across States
 - Time needed to establish systems

6. Outcome Measures 9/30/98
 - HHS develops, in consultation with States

7. Legislative Proposals for Technical Corrections 11/17/96

8. National Random Study of Child Welfare Due from "time
to time"

"...our nation's answer to this great social challenge will no longer be a never-ending cycle of welfare, it will be the dignity, the power and the ethic of work. Today, we are taking an historic chance to make welfare what it was meant to be: a second chance, not a way of life." President William J. Clinton

STATE GUIDANCE

FOR

THE PERSONAL RESPONSIBILITY

AND

WORK OPPORTUNITY RECONCILIATION ACT OF

1996



Department of Health and Human Services
Administration for Children and Families
370 L'Enfant Promenade, S.W., Washington, D.C. 20447
September 1996

DRAFT

A New Beginning...

The Temporary Assistance for Needy Families (TANF) Program

On August 22, President Clinton signed into law the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," a comprehensive bipartisan welfare reform bill that establishes the Temporary Assistance for Needy Families (TANF) program. This legislation will dramatically change the nation's welfare system into one that requires work in exchange for time-limited assistance. It contains strong work requirements, a performance bonus to reward States for moving welfare recipients into jobs, State maintenance of effort requirements, comprehensive child support enforcement, and supports for families moving from welfare to work.

In signing the bill, President Clinton said, "This is not the end of welfare reform, this is the beginning." He went on to say:

Today, we are ending welfare as we know it. But I hope this day will be remembered not for what it ended, but for what it began -- a new day that offers hope, honors responsibility, rewards work, and changes the terms of the debate....

The new legislation gives States the opportunity to create a new system that promotes work and responsibility, and strengthens families. It challenges us all to remedy what is wrong with the old system, and to provide opportunities that will help needy families under a framework of new expectations.

Starting the Program

The new TANF program replaces the AFDC, JOBS and EA programs with a new block grant program. A State is eligible to participate in the new program no earlier than the submittal of its State TANF plan. A State will receive its block grant funds once the Secretary has found the State's plan to be complete.

States must submit their TANF plans no later than July 1, 1997, but can submit them earlier if they choose. States should consider several factors in deciding whether to implement the TANF program prior to July 1, 1997. In States with reduced caseloads, funding for the AFDC, EA and JOBS programs may be less than the amounts the States would receive under the new block grant. Thus, it may be financially advantageous for some States to accelerate their effective date.

In addition to the financial implications, States should also weigh other considerations in determining when to implement the new program. Given the complexity of the new legislation and the tremendous range of options available, designing and implementing a new program will require a significant effort on the part of States. They must consult and coordinate with numerous parties, undertake staff training and modify computer systems.

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Inadequate attention to these activities could undermine the long-term effectiveness of the State's program. Further, once States submit their plans, the work requirements and the 5-year time limit begin. Penalty and data collection requirements begin July 1, 1997, or 6 months after the plan has been submitted, whichever is later.

Suggested State Plan Outline

The statute requires States to outline how they intend to conduct a program that provides assistance to needy families with children and provide parents with job preparation, work and support services to enable them to leave the program and become self-sufficient.

We recommend that States use the State plan process to consider and address a set of important questions, and to outline to the citizens of the State, other interested parties, and the Federal government how those questions will be addressed in the operation of the State's program. Toward that end, we suggest that a State plan include discussion of the issues outlined below as well as addressing all other requirements specified in the law. Attachment A provides a copy of the statutory text.

A possible format is a 15-20 page document that describes the State's program goals, approach, and program features. Some States may emphasize some areas more than others depending on the circumstances in the State. States must submit plans every two years. They may submit amendments to keep the plan current whenever they wish to make changes in the administration or operation of the program. A State plan will be considered complete as long as it includes the information required by the Act.

GOALS, RESULTS AND PUBLIC INVOLVEMENT

What are the overarching goals for your program? How were local governments and private sector organizations involved in designing the TANF plan? How has the public been involved in program design and has the public had the opportunity to provide input? How will you judge and measure progress toward goals? What results will be measured and how will accountability be ensured?

NEEDY FAMILIES

Who will be assisted under this program? How will "needy families" be defined? Will all families in the State have access to the same program or will it vary? Will the same services be offered to families who have moved from another State? How will eligible non-citizens be treated within the program? How will the privacy of families be protected? What rights will applicants and beneficiaries have to challenge decisions?

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WORK AND SELF-SUFFICIENCY

What are your overall goals for work and self-sufficiency? How will the program move families to work and ultimately to self-sufficiency? What services will be available to move clients to work? How will you identify and provide additional, targeted support to victims of domestic violence and others who may have particular difficulty successfully making the transition from welfare to work? How will various community, education, business, religious, local governments, and non-profit organizations be involved in the effort to provide work for clients? How will the delivery of services vary across the State?

BENEFITS

What benefits will be given to needy families? Will benefits be delivered through cash, in-kind, vouchers, or electronic benefits transfer (EBT)? How will time limits and sanctions be incorporated into the program? What supportive services will be available to clients? How will child care be provided to allow parents to go to work?

CULTURE CHANGE

What measures will be taken to change the culture of the welfare office to support work and self-sufficiency? What kind of training will take place for staff who will be involved in administering the program?

PARENTAL RESPONSIBILITY

How will parental responsibility be encouraged? How will child support enforcement interact with the TANF program? Will non-custodial parent be involved in any work programs? What efforts will be made to reduce the incidence of out-of-wedlock births? How will problems of domestic violence and statutory rape be addressed?

TRIBES

How will you ensure equitable access to your program for members of Indian tribes who are not eligible for assistance under a tribal family assistance plan? How will you assist tribes in implementing their programs? What kind of assistance will be available to tribes in implementing their programs?

ADMINISTRATION

What is the structure of the agency administering the program? What will be the role of public or private contractors in the delivery of services? How will elements of the program be phased-in? Will the implementation date differ from the plan submittal date?

WAIVERS

Do you intend to continue one or more individual waivers as provided under section 415? If so, please identify each waiver provision and each provision of new law that you believe are inconsistent, and provide the basis for your assessment of inconsistency. (You may wish to consult with the chief law officer of your State in making this assessment.) What is the name of the 1115 demonstration which contains the waiver? What are the beginning and ending dates of the demonstration? Is the waiver incorporated into your TANF plan applicable statewide? If not, how will TANF operate in those areas of the State not covered by the continuing waivers? Note: Limitations on which provisions of the TANF may be considered inconsistent with waivers for purposes of determining penalties may be established through future legislative or regulatory action. If this happens, States will have an opportunity to submit a new plan in order to come into compliance with the requirements.

Description of Attachments

In additions to this guidance, we are providing three attachments that State policy makers may wish to use in developing their State TANF plans. Attachment A is a copy of the statutory requirements regarding the state plan. Attachment B contains suggested formats for the required certifications that must be submitted with a state plan. Attachment C provides technical information for financial officers of the program regarding funding and a mechanism for States to request TANF funds.

Paperwork Reduction Act

The information in the State TANF plan is collected in accordance with section 402 of the Social Security Act, as amended. Information received in the State plans sets forth how the TANF program will be administered and operated in the States.

The response burden for this collection of information is estimated to be 60 hours per response, including the time for reviewing the statute, this guidance gathering and preparing the information, and reviewing the information.

The information collected is mandatory in accordance with the above-mentioned citations.

This information is not considered confidential; therefore, no additional safeguards are considered necessary beyond that customarily applied to routine government information.

Inquiries

Inquiries should be addressed to the appropriate Regional Administrator, Administration for Children and Families. Information about all State plans will be posted on the ACF home page.

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ATTACHMENT A

◆ Statutory Text Relating to State Plans ◆

DRAFT**STATUTORY TEXT**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) was signed by the President August 22. The following is the statutory language relative to the State TANF plan.

SECTION 402 -- STATE PLAN REQUIREMENTS**(a)(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.-**

(A) General Provisions.-A written document that outlines how the State intends to:

(i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.

(ii) Require a parent or caretaker receiving assistance under the program to engage in work once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months, whichever is earlier.

(iii) Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.

(iv) Take steps to restrict the use and disclosure of information about individuals and families receiving assistance.

(v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy ratio of the State for calendar years 1996 through 2005.

(vi) Conduct a program that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(B) Special Provisions.-

(i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.

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Statutory Text

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(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process.

(iv) Not later than 1 year after the date of enactment of this Act, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.-A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.-A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

(4) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.-A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations-

(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

(B) have had at least 45 days to submit comments on the plan and the design of such services.

(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.-A certification by the chief executive officer of

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Statutory Text

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the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.-A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.-

(A) In General.-At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to-

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individuals to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.-The State shall make available to the public a summary of any plan submitted by the State under this section.

DRAFT

ATTACHMENT B

◆ State Plan Certifications ◆

This has been designed to enable the Chief Executive Officer of a State to certify that the State will operate its Temporary Assistance to Needy Families (TANF) program in accordance with the statutory requirements in section 402(a)(2) through (7).

DRAFT

CERTIFICATIONS

The State will operate a program to provide Temporary Assistance to Needy Families (TANF) so that the children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

This program is known as _____

Executive Officer of the State (Name) _____

In administering and operating a program which provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State will:

- 1. Specify which State agency or agencies will administer and supervise the program under part A in all political subdivisions of the State:

_____ is (are) the agency(ies) responsible for administering the program;

_____ is (are) the agency(ies) responsible for supervising the program;

- 2. Assure that local governments and private sector organizations:
 - (a) Have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and
 - (b) Have had at least 45 days to submit comments on the plan and the design of such services.
- 3. Operate a Child Support Enforcement program under the State plan approved under part D;
- 4. Operate a Foster Care and Adoption Assistance program in accordance with part E, and certify that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance;

DRAFT**Certifications**

2

5. Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.
6. Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. Make available to the public a summary of the State plan; and

OPTIONAL CERTIFICATION

- [] The State has established and is enforcing standards and procedures to:
- (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
 - (2) Refer such individuals to counseling and supportive services; and
 - (3) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in case where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:_____
Date_____
Signature and Title

DRAFT

ATTACHMENT C

◆ Funding ◆

FUNDING

DRAFT

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive for each of the fiscal years 1996 through 2002, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B).

I. Payments to Agency Administering the TANF Program

- ▶ Payments for the TANF program will be made to the organization managing the AFDC/JOBS programs as of August 22, 1996, unless the State indicates that the TANF administering agency is changed. If a change is made, describe the name, address and EIN number of the new organization.

II. State Payments for TANF Program

- ▶ Section 405 requires that grants be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For FY 1998 and Future Years-

<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
_____	_____	_____	_____

- ▶ For FY 1997, States should indicate below the percentage of TANF funds requested for only those quarters in which they plan to operate the program.

For FY 1997

<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
_____	_____	_____	_____

DRAFT

Funding

2

III. Changes and Inquiries

- ▶ If a State determines that these estimates require changes, a letter indicating the change in percentages should be sent to your ACF Regional Office and to ACF's Central Office. The Central Office address is:

The Administration for Children and Families
The Office of Program Support
The Division of Grants Management
6th Floor, Aerospace Building
370 L'Enfant Promenade
Washington, D.C. 20447

QUESTIONS TO RESOLVE ABOUT TANF GUIDANCE

- o Guidance document overall
 - o format OK?
 - o are we sure items with arrows really required?
 - o draft vs. final: HHS prepared to go with draft (what does that mean?)
 - o "Suggested state plan outline" section needed? (p.2)
- o 45 day comment period (p.2)
 - o legal basis?
 - o does document punt on Wisconsin?
- o Waivers
 - o can we say anything given President's comment on time limits issue?
 - o doesn't guidance draw a line that anything goes? (p.8)
- o Federal Register notice OK?

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

06-Sep-1996 09:27am

TO: (See Below)

FROM: Jeremy D. Benami
Domestic Policy Council

SUBJECT: Welfare issues meeting today

Several issues are floating that need WH decision and coordination prior to the Monday NGA/NCSL/APWA meeting:

- are we OK with the HHS guidance document (you all have a copy)
- are we OK with HHS proposal on 45 day comment period
- are we OK on the proposed approach to waivers outlined in the guidance?

Other issues are obviously out there (Cal Food Stamps, SSI kids timing, etc.) but the three above need our input ASAP.

Dorothy is calling your offices to try to set this up.

Distribution:

TO: Bruce N. Reed
TO: Elena Kagan
TO: Kenneth S. Apfel
TO: Emily Bromberg

CC: Diana M. Fortuna
CC: Dorothy K. Craft

Elena



FACSIMILE TRANSMISSION

ADMINISTRATION FOR CHILDREN AND FAMILIES
OFFICE OF THE DEPUTY ASSISTANT SECRETARY
FOR POLICY AND EXTERNAL AFFAIRS
370 L'ENFANT PROMENADE, S.W.
WASHINGTON, D.C. 20447

DATE: *9/5/96*
TO:
Name: *Diana Fortuna*
Organization:
Telephone:
Fax: *458-7431*
Number of Pages (excluding cover): *25*

234-0717

FROM:
Name: Ann Rosewater
Deputy Assistant Secretary
for Policy and External Affairs

- Elena
- Apfel

Telephone: (202) 401-5180
Fax: (202) 205-3848

MESSAGE:

Fontenot, Farkas
5-0851

PRWORA/WAIVER INCONSISTENCIES: DECISION POINTS

1. State plan submissions

Timing: Instantly

Proposal: Ask the states to identify and explain any inconsistent provisions of the PRWORA. If they identify any, then they are assumed to be operating under their waiver rather than under the block grant rules, and will also have to explain how they will meet cost neutrality and evaluation requirements. Instructions will contain a note that future legislative or regulatory action may limit what can be deemed inconsistent; and if so, they will have time to come into compliance. (See attached draft.)

2. Determination of completeness of state plans

Timing: 30 days after instantly?

Proposal: Generally defer to the determination of the states, but rule out blatant claims e.g., about funding, child support etc.

3. Regulation around use of funds (Audited by state audit agency under guidelines provided by us. Secretary must disallow expenditures in violation of the law.)

Timing: Process of developing regulation begins right away, through consultation with congressional staff, states etc. Try for NPRA in the spring, with a final reg by July 1, 1997.

Proposal: Use the time period around the development of this regulation to figure things out, with the information base provided by the early state plan submissions.

4. Regulation around penalties for not meeting minimum participation rates and not complying with time limits; also around bonuses to high performing states.

Timing, Proposal and Options: Basically the same as above, but with a tad more leeway.

DRAFT FOR STATE GUIDANCE

WAIVERS

1. Does the plan outlined in this document basically mirror the welfare reform policies approved for the state under one or more 1115 waiver demonstrations, and the underlying AFDC and JOBS provisions that were not waived? Which demonstration(s)? (Name of demo)

Explain any policy differences between this plan and the approved demonstration or demonstrations.

Note the beginning and ending date of the demonstration. Is the demonstration(s) incorporated into the plan applicable in the whole statewide? If not, explain how TANF will operate in those areas of the state not covered by the demonstration(s).

2. List any provisions of PRWORA that the state considers to be inconsistent with the approved waiver demonstration(s) incorporated into this plan. Briefly explain the basis for your assessment of inconsistency. You may wish to consult with the chief law officer of your state in making this assessment.

3. If any inconsistent provisions have been listed in (2), then the state is assumed to be operating a welfare reform demonstration for the period of the demonstration in lieu of a program under the block grant. If this is the case, then cost neutrality and evaluation requirements apply. Guidance on cost neutrality and evaluation will follow.

NOTE: LIMITATIONS ON WHICH PROVISIONS OF THE PROWRA MAY BE CONSIDERED INCONSISTENT WITH WAIVERS FOR PURPOSES OF DETERMINING PENALTIES MAY BE ESTABLISHED THROUGH FUTURE LEGISLATIVE OR REGULATORY ACTION. IF THIS HAPPENS, STATES WILL HAVE A PERIOD OF NO MORE THAN ONE YEAR TO SUBMIT A NEW PLAN COMING INTO COMPLIANCE WITH THE REQUIREMENTS.

"...our nation's answer to this great social challenge will no longer be a never-ending cycle of welfare, it will be the dignity, the power and the ethic of work. Today, we are taking an historic chance to make welfare what it was meant to be: a second chance, not a way of life." President William J. Clinton

STATE GUIDANCE

FOR

THE PERSONAL RESPONSIBILITY

AND

WORK OPPORTUNITY RECONCILIATION ACT OF

1996



Department of Health and Human Services
Administration for Children and Families
370 L'Enfant Promenade, S.W., Washington, D.C. 20447
August 1996

A New Beginning...

The Temporary Assistance for Needy Families (TANF) Program

On August 22, President Clinton signed into law the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," a comprehensive bipartisan welfare reform bill that establishes the Temporary Assistance for Needy Families (TANF) program. This legislation will dramatically change the nation's welfare system into one that requires work in exchange for time-limited assistance. It contains strong work requirements, a performance bonus to reward States for moving welfare recipients into jobs, State maintenance of effort requirements, comprehensive child support enforcement, and supports for families moving from welfare to work.

In signing the bill, President Clinton said, "This is not the end of welfare reform, this is the beginning," and went on to say:

"Today, we are ending welfare as we know it. But I hope this day will be remembered not for what it ended, but for what it began -- a new day that offers hope, honors responsibility, rewards work, and changes the terms of the debate...."

The new legislation gives States the opportunity to create a new system that promotes work and responsibility, and strengthens families. It challenges us all to remedy what is wrong with the old system, and to provide opportunities that will help needy families under a framework of new expectations.

Starting the Program

The new TANF program replaces the AFDC, JOBS and EA programs. Funding for TANF is provided as a block grant. A State is eligible to receive block grant no earlier than the submittal of its State TANF plan. A State may receive its block grant funds once the Secretary has found the State's plan to be complete. States are required to submit a TANF plan no later than July 1, 1997, but can submit a plan earlier if they choose. There are several factors that should be considered in implementing the TANF program prior to July 1, 1997. In States with reduced caseloads, expenditures under the AFDC, EA and JOBS programs may be less in FY 1997 than the amounts the States would receive under the new block grant. Thus, it may be financially advantageous for some States to opt to accelerate their effective date. Attachment C provides a mechanism for States to request TANF funds for FYs 1997 and beyond.

In addition to the financial implications, States should also weigh other considerations in determining when to implement the new program. For example, once the State submits its plan, the work requirements and the 5-year time limit begin. Also, penalty and data collection requirements begin July 1, 1997 or 6 months after the plan has been submitted,

whichever is later. Thus, premature implementation of the program may make it difficult for States to meet the requirements, potentially resulting in a penalty.

Suggested State Plan Outline

The statute requires that you outline how the State intends to conduct a program that provides assistance to needy families with children and provides parents with job preparation, work and support services to enable them to leave the program and become self-sufficient. A State plan will be considered complete as long as it includes the information required by the Act.

We recommend that the State use the State plan process to consider and address a set of important questions, and to outline to the citizens of the State and the Federal government how those questions will be addressed in operation of the State's program. Toward that end, we suggest that a State plan include discussion of the issues outlined below.

A possible format is a 15-20 page document that describes the State's approach and program features. Some States may emphasize some areas more than others depending on the circumstances in the State. States should submit plans every two years. Amendments to keep the plan current may be submitted whenever the State wishes to make changes in the administration or operation of the program.

GOALS, RESULTS AND PUBLIC INVOLVEMENT

What are the overarching goals for your program? How has the public been involved in program design and have they had the opportunity to provide input? How will you know what progress you are making toward reaching your goals? What results will be measured and how will accountability be structured?

NEEDY FAMILIES

Who will be assisted under this program? How will "needy families" be defined? Will all families in the State have access to the same program or will it vary? Will you offer the same services to families who have moved from another State? How will non-citizens be treated within the program? How will the privacy of families be protected? What rights will clients have to appeal?

WORK AND SELF-SUFFICIENCY SUPPORTS

How will the program move families to work and ultimately to self-sufficiency? What services will be available to move clients to work? How will various community, education, business, religious, and non-profit organizations be involved in the effort to provide work for clients? Will the delivery of services vary across the State?

BENEFITS

What benefits will be given to needy families? Will benefits be delivered through cash, in-kind, vouchers, or electronic benefits transfer (EBT)? How will time limits and sanctions be incorporated into the program? What supportive services will be available to clients? How will you structure the provision of child care to allow parents to go to work?

CULTURE CHANGE

What measures will be taken to change the culture of the welfare office to support work and self-sufficiency? Are you planning to retrain eligibility workers?

PARENTAL RESPONSIBILITY

How will parental responsibility be encouraged? How will child support enforcement interact with the TANF program? Are you planning to involve the non-custodial parent in any work programs? What efforts will be made to reduce the incidence of out-of-wedlock births? How will you address the problem of statutory rape?

TRIBES

How will you ensure equitable access for members of Indian tribes who are not eligible for assistance under a Tribal family assistance plan? How will you assist tribe in implementing their program?

ADMINISTRATION

What is the structure of the agency administering the program? What will be the role of public or private contractors in the delivery of services? How will different elements of your program be phased-in? If the implementation date is different from the plan submittal date, when will you implement your program?

WAIVERS

Will your TANF plan basically mirror the welfare reform policies approved under 1115 waivers and the underlying AFDC and JOBS provisions that were not waived? What are the name(s) of the 1115 demonstration(s)? If there are any policy differences between your TANF plan and the approved demonstration(s), what are they? What is the basis for your assessment of inconsistency? What are the beginning and ending dates of the demonstration(s)? Is the demonstration(s) incorporated into your TANF plan applicable statewide? If not, how will TANF operate in those areas of the State not covered by the demonstration(s)?

Description of Attachments

Attachment A is a checklist which provides greater detail about the statutory requirements and provides other useful information for welfare program administrators and policy writers. Attachment B contains suggested formats for the required certifications that must be submitted with a state plan. Attachment C provides detailed information for financial officers of the program regarding funding. Attachment D is a copy of the statutory requirements regarding the state plan.

Paperwork Reduction Act

The information collection in the State TANF plan is collected in accordance with sections 402, 403, 404, 407, 408, 409, 415 and 1115 of the Social Security Act, as amended. Information received in the State plans sets forth how the TANF program will be administered and operated in the States.

The response burden for this collection of information is estimated to be 60 hours per response, including the time for reviewing the statute, these instructions, gathering and preparing the information, and reviewing the information.

The information collected is mandatory in accordance with the above-mentioned citations.

This information is not considered confidential; therefore, no additional safeguards are considered necessary beyond that customarily applied to routine government information.

Inquiries

Inquiries should be addressed to the appropriate Regional Administrator, Administration for Children and Families. Information about all State plans will be posted on the ACF home page.

Attachments:

- (A) Checklist
- (B) Certifications
- (C) Funding
- (D) Statutory Text

ATTACHMENT A

◆ Checklist for TANF State Plan ◆

CHECKLIST
FOR STATE PLANS FOR THE
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
PROGRAM

This checklist is intended to serve as a planning aid when developing the TANF plan. It includes the statutory requirements, as well as certain optional areas which are necessary in the formulation of a comprehensive self-sufficiency program. The statutory plan requirements are identified with an arrow (→) for your convenience.

During your planning for the TANF program and the preparation of the plan document, you may find it helpful to consult the following checklist to ensure that your program description is complete and understandable to your constituents.

ADMINISTRATION

I. Strategic Planning

- What benefits and services have been provided in the past and what was the cost in terms of program and administrative expenditures?
- What are your anticipated spending levels in the areas of benefits, job-related services, supportive services, child care, family preservation, prevention activities, and administration?

II. Organizational Structure

- Have you certified which State agency or agencies will administer and supervise the program? Do you have an organizational chart and is it included? [Section 402(a)(4)]
- Which program unit(s) will be responsible for responding to issues and questions regarding TANF?

III. Responsibilities for Decisions

- Which agency(ies) will be responsible for the supervision of the program and describe the role of the supervising agency, if the program is county administered?
- What procedures and agreements that have been established to coordinate contracts and agreements between the State agency(ies) and other entities?

IV. Program Uniformity

- Have you instituted uniform program policies in all political subdivisions? If no, what and where are the variations? [Section 402(a)(1)(A)(i)]

Checklist for State Plan for the Temporary Assistance to Needy Families Program

2

V. Client Protections

- How will case information be safeguarded and to what extent information will be disclosed? [Section 402(a)(1)(A)(iv)]
- What is your notice and hearing process and the criteria for appeal? [Section 402(a)(1)(B)(iii)]
- Have you certified that you will provide Indians with equitable access to assistance? [Section 402(a)(5)]
- How will you ensure that tribal families will have equal access to TANF assistance?

VI. Program Integrity

- Have you certified that you have established and are enforcing standards and procedures to ensure against program fraud and abuse? [Section 402(a)(6)]
- Does your program include methods for preventing, identifying, and referring occurrences of fraud for legal action?

VII. Consultations

- Have you certified that: (1) local governments and private sector organizations have been consulted regarding the plan and design of welfare services; and (2) they were allowed at least 45 days to submit comments on the plan and design of such services? [Section 402(a)(4)]
- What process did you use to consult with local governments and private sector organizations regarding the plan and design of welfare services? To what extent did you consider and incorporate their comments?

PROVISIONS OF ASSISTANCE

I. Application and Redetermination

- How will needy families access benefits and services? [Section 402(a)(1)(A)(i)]
- What are the time frames for processing the application?

Checklist for State Plan for the Temporary Assistance to Needy Families Program

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- What is the frequency and method of redetermination? [Section 402(a)(1)(B)(iii)]
- Will you do an initial assessment of individuals who were receiving benefits on August 22, 1996 by November 20, 1996 or by February 18, 1997? [Sections 402(a)(1)(A) and 408(b)(2)(B)(i)]
- For individuals who are determined eligible on or after August 22, 1996, will you conduct assessments by September 21, 1996 or November 20, 1996? [Sections 402(a)(1)(A) and 408(b)(2)(B)(ii)]
- Will you require Individual Responsibility Plans? If yes, have you standardized the format and included a copy? [Sections 402(a)(1)(A) and 408(b)(2)(A)]

II. Assistance Unit

- Do you define minor child as under age 18 or under age 19 and a full time student in a secondary school (or in the equivalent level of vocational or technical training)? [Sections 402(a)(1)(A)(i) and 419(2)]
- How do you define the term "caretaker relative"? [Sections 402(a)(1)(A) and 408(a)(1)(A)(i)]
- Which individuals living in the home with the minor child must be included in the application as part of the family for the purposes of establishing eligibility and determining the amount of benefits? [Section 402(a)(1)(A)(i)]
- For purposes of receiving assistance, how many days may a child be absent from home? What are the good cause exceptions? [Sections 402(a)(1)(B)(iii) and 408(a)(10)]

III. Eligibility, Income and Resources

- What are your criteria for covering pregnant women with no other minor children? [Sections 402(a)(1)(A)(i) and 408(a)(1)(A)(ii)]

Checklist for State Plan for the Temporary Assistance to Needy Families Program

4

- Do you have legislation that allows benefits to be given to an individual who is convicted of possession, use, or distribution of a controlled substance? [Sections 402(a)(1)(B)(iii) and 115(d)]
- Do you have deprivation factors for determining eligibility?
- Do you have any other conditions of eligibility not specified in the statute?
- Will you provide benefits to individuals who are not citizens of the United States as defined in section 431 of the statute? Have you included an overview of such assistance? [Section 402(a)(1)(B)(ii)]
- How will you consider earned, unearned and in-kind income in determining eligibility and calculating benefits? [Section 402(a)(1)(B)(iii)]
- What are the disregards that will apply to earned and unearned (including in-kind) income? [Section 402(a)(1)(B)(iii)]
- What are the deeming of income and resource rules? [Section 402(a)(1)(B)(iii)]
- How will you count and/or disregard resources? [Section 402(a)(1)(B)(iii)]

IV. Benefit Levels

- What are the benefit standard(s)? [Section 402(a)(1)(B)(iii)]
- How will you treat families moving into the State from another State? [Section 402(a)(1)(B)(i)]
- How often will you issue benefits in a month? [Section 402(a)(1)(B)(iii)]
- Will benefits be issued as direct cash assistance, vouchers, services, wages, certificates, or other? Will an electronic benefits transfer system be utilized? [Sections 402(a)(1)(B)(iii), 404(g), and 104(a)(1)(B)]
- What are the methods and processes for recovering overpayments (e.g. use of IRS tax intercept) and correcting underpayments to beneficiaries of the program?

IV. Time Limits

Checklist for State Plan for the Temporary Assistance to Needy Families Program

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- Will you impose any time limits for benefits of less than 60 months? [Sections 402(a)(1)(A)(i) and 408(a)(7)]
- What are your exemption criteria for the reasons relative to hardship or because an individual has been battered or subjected to extreme cruelty? Section [Sections 402(a)(1)(A) and 408(a)(7)(C)]
- What benefits and services, if any, will be provided to non-exempt families that reach the time limit?

EMPLOYMENT SERVICES**I. Goals and Strategies**

- What are your overall goals for work and self-sufficiency and your strategy for ensuring that the program will promote work and enable families to become self-sufficient?
- What models or other effective programs or practices did you use in developing your goals and strategy for promoting work and self-sufficiency?
- Have you established State numerical goals for participation in work activities and for placements?

II. Work Activities

- Which of the following work activities does the State include in its definition of work? [Sections 402(a)(1)(A)(ii) and (iii) and 407(d)]
- unsubsidized employment;
- subsidized private sector employment;
- subsidized public sector employment;
- work experience;
- on-the-job training
- job search and job readiness assistance;
- community service programs;
- vocational education training;
- job skills training directly related to employment;
- education directly related to employment;
- satisfactory attendance at secondary school or equivalent;
- provision of child care services to an individual who is participating in a community service program.

Checklist for State Plan for the Temporary Assistance to Needy Families Program

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III. Work and Participation Requirements

- Have you defined criteria for determining whether a parent or caretaker relative is ready to engage in work before 24 months? [Section 402(a)(1)(A)(ii)]
- Will you require community service employment for parents or caretaker relatives who are not exempt and not engaged in work and who have receiving assistance for 2 months? If not, have you notified the Secretary? [Section 402(a)(1)(B)(iv)]
- How have you defined "satisfactory attendance" for teen heads of households who attend secondary school or education directly related to employment? [Sections 402(a)(1)(A)(iii) and 407(c)(2)(C)]
- Do you have an exemption for single custodial parents who care for children under 12 months of age? [Sections 402(a)(1)(A)(iii) and 407(b)(5)]
- Have you established criteria relative to a single custodial parent's "demonstrated inability" to obtain needed child care? [Sections 402(a)(1)(A)(iii) and 407(e)(2)]

IV. Employment Placement Program

- Will you use the grant to operate an employment placement program? Will this program make payments (or provide vouchers) to public and private job placement agencies to provide employment placement services? [Section 402(a)(1)(A)(i) and 404(f)]

V. Penalties on Individuals

- What are your criteria and calculation methodology for imposing penalties on individuals who refuse to engage in work or who fail to comply with the Individual Responsibility Plan? [Sections 402(a)(1)(A)(iii), 407(e)(1), 408(b)(2)(A) and 408(b)(3)]
- What are your good cause and other exceptions from the work requirements? [Sections 402(a)(1)(A)(iii), 407(e)(1) and 408(b)(3)]
- Will you impose a sanction on a family that includes an adult if such adult fails to ensure that the minor dependent children attend school? If yes, what

Checklist for State Plan for the Temporary Assistance to Needy Families Program

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are your criteria and methodology for imposing a sanction on the family?
[Sections 402(a)(1)(A)(i) and 404(i)]

- Will you impose a sanction on a family that includes an adult who is older than 20 and younger than 51, if the adult does not have and is not working toward a high school diploma or equivalency diploma unless exempt?
[Sections 402(a)(1)(A)(i) and 404(j)]

VI. Grievance Procedures

- What is your grievance procedure for resolving complaints by regular employees regarding alleged violations of the requirement regarding filling vacancies? [Sections 402(a)(1)(B)(iii) and 407(f)(3)]

VII. Special Populations

- Will you require noncustodial, non-supporting minor parents to fulfill community work obligations and attend appropriate parenting or money management classes after school under the TANF program? [Sections 402(a)(1)(A)(i) and 407(h)]
- Are there any other populations receiving special treatment under the program?

VIII. Supportive Services

- Which supportive services do you intend to provide individuals before and after they become independent of TANF due to work? Will you impose any limits on the length, amount, or type of supportive services?

IX. Incentives

- What bonuses or stipends do you intend to offer to individuals engaging in work activities?
- What criteria will you use for awarding the bonuses or stipends?
- Will you allow beneficiaries to establish individual development accounts (IDAs)? [Sections 402(a)(1)(B)(iii) and 404(h)(2)(A)]
- Which "qualified purposes" for IDAs will you permit? [Sections 402(a)(1)(B)(iii) and 404(h)(2)(B)]

WAIVERS**I. Continuation of Waivers**

- [] Does your TANF plan basically mirror the welfare reform policies approved for the State under one or more 1115 waiver demonstrations, and the underlying AFDC and JOBS provisions that were not waived? Which demonstration(s)? What are the name(s) of the demo(s). [Sections 402(a)(1)(A)(i) and 415(a)(1)(A)]
- [] Are there any policy differences between your TANF plan and the approved demonstration or demonstrations? [Sections 402(a)(1)(A)(i) and 415(a)(1)(A)]
- [] What are the beginning and ending dates of the demonstration? Is the demonstration(s) incorporated into your TANF plan applicable statewide? If not, how will TANF operate in those areas of the State not covered by the demonstration(s)? [Sections 402(a)(1)(A)(i) and 415(a)(1)(A)]

II. Inconsistent Waiver Provisions

- [] Are there any provisions of TANF that the State considers to be inconsistent with the approved waiver demonstration(s) incorporated into this plan? What is the basis for your assessment of inconsistency? (You may wish to consult with the chief law officer of your State in making this assessment.) [Sections 402(a)(1)(A)(i) and 415(a)(1)(A)]

Note: If any inconsistent provisions have been identified, then the State is assumed to be operating a welfare reform demonstration for the period of the demonstration in lieu of a program under the block grant. If this is the case, then cost neutrality and evaluation requirements apply.

Limitations on which provisions of the TANF may be considered inconsistent with waivers for purposes of determining penalties may be established through future legislative or regulatory action. If this happens, States will have a period of no more than one year to submit a new plan coming into compliance with the requirements.

STRENGTHENING FAMILIES

- [] Have you certified that the State will operate a child support enforcement program? [Section 402(a)(2)]

Checklist for State Plan for the Temporary Assistance to Needy Families Program

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- Have you certified that the State will operate a foster care and adoption assistance program? [Section 402(a)(3)]
- What goals, programs, and initiatives have you developed to prevent or reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies? What collaborative activities do you have with State and local law enforcement officials, the education system, and relevant counseling services? [Sections 402(a)(1)(A)(v) and (vi)].
- How will you conduct a program, designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape? How will your teenage pregnancy prevention programs be expanded in scope to include men? [Section 402(a)(1)(A)(vi)]
- Have you exercised the option to certify that the State will establish standards and procedures to ensure that it will screen for and identify domestic violence? [Section 402(a)(7)]
- If you exercised the option above, how will you screen and identify individuals with a history of domestic violence, and refer them to counseling and supportive services? Which TANF program requirements will be waived pursuant to a good cause determination? What constitutes good cause?
- What programs do you have that encourage non-custodial parents to participate in the rearing of their children?
- What family preservation services will be available to TANF families? Will TANF funds be used to cover such services?

ATTACHMENT B

◆ State Plan Certifications ◆

This has been designed to enable the Chief Executive Officer of a State to certify that the State will operate its Temporary Assistance to Needy Families (TANF) program in accordance with the statutory requirements in section 402(a)(2) through (7).

CERTIFICATIONS

The State will operate a program to provide Temporary Assistance to Needy Families (TANF) so that the children may be cared for in their own homes or in the homes of relatives; to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage; to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and encourage the formation and maintenance of two-parent families.

This program is known as _____

Executive Officer of the State (Name) _____

In administering and operating a program which provides Temporary Assistance for Needy Families with minor children under title IV-A of the Social Security Act, the State will:

1. Specify which State agency or agencies will administer and supervise the program under part A in all political subdivisions of the State:

_____ is (are) the agency(ies) responsible for administering the program;

_____ is (are) the agency(ies) responsible for supervising the program;

2. Assure that local governments and private sector organizations:
 - (a) Have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and
 - (b) Have had at least 45 days to submit comments on the plan and the design of such services.
3. Operate a Child Support Enforcement program under the State plan approved under part D;
4. Operate a Foster Care and Adoption Assistance program in accordance with part E, and certify that the State will take all necessary actions to ensure that children receiving assistance are eligible for medical assistance;

Certifications

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5. Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a Tribal Family Assistance plan approved under Section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.
6. Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.
7. Make available to the public a summary of the State plan; and

OPTIONAL CERTIFICATION

The State has established and is enforcing standards and procedures to:

- (1) Screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;
- (2) Refer such individuals to counseling and supportive services; and
- (3) Waive, pursuant to a determination of good cause, other program requirements such as time limits (for as long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in case where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

CERTIFIED BY THE CHIEF EXECUTIVE OFFICER OF THE STATE:

Date

Signature and Title

ATTACHMENT C

◆ Funding ◆

FUNDING

Section 403(a)(1)(A) provides that each eligible State shall be entitled to receive for each of the fiscal years 1996 through 20002, a grant in an amount equal to the State family assistance grant as defined in section 403(a)(1)(B).

I. Payments to Agency Administering the TANF Program

- ▶ Payments for the TANF program will be made to the organization managing the AFDC/JOBS programs as of August 22, 1996, unless the State indicates that the TANF administering agency is changed. If a change is made, describe the name, address and EIN number of the new organization.

II. State Payments for TANF Program

- ▶ Section 405 requires that grants be paid to States in quarterly installments, based on State estimates. The State's estimate for each quarter of the fiscal year by percentage is:

For FY 1998 and Future Years-

<u>1st</u> <u>quarter</u>	<u>2nd</u> <u>quarter</u>	<u>3rd</u> <u>quarter</u>	<u>4th</u> <u>quarter</u>
_____	_____	_____	_____

- ▶ For FY 1997, States should note that the amount available for the TANF program is prorated, based on the number of days in the fiscal year that the State operates the TANF program. States should assume that this period begins with the date their State plans are received by ACF unless, at its option, a State informs ACF of a later effective date. Below, States should indicate the percentage requested for only those quarters in which they plan to operate the program. Your quarterly percentage estimates should total 100%.

For FY 1997

<u>1st</u> <u>quarter</u>	<u>2nd</u> <u>quarter</u>	<u>3rd</u> <u>quarter</u>	<u>4th</u> <u>quarter</u>
_____	_____	_____	_____

Funding

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III. Changes and Inquiries

- ▶ If a State determines that these estimates require changes, a letter indicating the change in percentages should be sent to your ACF Regional Office and to ACF's Central Office. The Central Office address is:

The Administration for Children and Families
The Office of Program Support
The Division of Formula, Entitlement and Block Grants
6th Floor, Aerospace Building
370 L'Enfant Promenade
Washington, D.C. 20447

ATTACHMENT D

◆ Statutory Text Relating to State Plans ◆

STATUTORY TEXT

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) was signed by the President August 22. The following is the statutory language relative to the State TANF plan.

SECTION 402 -- STATE PLAN REQUIREMENTS

(a)(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.-

(A) General Provisions.-A written document that outlines how the State intends to:

- (i) Conduct a program, designed to serve all political subdivisions in the State (not necessarily in a uniform manner), that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient.
- (ii) Require a parent or caretaker receiving assistance under the program to engage in work once the State determines the parent or caretaker is ready to engage in work, or once the parent or caretaker has received assistance under the program for 24 months, whichever is earlier.
- (iii) Ensure that parents and caretakers receiving assistance under the program engage in work activities in accordance with section 407.
- (iv) Take steps to restrict the use and disclosure of information about individuals and families receiving assistance.
- (v) Establish goals and take action to prevent and reduce the incidence of out-of-wedlock pregnancies, with special emphasis on teenage pregnancies, and establish numerical goals for reducing the illegitimacy ratio of the State for calendar years 1996 through 2005.
- (vi) Conduct a program that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded in scope to include men.

(B) Special Provisions.-

- (i) The document shall indicate whether the State intends to treat families moving into the State from another State differently than other families under the program, and if so, how the State intends to treat such families under the program.

Statutory Text

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(ii) The document shall indicate whether the State intends to provide assistance under the program to individuals who are not citizens of the United States, and if so, shall include an overview of such assistance.

(iii) The document shall set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how the State will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process.

(iv) Not later than 1 year after the date of enactment of this Act, unless the chief executive officer of the State opts out of this provision by notifying the Secretary, a State shall, consistent with the exception provided in section 407(e)(2), require a parent or caretaker receiving assistance under the program who, after receiving such assistance for 2 months is not exempt from work requirements and is not engaged in work, as determined under section 407(c), to participate in community service employment, with minimum hours per week and tasks to be determined by the State.

(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.-A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D.

(3) CERTIFICATION THAT THE STATE WILL OPERATE A FOSTER CARE AND ADOPTION ASSISTANCE PROGRAM.-A certification by the chief executive officer of the State that, during the fiscal year, the State will operate a foster care and adoption assistance program under the State plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State plan under title XIX.

(4) CERTIFICATION OF THE ADMINISTRATION OF THE PROGRAM.-A certification by the chief executive officer of the State specifying which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations-

(A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and

(B) have had at least 45 days to submit comments on the plan and the design of such services.

(5) CERTIFICATION THAT THE STATE WILL PROVIDE INDIANS WITH EQUITABLE ACCESS TO ASSISTANCE.-A certification by the chief executive officer of

Statutory Text

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the State that, during the fiscal year, the State will provide each member of an Indian tribe who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government.

(6) CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE AGAINST PROGRAM FRAUD AND ABUSE.-A certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage.

(7) OPTIONAL CERTIFICATION OF STANDARDS AND PROCEDURES TO ENSURE THAT THE STATE WILL SCREEN FOR AND IDENTIFY DOMESTIC VIOLENCE.-

(A) In General.-At the option of the State, a certification by the chief executive officer of the State that the State has established and is enforcing standards and procedures to-

(i) screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;

(ii) refer such individuals to counseling and supportive services; and

(iii) waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.

(b) PUBLIC AVAILABILITY OF STATE PLAN SUMMARY.-The State shall make available to the public a summary of any plan submitted by the State under this section.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

24-Aug-1996 06:15pm

TO: Jeremy D. Benami

FROM: Elena Kagan
 Office of the Counsel

SUBJECT: hhs guidance

Is the hhs guidance we were supposed to look at the one with the quote on the cover page? when are we supposed to provide comments? I've looked at it (assuming I'm looking at the right thing), and I'd love to get together with you to talk a few things over.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

02-Sep-1996 03:47pm

TO: Elena Kagan

FROM: Jeremy D. Benami
 Domestic Policy Council

SUBJECT: sorry

Sorry - I guess I did not tell you I would be away. Let's hook up on Tuesday morning. You have the right document although HHS tells me they are changing it and won't have a draft for us till mid-week. They have to have it completed by the 9th when the meeting with the states takes place so we are at crunch time.