

NLWJC - Kagan

Counsel - Box 038 - Folder 007

[Welfare Reform Binder] [1]

October 7, 1996

TO: Jeremy
 Elena
 Keith

FROM: Diana

Attached is a binder of info for states on welfare reform that NGA/NCSL/APWA distributed at their conference last month. I finally looked at it and discovered a lot of handy charts, timelines, and stuff. Not sure if it will be helpful to you, but it might. (We probably could have used it as we puzzled out some of the issues the past 2 weeks....sorry.)



Welfare Reform Legislation Briefing

September 9 - 10, 1996
Renaissance Hotel
Washington, D.C.

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Legislative Summary **Tab 2**

- * Joint Document prepared by:
National Governors' Association (NGA)
National Conference of State Legislatures (NCSL)
American Public Welfare Association (APWA)

Waivers **Tab 3**

- NCSL, Children and Families Program *"Time Limits in Welfare Reform"* by Jack Tweedie
- CLASP (Center for Law and Social Policy) *Waivers and Block Grant Implementation: Initial Questions*

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- * The Work Requirements in the TANF Block Grant
- * Calculating the Work Participation Rate
- * The Work Opportunity Tax Credit (WOTC)
- * Strategies to Increase Participation in Work
- * Earned Income Tax Credit (EITC)
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- * Personal Responsibility and Work Opportunity Act of 1996: Effective Dates
- * Personal Responsibility and Work Opportunity Act of 1996: State Options
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- * Federal Role in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Table)
- * Index to P.L. 104-193 (Preliminary)

Changing the Message **Tab 6**

- New York Times article dated September 1, 1996 by Jon Nordheimer - *Success Difficult to Achieve in Welfare-to-Work Plans*
- Overview of Jackson County - "Welfare-to-Work" Initiative
- Washington Post Article dated August 25, 1996 by Janet Schrader, *Welfare As I Know It: A Virginia Caseworker Tells How Her Clients' Lives Are Already Changing*

Fiscal Issues

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- * Funding Sources in Title I In Addition to the Basic TANF Grant
- * Funding Changes in Other Titles and Flexibility of TANF Block Grant
- * The Maintenance-of-Effort (MOE) Requirement for the Temporary Assistance to Needy Families Block Grant
- * Penalties Against States and Individuals (Table)
- Congressional Research Service, Library of Congress memoranda prepared by Gene Falk dated August 26, 1996, re: *Grants to the States for Temporary Assistance for Needy Families and Child Care*
- Congressional Budget Office, memoranda prepared by Sheila Dacey dated August 14, 1996 re: *Total Costs to Meet Work Requirements Under H.R. 3734 as Passed by Congress*
- Congressional Budget Office, letter to Acting Director of the Office of Management and Budget (OMB) dated August 9, 1996 re: *Estimates of the Pay-As-You-Go Effects of H.R. 3734*
- NCSL and NGA's Center for Policy Research, FFIS Issue Brief 96-7 dated August 30, 1996, *Tables 1 Through 4 From the Welfare Reform Brief*

Cross System Implications

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- SSI Childhood Disability Cases Requiring Reevaluation (Chart)
- * Medicaid Implications of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- NCSL, Office of State-Federal Relations, Information Alert dated June 25, 1996, *New Federal Program Denials for Substance Abuse and Alcoholism*
- *Welfare Reform and Medicaid for Immigrants

Immigration Provisions

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- * Welfare Reform and Immigrants (P.L. 104-193, signed 8/22/96) - Questions and Answers
- * Common Immigration Terms
- * Immigration Provisions in Welfare Reform: Conference Agreement on H.R.3734 (Table)
- * Impact of Immigrant Provisions in Welfare Reform
- U.S. Department of Justice, Immigration and Naturalization Service - Federal Register: August 28, 1996 (Volume 61, Number 168) *Exceptions to the Educational Requirements for Naturalization for Certain Applicants*
- * Summary of Medicaid-Related Immigration Provisions of H.R. 3734, Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- White House Memoranda dated 8/22/96 Re: Naturalization
- Department of Justice, Federal Register Publication dated August 30, 1996 (Volume 61, Number 170) *Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation*
- Department of Justice, INS Document, *Definition of 'Lawfully Present'*
- U.S. Department of Justice, Immigration and Naturalization Service - Fact Sheet dated 8/27/96 - *Proposed INS Regulation: Exemptions from English and Civics Testing Requirements for Disabled Naturalization Applicants*
- U.S. Department of Justice, Immigration and Naturalization Service - Fact Sheet undated - *Systematic Alien Verification for Entitlements (SAVE)*
- U.S. Department of Justice, Immigration and Naturalization Service - *Step-by-Step Naturalization Process*
- Contacts on Immigration and Immigrant Policy

Food Stamps

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- Department of Agriculture, Food and Consumer Service, memoranda dated 8/26/96 re: FSP-Certification Period Waiver and Implementation of Provisions memoranda
- The White House, Office of the Press Secretary, memoranda dated 8/23/96 re: Eligibility of Aliens for Food Stamps

Handouts

- * Highlights of Food Stamp Provisions in P.L. 104-193, the PRWORA of 1996
- * Simplified Food Stamp Program
- * Work Requirements and Waiver Authority
- * Side-by-Side Issues - Electronic Benefit Transfer (EBT) Provisions in Welfare Reform
- * State Options Provided in Welfare Reform Legislation
- * Implementation Timetable for Food Stamp Welfare Reform Provisions

Child Care

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- Department of Health and Human Services, Administration for Children and Families, letter undated to CCDBG Lead Agency Administrator re: *The Personal Responsibility and Work Opportunity Reconciliation Act of 1996*
- * Funds for Child Care
- Health and Human Services, Administration for Children and Families, Child Care Bureau - *Reporting Requirements (Table)*
- NCSL Legisbrief dated March 1996 by Scott Groginsky, *Child Care and the Transition Off Welfare*
-

Information Systems

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- * Overview of Systems Implications Requirements in the Welfare Bill, H.R. 3734 Analysis, dated September 4, 1996

Legal Issues

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- * Selected Constitutional Issues in Welfare Reform

Child Support

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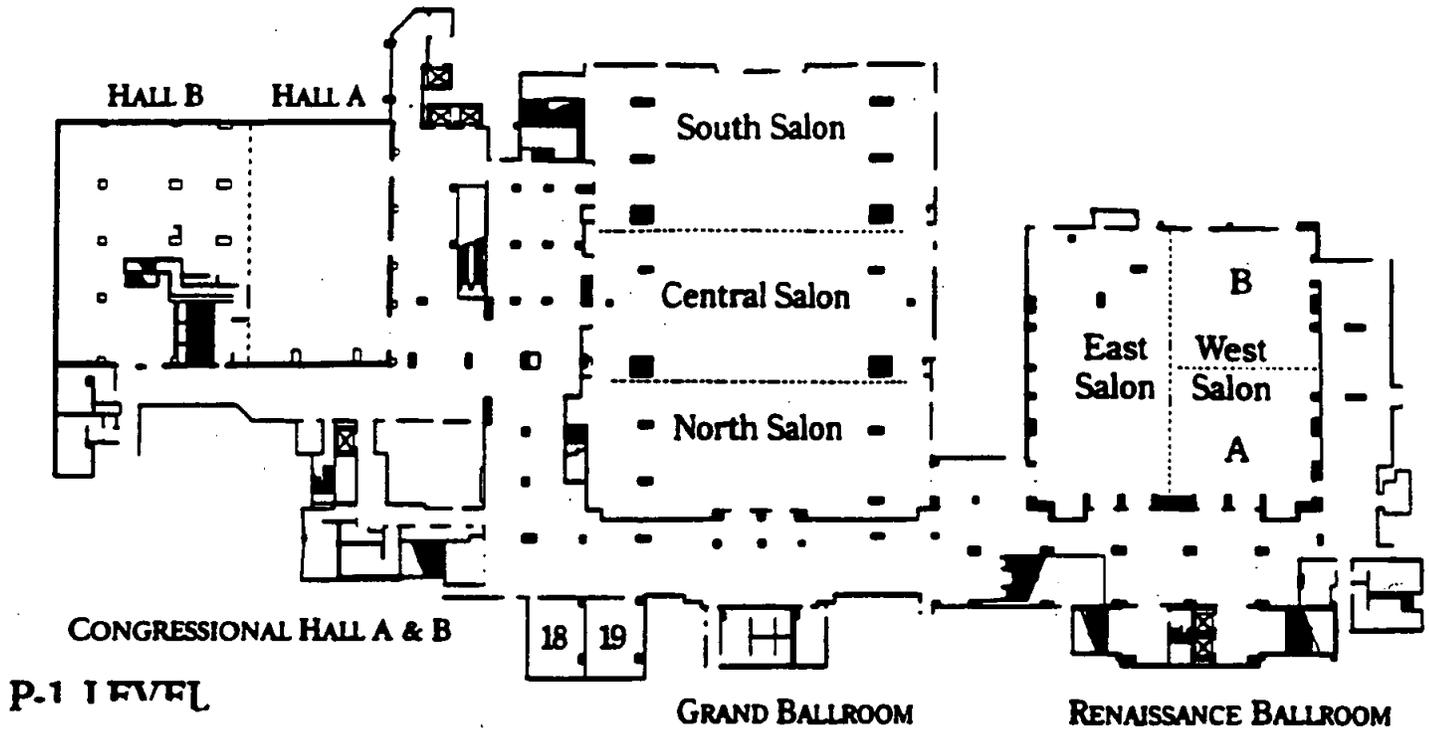
- * \$50 Disregard for Child Support: Summary of the Conflict Created by the Bill's Different Effective Dates for Eliminating the Disregard
- * Potential State Legislative Changes Needed to Comply with Child Support Provisions (Title III) in the Welfare Reform Bill, H.R. 3734, Enacted August 22, 1996

Association Meetings

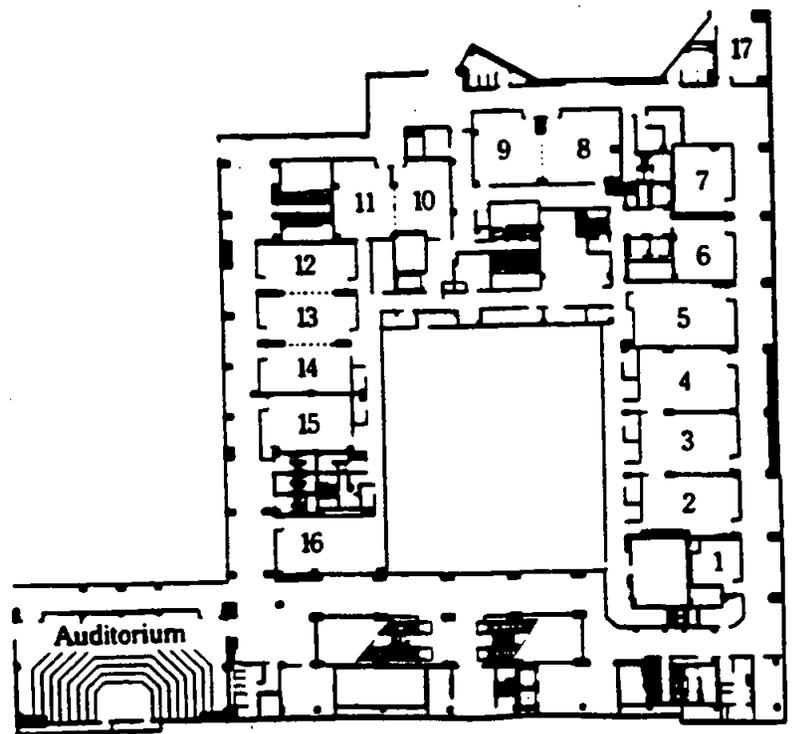
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- NGA Agenda - Welfare Reform Briefing
- NCSL Agenda - Welfare Reform Briefing

BALLROOM LEVEL CAPACITIES (B/R)



MEETING ROOM LEVEL (M/R)



RENAISSANCE.
 WASHINGTON D.C. HOTEL
 DOWNTOWN
 WASHINGTON, DISTRICT OF COLUMBIA

**Briefing on the Personal Responsibility
and
Work Opportunity Reconciliation Act of 1996
PL 104-193**

September 9-10, 1996
The Washington Renaissance Hotel
Washington, D.C.

The registration desk is open from 7:00 a.m. to 5:30 p.m. on Monday and from 7:00 a.m. until 4:00 p.m. on Tuesday.

A small meeting room is available to participants for private meetings. Please book this room at the registration desk.

Messages for meeting participants will be posted on a message board located next to the registration desk.

Admission to all sessions will be restricted to individuals wearing credentials.

MONDAY, SEPTEMBER 9

8:00 a.m.-9:00 a.m. **Continental Breakfast**
Outside Grand Ballroom North

9:00 a.m.-12:00 noon **Welcome**
Grand Ballroom North *Sid Johnson, Executive Director, American Public Welfare Association (APWA)*

Overview of PL 104-193

Elaine Ryan, Director of Government Affairs, APWA
Sheri Steisel, Senior Committee Director, Human Services, National Conference of State Legislatures (NCSL)
Susan Golonka, Senior Policy Analyst, National Governors' Association (NGA)

12:15 p.m.-1:45 p.m. **Luncheon**
Grand Ballroom South *Ray Scheppach, Executive Director, NGA*
Speaker: Carol Rasco, Assistant to the President for Domestic Policy

2:00 p.m.-4:00 p.m. **Federal Policy Plenary Session**
Grand Ballroom North *Moderator: Carmen R. Nazario, Cabinet Secretary, Delaware Department of Health and Social Services*
Presenters: John Monahan, Director for the Office of Intergovernmental Affairs, U.S. Department of Health and Human Services (HHS)

MONDAY, SEPTEMBER 9 (continued)

*Ellen Haas, Undersecretary, Food and Consumer Service,
U.S. Department of Agriculture (USDA)*

*Sally Richardson, Deputy Administrator, Health Care
Finance Administration, HHS*

*Mary Jo Bane, Assistant Secretary, Administration for
Children and Families, HHS*

4:00 p.m.-4:15 p.m. Break
Outside Grand Ballroom North

4:15 p.m.-5:45 p.m. Concurrent Sessions

Meeting Room 10/11 Waivers

Moderators and Presenters:

Elaine Ryan, Director of Government Affairs, APWA

*Sheri Steisel, Senior Committee Director, Human Services,
NCSL*

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

Meeting Room 3 Work Requirements I

Moderator: Susan Golonka, Senior Policy Analyst, NGA

*Presenters: Judy Moon, Operations and Management Manager,
Florida Department of Labor and Employment
Security*

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

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

This session will review the 'nuts and bolts' of the work requirement provisions in PL 104-193. Topics to be addressed include: who is covered, hours of work, participation rates, activities that count as work, and the pro rata reduction of the work participation rate based on caseload declines. The primary focus will be on the TANF work requirements, with a brief review of the new food stamp work requirement.

Meeting Room 4 Getting Started Strategically

Co-facilitators: Andrea Kane, Senior Policy Analyst, NGA

*Sue Christie, Director of the Institute of Family Self-
Sufficiency, APWA*

MONDAY, SEPTEMBER 9 (continued)

Resource People: Mary Jo Bane, Assistant Secretary, Administration for Children and Families, U.S. Department of Health and Human Services

Helene Stebbins, Policy Analyst, NGA

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

Meeting Room 2

Changing the Message

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

*Presenters: Antonio Riley, State Representative, Wisconsin
Mark Nadel, Associate Director for Income Security Issues, U.S. General Accounting Office*

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

Meeting Room 8/9

Cross Systems Implications: Medicaid

Moderator: Lee Partridge, Health Policy Director, APWA

Presenter: Judy Moore, Deputy Director of the Medicaid Bureau, HCFA

*Resource People: Jeff Harris, Senior Policy Analyst, NGA
John Peller, Health Policy Analyst, APWA
Joy Johnson Wilson, Senior Committee Director for Health, NCSL
Ann Morse, Program Manager, Immigrant Policy Project, NCSL*

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

Meeting Room 16

Child Care

Moderator: John Sciamanna, Senior Policy Associate, APWA

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

MONDAY, SEPTEMBER 9 (continued)

*Grace Hardy, Director, Division of Child Care, Colorado
Department of Human Services*

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

6:00 p.m.-7:30 p.m. **Reception**
Grand Ballroom South

TUESDAY, SEPTEMBER 10

7:00 a.m.-8:00 a.m. **Continental Breakfast**
Outside Renaissance West

7:30 a.m.-8:30 a.m. **Federal Policy Plenary Session**
Grand Ballroom North *Moderator: Gerald Miller, Director, Michigan Family Independence Agency*
Presenters: Carolyn W. Colvin, Deputy Commissioner for Programs and Policy, Social Security Administration
Robert Bach, Executive Associate Commissioner, Office of Policy and Planning, Immigration and Naturalization Service, U.S. Department of Justice

8:30 a.m.-8:45 a.m. **Break**

8:45 a.m.-10:15 a.m. **Concurrent Sessions**

Renaissance West A **Waivers**
Moderators: Elaine Ryan, Director of Government Affairs, APWA
Sheri Steisel, Senior Committee Director, Human Services, NCSL
Presenters: Mary Jo Bane, Assistant Secretary, Administration for Children and Families, HHS
Ron Haskins, Staff Director, Subcommittee on Human Resources of the Committee on Ways and Means, U.S. House of Representatives

The new welfare reform law contains a number of provisions with regard to Section 1115 welfare reform waivers, transitional Medicaid waivers and transitional child care waivers. This session will explore the complex decisions states face in determining whether to continue, expand or

TUESDAY, SEPTEMBER 10 (continued)

discontinue Section 1115 waivers. The session will review waiver implications on work and time limit requirements as well as cost neutrality and research and evaluation considerations.

Meeting Room 8/9 Immigration

Moderator: Ann Morse, Program Manager, Immigrant Policy Project, NCSL

Presenters: Robert Bach, Executive Associate Commissioner, Office of Policy and Planning, Immigration and Naturalization Service, U.S. Department of Justice

Joshua Bernstein, Director, Washington Office, National Immigration Law Center

Sara McCarthy, Principal Consultant, Committee on Health and Human Services, California Senate

Resource People: Bonny O'Neil, Associate Deputy Administrator, Food and Consumer Service, USDA

Carolyn Colvin, Deputy Commissioner for Programs and Policy, SSA

David Nielsen, Social Science Analyst, Office of the Assistant Secretary for Policy and Evaluation, HHS

Irene Bueno, Deputy Assistant Secretary, Office of the Assistant Secretary for Legislation, HHS

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

Meeting Room 10/11 Cross System Implications: Child Welfare and Services to Teens

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

Presenters: Shelley Smith, Program Director Children, Youth, and Families Program, NCSL

Arnold R. Tompkins, Director, Ohio Department of Human Services

Jane Kitchel, Commissioner, Vermont Department of Social Services

This session will highlight the provisions of the new welfare reform law that encourage school attendance and completion, require teens on assistance to live at home and that focus on the

TUESDAY, SEPTEMBER 10 (continued)

prevention of out-of-wedlock births. In addition, the session will address implications of the changes in cash assistance and SSI for children that could produce new challenges for the child welfare system.

Meeting Room 13/14 Fiscal Issues I

Moderator: Susan Golonka, Senior Policy Analyst, NGA

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

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

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

Resource People: Shiela Dacey, Congressional Budget Office

Gene Falk, Congressional Research Service

This session will begin with an overview of the broad and interactive fiscal implications for states of the Personal Responsibility and Work Opportunity Reconciliation Act and then turn to fiscal issues and options under the TANF block grant. Particular focus will be on the considerations around early implementation and the policy implications of the maintenance of effort requirement.

Meeting Room 3 Changing the Message

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

Speakers: Antonio Riley, State Representative, Wisconsin

*Mark Nadel, Associate Director for Income Security
Issues, U.S. General Accounting Office*

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

Meeting Room 4 Information Systems

Moderator: Kelly Thompson, Senior Policy Associate, APWA

*Presenters: Mark Ragan, Acting Director, Office of Information
System Management, HHS*

*Rick Friedman, Co-Director, Office of Information
Systems and Data Analysis, Medicaid Bureau, HCFA*

*Tim O'Connor, Director, Benefit Redemption Division,
Food Stamp Program, USDA*

Resource People: John Peller, Health Policy Analyst, APWA

*Margaret Trostel, Senior Analyst, Family and Child
Welfare Services, APWA*

TUESDAY, SEPTEMBER 10 (continued)

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

10:15 a.m.-10:45 a.m. **Break**
Outside Renaissance West

10:45 a.m.-12:15 p.m. **Concurrent Sessions**

Meeting Room 4

Work Requirements II

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

*Presenters: LaDonna Pavetti, Research Associate, Urban Institute
Julie Strawn, Senior Associate, Welfare Information Network*

David Shreve, Program Director, NCSL

This session will begin with a brief summary of the work requirements and will then focus primarily on strategies to increase recipients' participation in work. Topics to be addressed include: taking into consideration caseload and labor market characteristics in designing the program to meet the new requirements; understanding the likely fiscal implications of different design options; and issues related to the connection between the welfare and workforce development systems.

Meeting Room 13/14 **Food Stamps**

Moderator: Larry Goolsby, Senior Policy Analyst, APWA

*Presenters: Julie Osnes, South Dakota Food Stamp Administrator
Yvette Jackson, Deputy Administrator, Food and Consumer Service, USDA*

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

Renaissance West A **Fiscal Issues II**

Moderators: Susan Golonka, Senior Policy Analyst, NGA

Elaine Ryan, Director of Government Affairs, APWA

Presenters: Norm Thompson, Chief Financial Officer, Administration for Children and Families, HHS

TUESDAY, SEPTEMBER 10 (continued)

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

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

Resource People: Shiela Dacey, Congressional Budget Office

Gene Falk, Congressional Research Service

Todd Bland, Fiscal and Policy Analyst, California

Legislative Analyst's Office

This session will focus on funding formulas and allocations under the TANF and child care block grants, how states can receive additional dollars through bonus funds and the contingency fund, how states can lose funds through penalties, and closing out of old programs, claims and disallowances. The flexibility provided states through transferability, creation of a rainy day fund and the interaction between TANF and child care will also be explored.

Meeting Room 3 Getting Started Strategically

Co-facilitators: Andrea Kane, Senior Policy Analyst, NGA

*Sue Christie, Director of the Institute of Family Self-
Sufficiency, APWA*

Resource Person: Helene Stebbins, Policy Analyst, NGA

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

Meeting Room 10/11 Legal Issues

Moderator: Jon Dunlop, Policy Associate, Human Services, NCSL

*Presenters: Jon Felde, Senior Committee Director, Law and Justice
and General Counsel, NCSL*

*Paul Leche, Deputy General Counsel, Texas Department
of Human Services*

*David Peterson, Deputy General Counsel, Illinois
Department of Public Aid*

*Michele Besso, Assistant Attorney General, Washington
Attorney General's Office*

*Sherry Murray Klein, Assistant Attorney General, Arizona
Attorney General's Office*

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

TUESDAY, SEPTEMBER 10 (continued)

Meeting Room 8/9

Child Support Enforcement

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

*Paul Legler, Attorney Advisor, Office of the Assistant
Secretary for Policy and Evaluation, HHS*

*Betsy Matheson, Director of Policy and Planning, Office
of Child Support Enforcement, HHS*

*Sheri Steisel, Senior Committee Director, Human Services,
NCSL*

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

12:30 p.m.-2:15 p.m. **Luncheon**

Grand Ballroom North

Senator James J. Lack, New York, Past President, NCSL

*Speaker: Representative Clay Shaw, Chairman, Subcommittee on
Human Resources of the Committee on Ways and Means,
U.S. House of Representatives*

*William T. Pound, Executive Director, National Conference
of State Legislatures*

*Speaker: Barry Van Lare, Executive Director, Welfare Information
Network*

2:15 p.m.-2:30p.m. **Break**

2:30 p.m.-4:00 p.m. **Concurrent Sessions**

Auditorium

American Public Welfare Association Meeting

State Human Service Administrators, Local Public Welfare Administrators and their staffs will meet to discuss the development of benchmarks to measure state performance under the new welfare reform legislation. There will be a facilitated discussion of the criteria to use in distributing one billion dollars in bonuses to high performance states. In addition, our members will be briefed on the APWA Regional Welfare Reform Implementation Seminars to be conducted throughout the country in September as well as other training and technical assistance plans to help states implement the new law.

TUESDAY, SEPTEMBER 10 (continued)

Renaissance West B National Conference of State Legislatures

This meeting provides a forum for state legislators and legislative staff to talk privately about plans, priorities, concerns and opportunities for implementing welfare reform. Among the topics to be discussed will be managing the legislative appropriations, statutory and oversight process, working with various levels of government, consultation in the federal regulatory process, pursuing congressional technical amendments and opportunities to share inter-state concerns.

Renaissance West A National Governors' Association

This meeting will provide an opportunity for Governors' policy, planning and budget staff to identify priorities for NGA's future welfare reform implementation assistance activities. In addition, participants will make recommendations on strategies for ensuring gubernatorial input to the regulatory process, technical amendments, and the development of performance outcome measures which will be used to distribute bonuses to high performance states.

**BRIEFING ON THE NEW WELFARE REFORM LEGISLATION--THE PERSONAL
RESPONSIBILITY AND WORK OPPORTUNITY ACT (HR 3734)**

**September 9-10, 1996
The Washington DC Renaissance Hotel
Washington, DC**

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Analysis of the
**Personal Responsibility and Work Opportunity
Reconciliation Act of 1996
Conference Agreement for H.R. 3734
(PL 104-193)**

Prepared by the
**National Governors' Association
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Revised August 30, 1996

THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

(Conference Agreement for HR 3734: Public Law 104-193)

The conference agreement for HR 3734, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was passed by the House on July 31 (328 yeas-101 nays) and by the Senate on August 1 (78 yeas-21 nays). Prior to the House vote, the President announced his intention to sign the bill, thus "ending welfare as we know it." On August 22, 1996 the conference agreement was signed into law (PL 104-193).

The bill is a comprehensive piece of legislation with far-reaching implications in a number of programs. The bill eliminates the open-ended federal entitlement program of Aid to Families with Dependent Children (AFDC) and creates a block grant for states to provide time-limited cash assistance for needy families. The comprehensive legislation also makes far-reaching changes to child care, the Food Stamp Program, Supplemental Security Income (SSI) for children, benefits for legal immigrants and the Child Support Enforcement program. Modifications to the child nutrition programs and a reduction in the Social Services Block Grant are also included. Unlike previous versions, however, current law is retained for child welfare and child protection programs. The legislation will save an estimated \$54.5 billion over six years with the majority of savings due to changes in the Food Stamp Program and reduction in benefits for legal immigrants.

I. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BLOCK GRANTS (Title I)

Purpose: To provide assistance to needy families with children so they can be cared for in their own home, and to reduce dependency by promoting job preparation, work and marriage. States may also use funds on efforts to prevent out-of-wedlock pregnancies and encourage the formation and maintenance of two-parent families.

Grants to States and Use of Funds

Effective Dates: States have until July 1, 1997 to submit a state plan and begin implementing the TANF block grant, but the maximum funding a state may receive in FY 1997 is its block grant allocation.

- States may opt to begin implementing the block grant immediately after allowing for a 45 day comment period on the state plan by local governments and private organizations, and after appropriation of the block grant funds by the state legislature.
- A state that enters the block grant after the start of the federal fiscal year will receive an amount equal to the lesser of its annual TANF grant multiplied by the proportion of days remaining in the fiscal year *or* the state's block grant allocation reduced by the federal funds obligated up to that time for the state's IV-A program (as in effect on Sept. 30, 1995). In FY 1997 a state will receive no more than its FY 1997 block grant allocation and it could receive less.

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- A number of penalties against states (including the penalty for failure to meet the work requirement), and the new data collection requirements will not take effect until the later of July 1, 1997 or 6 months from the date that the Secretary of HHS receives a state's plan. Penalties will be assessed on conduct occurring after that date.

Grants to States: The bill provides for a total of \$16.38 billion annually in the form of block grants for states in fiscal years 1997 to 2002. States receive funding based upon previous federal expenditures in the state on AFDC benefits and administration, Emergency Assistance (EA), and JOBS. States would receive the greater of:

- the average of FY 92-94 expenditures; or
- FY 94 expenditures plus 85 percent of the State's EA for FY 95 that exceeds the total amount of EA paid to a state for FY 94 if during FY 94 HHS approved the use of EA funds for family preservation; or
- four-thirds of the total amount to be paid to the state under AFDC and EA for the first three quarters of FY 95, plus the total amount required to be paid to the state for FY 95 under JOBS.

Supplemental Grant Amount: The bill provides an additional \$800 million for FY 98 to FY 2001 for states with high population growth and/or low grant amounts per poor person. Qualifying states will receive an annual adjustment based on 2.5% of FY 94 federal expenditures in the state for AFDC, AFDC-related child care, Emergency Assistance and JOBS. To automatically qualify, a state's level of welfare spending per poor person in FY 94 must be less than 35% of the national average in FY 94, or the state must have experienced a population increase of more than 10% between April 1, 1990 and July 1, 1994. Other states may qualify in FY 1998, if federal expenditures per poor person for AFDC in the state in FY 1994 were below the national average and the state's population growth rate exceeds the national growth rate. According to Congressional Research Service estimates, eligible states are: Alabama, Alaska, Arizona, Arkansas, Colorado, Georgia, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, Virginia, and Wyoming. If the \$800 million proves insufficient, eligible states will receive a pro rata reduction in their supplemental grants.

Use of Block Grant Funds: States may use their TANF block grant allocation for any "manner reasonably calculated to accomplish the purpose of the TANF." Activities that were authorized under Title IV-A and IV-F as of Sept. 30, 1995 are also eligible uses. The bill ends the federal entitlement of individuals to cash assistance under Title IV-A and states have complete flexibility to determine eligibility and benefit levels.

State Options: States are also given the option

- to carryover funds for the purpose of providing assistance in future years under the TANF Block Grant
- to make payments or vouchers for employment placement programs
- to implement an EBT Program
- to treat families who have moved from another state under the cash assistance rules operating in that state (including benefit levels) for twelve months

Administrative Cap: The bill sets a 15% administrative cap on states' use of TANF funds for administrative activities. Information technology and computerization needed for tracking and monitoring recipients of assistance are not included in the 15% cap.

Maintenance-Of -Effort Requirement (MOE): States must meet an 80% maintenance-of-effort to receive their full block grant allocation. The MOE will be reduced to 75% for states that meet the work participation rate requirement. The MOE level is based upon a state's FY 1994 spending on AFDC, JOBS, AFDC-related child care and EA. The following are "qualified state expenditures" that will count toward the MOE requirement:

- state spending in the programs created by the block grant on eligible families for cash assistance, child care, educational activities (excepting most public education), administrative costs (not to exceed 15% of the total amount) and any other use of funds allowed under the grant,
- expenditures in other state or local programs on eligible families for the above activities if the spending is above the amount expended in FY 1995,
- state spending on families who would otherwise be eligible for assistance if not for the application of the five-year lifetime limit on federal benefits.

A state's grant would be reduced \$1 for each \$1 that a state's spending falls below the required MOE.

Transferability: States may transfer up to 30% of the funds from the TANF block grant into the child care block grant and the Social Services Block Grant (SSBG). States may transfer no more than one-third of the transferred amount to the SSBG. Additionally, the funds transferred to the SSBG must be spent on services to children and families whose incomes do not exceed 200% of the poverty level.

Contingency Fund: The bill provides \$2 billion in federal matching funds for the period FY 1997-2001 for states experiencing an economic downturn. An eligible state must maintain 100% of its FY 1994 level of state spending on welfare in the year(s) a state uses the fund. States must meet one of two triggers to access the fund:

- The unemployment trigger - a state must have an unemployment rate of at least 6.5% and the average rate must be at least 10% higher than the same quarter in either of the two preceding years.
- The food stamp trigger - a state would be eligible if the number of food stamp recipients (for the most recent three months for which data is available), is 10% greater than the monthly average number of individuals that would have participated in the food stamp program in FY 1994 or FY 1995 (whichever is lower) in the corresponding three month period if the changes in cash assistance and benefits for immigrants made by the bill had been in effect.

Funds are provided at the FY 95 FMAP (federal medical assistance percentage) and cannot exceed 20% of the state's total block grant in a fiscal year. In any month, a state may draw down only 1/12 of the 20%. A state may continue to draw down from the fund for 1 month after it no longer meets a trigger.

Rainy Day Loan Fund: Provides a \$1.7 billion federal revolving loan fund. To be eligible, a state may not have incurred any penalties under the cash block grant. The maximum loan is 10% of a state's grant, for up to 3 years.

Performance Bonus: Provides \$1 billion over five years (\$200 million a year) for cash bonuses to "high performing states" that meet the goals of the program. The Secretary of HHS, with NGA and APWA, will develop a formula to be used in measuring state performance and making the awards. Bonus awards will be made in each of FY 1999-2003 for performance in the preceding fiscal year and will not exceed 5% of a state's cash grant.

Illegitimacy Reduction Bonus Fund: For each of FY 1999-2002, provides \$20 million annually to each of the five states with the greatest success in reducing out-of-wedlock births without increasing abortions compared to the previous two-year period. If there are fewer than five states eligible for the bonus, the grant will be \$25 million each.

Work Requirements

Adults in families receiving assistance under the block grant are required to participate in work activities after receiving assistance for 24 months (subject to good cause exemptions by the state). Recipients must be participating in community service within two months of receiving benefits if they are not working. States may opt out of this community service requirement with a letter from the Governor to the Secretary of HHS.

States must achieve the following minimum participation rates with respect to all families that include an adult or minor child head of household receiving assistance. Families not required to work in the first 24 months will be counted in the work participation rate. The annual participation rate is the average of the participation rate for each month in the fiscal year.

Work Participation Rates for All Families:

FY 1997 -- 25%	FY 2000 -- 40%
FY 1998 -- 30%	FY 2001 -- 45%
FY 1999 -- 35%	FY 2002 and beyond -- 50%

Work Participation for Two-Parent Families:

FY 1997 -- 75%
FY 1998 -- 75%;
FY 1999 and beyond -- 90%

Pro Rata Reduction of Work Participation Rate: The Secretary will establish regulations to grant states a reduction in their work participation rate by the percentage points equal to the percentage points (if any) that the average monthly number of families receiving aid under the block grant in the state in the preceding fiscal year is less than the average monthly number of families that received aid under Title IV- A in the state in FY 1995. The participation rate may not be reduced to the extent that the Secretary determines that the reduction in the number of families leaving such assistance is required by federal law, or proves that families were diverted as a result of a state changing its eligibility criteria.

Calculation of Monthly Participation Rate: For all families, the calculation includes the number of families receiving TANF assistance that include an adult engaged in work; divided by the number of families receiving such assistance decreased by the number of families that have been penalized in the month but have not been subject to such penalty for more than three months within the preceding 12-month period (whether or not consecutive). Those who leave welfare for work may not be counted toward a state's participation rate. A separate calculation is made for two-parent families based on the same formula.

Two-Parent Families Calculation of Work Rate: Uses same formula as above, but substitute 2-parent families for "all families."

Tribes may be included: States may include families receiving assistance under a tribal family assistance plan in the work rate calculation.

Allowable Work Activities: An individual must participate in one or more of the following activities to count toward the work participation rate:

1. unsubsidized employment
2. subsidized private sector employment
3. subsidized public sector employment
4. work experience (including work associated with refurbishing publicly assisted housing), only if sufficient private sector employment is not available
5. on-the-job-training
6. job search and job readiness assistance for up to 6 weeks (No more than 4 weeks may be consecutive. Individuals in states with unemployment at least 50% greater than the national average may participate for 12 weeks)
7. community service programs
8. vocational educational training (not to exceed 12 months for any individual)
9. job skills training directly related to employment
10. education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency
11. satisfactory attendance at secondary school or course of study leading to GED in the case of a recipient who has not completed secondary school
12. provision of child care services to an individual who is participating in a community service program

Minimum Work Hours Per Week: Each individual must work the following minimum number of hours (averaged over a month) to be counted toward meeting the work participation rate.

All families:

FY 1997 -1998	20 Hours
FY 1999	25 Hours
FY 2000 and beyond	30 Hours

Two-parent families:

FY 1997 and beyond	35 Hours
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Special Rules, Limitations, Sanctions

Two-parent family receiving child care: If a two-parent family receives federally-funded child care then both parents must work with exceptions for parents of severely disabled children or parents who are themselves disabled.

A single parent with a child under age six: In every fiscal year, a state may count toward meeting the work requirement a single custodial parent engaged in work for an average of only 20 hours per week.

Teen parents: A teen parent/head of household under age 20 will be counted as engaged in work if the recipient maintains satisfactory attendance at secondary school or the equivalent during the month or participates in education directly related to employment for at least the minimum average number of hours per week specified above.

Under age one exemption: States have the option to exempt single, custodial parents with a child under one year from the work requirement. A state may disregard the individual when determining participation rates. A parent may only receive this exemption for a total of 12 months although the months do not need to be consecutive.

Limitations on education and training: For all families, activities #9, 10 and 11 in the allowable work activities will not count toward meeting the first 20 hours of participation unless, for 10 and 11, the parent is a teen head of household. For two-parent families, these activities do not count toward meeting the first 30 hours.

Limitation on vocational educational training and teens in school: Not more than 20% of families may count toward the work rate in a month by participating in vocational educational training. This includes a teen head of household in school or education directly related to employment. (No definition of vocational educational training is provided in the bill.)

Sanctions Against Individuals: A state must reduce assistance to a family pro rata (or more at state option) for any period in which an adult member of the family refuses to engage in work as required under the TANF grant. A state may waive the penalty subject to good cause and other exceptions the state may establish. A state may also terminate assistance completely and terminate Medicaid for the individual whose cash assistance is terminated for failure to work. (Minor children will continue to receive Medicaid.)

No Sanctions for Lack of Child Care: A state may not reduce or terminate assistance to a single parent with a child under age six if the parent proves that failure to participate in work is due to lack of care. States may not disregard these parents when calculating participation rates.

Penalties Against States for Failure to Meet Work Participation Rate: A state will be penalized by a grant reduction of 5% the first year it fails to meet participation rates. For consecutive failures, penalties rise by 2% each year with a cap of a 21% reduction in the TANF block grant amount. The Secretary can reduce the penalty for missing the work participation rate based on the degree of noncompliance or if a state is in a recession provided that the state is defined as "needy" (based on contingency fund triggers). As with other penalties in the conference report, the Secretary has the authority to grant reasonable cause exceptions and to allow states to enter into a 60-day corrective compliance plan before assessing any penalty.

Key Prohibitions

No Assistance Past 5 Years: A state may not use any part of the TANF grant to provide assistance to a family that includes an adult who has received assistance for 60 months (whether or not consecutive) under a state program funded by the TANF block grant. (The States may use their own funds to provide assistance after 60 months.) This prohibition applies to the entire household and to all forms of assistance under the grant. For families currently receiving assistance, the five-year clock will start on the date the state begins implementation of the block grant.

- Child-only cases are not subject to the five-year limit.
- **Hardship exemption.** A state may exempt up to 20% of its average monthly number of families receiving assistance from the lifetime limit by reason of hardship, including families with members who have been battered or subject to extreme cruelty.
- States may use SSBG funds to provide vouchers to families who reach the 5-year time limit.

Teen Parents: In order to receive assistance, unmarried teen parents of a minor child at least 12 weeks of age must participate in educational activities directed toward receiving a high school diploma or GED, or participate in an alternative education or training program approved by the state. States must also deny assistance if the teen is not living at home or in an approved, adult-supervised setting.

Paternity Establishment: A state must reduce a family's grant by 25% or may terminate it completely if the parent fails to cooperate in establishing paternity or in establishing, modifying or enforcing a support order unless the individual qualifies for a good cause exception.

Person convicted of drug-related felony: States must permanently deny all Title IV-A cash assistance and food stamp benefits to individuals convicted of felony drug possession, use, or distribution. Other members of the family could continue to receive benefits. States may opt out of this provision or limit the period of prohibition by passing legislation. States are authorized to collect drug-related information through written self-declaration when an individual applies for benefits.

Child Support Rights: As a condition of receiving assistance, the family must assign child support rights to the state

Medical Services: No part of a state's TANF grant may be used for medical services except for pre-pregnancy planning services.

States Currently Operating Under Existing Waivers

Termination of waiver: States may terminate existing waivers and be held harmless for any accrued federal cost liabilities. States must make the decision to terminate within 90 days after the adjournment of the first regular session of the state legislature after the bill's enactment.

Continuation of waivers in effect on date of enactment: States may elect to continue their waivers but will only receive their block grant funding in each fiscal year. To the extent the amendments made by the Act are "inconsistent" with the waiver, the amendments will not apply. The manager's explanation elaborates that such waivers may only apply to the geographic areas of the state and to the specific program features for which the waiver was granted.

Waivers before enactment and approved after enactment: Waivers submitted prior to enactment and approved by July 1, 1997 must comply with Sec. 407-work requirements, even if the requirements are inconsistent with the waiver. In other areas that are inconsistent, the terms of the waiver will prevail.

State Options

- States may deny assistance to additional children born or conceived while the parent is on welfare (family cap).
- States with a family cap may use SSBG money to provide vouchers for the excluded child.
- States may deny assistance to unmarried teen parents and their children.
- States may require school attendance by parents (if they have not completed high school) and children in a family. States may sanction families for failure to comply.
- States must perform assessments, but personal responsibility contracts are at the option of the state.

State Plan Requirements

State plan must be filed every two years and include:

- an explanation of how a state plans to serve all its political subdivisions
- an explanation of how a state plans to require a parent or caretaker to engage in work activities after receiving assistance under the program for 24 months and ensure that parents and caretakers receiving assistance engage in allowable work activities
- an explanation of whether welfare will be provided to non citizens and if so, provide an overview of benefits
- an explanation of how a state plans to treat interstate immigrants, if families including such immigrants are to be treated differently than other families
- an explanation of how a state plans to take necessary steps to assure appropriate confidentiality, set goals and take action to reduce out-of-wedlock pregnancies
- certification that it will operate a child support enforcement program, and a child protection program
- certification of how the state will administer the program and that it will provide Indians with equitable access to assistance.

Fair and Equitable Treatment: The plan must also set forth objective criteria for the delivery of benefits, for the determination of eligibility and for fair and equitable treatment, including how the state will provide an administrative or appeals process for recipients who have been adversely effected.

Consultation and review: A state must consult with local governments and private sector organizations regarding the design of the plan and allow 45 days to receive comments from them on the plan.

Services provided by charitable, religious or private organizations: Subject to a number of provisions, the bill allows states to contract with religious and other private providers for the provision of block grant services and to operate certificate/voucher programs in which religious providers could participate.

Penalties Against States

States are subject to the following penalties:

- use of funds in violation of the bill (repay amount and, if violation was intentional, an additional 5% of grant)
- failure to submit required report within one month of the end of each fiscal quarter (4% of grant)
- failure to satisfy minimum work participation rates (5% of grant plus an additional 2% each year for consecutive failures for a maximum of 21%)
- failure to participate in the Income and Eligibility Verification System -IEVS (up to 2%)
- failure to enforce penalties requested by child support agency (up to 5%)
- failure to meet the MOE (\$1 reduction in grant for each \$1 below required MOE); and
- failure to timely repay a federal loan (reduction of grant by outstanding loan amount plus interest owed)
- failure to maintain assistance to adult, single, custodial parents who cannot obtain child care for children under 6 (up to 5%)
- failure to comply with the 5-year limit on assistance (5%)
- failure to maintain the 100% MOE when receiving contingency fund dollars (pay back contingency fund dollars)

A state is required to expend its own funds to replace the reduction in its grant resulting from any penalties.

Additionally, the grant will be reduced if the state's child support program is not in compliance with the requirements of IV-D.

The Secretary must waive the penalty if the Secretary finds the state had reasonable cause to not comply. States may also enter into corrective compliance plans with the Secretary in lieu of paying penalties.

Reporting requirements: Beginning July 1, 1997, states must collect monthly data and are required to provide quarterly reports providing extensive disaggregated case record information on families receiving assistance. States may use sampling methods, and the Secretary may develop procedures for verifying the quality of the data submitted. States must also submit annual reports on the use of funds to cover administrative costs and overhead; state expenditures on programs for needy families; noncustodial parents in work activities; and transitional services.

Indian tribes: Indian tribes with an approved tribal family assistance plan may directly receive and administer block grant funds beginning in FY 1997. (A state's block grant will be reduced by this amount.) States have the option of including individuals receiving assistance under a state tribal assistance plan in the calculation of their work participation rates. Tribes that have been JOBS grantees will receive an annual grant equal to their FY 1995 JOBS allocation.

II. CHILD CARE (Title VI)

The bill consolidates the existing IV-A child care funding sources (AFDC/JOBS, At-risk, Transitional child care) with the Child Care Development Block Grant. The effective date for the block grant is October 1, 1996. State legislatures must appropriate the child care block grant funds.

Mandatory Funding

Total mandatory or entitlement funding to states for child care during the six year period FY 1997-FY 2002 is \$13.85 billion. \$ 7.2 billion will be used for states' base allocations. The remaining \$6.7 billion will be matching funds for the states.

Base allocation: In each fiscal year, a state's base allocation will be based on the greater of the federal share of IV-A child care expenditures in FY 1995, FY 1994, or the average of FY 1992-1994. (National total of approximately \$1.2 billion annually.)

- No state match required.
- No maintenance-of-effort separate from the 80% in TANF.
- Funds may be carried over into the next fiscal year.

Matching funds: The remaining funds will be distributed under the following conditions:

- States must have spent their initial allotment described above and have spent state dollars on child care equal to their FY 1994 or FY 1995 state spending for AFDC-related child care, whichever is higher.
- State expenditures above the MOE level will be matched at the FY 1995 federal medical assistance percentage (FMAP).
- The funds will be distributed according to the proportion of children under age 13.
- Unused funds will be redistributed.
- Total matching funds to states will be \$729 million in FY 1997, \$827 million in FY 1998, \$924 million in FY 1999, \$1.121 billion in FY 2000, \$1.317 billion in FY 2001 and \$1.464 million FY 2002.

Discretionary Funding

An additional \$1 billion is authorized annually (representing the current CCDBG). Allocation of these funds is based on the current CCDBG formula. The legislation states that a "substantial portion of the funds must be used for low-income working families."

Indian Tribes: The Secretary will reserve between one and two percent annually of the total appropriation for Indian tribes and tribal organizations.

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Use of Funds:

- States must use at least 70% of the total amount of mandatory (including matching) funds to provide child care assistance to welfare recipients, to those in work programs and attempting to leave welfare, and those at-risk of going on welfare.
- A 4% set-aside for activities to improve the quality and availability of care including activities designed to provide comprehensive consumer education to parents and the public; activities that increase parental choice; and resource and referral services.
- A 5% cap on administrative costs, which excludes direct services, applies to all mandatory and discretionary funding. The accompanying manager's explanation to the bill lists a number of activities that should not be considered administrative expenses in regulations that may be issued by the Secretary. These include eligibility determination and redetermination; preparation and participation in judicial hearings; child care placements; recruitment, licensing and inspection of child care placements; and the establishment and maintenance of computerized child care information.
- Requirements and limitations of the CCDBG, as amended by the bill, apply to all child care funds.

Health and Safety Standards: Current law health and safety protections required in the CCDBG are maintained. States must have requirements on prevention and control of infectious diseases (including immunizations), building and physical premises safety, and minimum health and training.

Administration of Funds: All funds are to be transferred into and administered by the lead agency for the CCDBG. The Governor designates the lead agency and may select a governmental or non-governmental agency to administer the funds.

State Plan**States must:**

- certify that consumer education will be collected and disseminated to parents of eligible children and the general public.
- certify that licensing requirements are in effect that are applicable to child care services provided within the state, and provide a detailed description of how the requirements are enforced.
- demonstrate how specific child care needs of families receiving welfare, families attempting through work activities to transition off of welfare, and families who are at risk of going on welfare are met.
- ensure that a substantial portion of funds will be used to provide assistance to low-income working families other than those described above.

Annual Reports and Audits:

- **Quarterly Reports** - States must collect information monthly on the following data reporting elements and submit information quarterly: family income; county of residence; the gender and age of children receiving assistance; whether the family includes only 1 parent; sources of family income (including employment, IV-A cash assistance, housing assistance, food stamp assistance, and other assistance programs); the number of months the

family has received benefits; the type of child care in which the child was enrolled; whether the child care provider was a relative; the cost of child care for families; and the average hours per week of care. The Secretary may disapprove the information collected if the state uses a sampling method.

- **Biannual Reports** - States must collect information on the following data reporting elements and submit information every 6 months: the number of child care providers that received funding; the monthly cost of child care services and the subsidy cost portion; the number of payments made to providers through vouchers, contracts, cash and disregards under public benefit programs, listed by the type of child care services provided; the manner in which consumer education information was provided to parents; and the total number (without duplication) of children and families served.

Penalties: If the Secretary determines the state is not in compliance, the state may be required to reimburse the Secretary for any funds that were improperly expended for purposes prohibited or not authorized. The Secretary may deduct from the administrative portion of the state allotment for the following fiscal year an amount that is less than or equal to any improperly expended funds, or a combination of such options.

III. MEDICAID PROGRAM (Provisions contained in Title I and Title IV)

Comprehensive Medicaid reform was not included in the welfare reform bill. However, several important changes were made with respect to categorical eligibility for Medicaid based on receipt of welfare and the eligibility of immigrants for Medicaid.

Eligibility link to welfare: Under current law, persons eligible for assistance under Title IV-A (AFDC) are automatically entitled to coverage under the state's Medicaid program. The conference report severs this automatic link. It amends Title XIX to say that any reference in Title XIX to eligibility under Title IV-A shall mean the state's AFDC state plan as it existed on July 16, 1996. A state can modify those "frozen" plans in three ways:

- (1) lower its income standards, but not below the level applicable under its AFDC state plan as of May 1, 1988;
- (2) increase income or resource standards by an amount not to exceed the CPI; and
- (3) use income and resource methodologies that are less restrictive than the methodologies used under the State plan as of July 16, 1996.

Transitional Medicaid:

- Retains existing Medicaid law regarding transitional assistance. Families that would lose eligibility for Medicaid because their income, due to increased child support, exceeds the prior law AFDC standards (as discussed above) will receive four months of transitional Medicaid and those becoming ineligible due to increased earnings will receive twelve months.
- Transitional assistance provisions, due to sunset in 1998, are extended to 2001.
- States will have the option to terminate medical assistance for persons denied cash assistance because of refusal to work; pregnant women and minor children are, however, protected.

Waivers: A state with a waiver of certain Title IV-A provisions in place or approved by the Secretary on or before July 1, 1997, will have the option to continue to operate under that waiver with regard to eligibility for medical assistance.

Administrative Costs: The bill allows the Secretary to increase the federal share of administrative costs associated with the implementation of the new eligibility rules, up to a total federal expenditure of \$500 million over four years.

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Services for aliens:

- A state will have the option, as of January 1, 1997, of denying Medicaid coverage to persons who are legal residents but not citizens.
- New immigrants will be automatically barred for five years after entry. After that, the state may offer Medicaid coverage, but will have to apply deeming provisions. There are certain exceptions for persons who have worked for forty quarters in covered employment, or served in the military.
- Legal immigrants who will be losing SSI benefits will also lose Medicaid coverage. Accordingly, aged, blind, and disabled immigrants will not be categorically eligible for Medicaid. Thus, if a state wanted to extend Medicaid coverage to these individuals, they would have to do it through optional eligibility categories.
- No state may deny coverage of emergency medical services to either illegal or legal aliens.

Effective Date: These changes have the same effective date as the Title IV-A provisions, not later than July 1, 1997, and earlier at state option.

IV. SOCIAL SERVICES BLOCK GRANT (Title IX)

The bill makes a 15 percent reduction in the Social Services Block Grant (SSBG) funding from the FY 1995 authorized level of \$2.8 billion. For FY 1996, funding is \$2.381 billion. For FY 1997 - 2002, funding is \$2.38 billion. For FY 2003 and thereafter, funding reverts to \$2.8 billion. It clarifies that SSBG funding can be used for vouchers for families ineligible for or denied cash assistance under Title IV-A because of a family cap or the five-year time limit on benefits.

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V. BENEFITS FOR IMMIGRANTS (Title IV)

SSI and Food Stamp Bar

Current and future legal immigrants are barred from receiving SSI and Food Stamps until they become citizens. Current SSI recipients are subject to redetermination of eligibility in the year following enactment; current food stamp recipients must be recertified within one year. [On August 23, the President directed the Secretary of USDA to permit states to extend food stamp recertification periods to up to 12 months (or 24 months if all adult household members are disabled) but in no event will certification extend beyond August 22, 1997. This allows states to extend recertification for immigrants whose regularly scheduled recertifications occur more frequently than every 12 months, and thereby enable them to continue to receive food stamps for some additional months before becoming ineligible.]

Exceptions for certain individuals:

- refugees, asylees, or those granted withholding of deportation are eligible only for their first 5 years in U.S. (if these individuals have already been in the U.S. for five years, they lose benefits);
- lawful permanent residents with 40 qualifying quarters of work may receive benefits; for work quarters after December 31, 1996 to qualify, the individual must not receive any federal means-tested public benefit during that quarter (minor children and the spouse can be credited with qualifying quarters); and
- veterans, active duty military, spouses and dependents.

Cash Assistance (TANF), Medicaid and SSBG (State Option)

States have the option to determine the eligibility of current legal immigrants for federal cash assistance under Title IV-A (TANF), Medicaid, and services under the Social Services Block Grant (SSBG). Current recipients may receive benefits until January 1, 1997. States may provide or deny services thereafter. Immigrants that arrive after the bill is enacted are first subject to the five-year federal bar (see below), and then the state may provide or deny services. Immigrants that arrive after enactment who have sponsors *may* also be subject to deeming until they become citizens (see below).

Exceptions for certain individuals: Same as above.

5-Year Bar on Federal Means-Tested Programs

Newly-arriving legal immigrants who are qualified aliens are barred from all means-tested, federally-funded public benefits for the first 5 years they are in the country.

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Exceptions for certain individuals:

- refugees, asylees, or those granted withholding of deportation for their first 5 years in U.S.
- veterans, active duty, spouses and dependents
- Cuban-Haitian: Cuban-Haitian entrants are eligible for Refugee Assistance and Refugee Education Assistance. The Executive Branch may have the authority to exempt these individuals, through regulation, from the five-year ban on other programs.

Program Exceptions:

- emergency medical assistance;
- short-term, non-cash, in-kind emergency disaster relief;
- National School Lunch Act;
- Child Nutrition Act;
- public health assistance (not including Medicaid) for immunizations and testing and treatment of symptoms of communicable diseases;
- foster care and adoption assistance (unless parent is qualified alien subject to 5-year bar);
- programs identified by the Attorney General which deliver in-kind services at the community level, do not condition assistance on the individuals' income or resources; and are necessary for the protection of life or safety (such as soup kitchens)
- higher education;
- means-tested programs under ESEA;
- Head Start; and,
- JTPA.

State and Local Governments

- States have the authority to determine the eligibility of legal immigrants for state and local means-tested programs. (Exceptions for refugees, asylees, and those whose deportation has been withheld for their first five years in the U.S.; lawful permanent residents with 40 qualifying quarters of work; veterans and active duty military, their spouses and dependent children; and current recipients until 1/1/97.)
- States have the authority to determine eligibility of legal immigrants for TANF, Medicaid, and Social Services Block Grant. (See exceptions under Cash Assistance, above.)
- States may not provide state or locally funded benefits to unqualified immigrants (except nonimmigrants or parolees for their first year in the U.S.) unless they enact state law after this bill is enacted.
- States (or the locality that offers the benefit) may deem for state programs. (See exceptions under Deeming, below.)

Programs Restricted By Deeming

(Note: deeming means sponsor's income and resources (and his or her spouse's income and resources) are considered, or "deemed", available to immigrant when determining program eligibility and amount of benefits. This mainly affects immigrants who enter under the family preference system: unmarried sons and daughters of U.S. citizens; spouses and unmarried sons

and daughters of permanent residents; married sons and daughters of U.S. citizens; brothers and sisters of adult U.S. citizens.)

States must deem all federal means-tested programs for new immigrants, who are first subject to the five year federal bar, then subject to deeming until citizenship (or 40 quarters of qualifying work, as described under the SSI/Food Stamps bar.)

Current immigrants do not appear to be subject to the new deeming requirements (but further interpretation from the Immigration and Naturalization Service is needed).

Effective date: For programs that already deem (SSI, food stamps, and Medicaid), the effective date is the date of enactment. However, once the permanent bar goes into effect for SSI and Food Stamps, no further deeming will be necessary. For programs that do not currently deem, the effective date is 180 days after enactment.

States (or the locality that offers the benefit) may deem for state programs. Exceptions to state deeming are:

- emergency medical assistance;
- short-term, non-cash, in-kind emergency disaster relief;
- programs comparable to the National School Lunch Act;
- programs comparable to the Child Nutrition Act;
- public health assistance for immunizations and testing and treatment of symptoms of communicable diseases;
- foster care and adoption assistance (unless parent is qualified alien subject to 5-year bar);
- programs identified by the Attorney General which deliver in-kind services at the community level, do not condition assistance on the individuals' income or resources; and are necessary for the protection of life or safety (such as soup kitchens)

Affidavits of Support: Under the bill, affidavits of support are made legally enforceable against the sponsor by the sponsored alien, the federal government, and by any state or locality which provides means-tested programs for up to 10 years after receipt of benefit. Affidavits of support are enforceable until citizenship. (Reimbursement may not be sought for the 11 excepted programs to federal means-tested benefits. See 5-Year Bar above.)

Sponsors must notify the Attorney General and the state where the sponsored alien resides of any change of address of the sponsor. (Sponsor must be a citizen or national or lawful permanent resident; 18 years or over; resident of the 50 states or D.C.; and be the petitioner for admission of the immigrant.)

Effective date: The Attorney General has 90 days to create a new form for support affidavits; effective 60-90 days thereafter. Affidavits of support issued prior to the effective date time will continue to be non-enforceable.

School Lunch and School Breakfast

School lunch and school breakfast are available to all immigrants regardless of status. States may provide certain other nutrition programs to immigrants not considered "qualified aliens" under the bill.

Illegal Immigrants

Illegal immigrants, those who are not "qualified aliens" are barred from the following federal public benefits: a) grants, contracts, loans, licenses and b) retirement, welfare, health, disability, public or assisted housing, post secondary education, food assistance, unemployment benefit provided to an individual, household, or family by the U.S. or by appropriated funds of the U.S.

States may not provide state or locally funded benefits to unqualified immigrants (except nonimmigrants or parolees for their first year in the U.S.) unless the state enacts a law.

Exceptions (federal, state and local):

- emergency medical assistance under Medicaid, if eligibility requirements under the state plan are met. (Under the conference report language, the conferees do not intend that emergency medical services include prenatal or delivery care that is not strictly of an emergency nature.)
- short-term, non-cash, in-kind emergency disaster relief
- public health (not including Medicaid) for immunizations and for testing and treatment of symptoms of communicable diseases
- programs identified by the Attorney General which deliver in-kind services at the community level, do not condition assistance on the individuals' income or resources; and are necessary for the protection of life or safety (such as soup kitchens, short-term shelter), and
- federal housing or community development assistance for current recipients.

Reporting, Verification, Cooperation With INS

Reporting under Title IV of Social Security Act: Requires agencies that administer SSI, housing assistance, or TANF to report quarterly to the INS the names and addresses of individuals they know are unlawfully in the U.S.

Verification: The Attorney General with the Secretary of HHS must issue regulations within 18 months requiring verification that the alien applying for public benefits is a qualified alien and eligible for such benefit. States administering federal public benefits must comply with the verification system within 24 months. Authorizes "such sums as may be necessary" to carry out this section.

Cooperation: No state or local government entity may be prohibited or restricted from communicating information to the INS about the immigration status of an alien in the U.S.

Definitions

"Qualified aliens:" lawful permanent residents, refugees, asylees, parolees after 1 year; and those whose deportation is withheld. (Note: withholding of deportation is similar to political asylum.)

Federal means-tested public benefits: a public benefit including cash, medical, housing, and food assistance and social services of the Federal government in which the eligibility of an individual, household, or family eligibility unit for benefits, or the amount of such benefits, are determined on the basis of income, resources, or financial need of the individual, household, or

unit. Although this definition was deleted from the bill under the Byrd rule, "it is the intent of the conferees that this definition be presumed to be in place for purposes of this title."

State public benefits: any means-tested public benefits of a state or locality under which the state or locality specifies the standards for eligibility, and does not include any federal public benefit. Although the original definition was deleted due to the Byrd rule, "it is the intent of House and Senate conferees that the ... definition be used by states" in carrying out the authority under this section (state authority to limit eligibility of qualified aliens for state public benefits).

VI. SUPPLEMENTAL SECURITY INCOME (SSI) (Title II)

SSI for Children: Upon enactment, a new disability standard for new and pending applications will be established. The new standard will eliminate the comparable severity standard, the individual functional assessment, and references to maladaptive behavior. Within one year of enactment, the Social Security Administration must redetermine the eligibility of current beneficiaries based on the new definition. Recipients made ineligible due to the elimination of the reference to maladaptive behavior and the elimination of individual functional assessments will receive first priority in the review and redetermination process. Current beneficiaries found ineligible under the new SSI definition will not lose their benefits before July 1, 1997.

Continuing Disability Reviews (CDR): Reviews for continued eligibility will be conducted for low birth weight children within one year of birth, and at least every three years for children under age 18. Representative payees for children will be required to present evidence at the time of the CDR that the child is receiving treatment to the extent considered necessary and available for his or her condition. Eligibility will be redetermined, using the adult criteria, within one year of a recipient turning age 18. An additional \$150 million in FY 1997 and \$100 million in FY 1998 is authorized and appropriated to conduct SSI CDRs and redeterminations.

Restrictions on Benefits:

- Cash benefits for privately insured, institutionalized children will be limited to \$30 per month.
- Retroactive SSI benefits must be placed in a dedicated savings account and used only for education or rehabilitation related services.

Maintenance of Effort Requirement: The maintenance of effort requirements applicable to optional State programs for supplementation of SSI benefits remain in effect.

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VII. CHILD PROTECTION (Title V)

The conference report drops most of the provisions contained in earlier versions of the bill on child protection including the child protection block grant; the child and family services block grant; provisions on removal of barriers to interethnic adoption; and the adoption tax credit. It retains current law for Titles IV-E, IV-B and Child Abuse Prevention and Treatment Act (CAPTA) state grants and discretionary programs; Community-Based Family Resource Program grants; Adoption Opportunities program; the Abandoned Infants Assistance Act; the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act; and the family support centers grants under the McKinney Homeless Assistance Act. The bill does not include an optional block grant for foster care. [Note: Provisions on removal of barriers to interethnic adoption and an adoption tax credit are included in a minimum wage increase/tax measure adopted by the House and Senate.]

Title IV-E Eligibility: States are required to use the IV-A rules and requirements in effect as of *June 1, 1995* under their state plan to determine eligibility for Title IV-E

Child Welfare Information Systems: The bill extends the deadline for enhanced funding (75 percent FFP) for Statewide Automated Child Welfare Information Systems (SACWIS) for one year, from October 1, 1996 to October 1, 1997. With no changes to current law for child abuse and child protection programs, there are, of course, no changes to data reporting requirements under the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS).

For Profit Providers: The bill amends current law (Section 472(c)(2)) to allow states to use Title IV-E dollars for for-profit providers to care for children in foster care.

Kinship Care: Adds the following new element under the Title IV-E Foster Care and Adoption Assistance State Plan as follows: "provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards."

National Random Sample Study of Child Welfare: The bill authorizes the Secretary to conduct a national study based on random samples of children who are at risk of child abuse or neglect, or are determined by states to have been abused or neglected, and such other research as may be necessary.

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VIII. FOOD STAMP PROGRAM (Title VIII)

Program Structure:

- The Food Stamp Program retains its current structure as an uncapped, individual entitlement.
- States will not have the option to choose a food stamp block grant and alter the structure of the program.
- New provisions are effective upon enactment, with the exception of some budgetary changes which are effective October 1, 1997.
- The legislation reauthorizes the program through FY 2002.

New Work Requirement: Able-bodied recipients age 18-50 with no dependents are ineligible for food stamps unless they meet a new work requirement. These individuals may receive food stamp benefits for only three months in every 36 month period unless they are engaged in work or work programs. However, if the recipient finds work and then loses his or her job, an additional three months of benefits are allowed once in the three year period. "Work" includes participating in a work program 20 hours or more a week, averaged monthly. Qualifying work programs include programs under JTPA or the Trade Adjustment Assistance Act, state or local programs approved by the Governor (including a food stamp E&T program), and workfare. Job search or job search training programs do not qualify. States may exempt up to 10% of those covered by the requirements for hardship situations.

Employment and Training: States will have greater flexibility to run the Food Stamp Employment and Training Program. Funding will increase gradually, totaling \$79 million in FY 1997, and rising to \$90 million in FY 2002. The program must be carried out through a statewide workforce development system unless the component is not available locally through such a system.

Simplified Food Stamp Program: State may operate a "simplified food stamp program" for households in which one or more members receive assistance under the TANF Block Grant. The simplified program allows for a single set of rules and procedures to determine eligibility, and benefits for food stamps, and standardizes the deductions between programs. A state's simplified plan may not increase costs to the federal government. If it does, the state must enter into and carry out a corrective action plan, or the Secretary must terminate the state's simplified program. States will not be required to collect information on households not in the simplified program; the Secretary may approve alternative accounting periods in making cost determinations; and states may include in the program households with one or more non-TANF members if approved by the Secretary.

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Waiver Authority: The conference agreement includes broad new waiver authority allowing states to request waivers for welfare reform, work, or multi-program conformity projects, with some restrictions. The major restrictions include: no new cash-out projects; no transfer of food stamp or employment and training funds to other assistance programs; no non-time-limited projects; a limitation to 15% of the caseload and five years duration if the project would reduce benefits by more than 20% for more than 5% of households in the project; no adverse effect on certain vulnerable populations nor on certain rights and procedures in the Food Stamp Act; no conditions based on "behavioral" activity such as a family cap or benefit time limit; and no waivers of provisions in the Simplified Food Stamp Program option.

Deductions from Income: The standard deduction will remain frozen at FY 96 levels (\$134 for the 48 states and D.C.). The excess shelter deduction will remain capped at current-law levels through December 31, 1996 (\$247 for the 48 states and D.C.), and then rise incrementally (to \$300) through FY 2001. Low-Income Home Energy Assistance (LIHEAP) payments will not be counted as income; the homeless shelter allowance is frozen at current levels; and earned income deductions will be disallowed if the earned income is not reported timely.

Adjustment to Thrifty Food Plan: The maximum food stamp benefit will be 100% of the cost of the Thrifty Food Plan rather than at 103% as under current law.

Food Stamp Cash-Out (Employment Initiatives Program): Qualifying states may cash out food stamp benefits to individuals who have worked in unsubsidized employment for at least 90 days, earned at least \$350 a month and receive benefits under TANF. Qualifying states are those where at least 50% of the food stamp households also received AFDC during the summer of 1993. States must increase benefits to compensate for state or local food sales taxes faced by these individuals.

Work Supplementation: States may operate a work supplementation or support program where the value of public assistance including food stamps is provided to employers to be used for hiring and paying the recipient.

Reduction of Public Assistance Benefits: Individuals whose benefits are reduced under other means-tested program as a penalty cannot have their food stamp allocation increased. The state may reduce the food stamp allotment of the household by up to 25%.

Child Support: States have the option to disqualify individuals who are delinquent in any payment due under a court order for the support of a child. States may disqualify custodial or noncustodial parents who do not cooperate with the child support program.

Other State Administrative Options: The bill allows states a degree of additional administrative flexibility in several areas. States will no longer be governed by detailed rules for application forms and procedures; they may allow verbal fair hearing withdrawals; and they may use the IEVS system (but not the SAVE system) at their option.

Retention Rates: Changes in the retention rates, allowing states to keep 35% of fraud over-issuance collections and 20% of non-fraud collections.

Quality Control: The final bill leaves present QC law intact. Present QC law will also apply to the Simplified Food Stamp Program option.

Other Administrative Simplifications and Changes:

- The new legislation extends the expedited service timetable from five to seven days, and ends the expedited service for homeless households. Expedited service will still have to be provided to households whose shelter costs exceed their income and resources.
- States may lower the age of the caretaker exemption to three without restriction. A state may lower the age to as low as one only if it requested a waiver to do so, and had the waiver denied prior to August 1, 1996.
- The bill provides other administrative reforms including: allowing 12 month certification periods (24 months for elderly and disabled households) with one contact per year; requiring that later recertification benefits be prorated (rather than issued as a full month); and allowing states to combine allotments for the first and second months for expedited households applying after the 15th.

IX. CHILD NUTRITION PROGRAMS (Title VII)

Two Tier CACFP Reimbursement Structure: Meal reimbursements for family or group day care homes in the Child and Adult Care Food Program (CACFP) will be restructured into two tiers. Current law rates will continue for family or group day care homes located in areas in which at least 50 percent of the children are in households that are below 185 percent of the poverty level, or are operated by a provider whose income is below 185 percent of the poverty level. Family or group day care homes that do not meet this criteria will receive reduced meal reimbursements. Reimbursement rates will be adjusted on July 1, 1997 and each July 1 thereafter to reflect changes in the CPI.

Summer Food Service Program (SFSP): The bill reduces the SFSP reimbursement rate for breakfasts, lunches, and snacks starting January 1, 1997.

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X. ELECTRONIC BENEFIT TRANSFER SYSTEMS (EBT) (Title VIII, Title IX)

Regulation E: All state and local EBT systems are exempt from Regulation E of the Electronic Funds Transfer Act. Regulations regarding benefit replacement and loss liability for food stamps should be similar to those in place for the paper coupon program.

Mandatory EBT systems for Food Stamps: States are required to implement food stamp EBT systems by October 1, 2002, unless waived. Systems must be cost-neutral over the life of the program. Within two years, state EBT systems shall include, to the extent practicable, retailer scanning devices that differentiate between allowable and non-allowable food items.

Other EBT issues: States may charge for replacement cards and may require photos on EBT cards. EBT vendors may not condition their contracts on states buying additional point-of-sale service from them or an affiliate.

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XI. CHILD SUPPORT (Title III)

The welfare reform bill contains sweeping revisions of the federal child support statute and restructures the administration of child support into centralized collections and disbursement and nationwide registries. The major points include the following :

Operation of Child Support Systems (IV-D): To receive the TANF block grant, states must operate a IV-D child support program and provide assistance to each child (resident or non-resident) who is either receiving, or formerly received, IV-A assistance, receiving IV-E assistance or Medicaid, or applying for IV-D services.

Assignment and Cooperation: Applicants and recipients (for IV-A/TANF and Medicaid) must assign support rights, including distribution, to the states, and cooperate in good faith by providing the father's name, subject to good cause and other exceptions. States may require additional information and must define these exceptions, taking into account the best interest of the child. If an individual fails to cooperate in establishing paternity or modifying or enforcing a child support order and does not qualify for good cause or another exception established by the state, the state must deduct a minimum of 25 percent from a family's cash assistance grant or may deny the entire amount of cash assistance to the family.

Penalties on states for failure to enforce cooperation: States who do not enforce non-cooperation sanctions will be penalized for up to five percent of the TANF block grant in the next fiscal year.

Distribution of Collections (IV-E and IV-A/TANF): State may either retain the state share or distribute it to recipients. The federal share must be based on the Medicaid rate in effect on 9/30/96. States currently using fill-the-gap budgeting may continue at their option. The state must distribute support in accord with any cooperative agreement between the state and the Indian tribe for families receiving assistance from an Indian tribe.

Distribution of Arrears: Retains current law for support accrued and collected for IV-A and IV-E before 10/1/97. Requires states to distribute post-assistance arrears collected after 10/1/97 to the family before state arrears are reimbursed. Retains current law for pre-assistance arrears collected before 10/1/2000. Requires distribution of pre-assistance arrears collected after 10/1/2000 to the family. States are required to distribute to the family first in the post-assistance period, then the pre-assistance period and then to the assistance period. States are authorized to apply federal tax offset proceeds to the state arrears first.

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\$50 Disregard: Repeals federal law requiring a disregard or pass-through of the first \$50 of any child support payments each month for a family receiving cash assistance. States may continue to disregard support distributed to the family, but the federal government will no longer share in the cost to government. On October 1, 1996, the federal "contribution" to the \$50 disregard is repealed. However, a state can not actually discontinue the \$50 pass-through until it submits a state plan for the TANF grant. Thus, in the time intervening between October 1, 1996 and a state's plan submission, the state must bear the full cost of the \$50 disregard.

Grandparent Liability: State option to enforce support orders against the parents of a minor, non-custodial parent if the custodial parent is receiving TANF/IV-A.

Privacy protection: By 10/1/97, all states must have safeguards to restrict information about the whereabouts of one party to another party if a protective order has been entered, or if release of the information may result in physical or emotional harm to a party. States must also safeguard information about the establishment of paternity, or the establishment or enforcement of a support order.

Current State Automated Systems: The system requirements deadline (required by the Family Support Act of 1988) is extended to 10/1/97 and the 90% enhanced match for these systems is extended for two years (based on the amount approved in the state's advanced planning document (APD) submitted on or before September 30, 1995).

New State Automated Systems/Case Registries: The deadline for new system requirements (after the 1988 requirements) is 10/1/2000 and will be automatically extended by one day for every day regulations are issued late. The regulations are due two years after the enactment of the Act, or on October 1, 1998. The system must transmit withholding orders to employers, monitor payment defaults and use automatic enforcement procedures. It must include a central case registry or linked local registry for IV-D cases, all support orders established or modified in the state after 10/1/98 and payment records.

Federal Case Registry of Support Orders: The national case registry is established as part of the Federal Parent Locator Service. All states must send abstracts to, and match data with, the federal case registry.

State Centralized Collection and Disbursement unit: States are required to operate an automated centralized unit to collect and disburse support payments by 10/1/98. A state may use linked local units if it will not cost more or take more time to establish or operate. States that process payments through the local courts may continue through 9/30/99. Payments must be processed for IV-D cases, interstate IV-D cases, non-IV-D orders initially issued on or after 1/1/94 and subject to immediate withholding, and non-IV-D orders issued or modified before 10/1/96 and subject to withholding if arrearage occurs. The state disbursement unit shall not be required to convert and maintain in automated form records of payments kept before October 1, 1996.

State Directory of New Hires: Required by 10/1/97. States who have already implemented the directory must conform to federal requirements by 10/1/98, but must report to the Federal Parent Locator Service by 10/1/97. States must conduct data matches between the case registry and new hire directory by 5/1/98. Employers must report new hires within 20 days after the hire or first pay. Employers have the option of using the W-4 form or an equivalent. States may establish an

earlier reporting deadline for employers. Multistate employers may report to one state. State option to set employer penalties of less than \$25 (\$500 for a conspiracy). The deadlines for information are as follows: within five days of receipt, states must enter new hires; within three days of entry to the state directory, states must transmit data to the national directory; and within two days of entry to the state directory, states must send a withholding notice to the employer. A state or local IV-D agency may disclose wage information to contractors.

National Directories of New Hires: By 10/1/97, a National Directory of New Hires is established as part of the Federal Parent Locator Service. Federal employers report to the National Directory of New Hires.

Federal Parent Locator Service (FPLS): The FPLS is expanded to include a National Directory of New Hires (by 10/1/97) and a Federal Case Registry of Support Orders (by 10/1/98). FPLS must match data between the New Hire and Case Registry every two days and report matches to states within two days. Non-custodial parents do not have direct access (only through IV-D agency or courts) and, if a state notifies HHS of reasonable evidence of domestic violence or child abuse, no information will be disclosed. New locate authority includes: establishing parentage; setting, modifying and enforcing support orders; and enforcing child custody and visitation orders.

Income Withholding: States must transmit withholding orders to employers within 2 days and may use electronic means. Employers have 7 business days after payday to send withholding to the state disbursement unit. States must process both IV-D and non-IV-D withholdings through the disbursement unit, but need only send withholding orders in IV-D cases. Employer's principle place of employment determines which state law the employer must comply with in responding to an employee's withholding notice. All non-IV-D orders issued or modified before 10/1/96 are subject to standard withholding procedures if an arrearage occurs without a new hearing (unless the income is subject to immediate withholding).

Paternity Establishment: The paternity establishment percentage (PEP) is increased from 75% to 90%. States between 75-89% must improve 2% to avoid sanctions. States can use either a IV-D or statewide PEP calculation. The Secretary of HHS must develop minimum requirements for states to use in their paternity acknowledgment affidavits rather than develop an affidavit for all states to use. State birth record agencies must offer paternity services and must file paternity orders and acknowledgments. States must publicize procedures for paternity acknowledgment. An acknowledgment becomes a legal finding of paternity in 60 days unless challenged. After 60 days, limited challenges are permitted on the basis of fraud, duress or mistake of fact. States must develop and use an affidavit meeting minimum national standards developed by HHS. Full faith and credit must be given to other state affidavits.

Birth Certificates: Father's name can only be on the birth certificate if both parents sign an acknowledgment of paternity or pursuant to an order. States must give oral and written notice to the parents prior to signature.

New IV-D Agency Authority: The state IV-D agency must have the authority to: order genetic tests; subpoena (and impose penalties for non-compliance) financial and other information to establish, modify or enforce a support order; require all employers to provide information on employment, compensation and benefits of any employee; and to obtain records including vital

statistics, taxes, personal property, occupational and professional licenses, employment security and those of the department of motor vehicles, public assistance and corrections.

Contested Paternity Establishment Procedures: States must pay for state-ordered tests (subject to recoupment from the father). States must admit accredited genetic tests into evidence without foundation and may limit objections to test results to a specific number of days after receipt of results. Medical and testing bills also must be admissible without a foundation and are prima facie evidence. States must create a rebuttable presumption of paternity upon genetic tests indicating a threshold probability of paternity. States may make this a conclusive presumption at their option. The putative father may initiate a paternity action. However, he has no right to a jury trial.

Technical Assistance: HHS will use 1% of the federal share of child support collections effective October 1, 1996 to provide technical assistance to states.

Simplified Process for Review and Adjustment: State reviews of both public assistance and non-public assistance child support cases are optional unless they are requested by the parents.

Work Requirements for Parents Owing Past-Due Child Support: The final bill continues to include language clarifying that administrative processes may be used to issue orders to pay past-due support according to a plan or for participating in work activities.

Child Support and Indian Tribes: States can enter into cooperative agreements with tribes. The Secretary may make direct federal payments to tribes with approved IV-D plans. These payments would not count against a state IV-D agency's federal funding.

Food Stamps and Child Support Cooperation: States have the option to require custodial parents to cooperate with establishing paternity and in obtaining support in order to receive food stamp benefits, with a good cause exemption. States also have the option to require noncustodial parents to cooperate with the child support program to establish paternity and provide support for the child as a condition of receiving food stamp benefits, with the Secretary of Agriculture, in consultation with the Secretary of HHS, developing guidelines on what constitutes a refusal to cooperate. There is a state option to disqualify noncustodial parents with arrearages from receiving food stamp benefits during any period the person has unpaid liability. States may not disqualify noncustodial parents from receiving food stamps if a court is allowing the individual to delay payment or if the individual is complying with a court or state IV-D agency payment plan.

Denial of Passports: By Oct. 1, 1997, cases with a \$5,000 arrearage are subject to passport revocation.

Medical Support Orders: ERISA definition of medical support orders must include administrative orders as of date of enactment. The date for plan amendments for ERISA is Jan. 1, 1997. All IV-D orders must include health care coverage and notice to the new employer is sufficient to enroll the child in the absent parent's health plan, unless it is contested.

Grants for Access and Visitation: The first year in which grants for access and visitation projects are allowed is FY 1997.

Uniform Interstate Family Support Act: States must adopt UIFSA (as amended to require employers to follow the procedural laws of the state where the employee works) by 1/1/98. States must accord full faith and credit to out-of-state orders and liens. For interstate cases, federal income withholding, liens, and subpoena forms must be used.

Other Interstate Issues: States may electronically request interstate enforcement without transferring the case. States have 5 days to respond to an interstate request for enforcement and maintain records. States must accept requests from reciprocating foreign countries (as defined by the Secretary of State).

Statewide Jurisdiction: All paternity and support proceedings must exert statewide jurisdiction over the parties and transfer the case between local jurisdictions.

Review and Adjustment: States must review and adjust support orders at least every 3 years or based upon substantial change in circumstances: 1) upon the request of either parent, or 2) if there is a IV-A assignment upon the request of either parent or the IV-D agency. States may either review and adjust orders on a case-by-case basis, apply a cost-of-living adjustment (with an opportunity for review) or conduct automated reviews. States must notify their IV-D caseload of their right to review at least every 3 years.

Authority to Suspend Licenses: States must have in effect laws that establish authority to withhold, suspend or restrict driver's, professional, occupational and recreational licenses of individuals who owe over due support or fail, after notification, to comply with subpoenas or warrants. The statute references the use of these laws in appropriate cases.

Other Enforcement Procedures: States must record social security numbers on driver's, professional, occupational and marriage applications, divorce decrees, paternity and support orders and death certificates. Pursuant to an administrative subpoena, states must obtain access to the records of cable companies, utilities and financial institutions. States must report arrearage to credit bureaus. Credit bureaus must furnish reports to IV-D agencies. States must seize lump sums from workers' and unemployment compensation, lotteries, judgments and settlements, attach assets in financial institutions and retirement funds, force the sale of property and impose liens, which must arise by operation of law. States are required to give full faith and credit to liens which arise in another state. The new state's procedural rules must be followed, except that the rules may not require judicial notice or hearing prior to enforcement of a lien.

Other Effective Dates: The Secretary, after consulting with state IV-D directors, must issue forms for states to use for collecting child support through income withholding, imposing liens, and issuing administrative subpoenas by Oct. 1, 1996; states must begin using the forms by March 1, 1997. In consultation with IV-D directors, the HHS Secretary must develop a new revenue-neutral, performance-based incentive system to replace the current IV-D incentive system for funding by March 1, 1996. The effective date for implementing the new incentive adjustments formula is October 1, 1999. Where state laws or state plans must be amended, the effective date unless otherwise mentioned, is 10/1/96 for state plans or the first day of the first quarter after the close of the first regular legislative session after enactment for state laws. There is additional time for state constitutional amendments, if needed.





**National Conference of State Legislatures
Children and Families Program**

Time Limits in Welfare Reform

By Jack Tweedie

Welfare time limits seldom mean a clear end to recipients' benefits.

States have recently struggled to find ways to push recipients into work and to reduce their dependency on welfare. Thirty-eight states placed time limits on their Aid to Families with Dependent Children (AFDC) benefits. The federal welfare legislation creates national time limits. But states and the federal reforms have adopted a variety of policies under the name of time limits. Only three states enacted a hard limit on welfare where benefit payments end at the expiration of the time limit. (These states did not obtain a waiver that would allow them to implement these time limits, but they could choose to implement them under the new federal Temporary Assistance to Needy Families (TANF) program created by the federal legislation.) More commonly, states extend benefits beyond the time limit if the adult recipient has cooperated in good faith with agency requirements, but has been unable to find a suitable job. Other states extend benefits beyond the time limit if adult recipients do public service or other work activities to "earn" their benefits.

States are moving toward transitional assistance programs for poor families.

States adopt time limits to make welfare a transitional program for adult recipients who need help in finding work to support their families. Welfare programs can provide training and education to improve job prospects. Time limits underscore the temporary availability of assistance and provide clear incentives to find work rather than depending on welfare. Supporters of time limits argue that welfare should not provide permanent support to poor adults who can work. Opponents respond that time limits would result in many children being removed from AFDC and left without support.

Types of Time Limits

States' time limits vary in how they affect recipients' eligibility.

Time limits impose conditions so that in some circumstances an AFDC family can no longer receive benefits for as long as their income is below the eligibility level. There are three main types of time limits:

Benefit Termination Limits provide no general basis for extensions. Only three states, Indiana, Illinois and Rhode Island, have enacted time limits of this type. Indiana's limit of twenty-four months and Rhode Island's recently enacted limit of sixty months apply to their entire caseloads. Illinois's limit of twenty-four months applies only to parents with no children under thirteen. Indiana does allow recipients to earn back one month of benefit payments for every six months of employment after they enter the AFDC program. No state obtained approval of the waiver request that was necessary under the federal AFDC program before they could implement these time limits. The U.S. Department of Health and Human Services had a policy requiring states to provide some form of extension to recipients who cooperate in good faith but cannot obtain a job. Under the new TANF system, these states can implement these time limits without federal approval.

Work Trigger Limits require recipients to work in order to receive benefits. A subsidized job or public service work is supposed to be provided for those recipients who are unable to find a job. Twelve states have work trigger limits and the federal legislation includes one that applies after two years. For instance, Oklahoma provides that any recipient who "has been unsuccessful in finding unsubsidized employment [after 36 months] shall participate in a workfare program."

Conditional Extension Limits provide for an extension of benefits if the recipient has cooperated with job search activities, but has been unable to obtain a job. Twenty states have these time limits. Connecticut provides multiple six-month extensions to "a person who has made a good faith effort to comply with the requirements of the [AFDC] program and despite such effort has been unable to obtain or retain employment." Several other states provide extensions if a family would face extreme hardship if benefits were terminated.

In short, most states' time limit reforms do not mean that recipients face an absolute cut-off of payments. Instead, these recipients face new obligations such as work requirements or job search responsibilities to maintain their eligibility for benefits.

Length of Time Limits

State time limits vary from 12 to 60 months.

Twenty-one states have adopted a time limit of 24 months. Iowa and North Dakota have limits set by caseworkers according to particular circumstances. Texas has enacted a limit of 12 months for recipients with a high school diploma or recent work experience (shorter than the limit in any other state); 24 months for recipients with at least three years of high school and some work experience; and 36 months for recipients with less than three years of high school and no work experience. Vermont has a limit of 15 months for two-parent families and 30 months for one-parent families. Rhode Island and South Dakota have the longest time limits—60 months—although South Dakota's applies only to recipients assigned to an educational track. Washington has a time limit of four years which is then followed by a ten percent reduction of benefits each year after that, so recipients can receive some level of benefits for thirteen years.

Exemptions from Time Limits

States exempt several types of recipients from time limits.

States have provided exemptions from time limits for some recipients, generally based on recipients' ability to support themselves through work. Common exemptions include families where: the parent is disabled, only children in the family receive benefits, minor parents are attending school, the parent is a caretaker of a disabled dependent, or the family has a very young child.

Time Limits in Federal Reforms

Federal reforms create national time limits.

Recently enacted federal legislation establishes federal time limits that require recipients who have received benefits for two years participate in work activity as a condition of further cash assistance. The legislation also creates a federal five year benefit termination limit. States can not spend federal money but can use state money to pay cash assistance to families beyond these time limits. The legislation also allows states to adopt shorter time limits without federal approval. States would also no longer need federal waiver approval for their time limits so that states could adopt and implement benefit termination time limits.

Effects of Time Limits Unknown

We do not know what effects time limits will have.

Few time limits have yet run out, so there is insufficient experience to indicate what effect they will have. Evidence about how long recipients currently receive welfare provides some basis for estimating these effects. For instance, a two-year work trigger limit would result in states having to locate or create work activities for about one-half of their current caseloads over the next four years. (This estimate assumes that about one-quarter of the caseload would be considered exempt from the work requirements for good cause.) A nationwide five-year benefit termination limit would result in about twenty percent of states' caseloads being cut off cash assistance in each of the first four years after the limit expires (although under the federal law a total of twenty percent of these families would be exempt from the time limit). These estimates do not take into account how these reforms may result in some recipients leaving welfare faster (because we do not know what those effects will be), but they suggest the possible effects of time limits.

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WAIVERS AND BLOCK GRANT IMPLEMENTATION: INITIAL QUESTIONS

As states plan for implementation of the Temporary Assistance for Needy Families (TANF) Block Grant, an important threshold question concerns the relation between TANF requirements and current or pending state waiver requests. In brief:

- A state that has a waiver in effect as of the date of enactment of the legislation will not be required to comply with amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("the Act") "to the extent such amendments are inconsistent with the waiver."
- A state that has a waiver submitted before the date of enactment and granted subsequent to enactment, but before July 1, 1997 will also not be required to comply with inconsistent provisions of the new law if the Secretary of HHS determines that the state's waiver will not result in additional federal costs, but such a state will not be able to rely on its waiver to assert that it is not subject to the Act's work participation rate requirements.
- At this point, it is not clear which provisions of the Act will be considered inconsistent with a State's waiver. In particular, if HHS and a State disagree, it is not clear whether the courts would defer to the interpretation of the state, the interpretation of HHS, or neither. This uncertainty may not be resolved for some time. Based on the language of the Act, it does seem apparent that states with waivers in effect may be able to choose not to implement some features of the legislation, but it is difficult to say more than that. Accordingly, any state that is pursuing an approach to welfare reform which the State considers inconsistent with particular provisions of the Act should have an interest in seeking rapid approval of a waiver that could be in effect either prior to enactment, or at least prior to July 1, 1997, although the precise effect of having such a waiver may not be known for some time.

The following text provides more discussion of the uncertain relationship between waivers and requirements of the new legislation.

Three Categories of Waivers

Under the Act, it is helpful to distinguish among three categories of waivers:

- waivers in effect as of the date of enactment of the Act;
- waivers submitted prior to the date of enactment and granted subsequent to enactment of the

Act, but on or before July 1, 1997;

- waivers granted after July 1, 1997.

Waivers in Effect as of the Date of Enactment

The Act creates a new Section 415 of the Social Security Act, which says, in part, that if a state has a waiver which relates to the provision of assistance under a State plan (as in effect on September 30, 1996) and which is in effect as of the date of enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("the Act"), then the amendments made by the Act (other than those relating to the repeal of certain child care programs) shall not apply to the State before the expiration of the waiver "to the extent such amendments are inconsistent with the waiver."

The Act also provides that:

- A state electing to continue such a waiver will be entitled to its block grant amount rather than any amount it would have otherwise been entitled to under the terms of the waiver;
- A state can elect to continue one or more individual waivers; and
- A state may elect to terminate a waiver. The state will be held harmless for any accrued cost neutrality liabilities if the state terminates the waiver by 90 days following adjournment of the first regular session of the State legislature that begins after the date of enactment of the Act.

A state seeking to determine whether to continue an existing waiver will likely wish to give consideration to issues of cost, evaluation, and what, if any, impact will continuation of the waiver have on the state's obligation to comply with provisions of the new legislation.

As to cost, a State will only be held harmless from accrued cost neutrality liabilities if it terminates the waiver within the above time frame. In some instances, States may have anticipated that initial costs would be offset by savings in later years. However, once the State begins TANF implementation the state will neither generate federal savings or costs in its AFDC-substitute program, because the federal contribution will be the amount of the state's block grant each year. It is still possible that the waiver could result in additional costs or savings in other programs affected by the waiver terms and conditions, e.g., Food Stamps and Medicaid. There are difficult questions that have not yet been addressed as to how cost-neutrality calculations will be made for these other programs after implementation of TANF.

HHS has not yet outlined the policies that will govern evaluation requirements for States continuing a waiver. The Act directs the Secretary to encourage States to continue their waivers and to evaluate the results or effects of the waivers, using random sampling and other characteristics of accepted scientific evaluations. While the Act expressly says that the State may

elect to continue one more individual waivers, the Act does not say that the State may continue a waiver without continuing an evaluation. Since the evaluation requirements in waivers are contained in the Terms and Conditions negotiated by the State and HHS, it is possible that the parties could mutually agree to renegotiate those terms, but no provision of the law directs HHS to do so.

As to funding for evaluations, a separate section of the Act (Sec. 413) authorizes \$15 million annually from FY 97 through FY 2002 for a range of research activities; HHS is directed to allocate one half of the funds to federally-initiated research, and one-half to state-initiated evaluations and to amounts determined necessary to operate and evaluate demonstration projects in effect or approved as of September 30, 1995 and continued after that date. Accordingly, it is possible that federal funds may be available to meet most or all of the cost of evaluation, but the details of how the research funds will be allocated have not yet been specified.

Apart from cost and evaluation considerations, the principal consideration in deciding whether to continue a waiver is that a state continuing a waiver approved before the date of enactment of the Act will not be required to comply with provisions of the Act "inconsistent" with the waiver until the expiration of the waiver. In balancing the considerations, the critical question depends on determining which provisions of the Act are inconsistent with the State's waiver. Unfortunately, in a large number of situations, it may be difficult to determine whether a provision of the Act is inconsistent with the waiver. For example:

- Suppose a state has an approved waiver for a two-year termination time limit (in which aid is cut off for families reaching the time limit) and the state estimates that 50% of its caseload is exempt from the time limit. Is this approach inconsistent with the federal five-year limit (which only allows exceptions for 20% of the caseload)? On the one hand, the state could argue that they are inconsistent, because the state wishes to have a shorter time limit but with more exemptions. On the other hand, it might be argued that they are not inconsistent, because the state could follow both, e.g., initially impose the two-year limit, and then impose the five-year limit on those exempt from the two-year limit but who reach the five-year point.

- Suppose the state has taken the approach to time-limits of requiring participation in a structured work program as a condition of further receipt of aid after the family reaches a time limit, e.g., two years. Again, the State might contend that the Act's approach to time limits is inconsistent with the State's waiver. But it also might be argued that there is no inconsistency, because the State is free to require work after two years and terminate aid after five.

- Suppose the State has adopted a model of eliminating all or virtually all exemptions, and requiring participation agreements by all families, but allowing each participation agreement to be individualized. The State might argue that the Act's approach to participation requirements is inconsistent with the waiver, because the waiver emphasizes individualized determinations and a broad range of activities, while the Act only allows a limited set of activities to count, and only when specified hourly thresholds are met. Alternatively, it might be argued that the State's

approach is not inconsistent with the Act's work requirements, because the State is free to require or permit a range of activities in each individual case so long as the State also meets the applicable participation rates.

As these examples illustrate, there will often be instances in which there are possible arguments that a provision of the Act is or is not consistent with a state's waiver. The language of the Conference Committee Report offers only limited clarification. It says:

...waivers may only apply to the geographical areas of the State and to the specific program features for which the waiver was granted. All geographical areas of the State and program features of the State program not specifically covered by the waiver must conform to this part.

If HHS or a court sought to rely on the Conference Report in interpreting the Act, it would still be necessary to decide whether, for example the "specific program features" referred to in the above examples are inconsistent with the Act, and it will often be possible to argue the case either way.

Usually, when a statute is subject to more than one interpretation, the courts will give substantial deference to the interpretation offered by the federal agency responsible for administering the law under the statutory scheme. However, this case might be different, because the Act creates a new provision of the Social Security Act, Section 417, which says:

"No officer or employee of the Federal Government may regulate the conduct of States under this part or enforce any provision of this part, except to the extent expressly provided in this part."

There are likely to be many controversies about what Section 417 means. It appears to mean that in any instance where the Act does not explicitly provide authority for HHS, the agency cannot issue regulations that are binding on state conduct, and in any case where the Act does not provide for a penalty, the federal government cannot impose one. Accordingly, Section 417 does not prevent HHS from saying what the agency thinks the law means, but HHS' interpretation will not be binding on a state except where expressly authorized, and it is unclear how much a court would defer to HHS' interpretation.

In light of Section 417, here are the three possible ways in which the question of "what is inconsistent" could be resolved:

Scenario 1: It is Primarily Up to Each State: A state may contend that since Section 415 does not explicitly authorize the Secretary to determine which provisions of the Act are inconsistent with the waiver, and since Section 417 prohibits the Secretary from regulating state conduct except where explicitly authorized, it follows that HHS has no authority to decide whether a provision of the Act is inconsistent with a state's waiver, and the question

is up to each state. If HHS seeks to impose a penalty on the state, e.g., for failure to comply with work requirements or time limits, the state would argue that a court should defer to the state's interpretation so long as it is a reasonable one, or perhaps unless it is clearly inconsistent with the Act.

Scenario 2: It is Primarily Up to HHS: If HHS seeks to interpret Section 415, the agency could reason as follows: HHS may not be authorized to issue a binding interpretation of Section 415, but the Act does expressly authorize HHS to impose penalties for a range of acts of noncompliance (e.g., failure to comply with work requirements, failure to comply with time limits) and the authority to determine whether a State is violating these provisions necessarily includes the authority to determine whether the State is subject to the provisions. Accordingly, HHS must have the authority to determine whether a provision of the Act is inconsistent with a state's waiver in order for HHS to determine whether a State is subject to a penalty for failure to comply with the provision. Under this reasoning, courts should defer to HHS' interpretation unless it is clearly inconsistent with the Act.

Scenario 3: Courts Should Not Defer to Either State or HHS Interpretations: Under this scenario, a court might conclude that in light of Section 417, it is inappropriate to defer to HHS' interpretations when the statute provides HHS no express authority. At the same time, a court might conclude that Congress surely did not mean to give States broad discretion to decide whether they are subject to the requirements of federal law. Thus, a court could decide that it will not defer to either HHS or a state's interpretation, and will decide for itself when a provision of the Act is inconsistent with a State's waiver.

At this point, it is impossible to know how these questions will ultimately be resolved. In light of the uncertainty, a state seeking to determine how to proceed should keep in mind that:

•If HHS and the State agree that a provision of the Act is inconsistent with a State's waiver, the state is probably not at risk of a penalty. If, for example, both HHS and the State agree that the work participation rate requirements of the Act are inconsistent with the State's waiver, it seems doubtful that HHS would subsequently seek to impose a penalty on the State for failure to meet the work participation rate requirements.

•If HHS and the State disagree as to whether a provision of the Act is inconsistent with the State's waiver, the State will be at risk until there is a judicial resolution of the question. The judicial resolution might not occur until HHS imposes a penalty for noncompliance, the State files an appeals from the penalty, and a court decides whether the penalty was authorized. Note that if HHS initially offers no interpretation of whether a provision is inconsistent, the State will still be potentially at risk, because HHS will eventually have to decide whether to impose a penalty for noncompliance.

•It may be to a State's advantage to have a waiver in effect as of the date of enactment, because having a waiver in effect creates a possibility that the State will not have to comply

with requirements of the Act that the state considers inconsistent with its welfare reform approach. However, until HHS provides guidance as to how it interprets whether provisions of the Act are inconsistent with the State's waiver, there is no way to be certain which provisions (if any) a State will ultimately not have to comply with.

Note that having a waiver in effect as of the date of enactment will only free the State from compliance (if at all) until the expiration of the waiver, determined without regard to any extensions. This language prevents a State from extending its period of noncompliance by seeking an extension after the date of enactment of the Act, but it does not appear to prevent a State from seeking and receiving an extension before the date of enactment of the Act. If a request for extension is filed but not acted on as of the date of enactment, it is possible that HHS would conclude that the intent of Section 415 is that such an extension not be granted; it is also possible that HHS might the request for extension in the same manner as HHS treats waiver requests pending as of the date of enactment (discussed below).

Some states currently have waivers that are not statewide. According to the Conference Report, the legislative intent is that a State will only be relieved from compliance with provisions of the Act inconsistent with the State's waiver in those parts of the State in which the waiver is effective. A state might seek to modify its waiver to make it statewide. As with extensions, it appears that the State could not be freed from statewide compliance with a provision of the Act by filing and receiving an amendment to the waiver after the effective date of the Act. However, the State could seek and receive an amendment to make a waiver statewide before the effective date of the Act. If a request to make a current waiver statewide is filed but not acted on as of the date of enactment, it is not known whether HHS would treat the proposed amendment in the same manner that HHS treats waiver requests pending as of the date of enactment (discussed below).

Waivers Granted Subsequently (but on or before July 1, 1997)

The second category of waivers under the Act are those for which the application was filed before the date of enactment, but the waiver is granted subsequent to the date of enactment (but on or before July 1, 1997). These waivers are to be treated in the same manner as waivers in effect as of the date of enactment, subject to two key differences:

- The state will only be freed from the obligation to comply with inconsistent provisions of the Act if the State demonstrates to the satisfaction of the Secretary that the waiver will not result in Federal expenditures under Title IV of the Social Security Act (as in effect without regard to the amendments made by the Act) that are greater than would occur in the absence of the waiver; and
- A state qualifying to be freed from inconsistent provisions of the Act under this circumstance will still be subject to the work participation rate requirements of the Act.

Note that one possible scenario is that a State may have submitted a waiver application before the date of enactment, but then files its State plan to begin implementation of TANF before receiving approval of the waiver. It is not clear whether HHS could grant waivers of former AFDC statutory requirements after the State ceases to be subject to those requirements because it has begun implementing TANF. Accordingly, any State that wishes to begin early implementation of TANF but has a still-pending waiver will wish to seek some resolution of this question.

Waivers Granted Subsequent to July 1, 1997

Once states begin block grant implementation, they will still be eligible to seek waivers under Section 1115 of the Social Security Act. However, a key limitation will rapidly become apparent. Under Section 1115, a State is eligible to seek a waiver of Section 402 of the Social Security Act, i.e., the state plan provisions. However, many of the requirements from which a State might seek a waiver (e.g., Section 407 (work requirements); Section 408 (time limits, other restrictions on aid); Section 409 (penalties)) are not contained in Section 402, and hence appear to not be waivable. As a result, states should appreciate that in practice, the effective authority to grant waivers will be significantly narrower under the law in effect after July 1, 1997.

Conclusion

It may be months or years before it is known how the courts will treat a circumstance in which a State asserts that a provision of the Act is inconsistent with the State's waiver. Accordingly, it is not possible to know at this time precisely which, if any, provisions of the Act will ultimately be determined to be inconsistent with a State waiver. Whatever the resolution, it is important to appreciate that States with approved waivers as of the date of enactment will be in a different posture than States with pending waivers, and both of these groups of States will be in a different posture than States with no pending or approved waiver as of the date of enactment.

--- Mark Greenberg



**GETTING STARTED STRATEGICALLY: OVERVIEW AND
PLANNING CHECKLIST**

- States face a wide range of policy and implementation issues covering a broad array of human services programs including cash assistance, food stamps, child nutrition, child care, child support enforcement, Supplemental Security Income, services to immigrants, and Medicaid.
- Many of the opportunities and challenges facing states are of an immediate nature, while others fall into a longer range time frame of major system reform.
- The magnitude of change required by the legislation varies by state depending on how far each state has already gone with reforms through the waiver process. 45 states plus the District of Columbia have had waivers granted—some are statewide and very comprehensive, while others are of limited geographic and program scope. All states have been involved in work programs for welfare recipients under the Family Support Act. Nevertheless, the comprehensive nature of the legislation means that even those states with major reform initiatives in place face a number of implementation challenges.
- This legislation makes it imperative that states engage in an iterative rather than linear planning process. This will allow states to identify, understand and manage the relationships between and among decisions. Most decisions will need to be tested against a wider range of factors and will have implications for a number of other systems and/or stakeholders. Most decisions will, at a minimum, have the following types of implications:
 - * *statutory/regulatory*
 - * *fiscal/budgeting*
 - * *organizational*
 - * *program design/service delivery*
 - * *administrative (data systems, communication)*
 - * *other systems and stakeholders*

Planning Issues:

- √ Identify the **new requirements** in the legislation: what are they, how do they differ from current law or practice, when are they effective?
- √ Identify areas where the law provides **state option**: what are the options, how are they exercised (must state explicitly opt in or out), what makes sense for the state? For example, states:
 - have the option to require work participation for families with a child under one;
 - may opt out of the requirement to require recipients who are not working after two months to participate in community service.
- √ Identify areas where the law provides **state flexibility or policy choices**: what are the choices, what makes sense for the state, who needs to be involved in decision? For example, states:
 - have substantial authority to determine who is eligible for cash assistance and at what level;
 - will decide who to exempt from time limit (up to 20% of caseload), whether to establish a shorter state time limit, whether to continue some form of state-funded assistance after time limit or to use SSBG funds to provide vouchers.
- √ Decide whether to **continue, terminate or modify existing waivers**: consider fiscal, evaluation, and program administration trade-offs.
- √ Identify areas where the **federal government has authority to regulate**: establish state comments and recommendations, and provide input to the process.
- √ Identify which changes will require **state legislation** and which can be made administratively.
- √ Assess potential **penalties and bonuses**: to what extent should they drive state policy decisions, what are relative financial impacts?
- √ Develop **state plan for the TANF block grant** and determine whether state should accelerate **implementation date** prior to July 1, 1997.

- √ Assess and implement **changes required in automated systems** to support welfare reform (e.g. monitoring, tracking, reporting, and evaluating).
- √ Determine how much responsibility for administration and funding should the state **devolve to the local level**.
- √ Assess how welfare reform is likely to **impact other systems** and identify changes that may be required in other systems (e.g. workforce system, educational system, housing assistance, and child care).

Fiscal Issues:

- √ Determine how to **manage within TANF block grant**: how should the state allocate TANF block grant funds among various functions (e.g. assistance grants, employment services, and administration), how to forecast and manage expenditures in a capped environment?
- √ Decide whether and to what extent to **transfer funds among block grants**: this may be more advantageous at different times for different states.
- √ Decide whether to dedicate **state funds** to operate **state-only program(s)** for certain populations, services or circumstances (e.g. for families who become ineligible for cash assistance due to time limits, immigrants).
- √ Identify potential fiscal impact of **penalties and bonuses** and factor these into strategic planning.

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

EFFECTIVE DATES

TITLE I: TANF BLOCK GRANTS

PROVISION	EFFECTIVE DATE
All provisions except as otherwise specified	July 1, 1997 or upon enactment of state program
State option to accelerate implementation date	Anytime after enactment and before July 1, 1997 with the submission of the state plan to Secretary
Submission of State Plan	Anytime after 45 day comment period by local governments and private sector organizations
Sixty month time limit	Clock begins ticking for a family with assistance received upon submission of state plan
Entitlement to AFDC benefits eliminated	October 1, 1996
Chief Executive Officer submits statement to Secretary on rate of child poverty in state	No later than ninety days from August 22, 1996 and annually thereafter
Corrective action plan must be submitted if rate has increased by 5% or more as a result of the Act	Within ninety days of submitting statement
State option to restrict TANF eligibility for legal residents	After January 1, 1997
Penalties for use of funds in violation of the bill and failure to: meet maintenance of effort, comply with 5 year time limit on assistance, repay a federal loan, and maintain assistance to adult, single, custodial parents who cannot obtain child care for children under 6.	For conduct occurring after enactment of state program
Penalties to states for failure to: submit required report, satisfy participation rates, participate in the income and eligibility verification system, comply with paternity establishment and child support enforcement, and maintain 100% MOE by states receiving from the Contingency Fund	For conduct occurring after the later of July 1, 1997 or 6 months after the date the Secretary of HHS receives state plan. Note: Penalties will be assessed beginning in fiscal year 1998 for fiscal year 1997 spending.

<p>State assessment of skills, prior work experience, and employability of recipients</p> <ul style="list-style-type: none"> • current recipients • new applicants for assistance 	<ul style="list-style-type: none"> • within 90 days (or, at state option, 180 days) of the enactment of this Title • within 30 days (or, at state option, 90 days) after individual is determined eligible for assistance
<p>Community Service required after two months of receiving assistance (unless state opts out)</p>	<p>August 22, 1997</p>
<p>Submission of written request to terminate existing waivers</p>	<p>On or before 90 days following the adjournment of the first regular session of the State Legislature that begins after August 22, 1996</p>
<p>Secretary, in consultation with APWA and NGA, develops formula for purpose of "high performance" bonuses.</p>	<p>By August 22, 1997</p>
<p>"Out of Wedlock Reduction" bonus for up to five states</p>	<p>FY 1999</p>

TITLE II: SUPPLEMENTAL SECURITY INCOME

PROVISION	EFFECTIVE DATE
All provisions unless otherwise noted	August 22, 1996
Denial of Benefits to individuals fraudulently misrepresenting residence and fugitive felons, probation and parole violators	August 22, 1996
Additional Accountability Requirements	Applies to payments made after August 22, 1996
New Standards for Disabled Children: Continuing Disability Reviews and Eligibility Redeterminations <ul style="list-style-type: none"> • New & pending applicants • Current recipients • Notification to current recipients of redetermination with new standards 	<ul style="list-style-type: none"> • August 22, 1996 • The later of July 1, 1997 or the date of redetermination of that individual. • Not later than January 1, 1997
Reduction in cash benefits to institutionalized individuals whose medical expenses are covered by private insurance	Months beginning 90 days or more after enactment
Installment payment of large past due benefits	November, 1996
Prohibition against payment of benefits to prisoners	Applies to individuals whose confinement begins on or after March 1, 1997

TITLE V: CHILD SUPPORT

PROVISION	EFFECTIVE DATE
All other provisions not otherwise noted	August 22, 1996
Correction to definition of Medical Support Order	August 22, 1996
Provisions governing the distribution of Collected Support	October 1, 1996
Portions of Title which require the enactment or amendment of state laws or state plans	October 1, 1996
Grace Period for State Law Changes	The effective date of laws enacted by state legislature but in no event later than the 1st day of the 1st calendar quarter after the close of the first regular legislative session that begins after August 22, 1996
Grace Period for State Constitutional Amendments	the earlier of 1 year after the effective date of the necessary amendment or August 22, 2001
Consent by the US to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations	February 22, 1997
Internal Revenue Service Collection of Arrearages	October 1, 1997
Denial of Passports	October 1, 1997
Privacy Safeguards in State Plan (303(a))	October 1, 1997
Notification of Hearings(304(a))	October 1, 1997
Processes for collection and distribution of support payments	October 1, 1998 with limited exception to unit handling payments which collection processes can continue until September 30, 1999
Adoption of Uniform Interstate Family Support Act	January 1, 1998
Performance-Based Incentives and Penalties Incentive payments based on SSA Penalty Reductions	October 1, 1999 for payments made before FY 2000 October 1, 1996

TITLE IV: RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

PROVISION	EFFECTIVE DATE
New immigrants: a five year bar on eligibility for federal means-tested public benefits	August 22, 1996
Verification of eligibility system in compliance with Federal Regulations	24 months after Regulations are issued
EITC denied to individuals not authorized to be employed in US	Applies to returns for which the due date (without regard to extensions) is more than 30 days after the August 22, 1996 of this Act
Transition for those currently receiving federal, state or local benefits	Eligibility continues until January 1, 1997
Redetermination of eligibility for current aliens receiving SSI and Food Stamps	Prior to August 22, 1997
Notification of current recipients regarding redetermination of eligibility	No later than March 31, 1997
Requirements for Sponsor's affidavit of support	Attorney General has 90 days from enactment to create new form; form is effective 60 - 90 days thereafter as specified by the Attorney General

TITLE V: CHILD PROTECTION

PROVISION	EFFECTIVE DATE
Use AFDC eligibility criteria as of June 1, 1995 in order to determine IV-E eligibility	Effective date for TANF block grant -- July 1, 1997 or accelerated effective date at state option

TITLE VI: CHILD CARE

PROVISION	EFFECTIVE DATE
All provisions unless otherwise specified	October 1, 1996
Authorization for funding FY 1996-2002	August 22, 1996
Biannual Report to Secretary	December 31, 1997 and every 6 months thereafter

TITLE VII: CHILD NUTRITION PROGRAMS

PROVISION	EFFECTIVE DATE
Nutritional Requirements (702)	First day of 1996-1997 school year
School Breakfast Program Authorization	October 1, 1996
Authorization for appropriation for WIC	October 1, 1996
Payments to service institutions for Summer Food Service Program (705)	January 1, 1997 with adjustments of maximum amounts made every January 1 thereafter to reflect changes in CPI for food away from home
Rounding Rule (to lower cent increment)	July 1, 1997
Improved targeting of Day Care Home Reimbursements - Tier I and Tier II Homes	July 1, 1997 with adjustments made every July 1 thereafter to reflect changes in CPI for food at home
Submission of data on the number of family day care homes participating in the program and the number licensed, certified, registered or approved for service on June 30, 1997 and June 30, 1998	The Secretary of Agriculture will present this information not later than August 22, 1998

TITLE VIII: FOOD STAMPS AND COMMODITY DISTRIBUTION

PROVISION	EFFECTIVE DATE
State Plan Amendments (871(d))	October 1, 1996
Vehicle deduction allowance raised to \$4650	October 1, 1996
Adjust the maximum food stamp benefit to 100% of the Thrifty Food Plan	October 1, 1996
Adjust cost of diet	October 1, 1996 and each October 1 thereafter to reflect the cost in the preceding June except that on October 1, 1996 the cost of diet can not be below the cost on September 30, 1996
Food Stamp Work Requirement: limitation on receipt of benefits to 3 months out of 36 month period for able-bodied, childless adults not fulfilling work requirements	The earlier of: notification of recipient, or November 22, 1996
Increase the maximum shelter deduction	January 1, 1997, October 1, 1998 and October 1, 2001 and annually thereafter
Measures that permit a system to differentiate between items of food which can be acquired with an allotment and this that can not	August 22, 1998 if practicable
EBT Systems implemented	Not later than October 1, 2002 unless the Secretary provides a waiver for a State agency that faces unusual barriers to implementing

TITLE IX: MISCELLANEOUS

PROVISION	EFFECTIVE DATE
Rules relating to the denial of earned income credit on basis of disqualified income, and Modification of Adjusted Gross Income Definition for Earned Income Credit	Applies to taxable years beginning after December 31, 1995 except in the case where an individual has in effect an earned income eligibility as of June 26, 1996 in which case the rules apply for taxable years beginning after December 31, 1996

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY ACT OF 1996

STATE OPTIONS

Title I: TANF Block Grants

Section 402: State Plans

State plans should include the following special provisions:

- whether a state intends to treat interstate immigrants differently and if yes, how so
- whether a state intends to provide assistance to non citizens and if so, what assistance
- objective criteria for delivery of benefits
- whether a state will opt out of the community service requirement

Optional certification of standards and procedures to ensure that the state will screen for and identify domestic violence and waive program procedures such as time limits if good cause is determined.

Section 404: Use of Grants

In addition to the basic uses of the grants, states may use grant funds to:

- provide energy assistance
- treat Interstate immigrants under rule of former state (if has resided in state less than 1 yr.).
- transfer up to 30% of grant to SSBG or CCDBG, but no more than 1/3 of transferred funds can go to SSBG.
- operate employment placement program (or provide job placement vouchers).
- implement EBT system.
- fund Individual Development Accounts
- sanction an individual who receives assistance and does not ensure that a minor child attends school as the law of that state requires.
- sanction a family that has an individual between 20 and 51 who does not have or is not working towards achieving a High School Diploma or its equivalent unless professionally judged to lack the capacity to attain such.
- reserve any portion of its TANF funds for the purpose of providing assistance under the program in a subsequent year.
- fund any other activity which fulfills the goals.

Section 406: Federal Loans for State Welfare Programs

States may use their loans for any purposes applicable to grant payments including anti-fraud activities and to Indian families that have moved from the service area of a tribal program.

Section 407: Mandatory Work Requirements

For calculation of participation rates states may:

- include individuals receiving assistance under a tribal family assistance plan, and
- not require an individual with a child under age one to engage in work and may disregard such individuals from the participation rate base (this option is viable for only one year for each individual - although it need not be consecutive).

States may:

- reduce the amount of assistance otherwise payable to a family more than the pro rata amount due to the individual's refusal to engage in work.
- determine the number of days (between 30 and 180) a minor child may be absent from the home before assistance is denied.
- comply with initial assessment required within 90 days, or at state option 180 days for current recipients; 30 days or at state option 90 days for all others

Section 408: Prohibitions, Requirements

The state may reduce by such an amount as the state considers appropriate the amount of assistance to a family that includes an individual who refuses to comply with the individual responsibility plan.

Section 415: Waivers

States have the option to terminate waivers, continue existing waiver package, or continue one or more of existing waivers and to continue transitional Medicaid waivers past their date of expiration.

CONFORMING AMENDMENTS

Section 104: Services Provided by Charitable, Religious, or Private Organizations

States may:

- administer and provide services through contracts with charitable, religious or private organizations, and
- provide assistance through certificates, vouchers, or other redeemable means.

Section 114: Assuring Medicaid Coverage for Low Income Families

- In the application of pre-welfare reform eligibility criteria for Medicaid, a state may:
 - lower its income or resource standards applicable under its state plan under such part, but not below the level on May 1, 1988, or
 - increase income or resource standards under the state plan referred to in paragraph (1) over a period (beginning after July 16, 1996) by a percentage that does not exceed the percentage increase in the consumer price index for all urban consumers over this period
 - use income and resource methodologies that are less restrictive than the methodologies used under the state plan under such part as of July 16, 1996.
- A state may terminate medical assistance for failure to meet work requirements.
- A state may use one application form for TANF and medical assistance

Section 115: Denial of Assistance and Benefits for Certain Drug-Related Convictions

By enacting a state law after the date of enactment of this Act, states may:

- opt out of the restriction of providing benefits to individuals convicted of drug-related felonies, and
- limit the period of denial of benefits to such individuals in the state.

Section 116: Effective Dates

States have the option to accelerate the effective date of this Act on or after the date of receipt of a state plan by the Secretary of Health and Human Services with the exception of reporting requirements and the provisions under Title II - Child Care.

Title III: Child Support**Section 302: Distribution of child support collections**

States may:

- for families currently receiving assistance, retain or distribute to the family the state share of the amount collected.
- implement the provisions for distribution of arrearages hat accrued after the family ceased to receive assistance prior to October 1, 1997 and
- implement provisions for distributions of arrearages that accrued before the family received assistance prior to October 1, 2000.
- exclude gap payments from the distribution requirements.
- accelerate effective dates, except for the conforming amendments.

Section 312: Collection and disbursement of support payments

States have the option to:

- allow contractors to report directly to the state agency in the operation of the state disbursement unit
- continue to process child support payments through the local courts until September 30, 1999.

Section 313: State directory of new hires

States may submit employer information for state directory of new hires on a form equivalent to the W-4 form and transmit it via mail, magnetically, or electronically. States have the option to set state civil money penalties under \$25, or under \$500, if there was conspiracy between employer and employee.

Section 331: State laws concerning paternity establishment

States may require that genetic testing results for paternity establishment be introduced into evidence a specified number of days after receipt of results, and establish procedures which create a conclusive presumption of paternity upon genetic testing results indicating a threshold probability that the alleged father is the father of the child.

Section 365: Work requirement for persons owing past-due child support

States have the authority to require any individual owing past-due support for a child receiving assistance from the TANF block grant to pay such support under a court approved plan or if the individual is not incapacitated, participate in work activities which the court, or at state option, the state agency deems appropriate.

Section 371: International Support Enforcement

States may enter into reciprocal arrangements for the establishment and enforcement of support obligations with foreign countries to the extent consistent with Federal law. States have the option to provide for services under the plan of enforcement entered by such a country and any costs may be assessed against the obligator.

Section 373: Enforcement of orders against grandparents in cases of minor parents

At state option, any child support order enforced with respect to a child of a minor parent whose custodial parent is receiving assistance may be enforceable against the parents of the non custodial parent.

Section 375: Child Support Enforcement for Indian tribes

States may enter into cooperative agreements with Indian tribes for child support enforcement.

Section 391: Grants to states for access and visitation Programs

States may choose to use their grants to administer State programs directly or through grants to or contracts with courts, local public agencies or non profit entities but shall not be required to administer programs on a statewide basis.

Title IV: Restricting Welfare and Public Benefits for Aliens**Section 411: Aliens not qualified or non immigrants ineligible for state & local public benefits**

States may provide that an illegal alien who would not be eligible for benefits under this section be made eligible through the enactment of state law after the date of enactment of this Act.

Section 422: Authority for states to provide for attribution of sponsors income and resources to the alien with respect to state programs

In determining eligibility of an alien for state benefits the state has the option to include:

- income and resources from affidavit of support, and
- income and resources of spouse.

This option does not apply to eligibility for short term, non-cash, emergency relief, benefits under the National School Lunch Act and Child Nutrition Act of 1996, assistance for immunization and treatment of communicable diseases, payments for foster care and adoption, programs under the Attorney General of the state which provide in kind services at the community level, do not condition the provision of assistance, and are necessary for the protection of life and safety.

Title VII: Child Nutrition Programs**Subtitle C: Miscellaneous Provisions****Section 741: Coordination of School Lunch, Breakfast, and Summer Food Service**

Nothing in this Title prohibits or requires states to provide an individual who is not a citizen or qualified alien benefits provided by the National School Lunch Act and the Child Nutrition Act of 1996 (other than the school lunch and breakfast program), the Emergency food Assistance Act of

1963, Section 4 of the Agriculture and Consumer Protection Act of 1973 or the food distribution program on Indian reservations established under the Food Stamp Act of 1977.

Title VIII: Food Stamps and Commodity Distribution

Subtitle A: Food Stamp Program

Section 806: State Option for Eligibility Standards

Section 809: Deductions from Income

State Agency may:

- Develop standard home shelter allowance not to exceed \$143/month for expenses of households whose members are homeless but do not have free shelter throughout the month.
- Use this homeless allowance in determining eligibility and make households with extremely low shelter costs ineligible for this allowance.
- Use a standard utility allowance in computing the excess shelter expense deduction within the guidelines developed by the Secretary except that utility allowances do not have to fluctuate.
- Make this standard utility allowance mandatory for all households if the state has developed 1 or more standards for heating and cooling and 1 or more standards that do not include heating or cooling and if the Secretary finds that the standard will not result in higher costs for the Secretary.

Section 812: Simplified Calculation of Income for the Self-Employed

The state may submit a method to the Secretary which will not increase the federal cost which will produce a reasonable estimate of the income for self-employment. (The Secretary will issue a procedure within one year of the enactment of this Act).

Section 815: Disqualification

If the Head of a household becomes ineligible for food stamps the state has the option to make the entire household ineligible for a period that does not exceed the lesser of:

- the duration of the head of household's ineligibility, or
- 180 days.

For the first violation an individual shall remain ineligible until the later of :

- the date the individual becomes eligible under part (A) -- two months or until the individual complies with whatever requirements has been violated,
- one month after the date the individual became ineligible, or
- a date set by the state agency not to exceed three months after the individual became ineligible.

For the second violation an individual shall remain ineligible until the later of :

- the date the individual becomes eligible under part (A)-- two months or until the individual complies with whatever requirements has been violated,
- three months after the date the individual became ineligible, or
- a date set by the state agency not to exceed six months after the individual became ineligible.

For the third or subsequent violation an individual shall remain ineligible until the later of:

- the date the individual becomes eligible under part (A)-- two months or until the individual complies with whatever requirements has been violated
- six months after the date the individual became ineligible
- a date set by the state agency, or
- permanently, at state option.

Section 822: Cooperation with Child Support Agencies

Custodial Parent Cooperation: A state may make any custodial parent ineligible for participation in the food stamp program unless that individual cooperates with the state child support enforcement agency in establishing paternity and in collecting support for the child or the child and the individual unless there is good cause for noncooperation. The state shall not require the payment of a fee or other cost services.

Non custodial Parent Cooperation: A state may make any non custodial parent ineligible for participation in the food stamp program unless that individual cooperates with the state child support enforcement agency in establishing paternity and in providing support for the child. The state shall not require the payment of a fee or other cost services

Section 823: Disqualification Relating to Child Support Arrearages

At the states option any individual who is delinquent in court ordered child support may be made ineligible for the food stamp program unless a court is allowing this individual to delay payment or the individual is complying with a court approved payment plan.

Section 824: Work Requirements

The state may request that the Secretary waive the applicability of the food stamp work requirements for any group of individuals in the state if the Secretary determines that they reside in an area which has an unemployment rate of over 10% or does not have sufficient jobs to provide individuals with employment.

Section 825: Encouragement of EBT Systems

A state may request a waiver for the October, 1, 2002 deadline for the implementation of an EBT system if they face unusual barriers to implementing such a system. States may require photographic identification on the EBT card.

Section 828: Optional Combined Allotment for Expedited Households

A state may provide a family applying after the fifteenth of a month the amount of their initial allotment combined with the first regular allotment.

Section 829: Failure to Comply with Other Means-Tested Public Assistance Programs

If the benefits to a household of another means-tested program are reduced due to a failure of a household member to perform an action required, for the duration of the reduction:

- food stamp benefits can not be increased to the extent that the increase is a result of the decrease in the other benefit, but
- states may reduce the food stamp allotment by not more than 25%.

Section 830: Allotments for Households in Centers

For individuals residing in centers for drug and alcohol treatment, states may require individuals to authorize the centers for the purpose of receiving their food stamp allotments.

Section 835: Operation of Food Stamp Offices

States may establish operating procedures that vary for local food stamp offices to reflect regional and local difference within the state.

Section 839: Withdrawing of Fair Hearing requests

The state has the option to allow individuals to withdraw their requests for fair hearings either in writing or verbally at any time prior to their hearing.

Section 840: Income, Eligibility, and Immigration Status Verification Systems

States have the option to not use an income and eligibility or an immigration status verification system established under Section 1137 of the Social Security Act.

Section 849: Work Supplementation or Support Program

A state may use the amount of a household allotment in order to subsidize a job under a work supplementation or support program.

Section 852: Employment Initiatives Program

A state may elect to carry out an employment initiatives program only if 50% of the households receiving food stamps in the summer of 1993 also received benefits under a state program funded under part A of Title Iv of the Social Security Act.

Section 854: Simplified Food Stamp Program

A state has the option to carry out a simplified food stamp program statewide or in a political subdivision of the state.

Title IX: Miscellaneous**Section 902: Sanctioning for testing Positive for Controlled Substances**

States shall not be prohibited from testing welfare recipients for use of controlled substances nor sanctioning individuals who test positive notwithstanding other provisions of law.

Section 908: Reduction of Block Grants to States for Social Services; Use of Vouchers

States may use funds provided under the Title XX Block Grant to provide vouchers for services to families who have become ineligible for cash assistance due to a duration limit or for a child born to a welfare recipient and therefore denied assistance.

Section 912: Abstinence Education

States may provide mentoring, counseling, and adult supervision to promote abstinence from sexual activity.

**NEW STATE REQUIREMENTS
Under P.L. 104-193**

This table lists areas where P.L. 104-193 explicitly references state involvement. It is not meant to be an exhaustive list of state requirements, nor does it include routine state functions related to the administration of programs affected by the legislation.

SECTION	REQUIREMENT	DESCRIPTION
Title 1 - Temporary Assistance for Needy Families		
New 402	State Plan	Submit every two years addressing provisions outlined in this section. This includes criteria for fair and equitable treatment of individuals, and consultation with local governments and private sector organizations regarding the design of the plan. States must allow 45 days for others to submit comments on the plan.
New 404	Administrative cap	No more than 15% of TANF grant may be spent for administrative purposes. Spending on information technology and computerization needed for tracking or monitoring TANF recipients is excluded from the 15% cap.
New 405	Estimate TANF spending	Submit quarterly estimates of projected spending under the TANF block grant to HHS. <i>(This requirement appears to be implicit in this section.)</i>
New 407	Meet work participation rates	Meet minimum work participation rates with respect to families receiving TANF assistance. States that fail to meet the work participation rates will be penalized.
	Restrictions on enforcing work	Reduce or terminate assistance to individuals who refuse to engage in work as required in this section.
	Establish grievance procedure	States may not subsidize work activities that displace current employees. States must establish a grievance procedure for resolving complaints of such alleged violations.
New 408	Restrictions on use of TANF funds	Use of TANF funds restricted to families that include a minor child (including families where the custodial parent is an adult caretaker relative of the child), or a pregnant individual. States may not use TANF funds to provide assistance to any families with an adult who has received TANF assistance for 60 months. States may not count months in which the adult was receiving assistance as a minor child. Other exceptions to the 60 month limit are outlined under subsection (a) (7).
	Required sanctions against individuals	States must reduce or eliminate TANF assistance for specified actions. These include, among others: <ul style="list-style-type: none"> • failure to cooperate in establishing paternity or obtaining child support • failure to assign certain support rights to the state • parents under 18 with children over 12 weeks old who do not attend high school or other equivalency training programs. • single parents under 18 years old who do not live in adult-supervised settings

SECTION	REQUIREMENT	DESCRIPTION
	Initial assessment	Make an initial assessment of the skills, prior work experience, and employability of TANF recipients.
New 409	Replace penalty dollars	Replace any reduction in the state TANF grant due to penalties with state dollars. (See handout on penalties for a complete description of potential penalties.)
New 411	Submit quarterly reports	Collect monthly, and report to the Secretary on a quarterly basis, disaggregated case record information on families receiving assistance under the TANF block grant. The required contents of the report are listed in subsection (a).
New 413	Report on child poverty rate	Within 90 days of August 22, 1996, and annually thereafter, submit a report on the child poverty rate in the state. If the report shows an increase of more than 5% under this Act, the state shall submit a corrective action plan within the next 90 days.
New 415	Termination of Waivers	Decide whether to continue or terminate waivers, and submit a report to the Secretary if waivers are terminated summarizing the waiver and any available information concerning the result or effect of the waiver.
114	Provide transitional Medicaid	Provide Medicaid for certain families who become ineligible due to an increase in earnings or child support. States may not use the TANF grant to provide medical assistance.
115	No benefits for individuals convicted drug felons	A state that does not enact a law to the contrary must deny TANF assistance and food stamp benefits to individuals convicted of a felony for possession, use, or distribution of a controlled substance.
Title III Child Support		
301	State Plan	Provide services relating to paternity establishment, and modification or enforcement of child support obligations for each child (resident or non-resident) who is either receiving, or formerly received, IV-A assistance, receiving IV-E assistance or Medicaid, or applying for IV-D services. States must modify their state plan accordingly.
303		By 10/1/97, all states must have safeguards to restrict information about the whereabouts of one party to another party if a protective order has been entered, or if release of the information may result in physical or emotional harm to a party. States must also safeguard information about the establishment of paternity, or the establishment or enforcement of a support order.
312		Operate an automated centralized unit to collect and disburse support payments by 10/1/98.
302	Distribution of collections	<i>Current recipients</i> - Pay the federal share based on the FMAP; retain or distribute to the family the state share. Repeals the federal contribution to the \$50 pass-through/disregard upon submission of the state plan. <i>Former recipients</i> - distribute post-assistance arrears collected after 10/1/97 to the family before state arrears are reimbursed. Distribution of pre-assistance arrears collected after 10/1/2000 to the family. Distribute

SECTION	REQUIREMENT	DESCRIPTION
		arrears the family as they were collected in the following order: (1) the post-assistance period, (2) the pre-assistance period, (3) the assistance period. <i>Indian tribes</i> - distribute support in accord with any cooperative agreement between the state and the Indian tribe for families receiving assistance from an Indian tribe.
311	State Case Registry	Operate a single, statewide, automated data system to include a state case registry or a linked local registry for IV-D cases, all support orders established or modified in the state after 10/1/98, and payment records. The system must be able to send and match information with other state and federal registries
312	State Disbursement Unit	Operate an automated centralized unit to collect and disburse support payments by 10/1/98. Requirements for operation of the unit and processing procedures outlined in this section.
313	State Directory of New Hires Income withholding	Required by 10/1/97. States who have already implemented the directory must conform to federal requirements by 10/1/98, but must report to the Federal Parent Locator Service by 10/1/97. States must conduct data matches between the case registry and new hire directory by 5/1/98. Employers must report new hires within 20 days after the hire or first pay. Within three days of entry to the state directory, states must transmit data to the national directory; and within two days of entry to the state directory, states must send a withholding notice to the employer. States must transmit withholding orders to employers within 2 days and may use electronic means. Employers have 7 business days after payday to send withholding to the state disbursement unit. States must process both IV-D and non-IV-D withholdings through the disbursement unit, but need only send withholding orders in IV-D cases.
321	Uniform Interstate FSA	States must adopt a Uniform Interstate Family Support Act (as amended to require employers to follow the procedural laws of the state where the employee works) by 1/1/98.
322	Interstate credit	States must accord full faith and credit to out-of-state orders and liens. For interstate cases, federal income withholding, liens, and subpoena forms must be used.
323	Enforcement of interstate cases	Respond within 5 business days to a request made by another state to enforce a support order. States shall record the number of such requests and the amount of collected support.
331	Paternity establishment	Section outlines required states laws and procedure for establishing paternity.
344	Automated data systems	Section outlines required capabilities of statewide systems. Must meet all FSA requirements by October 1, 1997, and all requirement from this Act by October 1, 2000.
351	Review and adjust orders	States must review and adjust support orders at least every 3 years or based upon substantial change in circumstances: 1) upon the request of either parent, or 2) if there is a IV-A assignment upon the request of either parent or the IV-D agency. States must notify their IV-D caseload of their right to review at least every

SECTION	REQUIREMENT	DESCRIPTION
		3 years.
364 - 382	Enforcement Procedures	States must have in effect procedures to: <ul style="list-style-type: none"> • void fraudulent transfers (Sec. 364) • require work for persons owing past due support (Sec. 365) • report arrearages to credit bureaus (Sec. 367) • imposes liens (Sec. 368) • suspend licenses (Sec. 369) • notify Secretary if child support owed is more than \$5,000 (Sec. 370) • coordinate data matches with financial institutions (Sec. 372) • enforce orders against grandparents in cases of minor parents (Sec. 373) • include health care coverage of the child in all child support orders (Sec. 382)
395	Effective Dates	State plans by 10/1/96 unless otherwise stated. State laws requiring change have up until the first day of the first quarter after the close of the first regular legislative session after August 22, 1996. There is additional time for state constitutional amendments, if needed. All other provisions, August 22, 1996 unless otherwise stated.
Title IV Immigrants		
402	Determine eligibility	Authority to determine the eligibility of legal immigrants for TANF, Medicaid, and the Social Services Block Grant.
404 New 411A	Report illegal immigrants to INS	Agencies that administer SSI, housing assistance, or TANF are required to report quarterly to the INS the names and addresses of individuals they know are unlawfully in the U.S.
411	Restrictions in denying state and local benefits to unqualified immigrants	States may not deny the following benefits: <ul style="list-style-type: none"> • emergency medical assistance • short-term, non-cash, in-kind emergency disaster relief • public health for immunizations and for testing and treatment of symptoms of communicable diseases • programs identified by the Attorney General which deliver in-kind services at the community level, do not condition assistance on the individuals' income or resources; and are necessary for the protection of life or safety (such as soup kitchens, short-term shelter), and States may not provide state or locally funded benefits to unqualified immigrants (except nonimmigrants or parolees for their first year in the U.S.) unless they enact state law.
412	Determine eligibility	Authority to determine the eligibility of legal immigrants for state and local means-tested programs, with some exceptions as outlined in this section.

SECTION	REQUIREMENT	DESCRIPTION
432	Verification	Have a system verifying eligibility for federal public benefits not later than 24 months after the Attorney General promulgates regulations in this area.
Title VI Child Care		
603 New 658B	Use of funds	Use at least 70% of the total amount of mandatory and matching funds to provide child care assistance to welfare recipients, to those in work programs and attempting to leave welfare, and those at-risk of going on welfare.
605 Amending 658E	State Plan	<ul style="list-style-type: none"> • Certify that consumer education will be collected and disseminated to parents of eligible children and the general public. • Certify that licensing requirements are in effect that are applicable to child care services provided within the state, and provide a detailed description of how the requirements are enforced. • Demonstrate how specific child care needs of families receiving welfare, families attempting through work activities to transition off of welfare, and families who are at risk of going on welfare are met. • Ensure that a substantial portion of funds will be used to provide assistance to low-income working families other than those described above.
	Administrative cap	States may not spend more than 5% of the aggregate child care funds for administrative purposes. Providing direct services are not considered administrative expenses.
607 Amending 658G	Quality set-aside	Set-aside at least 4% of child care funds for activities to improve the quality and availability of care including activities designed to provide comprehensive consumer education to parents and the public; activities that increase parental choice; and resource and referral services.
609	Penalty for misuse of funds	If the Secretary determines the state is not in compliance, the state may be required to reimburse the Secretary for any funds that were improperly expended for purposes prohibited or not authorized. The Secretary may deduct from the administrative portion of the state allotment for the following fiscal year an amount that is less than or equal to any improperly expended funds, or a combination of such options.
611	Quarterly and Biannual reporting	Collect information on a monthly basis for quarterly reports to the Secretary, and collect other information on a monthly basis for biannual reports to the Secretary. See Section 611 for details on necessary reporting requirements.
Title VII Child Nutrition Programs		
<i>Title VII includes several provisions that eliminate program requirements.</i>		
707	State consultation with schools	Replaces requirement for state commodity advisory councils with requirement to consult with schools about selection and distribution of commodities.
742	Eligibility	Stipulates that individuals who are eligible to receive public school education benefits under state or local

SECTION	REQUIREMENT	DESCRIPTION
		law are eligible to receive benefits under the school lunch and school breakfast programs.
Title VIII Food Stamps and Commodity Distribution		
801	Certification periods	Re-certify food stamp households within 12 months, or 24 months if all members of the household are elderly or disabled. The state agency must have at least one contact with each household every 12 months.
815	Work	Determine and implement a procedure for whether an eligible recipient is in compliance with food stamp work rules as defined by this section. The state may not use a meaning, procedure or determination that is less restrictive than the one used for the a state program under the TANF block grant.
817	Employment & Training	Deliver employment and training components through a statewide workforce development system.
825	EBT	By October 1, 2002, deliver food stamp benefits through an electronic benefit transfer system unless the Secretary provides a waiver for the state.
835	Operation of food stamp offices	Establish procedures for operating food stamp offices that the state agency determines best serve households in the state. Minimum criteria for developing these procedure are outlined in this section.
837	Cooperation with law enforcement	When presented with proper information from federal, state or local law enforcement officers, state food stamp agencies shall make available the address, social security number and, if available, photograph of any member of a food stamp household.
871 Amends 202A	State Plan for commodities	Submit a plan of operation and administration to the Secretary for approval every 4 years in order to receive commodities under the Emergency Food Assistance Act of 1983.
Title IX Miscellaneous		
901	Appropriation of funds	Any TANF or Child Care block grant funds received by a state must be appropriated by the state legislature.

**FEDERAL ROLE
IN THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996**

This table lists areas where P.L. 104-193 explicitly references Federal involvement. It is not intended to be an exhaustive list of planned Federal activities, nor does it include routine Federal functions related to administration of the programs affected by the legislation.

Title I - Temporary Assistance to Needy Families Block Grant

- Unless specified, "Secretary" refers to the Secretary of the U.S. Department of Health and Human Services

SECTION	PROVISION	FEDERAL ROLE
103/417	General Limitation on Federal Authority	Federal government is prohibited from regulating or enforcing TANF provisions except where authority is expressly provided.
103/402	State Plan	Secretary determines completeness.
103/403	Bonuses: <ul style="list-style-type: none"> • Reduction in Out -of-Wedlock Births • High Performance State 	Secretary determines up to 5 states eligible for bonuses based on criteria in Act. Secretary awards bonuses based on formula developed in consultation with NGA and APWA.
103/403	State Block Grant Allocations	Secretary determines and allocates TANF grant as specified in the Act.
103/403	Contingency Fund	The Secretary of the Treasury shall pay amount requested by an eligible state subject to limitations in the law. Payments will be made in the order in which requests are received by the Secretary of the Treasury.
103/405	Payment to States	Secretary shall make quarterly payments to states based on a report from each state estimating expenditures for the quarter, and such other information as the Secretary may find necessary. Quarterly payments will be adjusted by over or underpayments for prior quarters.
103/406	Federal Loans for State Welfare Programs	Secretary shall make a loan to any eligible state subject to provisions in the law.
103/407	Pro Rata Reduction of Participation Rate Due to Caseload Reductions	Secretary shall prescribe <u>regulations</u> for reducing participation rates based on caseload reductions relative to FY 1995. The minimum participation rate shall not be reduced to the extent the Secretary determines that the caseload reduction is required by Federal law. The reductions shall not count families diverted as a result of changes in eligibility criteria, but the Secretary bears the burden to prove that families were diverted for such reason.

SECTION	PROVISION	FEDERAL ROLE
103/409	<p>Penalties: States are subject to a general penalty for misuse of funds and an enhanced penalty for intentional misuse. In addition, states are subject to specific penalties for failure to:</p> <ul style="list-style-type: none"> • Submit required report • Satisfy work participation rates • Participate in the Income and Eligibility Verification System • Comply with paternity establishment and child support enforcement requirements • Timely repay Federal Loan for Welfare Programs • Comply with basic Maintenance of Effort requirements • Comply with child support enforcement requirements • Comply with 5-year time limit on assistance • Maintain 100% of historic state spending if receiving contingency funds • Maintain assistance to adult single custodial parent who cannot obtain child care for child under 6 • Expend additional state funds to replace grant reductions due to penalties. 	<p>Generally, Secretary is authorized to assess penalties as specified in the law (see Penalties Against States for more detail on each penalty and penalty procedures).</p> <p>Secretary shall notify states before imposing penalties and allow states the opportunity to enter into a corrective compliance plan</p> <p>Secretary may not impose a penalty with respect to a violation which is covered in a state's corrective compliance plan, accepted by the Secretary, and corrected by the state.</p> <p>Secretary may withhold penalties if she determines the state had reasonable cause for failing to comply.</p>
103/411	<p>Data Collection and Reporting: States are required to submit detailed quarterly reports on families receiving assistance under the TANF block grant</p>	<p>The Secretary shall provide states with case sampling plans and data collection procedures as deemed necessary to produce statistically valid estimates of state performance.</p> <p>Secretary may develop and implement procedures for verifying quality of data submitted by states.</p> <p>Secretary shall prescribe such <u>regulations</u> as may be necessary to define the data</p>

SECTION	PROVISION	FEDERAL ROLE
	<p>Annual reports to Congress</p>	<p>elements required by the law for the quarterly reports.</p> <p>NOTE: data collection and reporting requirements also apply to tribes.</p> <p>Secretary shall submit annual reports to Congress on specified program objectives, outcomes, characteristics and trends.</p>
<p>103/412</p>	<p>Tribal Family Assistance Plan</p> <p>Grants to Tribes</p> <p>Work Participation Rates</p>	<p>Secretary shall approve each plan submitted in accordance with requirements in the law.</p> <p>Secretary determines and makes payment of tribal family assistance grant based on provisions in the law to tribes with approved family assistance plan.</p> <p>Generally, Secretary shall use state-submitted data for determining allocations, but may consider additional information submitted by tribes before making funding determination.</p> <p>Secretary, with participation of tribes, shall establish for each tribe: work participation rates, time limits, and penalties against individuals which are consistent with the purpose of the law, work requirement provisions for states, and tribal economic conditions.</p>
<p>103/413</p>	<p>Research, Evaluations, and National Studies</p>	<p>Secretary shall conduct research on benefits, effects, and costs of operating different state programs, as specified by the Act.</p> <p>Secretary may assist states in developing, and shall evaluate, innovate approaches to reduce welfare dependency and increase child well-being. Secretary may provide funds for training and technical assistance.</p> <p>Secretary shall produce annual ranking and review of most and least successful state work programs operated under TANF, and of out-of-wedlock births by state.</p> <p>Secretary reviews evaluation design submitted by states who are requesting evaluation funding and has authority to waive 10% state match requirement.</p>

SECTION	PROVISION	FEDERAL ROLE
		<p>Secretary submits annual report to Congress on circumstances of certain children and families affected by specified provisions of the law (such as time limits).</p> <p>Secretary may implement and evaluate demonstrations of innovative and promising strategies as defined by the law.</p> <p>Secretary shall prescribe <u>regulations</u> for states to use in determining their child poverty rates.</p>
103/114	Survey of Income and Program Participation	Census Bureau shall continue to collect data as needed to obtain information to evaluate the impact of Title I of the Act.
103/415	Waivers	<p>Secretary has authority to approve waivers submitted prior to 8/22/96, including determination of cost neutrality. Waivers submitted prior to enactment and approved by 7/1/97 shall not affect work requirements of the Act.</p> <p>Secretary shall encourage states to continue waivers approved prior to 8/22/96 and to evaluate the impacts using accepted scientific methods including random sampling.</p>
103/416	Administration	Assistant Secretary within HHS is responsible for administering IV-A (TANF) and IV-D (child support enforcement). Secretary shall reduce HHS workforce as specified in the law.
105	Census Data on Grandparents as Primary Caregivers for Their Grandchildren	Secretary of Commerce shall expand the data collection efforts of the Census Bureau to collect data on this growing trend.
106	Report on Data Processing	Secretary shall submit report to Congress on status of states' automated data processing systems to manage TANF, including tracking participants over time and across states.
107	Study on Alternative Outcome Measures	Secretary, in cooperation with states, shall study and report to Congress on outcomes measures for evaluating success of moving individuals from welfare to work which could be used as an alternative to the work participation rates.
111	Prototype of Counterfeit-Resistant Social Security Card	

SECTION	PROVISION	FEDERAL ROLE
113	Technical Amendments	Secretary and Commissioner of Social Security, in consultation with other Federal agencies, shall submit legislative proposal to Congress for technical and conforming amendments needed to bring the law into conformity with the policy embodied in Title I.
114	Transitional Increased Matching Rate for Increased Administrative Costs	Secretary shall provide additional funds not to exceed \$500 million for the period FY 1997-2000 through increasing the Federal match rate for state administrative costs attributable to implementing new eligibility rules for Medicaid coverage for low-income families.

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Title II - Supplemental Security Income

- Unless specified, "Commissioner" refers to the Commissioner of the Social Security Administration

SECTION	PROVISION	FEDERAL ROLE
211	Eligibility of Disabled Children	Commissioner shall submit final <u>regulations</u> to Congress for review at least 45 days before their effective date.
221	Installment Payments of Large Past Due Benefits	Commissioner shall prescribe <u>regulations</u> as may be necessary to implement this provision.
231	Annual Report on SSI Program	Commissioner shall prepare and deliver annual report to the President and Congress as specified in the law.
232	GAO Impact Study	Comptroller General shall study and report on the impact of the changes made by this Act and extra expenses incurred by families of disabled children.

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Title III - Child Support

- Unless specified, "Secretary" refers to the Secretary of the U.S. Department of Health and Human Services

SECTION	PROVISION	FEDERAL ROLE
302	Report to Congress	Secretary shall report to Congress on impact of changes in the Act and other specified provisions
316	Federal Parent Locator Service	Secretary determines amount that is reasonable payment for information exchanged with states from the Federal Parent Locator Service. Secretary may reimburse states, in amounts she determines, for costs incurred in furnishing information requested by the Secretary.
316	Federal Case Registry of Child Support Orders National Directory of New Hires	Secretary shall establish and maintain automated registry Secretary shall establish and maintain automated directory. Secretary of the Treasury shall have access to information for tax purposes. Secretary shall transmit information to Social Security Administration for verification.
316	Wage and Unemployment Claim Information	Secretary of Labor shall suspend payments if state fails to comply with quarterly reporting to Secretary for purpose of new hire directory.
324	Forms for Interstate Income Withholding, Liens, and Administrative Subpoenas	Secretary, after consultation with state IV-D directors, must issue forms for states to use for interstate collection of child support through these procedures.
331	Paternity Establishment	Secretary must develop minimum requirements for states to use in their paternity acknowledgment affidavits.
341	Performance-Based Incentive System	In consultation with IV-D directors, Secretary must develop a new revenue-neutral, performance-based incentive system. Secretary shall report to Congress on the new system.
342	Audits	Secretary will audit state data quality and financial management every 3 years.
343, 345	Data Collection and Reporting	Secretary must establish uniform data definitions and procedures for state reporting as specified in the law. Secretary must report to Congress annually on specified provisions.
344	Automated Systems/Case Registries	Secretary shall prescribe final <u>regulations</u> related to state automated data processing systems.
345	Technical Assistance and Research	Secretary will use 1% of the federal share of child support collections to provide