

MEMORANDUM TO DISTRIBUTION LIST

Date: May 12, 1997
From: Diana Fortuna and Cynthia Rice, Domestic Policy Council
Subject: Welfare Implementation Subgroup Meeting

There will be no further meetings of the welfare implementation subgroup until further notice. Thank you.

<u>Distribution List:</u>	<u>Phone:</u>	<u>Fax:</u>
JOHN MONAHAN	690-6060	690-5672
DENNIS HAYASHI	619-0403	619-3437
ANN SEGAL	690-8410	690-6562
MARY BOURDETTE	690-6311	690-8425
JUDY MOORE	(410) 786-3230	(410) 786-0025
HELEN MATHIS	690-7627	690-7380
JEFF MERKOWITZ	690-7858	690-7383
ANN ROSEWATER	690-7409	690-6562
JOAN LOMBARDI	401-6947	690-5600
DAN WILLIAMS	401-6127	690-6562
MADDY MOCKO	401-9223	401-4562
SAMARA WEINSTEIN	401-2337	401-4678
JAMES IVERY	690-7630	690-5672
BOB HARRIS	401-9275	401-5559
MACK STORRS	401-9370	205-5887
GERRI RATLIFF	514-3392	514-9077
DAVID OGDEN	514-6909	514-9368
FRAN ALLEGRA	514-2987	514-1724
ROBERT BACH	514-3242	305-0134
RANDY MOSS	514-3745	514-0539
BRIAN COYNE	358-6013	358-6076
CAROLYN COLVIN	(410) 965-4512	(410) 965-9063
JUDY CHESSER	358-6030	358-6074
DIANE BLACKMAN	(410) 965-3571	(410) 965-8582
YVETTE JACKSON	(703) 305-2026	(703) 305-2454
CHERYL MACIAS	720-7095	720-8077
BONNIE O'NEIL	(703) 305-2022	(703) 305-2454
STEVEN CARLSON	(703) 305-2133	(703) 305-2576
JANIE MANLEY	(703) 305-2026	(703) 305-2454

GLEN ROSSELLI	690-0090	622-2633
JON WEINTRAUB	205-5602	260-9183
JESSICA LEVIN	401-3389	401-4353
TED SKY	401-6000	205-2689
PAUL LEONARD	708-3896	708-0309
MARK MORIN	219-8066	219-6896
PEGGY BROWN		
BEVERLY GOODWIN	632-0390	632-0390
ELIZABETH STOCK	6-6222	6-6231
EMILY BROMBERG	6-2896	6-2889
BILL MARSHALL	6-7900	6-1647
KEITH FONTENOT	5-4686	5-4875
JACK SMALLIGAN	5-4686	5-4875
STACY DEAN	5-4686	5-4875
MATTHEW MCKEARN	5-4686	5-4875
JEFF FARKAS	5-4686	5-4875
BONNIE WASHINGTON	5-4930	5-3910
NICKI HIGHSMITH	5-4930	5-3910
WENDY TAYLOR	5-4815	5-6974
LAURA OLIVEN	5-4718	5-6974

10/29/96

"All-or-None" Qualified Alien Issue

Issue: Whether, if a State chooses to cover eligible qualified aliens, the State must cover all those eligible aliens in the categories into which they may fit, or whether the States may choose only certain categories of qualified aliens.

Background:

Historically, Title XIX has given States some flexibility around optional categorical eligibility policies, in that they can provide this optional eligibility to only one of the major categories, such as the aged or disabled, or to several or all of these categories. For the most part, Title XIX gives the same flexibility when States are deciding their options on covering the medically needy, i.e. they can cover one major category, several, or all of the major categories. (There is an exception for certain pregnant women and children, who are entitled to mandatory coverage).

With the enactment of welfare reform and its immigration provisions, States have asked if they are permitted a similar degree of flexibility, so they can cover, for example, only aged qualified aliens, or whether they must cover all qualified aliens if they choose to cover any at all.

While it is early in the States' decisionmaking process, the APWA reports that so far 14 States intend to provide Medicaid coverage to qualified aliens and 2 States have decided not to. At a recent E-TAG meeting, the States were asked whether any States is planning to cover some groups, but not all groups, of qualified aliens. The individuals in the E-TAG meeting were only aware of one State that plans to cover only some groups within the qualified alien population.

which
don't know

why

General Legal Principles:

- o A State cannot cover a category of qualified aliens unless it covers the same category for U.S. citizens.
- o Medicaid can only be provided to qualified aliens if they meet all other applicable eligibility requirements beyond immigration status.

Groups of Aliens Impacted:

- o Qualified aliens who entered the U.S. before August 22, 1996.
- o Qualified aliens for whom the 5 year ban has expired.
- o Certain qualified aliens who lose SSI because of immigration status, but who could still qualify under other Medicaid eligibility criteria.

Groups of Aliens Not Impacted:

- o Qualified aliens excepted from the 5 year ban, who arrived in the U.S. on or after August 22, 1996, and whose Medicaid eligibility is mandated by Section 403(b).
- o Qualified aliens whose Medicaid eligibility is mandated by Section 402(b)(2), such as legal immigrant who have worked 40 qualifying quarters.

Options:

Two options are offered for consideration:

1. If a State covers any impacted qualified alien, it must cover all impacted qualified aliens who would otherwise meet the eligibility requirements in the State Plan.

Pros

- o This option promotes equity among the various categories of impacted qualified aliens.
- o Adopting this option may induce States to make Medicaid eligible certain categories of impacted qualified aliens whom they would not otherwise cover.

Cons

- o Requiring States to cover all qualified aliens may induce some of them to decide not to cover any impacted qualified aliens.

2. A State may cover only certain subgroups of impacted qualified aliens based on the pre-welfare reform Medicaid eligibility categories. For example, a State could cover only those impacted qualified aliens who are aged.

Pros

- o May induce some States, who would not cover any impacted qualified aliens if placed in an all-or-none position, to cover some subgroups of impacted qualified aliens.

Cons

- o Creates inequity among impacted qualified aliens.
- o May result in fewer qualified aliens becoming Medicaid eligible than under Option 1, particularly since it does not appear that many States would be driven into selecting "none" if Option 2 is not available to them.
- o Creates administrative complexity for the States in keeping track of subgroups of qualified aliens who are or are not Medicaid eligible.
- o Causes more confusion for beneficiaries and providers in adding another layer to the decision tree of who is and is not eligible.

Recommendation:

We recommend option 1. This option serves the objective of seeking to lessen the impact of the welfare reform immigration provisions, and results in equitable treatment.

*better
legal
opp.*

11/12/96

MEDICAID ACTIVITIES RELATING TO CHILDREN
TERMINATED FROM SSI

I. The Problem

- o The welfare reform law requires SSA to take a different approach to determining childhood disabilities for the purpose of SSI eligibility.
- o This is expected to result in the termination of perhaps 250,000 to 300,000 children from SSI.
- o This directly impacts Medicaid. In 33 States, Medicaid eligibility for the disabled is directly dependent upon the individual's receiving payment from SSI. In 7 more States, SSI criteria are applied by the State in determining Medicaid eligibility. But even if a child no longer qualifies for Medicaid as a disabled person, that child may continue to qualify for Medicaid by meeting another eligibility requirement.
- o Our challenge is to find ways to assist State Medicaid programs in keeping as many of these children on Medicaid as possible.

II. Keeping Children on Medicaid for as Long as Possible

- o No SSI child may lose SSI benefits by reason of a redetermination of disability using the new definition earlier than July 1, 1997. We have distributed to States a Fact Sheet containing this item of information.
- o We would also require continuation of Medicaid eligibility during the SSI redetermination, and during any subsequent appeal during which SSI benefits continue.
- o Once a child's SSI payments have been stopped, the State is obligated to redetermine the child's Medicaid eligibility to see if he/she can qualify for Medicaid in any other way. The State must keep the child on Medicaid until that redetermination is completed. We are reviewing the possibility of proposing a regulatory change to assure that Federal funds are available to support Medicaid services during the period until the redetermination is made.

III. Getting the Medicaid Message to Families of Terminated Children

- o The Medicaid message is that even if a person loses SSI, it may be possible for them to continue to be eligible for Medicaid.
- o The Medicaid message will be in handout material available at the SSA field offices.
- o We are also discussing with SSA the feasibility of including the Medicaid message in the automated SSI termination notices, along with a list of State-specific toll-free phone numbers the beneficiaries can use for getting information about the process for continuing their Medicaid eligibility.

hope so

IV. Working with Other Federal Programs and Advocates to Ameliorate the Situation

- o We have begun working with representatives of the Title V Maternal and Child Health programs and the Department of Education to see how their resources could be used to get the message to low-income parents that their children may be able to continue to stay on Medicaid.
- o We have also had initial conversations with beneficiary advocates concerning welfare reform implementation. We plan to continue communicating with them to see how we can support their efforts in helping children to maintain their Medicaid eligibility where they qualify for reasons other than receipt of SSI.

V. Specific Implementation Steps

- o Include language on Medicaid in SSA notification letter to SSI representative payees -- November, 1996
- o Implement HCFA communications strategy with advocacy community -- January, 1997
- o Work out agreements with DHHS/HRSA and Department of Education for specific methods to inform low-income parents that their children may be able to stay on Medicaid despite loss of SSI -- February, 1997
- o Make Medicaid Fact Sheets available in SSA field offices -- March, 1997
- o Include expanded Medicaid language in Notices of Proposed Action when children and noncitizens lose SSI eligibility -- July, 1997
- o Add new noncitizen exemption and sponsor coding to State Data Exchange (SDX) system -- August, 1997

some thing simpler - or ask states to do it

when kids terminated info to state agency

SMDA

11/20-21

WELFARE REFORM IMPLEMENTATION ISSUES LIST

10/29/96

* IG mtgs - only part of time.
*

ISSUE	PRODUCT	WHO	NEXT STEP
<u>USDA</u>			
1. 18-50 Waiver guidance	Draft waiver guidance	USDA	Pending Decision
<u>SSA</u>			
1. Children issue	Guidance to field on new definition	SSA, OMB, DPC	Pending Decision
2. SSI POMS including 40 quarters	Send new POMS to the field	SSA	Imminent -- a late issue arose.
3. Letters to advocates and state directors on SSI for immigrants		SSA	DONE. Thank you.
4. Letter to SSI kids			Is it at printer? Can changes be made. Need to review such notices.
5. "Non-covered employment"		Arthur will send memo to Randy!	SSA Counsel reviewing; discuss today next steps
<u>HHS Medicaid</u>			
1. Medicaid waiver issue (section 1931)-- (b)/(d) issue	Guidance to states	HCFA, DPC, OMB	Limited number of states affected. What is next step?
2. Medicaid state options for legal immigrants losing SSI	Guidance to states	Elena, HHS, DPC Elena still working for Anna	Elena talking to HHS Counsel: need update

* Monahan list of QAQ's only mentioned / * Call Anna
 Add issue; call Judy M * MA if SSI not 1st day of disab. * Call Sara R.

New Issue - will SSA still do if disab det if not SSI but yes MA
 yes - add MA

3. Medicaid: Eligibility for children losing SSI	Advise states, advocates about our process for assuring coverage wherever possible	SSA, HCFA, DPC	HCFA TO REPORT ON 11/12 on plans for outreach to groups/states
Monitor Medicaid: Use of \$500m enhanced match	Manual issuance in December	HCFA	No news today
Monitor TANF vs. Medicaid eligibility systems: fast track options?	Guidance to states [840d]	HCFA	HCFA to discuss w/OMB, DPC - considering legal options; what is next step?
HHS - ACF			
1. State questions for Wednesday meeting	Written answers to questions	HHS	New questions from 10/23 meeting -- answers by Nov 7?
2. Technical amendments	Report from Secretary to Congress on 11/22	HHS coordinating	Briefing on Thursday at Interagency meeting? w/ care B White
3. Mechanics of 1/97 state option on SSBG	Guidance memo?	HHS to identify options	HHS to report next time?
4. Cost neutrality for existing waivers	New agreements with states		Decision pending.
5. Adoption/foster care link to SSI			Briefing on Thursday at Interagency meeting - can do issues
6. Timing of cash flow to states for TANF ("Circulars question") and apportionment		HHS, OMB	OMB answer delivered. OMB, HHS and groups were to talk further. Update?

Unclear if mtg being set up
 Dan → Monahan

HHS mtg on Friday

7. Timing question -- Of \$ and time limits	HHS answer		HHS looking at issue – what is timeframe for briefing?
Monitor Performance Fund proposal	Joint proposal from HHS and the intergov groups due one year after enactment		HHS and groups have discussed a cooperative process
<u>IMMIGRATION</u>			
1. Verification: Veterans exemption	VA guidance on verifying vet status/DOD guidance on verifying active duty	Molly Brostrom/VA/DOD	Draft paper ready by 10/29 <i>It is here</i>
2. Verification: Refugee/Asylee guidance	INS guidance to field on verifying status	INS	paper by end of October for SSI and FS to use?
3. Verification: Guidance to other programs	Directive/Guidance memo from AG on verification		Once above steps done – by end of year have memo from AG (may need sooner)
4. Disability Regulation	Final rule (December?)	INS working with OIRA, agencies	Meeting held last week. Status?
5. Nursing Home Response Team		<i>15-20 mins</i> <i>HCFA mtg w/ nh gps</i>	INS AND SSA AND HCFA AND HUD TO REPORT ON IDEAS AT NOV. 12 MTG. Then meeting with imm and serv provider advocates to brainstorm
6. "Means Tested"	Government-wide definition of means tested must be developed ASAP – format and dissemination TBD		Discussions among general counsels ongoing -- status?

7. "Lawfully Present"	DOJ regulation defining "Lawfully Present"	DOJ / INS	Interim reg is out for 60 day public comment – ends 11/6/96 – <i>don't know date</i>
8. Affidavit of Sponsorship	Develop new affidavit and address process issues	INS	Draft available for review in early Nov
9. Applicability to Cuban/Haitian entrants		NSC <i>nuclear</i>	Status report?
10. Nonprofit exemption from verification	<i>lots of Q - defining non-pro</i>	<i>INS? End of Nov Guidance DOJ</i>	Anything to do? <i>INS draft + circulate</i>
<u>Monitor</u> Treaty issues	Draft AG determination by end of year	<i>be silent. see what comments are</i> INS and DOJ/OPD	INS and DOJ/OPD looking at issues; mtg with State on 10/11; update?
<u>Monitor</u> Reporting of Illegal Immigrants	Quarterly reports from states to INS	INS	INS putting issue memo together; options. Needs till November.
Exemptions for battered women <i>spouses</i>	Analysis of possible Administration actions	DOJ/HHS	DOJ/HHS briefing to review options for implementation --TBD for end of next week. (Per SCW request) Contacts: Lucy Koh (DOJ) & Irene Bueno (HHS)
Letter from California re timing on legal immigrants?	Response?		DOJ responding

<u>Monitor</u> Other issues	Steve looking into the following issues: "federal public benefit," "state and local public benefit," "housing and community development programs," and U.S. Nationals	Steve Warnath	HHS (& HUD?) finalizing initial draft on "federal public benefits." Meeting discussing prenatal care issue in health clinics tomorrow.
-----------------------------	---	---------------	---

Dropped

Maintenance of effort on State Supplements

Longer Term

Redress for Improper Denial

Medicaid

Civil Rights Enforcement

Long-term Legislative Fixes

Every other wk

QUESTIONS

1. Systems to support time limits/child support/other?
2. DOJ reports on statutory rape, teen pregnancy
3. HHS: How to encourage states to do wage subsidy
4. Monitoring and evaluation
5. HHS: Cap on 15% admin costs and MIS issue
6. SSA: How states with state supps should report illegal aliens

Guidance for Implementing the Veteran and Active Duty Member Exception

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

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

Honorably Discharged Veterans

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

Members on Active Duty

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

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

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

Reserve Members (not on active duty for training)

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

Spouse or Children of Active Duty Members

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

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

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

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

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

Welfare Reform Web Page Contacts

Updated 10/21/96

Name	Organization	Position	Phone	Fax	E-mail
Barbara Strack	DOJ/INS	Program	514-3242	305-0134	
William McElaney	INS/OIRM	Technical	616-7558		
William Bacon	INS/OPP	Program	305-1482	307-1269	BBacon@CQ1.com
Karen Evans	DOJ	Technical	307-6828	307-6914	evanskar@justice.usdoj.gov
Bruce Carter	SSA	Technical	410-965-7232	410-966-0697 410-965-9063	bruce.w. carter@ssa.gov
Ron Sribnik	SSA	Program	410-965-2865	410-966-2935	ron.sribnik@ssa.gov
Cheryl Macias	USDA	Program	720-7095	720-8077	
J. Michael McAteer	USDA/FCS	Technical/ Program	703-305-2293	703-305-2230	mike_mcateer@fcs.usda.gov
Dana Colarulli	HHS/ACF	Program	401-6951	401-5770	dcolarulli@acf.dhhs.gov
Michael Kharfen	HHS/ACF	Program	401-9215	205-8988	mkharfen@acf.dhhs.gov
Bill Hickman	HHS/HCFA	Program	410-786-3235	410-786-0025	WHickman@hcfa.gov
Tom Wilmer	HHS/HCFA	Technical	410-786-4647	410-786-3252	TWilmer@hcfa.gov
Jeanine Smartt	DPC	Program	456-5228	456-5581	smartt_j@a1.eop.gov
Kelly Skoloda	OA	Technical	395-6593	395-3209	skoloda_k@a1.eop.gov
Lauren Boyd	OA	Technical	395-6561	395-3209	boyd_l@a1.eop.gov

WELFARE REFORM IMPLEMENTATION ISSUES LIST
10/22/96

ISSUE	PRODUCT	WHO	NEXT STEP
<u>USDA</u>			
1. 18-50 Waiver guidance	Draft waiver guidance	USDA	DONE. Thank you.
2. Interim 40 quarters guidance	Policy memo to states	USDA drafting	Under review.
3. Clarification letter	Letter <i>will do fact sheet for public</i>	USDA draft	Rewrite.
<u>SSA</u>			
1. Children issue	Guidance to field on new definition	SSA, OMB, DPC	Awaiting decision memo
2. SSI 40 quarters guidance	Revised POMS <i>Title 2 & 16 Title 16: mostly verification & rule went thru many details after mtg. Can't do cov for shoebox</i>		Expecting SSA to set meeting to brief on key decisions/issues (M/T this week?); Refugees/asylees waiting
3. Advocate letter on timing of SSI cuts; state groups want letter to states, with children added	Letter to advocates	SSA, DPC, Emily	Done? Cover letter to states?
4. "Non-covered employment"	"while legally working" - letter	<i>Elena → DOJ re what we are asking DOJ to do</i>	With letter now in, how to include in process? <i>- defer - deferred most</i>

SSA to report on how they'd administer

*Tom Vanderaand
3219 Morrison*

** Judy M - Peter T - MC
Nesbitt - Phyllis
Wisc - yvette - deferred most*

NGP

DKC to send final draft

<u>HHS - Medicaid</u>	<i>Thursday</i>		
→ 1. Medicaid waiver issue (section 1931)	Guidance to states	HCFA, DPC, OMB	Status update on waiver coverage issue
→ 2. Medicaid state options for legal immigrants losing SSI	Guidance to states <i>Elena → Anna (same as last wk)</i>	Elena, HHS, DPC	Update on bucket issue
3. Medicaid: Eligibility for children losing SSI	Advise states, advocates about our process for assuring coverage wherever possible	SSA, HCFA, DPC	HCFA TO REPORT ON 11/5 on plans for outreach to groups/states
<u>Monitor Medicaid: Use of \$500m enhanced match</u>	Reg in December	HCFA	No news today
TANF vs. Medicaid eligibility systems: fast track options?	Guidance to states	HCFA	HCFA to discuss w/OMB, DPC - considering legal options/ need to monitor
<u>HHS - ACF</u>			
→ 1. State questions for Wednesday meeting	Written answers to questions <i>Friday mtg - Lew, Vladede Cost neutr pulled out</i>	HHS	In clearance; hope for response T 10/22
2. Technical amendments	Report from Secretary to Congress on 11/22 <i>Taylor/Chesser memo + then mtg</i>	HHS beginning to coordinate?	All agencies should be contacting HHS; Brief report on progress?
X 3. Mechanics of 1/97 state option on SSBG	Guidance memo?	HHS to identify options	HHS TO REPORT AT 10/22 MEETING? <i>2 wks</i>
4. Cost neutrality for existing waivers	New agreements with states		OMB driving this process. Consulting with agencies.

5. Adoption/foster care link to SSI			HHS to report on issues actually underlying bill for child welfare at 10/22 mtg
6. Timing of cash flow to states for TANF ("Circulars question") and apportionment		HHS, OMB	Still outstanding – still need OMB clarification
7. California timing question	HHS answer		Initial thoughts from HHS were promised last time; based on meeting yesterday HHS lawyers to review issue
Monitor Performance Fund proposal	Joint proposal from HHS and the intergov groups due one year after enactment		HHS and groups have discussed a cooperative process
<u>IMMIGRATION</u>			
1. Verification: Veterans exemption <i>25,000 active 30,000 dependent</i>	VA guidance on verifying vet status/DOD guidance on verifying active duty	Molly Brostrom/VA/DOD <i>pre-75?</i>	Report from VA and DOD at 10.22 meeting
2. Verification: Refugee/Asylee guidance	INS guidance to field on verifying status	INS	paper by end of October for SSI and FS to use?
3. Verification: Guidance to other programs	Directive/Guidance memo from AG on verification		Once above steps done – by end of year have memo from AG (may need sooner)

* Hanong - Chesser needs high-level DOD help - Col. here sez will try.

4. Disability Regulation	Final rule (December?)	INS working with OIRA	Comment period ends 10/11? INS commitment to work toward final rule sooner if possible than mid December
5 Nursing Home Response Team	<i>molly to plug in Paul Leonard/HUD</i>	<i>- they say will be ready - they to RO's</i>	INS AND SSA AND HCFA TO REPORT ON IDEAS <i>in 2 weeks</i> AT EARLY NOV MTG. Then meeting with imm and serv provider advocates to brainstorm
6. "Means Tested"	Government-wide definition of means tested must be developed ASAP - format and dissemination TBD	<i>catch up after mtg</i>	Discussions among general counsels ongoing -- status?
7. "Lawfully Present"	DOJ regulation defining "Lawfully Present"	DOJ	Interim reg is out for 60 day public comment - ends 11/6/96
8. Affidavit of Sponsorship	Develop new affidavit and address process issues	INS	Draft available for review in early Nov
9. Applicability to Cuban/Haitian entrants <i>5:15</i>		NSC	Status report?
10. Nonprofit exemption from verification			Anything to do?
<u>Monitor</u> Treaty issues	Draft AG determination by end of year	INS and DOJ/OPD	INS and DOJ/OPD looking at issues; mtg with State on 10/11

<u>Monitor</u> Reporting of Illegal Immigrants	Quarterly reports from states to INS	INS	INS putting issue memo together; options. Needs till November.
<u>Monitor</u> Exemptions for battered women			Irene setting meeting with Justice
→ Letter from California re timing on legal immigrants?	Response?		DOJ to track down; report?
<u>Monitor</u> Other issues	Steve looking into the following issues: "federal public benefit," "state and local public benefit," "housing and community development programs," and U.S. Nationals	Steve Warnath	Steve will explore what flexibility there might be in these areas in conjunction with DOJ, HUD, etc. Any report?

big temp
40Q
FC

**Randy - letter from Calif asking when legal immigrants*

WELFARE REFORM IMPLEMENTATION ISSUES LIST
 10/15/96

ISSUE	PRODUCT	WHO	NEXT STEP
<u>USDA</u>			
1. 18-50 Waiver guidance <i>→ Letter they want?</i>	Draft waiver guidance <i>Ken - \$\$\$</i>	USDA	WH reviewing draft guidance
2. Interim 40 quarters guidance	Policy memo to states this week	USDA drafting	WH reviewing draft guidance
<u>SSA</u>			
1. Children issue	Guidance to field on new definition	SSA, OMB, DPC	Decision memo from Raines/Rasco to be drafted
2. SSI 40 quarters guidance	Revised POMS <i>Arthur - Delay while verifying</i>		Meeting to review with WH on hold. Judy Chesser to get back to Steve.
3. Clarification on timing of SSI cuts; state groups want letter to states, patterned on letter to advocates now under development; add children to letters	Letter(s) to states, advocates	SSA, DPC, Emily	<u>DRAFT letters this week?</u> Promised at last meeting?
4. Advise states on portion of legal immigrants on SSI eligible for naturalization	<i>*Refugees → waiting ?? - JBA</i>		Same #3 <i>are we holding up</i>
5. Decision on "non-covered employment" for 40 quarters exemption	<i>Randy - ask other agencies</i>		DPC, Elena, Chesser to discuss

Appointing for next time

** States Green on opt-out*

FS + SSA Genes - nat. notices

Letter on Hill -

Ken - Nov letter from INI - call Judy @ some pt.

* Whole issue of letter to advocates

Cost allocation - Judy M - shift to MA/FS - don't add

HHS - Medicaid			
1. Medicaid waiver issue (section 1931)	Guidance to states in 2 weeks	HCFA, DPC, OMB	Meeting today; HHS/HCFA reviewing legal options
2. Medicaid state options for legal immigrants losing SSI	Guidance to states	Elena, HHS, DPC	Elena and Anna discussing creation of "bucket"
3. Medicaid: Eligibility for children losing SSI <i>4 1/2 weeks</i>	Advise states, advocates about our process for assuring coverage wherever possible	SSA, HCFA, DPC	Need to discuss at meeting today what plans there are to work with states, advocates on this issue
4. Medicaid: Use of \$500m enhanced match	Reg in December	HCFA	No news today
5. Medicaid: TANF vs. Medicaid eligibility systems: fast track options?	Guidance to states <i>they'll get some w/ legal read</i>	HCFA	HCFA to discuss w/OMB, DPC - considering legal options/ need to monitor
HHS - ACF			
✓ 1. Finalizing guidance	Need to answer OIRA question <i>will get out today</i>		Did this go out final?
2. State questions for Wednesday meeting	Written answers to questions	HHS	What's up with questions
3. Technical amendments	Report from Secretary to Congress on 11/22	HHS beginning to coordinate?	<i>Bounded to get back to JBA</i>
4. Performance Fund proposal	Joint proposal from HHS and the intergov groups due one year after enactment		HHS and groups have discussed a cooperative process

Strack
Bartman
INS-

5. Mechanics of 1/97 state option on SSBG	Guidance? <i>same to get back</i>	HHS to identify options	HHS to report at 10/15 meeting <i>"soon" - Drue</i>
6. Redoing cost neutrality for existing waivers (includes USDA)	New agreements with states <i>Not on NOA agenda for tom.</i>		OMB to update
7. Adoption/foster care link to SSI	<i>Next mtg - they'll discuss what we might do</i>		HHS to report on one-pager from Children's Bureau at 10/15 meeting
8. Timing of cash flow to states for TANF ("Circulars question")	<i>1/4</i>	HHS, OMB	Still outstanding - still need OMB clarification
9. California timing question	HHS answer		Initial thoughts from HHS
<u>Immigration</u>			
Verification: FS and SSI -- see above			
1. Verification: Veterans exemption	VA guidance on verifying vet status/DOD guidance on verifying active duty	Molly Brostrom/VA/DOD	Meeting held 10/7; goal is memo in two weeks
2. Verification: Refugee/Asylee guidance	INS guidance to field on verifying status	INS	paper by 10/22 <i>or following wk</i>
3. Verification: Guidance to other programs	Directive/Guidance memo from AG on verification		Once above steps done - by end of year have memo from AG (may need sooner)

combine

Olivia
Randy
Eddie

1:00
- DOJ
- ACF state plans
- 10/95 + 18-50

4. Disability Regulation	Final rule (December?) <i>oath</i>	INS working with OIRA	Comment period ends 10/11? INS commitment to work toward final rule sooner if possible than mid December
5 Nursing Home Response Team	<i>also HSD spth hsg</i> <i>2</i>	<i>who - ago report back</i>	<i>HCFA, INS, SSA</i>
6. "Means Tested"	Government-wide definition of means tested must be developed ASAP - format and dissemination TBD	Elena Kagan and OMB working group	Discussions among general counsels ongoing
7. "Lawfully Present"	DOJ regulation defining "Lawfully Present"	DOJ	Interim reg is out for 60 day public comment - ends 11/6/96
8. Affidavit of Sponsorship	Develop new affidavit and address process issues	INS	Drafts being circulated; discussions ongoing
9. Applicability to Cuban/Haitian entrants		NSC	Decision memo within one week (by 10/14)
10. Treaty issues	Draft AG determination by end of year	INS and DOJ/OPD <i>Mid-Nov or early Dec</i>	INS and DOJ/OPD looking at issues; mtg with State on 10/11
11. Reporting of Illegal Immigrants	Quarterly reports from states to INS	INS <i>Need few more Wks</i> <i>Giuliani</i>	INS putting issue memo together; options. Will discuss on 10/15
12. Nonprofit exemption from verification			Paper from HHS at 10/15 meeting <i>soon - Dec</i>

13. Exemptions for battered women	<i>Irene to DOJ mtg</i>		AG memo on exemptions from "qualified alien" requirements?
14. Indigent sponsor issue			Irene? What is next step?
15. Other issues	Steve looking into the following issues: "federal public benefit," "state and local public benefit," "housing and community development programs," and U.S. Nationals	Steve Warnath	Steve will explore what flexibility there might be in these areas in conjunction with DOJ, HUD, etc.

* Need to release ~~the~~ decision now
despite no def problem - call judy

DF

WELFARE REFORM IMPLEMENTATION ISSUES LIST

10/8/96

* HCFA Issues

ISSUE	PRODUCT	WHO	NEXT STEP
<u>USDA</u>			
1. 18-50 Waiver guidance	Draft waiver guidance	USDA	Looking to get draft from USDA to OMB and WH by Wed 10/9
2. Interim 40 quarters guidance	Policy memo to states this week	USDA drafting	SSA/USDA met; USDA drafting memo; to us by Wednesday?
<u>SSA</u>			
1. Children issue	Guidance to field on new definition	SSA, OMB, DPC	Decision memo from Raines/Rasco to be drafted
2. SSI 40 quarters guidance	Revised POMS		Has SSA revised version gone to Steve - set up walk-through this week with Steve, Elena, OMB, etc.
3. How to tell 11 states they have a problem on MOE for state supplements to SSI	Call or write states? Advise state groups tomorrow?	SSA, Emily	
4. Identification of legal aliens who will get notices	* Emily - tell Glenner if no disc tom. 1.5m → 1.1m - trying to clean up further - 300,000 unknown 800,000 - back out vets benefits 40 6's Non-covered - who are there? 500,000 will lose & they guess		

5. Clarification on timing of SSI cuts; state groups want letter to states, patterned on letter to advocates now under development; add children to letters	Letter(s) to states, advocates	SSA, DPC, Emily	
6. Advise states on portion of legal immigrants on SSI eligible for naturalization	Judy + I - 82% -	letters to states?	
7. Decision on "non-covered employment" for 40 quarters exemption	DOJ → Arthur } who are they? - Chesser to take stat Arthur Nov 17 - 83	next wk	DPC, Elena, Chesser to discuss
HHS - Medicaid			
1. Medicaid waiver issue (section 1931)	Guidance to states in 2 weeks	HCFA, DPC, OMB	Meeting this week to discuss
2. Medicaid state options for legal immigrants losing SSI	Guidance to states	Elena, HHS, DPC	Elena to discuss with HHS GC
3. Medicaid: Eligibility for children losing SSI	Advise states, advocates about our process for assuring coverage wherever possible	SSA, HCFA, DPC	??
4. Medicaid: Use of \$500m enhanced match	Reg in December	HCFA	??
5. Medicaid: TANF vs. Medicaid eligibility systems: fast track options?	Guidance to states	HCFA	HCFA to discuss w/OMB, DPC

HHS – ACE			
1. Finalizing Guidance	Need to answer OIRA question		
2. State plan completeness, etc. questions for tomorrow's meeting w/NGA/NCSL/APWA	Written answers to questions	HHS, OMB, DPC, Elena	Finish review today or early tomorrow
3. Technical amendments	Report from Secretary to Congress on 11/22	HHS beginning to coordinate?	
4. Performance Fund proposal	Joint proposal from HHS and the intergov groups due one year after enactment		HHS and groups have discussed a cooperative process
5. Mechanics of 1/97 state option on TANF and SSBG for legal immigrants: same as Medicaid?	Guidance? <i>return to agenda in a few wks</i>	HHS to identify options	
6. Redoing cost neutrality for existing waivers (includes USDA)	New agreements with states		OMB to convene meeting asap
7. Adoption/foster care link to SSI	<i>Carol W sum next wk</i>		
8. Timing of cash flow to states for TANF ("Circulars question")	Part of answers for tomorrow?	HHS, OMB	Need answer for intergovernmental meeting Wed.

<u>Immigration</u>			
Verification: FS and SSI -- see above			
1. Verification: Veterans exemption	VA guidance on verifying vet status/DOD guidance on verifying active duty	Molly Brostrom/VA/DOD	Meeting held 10/7; goal is memo in two weeks
2. Verification: Refugee/Asylee guidance	INS guidance to field on verifying status	INS	Timing? also next two weeks?
3. Verification: Guidance to other programs	Directive/Guidance memo from AG on verification		Once above steps done - by end of year have memo from AG (may need sooner)
4. Disability Regulation	Final rule (December?)	INS working with OIRA	Comment period ends 10/24?//INS commitment to work toward final rule sooner if possible than mid December
5. "Means Tested"	Government-wide definition of means tested must be developed ASAP - format and dissemination TBD	Elena Kagan and OMB working group	Discussions among general counsels ongoing

6. "Lawfully Present"	DOJ regulation defining "Lawfully Present"	DOJ	Interim reg is out for 60 day public comment - ends 11/6/96
7. Affidavit of Sponsorship	Develop new affidavit and address process issues	INS	New affidavit by 12/30; effective 60-90 days after
8. Applicability to Cuban/Haitian entrants		NSC	Decision memo within one week (by 10/14)
9. Veterans	Need to ensure process for determining veteran status of various groups (Hmong, Filipinos) and process for determination generally	Steve Warnath/Elena	Confirm whether certification process initiated by groups rather than Administration-initiated action is required.
10. Treaty issues		INS and DOJ/OPD	INS and DOJ/OPD looking at issues; will report on status/timing
11. Reporting of Illegal Immigrants	Quarterly reports from states to INS	INS	INS putting issue memo together; options. Will report on status/timing

12. Other issues	Steve looking into the following issues: "federal public benefit," "state and local public benefit," "housing and community development programs," and U.S. Nationals	Steve Warnath	Steve will explore what flexibility there might be in these areas in conjunction with DOJ, HUD, etc.
------------------	---	---------------	--

Add for here

Non-IT

not req'd to
verify mailing
status

States Use them?

Barred exemption - AG memo
- exemption to deeming

Sponsors indigent →
won't be deemed

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

22-Oct-1996 07:43pm

TO: Diana M. Fortuna

FROM: Jeremy D. Benami
 Domestic Policy Council

SUBJECT: Top Ten List

Check me on this:

If you had to list out the top ten "Hot" items on our plate right now -- what would you put on the list. "Hot" = both things that must get done immediately and "big" issues.

No particular order:

1. SSI Imms - POMS/40 Qs/Refs/etc. - Hopefully out on Monday
2. SSI Kids - decision - memo to POTUS - decision early Nov
3. USDA 18-50s - decision - memo to POTUS - decision early Nov
4. Means Tested - process stalled at HHS - Elena driving
5. Cost Neutrality - OMB meeting on Friday
6. Medicaid Waiver - (b)/(d) issue - HCFA mtg Wed eve
7. Medicaid bucket - where is this stalled? Elena to talk to Anna
8. Disability Reg - Diana to call meeting Fri/Mon
9. Cuban/Haitians - Further meetings required. Emily: enforcer.
10. California timing issue - lurking out there: HHS to look at it.

Just making sure we're on top of all these things. Let me know.

WELFARE REFORM IMPLEMENTATION ISSUES LIST
10/1/96

Vets - Walt Hall
- Hon dischig - # dishon - technical
- JBA: OK
- Vets benefits - deeming - thing to fix
(talk to Jack)

ISSUE	PRODUCT	WHO	NEXT STEP
<u>USDA</u>			
1. Immigrant Recipient Eligibility	USDA letter to states to go out on October 1 clarifying change in CR and other effective date issues	FNS, Emily, Diana	Letter ready?
2. 18-50 Waiver guidance	Draft waiver guidance	Yvette/FNS	Draft needed this week
3. Chiles letter on QC waiver	Response to Chiles		USDA to draft and coordinate with Intergovernmental <i>redraft due to legis - today</i>
<u>SSA</u>			
1. Children issue	Implement new definition	SSA, OMB, DPC	
2. Maintenance of effort on state supplementation	<i>DF to talk to Judy</i>		
<u>HHS</u>			
1. Medicaid Issues: - Delinking w/AFDC - SSI for imm/children - waivers - \$500m enhanced match	State Medicaid Directors meeting on October 7 should offer clarification for states		State Medicaid Directors meeting on 10/7. Meeting at White House to review on Wednesday 10/2
2. Series of technical questions from NGA/NCSL/APWA	Responses by 10/9 weekly intergovernmental meeting		

HHS mtg w/ go on Fri

**CR list to John*

Add to immigration: Dattered.

DF to call John

3. Technical amendments	Report from Secretary to Congress on 11/22	HHS beginning to coordinate?	
4. Performance Fund proposal	Joint proposal from HHS and the intergov groups due one year after enactment		HHS and groups have discussed a cooperative process
5. Mechanics of 1/97 state option on Medicaid, TANF, SSBG for legal immigrants	Guidance? <i>MA NC tomorrow</i>	HHS to identify options	
6. Redoing cost neutrality for existing waivers (includes USDA)	New agreements with states	HHS and OMB should convene meeting	ASAP <i>OMB to take lead</i>
Immigration			
1. Disability Regulation	Final rule (December?) <i>DOJ doing memo on oath HCFA - nursing homes</i>	INS working with OIRA <i>DOF to do copy call w/ OIRA/INS</i>	Interim rule out for ¹⁴ 30 day comment; Need Meeting to Finalize
2. "Means Tested"	Government-wide definition of means tested must be developed ASAP - format and dissemination TBD	Elena Kagan and OMB working group <i>Richard</i>	OMB/Elena to set meeting by October 4
3. "Lawfully Present"	DOJ regulation defining "Lawfully Present"	DOJ	Interim reg is out for 60 day public comment - ends 11/6/96
4. AG memo excepting programs	Memo from AG	DOJ/OPD	Initial memo out for comment; revision due <i>when? no timetable</i>

months away - drop

5. Verification	(1) Options for interim verification; (2) Longer term: DOJ system	Steve Warnath/Elena/DOJ	
6. Affidavit of Sponsorship <i>Amended by immig bill - 90 day clock restarted?</i>	Develop new affidavit and address process issues	INS * <i>Report @ big mtg on this - DOJ/INS side-by-side</i>	New affidavit within 90 days; effective 60-90 days after
7. Veterans	Need to ensure process for determining veteran status of various groups (Hmong, Filipinos) and process for determination generally	Steve Warnath/Elena	Meet with VA, DOD, DOJ, INS week of 9/30
8. Applicability to Cuban/Haitian entrants	<i>* report @ big mtg</i>	NSC - <i>Dec memo - ASAP</i>	Steve to check with NSC on timing/status
9. Treaty issues	<i>Adhesion INS memo</i>	INS and DOJ/OPD	INS and DOJ/OPD looking at issues; will report on status/timing
10. Reporting of Illegal Immigrants	Quarterly reports from states to INS	INS <i>next couple wks.</i>	INS putting issue memo together; options. Will report on status/timing
11. Citizenship Materials	INS to produce materials agencies can use to inform regarding naturalization	INS	
12. "Federal public benefit"	Determine whether any flexibility in definition	Steve Warnath	Steve will explore what flexibility there might be
13. "State or Local Public Benefit"	Determine whether guidelines needed	DOJ	DOJ to report to Steve Warnath

14. Housing and Community Development Programs	Determine what programs covered by this exception	Steve Warnath/HUD	Steve to consult with HUD
15. U.S. Nationals	Determine how law applies to nationals	DOJ	DOJ to review and get back to Steve

5-6974

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

12-Sep-1996 03:32pm

TO: Carol H. Rasco

FROM: Jill Pizzuto
Domestic Policy Council

SUBJECT: call - Brad Kane

Brad Kane called from the Controller's (not Comptroller) office in CA, asking if you could call him (he's the deputy) or Kathleen Connell, Controller re: welfare reform. Brad is following up on the suggestion of John Emerson to contact you.

Brad also mentioned that Kathleen is expected to be travelling to DC and is interested in setting up an appt w/ you.

their number: (310) 342-5678

[Handwritten signature and date: 12/11/96]

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

16-Sep-1996 05:09pm

TO: Jeremy D. Benami

FROM: Jill Pizzuto
 Domestic Policy Council

CC: Diana M. Fortuna
CC: Bruce N. Reed
CC: Cathy R. Mays
CC: Dorothy K. Craft

SUBJECT: RE: California Controllers / Request for meeting

a follow up to all:

I talked to Brad Kane and more specifically, here's their agenda:
to discuss the impact on CA, what can be done to lessen the hardship and about
CA setting up a task force along fed guidelines.

Subg/List

7/23/96

Tax credit - conflicts w/ state law

Talking pts -

Spelling - state by state

Apprenticeship req (Hogan)

Move he whrs up to create entry-level openings

Graduated taxes

Task force - unions, industry, nursing home pop?

- is this a lot of ~~things~~

→ * When do SSI folks lose MA if states decide no - 1/1 or SFA date

→ * Do state legislatures have right to overturn Gov
dec on 1/1 re MA, etc.

→ Pit on subapp agenda

Her role as check-cutter

subapp → Bach ~~over~~

- on what auth wld Gov start to verify schools, prisons
- illegals
- St L?

EXECUTIVE OFFICE OF THE PRESIDENT

16-Sep-1996 05:17pm

TO: Emily Bromberg
TO: John B. Emerson

FROM: Jill Pizzuto
Domestic Policy Council

CC: Carol H. Rasco
CC: Diana M. Fortuna

SUBJECT: Monday, 9/23 meeting

I forgot to include you both in on this note. This is regarding the CA request for the Controllers to sit w/ CHR and discuss welfare reform. Below is more of their specific agenda.

Meeting is Monday, 9/23 @ 10:30-11:30, CHR office. CHR proposes getting a rep from HHS, USDA, INS & SSA to sit in on meeting as well (as they were looking for other folks to meet w/) - Diana will work on getting the reps.

call or email me if you've got any questions.

Just agencies

HHS

FNS

SCA

INS

482-7148

D. Garrison ~~Bob Brach~~

Cheryl M.

Judy C

Paula

~~Bob Brach~~

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



FAX COVER SHEET

DATE:

TO: *Diana Fudine*

PHONE:
FAX:

FROM: John Monahan
Director

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

RE:

CC:

Number of pages including cover sheet:

Message:

Congress of the United States
House of Representatives
Washington, DC 20515

September 3, 1996

The Honorable Donna E. Shalala
Secretary
Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Shalala:

We are concerned that some States may use previously granted waivers to weaken their compliance with the new welfare reform law. We are especially concerned that some States may use waivers to, in effect, modify the work requirements under Section 407 of the law and the 5-year time limit under Section 408 of the law.

The important issue here is whether States, in planning their new welfare programs, plan to use their waivers to change the requirements of the welfare reform law. Based on conversations between our respective staffs, we would like to suggest an initial approach to dealing with this problem.

It is our understanding that you will be providing some instructions to the States about submitting the State plan required under Section 402 of the law. We suggest you require States, as part of their submission to HHS, to provide a detailed list of the specific ways in which they intend to use waivers to conduct a program that differs from the requirements of the new welfare reform law.

There are two advantages to this approach. First, it would require States to reveal publicly the specific ways their plans would not comply with the new law. Second, it would provide the Administration, the Congress, and the American public with a comprehensive picture of the extent to which waivers may be used by States to conduct programs that differ from the requirements of the new welfare reform law.

Thanks for your attention to this important issue. If you have any questions, please give either of us a call.

Sincerely yours,

William V. Roth, Jr.
Chairman
Senate Committee on Finance

Bill Archer
Chairman
House Committee on Ways and Means

DPC followup from 9/12 implementation subgroup meeting:

- ✓ 1. Hold a meeting Monday with HHS on TANF regulations, in advance of next NGA/NCSL/APWA Wednesday meeting (include OIRA) -- we must react to their proposal
- invite: ACF, Monahan
Us, Elena, Fontenot, OIRA, Emily
- Thurs 2. Meet internally on verification and definition of various terms on immigration changes
- ✓ 3. Advise CR, etc., on how we are implementing 18-50 food stamp work requirement?
- ✓ 4. How to advance Ken issue on sending out naturalization info to SSA's legal immigrants *happy*

Followup by others:

1. More from OIRA/Oliven on deadline for 6 month government-wise listing of regs - *same on agenda; talk to her*
2. Food stamps to share next time draft on waiver from 18-50 work requirements
- 2 3. Monahan to get back to Diana shortly about HCFA meeting and paper for next week
4. HHS to do briefing on systems for tracking time limits and child support enforcement in a few weeks
5. SSA to give us paper on 40 quarters next week (Elena needs to weigh in here)
6. OIRA to set up meeting on disability naturalization reg with DOJ, INS, OMB, us
7. Steve on Hmong?
8. Steve on Cuban/Haitian (keep Emily involved)
9. *Jeanine Web page*

Other items for DPC follow-up:

1. Create new timeline (w/OMB) and distribute to group
2. Get event dates to Melissa: by Monday
- ✓ 3. HHS testimony: clear by Friday
- ✓ 4. Get clearance on documents submitted by SSA: should do by Friday
5. Update CR; prep for Thurs. meeting: CR wants agenda by Monday
6. Push on HHS decision memo: due Monday
7. California food stamps: keep up w/Elena
8. Wisconsin waiver: Monahan has proposal for BR
9. Do agenda for Wednesday NGA/etc. meeting by COB Tuesday (CR asked for 5 top issues list)
10. *SSI*

Add: chesser MOE DF
NM
veterans
tech corr

ISSUES LIST (9/12/96)

Hot issues

(For each of these issues a process is in place to move forward to necessary decisions)

- o HHS: state plan guidance; 45-day public comment period; waivers; domestic violence exemptions
- o Definition of means-tested programs
- o USDA: California request on food stamp recertification - Elena; tom am mtg?
- o SSA: Definition of disability for children's SSI

Care Issues? - ask Joan

Issues requiring further work

(For these issues, we want to review status and process for addressing)

- o HHS: proposed regulations -- HHS needs reaction to draft list/timeline
- o USDA: 18-50 year-olds: States' ability to track work -- USDA to say more on plans today, including waivers - guidance by CalMnt; draft next wk, then OMB; underlying wk also; not clear how help
- o USDA: Implementation of waiver to delay recertification -- USDA to report today
- o USDA: Chiles letter - Enunby; Yvette; no; QC waiver; get Elena + OMB ready; offering Fla. affs.
- o HHS/HCFA: Delinking of Medicaid eligibility; loss of coverage via SSI for children, immigrants; waivers - mtg? - all manual/guidance, not regs; John will tell me plan; mtg/paper
- o HHS: Tracking system for time limits - mtg? - briefing few weeks; include subgrants
- o SSA: 40 quarters calculation -- SSA to report today
- o INS: Interim verification -- Memo available for comments Monday COB
- o HHS: Systems to implement child support provisions - ask JBA
- o Treasury: Implementing contingency fund - report
- o INS: Reg on testing requirements and disability - mtg? - Doree will do mtg; nat ask
- o Definition of federal public benefit + affidavit of sp
- o Definition of lawfully present - done?
- o Hmong: SSA to report - call Judy; Diane sez clear; not as a class
- o Child care block grant reporting: Laura - states conc'd re/rt time - in law; Lombardi will present
- o Web Page
- o Ways and Means testimony - hearing chspt. Th

Issues for future focus

- o Performance bonus fund implementation
- o Keeping pace with naturalization demand
- o California executive order
- o Final version of AG order
- o State reporting requirements 4x/year on immigrants
- o Treaty issue - INS/legal advisory - call Kern - they will meet early next wk.
- o Gramm amendment
- o VA involvement in legal immigrant changes
- o DOJ: reports on statutory rape, teen pregnancy
- o HHS: how to encourage states to use wage subsidies
- o HHS: performance bonus fund
- o Monitoring and evaluation
- o HHS: 15% cap on admin costs/MIS issue
- o NYC lawsuit

Next mtg
Colvin item?

Other Key issues / comm?

Food stamp reg list - Wendy asks - you don't know yet - summer

Ken - don't do SSI/naturalization notices

Next time - fact sheets

40 Q's: in house discussion paper - talk to us next wk.

(Elena pts out - new idea affects)

will always be a few quarters late

What if worked but not into Soc Sec

- legal Q

- Ca. asked

FS asks - what to do in interim

We cut off

IV Memo - Qualified aliens - law silent on how to verify
- issues

Qual vs Non-Q - verified

Federal preemption

Again, cut off

* We need to meet internally on this

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

13-Sep-1996 01:06pm

TO: Kenneth S. Apfel

FROM: Jeremy D. Benami
 Domestic Policy Council

CC: Stephen C. Warnath
CC: Diana M. Fortuna
CC: Elena Kagan
CC: Dorothy K. Craft

SUBJECT: DOJ and immigration

I had a good conversation with Seth Waxman from DOJ this morning about the need to ensure the best possible coordination on the legal/immigration/DOJ/INS front of welfare reform. Seth is chairing the implementation group at DOJ. He agrees that there is a proliferation of groups, meetings, etc. with various people plugged in at better or worse levels in the different pieces.

We agreed to set up a meeting on Tuesday or Wednesday next week to go over the list of issues and to agree to the process for addressing them.

Next steps:

-- My office (Dorothy) will try to set this for 10:00 on Wednesday, in advance of the weekly immigration meeting - to minimize back and forth travel for Justice and INS.

-- Seth will determine who from DOJ and INS will attend. On our end, I think it should be Ken, me, Elena, Diana and Steve. Does that sound right to you guys?

-- Steve is compiling a complete list of the outstanding issues in this area to work off of for the Wednesday meeting. He has sent that around to you on email, I believe. Can you review and get comments back to him.

OTHER MEETINGS:

The only other issue-specific meeting that I am setting for early next week is with HHS on the TANF reg process. I assume there will be further work on the SSI front.

We will have the next sub-group meeting at 4:00 on Wednesday.

Carol is having a follow up NGA/NCSL/APWA meeting at 1:00 on Wednesday.

Bruce/Carol are having the next big interagency implementation meeting on Thursday at 11:00.

I think that's all for next week. Let me know if I've missed anything.

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

13-Sep-1996 01:12pm

TO: Kenneth S. Apfel
FROM: Jeremy D. Benami
 Domestic Policy Council
CC: Elena Kagan
CC: Diana M. Fortuna
SUBJECT: two more meetings

looks to me like I missed two other meetings:

OIRA will call a meeting next week on the disability reg that INS has put out for comment.

HCFA is supposed to get paper to us on Medicaid issues and then Diana will call the appropriate meeting.

**SUBGROUP ON IMPLEMENTATION
WELFARE REFORM WORKING GROUP**

AGENDA
September 3, 1996

- I. Review of Schedule of External Contacts
- II. Review of Issues List
- III. Review of Work Products due to Implementation Subgroup
- IV. Discussion of NGA/NCSL/APWA September meeting
- V. Next Meeting

*Next mtg:
Thurs @ 2*

*Immig ops mad Liz
Bob B.

~~Sept 30~~
September 3, 1996

*Put union mtg on cal.

SCHEDULE OF EXTERNAL CONTACTS/HEARINGS:

This schedule is to include all letters, guidance, notices, hearings, reports, major notices to field offices, etc.

Note: List must include all items contemplated before the end of September.

HHS:

- o Letter from ACF to state commissioners: went out?
- o Letter from ACF on child care: went out?
- o Letter from Secretary to Governors: went out?
- o Letter to State Medicaid Directors: went out? - no KEFA
- o Briefing of unions? this week - Thurs
- o **Guidance on state plans: by NGA meeting 9/9**
- o State child care meeting Sept. 9-10
- o **Early read on regulations for states: after NGA meeting**
- o Congressional Black Caucus meeting: 9/11-15
- o Ways and Means hearing mid-September - 9/17-19-20
- o Child support enforcement annual training institute: week of 9/16
- o Medicaid TAG meetings: on-going

Monahan went out
Maddy didn't know - sd to get us copies

Wendy: guidance must be
cleared - JBA unclear

USDA:

- o Implementing memo: went out? ✓
- o Conference with states Sept. 4-5
- o **Guidance to states on 18-50 year olds: what date?**

From last time:
→ WOTax Credit - Implementing memo to states
Mou - certify to Treas
Call Grotte?

SSA:

- o When is notice to states?
- o **Letter from Commissioner to states**

Friday conf call is only thing pressing on DDS

Immig notices: Dec Tomorrow - pr

DOJ/INS:

- o Definition of lawfully present: done? - being cleared - share w/immig
- o Interim verification/how to enroll in SAVE: done? - finalizing memo
- o Info on naturalization for other agencies' packets: when?
- o Hearings on naturalization: give us all hearing dates

9/10 - Nat/2th testing
9/18

brochure for conf.
end of Sept - via SSA - Legatims

Sally R:

SMOA Annual
10/7-9
Camden Yds

End of next wk - paper on MA eliz/delink

I-drive

VA?

-406?

-17/19 HWAM?

PA algo on right
in each one

OIRA

NBA, NESL
ASWA?

September 3, 1996

ISSUES LIST:

Note: This is currently focused on immediate issues. We will need to add issues to create a more comprehensive list over time.

HHS:

- o Content of guidance on state plans; 45-day public comment period
- o Waivers (includes USDA & HCFA)
- o ~~What to tell states that come in early~~
- o Regulations react to their list
- o Tracking system for time limits
- o Child care block grant deadlines
- o Performance bonus fund implementation

USDA:

- o 18-50 year-olds. States' ability to track work
- o Implementation of waiver to delay recertification
- o California request on food stamp recertification

SSA:

- o Appeal rights for children on SSI
- o Regulation for children's SSI changes
- o 40 quarters calculation, also veterans + Filipino
- o Timing of notices to legal immigrants

DOJ:

- o California Prop 187 directive - on deck? ask Steve
- o Interim verification
- o Final version on AG order
- o State reporting requirements 4x/year

~~o State reporting requirements~~

~~o Treaty issue - Randy Moss~~

~~o Disability Reg??~~

Treasury:

- o How to do contingency fund

Government-wide:

- o Definition of means-tested program
- o Gramm amendment
- o Discrimination complaints

Bigmtg: Talk up/eco on directive

Acheson - on battered &

Report on stat rape + teen preg: program?

what is it? -
DOJ - ask
(JBA)

BR asks; next agenda

*regroup in 24 hrs - in am??

JBA: Add
to J of fed pub ben

→ Add carefully present
- Bob B

Ken A + Chris of OLC; about a wk have a read
Keepers

September 3, 1996

WORK PRODUCTS DUE FROM AGENCIES TO IMPLEMENTATION SUBGROUP

HHS:

- o TANF and child care guidance
- o Listing of regulations, both definite and possible
- o Child support enforcement: *say we got it Friday; Maddy* flag key issues by Labor Day, along with schedule of regs/guidance
- o HCFA reports on delinking eligibility; loss of Medicaid for SSI *IVE IVA* *children immigrants* *children* losing benefits; effect on waivers: by Labor Day *call Judy Moore*

USDA:

- o *(Monahan will tell them too)*
** Add H/SSA list*
Big mtg @ 4/48
need desc of whole range of issue - K.A.
5:50 PM
send A.W.K.
Need timing of potential regulations

SSA:

- o List of regulations and notices, with timeline

DOJ:

- o General timeline of activities (e.g., definition of lawfully present, promulgate affidavit of sponsorship, Sept. hearings on naturalization process, 18 months for verification, potential regs)

- o *Non-means-tested programs: ALMOST DONE?*

Treasury:

- o General timeline, list of tasks, regs, notices, etc.

SUBGROUP ON IMPLEMENTATION
WELFARE REFORM WORKING GROUP

AGENDA
August 23, 1996

- I. Review of Schedule of External Contacts
- II. Review of Issues List
- III. Review of Work Products due to Implementation Subgroup

Note: please fax items to Jeremy Ben-Ami
and Diana Fortuna at 456-7028 or 7431

- IV. Discussion of NGA/NCSL/APWA September meeting
- V. Next Meeting — *2 pm*
How to reach us next week

→ end of Sept
August 23, 1996

SCHEDULE OF EXTERNAL CONTACTS/HEARINGS:

This schedule is to include all letters, guidance, notices, hearings, reports, etc. + notice to field

Note: List must include all items contemplated before the second week of September.

HHS:

- o → Guidance on state plans: next week or week of Labor Day? — to states 9/9+10
- o Letter from ACF to state commissioners: may be next week
- o Letter from ACF on child care: may be next week } comments today
- o Letter from Secretary to Governors: may be next week
- o Early read on regulations for states: week of Labor Day? → 9/9-10
- o Ways and Means hearing mid-September — TANF + SST
- o SMDA letter — off SS/MA: end of next wk. o Union bill

USDA: MA Tag — wkly mtg

- o Waiver to delay recertification: today?
- o Implementing memo: early next week
- o When is next communication to states? → 18-50 guidance — w/in 30 days
- o Food St + kids — next wk

SSA: Guidance to field office already did one; more to come

- o Timing of notices, etc. to states: week of Labor Day?
- o → Letter from Commissioner to Governor: sometime after Labor Day
- o 9/5 DDS/SSA mtg

DOJ/INS:

- o AG order on exempt programs: today
- o Naturalization directive? today
- o Regulation exempting certain disabled applicants from testing: next week publish
- o Interim verification/how to enroll in SAVE: week of Labor Day
- o Info on naturalization for other agencies' packets: when? — Wed next wk
- o Hearing on naturalization: when? → done w/ SSA

→ 6 hearings — give us date

~~* Carolyn~~

~~* Labor Day mtg — Warren~~

~~* Call Monahan / BR involvement~~

~~* Emily to Wed next wk — INS/IRWA~~

~~* DK — Clearance Checker~~

~~* 2 Copies to inner gp.~~

~~* Richard re 9/9 decision kids thing~~

~~* Yvette re her angler letter~~

~~* Elena re 3 letters~~

13 Issues
- Elena + Em + KA
August 23, 1996

ISSUES LIST:

Note: This is currently focused on immediate issues. We will need to add issues to create a more comprehensive list over time.

HHS: → what to tell early states

- o *Content of guidance on state plans - verbose, 45 day comment per.
- o Regulations
- o ~~Child care block grant deadlines~~
- o Clarification to states on how timing of state plan filing affects block grant
- o *Existing waivers (includes USDA & HCFA)
- o New waivers
- o Performance bonus fund implementation

USDA:

- o 18-50 year-olds: States' ability to track work
- o State waiver options: are there issues here?
- o Implementation of waiver to delay recertification
- o Yvette - help for 18-50's

SSA:

- o Appeal rights for children on SSI
- o 40 quarters calculation
- o Timing of notices to legal immigrants
- o Regulation for children's SSI changes
- o Lawfully present - 2 gen'l counsels

DOJ:

- o Interim verification
- o Final version on AG order
- o State reporting requirements 4x/year
- o Easing naturalization
- o Treaty issue

Treasury:

- o How to do contingency fund

Government-wide:

- o Definition of means-tested program
- o Gramm andt?
- o Discrimination complaints

- o States hv option on dom violence - fancy;

→ Today @ 1???

~~Debates~~

~~2/1/96~~

* Ann - guidance!
Today?

~~Glenda Bean~~ issue
Hugan?

~~Endy~~

~~At Day 13/1/96?~~

~~(Carmel/Emilia)~~

~~Catt/Heather re letter~~

* Martha Phipps DCOS, USDA

* CR 11/11 memo today

August 23, 1996

WORK PRODUCTS DUE FROM AGENCIES TO IMPLEMENTATION SUBGROUP

HHS:

- o ☒ TANF and child care guidance; is there other guidance coming? Due 8/23
- o ☒ Listing of regulations, both definite and possible: by Labor Day -- DONE?
- o ☒ List upcoming hearings and reports (e.g., Ways and Means hearing, Secretarial report to Congress within 90 days; child welfare study): by end of week if possible -- DONE EXCEPT HEARINGS
- o Waivers: rules that will govern approved waivers; number of pending waivers and their disposition: due Labor Day
- o Child support enforcement: flag key issues by Labor Day, along with schedule of regs/guidance
- o HCFA reports on delinking eligibility; loss of Medicaid for SSI children losing benefits; effect on waivers: by Labor Day

USDA:

- o List of all regulations, with timing -- DONE EXCEPT FOR TIMING
- o List of guidance, instructions, implementing memos to be sent to states (one 3 days after enactment, one a month later, etc.): due today

SSA:

- o List of regulations and notices, with timeline: due today
- o Any other guidance, instructions: due today

DOJ:

- o General timeline of activities (e.g., definition of lawfully present, promulgate affidavit of sponsorship, Sept. hearings on naturalization process, 18 months for verification, potential regs): due today
- o Non-means-tested programs: ALMOST DONE?
- o Regulation on disability and citizenship test requirements: READY FOR FEDERAL REGISTER?
- o Report on how to put naturalization information into notices sent to legal immigrants by USDA, SSA, others: due Labor Day

Treasury:

- o General timeline, list of tasks, regs, notices, etc.: due ASAP

September 10, 1996

CALENDAR OF EVENTS:

This schedule is to include all events, meetings, conference, hearings.

Note: List must include all items contemplated before ???

HHS:

- o State child care meeting Sept. 9-10
- o Congressional Black Caucus meeting: 9/11-15
- o Ways and Means hearing mid-September -- 17-19?
- o Child support enf. annual training institute; week of 9/16 - over
- o Medicaid TAG meetings: on-going

USDA:

SSA:

DOJ/INS:

- o Hearings on naturalization: give us all hearing dates

JBA: Statutory timeline

Aid Notices

Regs, guidance

We do hrs

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

13-Sep-1996 02:57pm

TO: Carol H. Rasco

FROM: Jeremy D. Benami
Domestic Policy Council

CC: Diana M. Fortuna

SUBJECT: welfare update

We had a good meeting of the welfare implementation subgroup yesterday. Wanted to fill you in:

- Decision memo on items you're aware of from HHS should be here Monday (hah!)
- Food stamps/California: ideas continue to swirl around about how to get to the answer we want. Elena continuing to talk/meet.
- Food stamps/other states: Diana filled you in, I think
- Food stamps/waiver of work requirements: law provides waiver authority of work requirement for the 18-50 single adults in hard-hit areas. USDA will have guidance on how to get this waiver out by the end of the month. Draft info to us next week to review.
- SSA kids: Ken had meeting today; Diana attended, will update you.
- HHS regs: we're setting a meeting for Monday to go over with HHS how it is going to do its TANF regs - inviting Ken, Emily, OIRA, OMB to review the process with us.
- Immigration: this is the most complex area. Lots of issues and lots of confusion on process. I talked to Seth Waxman and we agreed to meet on Wed. prior to the immigration meeting to create one list of issues and one coordinated process. Steve is drafting the agenda, and I will try to get him empowered as the person driving that process.
- Medicaid: HCFA owes us paper laying out the issues, and then Diana will be setting a meeting to review.

There are a range of other things moving: the INS disability reg, the SSA 40 quarters calculation, web page, update on child care activities for next meeting.

Then there are a bunch of things further back on the back burner: a briefing for the WH on the systems (MIS) development, getting moving on the performance fund, looking at the treaty issue raised on immigration, etc.

More than enough to keep us busy.

I would recommend that for Thursday's meeting we highlight the following:

1. Immigration process: report on the effort to bring all the issues under one process and explain to agencies who's in charge of what.
2. Regulations: Have an outline from OIRA of the status of schedule, timing of regs that are going to have to flow
3. Food Stamps: Update on states taking recertification waiver and on the new waiver on the work requirement
4. Web Page

How's that for you? Then we would move into the events update from Melissa/Bruce and then the child care update -- followed by the "assignments" from you. By the way, it occurs to me now I am not sure if you wanted to call Jim King or if I should?

TITLE I - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

REGULATION

PUBLICATION DATE

1. **NPRM - TANF Program Requirements** 12/96
def MOE
 - State Plan Submissions
 - Financial Management and Reporting
 - Individual Development Accounts
2. **NPRM - Work Requirements** 3/97
 - Failure to satisfy participation rate requirements
 - 2-yr. time limit
 - Reduction in participation rates based on caseload reductions
3. **NPRM - Tribal Program Requirements** 3/97
 - Tribal Plan Requirements
 - Disagreement with State numbers for funding
 - Program criteria for Alaskan tribes
 - Individualization of tribal programs
4. **NPRM - Audits/Penalties and Corrective Action** 1/97
incl MOE penalty
 - Audit criteria
 - Administrative/program costs
 - Penalties
 - Reasonable cause exception
 - Corrective compliance plan (timely)
 - Appeal process
5. **NPRM - Data Collection and Reporting** 3/97
 - Sampling plans
 - Data collection procedure
 - Verification of data
 - Definition of data elements
6. **NPRM - Methodology for Determining Child Poverty** 11/96 ?
law sec reg; state must rpt 1/96
7. **NPRM - Illegitimacy Rate Reduction Bonus** 3/97
8. **NPRM - High Performance Bonus** 4/97
9. **FINAL RULE - Omnibus Conforming Regulation** 10/97

Eliminate obsolete or inconsistent regulations.

6 most final

- # pages vs now
- AFDC

Outreach
- Advocates
- Non-IT's
- Unions

TITLE III - CHILD SUPPORT ENFORCEMENT

REGULATION	PUBLICATION DATE
1. NPRM - State Directory of New Hires	12/96
2. NPRM - State Case Registry and Expansion of FPLS	6/97
3. NPRM - State Laws Concerning Paternity Establishment	12/96
4. NPRM - Automated Data Processing Requirements	8/97
Secretary must prescribe final regulations for implementation of section 454A of the Social Security Act not later than 2 years after the date of the enactment of this Act. The 10/1/2000 effective date for ADP requirements will be delayed one day for each day the Secretary misses the two-year deadline.	
5. NPRM - ADP Funding Limitation	12/96
6. NPRM - Grants to States for Access and Visitation Programs	3/97
7. NPRM - Tribal Program	5/97
8. FINAL RULE - Omnibus Conforming Regulation	10/97

Eliminate regulations rendered obsolete or inconsistent
with the new law.

TITLE VI - CHILD CARE

- | | |
|------------------------------------|-------|
| 1. INTERIM FINAL RULE - Child Care | 11/96 |
|------------------------------------|-------|
- Administrative costs
 - 70% families (welfare, transition, at risk)
 - Public hearing
 - Equal access in rates
 - 4% for quality
 - Data sampling
 - Reallotment
 - Penalties
 - Tribes (facilities & model standards)



*also copy
in letter file*

THE GOVERNOR OF THE STATE OF FLORIDA

LAWTON CHILES

September 5, 1996

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20500

Dear Mr. President:

I wanted to advise you of the action that Florida is taking in accordance with the waiver option offered by the U.S. Department of Agriculture, Food and Consumer Service related to eligibility of legal noncitizens for food stamps. The memorandum outlined the difficult task that all states face in instituting the provisions of welfare reform related to eligibility of noncitizens. Recognizing the challenges of immediate implementation of the new law, USDA has provided states with a waiver of federal regulations to extend food stamp certification periods to all current relevant households.

This waiver opportunity will allow Florida's affected families to plan for a definite period of food stamp benefits, rather than having to face an immediate loss of eligibility. Our plan would include a preliminary review of each legal noncitizen household to confirm their current status and to establish a line of communication to assist these families through this process. The length of extension of certification periods will be consistent with the guidelines provided and the family's circumstances. We are hopeful that this will allow for a more orderly and equitable transition.

Through this process, it is our desire to maintain the highest integrity while creating an environment with the minimum of risk for error. However, the uncertainty of the new policies and the speed of implementation which confront Florida and other states in all areas related to welfare reform could increase the error rate. I believe it would be appropriate for USDA/Food and Consumer Service to also consider granting a quality control waiver - particularly for households with extended certification periods - minimizing the increased potential for federal liability. I would appreciate your counsel on this matter.

The Honorable William J. Clinton
Page Two

The leadership that you have shown on this issue will permit thousands of families in Florida, many of them with elderly or disabled family members, to have a reasonable chance to explore their options related to potential citizenship or to make other family arrangements for their future needs. This will also provide time for us to continue to work in partnership to seek modifications to the law to avoid the potentially devastating impact that implementing these changes would have in South Florida. As you know, I feel strongly that the responsibility of national immigration policy should not be shifted to the State and its communities, and like you, have repeatedly expressed my opposition to these new restrictions.

I appreciate the swift action you have taken on this urgent matter. The policy that you have initiated and which Florida is adopting will hopefully permit us to maintain program integrity while responding to urgent human needs.

With kindest regards, I am

Sincerely,

A handwritten signature in cursive script that reads "Lawton Chiles". The signature is fluid and elegant, with a large initial "L" and a long, sweeping underline.

LAWTON CHILES

LC/mpb

cc: The Honorable Dan R. Glickman

3
line of way subsidies
perf/cont fund
mon/eval

Issue 2:
HCFA/SSA - delinquent
of elig
- waivers??

September 3, 1996

ISSUES LIST:

Note: This is currently focused on immediate issues. We will need to add issues to create a more comprehensive list over time.

4 issues

HHS:

- o Content of guidance on state plans; 45-day public comment period
- o Waivers (includes USDA & HCFA)
- o What to tell states that come in early
- o Regulations
- o Tracking system for time limits
- o Child care block grant deadlines
- o Performance bonus fund implementation

John M. [unclear] &
legal [unclear]

USDA:

- o 18-50 year-olds: States' ability to track work
- o Implementation of waiver to delay recertification
- o California request on food stamp recertification

SSA:

- o Appeal rights for children on SSI
- o Regulation for children's SSI changes
- o 40 quarters calculation
- o Timing of notices to legal immigrants

Cap on MA exp @ CPI -
transit. MA

DOJ:

- o California Prop 187 directive
- o Interim verification
- o Final version on AG order
- o State reporting requirements 4x/year
- o Easing naturalization
- o Treaty issue

Among

3 tiers

Treasury:

- o How to do contingency fund

Government-wide:

- o Definition of means-tested program
- o Gramm amendment
- o Discrimination complaints

Role of non-IRS - to CR?
FS > 3 mos: grant <
if has coming
OK w/ grant + her
Work study in waivers
15% excludes MS;
personnel?

- o HHS: Systems to implement child support provisions
- o Treasury: Implementing contingency fund
- o INS: Reg on testing requirements and disability
- o Definition of federal public benefit
- o Definition of lawfully present

~~o Outreach to counties, cities~~

- o Hmong: SSA to report

~~o Web Page~~

Issues for future focus

- o Child care block grant deadlines
- o Performance bonus fund implementation
- o Improving naturalization process ~~Empowering~~
- o California ~~Prop 187~~ directive ~~e~~
- o Final version of AG order
- o State reporting requirements 4x/year on immigrants - state / know to be illeg.
- o Treaty issue? - do make; how active
- o Gramm amendment
- o VA involvement in legal immigrant changes
- o DOJ: reports on statutory rape, teen pregnancy
- o HHS: how to encourage states to use wage subsidies
- o HHS: performance bonus fund
- o Monitoring and evaluation
- o HHS: 15% cap on admin costs/MIS issue
- o ~~NYC~~ lawsuit

~~o ~~NYC~~ lawsuit?~~

Lawfully present ^{PRR} - reg now out - SSA; may hv others implies
- was PRRcol - for SSR

~~o ~~NYC~~ lawsuit~~

Draft on process - goal: guidance on interim verify.
federal interest, ^{determine} status

Sally - 10/1 SMDA guidance re MA waiver interaction } MA mtg*?
- Review 12/96

- Fed Reg on \$500m enh fed match - 12/96

- State letters of intent

Ellen - demo of 18-50 - get? *

- guidance - waiver option - high UE areas - learn

MTB - "new welfare system"

1-TANF state plan - DRAFT - always work in progress

- no preprint

- thin

RO's do completeness

when to come in

15% limit on admin

* Do 3 doc update by Tues cob, give to JBA

Comment per Q comes up directly

MTB: tough to balance, does right

Extended school day - CR does (+ housing)
not funded

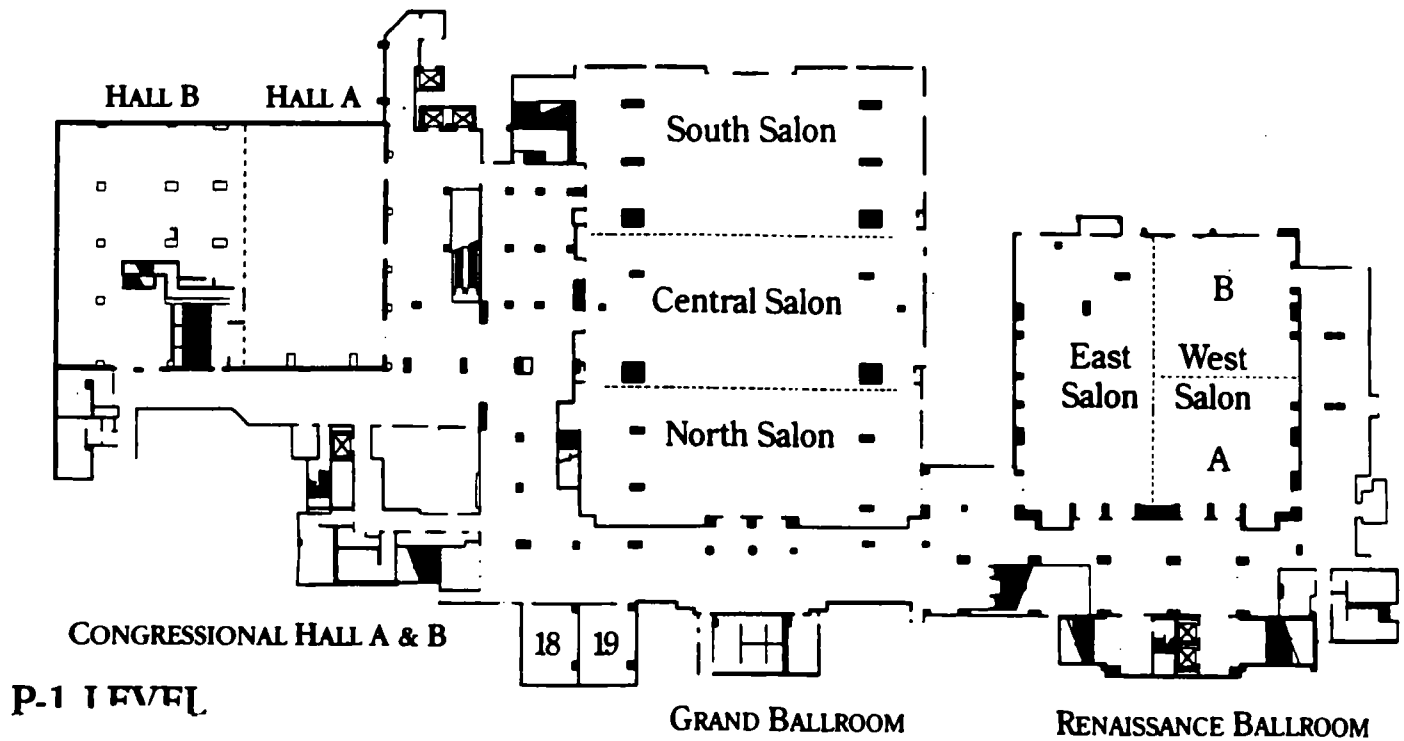
SAVE - learn more - MOV takes 8 wks
- forms - 137 people * get straight other than

Drene too
grace period

Ana Morse
NCSL

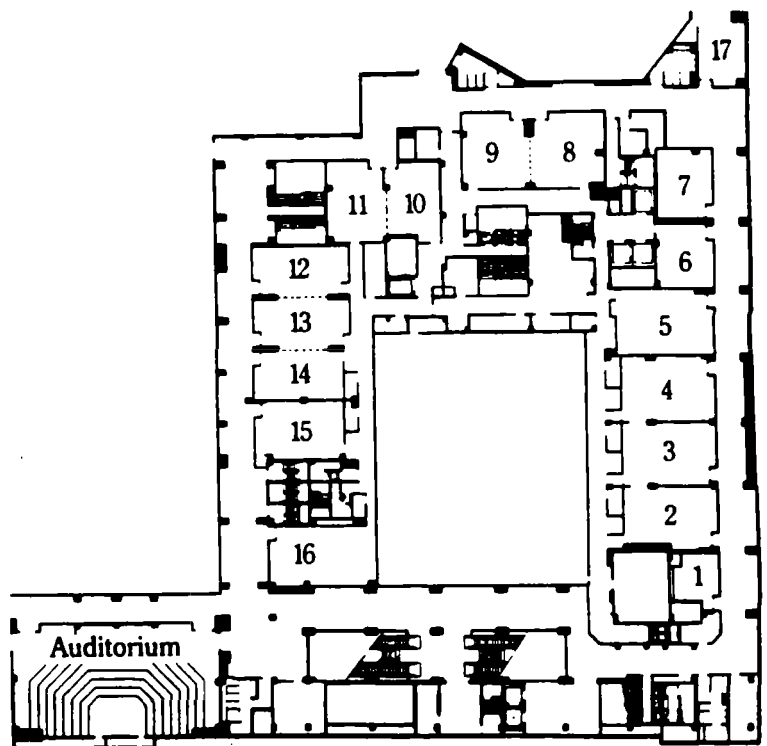
SSI/fs
*Will states have
various "gotcha"
probs in abs of
Fed guidelines?

BALLROOM LEVEL CAPACITIES (B/R)



MEETING ROOM LEVEL (M/R)


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



TODO:

Return calls
Fix various charts (us, CR)

(SSI)

Jack Rosen: call him re process

→ ndpr 45 mins

Call Joni Fritz/Ancor

→ OT questionnaire - 3 Q's today

→ Arc questionnaire Tuesday?

Decision memo/meeting on time limits/waivers

calif food stamps: elena, conf call; Leon; Monday?

READ!!!!!!!

Steve re Steisel immig. option deeming/affid ofspt issue

Wisconsin: letter re state plan/45 days; what's happ'g on waiver

→ Resumes in

Fax Melissa + CR concern

Set up SSI kids meeting: SSA, HCFA, BobW, JudyH, LizS

Oliven re disab. reg

NDPR 45 minutes: update todo list

health - CR to CJ: cj wants to meet!

meet w/Richard (Soc Sec subcomm/TonyY)

set up accomms (access. of web sites, etc.)

-POTUS int'd in health care ideas??

O'Connor → Get Shuptrine resume from Vicky Grant by cob next week

Judy Moore: cc; delinkg, ssi, wvers; must keep upw/cash chgs

Call Martha Phipps, DCOS of USDA re lingo

Arango response/set up children: 2 mtgs: w/HHS, w/CR (Bob/chair?)

Call Dr. Nora

Next big gp agenda: fax out by Monday 9/16?

HUD did a J-1 moratorium?

Email re Bunning

email CR re P&A: 96/97/98; also Family Voices

Outstanding letters; Arc response

Look at inbox

ck in on SC! Lloyd, KK, Vicky Grant

On Tues 17th, put list together for f/s mtg on 18th

CR note re Mashaw, DOL, note on estoppel

Reg E

Don J, Wardwell, Clarkson, Duckett, Bruce; NAM?

GAO Q to Trey 6-6219; call GAO woman

Benbow re Bill Flynn: 601-263-8128

Jill re \$175 registration fee; turn in

CAP followup

Call Nicholson

EEOC re estoppel

Forward LD to CR

Housing: bg position; acknowl Cisneros

Gashel issue

Kathleen Wallman re AWD: telecomm; set up advocs; ask re Mvg Viols

Health policy: RTW and institutional bias

Jeremy re J-1; new issue; CR meeting (more prots re dom alt; add DOL: Seth Harris, John Frasier)

Coelho/Heumann/Miller letter: do what

Castle: call staffer again

Call Gloeckler (mat. in file)

CR re RWJ grant: meet w/them

Forward to Mark Miller
Smaligan - 40 Q

forward stuff to him
→ Mark Miller 5-7810 issues in wri

→ ✓ Ken Schutt - CB 496-5048 - Sarah B - ~~see~~ - Occ Therapists - asap
3 Q's today - Scott in chg

✓ Jeremy

✓ Scott ~~Waller~~ ^{Nolan} - Arc ^{NJ} glaine - National one, too 496-5043
stop NJ - refer to nat'l? - Due next Monday

✓ Tom Yates - CB to Otto - ¹⁰ letter requesting mtg w/CR
312-468-8402

✓ Dy

✓ Iris McIlvain 404-657-2122

Peg Clark - comm

- Jack R: tell

Becca Vaughn - mtg w/ Secy - 8³⁰ breakfast OK
202-479-4000 Rm 212

AFL-CIO

915 Sixteenth Street, N. W.
Washington, D. C. 20006

cc Ken Apfel
Bruce Reed
Jeremy Benveny
Dana Ferkman



Telecopier Transmission

Date: Sept. 16, 1996

To: Jim O'Connor

FAX Phone Number: 456-5820

From: MARC BALDWIN, ASSISTANT DIRECTOR, 202-637-5202

Department: PUBLIC POLICY

Comments:

FYI

There is/are 3 page(s) following this cover sheet.

This telecopy material has been sent via Xerox 7021

Please call the following number if you have any questions:

AFL-CIO
Reproduction and Mailing
202/637-5041

We can automatically receive transmissions 24 hours a day.

Our FAX bar is 202/637-5

103

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

JOHN J. SWEENEY
PRESIDENT

Albert Shanker
Vincent R. Lombardo
John T. Joyce
Jay Mazur
George J. Kumples
Michael Sacco
Olivin T. Johnson
J. Randolph Babbitt
Carolyn Forrest
Sonny Hall
William Lucy
A.L. "Mac" Monroe
Robert E. Wages

EXECUTIVE COUNCIL

RICHARD L. TRUMKA
SECRETARY-TREASURER

Edward T. Hanley
Gerald W. McEntee
Morris Barr
Lennie Miller
John N. Sturdivant
Ron Carey
Douglas H. Dorny
Clayde Brown
Pat Friend
Suni Haru
Leon Lynch
Arthur Moore
John Wasi

LINDA CHAVEZ-THOMPSON
EXECUTIVE VICE PRESIDENT

Wayne E. Glenn
William H. Byers
Robert A. Georgine
John J. Barry
Frank Hanley
Arthur A. Coia
George F. Becker
Richard W. Corbett
Michael Goodwin
Carroll Haynes
Doug McCarron
Arturo S. Rodriguez
Alfred K. Wheeler

James E. Haffelt
Marvin J. Brode
Gene Upshaw
Moe Blier
James J. Norton
Frank Hurt
Stephen P. Yelich
M.A. "Mac" Fleming
Joe L. Greene
James LaSala
Andrew McKenzie
Robert A. Scardelletti

September 15, 1996

John Monahan
Director of Intergovernmental Affairs
Department of Health and Human Services
Office of the Deputy Secretary
600 E HHH
200 Independence Avenue, SW
Washington, DC 20201

Dear Mr. Monahan:

Thank you for assembling a second briefing. I hope you find these as useful as we do. The following comments are to follow up on the points we raised on Friday. To facilitate your review, they are organized to match the sections of the draft guidance.

Goals, Results, and Public Involvement

As you know, we are very concerned that states will use every means possible to avoid public notice and input into their TANF plans. Frankly, this has already been our experience. We believe you have some useable control over this process through the legislative language regarding your certification of "complete" plans. We believe you can only assess "completeness" by knowing the comment period was genuine. This would include input from non-profit organizations and labor unions.

There are three critical aspects to your guidance regarding comment periods: (1) when the 45 day clock starts; (2) what constitutes making a plan "available" to the public, ie, affirmative demands on states to distribute plans; and (3) who has be consulted during drafting.

We believe, at minimum, the 45 period should not refer to any events prior to the date of enactment of the statute. States should be required to announce the start of the comment period to affected parties and to the general public. They should be asked when and how they made such an announcement regarding the comment period. Bear in mind, many of the people who would need access

to draft plans are low-income citizens who should have copies available. Finally, the comment period requirement should be explicitly linked to any proposed changes from current state practice.

In preparing these remarks, I had a conversation with the Center on Law and Social Policy regarding their preliminary thoughts on the 45 day period. When they have shared their final conclusions, we may want to provide further comments in light of their review.

Work and Self-Sufficiency

We have some specific language to suggest:

- * "Labor" should be added to the list of organizations involved in the effort to provide work for clients.
- * Add, "Describe the grievance procedure you will establish to enforce the nondisplacement provisions, including what entity will administer the grievance process."
- * Add, "How will employers in the state be made aware of their responsibilities, including the nondisplacement requirements in the legislation?"
- * Add, "What kinds of work activities will you offer? How will you define "work experience" and "community service" programs?"

Culture Change

As we mentioned, there is widespread concern that the new programs will be received with hostility from clients in many cases. This is likely to get worse, not better, as time goes by and people are excluded under the time limit provisions. It is important that state agencies be pressed to acknowledge this issue now, before their plans are in place.

- * Add, "How will you minimize the possibility of violence in welfare offices if clients react to the new TANF rules?"

Administration

As mentioned under the Comment section, we believe the Department can make additional demands on state plans in order to certify a "complete" plan. Although we realize the limits on federal oversight under devolved programs, the identification of a "responsible" state partner carries some weight. We would like to suggest some additional language to expand your ability to certify the appropriate use of federal funds.

