

*Subpart A—Introduction*

Section 400.1(a) is amended to provide that 45 CFR Part 400 prescribes requirements concerning grants to States and other public and private non-profit agencies, wherever applicable, under title IV of the Immigration and Nationality Act.

*Subpart B—Grants to States for Refugee Resettlement*

Section 400.4(b) is amended to require that a State must certify no later than 30 days after the beginning of each fiscal year that the approved State plan is current and continues in effect. If a State wishes to change its plan, a State is required to submit a proposed amendment to the plan for ORR review and approval in accordance with § 400.8.

Section 400.5(h) is revised to expand the types of agencies that a State must meet with on a quarterly basis to plan and coordinate the placement of refugees in advance of their arrival. This revision requires the inclusion of local community service agencies and other agencies that serve refugees in these quarterly meetings. Section 400.5(h), as revised, also advises States that currently have an approved exemption to this requirement that existing exemptions will expire 90 days after the effective date of this rule. Any State wishing an exemption may apply to ORR. An approved exemption will remain in effect for three years, at which time a State may reapply. A number of States were granted exemptions to this requirement in the early years of the program on the basis of the absence of problems associated with the planning and coordination of refugee placement or the small number of refugees in those States. We believe it is time to review these exemptions, given the passage of time, changing refugee flows, and changing circumstances in the States. A State wishing to request an exemption to the provisions regarding the holding or frequency of meetings under § 400.5(h) must set forth the reasons why the State considers these meetings unnecessary because of the absence of problems associated with the planning and coordination of refugee placement. These requests should be submitted in writing to the Director of ORR.

Section 400.11(b) is amended to clarify that States would be required to submit yearly estimates for reimbursable costs for cash and medical assistance, costs for unaccompanied minors, and related administrative costs for the fiscal year in accordance with guidelines prescribed by the Director of ORR.

Section 400.11(b)(2) is amended by requiring that the annual social services plan that a State must submit to ORR must be developed on the basis of a local consultative process. Section 400.11(b)(2) is also amended by changing the submission date for the plan from a date that is no later than 45 days prior to the beginning of the State's planning cycle for social services to a date that is to be prescribed by the Director of ORR.

Section 400.11(b)(3) is amended by removing the word "quarterly" before the word "estimates".

Section 400.11(c) is amended by requiring that final financial reports must be submitted in accordance with the requirements specified under § 400.210. The language regarding the submission of quarterly financial reports remains unchanged; quarterly reports will continue to be due 30 days after the end of each quarter. Thus States must submit fourth-quarter reports by October 30 of each year, instead of the current deadline of December 30 of each year. ORR needs to receive end-of-year financial data from States soon after the end of the fiscal year to enable more timely forecasting for the next fiscal year. Adjustments may continue to be made, under § 400.210, until one year after the end of the fiscal year in the case of grants for cash assistance, medical assistance, and related administrative costs, and 2 years in the case of grants for social services and targeted assistance.

Section 400.13(d) is revised to prohibit the charging of case management costs against the cash assistance, medical assistance, and administrative costs (CMA) grant. This revision conforms to priorities established by ORR in FY 1991.

*Subpart E—Refugee Cash Assistance*

Section 400.62 is amended to require that refugee cash assistance (RCA) begin on the same date, in relation to the date of application, as assistance under the program of aid to families with dependent children (AFDC) would begin under the State's plan for AFDC. For example, if a State has opted under its AFDC plan to provide assistance no later than the date of authorization or 30 days after the receipt of an application, whichever is earlier, then that same rule will apply regarding RCA. This provision prohibits a State from adopting this rule for AFDC but paying assistance retroactive to the date of application for RCA. This provision thus assures that RCA and AFDC applications and assistance in a given State are treated equitably.

*Subpart F—Requirements for Employability Services, Job Search, and Employment*

Section 400.70 is revised by removing references to refugees who are applicants or recipients of AFDC or GA.

Section 400.71 is amended by adding a definition of the term "Family self-sufficiency plan".

Section 400.75(a)(1) is amended by requiring, as a condition for receipt of refugee cash assistance, that a refugee who is not exempt under § 400.76 must participate in employment services within 30 days of receipt of aid.

Section 400.76(a)(7) is amended by exempting from participation in employment services and acceptance of appropriate employment, a parent or other caretaker relative of a child under age 3, rather than age 6, who provides full-time care of the child.

Section 400.76(a)(9) is amended by exempting a pregnant woman from registration and participation in employment services if the child is expected to be born within the next 6 months, instead of the next 3 months.

The proposed changes in §§ 400.76(a)(7) and (a)(9) would make ORR policy consistent with the requirements of the Job Opportunities and Basic Skills Training (JOBS) program contained in the Family Support Act of 1988, Pub. L. No. 100-485 (42 U.S.C. § 602(a)(19)).

Section 400.79(a) is amended to emphasize that an employability plan must be developed as part of a family self-sufficiency plan where applicable for each non-exempted recipient of refugee cash assistance in a filing unit.

Section 400.80 is revised by replacing the existing job search requirement with the provision that a State must require job search for employable refugees where appropriate. Other references in the regulation to job search at §§ 400.75(a)(2), 400.76(b), 400.79(c)(3), 400.82, and 400.156(a) are removed.

Section 400.82(b)(3) is amended by removing the paragraph on conciliation.

Section 400.83 is amended by adding the paragraph on conciliation from § 400.82 and changing the heading to "Conciliation and fair hearings".

*Subpart G—Refugee Medical Assistance*

Section 400.94(a) is amended by clarifying that a State must determine Medicaid eligibility under its Medicaid State plan for each individual member of a family unit that applies for medical assistance. This is to clarify that if any individual in a family unit is eligible for medical assistance under a State's title XIX plan, then the State must provide that assistance under Medicaid and not