

From: Catone, Tony <Tony.Catone@dss.sc.gov>

To: Pisarik, HollyHollyPisarik@gov.sc.gov

Date: 3/22/2016 4:38:25 PM

Subject: FW: Fiscal Impact Survey - Loss of Federal Funds

Attachments: Memo RE Federal Benefits by State to Individuals legally in the country .pdf
Overview of Immigrant Eligibility for Federal Programs.pdf
Resettlement of Syrian Refugees (DCL 16-02).pdf
Georgia Letter re SNAP and Refugees.pdf

Holly,

Please see answers and attachments as requested.

Tony

Anthony S. H. Catone
General Counsel
South Carolina Department of Social Services

Office of General Counsel
P.O. Box 1520
Columbia, SC 29202-1520

Office Phone: (803) 898-7368
Fax: 803-898-7245
Email: tony.catone@dss.sc.gov

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From: Catone, Tony
Sent: Tuesday, March 22, 2016 4:36 PM
To: Bray, William <William.BrayJr@dss.sc.gov>; Gillum, Amber <Amber.Gillum@dss.sc.gov>
Cc: Wingo, Karen <Karen.Wingo@dss.sc.gov>
Subject: RE: Fiscal Impact Survey - Loss of Federal Funds

All,

Attached is a memo explaining the answers to these questions in more detail, along with information that is cited in the memo.

The answers to these questions are:

1. Does federal law allow the exclusion of federal benefits by a state to individuals legally in this country?

ANSWER: Sometimes—it depends on how the individual is categorized for immigration purposes. Presumably, the real question is whether the law “allows” exclusion of federal benefits to *refugees*, which are

categorized as “qualified” immigrants. “Qualified” immigrants, like refugees, are entitled to the federal benefits we are generally discussing (SNAP, TANF, Medicaid, etc.). Consequently, if the state refuses to provide benefits to entitled individuals, the state risks being subjected to federal enforcement mechanisms, discussed more fully below and in the memo.

2. If a state should choose to exclude federal benefits to individuals legally in this country, would that action result in a loss of federal funds for the agency?

ANSWER: Not automatically, but it would subject the state agency to the potential loss of federal funds as an enforcement mechanism. The federal regulations prohibit illegal discriminatory practices in the manner of providing services/benefits. One such discriminatory basis is the individual applicant’s *national origin*. FNS has taken the position with the state of Georgia that withholding benefits from refugees may be a violation of civil rights (e.g., discrimination based on national origin). As a result, the federal government could withhold administrative funding from a state found to be engaged in such practices. If a recipient of federal assistance funds is found to have discriminated and voluntary compliance cannot be achieved through the federal agency providing the assistance (the administrative remedy), the agency may either initiate fund termination proceedings (described more fully in the memo) or refer the matter to the Department of Justice for appropriate legal action (legal/judicial remedy).

I hope this is helpful and please feel free to contact me with any questions.

With warm regards,

Tony

Anthony S. H. Catone
General Counsel
South Carolina Department of Social Services

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Columbia, SC 29202-1520

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From: Bray, William
Sent: Friday, March 18, 2016 5:07 PM
To: Catone, Tony <Tony.Catone@dss.sc.gov>; Gillum, Amber <Amber.Gillum@dss.sc.gov>
Cc: Wingo, Karen <Karen.Wingo@dss.sc.gov>
Subject: FW: Fiscal Impact Survey - Loss of Federal Funds
Importance: High

Please see the email below. Les is asking for answers to two questions concerning the exclusion of federal benefits to individuals legally in this country. He has asked for answers by close of business Tuesday, March 22nd.

Thanks, William

From: Boles, Les [<mailto:Les.Boles@rfa.sc.gov>]

Sent: Friday, March 18, 2016 3:17 PM

To: adriana.day@scdhhs.gov; Soura, Christian <christian.soura@scdhhs.gov>; mjinnett@ed.sc.gov; Spearman, Molly <mspearman@ed.sc.gov>; Gillum, Amber <Amber.Gillum@dss.sc.gov>; Bray, William <William.BrayJr@dss.sc.gov>; phillika@dhec.sc.gov; heigelce@dhec.sc.gov; busbeebc@dhec.sc.gov; pastides@mailbox.sc.edu; lgbrunel@mailbox.sc.edu; Stanton, Cheryl <cstanton@dew.sc.gov>; dgrant@dew.sc.gov; sfoster@dew.sc.gov; richard.hutto@schousing.com; Williams, Valarie <valarie.williams@schousing.com>; ngetsinger@scvrd.state.sc.us; relam@scvrd.state.sc.us; dkoon@scvrd.state.sc.us; Smallsch@musc.edu; sothmann@musc.edu; wamsleyp@musc.edu; Clements, James <president@clemson.edu>; dbrett@clemson.edu; Mark Binkley <mark.binkley@scdmh.org>; Magill, John <jhm03@scdmh.org>; David Schaefer <david.schaefer@scdmh.org>; Rochester, Renee <Renee.Rochester@admin.sc.gov>; Kremlick, Lindsey <Lindsey.Kremlick@admin.sc.gov>; Adams, Marcia <Marcia.Adams@admin.sc.gov>; Taylor, Alvin <taylora@dnr.sc.gov>; spearess@dnr.sc.gov; meggied@dnr.sc.gov; Peterson, Sharon <speterson@daodas.sc.gov>; Dutton, Lee <sldutton@daodas.sc.gov>; Toomey, Bob <btoomey@daodas.sc.gov>; Hitt, Robert <bhitt@sccommerce.com>; chuffman@sccommerce.com; Parrish, Duane <dparrish@scprt.com>; ysistare@scprt.com; Kirby, James <jkirby@sccb.sc.gov>; jsims@sccb.sc.gov

Cc: Boles, Les <Les.Boles@rfa.sc.gov>; Stein, Robert <Bob.Stein@rfa.sc.gov>; Gardner, Stephen <Stephen.Gardner@rfa.sc.gov>; Fulmer, Rachael <Rachael.Fulmer@rfa.sc.gov>; Walling, April <April.Walling@rfa.sc.gov>; Wren, Lisa <Lisa.Wren@rfa.sc.gov>; Rainwater, Frank <Frank.Rainwater@rfa.sc.gov>

Subject: Fiscal Impact Survey - Loss of Federal Funds

Importance: High

Dear Agency Heads, Chief Financial Officers, and Fiscal Impact Contacts,

In conjunction with RFA's preparation of a fiscal impact on S 997 relating to the federal Refugee Resettlement Program, members of the General Assembly have asked us to survey all state agencies that receive substantial funding from the federal government for further information.

Please respond to the following two questions by close of business Tuesday March 22nd:

1. Does federal law allow the exclusion of federal benefits by a state to individuals legally in this country?
2. If a state should choose to exclude federal benefits to individuals legally in this country, would that action result in a loss of federal funds for the agency?

Please send end your responses to Debbie.Cooper@RFA.sc.gov.

If you have any questions just give me or your RFA analyst a call.

Thank you for your help.

Sincerely,

Les Boles
Director, Budget Development
Revenue and Fiscal Affairs Office
Room 402, Rembert C. Dennis Bldg
1000 Assembly Street
Columbia, South Carolina 29201
803.734.1315



Debbie B. Cooper | SC Revenue and Fiscal Affairs Office | Economic Research
[Dennis Bldg. | 1000 Assembly St., Suite 458 | Columbia, SC 29201 | Phone: \(803\) 734-0640](#)