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Date: 1/29/2016 3:02:37 PM

Subject: FW: SCDSS & S.928

Attachments: Scan 001.pdf

FYI

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From: Wingo, Karen
Sent: Friday, January 29, 2016 2:58 PM
To: 'kevinbryant@scsenate.gov' <kevinbryant@scsenate.gov>
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Subject: SCDSS & S.928

Chairman Bryant,

Thank you for your willingness to allow SCDSS to provide information and background regarding the refugee resettlement program in South Carolina and the Department's role in it. As I have underscored, SCDSS does not take a policy position on the program as a whole, but rather aims to provide information and resources to both the General Assembly and public on the program.

I have previously shared our recommendations for amendment to S.997. I understand that S.928 has not been calendared, however, we believe that it is important to provide information regarding potential unintended consequences of that bill on SCDSS. SCDSS believes that the breadth of Section 1 could impact SCDSS' mission delivery capabilities and put the Department at risk for significant financial consequences. In particular, Section 1 of the S.928, as currently drafted, would require the Department to cease any involvement with refugees. It is the opinion of our Office of General Counsel that the language of Section 1 of S.928 would

prohibit SCDSS involvement in a child protective services or adult protective services report and investigation if it involves an refugee. This concern is not intended to imply that any refugees would be involved in a CPS or APS matter. However, it is imperative that no legislation prohibit the Department from investigating and acting upon reports of abuse or neglect of children or vulnerable adults residing in South Carolina.

Furthermore, Depending on the response(s) from our federal partners, if S.928 passes as currently drafted, denial of services and/or benefits to qualified refugees, could have significant financial consequences for the Department. In particular, it is possible that SCDSS could lose some or all federal funds and/or suffer sanctions for not providing benefits/services to qualified applicants. The amounts of the grants and funds that could be implicated has been shared with the Revenue and Fiscal Affairs Office and we are happy to provide it to you as well.

SCDSS has not specifically reached out to our federal partners to ascertain what action, if any, would be taken against SCDSS if S.928 is passed in its current form. However, using the example of SNAP benefits and the grant DSS receives from the Food & Nutrition Services for the SNAP program, the basis for our concerns are two-fold. First, refugees are qualified immigrants under 7 C.F.R. §273.4 and, therefore, eligible to participate in the program. FNS has specifically included a provision on its website that addresses this issue: <http://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility>. If a Department denies services to qualifying applicants, the federal government can withhold administrative funding pursuant to 7 C.F.R. §276.4. Moreover, federal law and U.S. Department of Agriculture policy prohibit discrimination on the basis of race, color, national origin, sex, age, religion, political beliefs or disability. In particular, the Food Stamp Act provides that “[i]n certification of applicant households for the food stamp program, there shall be no discrimination by reason of race, sex, religious creed, national origin or political beliefs.” 7 C.F.R. § 2020(c). Violation of the FNS non-discrimination provision also jeopardizes SCDSS funds.

Second, even though SCDSS has not received a communication on this subject from federal partners, including FNS, our opinion that Section 1 of S.928 could jeopardize funds is predicated, in part, on the recent experience of Georgia. Late last year, Georgia announced that it would not accept applications for SNAP benefits from Syrian refugees. In response, the Food & Nutrition Service, sent a letter to Georgia advising the state that its actions were not in compliance with federal law. A copy of the letter is attached for your review.

If you have questions regarding any of the items noted in this email, please give me a call and I would be happy to meet in person or talk by phone at any time that is convenient to you. My number is (803) 603-1223.

All the best,
Karen

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