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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-400
VAC Chapter title(s)	Funding Limitations for the Refugee Resettlement Program
Date this document prepared	8/7/2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

ORR Department of Health and Human Services Office of Refugee Resettlement
RCA Refugee Cash Assistance
RMA Refugee Medical Assistance
VDSS Virginia Department of Social Services

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the authority to promulgate regulations for the administration of social services in the Commonwealth. The federal authority is 45 C.F.R. Part 400, Subpart J, 400.200, which provides that cash and medical assistance to refugee is available to the extent that Congress appropriates funds. Public Law 96-212 (Refugee Act of 1980) established the program.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to achieving the purpose of this regulation. This regulation was promulgated in 1986 for the purpose of limiting refugee cash and medical assistance to the amount allotted annually by Congress.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and provide the agency's response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

One comment was received from Catholic Charities of Arlington, which is one of the refugee resettlement offices under contract with the VDSS Office of New Americans. The comment was in support of the overall Virginia Refugee Resettlement Program and did not speak directly to this regulation.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 19. The regulation is necessary for the protection of public health, safety, and welfare of newly arrived refugees who are eligible for temporary cash and medical assistance while becoming self-sufficient in their new community. The regulation is brief, clearly written, and easily understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency will retain the regulation without making changes, as there have been no changes to the federal law or regulation on which it is based.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

This regulation was promulgated in 1986 for the purpose of limiting refugee cash and medical assistance to the amount allotted annually by Congress and is still needed. The regulation is brief, with only two sections, and is not complex. It was last reviewed in 2019. This regulation has no impact on small businesses.