

with respect to section 2605(b)(15) of the LIHEAP statute. With modifications and clarifications contained in the preamble to this final rule, that guidance is still effective and is included as the remainder of this final rule's preamble discussion of section 96.86 of the block grant regulations and of assurance 15.

The requirement for additional outreach and intake services applies to States (including the District of Columbia) and to any territory with a LIHEAP allotment larger than \$200,000 for the fiscal year in question, when local offices of the grantee department or agency that administers AFDC or the territorial equivalent basic cash public assistance program(s) provide outreach and intake for heating, cooling, and/or crisis assistance in all or part of the State or territory. The requirement applies in these cases whether or not that department or agency is named "State Department of Public Welfare" or "Department of Public Welfare."

The requirement applies whether or not the department or agency provides some of these services outside its own offices. Section 2605(b)(15) requires that grantees "provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations. * * *." The provision does not refer to the locations where the welfare department provides services. Therefore, stationing a welfare department employee at a shopping mall, for example, will not meet the requirement of this provision.

Consistent with Conference Report 101-816, if grantees are already offering alternative services in some areas, they are not required to modify their system in these areas. Consistent with Senate Report 101-421, "a reasonable share" of outreach and intake functions is to be administered through alternative agencies, assuring that, to the extent possible, all eligible households in the grantee's service population will have viable access to alternative service sites. However, consistent with this Senate report, if the grantee finds no alternative in an area or areas after engaging in an open solicitation process, the grantee is not required to create new entities. (In such a case, the grantee would not be required to solicit for alternate agencies each succeeding year. However, periodic assessment of the situation will enable the grantee to determine when further solicitation is likely to provide

an alternative and is therefore appropriate.)

Also consistent with the Senate report, if such services previously were provided voluntarily, providers should continue to maintain comparable levels of effort voluntarily. The new requirement should not be used as a basis for reducing voluntary efforts. Neither should it be used to compel or require voluntary efforts.

Consistent with the legislative history, we encourage the voluntary participation of community groups and organizations, including churches, and of utilities and other home energy vendors, in outreach activities. Such entities often have excellent knowledge of and access to low-income households who may need LIHEAP assistance. However, as explained earlier in this preamble, utilities and other home energy vendors are not "community-based organizations" for the purposes of the requirement of section 2605(b)(15) for outreach and intake services provided by "additional State and local governmental entities or community-based organizations. . . ."

In order to meet the requirement for alternative outreach and intake services, the statute specifies that the alternative service providers must be State or local governmental entities or community-based organizations. Senate Report 101-421 mentions public or nonprofit agencies including other State or local government agencies, and community-based organizations such as community action agencies and aging organizations.

The Senate report emphasizes the importance of providing sufficient access to the LIHEAP program to the non-welfare poor and the elderly, through additional outreach efforts and appropriate intake locations. Grantees should provide varied outreach efforts targeted to the different populations eligible for LIHEAP assistance. Further, grantees should consult with low-income individuals and other interested parties to determine the best ways to implement the requirement for additional outreach and intake services. As a commenter stated, the intention of assurance 15 is "to broaden the access and availability of LIHEAP services to those who are eligible but are not part of the welfare system" and "to give preference for intake functions to those agencies that provide weatherization and/or crisis assistance." Agencies with experience in successfully managing similar Federal grant programs should be used when feasible.

The term "intake" generally includes receipt of applications for assistance and the opportunity for applicants to provide any missing information that is

needed to complete their applications. Each grantee has the discretion to choose whether to include income determination and verification responsibilities, and preliminary eligibility or benefit determination, as "intake." The conference report states that the "conferees believe that intake or application processing" is "best provided by experienced service providers with approved federal and state grant management systems."

If a mail-in application system administered by a welfare department is used for a grantee's heating and/or cooling assistance programs, and if it is not necessary to designate local administering agencies to carry out intake for these components, then there is no need under section 2605(b)(15) to designate other State and local governmental entities or community-based organizations to carry out intake for these components. In such a case, the grantee should assure that help is readily available to households that are unable to prepare and/or mail their applications without such assistance. Also, grantees should not change to a system of mail-in applications in order to avoid designating additional local intake agencies.

Section 2604(c) of the LIHEAP statute requires each entity that administers energy crisis assistance "to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served" by the entity and to provide to physically-infirm low-income persons the means to submit applications for energy crisis benefits without leaving their residences or to provide the means to travel to the sites at which the entity accepts applications. The statute thus requires that there be energy crisis intake sites and services at the local level. Therefore, intake for crisis assistance provided solely by welfare departments will not meet the requirement in section 2605(b)(15) concerning additional intake services at the local level. Also, telephone intake can be part of a State's intake process but will not by itself meet the statutory requirements for intake services.

It is our experience that outreach normally is provided through local administering agencies, and therefore additional outreach services would be necessary if outreach currently is provided at the local level only through the welfare department.

In enacting the requirement that additional outreach and intake services be provided in certain cases, Congress has emphasized the importance of adequate and appropriate outreach and intake functions in grantee LIHEAP