

consistency with requirements in the Aid to Families with Dependent Children (AFDC) program. Each proposal is discussed in detail below.

Social Security Numbers for Newborns—7 CFR 273.2(f)(1)(v), 7 CFR 273.6(b)

Current regulations at 7 CFR 273.6(a) require an applicant household to provide the State agency with the social security number (SSN) of each household member. A household member who does not have an SSN must apply for one before he or she can be certified, unless there is good cause for such failure as provided in 7 CFR 273.6(d). If a household member refuses or fails without good cause to apply for an SSN, the individual is ineligible to participate.

Under a program instituted by the Social Security Administration (SSA) called "Enumeration at Birth (EAB)," 45 CFR 205.52, parents of a newborn child may apply for an SSN for the child when the child is born if this service is available at the hospital. When providing information for the child's birth certificate, the parent may request that the child be assigned an SSN and issued an SSN card as part of the birth registration process. The State records that information and subsequently provides enumeration data to SSA in Baltimore via magnetic tape. The time it takes for States to transmit data to SSA varies. However, SSA generally prints and mails cards within 3 days of receipt of the required data.

Most hospitals give parents Form SSA-2853, "Message From Social Security." This receipt form, which describes the EAB process and how long it will take to receive a card, contains the child's name and is signed and dated by a hospital official. It is accepted by State agencies for welfare or other public assistance purposes.

Current program regulations do not address the EAB system. Food and Consumer Service (FCS) regional offices were informed in a memorandum dated July 28, 1989, to instruct State agencies that the Form SSA-2853 (OP4) could be used as verification of application for an SSN if the State agency has other documentation connecting the baby named on the form to the household. We are proposing an amendment to 7 CFR 273.2(f)(1)(v) to reflect that a completed Form SSA-2853 is acceptable as proof of SSN application for an infant. However, the proposed amendment would give State agencies and households more flexibility in this area than the 1989 policy memo granted.

In cases in which a household is unable to provide or apply for an SSN for a newborn baby immediately after the baby's birth, Section 273.6(d) currently allows for good cause exceptions to the SSN requirement. The regulations allow the member without an SSN to participate for one month in addition to the month of application. However, good cause does not include delays due to illness, lack of transportation or temporary absences of that household member from the household, and good cause must be shown monthly in order for the household member to continue to participate.

Several State agencies have requested and been granted waivers to allow households up to four months following the month in which a baby is born to apply for an SSN for a newborn. In justifying the need for a waiver, the State agencies cited the difficulty some households experience in obtaining a certified copy of the birth certificate needed to apply for an SSN.

To avoid a delay in adding a new member to the household, we propose to amend 7 CFR 273.6(b) to provide that, in cases in which a household is unable to provide or apply for an SSN for a newborn baby immediately after the baby's birth, a household may provide proof of application for an SSN for a newborn infant at its next recertification. If the household is unable to provide an SSN or proof of application at its next recertification, the State agency shall determine if the good cause provisions of 7 CFR 273.6(d) are applicable.

Combined Allotments—7 CFR 273.2(i) and 274.2(b)

Current regulations at 7 CFR 274.2(b)(3) provide for the issuance of a combined allotment (prorated benefits for the application month and full benefits for the subsequent month) for eligible households applying after the 15th of the month that qualify for expedited service. The regulations require that to receive the combined allotment, a household must supply all required verification within the 5-day expedited service timeframe. If the household does not supply all required verification within the expedited service timeframe, the household receives a prorated amount for the initial month issued within 5 days of application (with waived verification, if necessary, to meet the expedited timeframe) and a second allotment for the subsequent month issued after all necessary verification has been obtained.

On March 31, 1992, the U.S. District Court for the Northern District of

Georgia ruled against USDA in *Johnson v. USDA and Madigan*. This case concerned combined allotments for expedited service. The Court agreed with the plaintiffs that Section 8(c)(3)(B) of the Food Stamp Act, 7 U.S.C. 2017(c)(3)(B), requires that if an eligible household applies for food stamps after the fifteenth of the month and is entitled to expedited service, it must receive the prorated initial month's allotment and the full allotment for the second month within the expedited timeframe. In such a case, any additional requirements would be postponed until the end of the second month.

In light of the District Court's decision, the Department chose to alter national food stamp policy regarding combined allotments. On June 16, 1993, the Department issued a policy memorandum to its regional Food Stamp Program directors informing them of the change in policy. The regional directors were instructed to inform the State agencies in their regions of the change. The Department is proposing in this rule to incorporate the provisions of the policy memorandum into the Food Stamp Program's regulations.

Currently, the regulations regarding combined allotments are contained at 7 CFR 274.2(b) (2), (3), and (4). In order to simplify these regulations, the Department is proposing to move the combined allotments requirements out of 7 CFR 274.2(b) and into 7 CFR 273.2(i). In 7 CFR 274.2, the Department is proposing to delete paragraphs (b) (2), (3), and (4), and redesignate paragraphs (b)(1), (c), (d), and (e) as paragraphs (b), (d), (e), and (f), respectively. The Department is proposing to add two sentences to the end of redesignated paragraph (b) which will contain the requirements for issuing benefits to expedited service households. The Department is also proposing to add a new paragraph (c) which will reference the combined allotment regulations at 7 CFR 273.2(i). In 7 CFR 273.2(i)(4)(iii), the Department is proposing to revise paragraph (C), and to add two new paragraphs, (D) and (E). 7 CFR 273.2(i)(4)(iii)(C) will include the requirements currently contained at 7 CFR 274.2(b)(2), which concern combined issuance for households certified under normal processing timeframes. 7 CFR 273.2(i)(4)(iii)(D) shall contain the new requirement that a household which applies after the 15th of the month and is processed under expedited service procedures shall be issued a combined allotment consisting of prorated benefits for the initial month of application and benefits for the first full month of participation.