ARKANSAS REGISTER



Proposed Rule Cover Sheet

Secretary of State John Thurston 500 Woodlane Street, Suite 026 Little Rock, Arkansas 72201-1094 (501) 682-5070 www.sos.arkansas.gov



Name of Department
Agency or Division Name
Other Subdivision or Department, If Applicable
Previous Agency Name, If Applicable
Contact Person_
Contact E-mail
Contact Phone_
Name of Rule
Newspaper Name
Date of Publishing
Final Date for Public Comment
Location and Time of Public Meeting

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEP	PARTMENT
	ARD/COMMISSION
PER	SON COMPLETING THIS STATEMENT
TEL	EPHONE NO. EMAIL
emai	omply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and l it with the questionnaire, summary, markup and clean copy of the rule, and other documents. se attach additional pages, if necessary.
TITI	LE OF THIS RULE
1.	Does this proposed, amended, or repealed rule have a financial impact? Yes No
2.	Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3.	In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No
	If no, please explain:
	(a) how the additional benefits of the more costly rule justify its additional cost;
	(b) the reason for adoption of the more costly rule;
	(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and
	(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.
4.	If the purpose of this rule is to implement a <i>federal</i> rule or regulation, please state the following

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year	Next Fiscal Year
General Revenue	General Revenue
Federal Funds	Federal Funds
Cash Funds	Cash Funds
Special Revenue	Special Revenue
Other (Identify)	Other (Identify)
Total	Total
(b) What is the additional cost of the st	rate rule?
Current Fiscal Year	Next Fiscal Year
General Revenue	General Revenue
Federal Funds	Federal Funds
Cash Funds	Cash Funds
Special Revenue	Special Revenue
Other (Identify)	Other (Identify)
Total	Total
	al year to any private individual, private entity, or private aded, or repealed rule? Please identify those subject to the l. Next Fiscal Year
\$	\$
What is the total estimated cost by fisca implement this rule? Is this the cost of is affected.	\$al year to a state, county, or municipal government to the program or grant? Please explain how the government
What is the total estimated cost by fisca implement this rule? Is this the cost of	\$

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs:
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Statement of Necessity and Rule Summary SNAP Resource Limits Changes

Statement of Necessity

The Director of the Division of County Operations (DCO) revises the Supplemental Nutrition Assistance Program (SNAP) Certification Manual to implement new federally established resource limits. Corresponding updates regarding assets related to resources and their verification need to be implemented as well.

The resource limits are moved to an appendix referenced in the manual to efficiently implement changes implemented by the USDA Food and Nutrition Service. The other updates include adding ABLE accounts as an excluded resource, clarifying which household are subject to resource limits, and specifying that "Cash on Hand" includes electronic accounts and applications. Case action or denial reasons are updated to state that applications that attest to resources exceeding the resources limit must be verified, but if verification of excess resources is not received, the application will be denied for failure to return requested information. Clarification is provided in differentiating between limited and occasional reporting households, including updates regarding reporting of licensed vehicles, liquid resources, lottery and gambling winnings, and time periods of reporting. Business processes have been removed from policy, and outdated policy verbiage and grammatical errors have been removed or corrected.

Summary

The Supplemental Nutrition Assistance Program (SNAP) Certification Manual updates are:

- Resource limits are being moved to an appendix that is referenced in the promulgated rule.
- o ABLE accounts have been added as an excluded resource.
- o Business processes have been removed.
- o Grammatical errors have been corrected.
- o "Eligibility worker" has replaced "County worker" in the entire section.
- o SNAP 4300: Resource limit amounts deleted. Clarification of which households are subjected to resource limits. Appendix D reference added.
- o SNAP 4450: ABLE accounts added to list of excluded resources.
- O SNAP 4600: Cash on hand was updated to include electronic accounts, and case action or denial reason was updated to state that "applications that attest to resources exceeding the resources limit must be verified; if verification of excess resources is not received, the application will be denied for failure to return requested information."
- SNAP 7430: Resource limit amounts removed from policy and will be added to business process. Significant changes to this section regarding classification of resource household members.
- o SNAP 7431: References to semi-annual report removed.
- SNAP 7600: Chart removed from business process manual. Case action or denial reason corrected regarding the applications.
- o SNAP 11200: Resource limits amounts removed. Clarification provided in differentiating between limited and occasional reporting households, including updates regarding reporting of licensed vehicles. Also, added requirement that households must report when liquid resources go beyond the resource limit for the household, with lottery and

gambling winnings, equal to the resource limit for aged or disabled households, reported within ten (10) days of receipt for both limited and occasional reporters. For occasional reporters, these changes must be reported within ten (10) calendar days of the date that the change becomes known to the household.

- o SNAP 12232: Resource limits have been removed, and "See Appendix D" reference added.
- o SNAP 12233: Resource limits have been removed.

NOTICE OF RULE MAKING

The Department of Human Services (DHS) announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §\$20-76-201 and 25-10-129. The proposed effective date of the rule is April 1, 2024.

The Director of the Division of County Operations (DCO) revises the Supplemental Nutrition Assistance Program (SNAP) Certification Manual to implement new federally established resource limits. Other updates include adding ABLE accounts as an excluded resource, clarifying which household are subject to resource limits, and specifying that "Cash on Hand" includes electronic accounts and applications. Case action or denial reasons are updated to state that applications that attest to resources exceeding the resources limit must be verified, but if verification of excess resources is not received, the application will be denied for failure to return requested information. Clarification is provided in differentiating between limited and occasional reporting households, including updates regarding reporting of licensed vehicles, liquid resources, lottery and gambling winnings, and time periods of reporting. Business processes have been removed from policy, and outdated policy verbiage and grammatical errors have been removed or corrected. The proposed rule estimates a financial impact of \$1,741,152.30 for state fiscal year (SFY) 2024 and \$2,188,203.07 for SFY 2025.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at ar.gov/dhs-proposed-rules.

Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than January 27, 2024. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at (501) 320-6428. The Arkansas Department of Human Services complies with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national

origin. **4502183947**

Robert Williams, Deputy Director Division of County Operations

2B4300 Resource Eligibility Standards

9B4310 Uniform Resource Standards

4300 Resource Eligibility Standards

SNAP Manual 02/01/1804/01/2024

A household's eligibility will be denied or terminated when the value of the household's countable resources (both liquid and non-liquid assets) exceedexceeds the following: the limit for all households regardless of household size, including households with an individual with disabilities (see glossary definition of sixty (60) years of age or older individuals with disabilities households).

 \$3,500 for all households with an age 60 or Older or a individual with disabilities (see-Glossary definition of age 60 or Older/Individuals with Disabilities Households) memberregardless of household size;

OR

\$2,250 for all other households.

A household where at least one member receives a TEA benefit as specified in SNAP 1920 is categorically eligible and the Supplemental Nutrition Assistance Program's resource limits will not apply to that household.

The household is classified as categorically eligible if all household members receive SSI benefits or a combination of TANF and SSI.-A combined household of SSI recipients and non-SSI recipients cannot be classified as categorically eligible. If no household member receives TEA benefits, the household is classified as categorically eligible only if all household members receive SSI benefits. If not all household members receive SSI benefits, the entire household is not categorically eligible. However, the individual household members who receive SSI benefits are categorically eligible. This means that any resources solely owned owned solely by an SSI recipient are not to be counted when the household's total resources are determined, but all resources owned by the other household members are to be counted. If the resources owned by household members, who do not receive SSI, exceed the resource limit, then the entire household (including the SSI recipient) is ineligible to participate in the Supplemental Nutrition Assistance Program. Co-owned resources will not automatically be excluded under this policy. Instead, the resource will be handled in the same manner as any other jointly owned resource. See SNAP 4910 and SNAP 4601 for instructions. Please see Appendix D for current resource limits for Regular and Age/Disabled households.

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

4450 Resources Excluded by Law

SNAP Manual 06/25/1204/01/2024

The current list of resources excluded by Federal statute includes the following items:

- 1. As authorized by the Low-Income Home Energy Assistance Act (P.L. 99-425), the amount of home energy assistance payments or allowances provided directly to or on behalf of a household.
- 2. Benefits received from the Special Supplemental Food Program for Women, Infants and Children (WIC) under P.L. 92-443, Sec. 9 and P.L. 100-435, which amended Section 77(m)(7) of the Child Nutrition Act of 1966.
- 3. Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, Sec. 216).
- 4. Payments to Indian tribes as specified below:
 - Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from Indian Claims Commission as designated under P.L. 95-433, Sec. 2
 - Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Sec. 5);
 - Payments received from the disposition of funds to the Grand River Band_of Ottawa Indians (P.L. 94-540);
 - Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203, Sec. 21(a) and Section 15 of P.L. 100-241, Alaska Native Claims Settlement Act Amendments of 1987 or the Sac and Fox Indian Claims Agreement (P.L.94-189);
 - Payments received by certain Indian tribal members under P.L. 94-114, Sec.6, regarding sub-marginal land held in trust by the United States.
 - Payments of relocation assistance to members of the Navajo and Hopi Tribes under P.L. 95-531.
 - Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L.97-403);
 - Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona) (P.L. 97-408);
 - Per capita and interest payments made to the Assiniboine Tribe of the Fort Belknap Indian Community and the Assiniboine Tribe of the Fort Beck Indian Reservation (Montana) (P.L. 98-124, Section 5);
 - Per capita and interest payments made to the Red Lake Band of Chippewas (P.L. 98-123, Section 3, 10/13/83);

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

- Payments to the Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346, Section 6(b) (2));
- Per capita payments to the Chippewas of Mississippi (P.L. 99-377, Section4(b), 8/8/86);
- Payments to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act except for per capita shares in excess of \$2,000 (P.L.98-500, Section 8, 10/17/84);
- Payments to the Puyallup Tribe of the State of Washington (P.L. 101-41, 6-21-89); and
- Payments under the White Earth Reservation Land Settlement Act of 1985to the White Earth Band of Chippewa Indians in Minnesota (P.L. 99-264)
- Payments under the Seneca Nation Settlement Act of 1990 to members of the Seneca Nation (P.L. 101-503).
- Funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission (P.L. 101-277)
- Funds distributed or held in trust for members of the Chippewas of Lake Superior (P.L. 99-146).
- Assistance paid under P.L. 95-608, the Indian Child Welfare Act of 1978.
- Payments to the Confederated Tribes of the Colville Reservation under_the Grand Coulee Dam Settlement Act (P.L. 103-436).
- Funds appropriated in satisfaction of judgments awarded to the Seminole Indians by the Indian Claims commission (P.L. 101-277)
- Distributions under the Michigan Indian Claims Settlement Act, Section 111,te111, to the Ottawa and Chippewa Indians of Michigan (P.L. 105-143)
- 5. Per capita payments of two thousand dollars (\$2,000) and less made under Public Law 98-64 to Native Americans Native Americans from judgment awards and funds held in trust by the Secretary of the Interior and purchases made with certain per capita payments to specific tribes or bands of Indians.

This exclusion applies on a per-person and not a per-household basis. It applies individually to each payment regardless of how frequently the payments are made and regardless of the number of months for which the payment is made. When such payments are deposited in a bank or financial institution, the funds remain excluded. The length of the exclusion period will be determined by the type of funds in the account. See SNAP 4960.

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

The purchase exclusion extends only to purchases of property with funds distributed to Native Americans after December 31, 1981, but before January 12, 1983, under a plan approved by Congress. The exclusion applies to initial purchase only and not to subsequent purchases. Property remains excluded only as long as if their the person who originally received the exclusion holds the property. Since more than one per capita payment may have been received during the period from December 31, 1981, to January 12, 1983, the total exclusion allowed for the property may exceed two thousand dollars (\$2,000).

- 6. <u>Certain payments made to Vietnam veterans and/or children of Vietnam veterans.</u> This includes:
 - Payments authorized under P.L. 101-239, the Omnibus Reconciliation Act of 1989, Section 10405, the Agent Orange Settlement fund fund, or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No 381 (E.D.N.Y.)
 - Any monetary allowances paid under P.L. 104-102, Section 1805(d), to a child_of a Vietnam Veteran for any disability resulting from spina bifida suffered by such child.
 - Any monetary allowances paid under P.L. 106-419, Section 1815 (a), to_any individual with one_(1) or more covered birth defects if he or she is a child of a female Vietnam veteran.
- 7. Payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors under the Civil Liberties Act of 1988 (P.L. 100-383).
 - 8- Federal and other disaster relief payments. This resource exclusion applies to disaster relief payments received from the Federal Emergency Management Assistance (FEMA) under P.L. 93-288, Sec. 312 (d) as amended by P.L. 100-707, Section 105 (i) the Disaster Relief and Emergency Assistance Amendments of 1988.
- Note: Not all FEMA payments are classified as disaster relief.

This resource exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President. This resource exclusion also applies to Disaster Unemployment Assistance paid as a result of a major disaster and to Disaster Relief Employment. See <u>SNAP 5405</u>, items <u>sixteen (16)</u> and <u>seventeen (17)</u> for additional information.

9.8. Payments received through the Radiation Exposure Compensation Act, P.L. 101-426, Sec. 6 (h) (2), 10/15/90. This law establishes a program to compensate individuals for

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

- injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining in Arizona, Nevada, and Utah.
- Income amounts necessary for the fulfillment of a PASS (Plans for Achieving Self-Support) under Title XVI of the Social Security Act. See SNAP 4460 for additional IDA exclusions.
- 11.10. The value of assistance to children under P.L. 89-642, Section 11(b) of the Child Nutrition Act of 1966 and P.L. 79-396, the National School Lunch Act. Under P.L. 100- 435 which amended section (17) (m) (7) of this act, coupons that may be exchanged for food at a farmer's market may also be excluded.
- 12.11. Payments under P.L. 107-171, the Food Stamp Reauthorization Act of 2002, all student financial assistance. See SNAP 1622.3.
- 13.12. Payments made to individuals because of their status as victims of Nazi persecution under P.L. 103-286.
- Section 3507 of the Internal Revenue Code by any household member.) A Federal earned income tax credit received either as a lump sum or as payments under section 3507 of the Internal Revenue Code is excluded for the month of receipt and the following month for the individual and that individual's spouse. Any Federal, State, or local earned income tax credit received by any household member is excluded for twelve (12) months, if the household was participating in the Supplemental Nutrition Assistance Program at the time of receipt of the tax credit and if the household participates continuously during that twelve (12)—month period. Breaks in participation of one (1) month or less due to administrative reasons, such as but not limited to, delayed recertification or missing or late reports is not considered as nonparticipation in determining the twelve (12)—month exclusion.
- 45.14. Under the Tax Relief, Unemployment Insurance Reauthorization, and job Creation

 Act of 2010, Federal Income tax refund payments received as a lump sum by any

 household member are excluded as a resource for twelve (12) months. The total amount

 of a Federal tax refund after December 31, 2009 is disregarded as resource in the month

 received. The Federal tax refund may be the result of a refundable credit,

 over-withholding, or both. The resources exclusion lasts for twelve (12) months.
- 16.15. Under P.L. 103-22, compensation made to crime victims as authorized by the Crime Act of 1984.
- 17-16. Under P.L. 99-576, Veteran's Benefits and health Care Authorization Act of 1996, any amount by which the basic pay of an individual is reduced to comply with this law.
- 18-17. Funds, including interest accruing, in an individual development account (IDA) under the TANF block grant program will be excluded during any period the individual maintains or

5B4600 Determining and Verifying Countable Resources

29B4601 Ownership of Liquid Bank Accounts

makes contributions into such an account (P.L. 104-193). See <u>SNAP 4460</u> for additional IDA exclusions.

- 18. Funds in Department of Housing Urban Development's (HUD) Family Self-Sufficiency Program escrow accounts are excluded as resources when determining eligibility for SNAP. When a Family Self-sufficiency program participant has an increase in earnings, the public housing authority increases his or her rent, but deposits the increase in an interest bearinginterest-bearing account. When the participant successfully completes the program and can verify that no household member is receiving welfare assistance, he or she receives the funds in the account. Funds may be withdrawn from the escrow account before completing the program with permission from the housing authority, but only for purposes related to goal of the FSS contract, e.g.-completion of higher education, job training, or start upstart-up costs of a small business. Since the funds in the escrow accounts, as well as any funds withdrawn from them prior to completion of the program are not available to buy food, the funds are inaccessible-thus excluded as resources.
- 19. Under Section 5(g)(8)(A) of the Tax increase Prevention Act of 2014 excludes from resources the value of educational accounts in section 529 of the Internal Revenue code of 1986. In section 5(g)(8)(B), the Act further provides for a discretionary exclusion for the value of other financial accounts, as determined by the Secretary. FNS has determined that due to the similarities between 529 educational accounts and 529A ABLE accounts, ABLE accounts should be excluded as resources under the discretionary exclusion in the Act.

4600 Determining and Verifying Countable Resources

SNAP Manual 07/01/0304/01/2024

To determine a household's total countable resources, the county office worker must consider the resources available to all eligible household members <u>and</u> the resources available to any household member disqualified for one of the following reasons:

- 1. Intentional Program Violation;
- 2. Failure to comply with the SSN requirement;
- 3. Failure to comply with the SNAP E&T Program or Workfare.

The countable resources of ineligible aliens are also considered if the alien would otherwise be considered a household member.

Listed below are examples of liquid resources.

- 1. Bonds.
- 2. Cash on hand <u>includes electronic accounts such asing</u>, Cash App, Venmo, PayPal, Zelle, or <u>other similar applications or electronic accounts that may exist in the future.etc.</u>
- 3. Funds held in individual retirement accounts (IRA's).

5B4600 Determining and Verifying Countable Resources

29B4601 Ownership of Liquid Bank Accounts

- 4. Funds held in Keogh Plans (when held solely by the household members).
- 5. Money in checking or savings accounts including Christmas clubs and children's accounts. (See <u>SNAP 4601</u> for information about ownership of bank_accounts.)
- 6. Mutual Funds.
- 7. Savings certificates. (See <u>SNAP 4601</u> for information about ownership.)
- 8. Stocks.
- Funds that may be withdrawn (less a <u>one thousand five hundred dollars (\$1,500)</u> perperson disregard) from prepaid burial plans without a contractual obligation to repay. (See <u>SNAP 4602</u>.

Liquid resources must be verified at initial application and thereafter when a new liquid resource is reported or when information about previously reported resources is incomplete, inaccurate, inconsistent, or outdated. See the Glossary definition of Verification for additional information. Applications that attest to resources exceeding the resources limit must be verified; if verification of excess resources is not received, the application will be denied for failure to return requested information. A full description of each type of resource, acceptable verification, and documentation is contained in SNAP 4601 - 4670.



2B4300 Resource Eligibility Standards

9B4310 Uniform Resource Standards

4300 Resource Eligibility Standards

SNAP Manual 04/01/2024

A household's eligibility will be denied or terminated when the value of the household's countable resources (both liquid and non-liquid assets) exceeds the limit for all households regardless of household size, including households with an individual with disabilities (see glossary definition of sixty (60) years of age or older individuals with disabilities households).

The household is classified as categorically eligible if all household members receive SSI benefits or a combination of TANF and SSI. A combined household of SSI recipients and non-SSI recipients cannot be classified as categorically eligible. However, the individual household members who receive SSI benefits are categorically eligible. This means that any resources owned solely by an SSI recipient are not to be counted when the household's total resources are determined, but all resources owned by the other household members are to be counted. If the resources owned by household members, who do not receive SSI, exceed the resource limit, then the entire household (including the SSI recipient) is ineligible to participate in the Supplemental Nutrition Assistance Program. Co-owned resources will not automatically be excluded under this policy. Instead, the resource will be handled in the same manner as any other jointly owned resource. Please see Appendix D for current resource limits for Regular and Age/Disabled households.

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

4450 Resources Excluded by Law

SNAP Manual 04/01/2024

The current list of resources excluded by Federal statute includes the following items:

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- 2. Benefits received from the Special Supplemental Food Program for Women, Infants and Children (WIC) under P.L. 92-443, Sec. 9 and P.L. 100-435, which amended Section 77(m)(7) of the Child Nutrition Act of 1966.
- 3. Reimbursement from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, Sec. 216).
- 4. Payments to Indian tribes as specified below:
 - Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from Indian Claims Commission as designated under P.L. 95-433, Sec. 2
 - Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Sec. 5);
 - Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540);
 - Payments received under the Alaska Native Claims Settlement Act (P.L. 92-203, Sec. 21(a) and Section 15 of P.L. 100-241, Alaska Native Claims Settlement Act Amendments of 1987 or the Sac and Fox Indian Claims Agreement (P.L.94-189);
 - Payments received by certain Indian tribal members under P.L. 94-114, Sec.6, regarding sub-marginal land held in trust by the United States.
 - Payments of relocation assistance to members of the Navajo and Hopi Tribes under P.L. 95-531.
 - Payments to the Turtle Mountain Band of Chippewas, Arizona (P.L.97-403);
 - Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona) (P.L. 97-408);
 - Per capita and interest payments made to the Assiniboine Tribe of the Fort Belknap Indian Community and the Assiniboine Tribe of the Fort BeckIndian Reservation (Montana) (P.L. 98-124, Section 5);
 - Per capita and interest payments made to the Red Lake Band of Chippewas (P.L. 98-123, Section 3, 10/13/83);

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

- Payments to the Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346, Section 6(b) (2));
- Per capita payments to the Chippewas of Mississippi (P.L. 99-377, Section4(b), 8/8/86);
- Payments to heirs of deceased Indians under the Old Age Assistance Claims Settlement Act except for per capita shares in excess of \$2,000 (P.L.98-500, Section 8, 10/17/84);
- Payments to the Puyallup Tribe of the State of Washington (P.L. 101-41, 6-21-89); and
- Payments under the White Earth Reservation Land Settlement Act of 1985to the White Earth Band of Chippewa Indians in Minnesota (P.L. 99-264)
- Payments under the Seneca Nation Settlement Act of 1990 to members of the Seneca Nation (P.L. 101-503).
- Funds appropriated in satisfaction of judgments awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission (P.L. 101-277)
- Funds distributed or held in trust for members of the Chippewas of Lake Superior (P.L. 99-146).
- Assistance paid under P.L. 95-608, the Indian Child Welfare Act of 1978.
- Payments to the Confederated Tribes of the Colville Reservation under the Grand Coulee Dam Settlement Act (P.L. 103-436).
- Funds appropriated in satisfaction of judgments awarded to the Seminole Indians by the Indian Claims commission (P.L. 101-277)
- Distributions under the Michigan Indian Claims Settlement Act, Section 111, to the Ottawa and Chippewa Indians of Michigan (P.L. 105-143)
- 5. Per capita payments of two thousand dollars (\$2,000) and less made under Public Law 98-64 to Native Americans from judgment awards and funds held in trust by the Secretary of the Interior and purchases made with certain per capita payments to specific tribes or bands of Indians.

This exclusion applies on a per-person and not a per-household basis. It applies individually to each payment regardless of how frequently the payments are made and regardless of the number of months for which the payment is made. When such payments are deposited in a bank or financial institution, the funds remain excluded. The length of the exclusion period will be determined by the type of funds in the account. See SNAP 4960.

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

The purchase exclusion extends only to purchases of property with funds distributed to Native Americans after December 31, 1981, but before January 12, 1983, under a plan approved by Congress. The exclusion applies to initial purchase only and not to subsequent purchases. Property remains excluded only if the person who originally received the exclusion holds the property. Since more than one per capita payment may have been received during the period from December 31, 1981, to January 12, 1983, the total exclusion allowed for the property may exceed two thousand dollars (\$2,000).

- 6. <u>Certain payments made to Vietnam veterans and/or children of Vietnam veterans.</u> This includes:
 - Payments authorized under P.L. 101-239, the Omnibus Reconciliation Act of 1989, Section 10405, the Agent Orange Settlement fund, or any other fund established pursuant to the settlement in the Agent Orange product liability litigation, M.D.L. No 381 (E.D.N.Y.)
 - Any monetary allowances paid under P.L. 104-102, Section 1805(d), to a child of a Vietnam Veteran for any disability resulting from spina bifida suffered by such child.
 - Any monetary allowances paid under P.L. 106-419, Section 1815 (a), to any individual with one (1) or more covered birth defects if he or she is a child of a female Vietnam veteran.
- 7. Payments to U.S. citizens of Japanese ancestry and permanent resident Japanese aliens or their survivors under the Civil Liberties Act of 1988 (P.L. 100-383).

 Federal and other disaster relief payments. This resource exclusion applies to disaster relief payments received from the Federal Emergency Management Assistance (FEMA) under P.L. 93-288, Sec. 312 (d) as amended by P.L. 100-707, Section 105 (i) the Disaster Relief and Emergency Assistance Amendments of 1988.



This resource exclusion applies to Federal assistance provided to persons directly affected and to comparable disaster assistance provided by states, local governments, and disaster assistance organizations. For payments to be excluded, the disaster or emergency must be declared by the President. This resource exclusion also applies to Disaster Unemployment Assistance paid as a result of a major disaster and to Disaster Relief Employment. See <u>SNAP 5405</u>, items sixteen (16) and seventeen (17) for additional information.

8. <u>Payments received through the Radiation Exposure Compensation Act, P.L. 101-426, Sec. 6 (h) (2), 10/15/90.</u> This law establishes a program to compensate individuals for

3B4400 Excluded Resources

16B4450 Resources Excluded by Law

- injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining in Arizona, Nevada, and Utah.
- Income amounts necessary for the fulfillment of a PASS (Plans for Achieving Self-Support) under Title XVI of the Social Security Act. See SNAP 4460 for additional IDA exclusions.
- 10. The value of assistance to children under P.L. 89-642, Section 11(b) of the Child Nutrition Act of 1966 and P.L. 79-396, the National School Lunch Act. Under P.L. 100-435 which amended section (17) (m) (7) of this act, coupons that may be exchanged for food at a farmer's market may also be excluded.
- 11. <u>Payments under P.L. 107-171, the Food Stamp Reauthorization Act of 2002, all student</u> financial assistance. See <u>SNAP 1622.3</u>.
- 12. <u>Payments made to individuals because of their status as victims of Nazi persecution under P.L. 103-286.</u>
- 13. Earned Income Credits payments received as a lump sum or as payments under Section 3507 of the Internal Revenue Code by any household member.) A Federal earned income tax credit received either as a lump sum or as payments under section 3507 of the Internal Revenue Code is excluded for the month of receipt and the following month for the individual and that individual's spouse. Any Federal, State, or local earned income tax credit received by any household member is excluded for twelve (12) months, if the household was participating in the Supplemental Nutrition Assistance Program at the time of receipt of the tax credit and if the household participates continuously during that twelve (12) month period. Breaks in participation of one (1) month or less due to administrative reasons, such as but not limited to, delayed recertification or missing or late reports is not considered as nonparticipation in determining the twelve (12) month exclusion.
- 14. Under the Tax Relief, Unemployment Insurance Reauthorization, and job Creation Act of 2010, Federal Income tax refund payments received as a lump sum by any household member are excluded as a resource for twelve (12) months. The total amount of a Federal tax refund after December 31, 2009 is disregarded as resource in the month received. The Federal tax refund may be the result of a refundable credit, overwithholding, or both. The resources exclusion lasts for twelve (12) months.
- 15. <u>Under P.L. 103-22, compensation made to crime victims as authorized by the Crime Act</u> of 1984.
- 16. <u>Under P.L. 99-576, Veteran's Benefits and health Care Authorization Act of 1996, any</u> amount by which the basic pay of an individual is reduced to comply with this law.
- 17. Funds, including interest accruing, in an individual development account (IDA) under the TANF block grant program will be excluded during any period the individual maintains or

5B4600 Determining and Verifying Countable Resources

29B4601 Ownership of Liquid Bank Accounts

makes contributions into such an account (P.L. 104-193). See <u>SNAP 4460</u> for additional IDA exclusions.

18. Funds in Department of Housing Urban Development's (HUD) Family Self-Sufficiency Program escrow accounts are excluded as resources when determining eligibility for SNAP. When a Family Self-sufficiency program participant has an increase in earnings, the public housing authority increases his or her rent, but deposits the increase in an interest-bearing account. When the participant successfully completes the program and can verify that no household member is receiving welfare assistance, he or she receives the funds in the account. Funds may be withdrawn from the escrow account before completing the program with permission from the housing authority, but only for purposes related to goal of the FSS contract, e.g.-completion of higher education, job training, or start-up costs of a small business. Since the funds in the escrow accounts, as well as any funds withdrawn from them prior to completion of the program are not available to buy food, the funds are inaccessible-thus excluded as resources.

<u>Under Section 5(g)(8)(A)</u> of the Tax increase Prevention Act of 2014 excludes from resources the <u>value of educational accounts in section 529 of the Internal Revenue code of 1986.</u> In section 5(g)(8)(B), the Act further provides for a discretionary exclusion for the value of other financial accounts, as determined by the Secretary. FNS has determined that due to the similarities between 529 educational accounts and 529A ABLE accounts, ABLE accounts should be excluded as resources under the discretionary exclusion in the Act.

4600 Determining and Verifying Countable Resources

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To determine a household's total countable resources, the county office worker must consider the resources available to all eligible household members <u>and</u> the resources available to any household member disqualified for one of the following reasons:

- 1. Intentional Program Violation;
- 2. Failure to comply with the SSN requirement;
- 3. Failure to comply with the SNAP E&T Program or Workfare.

The countable resources of ineligible aliens are also considered if the alien would otherwise be considered a household member.

Listed below are examples of liquid resources.

- 1. Bonds.
- 2. Cash on hand includes electronic accounts such as Cash App, Venmo, PayPal, Zelle, or other similar applications or electronic accounts that may exist in the future.
- 3. Funds held in individual retirement accounts (IRA's).
- 4. Funds held in Keogh Plans (when held solely by the household members).
- 5. Money in checking or savings accounts including Christmas clubs and children's

5B4600 Determining and Verifying Countable Resources

29B4601 Ownership of Liquid Bank Accounts

accounts. (See <u>SNAP 4601</u> for information about ownership of bank accounts.)

- 6. Mutual Funds.
- 7. Savings certificates. (See <u>SNAP 4601</u> for information about ownership.)
- 8. Stocks
- 9. Funds that may be withdrawn (less a one thousand five hundred dollars (\$1,500) perperson disregard) from prepaid burial plans without a contractual obligation to repay. (See SNAP 4602.

Liquid resources must be verified at initial application and thereafter when a new liquid resource is reported or when information about previously reported resources is incomplete, inaccurate, inconsistent, or outdated. Applications that attest to resources exceeding the resources limit must be verified; if verification of excess resources is not received, the application will be denied for failure to return requested information. A full description of each type of resource, acceptable verification, and documentation is contained in <u>SNAP 4601</u> - <u>4670</u>.

7400 Resource Eligibility

7431 Denying Applications When Resources ExceedLimits

7430 Limits for Total Allowable Resources

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No Limit

Categorically eligible households have no resource limit in the Supplemental Nutrition Assistance Program. See SNAP 1920.

Resource Limit - \$3,500

This limit applies to households not classified as categorically eligible when there is a member aged 60 or older or a disabled member as defined in the Glossary definition of Aged/Disabled. (This includes one person households.) The SNAP program has a resource limit. The amount of resource limit varies based on the type of SNAP household. Please see Appendix D for resource limits for Regular and Aged/Disabled households.

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Categorically eligible households have no resource limit in the Supplemental Nutrition Assistance Nutrition Assistance Program (see SNAP 1920). The resources of individuals who receive SSI or Temporary Assistance for Needy Families (TANF) are not counted when determining eligibility for SNAP because these are considered categorically eligible households. For example, -

Resource Limit - \$2.250

This limit applies to households not classified as categorically eligible when all household members are age 59 or younger.

Unless a household is categorically eligible, the household's total resources must be equal to or below the applicable limit. If not, the household's application will be denied.

EXAMPLE

Mr. and Mrs. Monroe, ages 59 and 65, apply for SNAP benefits. On their application they declare the following resources:

- 1. A certificate of deposit valued at \$1,000;
- 2. Two acres of land (other than their home) currently valued at \$5,000 with \$4,000 remaining to be paid on the Monroe's loan to purchase the land;
- 3. One vehicle
- 4. A checking account with a balance of \$900 including the Monroe's Social Security checks for this month. (They receive \$600 per month Social Security.)

The Monroe's total resources are:

\$1,000	Certificate of deposit
+1,000	Equity value of land (\$5,000 less \$4,000)
+ 0	Vehicle
+ 300	Resource in checking (\$900 less \$600)

7400 Resource Eligibility

7431 Denying Applications When Resources ExceedLimits

\$2,300 Total

The Monroes are resource_eligible since there is a member over age sixty (60) years of age.

7431 Denying Applications When Resources Exceed Limits

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Applications may be denied immediately when the worker <u>determines verifies</u> that the household's resources exceed the limit <u>if</u> the household is not categorically eligible.

Applications that attest to resources exceeding the resources limit must be verified; if the verification of excess resources is not received, the application will be denied for failure to return requested information.

See <u>SNAP 12230</u> when resources exceed the limit at reported change or submission of semi-annual report.

EXAMPLE: Mr. and Mrs. Polk apply for SNAP benefits. They are age 61 and 62. At the interview they declare that they have \$3,200 in a certificate of deposit, \$1,000 in their checking account (including their monthly income of \$600), and a 1999 Lincoln Town Car.

\$3,200.00 Value of CD

\$400.00 Checking (\$1,000 total less \$600 monthly income)

\$3,600.00 Total

Since \$3,500 is the resource limit, the household is ineligible based upon declared resources. Therefore, the application may be denied at the time of the interview.

7400 Resource Eligibility

7431 Denying Applications When Resources ExceedLimits

7430 Limits for Total Allowable Resources

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Resource Limit -

The SNAP program has a resource limit. The amount of resource limit varies based on the type of SNAP household. Please see Appendix D for resource limits for Regular and Aged/Disabled households.

Categorically eligible households have no resource limit in the Supplemental Nutrition Assistance Program (see SNAP 1920). The resources of individuals who receive SSI or Temporary Assistance for Needy Families (TANF) are not counted when determining eligibility for SNAP because these are considered categorically eligible households. For example, The Monroes are resource-eligible since there is a member over sixty (60) years of age.

7431 Denying Applications When Resources Exceed Limits

SNAP Manual 04/01/2024

Applications may be denied immediately when the worker verifies that the household's resources exceed the limit <u>if</u> the household is not categorically eligible.

Applications that attest to resources exceeding the resources limit must be verified; if the verification of excess resources is not received, the application will be denied for failure to return requested information.

11200 Changes Required to be Reported

11200 Changes Required to be Reported

11200 Changes Required to be Reported

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The following changes must be reported to the Department of Human Services (DHS) county office:

1. Changes in Residence or Address

All changes in residence must be reported. If a change in residence results in a change in the household's shelter cost, the new shelter cost must be reported. For occasional reporters as defined in SNAP 11100, these changes must be reported within ten (10) days of the date that the change becomes known to the household. Households are encouraged to voluntarily report address changes immediately to prevent problems with mail delivery.

If an eligibility worker verifies through any source that a household has moved from Arkansas to another state, the household's case must be closed. This policy applies across the board to all Supplemental Nutrition Assistance Program (SNAP) households, regardless of the household's reporting requirements. No advance notice is required See SNAP 11450 and SNAP 11571. If the worker suspects the household has moved from the State of Arkansas, but the household's residency has not been verified through a reliable source, a request for contact will be sent as instructed in SNAP 12400.

2. Changes in Household Composition

The addition or loss of any eligible or ineligible household member must be reported. For occasional reporters, this change must be reported within ten (10) days of the date the change becomes known to the household. Limited reporters must report this change at next recertification.

3. Changes in Resources

<u>For occasional reporting households, the The acquisition of any licensed vehicle must be</u> reported. <u>For limited reporting households theseis changes must be reported at the next recertification. This recertification. This includes the acquisition of an additional vehicle or the "trading" of one (1) vehicle for another <u>vehicleone</u>.</u>

11200 Changes Required to be Reported

11200 Changes Required to be Reported

Changes that attest to resources exceeding the limit must be verified—if. If the resources exceed the limit, the case will be closed unless the household is categorically eligible.

Total liquid resources, such as eash on hand, bank accounts, stocks, or bonds that reach or exceed two thousand five hundred dollars (\$2,500) must be reported.

Households must report when liquid resources go beyond the resource limit for the household. Lottery and gambling winnings, equal to the resource limit for aged or /disabled households, must be reported within ten (10) days of receipt for both limited and occasional reporters. See Appendix D for the resource amount.

For occasional reporters, these changes must be reported within ten (10) calendar days of the date that the change becomes known to the household.

4. Changes in Income

Limited reporters are required to report when the household's gross income exceeds the household's gross income limit. This change must be reported within ten (10) calendar days of the end of the month in which the change occurred. If the tenth day falls on a weekend or holiday, the reporting time will be extended to the end of the next workday. A *Change Report Form* and a change report addendum must be issued to all limited reporting households in order to report such changes.

Self-employment income that has been annualized must be reported and verified when the recertification report is submitted.

Limited reporters must report and verify changes of more than one hundred dollars (\$100) in unearned income and changes in sources of unearned income when the recertification is submitted.

Occasional reporters must report the following changes in both earned and unearned income within ten (10) days of the date that the change becomes known to the household:

- Changes in a source of income. This includes new income from any source or income from any source that has stopped.
- Changes of more than in the household's total gross monthly income. This
 includes both increases and decreases in income.

All households with substantial gaming or lottery winnings totaling \$3,750 or more must report within ten calendar (10) days of the date the change become known to the household. This applies irrespective of the reporting requirement. See SNAP 5703.1.

11200 Changes Required to be Reported

11200 Changes Required to be Reported

Neither changes in Transitional Employment Assistance (TEA) cash assistance payments nor the receipt of child support refunds paid to TEA recipients need be reported by either limited reporters, or occasional reporters. These changes must be reflected in the household's SNAP benefit amount. See SNAP 12410 - 12420. This applies to both limited reporters and occasional reporters. See SNAP 5704.1.

5. Changes in Deductions

Limited reporters do not have to report changes in deductions until recertification. Limited reporters must report and verify child support payments when the recertification is submitted if these payments will continue to be deducted. Both occasional reporting and limited reporting households are allowed, but not required to report changes in shelter costs, dependent care costs, or medical costs.

11200 Changes Required to be Reported

11200 Changes Required to be Reported

11200 Changes Required to be Reported

SNAP MANUAL 04/01/2024

The following changes must be reported to the Department of Human Services (DHS) county office:

1. Changes in Residence or Address

All changes in residence must be reported. If a change in residence results in a change in the household's shelter cost, the new shelter cost must be reported. For occasional reporters as defined in SNAP 11100, these changes must be reported within ten (10) days of the date that the change becomes known to the household. Households are encouraged to voluntarily report address changes immediately to prevent problems with mail delivery.

If an eligibility worker verifies through any source that a household has moved from Arkansas to another state, the household's case must be closed. This policy applies across the board to all Supplemental Nutrition Assistance Program (SNAP) households, regardless of the household's reporting requirements. No advance notice is required See SNAP 11450 and SNAP 11571. If the worker suspects the household has moved from the State of Arkansas, but the household's residency has not been verified through a reliable source, a request for contact will be sent as instructed in SNAP 12400.

2. Changes in Household Composition

The addition or loss of any eligible or ineligible household member must be reported. For occasional reporters, this change must be reported within ten (10) days of the date the change becomes known to the household. Limited reporters must report this change at the next recertification.

3. Changes in Resources

For occasional reporting households, the acquisition of any licensed vehicle must be reported. For limited reporting households these changes must be reported at the next recertification. This includes the acquisition of an additional vehicle or the "trading" of one (1) vehicle for another vehicle.

11200 Changes Required to be Reported

11200 Changes Required to be Reported

Changes that attest to resources exceeding the limit must be verified. If the resources exceed the limit, the case will be closed unless the household is categorically eligible.

Households must report when liquid resources go beyond the resource limit for the household. Lottery and gambling winnings, equal to the resource limit for aged or disabled households, must be reported within ten (10) days of receipt for both limited and occasional reporters. See Appendix D for the resource amount.

For occasional reporters, these changes must be reported within ten (10) calendar days of the date that the change becomes known to the household.

4. Changes in Income

Limited reporters are required to report when the household's gross income exceeds the household's gross income limit. This change must be reported within ten (10) calendar days of the end of the month in which the change occurred. If the tenth day falls on a weekend or holiday, the reporting time will be extended to the end of the next workday. A *Change Report Form* and a change report addendum must be issued to all limited reporting households in order to report such changes.

Self-employment income that has been annualized must be reported and verified when the recertification report is submitted.

Limited reporters must report and verify changes of more than one hundred dollars (\$100) in unearned income and changes in sources of unearned income when the recertification is submitted.

Occasional reporters must report the following changes in both earned and unearned income within ten (10) days of the date that the change becomes known to the household:

- Changes in a source of income. This includes new income from any source or income from any source that has stopped.
- Changes in the household's total gross monthly income. This includes both increases and decreases in income.

11200 Changes Required to be Reported

11200 Changes Required to be Reported

Neither changes in Transitional Employment Assistance (TEA) cash assistance payments nor the receipt of child support refunds paid to TEA recipients need be reported by either limited reporters, or occasional reporters. These changes must be reflected in the household's SNAP benefit amount. See SNAP 12410 - 12420. This applies to both limited reporters and occasional reporters. See SNAP 5704.1.

5. Changes in Deductions

Limited reporters do not have to report changes in deductions until recertification. Limited reporters must report and verify child support payments when the recertification is submitted if these payments will continue to be deducted. Both occasional reporting and limited reporting households are allowed, but not required to, report changes in shelter costs, dependent care costs, or medical costs.

12200 Changes Reported by the Household

12232 Liquid Resources

12232 Liquid Resources

SNAP MANUAL 02/01/1804/01/2024

When a household reports verifies liquid resources exceeding \$2,250 the resource limit amount (See Appendix D), the SNAP case will be closed unless the household contains a member age 60 or older or is categorically eligible as defined in SNAP 1920. If the household has a member age 60 or older, the household will remain eligible unless its total resources exceed \$3,500. Applications that attest to resources exceeding the resource limit must be verified before the application is denied.

See <u>SNAP 4950</u> for an explanation of the procedures for handling lump sum payments.

Additional contact with the household will be is required if the household reports liquid resources in excess of the 2,250 resource limit. but doesn't specify the amount.

When the household reports substantial lottery or gambling winnings equal to or higher than the current resource limit for Aged/Disabled households, no matter the household type, the agency must verify the amount and take appropriate action based on the program rules.

12200 Changes Reported by the Household

12232 Liquid Resources

12232 Liquid Resources

SNAP MANUAL 04/01/2024

When a household verifies liquid resources exceeding the resource limit amount (See Appendix D), the SNAP case will be closed unless the household is categorically eligible as defined in <u>SNAP 1920</u>. Applications that attest to resources exceeding the resource limit must be verified before the application is denied.

See <u>SNAP 4950</u> for an explanation of the procedures for handling lump sum payments.

Additional contact with the household is required if the household reports liquid resources in excess of the resource limit.

When the household reports substantial lottery or gambling winnings equal to or higher than the current resource limit for Aged/Disabled households, no matter the household type, the agency must verify the amount and take appropriate action based on the program rules.