



TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) OVERVIEW WEBINAR TRANSCRIPT

JUNE 4, 2013

WELCOME!

Felicia Gaither: Greetings. And welcome to the Tribal TANF – Tribal Temporary Assistance for Needy Families Overview, also known as Tribal TANF Webinar. This Webinar is brought to you today by the Division of Tribal TANF Management in the Office of Family Assistance of the Administration for Children and Families. My name is Felicia Gaither. I am the Director of the Tribal TANF Management Division here in the Office of Family Assistance. Our division is responsible for three programs – Tribal TANF, Native Employment Works, and our program has responsibility for the Tribal TANF Child Welfare discretionary grant program.

Felicia Gaither: Today's Webinar was created to provide a basic overview of the Tribal TANF program, including factors for a Tribe to consider when deciding if it wants to operate a TANF program, and the process of implementing a Tribal TANF program. The Webinar will be presented jointly by the Office of Family Assistance Division of Tribal TANF Management staff and our Regional Office staff in Region IV.

Felicia Gaither: Today's Webinar has been designed to provide Tribal organizations and other interested parties with baseline information on the Tribal TANF program. This Webinar is a Part One of a two-part series. We plan to host Part Two in late July, which will be all about the letter of intent process for Tribes wanting to administer their own Tribal TANF program. The second Webinar on the letter of intent Process will provide more details on the step-by-step process for initiating a Tribal TANF program. So stay tuned for the date and time of that Webinar. You will receive more information soon.

Felicia Gaither: Our Division and the Regional Office program staff work very closely to ensure the success of Tribes administering the Tribal TANF program. Today, you will hear from both Central Office and Regional Office staff. You will have an opportunity at the end of the Webinar to ask questions and to find out more information or contact information about Tribal TANF Regional Offices.

Felicia Gaither: I would like to now introduce the presenters for today's Webinar. First, I will introduce Amelia Popham. Amelia joined the Office of Family Assistance as a Presidential Management Fellow in 2010. And upon completion of the fellowship, has continued working in our office as a Family Assistance Program Specialist. In her current role, Amelia works with the Tribal TANF program, the Native Employment Works program, and is also the Federal Project Officer for a number of the Tribal TANF Child Welfare Coordination discretionary grants, and for our Regions IX and X. You will also hear today from Melissa Duis. Melissa joined the Office of Family Assistance in 2011 as a TANF program Specialist in the Region IV Atlanta office, which covers the eight southeastern states. Melissa works with the states of Florida and Georgia, in addition to being the lead for the Tribal TANF and Native Employment Works program in her region. I now will turn it over to Amelia.



TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) OVERVIEW

Amelia Popham: Hi. My name is Amelia Popham, and I'm really honored to be here with you today. And Melissa is going to start us off.

OUTLINE

Melissa Duis: Yes. Thank you, Felicia and Amelia. Hello, everyone. Today, we'll start things off by giving a brief background on Tribal TANF. Then Amelia will talk you through the purposes of TANF and the use of TANF funds. Once this foundation is built, I will shed some light on the process for starting a Tribal TANF program. Amelia will return to identify the current sources of guidance and Regional Office contacts to ensure everyone knows where to go if they are interested in learning more about Tribal TANF.

TRIBAL TANF BACKGROUND

Melissa Duis: The "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," also known as PRWORA, repealed Aid to Families with Dependent Children, or AFDC, and created the TANF program. PRWORA also gave Federally-recognized Tribes the authority to operate their own TANF programs. Currently, we have 68 Tribal TANF programs that represent approximately 300 Federally-recognized Tribes in Alaskan native villages. The current annual funding level the Tribal TANF programs is about \$181.6 million. However, please note that the dollar amount fluctuates due to such things as new Tribal TANF grantees being funded or adjustments to existing service areas being made. I will now turn things over to Amelia to introduce the purposes of TANF.

PURPOSES OF TANF

Amelia Popham: As Melissa said, the "Personal Responsibility and Work Opportunity Reconciliation Act" established TANF, and it also established the four statutory purposes of TANF. I'm going to go ahead and read them to you because it's critical to the rest of the presentation. The first one is to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives. The second one is to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage. The third one is to prevent and reduce the incidence of out-of-wedlock pregnancies. And finally, the fourth one is to encourage the formation and maintenance of two-parent families. And I just want to point out briefly here that you'll note that Purposes 1 and 2 specifically use the term "needy families," or "parents" in talking about who it serves.

Amelia Popham: Here we've created this graphic that looks very complicated at first glance, but we're going to try to break it down, and hopefully, it'll be useful in explaining the TANF program. At the top of the graphic, of course, is TANF. And then it moves down into the four purposes, which I just read to you from the previous slide. From there, we identify the two populations that the TANF program serves. That is "needy families" and then "other eligible families." When we say "needy families," we mean families that are financially eligible under the income and resource limits that the Tribe establishes. And then "other eligible families," should the Tribe choose to serve other eligible families, can be other families that meet objective criteria that may or may not include financial criteria that is also established by the Tribe.

Amelia Popham: And then, at the bottom of the graphic, you will see the two categories of services provided under the TANF program. The first one is "assistance," which is often thought of as cash assistance or benefits. And the second type of service is "support services," which is everything else provided under the TANF program.



And we'll be going into more detail about all of this in the coming slides. But we just wanted to use the graphic to kind of point out – I talked about the “needy families” or “parents” language in the Purposes, and you, hopefully can see from the graphic that Purposes 1 and 2 are limited to “needy families,” whereas Purposes 3 and 4 could be services for “needy families” or the “other eligible families” that the Tribe could choose to include in its TANF program.

Amelia Popham: These next couple of slides are in support of the graphic, and hopefully, provide more clarification. So like I said, there were the two populations served under TANF – “needy families” that are subject to the financial criteria – the income and resource limits established by the Tribe. And then an optional second group is the “other eligible families,” which may have different eligibility criteria.

USE OF TANF FUNDS – TWO TYPES OF SERVICES

Amelia Popham: And then, again, just to reiterate the two types of services – there was the “assistance,” otherwise known as cash assistance or benefits designed to meet the family’s ongoing basic needs, such as food, clothing, shelter, and utilities. And remember “assistance” is especially limited to needy families. And families receiving “assistance” will be subject to time limits and work requirements, which are key features of the TANF program that Melissa will be explaining more, later in this presentation. And then again, we have the “support services,” which can be made available to needy families or the other eligible families.

USE OF TANF FUNDS – EXAMPLES OF SUPPORT SERVICES

Amelia Popham: “Support services” can encompass a lot of different things, as long as it meets one of those four purposes of TANF. But we wanted to provide a couple of examples. This list, of course, is not exhaustive. It’s just a few examples of things that, perhaps, other Tribes are doing currently. We grouped these into categories just to give an idea. The categories here are Work Supports, Removal of Barriers to Employment, Pregnancy Prevention and Family Maintenance, and Family and Community Economic Development. All of these examples came from the *TANF Funding Guide*, which the link to which is at the bottom of this slide. And you can use that resource to see these examples, as well as additional examples.

USE OF TANF FUNDS – THINGS TO REMEMBER

Amelia Popham: I know we have a mixed audience on this presentation – some people that are very familiar with TANF, and some that are completely new. If you’re new to TANF, what I just went through fairly quickly is probably a lot of information. So we just wanted to identify some key things to remember. First is all services under TANF must meet a statutory purpose of TANF. That’s those four purposes that we identified in the graphic. All services must benefit TANF families that meet the eligibility criteria established in the Tribe’s TANF Plan. All services must be included in the Tribe’s TANF Plan. So basically, those last two bullets are just saying that in your TANF Plan, you have to say what you’re doing and who you’re serving, and then you have to stick to it.

Amelia Popham: TANF funds may not be used to contribute to or subsidize non-TANF programs. And we just want to point out that there is a difference between coordination and collaboration with other programs, which we obviously encourage. That is different than contributing to or subsidizing. And, of course, when in doubt, ACF prior-approval and guidance is always available. And this is why knowing your ACF Regional Offices is very important. If you use TANF funds in a way that’s not consistent with what we’ve just outlined here, you can be



subject to financial penalties. And so, we just encourage all Tribes currently running TANF or interested in TANF to know your Regional Office contacts.

Amelia Popham: And finally, a few more important things to remember. And these – the bullets on this slide are especially important for new Tribal TANF programs. The first one, TANF funds may not be used for pre-award, otherwise known as start-up costs. We want to point this out because this might be slightly different from other federal programs that you might be familiar with. And Melissa will be discussing this a little bit more later in the presentation around the challenges of starting a TANF program.

Amelia Popham: TANF funds may not be used in violation of Part IV-A of the Social Security Act. That's the law that we discussed – that Melissa discussed earlier. TANF funds may not be used for construction or purchase of facilities, buildings or land. Tribes are not required to match federal TANF funds, which can be very helpful. It's important to note States are required to match Federal TANF funds. State match is called Maintenance of Effort, otherwise known as MOE. Now, the next bullet is to point out that States are not required to provide their MOE funds to the Tribes that are running TANF programs in their States. And any amount of MOE that the State chooses to provide to the Tribe is subject to a separate agreement between the State and the Tribe. This is not a federal requirement. These are all important considerations if you're considering starting a Tribal TANF program. And now, Melissa is going to go into a lot more detail about starting a Tribal TANF program.

STARTING A TANF PROGRAM

Melissa Duis: And now that we have covered what is at the core of TANF, we hope that there is interest for Tribes to consider starting their own Tribal TANF program. One benefit for the Tribes is having the ability to design their TANF programs to better serve the needs of their Tribal community. This ability to tailor the program is seen through the choices the Tribe makes in defining key elements, such as service area, population to be served, and "Indian family". Will the Tribe serve the reservation or BIA designated near reservation service area? Will the Tribe serve Tribal member families, all Indian families, and/or non-Indian families in the service area? If intending to serve non-Indian families, there needs to be an agreement with the State.

Melissa Duis: Tribes also establish eligibility criteria, such as level of income, including what is considered income, such as whether to include per capita payments. Resource limits or even criminal histories can be some of the eligibility criteria that the Tribes come up with. Unlike States, Tribes have the option to condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe. For the cash assistance amounts that Amelia was talking about that were for needy families, those can differ from the amounts that the State pays and can be determined by the Tribe. We'll look a little more closely at time limits and work participation requirements on the next slide.

Melissa Duis: Tribes also define acceptable work activities, which can include things such as subsidized or unsubsidized employment, work experience, job search and job readiness assistance, and vocational education training, which for Tribes is not time limited. And those are just a few. Tribes also have the unique opportunity to include cultural work activities that lead to self-sufficiency. In March 2013, the Welfare Peer Technical Assistance Network conducted an excellent Webinar on cultural activities. Four Tribes shared what they include as cultural activities, which include things such as beading, weaving, fishing, jewelry making, etc. This presentation is accessible by the link at the bottom of this slide, which will take you to the Welfare Peer TA Webpage. Click on the Tribal link and look for the title as displayed here on the slide, and you will find the transcript, PowerPoint slides, and audio recording of the Webinar. I think you'll find it very enlightening to see what other Tribes are actively doing.



Melissa Duis: For those who refuse to engage in acceptable work activities, the Tribe must establish penalties against those individuals as part of their plan.

STARTING A TANF PROGRAM – IMPORTANT CONSIDERATIONS

Melissa Duis: As Amelia mentioned earlier, time limits and work participation requirements apply to TANF cash assistance. The time limit proposed by the Tribe should take into account – considering those factors that may impact the length of time that a TANF family might be expected to need in order to find employment and become self-sufficient. As a point of reference, States are limited to five years, 60 cumulative months, but many States have chosen to impose a shorter timeframe. Tribes can define hardships that would exempt families from the established time limits. It must specify what percentage of the caseload can be exempt. Months are not counted for adults living in Indian Country if the unemployment rate is at least 50%. This is based on the total adult population for the non-employed living on the reservation. Tribes must count prior months of TANF assistance from other State or Tribal TANF programs towards the time limits that the Tribe sets, except for the months that were exempt or disregarded.

Melissa Duis: As for work participation, the Tribe negotiates the rate, as well as the number of required work hours in a week. The minimum number of work hours has to be met in order for the family to be able to count in meeting the rate. It is important to take the economic conditions and opportunities into account when proposing the rate because Tribes will be subject to fiscal penalties if they fail to meet the minimum work participation rate. So before, on the previous slide, we talked about penalties against individuals for refusing to engage in work activities. That is at the individual level. And then on the collective level, it looks at the participation rate for the Tribe, in which the Tribe would be subject to the penalty.

STARTING A TANF PROGRAM

Melissa Duis: These are the major steps to apply for a TANF program. It begins with the submission of a letter of intent, which consists of defining the service area, population to be served, and proposed implementation date. As Felicia mentioned at the beginning of the Webinar, there will be an upcoming Webinar that specifically focuses on this letter of intent. We contact the State to request data related to the FY1994 expenditures for Native American families within the targeted service area. The Tribe is given the opportunity to agree with the State data or submit additional relevant information to be considered. In the end, the amount of the Tribal Family Assistance Grant is determined from this process.

Melissa Duis: The Tribe would also submit an administrative cost cap proposal for the first three years for starting a TANF program that are within the maximum limits of 35% for the first year, 30% for the second year, and 25% for the third year. The maximum limit for ongoing administrative costs is 25%. The Tribal TANF Plan is submitted and goes through a revision process, if necessary, until it is approved. The TANF Plan captures many of the elements we have discussed throughout the presentation, such as eligibility criteria, types of benefits and services, work requirements, time limits – amongst many others. While the process will definitely begin with a letter of intent, and hopefully end with the program being funded, the rest of the steps do not necessarily proceed in the order listed above, as some things happen simultaneously or be hung up in any kind of delays seeking for negotiations or approval. Next, we will look at the timeframes for this process.

Melissa Duis: This chart appears in the TANF regulations to provide a timeframe for submitting documents to begin a Tribal TANF program. Let's look at the first green row as an example. If a Tribe was prepared to submit a letter of intent next month – July 1, 2013 – the soonest implementation date for the Tribal TANF program



would be the second quarter of the federal fiscal year 2014 – January, February or March 1, 2014. The TANF Plan would be due by September 1, 2013, and the State notification of the pending grant reduction would be done by October 1, 2013. So when it refers to previous year, the 2013 versus the 2014, to the example we just walked through, so you just look at your targeted implementation date by quarter, and read the chart backwards from there to be able to see when the timeframe is for submitting your documents. Of course, this timeline of six to eight months is the best case scenario and the fastest in which a program can be put in place. There are processes in place to start, stop, and restart the letter of intent process as needed. Delays could also be encountered in negotiations or approval processes.

STARTING A TANF PROGRAM – CHALLENGES

Melissa Duis: While the process to apply for a Tribal TANF program may be seen as a challenge to get through all the paperwork and negotiations, there are several challenges to be aware of in starting the TANF program. For instance, does your Tribe have the necessary facilities, telecommunications and information systems in place to run the program? Are the facilities accessible to the families in need of services? Will the information systems support the required data collection? These infrastructure and system pieces are especially important to ensure smooth operations.

Melissa Duis: As Amelia mentioned previously, TANF funds cannot be used for pre-award costs. The planning expenses associated with development of the Plan cannot be retroactively charged against the TANF grant. Tribal resources are needed to cover the costs associated with the developing a Plan, whether it be utilizing existing staff time or securing additional expertise or resources.

Melissa Duis: Due to possible changes in Tribal demographics, serving previously unserved populations affects the identified eligibility criteria; there could be a larger TANF caseload than what existed in 1994. Even if the caseloads are slow to build, Tribes should be prepared to handle the challenges of high volume inquiries by the community to learn about the program even if they may not be eligible. If staff do not have experience in working in TANF or similar type programs, Tribes may have to provide a lot of training to ensure that they are qualified to do the job assigned.

Melissa Duis: Collaborating with other Tribal, State, and Federal programs can definitely be advantageous, but at the same time, a challenge to coordinate and navigate through different requirements and accountability measures. There will also be an upcoming Webinar on Tribal TANF and Tribal Child Support Collaboration that will provide a good example of a coordination of such programs.

Melissa Duis: The reporting requirements consist of quarterly financial reports, quarterly data reports, and an annual report. The quarterly reports are due 45 days after the quarter, and the annual report due 90 days from the end of the fiscal year. Tribes have experienced difficulty in accurately completing the reports and in accessing systems. The link provided accesses to a 2003 report describing the experiences of ten Tribal grantees in planning, implementing, and operating TANF programs. While we have noted some additional insights as we discuss them briefly today, the challenges are represented in the report. While the report is a little dated, it does identify challenges we continue to observe today. Let's now take a look how relationships can help address some of these challenges.



STARTING A TANF PROGRAM – KEY PLAYERS

Melissa Duis: Starting and maintaining a TANF program requires good ongoing relationships with all these key players. The Tribal Council support is, of course, needed up front as the resolution supporting the Tribal TANF program accompanies the TANF Plan. As the TANF program is implemented, Tribal members are likely to approach their Tribal Council representatives within their communities, and the Council members can pass along outreach materials and connect the community with the program, both from a client perspective as well as from an employment perspective. Since the TANF Plan is being designed to meet the needs of the Tribal community, the input of the Tribal community is important as well. The TANF Plan goes through a 45-day comment period before submitting it to us. The Tribal community will show its ongoing support by embracing the program, utilizing its services, working as staff, providing resources or opportunities to benefit the clients as available.

Melissa Duis: The Office of Family Assistance will provide support and guidance. The Regional Office will work closely to provide technical assistance during the planning to help guide you through the application process. In absence of pre-award planning costs, we are able to provide sample plans from other Tribes that might be in similar situations, numbers, rural or urban environments to help you see what's already out there in existence. Guidance and support will continue from the Regional and Central Offices as the program is implemented.

Melissa Duis: Working with the State can be very beneficial to this Tribe. You may work with the State to get training for the Tribal staff, get estimated number of current cases for planning and budgeting purposes, coordinating the case transfers when your program is up and running, having the State refer Tribal members back to your program, subcontracting some of the operations to the State, possibly using State systems for reporting or checking for possible duplication of services. Some of those relationships are also at the county level, particularly in states where the TANF program is county-administered. And so depending on the service area, it could impact multiple counties in a state in which those individual relationships would be important as well for working with the cases. As Amelia mentioned before, there's a possibility that the State may also contribute some MOE to the Tribe if an agreement is reached. As you can see, all these different players have many resources and attributes to contribute the Tribe's TANF program. While beneficial up front, it's important to realize that it's an ongoing process to keep everyone at the table to keep the TANF program strong and going forward. Now I will turn it over to Amelia to talk about the current sources of guidance.

CURRENT SOURCES OF GUIDANCE

Amelia Popham: Okay, so as we reach close to the end of this presentation, we wanted to provide you with these current sources of guidance for a lot more information and also the place where a large portion of the things we presented today came from. So at the top, we have the statute or the law, which is Title IV of the Social Security Act – we've mentioned briefly earlier.

Amelia Popham: We also have the relevant regulations. First, 45 CFR Part 286 is the regulation governing the Tribal TANF program and provides a lot more detail than what's in the statute. And then we also have 2 CFR Part 225, which is cost principles for State, Local, and Tribal governments receiving federal funds. And you might know this better as OMB Circular A-87. If you do not already have access to these regulations, one way to find them is online, and one resource is www.ecfr.gov.

Amelia Popham: And then after the regulations, we have policies. First is the Program Instructions, or what we often call PIs, and these represent guidance and clarification coming out of ACF. Two particularly helpful Program Instructions for starting up a Tribal TANF program are PI-2008-03 and PI-2005-03. And then, of course, we have our ACF Website. There's a Tribal TANF page and that is listed here. On this Website you will find Q's



and A's, data and reports, and other information relevant to Tribal TANF. Of course, this is a lot of the information about Tribal TANF, but it's not an exhaustive list of all of the guidance. We think it's a good starting point and just, again, want to emphasize the importance of using your Regional Office for clarification of any laws, regulations, or policies that you may have.

REGIONAL OFFICE CONTACTS

Amelia Popham: And so, just to say one more time that we really encourage any Tribe interested in starting a Tribal TANF program, to reach out to your ACF TANF Regional Office. Listed here are the TANF Regional Program Managers, and the states or territories that they oversee, and their phone numbers, of course. So you can reach out to them as a good starting point if you are interested in starting a program or for more information.

QUESTIONS?

Amelia Popham: At this time, we're going to go ahead and take questions. We especially want to encourage Tribes and individuals that are not very familiar with TANF to feel free to ask questions. We know that this has been a lot of information in a short period of time. And so, all questions, no matter how basic, are welcome. And as one note, we just wanted to let everyone know, transcripts of this presentation will be available on the Welfare Peer TA Website after this presentation. Thank you.

Felicia Gaither: *And so we do have a question. The first question is: Are Tribes administering their own Tribal TANF programs required to meet the same work participation rate as States?*

Melissa Duis: All right. Well, with the work participation rate, that is something that the Tribe puts together and proposes in their Plan. And if we look back at slide 13, it talks about that negotiation process. So whereas the States do have participation rates within the State regulations for TANF, the Tribes are left to develop their own. So that would mean that it would actually be different rates and not meeting the State's rates. One difference also to note is if you do look at the State participation rates, there are ways in which the work participation rate can be reduced based on caseload and excess MOE. But for the Tribes, the rate that you come up with is the rate that you're measured against. There's nothing to decrease that rate. So sometimes when you're looking at States to compare, what is their cash assistance amounts or what are their time limits to see how close or on par you want to be with them because you can be different, the work participation rate is something you'll really want to take into mind that it's not as clear as the cash amounts and time limits because there are things that reduce their rates. So that their 50% overall rate can be diminished lower than that. So just be cognizant of that when proposing your rate, that that is the number that your Tribe is specific to meet and it can vary between all the Tribes since it's Tribe-specific.

Felicia Gaither: *Thank you Melissa. Okay, we have another question. What are the cost limitations to a Tribal TANF program trying to develop its own in-house database?*

Amelia Popham: Well, I can provide sort of an introductory answer to that, and then, of course, I think there's a lot more that we could explore in that question. But Melissa mentioned the administrative cost limit, which is 25% after the third year and ongoing. And so depending on exactly what is meant by developing the in-house database, some of the costs could be subject to the admin cost limit. But otherwise, there wouldn't be a limit on the services or other activities by category under your TANF grant.

Melissa Duis: And I think it might also be important to note, with some other federal programs, there are separate monies dedicated to systems. And that is not the case with the Tribal TANF, so that there's not a pot of



money dedicated to that. So as Amelia mentioned, you would be looking at within your own budget and taking into consideration any portions that would fall within those administrative cost limits.

Felicia Gaither: *Okay. Next question. Are Tribal TANF programs required to follow State statutes governing State TANF programs?*

Amelia Popham: So that's a good question. And I think the best answer is that it depends. So there are State TANF regulations that are separate from the Tribal TANF regulations. So the regulations that we mentioned at 45 CFR Part 286 are specific to the Tribes. And there are a lot of things in there that are different from the State TANF regulations. And some of those were the things that Melissa mentioned in terms of work participation rate flexibility, work activity flexibility, and other things. Of course, both State and Tribal TANF fall under the Social Security Act – Part IV of the Social Security Act.

Felicia Gaither: *So the next question is: How long does it take to get a Tribal TANF Plan approved and who approves, the Regional Office or Central Office?*

Melissa Duis: All right. I guess I'll take a first crack at that one. When looking back at slide 15 in that chart of the timeline, it does have when that formal Plan is due to ACF. And that is to give enough lead time to get through the approval process. It can vary depending on how long it takes to get an approved form, so basically there's a revision process. Both Regional and Central Office review the plans together, so that we come back to you with just one set of feedback at a time to say, "These are some critical elements that need to be addressed in the Plan before it can be approved." So there are definitely both entities involved in looking at the Plan. And the timeframe, again, can vary depending on the needs to – that need to be addressed in the Plan before it can be approved. Some of the things, for instance, that are negotiated, such as the timeframes that are put in place and the work participation rates, those things are negotiated, so depending on what the Tribe proposed, if there needs to be any discussion and back and forths, that could take some extra time and making sure that all the eligibility criteria is clear in there, as well as all the things that are articulated in the regulations that belong in the Plan are present and complete. So depending on how well the Plan is written comprehensively might determine how long that takes to get through the process.

Felicia Gaither: *Okay. Next question. If Tribes can determine their own eligibility criteria, does this mean they can also include individuals with felonies?*

Amelia Popham: So it is correct that Tribes establish their own eligibility criteria. The felonies question, it can kind of depend on the type of felony sometimes. There is specific language in the statute related to drug felonies. And sometimes we've observed that Tribes have Tribal policies or laws around what type of services can be provided to individuals convicted of felonies. So the eligibility criteria that the Tribe establishes, it always has to be objective so it can be fairly applied. And this specific question, it can kind of depend sometimes on the type of felony, but that's certainly something that you could explore more with your Regional Office when you are establishing your Plan and establishing the eligibility criteria in your Plan.

Felicia Gaither: *Okay. Next question. Our rate is two hours for chemical dependency treatment and six hours GED. Are these average hours or should we increase them? Our hours per week are 28 hours. And the hours are – we're going to assume based on work participation hours, and so if that's not the case, please send us a message quickly.*

Amelia Popham: And in terms of what rate should you set, it is definitely decided by the Tribe. One of the things that you're looking at when setting the hours of participation for any activities is, of course, the people have to meet a minimum amount in order to be calculated in that participation rate. So you want the – both the



rate as well as the hours to be attainable given the circumstances of your population and the challenges they face, as well as your economic conditions and available employers. And typically, it is looked at as hours worked per week averaged over the month.

Felicia Gaither: *Next question. What defines a Tribe?*

Amelia Popham: So that is an important question as well. Only Federally-recognized Tribes and the Alaskan Native non-profits are eligible to operate a TANF grant. Sometimes state-recognized Tribes can be served under a Tribal TANF program if they work with a Federally-recognized Tribe, and there's a process for that as well. But that is a good question because Federally-recognized Tribes are eligible for a TANF grant.

Felicia Gaither: *Next question. How are State Maintenance of Effort funds regulated and/or prescribed? What rulings apply?*

Melissa Duis: Well, in looking at whether or not a Tribe receives any State MOE funds, one of things to be aware of is that an agreement has to exist and articulate how the funds may or may not be used, and how to inform the State of how the funds are spent. Because the State is going to be accountable for how those MOE funds were spent by the Tribe. There are reports that the States file on their MOE funds, and they are, of course, subject to audits as well for the financial audits. In some cases, in those agreements between States and Tribes, that States are giving MOE to Tribes, sometimes there are specific purposes that they're agreed to on what they can spend it for. And other ones are more open, so it really depends on how the State and Tribe work together to come to an agreement of how those funds will be used. But in the end, it is going to have to be some accountability between the Tribe and State to let them know where those funds were so that there could be accurate reporting for the federal fiscal reports.

Amelia Popham: So we received a follow-up question related to the question of what defines a Tribe. And someone asked about Tribal Consortia and, of course, there are a lot of Tribal TANF grantees that are Tribal Consortia. And so yes, Tribal Consortia do operate Tribal TANF programs on behalf of the Federally-recognized Tribes, which they represent. I hope that was helpful.

Felicia Gaither: *Next question. Can a Tribe determine their assistance rates higher than the State's assistance rate? An assistance rate as being taken as their cash benefit amount per month.*

Melissa Duis: Yes. It is possible. The Tribe does set its cash assistance amount. And so that can be at their discretion, so it can be definitely above what the State pays, below or equal to. It definitely depends on what your budget is and what your expected caseload is for meeting cash assistance. So there you would have the ability to set that cash assistance amount above what the State pays for your Tribal members that you serve.

Felicia Gaither: *Okay. Next question. Where can we get processes as a Federally-recognized Tribe to serve State-recognized Tribal members?*

Amelia Popham: So I'll go ahead and follow up on this question as well since it's related to a previous question. And I think there might be some information in the PI – in the PI-2005-03, but this is a process – it's happened a few times. It's not that common where a State-recognized Tribe wants to be served by a Tribal TANF program, and we've gone through the process of allowing that. It basically requires a lot of parties to come together being the State-recognized Tribe, the Federally-recognized Tribe, and also the State because State concurrence is needed to include a State-recognized Tribe in your service population.



Felicia Gaither: *Next question. Could you explain more on purchases over \$5,000 to a TANF fund?*

Amelia Popham: So I don't know, Melissa, if you know more than I do. This is policy from the Regulation 2 CFR Part 225 or OMB Circular A-87. And this is a grants policy, so it's less familiar to me as a program person. But you can certainly find more information about it in the Regulations and Circular. Also, I should mention that when you use your Regional Offices for guidance, they have Program Specialists as well as Grants Management Specialists that can provide that sort of guidance. So the reference to purchases over \$5,000, in particular, I believe there's a policy requiring prior approval if it's – especially if it relates to equipment. But I wouldn't want to be the definitive source on that. So certainly, I encourage you to follow up with your Regional Office contact.

Melissa Duis: Yes, and I would echo what Amelia says, that we would definitely want to consult with fiscal folks on the question of that nature. TANF is a little bit different in that there's not line item budgets submitted ahead of time, unlike some other federal programs. So it's a little bit different there, but that's definitely something we can follow up with at the Regional Office and looking at the contacts that we provided on slide 19.

Felicia Gaither: When you exit the Webinar today, at the conclusion, we just want to bring to your attention, you will receive a survey and we ask that you would please complete that evaluation because it will allow us to know if this Webinar was helpful to you and the types of technical assistance that we can provide in the future. If there are no additional questions, we thank you for joining us today, and hope that this has been helpful information for you. Please know that we have two other Tribal TANF-related Webinars coming up very soon. We have one that will be a partnership with our Tribal Child Support colleagues and you will receive information on that. And that will be in July, as well as Part 2, the Letter of Intent Process for Tribal TANF will also be in late July. And so, thank you again for your participation today. Thank you to the presenters and have a great afternoon.

[End.]