

## APPENDIX 1

### TANF REQUIREMENTS

#### I. PROGRAM OBJECTIVES

The State receives TANF funding in the form of a block contract from the United States Department of Health and Human Services (HHS). The State must use the TANF block contract funds to meet at least one of the four objectives stated in the federal TANF law. The objectives of TANF are to:

- (1) provide assistance to needy families;
- (2) end dependence of needy parents by promoting job preparation, work, and marriage;
- (3) prevent and reduce out-of-wedlock pregnancies; and
- (4) encourage the formation and maintenance of two-parent families.

**Note:** Only purposes 2, 3, and/or 4 will be addressed by applicants responding to RFP No. BEN-11-091.

#### II. SOURCE OF GOVERNING REQUIREMENTS

TANF was established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Public Law 104-193), which amended Title IV-A of the Social Security Act. Additional amendments were enacted in the Balanced Budget Act of 1997. The federal law regarding TANF can be found in the U.S. Code at 42 USC 601-619.

Reauthorization of the Temporary Assistance for Needy Families (TANF) Program's Final Rule was published in the February 5, 2008 Federal Register 45 CFR Parts 261, 262, 263, and 265. The regulation can be found at: [http://www.acf.hhs.gov/programs/ofa/law-reg/finalrule/tanf\\_final\\_rule.htm](http://www.acf.hhs.gov/programs/ofa/law-reg/finalrule/tanf_final_rule.htm).

TANF is subject to the A-102 Common Rule ([www.whitehouse.gov/omb/circulars/a102/a102.html](http://www.whitehouse.gov/omb/circulars/a102/a102.html)) and OMB Circular A-87 ([www.whitehouse.gov/omb/circulars/a087/a087-all.html](http://www.whitehouse.gov/omb/circulars/a087/a087-all.html)).

Any program or activity that receives TANF block contract funds is subject to: the Age Discrimination Act of 1975, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1964. There shall be no discrimination based on race, color, religion, sex, national origin, marital, parental, birth status, or disability by State or local agencies in the administration of any public assistance program.

#### III. ASSISTANCE VERSUS NON-ASSISTANCE

The funds being allocated by contract cannot be used for "assistance" unless specifically permitted by the Secretary of Health and Human Resources. Generally, assistance refers to cash benefits and non-assistance refers to the provisions of services.

The definition of "assistance" provided with TANF federal funds is of particular importance because the major TANF program requirements (e.g., work requirements, time limits on Federal assistance, assignment of rights to child support, and data reporting) apply only to families receiving "assistance." The definition of assistance can be found at 45 CFR 260.31 ([www.acf.dhhs.gov/programs/ofa/finalru.htm](http://www.acf.dhhs.gov/programs/ofa/finalru.htm)).

In the federal TANF regulations, assistance includes payments directed at ongoing, basic needs.

Assistance excludes non-recurrent, short-term benefits designed to deal with individual crisis situations rather than ongoing need. These benefits cannot provide for needs that extend beyond four months. The definition of assistance also excludes child care, transportation and supports provided to employed families, individual development account (IDA) benefits, refundable earned income tax credits, work subsidies to employers, and services such as education and training, case management, job search, and counseling.

#### **IV. FINANCIAL PENALTIES**

1. Use of federal funds in violation of the Act results in financial penalties. The single audit conducted under the Single Audit Act, supplemented by other related audits, reviews, and data sources will help identify violations.
2. Any use of funds that violates the provisions of the Act (Public Law 104-193, Section 115(a)(1) [Denial of Public Assistance and Benefits for Certain Drug-Related Convictions]) the provisions of 45 CFR Part 92 or OMB Circular A-87 will be considered to be a misuse of funds.
3. Misuse of funds will be considered intentional if there is supporting documentation, such as federal guidance or policy instructions, indicating that federal TANF funds could not be used for that purpose.