

rate of abortions for calendar year 1995 and for the most recent year for which abortion data are available as defined in §283.2. These rates will equal the number of abortions reported by the State to ACF for the applicable year, divided by total live births among women living in the State reported by NCHS for the same year. We will calculate the rates to three decimal places.

(b) If ACF determines that the State's rate of abortions for the most recent year for which abortion data are available is less than the rate for 1995, and, if the State has met all the requirements listed elsewhere under this part, the State will receive the bonus.

**§ 283.8 What will be the amount of the bonus?**

(a) If, for a bonus year, none of the eligible States is Guam, American Samoa or the Virgin Islands, then the amount of the grant shall be:

(1) \$20 million per State if there are five eligible States; or

(2) \$25 million per State if there are fewer than five eligible States.

(b) If for a bonus year, Guam, the Virgin Islands, or American Samoa is an eligible State, then the amount of the grant shall be:

(1) In the case of such a State, 25 percent of the mandatory ceiling amount as defined in section 1108 of the Act; and

(2) In the case of any other State, \$100 million, minus the total amount of any bonuses paid to Guam, the Virgin Islands, and American Samoa, and divided by the number of eligible States other than Guam, American Samoa and the Virgin Islands, not to exceed \$25 million per State.

**§ 283.9 What do eligible States need to know to access and use the bonus funds?**

(a) States must use the bonus funds to carry out the purposes of the Temporary Assistance for Needy Families Block Grant in section 401 and 404 of the Act. This may include statewide programs to prevent and reduce the incidence of out-of-wedlock pregnancies.

(b) As applicable, these funds are subject to the requirements in, and the

limitations of, sections 404 and 408 of the Act.

(c) For Puerto Rico, Guam, the Virgin Islands, and American Samoa, the bonus award funds are not subject to the mandatory ceilings on funding established in section 1108(c)(4) of the Act.

**PART 284—METHODOLOGY FOR DETERMINING WHETHER AN INCREASE IN A STATE OR TERRITORY'S CHILD POVERTY RATE IS THE RESULT OF THE TANF PROGRAM**

Sec.

284.10 What does this part cover?

284.11 What definitions apply to this part?

284.15 Who must submit information to ACF to carry out the requirements of this part?

284.20 What information will we use to determine the child poverty rate in each State?

284.21 What will we do if the State's child poverty rate increased five percent or more over the two-year period?

284.30 What information must the State include in its assessment of the impact of the TANF program(s) in the State on the increase in child poverty?

284.35 What action will we take in response to the State's assessment and other information?

284.40 When is a corrective action plan due?

284.45 What are the contents and duration of a corrective action plan?

284.50 What information will we use to determine the child poverty rate in each Territory?

AUTHORITY: 42 U.S.C. 613(i)

SOURCE: 65 FR 39248, June 23, 2000, unless otherwise noted.

**§ 284.10 What does this part cover?**

(a) This part describes the methodology for determining the child poverty rates in the States and the Territories, as required by section 413(i) of the Social Security Act, including determining whether the child poverty rate increased by five percent or more as a result of the TANF program(s) in the State or Territory. It also describes the content and duration of the corrective action plan.

(b) The requirements of this part do not apply to any Territory that has never operated a TANF program.

**§ 284.11**

**45 CFR Ch. II (10–1–09 Edition)**

**§ 284.11 What definitions apply to this part?**

The following definitions apply to this part:

*ACF* means the Administration for Children and Families.

*Act* means the Social Security Act, unless otherwise specified.

*Census Bureau methodology* means the various methods developed by the Census Bureau for estimating the number and percentage of children in poverty in each State. These methods may include national estimates based on the Current Population Survey; the Small Area Income and Poverty Estimates; the annual demographic programs, including the American Community Survey; or any other programs or methods used by the Census Bureau to estimate poverty. “Children in poverty” means children that live in families with incomes below 100 percent of the Census Bureau’s poverty threshold.

*Child poverty rate* means the percentage of all children in a State or Territory which live in families with incomes below 100 percent of the Census Bureau’s poverty threshold.

*Date of enactment* means calendar year 1996.

*MOE* means maintenance-of-effort. This is a provision in section 409(a)(7) of the Social Security Act that requires States to maintain a certain level of spending based on historical (*i.e.*, FY 1994) expenditure levels.

*SAIPE* means the Small Area Income and Poverty Estimates, a methodology developed by the Census Bureau to obtain more accurate estimates of poverty and income (including the number and percentage of children in poverty) at the State and county level between decennial censuses.

*SSP-MOE* means a separate State program operated outside of the TANF program for which the expenditure of State funds may count for MOE purposes.

*State* means each of the 50 States of the United States and the District of Columbia.

*TANF* means the Temporary Assistance for Needy Families program under sections 401 through 419 of the Social Security Act, as enacted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, sec-

tions 101–116 of Pub. L. 104–193 (42 U.S.C. 601–619).

*Territories* means American Samoa, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

*Tribal TANF program* means a TANF program developed by an eligible Tribe, Tribal organization, or consortium of Tribes, and approved by us under section 412 of the Act.

*We (and any other first person plural pronouns)* means the Secretary of Health and Human Services or any of the following individuals and organizations acting in an official capacity on the Secretary’s behalf: The Assistant Secretary for Children and Families, the Regional Administrators for Children and Families, the Department of Health and Human Services, and the Administration for Children and Families.

**§ 284.15 Who must submit information to ACF to carry out the requirements of this part?**

(a) The Chief Executive Officer of the State, or his or her designee, is responsible for submitting to ACF the information required by this part.

(b) The State should obtain information from and work with the Indian tribe(s) (and Tribal consortia) operating a Tribal TANF program in the State in preparing and submitting the assessment, as specified in § 284.30, and the corrective action plan, as specified in § 284.45.

**§ 284.20 What information will we use to determine the child poverty rate in each State?**

(a) *General.* We will determine the child poverty rate in each State based on estimates from either the Census Bureau or the State, as described in this section. Each year we will use these data to determine the change in the State’s child poverty rate over a two-year period, beginning with calendar years 1996 and 1997.

(b) *Estimates from the Census Bureau.* (1) Annually, we will obtain from the Census Bureau and provide to each State the estimate of the number and percentage of children in poverty in each State. The estimate will be based on the Census Bureau methodology.

(2) In 2000, and annually thereafter, we will determine for each State, at the 90-percent confidence level, the percentage change in the child poverty rate and provide this information to the State. The determination of percentage change in 2000 will cover the change between calendar years 1996 and 1997.

(c) *Estimates from the State.* (1) As an alternative to the Census Bureau estimates provided to the State under paragraph (b) of this section, the State may provide to us data on child poverty in the State derived from an independent source.

(2) If the State provides data on child poverty as described in paragraph (c)(1) of this section, it must:

(i) Provide an estimate of the child poverty rate for the same two calendar years as the Census Bureau estimates provided to the State under paragraph (b)(2) of this section;

(ii) Provide the change in the child poverty rate for the applicable two-calendar-year period at the 90-percent confidence level;

(iii) Use the official definition of poverty as used by the Census Bureau; and

(iv) Describe the methodology used to develop its independent estimates, the sources of data and methodology for collecting the data, any known problems associated with making estimates of this type, the estimate of the standard error, and the power of the sample to detect a five percent change in the child poverty rate.

(3) The State must submit its independent estimates and supporting information within 45 days of the date the State receives the Census Bureau estimates as described in paragraph (b) of this section.

(d) *Determination of the State's child poverty rate.* (1) If we determine that the State's independent estimates of the child poverty rate are more reliable than the Census Bureau estimates, we will accept these estimates.

(2) For all other States, we will determine the State's child poverty rate based on the Census Bureau's estimates.

**§ 284.21 What will we do if the State's child poverty rate increased five percent or more over the two-year period?**

(a) If we determine, based on § 284.20, that the State's child poverty rate did not increase by five percent or more over the applicable two-year period at the 90-percent confidence interval, we will:

(1) Conclude that the State has satisfied the statutory requirements of section 413(i) of the Act; and

(2) Notify the State that no further information from or action by the State is required for the applicable two-calendar-year period.

(b) If we determine, based on § 284.20, that the State's child poverty rate increased by five percent or more over the applicable two-year period at the 90-percent confidence level, we will notify the State that it has 90 days from the date of its receipt of our notification to submit an assessment of the impact of the TANF program(s) in the State, as specified in § 284.30.

**§ 284.30 What information must the State include in its assessment of the impact of the TANF program(s) in the State on the increase in child poverty?**

(a) The State's assessment must:

(1) Cover the same two-calendar-year period as the Census Bureau estimates provided to the State in § 284.20(b)(2);

(2) Directly address the issue of whether the State's child poverty rate increased as a result of the TANF program(s) in the State and include the State's analysis, explanation, and conclusions in relation to this issue; and

(3) Include the information on which the assessment was based.

(b) The State's assessment may be supported by any materials the State believes to be pertinent to its analysis, explanation, and conclusions. The following are examples of such materials:

(1) The number of families receiving TANF cash assistance payments under the State TANF program and, if applicable, the Tribal TANF program(s);

(2) The total amount of State and Tribal spending on TANF cash assistance payments;

(3) The number and/or percentage of eligible families with children in the State who are participating in the

**§ 284.35**

Food Stamp Program or other State supportive and assistance programs;

(4) The proportion of students certified for free or reduced-price school lunches;

(5) TANF income eligibility rules that show that client participation was not limited or cash benefits did not decrease;

(6) Examples of efforts that the State and the Indian tribe(s), as appropriate, have taken using TANF and other funds to support families entering the work force;

(7) The percentage of eligible individuals in the State receiving TANF assistance;

(8) Information on TANF program participation such as the number of applications disapproved or denied, or cases sanctioned;

(9) The number of TANF cases closed as a result of time-limit restrictions or non-compliance with work requirements;

(10) The amount of total cash assistance expenditures that can be claimed for SSP-MOE purposes;

(11) Information based on Unemployment Insurance wage record data showing, for example, increases in the number of TANF participants entering jobs, retaining jobs, and increasing their earnings;

(12) The number of families receiving work subsidies, *i.e.*, payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training;

(13) Information that a State met the definition of “needy State” under section 403(b)(6) of the Act for an extended period of time within the applicable two-calendar-year period;

(14) Examples of past efforts that the State and the Indian tribe(s), as appropriate, have taken to mitigate or address child poverty;

(15) Any other data on the TANF program(s) in the State that would support the State’s conclusions; and

(16) Information on other circumstances in the State that may have contributed to the increase in child poverty such as changes in economic or social conditions, *e.g.*, an increase in the State’s unemployment rate.

**45 CFR Ch. II (10–1–09 Edition)**

**§ 284.35 What action will we take in response to the State’s assessment and other information?**

(a) We will review the State’s assessment along with other available information. If we determine that the increase in the child poverty rate of five percent or more is not the result of the TANF program(s) in the State, we will notify the State that no further information from, or action by, the State is required for the applicable two-calendar-year period.

(b) Based on our review of the State’s assessment and other information, if we determine that the increase in the State’s child poverty rate of five percent or more is the result of the TANF program(s) in the State, we will notify the State that it must submit a corrective action plan as specified in §§ 284.40 and 284.45.

**§ 284.40 When is a corrective action plan due?**

Each State must submit a corrective action plan to ACF within 90 days of the date the State receives notice of our determination that, as a result of the TANF program(s) in the State, its child poverty rate increased by five percent or more for the applicable two-calendar-year period.

**§ 284.45 What are the contents and duration of the corrective action plan?**

(a) The State must include in the corrective action plan:

(1) An outline of the manner in which the State or Territory will reduce its child poverty rate;

(2) A description of the actions it will take under the plan; and

(3) Any actions to be taken under the plan by the Indian tribe(s) (or Tribal consortia) operating a TANF program in the State.

(b) The State must implement the corrective action plan until it determines and notifies us that its child poverty rate, as determined in § 284.20, is less than the lowest child poverty rate on the basis of which the State was required to submit the corrective action plan. The “lowest child poverty rate” means the five percent threshold above the first year in the two-year comparison period.

**§ 284.50 What information will we use to determine the child poverty rate in each Territory?**

(a) Our intent is that, to the extent that reliable data are available and the procedures are appropriate, the Territories must meet the requirements in §§ 284.11 through 284.45 as specified for the 50 States and the District of Columbia.

(b) When reliable Census Bureau data are available for the Territories, we will:

(1) Notify the Territories through guidance of our intent to use these data in the implementation of this part; and

(2) Begin the process by providing to each Territory the number and percent of children in poverty in each jurisdiction, as specified in § 284.20(b).

**PART 285 [RESERVED]**

**PART 286—TRIBAL TANF PROVISIONS**

**Subpart A—General Tribal TANF Provisions**

Sec.

286.1 What does this part cover?

286.5 What definitions apply to this part?

286.10 What does the term “assistance” mean?

286.15 Who is eligible to operate a Tribal TANF program?

**Subpart B—Tribal TANF Funding**

286.20 How is the amount of a Tribal Family Assistance Grant (TFAG) determined?

286.25 How will we resolve disagreements over the State-submitted data used to determine the amount of a Tribal Family Assistance Grant?

286.30 What is the process for retrocession of a Tribal Family Assistance Grant?

286.35 What are proper uses of Tribal Family Assistance Grant funds?

286.40 May a Tribe use the Tribal Family Assistance Grant to fund IDAs?

286.45 What uses of Tribal Family Assistance Grant funds are improper?

286.50 Is there a limit on the percentage of a Tribal Family Assistance Grant that can be used for administrative costs?

286.55 What types of costs are subject to the administrative cost limit on Tribal Family Assistance Grants?

286.60 Must Tribes obligate all Tribal Family Assistance Grant funds by the end of the fiscal year in which they are awarded?

**Subpart C—Tribal TANF Plan Content and Processing**

286.65 How can a Tribe apply to administer a Tribal Temporary Assistance for Needy Families (TANF) program?

286.70 Who submits a Tribal Family Assistance Plan?

286.75 What must be included in the Tribal Family Assistance Plan?

286.80 What information on minimum work participation requirements must a Tribe include in its Tribal Family Assistance Plan?

286.85 How will we calculate the work participation rates?

286.90 How many hours per week must an adult or minor head-of-household participate in work-related activities to count in the numerator of the work participation rate?

286.95 What, if any, are the special rules concerning counting work for two-parent families?

286.100 What activities count towards the work participation rate?

286.105 What limitations concerning vocational education, job search and job readiness assistance exist with respect to the work participation rate?

286.110 What safeguards are there to ensure that participants in Tribal TANF work activities do not displace other workers?

286.115 What information on time limits for the receipt of assistance must a Tribe include in its Tribal Family Assistance Plan?

286.120 Can Tribes make exceptions to the established time limit for families?

286.125 Does the receipt of TANF benefits under a State or other Tribal TANF program count towards a Tribe’s TANF time limit?

286.130 Does the receipt of Welfare-to-Work (WtW) cash assistance count towards a Tribe’s TANF time limit?

286.135 What information on penalties against individuals must be included in a Tribal Family Assistance Plan?

286.140 What special provisions apply to victims of domestic violence?

286.145 What is the penalty if an individual refuses to engage in work activities?

286.150 Can a family, with a child under age 6, be penalized because a parent refuses to work because (s)he cannot find child care?

286.155 May a Tribe condition eligibility for Tribal TANF assistance on assignment of child support to the Tribe?

286.160 What are the applicable time frames and procedures for submitting a Tribal Family Assistance Plan?

286.165 How is a Tribal Family Assistance Plan amended?