



Summary of TANF NPRM and Instructions for Submitting Comments

November 14, 2023

Notice of Proposed Rulemaking

- The Administration for Children and Families (ACF) published a Notice of Proposed Rule Making (NPRM): [Strengthening TANF as a Safety Net and Work Program](#) on October 2, 2023.
- The NPRM is intended to strengthen TANF's role in supporting family well-being and work, as well as creating additional accountability for states to ensure TANF funds serve their intended purpose, while maintaining state flexibility.

Public Comments

- Comments are due December 1, 2023.
- HHS welcomes comments through the comment process from all interested parties and will closely review and consider every comment it receives.
- We strongly encourage your input, informed by your experience with the TANF program.

How to Comment

<https://www.federalregister.gov/d/2023-21169>



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 Proposed Rule 

Strengthening Temporary Assistance for Needy Families (TANF) as a Safety Net and Work Program

A Proposed Rule by the [Children and Families Administration](#) on 10/02/2023



 This document has a comment period that ends in 17 days. (12/01/2023)

[SUBMIT A FORMAL COMMENT](#)

ADMINISTRATION FOR
CHILDREN & FAMILIES
Office of Family Assistance

Package of Seven Regulatory Proposals

- (1) Establish a ceiling on the term “needy”
- (2) Clarify when an expenditure is “reasonably calculated to accomplish a TANF purpose”
- (3) Exclude as an allowable TANF maintenance-of-effort (MOE) expenditures cash donations from non-governmental third parties and the value of third-party in-kind contributions
- (4) Ensure that excused holidays match the number of federal holidays, following the recognition of Juneteenth as a federal holiday
- (5) Develop new criteria to allow states to use alternative Income and Eligibility Verification System (IEVS) measures
- (6) Clarify the “significant progress” criteria following a work participation rate corrective compliance plan
- (7) Clarify the existing regulatory text about the allowability of costs associated with disseminating program information

Proposal Limited to State Regulations

- The proposed changes are limited to the state regulations at this time.
- This NPRM does not propose any changes to the tribal TANF regulations.
- Prior to any changes in tribal TANF regulations, we will engage in tribal consultation.

(1) Establish a ceiling on the term “needy”

- This proposed change would require that state definitions of “needy” – with respect to all federal TANF and state MOE expenditures that are subject to a required needs standard – must be limited to individuals in families with incomes at or below 200 percent of the federal poverty guidelines.
- We welcome comments on the proposed limit of 200 percent of the federal poverty guidelines.

(2) Clarify when an expenditure is “reasonably calculated to accomplish a TANF purpose”

- This proposal sets forth the standard HHS would apply to determine whether expenditures are or are not reasonably calculated to meet a TANF purpose, and thus warrant a penalty under the misuse of funds penalty authority.
- As with any situation, the analysis will necessarily be fact-specific.
- We welcome comments on the potential impacts on financial management and reporting, as well as on service delivery and program operations.

(3) Exclude 3rd Party Non-governmental MOE as an allowable expenditure

- This proposal would exclude as allowable TANF MOE expenditures cash donations from non-governmental third parties and the value of third-party in-kind contributions under TANF.
- We invite comment on the effects that this proposed change would have on state programs, budgets, and partnerships.

(4) Ensure that excused holidays match the number of federal holidays

- This proposal would ensure that, when determining engagement toward the work participation rate, excused holidays match the number of federal holidays.
- This follows the recognition of Juneteenth as a federal holiday.
- As under current rules, each state must designate in its work verification plan the days that it wishes to count as holidays for those in unpaid activities.

(5) Develop new criteria to allow states to use alternative IEVS measures

- This proposal would develop new criteria to allow states to use alternative Income and Eligibility Verification System (IEVS) measures.
- We welcome comments on the current administrative burdens, including cost and time estimates, and usefulness of the required IEVS matches.
- We also welcome comments on the benefits that might be gained from using more cost-effective alternate data sources.

(6) Clarify the “significant progress” criteria following a WPR corrective compliance plan

- This proposal would clarify the “significant progress” criteria following a work participation rate corrective compliance plan.
- This proposal would reduce administrative burden and substantially reduce some potential penalties, making them commensurate with the degree of a state's remaining noncompliance.

(7) Clarify the allowability of costs associated with disseminating program information

- This proposal would clarify the existing regulatory text about the allowability of costs associated with disseminating program information.
- For example:
 - The cost of providing information pamphlets or brochures about how to reduce nonmarital pregnancies is allowable under purpose three
 - The cost of providing information about community resources to needy families or needy parents, is allowable, whether or not the described community resources themselves are funded by TANF.

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