



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
EUGENE I. GESSOW, DIRECTOR

December 29, 2008

Michael Marshall
Secretary of Senate
State Capitol
LOCAL

Mark Brandsgard
Chief Clerk of the House
State Capitol
LOCAL

Dear Mr. Marshall and Mr. Brandsgard:

Enclosed please find copies of a report to the General Assembly in response to the directive in 2008 Iowa Acts, Chapter 1187, Section 5 to provide a recommendation of a formula for a state match to Indian tribes providing services under the federal Temporary Assistance for Needy Families (TANF) block grant to Indians who reside in Iowa, but live outside of the reservation.

The Winnebago Tribe of Nebraska is the only Indian tribe currently providing Tribal TANF services in Iowa.

The Department of Human Services in consultation with the Winnebago Tribe of Nebraska recommends in the submitted report that matching state funds be provided for Tribal TANF expenditures up to a maximum of \$248,530. The maximum recommended amount of state matching funds is based upon the reduction in the state's Maintenance of Effort (MOE) requirement corresponding with the amount of the state's annual TANF award allocated to the Winnebago TANF Program. The Department recommends that the state funds provided as match be a separate allocation within the FIP account. This report further recommends that Tribal TANF matching state funds not be claimed for TANF MOE.

Sincerely,

A handwritten signature in black ink that reads "Molly Kottmeyer".

Molly Kottmeyer
Legislative Liaison

Enclosure

cc: Governor Chester Culver
Legislative Service Agency
Kris Bell, Senate Majority Caucus
Peter Matthes, Senate Minority Caucus
Zeke Furlong, House Majority Caucus
Brad Trow, House Minority Caucus



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December 29, 2008

The Honorable Chester J. Culver
Governor
State Capitol
LOCAL

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Molly Kottmeyer
Legislative Liaison

Enclosure

cc: Michael Marshall, Secretary Iowa Senate
Mark Brandsgard, Chief Clerk of the House

Implementing 2008 Iowa Acts, Chapter 1187, Section 5 Tribal TANF Matching Fund Formula Recommendation

The Iowa Department of Human Services in consultation with the Winnebago Tribe of Nebraska submits the following recommendations as directed by 2008 Iowa Acts, Chapter 1187, Section 5.

Background

1. Indian Tribes are sovereign nations with the right of self-governance over their territories and people, limited only by the United States federal government.
2. Prior to 1996, cash assistance and associated services and benefits for tribal members were not administered through tribes. In 1996 the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) established both TANF and the option for tribes to operate independent Tribal TANF programs. Although similar to TANF, Tribal TANF is slightly different and is regulated by different federal regulations.

Indian Tribes declare their intention for a Tribal TANF program by submitting a Tribal TANF Plan that defines the program location, services, and the population to be served. The tribe and state in which the Tribal TANF program will be operating negotiate the amount of the state TANF grant attributable to the Tribal TANF program, subject to Department of Health and Human Services approval. This amount is then federally carved from the state TANF grant and allotted to the Tribal TANF grant. The resulting reduction in the state TANF grant also reduces the state maintenance of effort (MOE) requirement. As tribes did not operate assistance programs prior to 1996, Tribal TANF programs do not have a MOE requirement.

3. 2008 Iowa Acts, Senate File 2425, section 5, subsection 4, states the following:

It is the intent of the general assembly that the Department work with Indian tribes providing services under the federal Temporary Assistance for Needy Families (TANF) block grant to Indians who reside in Iowa but live outside the reservation to establish a formula for providing match funding for the expenditures made by the tribes for such services. The Department shall provide recommendations regarding implementation of the formula beginning in FY 2009-2010 to the governor and the persons designated by this Act to receive reports. For the purposes of this paragraph, "Indian", "reservation", and "Indian tribe" mean the same as defined in section 232B.3.

4. The Winnebago Tribe of Nebraska is the only tribe currently operating a Tribal TANF program in Iowa. The Winnebago Tribe provides Tribal TANF in Woodbury County that is open to any enrolled member in a federally recognized Indian Tribe with the exception of the Ponca Tribe of Nebraska. The Ponca Tribe has elected for tribal members who need TANF to receive state TANF services rather than Tribal TANF.

5. TANF Directors, Ann Wiebers from DHS and Matthew Cleveland from the Winnebago Tribe of Nebraska, along with associated staff, met on August 26, 2008, to discuss options for matching funds formulas.

DHS Recommends The Following:

Proposed Maximum Amount of State Funds Available:

The proposed maximum amount of state funds allocated as Tribal TANF match is based on the difference between the state Maintenance of Effort (MOE) requirement before and after Tribal TANF. Currently this sum is \$248,530.

Effective October 20, 2008, the amount of Iowa's annual TANF award attributed to the Winnebago Tribal Family Assistance Grant (TFAG) will be \$494,565. Having a Tribal TANF program reduces the amount of state funds that must be spent to meet MOE requirements. The MOE requirement for SFY 2010 and future years is projected to be at the 80% level. This means the following regarding the state's TANF award and maintenance of effort (MOE) requirements for SFY 2010:

	State's Annual TANF Grant	80% MOE
Before Tribal TANF	\$131,524,959	\$66,094,156
After Tribal TANF	\$131,030,394	\$65,845,626
Difference (Before/After Tribal TANF)	(\$494,565)	(\$248,530)

Proposed Matching Funds Formula and Tribal Match Account:

1. Utilize a match rate formula of 1:1 up to the proposed maximum amount, so that for every \$1 in TANF expenditures, the Tribe receives \$1 state match.
2. Provide state matching funds through a direct allocation to a Tribal TANF match account within the FIP appropriation that would be limited to the proposed maximum amount.
3. The Department recommends not claiming any expenditure of funds in the Tribal TANF match account as state MOE. Expenditures able to be claimed as MOE must meet very specific criteria. If the match funds were to be used as MOE, the state would be responsible for ensuring the expenditures were allowable and for any ensuing penalty in the event Tribal expenditures of state funds were disallowed as MOE.

Please Note:

This recommendation only applies to the currently existing Tribal TANF program operated by the Winnebago Tribe of Nebraska in Woodbury County. In the event of future expansion or new tribal TANF programs providing services in Iowa, the Department recommends requiring additional consultation with the appropriate Tribe to determine the appropriate match formula for the new or expanded Tribal TANF programs.