

XI. TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND NATIVE EMPLOYMENT WORKS

Federally-recognized American Indian Tribes and Alaska Native organizations may elect to operate their own TANF programs to serve eligible Tribal families. By the close of Fiscal Year (FY) 2003, 40 Tribal TANF plans were approved to operate on behalf of 184 Tribes and Alaska Native villages.

In addition, federally-recognized Tribes and Alaska Native organizations that were Tribal Job Opportunities and Basic Skills Training (JOBS) program grantees under the former Aid to Families with Dependant Children (AFDC) program are eligible to administer Native Employment Works (NEW) grants. NEW program grants support work activities and other employment and training services. During NEW Program Year (PY) 2002-2003 (July 1, 2002 – June 30, 2003), there were 79 NEW grantees.

Each eligible Tribe or Alaska Native organization that wants to administer its own TANF program must submit a Tribal TANF Family Assistance Plan (TFAP) to the Department of Health and Human Services (HHS) for review and approval. Although no specific format is required, a TFAP must contain elements specified in the law and regulations such as: how Tribes will promote work, the stability and health of families, work activities and support services, time-limited assistance, sanctions for non-compliance with work requirements, and personal responsibility. Unlike State TANF plans, which are reviewed to certify only that they are complete, Tribal TANF plans must be approved by HHS.

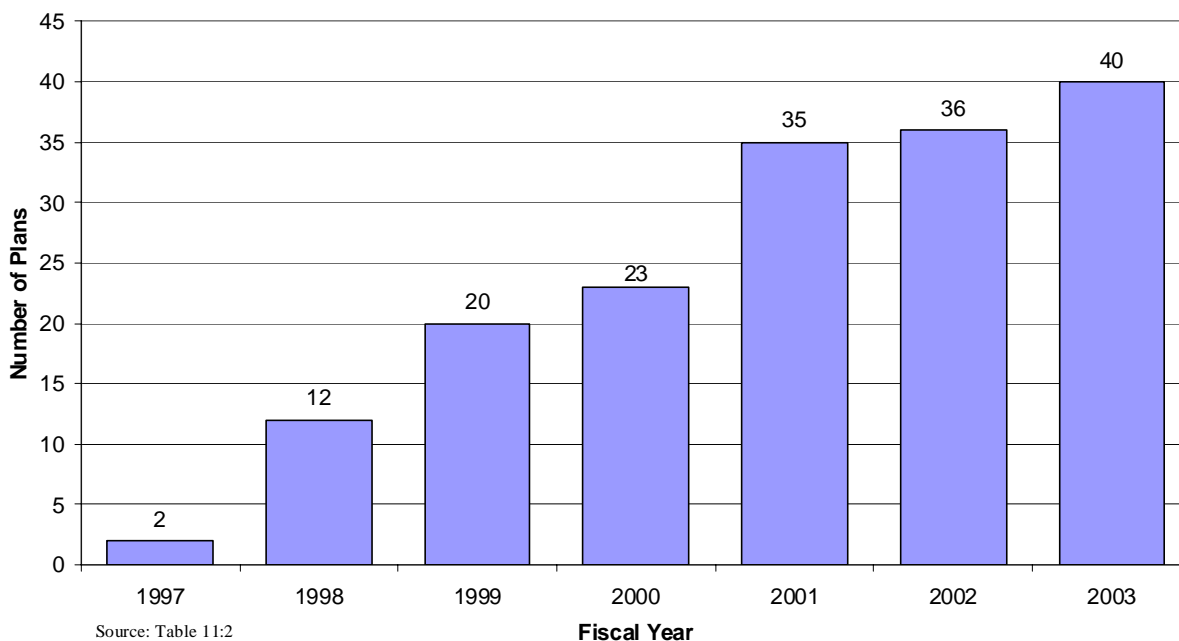
Tribes administering their own TANF program have great flexibility in program design and implementation. They can define elements of their programs such as: the service area, service population (e.g., all Indian families in the service area or only enrolled members of the Tribe), time limits, benefits and services, the definition of “family,” eligibility criteria, and work and work activities. Tribes have the ability to establish, through negotiation with HHS, program work participation rate targets and required work hours. Also, they can establish what benefits and services will be available and develop their own strategies for achieving program goals, including how to help recipients move off welfare and become self-sufficient.

An important factor in successful administration of Tribal programs has been communication, collaboration, and coordination with States and locally-administered programs. In addition, Tribes can enter into partnerships with States and local governments to ensure that Tribal families continue to receive the support services necessary to become self-sufficient, such as food stamps and Medicaid. Additional relationships are being forged and existing ones are being strengthened. Research conducted by the Washington University School of Social Work and funded by HHS found that Tribal TANF implementation on reservations has “strengthened

coordination, communication, and collaboration at all levels – among Tribal social service providers, between Tribes and States, and Tribes and the Federal government.”

In addition to serving their own on or near-reservation populations, and where applicable those of coalition partners, several programs are also serving significant non-reservation Indian populations in adjacent urban, suburban, and rural areas. In California for example, the Torres Martinez TANF Consortium is serving the non-reservation Indian population of Los Angeles County and near-reservation towns in Riverside County; the Owens Valley Career Development Center Program is serving the non-reservation Indian population of three counties; the Washoe Tribe of Nevada and California is serving the non-reservation Indian population of three counties; and the California Tribal Partnership is serving the non-reservation Indian population in seven counties. All together Tribal TANF programs are funded to serve slightly less than 29,000 assistance units or families. The number of approved Tribal TANF Programs from FY 1997 through FY 2003 is displayed in Figure A.

Figure A
Number of Approved Tribal TANF Programs
Fiscal Years 1997 - 2003



American Indian and Alaska Native families not served by Tribal TANF programs continue to be served by State TANF programs. In FY 2003, State governments served over 29,000 American Indian families.

Tribes administering TANF programs have the option to administer their programs utilizing the Indian Employment, Training, and Related Services Act of 1992 (P. L. 102-477), which authorizes the integration of various employment, training, and related services provided by

Indian Tribal governments under a Bureau of Indian Affairs approved P. L. 102-477 plan. Currently, 11 of the 40 Tribal TANF programs are administered under this program. The Tribes that choose this option do so to integrate and consolidate their TANF programs (and where applicable, NEW programs) with other related and complementary support programs. This can help Tribes to simplify their budgeting, operating, and reporting systems, and maximize their resources and service delivery capabilities. Financial reporting relating to the TANF program has been integrated to the maximum extent possible, while still meeting the minimum statutory requirement for ensuring proper expenditure of TANF funds. Performance reporting must of necessity be maintained separately in order to meet minimum statutory and regulatory reporting requirements.

Research on Tribal Welfare

HHS supported one major study on the impact of welfare reform, including the impact of TANF programs, on Indian Tribes and Indian families.

Evaluation of the Tribal Welfare-to-Work Grant Programs

This study, conducted by Mathematica Policy Research, Inc. and its subcontractors, the Urban Institute and Support Services International, Inc., was an evaluation of the Tribal programs in the Department of Labor's (DOL's) Welfare-to-Work (WtW) grants program. As a component of HHS's larger evaluation of the WtW program, the study focused on the policy context for WtW, the special circumstances of Tribes, the program framework for WtW implementation, the nature of the program services, and lessons learned. The Tribal study touched on other programs with which WtW grantees coordinate, including HHS's TANF and NEW programs. The latest report published under this recently completed project is *Overcoming Challenges to Business and Economic Development in Indian Country*. This report examined economic development initiatives in eight Tribes (Cheyenne River Sioux, Citizen Potawatomi, Colville Confederated Tribes, Gila River, Mississippi Choctaw, Navajo Nation, Three Affiliated Tribes, and Turtle Mountain Chippewa) and two Alaska Native corporations (Bristol Bay Native Corporation and Doyon Limited). Major findings include:

- Business and economic development (BD/ED) and welfare reform in Indian country take place in a unique legal, historical, and cultural context. Historical events disrupted or destroyed many traditional Tribal economies, and the legacy of these events continues to reverberate. Cultural values, norms, and expectations exert a strong influence on Tribal BD/ED.
- The Tribes/Native corporations in the study have developed a wide range of BD/ED activities, generally building their efforts on their natural resources and exploiting other favorable conditions, such as a location near tourism/recreation attractions. These Tribes have developed businesses in the service sector (such as gaming, tourism, and banking), manufacturing, natural resource management and development (mining, forest products), farming, and more.

- Every Tribe/Native corporation in the study benefited from one or more Federal programs promoting BD/ED; however, no single program/initiative was especially beneficial to all Tribes in the study. Some Tribes identified the Indian Gaming Regulatory Act of 1988 (P.L. 100-497), the law that defines and regulates categories of gaming on Indian and Tribal lands, as the Federal initiative that has had the greatest impact on their BD/ED. Despite some significant successes, most Tribes do not participate in gaming operations, and some Tribal operations have been unsuccessful or have produced only modest profits.
- The study participants identified four critical challenges to their BD/ED efforts: Legal and administrative barriers; pressures exerted on business activities by stockholders and elected officials; lack of investment capital; and poor coordination of business-related activities within the Tribe and with neighboring cities and counties. Tribes and Alaska Native corporations are developing ways to overcome or minimize these challenges and barriers to their BD/ED efforts. They are changing their legal and administrative structures and procedures, creating clear separations between businesses and elected officials to try to attract investment capital, and improving coordination and cooperation with States, counties, and regional entities.
- Some Tribes have encountered problems in their BD/ED planning and in monitoring and assessing the success of their planning efforts. Diffusion of responsibility and poor coordination reflects, in part, the fragmentation in Federal funding for Tribal BD/ED across different Federal agencies and programs.
- Tribal efforts to take advantage of Federal programs and initiatives to promote BD/ED and to exploit their own resources and opportunities have had mixed results. Some Tribes in the study have experienced significant success, transforming their economies, creating jobs, and dramatically reducing unemployment and poverty on their reservations. Another, in a very different context and environment, has gradually developed a diverse and strong economy and has achieved one of the lowest unemployment rates in Indian country. Other Tribes, often using innovative and aggressive BD/ED planning and operations, have developed new businesses and industries and created jobs. However, many Indian Tribes and Alaska Native villages continue to experience levels of unemployment that exceed 45 percent and levels of poverty that exceed 36 percent. Informants at seven of the eight Tribes and at one of the Alaska Native corporations in the sample reported unemployment rates exceeding 45 percent, the highest being 80 percent.
- The combination of Tribal self-governance/self-determination and Federal programs that promote Tribal enterprise, provide funding, and improve access to capital has created a shift in favor of Tribal BD/ED, a shift that is still somewhat new. Tribes in this study have tried many approaches in a range of industry sectors. Success has been mixed and has taken time to materialize. Despite the difficult challenges they face, these Tribes and Native corporations are aware of the successes achieved, foresee continuing Federal support for their efforts and, thus, find reason for optimism about their BD/ED efforts.

Another recent report under this project looked at the implementation of Tribal TANF, and a

September 2004 final report summarizing the overall WtW evaluation (*The National Evaluation of the Welfare-to-Work Grants Program: Final Report*) presented an overview of the Tribal component of the larger study.

Tribal TANF Background Data

Table 11:1 in the Appendix shows grant amounts available to American Indian entities for the TANF and NEW programs in FY 2003. FY 2003 funds available to Tribes with approved TANF plans totaled \$110,645,560. The amount available differs from the grants approved/awarded because for some Tribes the amount available was a prorated portion of the approved annual Tribal TANF grant. This prorating occurred because not all Tribal TANF programs were operational for the full fiscal year. The full (not prorated) amount of grants approved/awarded to the 40 approved programs was \$116,761,376. The amount of the approved grants is based on American Indian families served under State AFDC programs in FY 1994 in the Tribal grantee's service area.

Table 11:2 in the Appendix shows the Tribal TANF programs, the number of Tribes served, the date the program started, the Federal grant amount, the estimated monthly caseload in FY 1994 (the caseload which was used to establish the funding level for the Tribe's Family Assistance Grant), and indicates the receipt or non-receipt of State matching funds.

Table 11:3 in the Appendix shows the number of American Indian families served by State TANF programs from FY 1992 through FY 2003. Figure B illustrates the national trend over that period of time. These figures do not include the number of families served by Tribal TANF programs.

Figure B
American Indian Families Served by State TANF Programs
FY 1992 - 2003¹

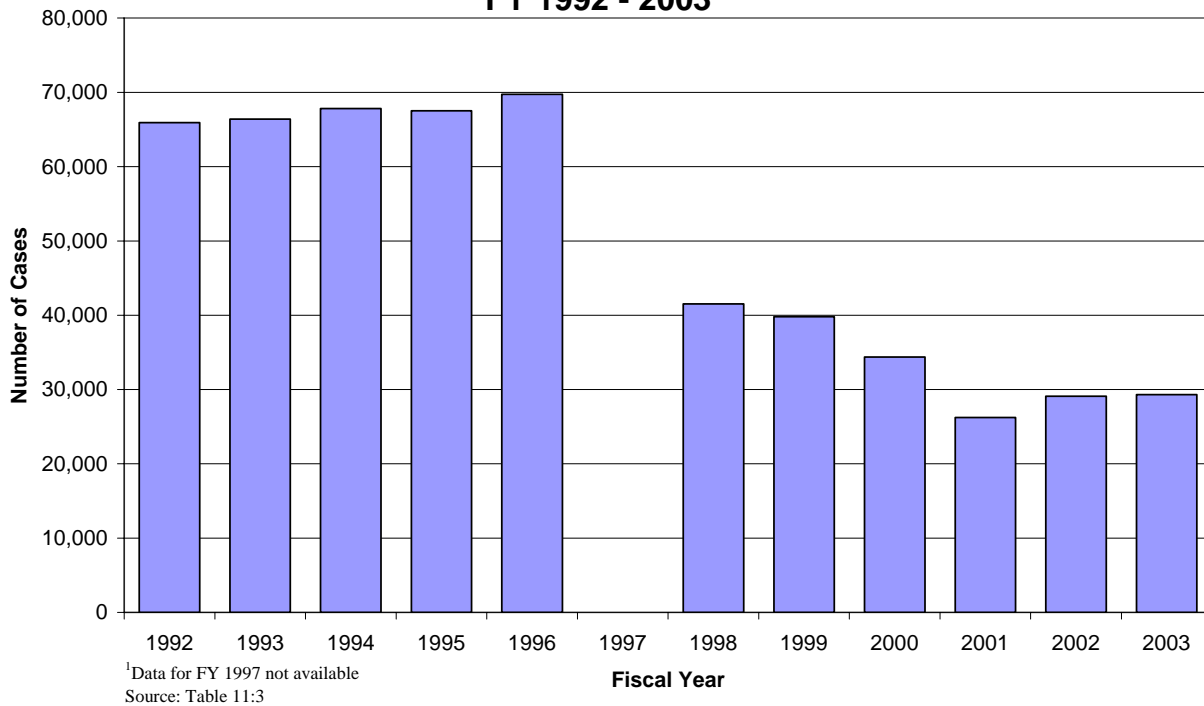
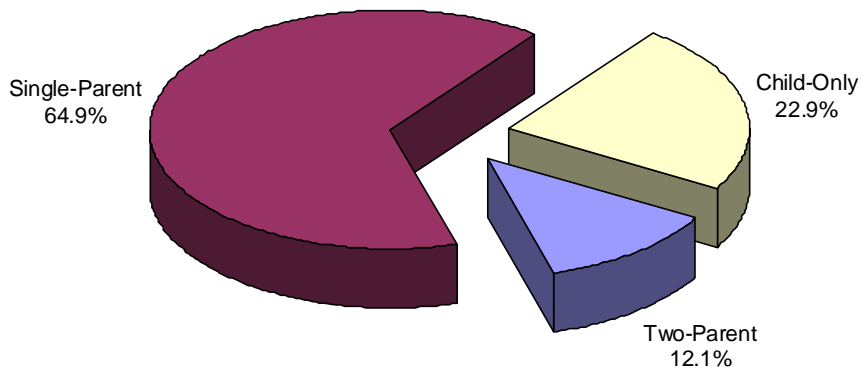


Figure C indicates that of the 9,983 Tribal TANF families reported, 6,483, or 64.9 percent were single parent families, and 2,291 or 22.9 percent were child-only cases.

Figure C
Tribal TANF Families, FY 2002
Number of Parents in Family



Source: TANF Data Report

Tribal TANF Recipient Characteristics and Work Participation Rates

Tables 11:4 through 11:9 in the Appendix provide general Tribal TANF characteristics data for the Tribes reporting. The data are for FY 2002 and should be considered preliminary.

Table 11:4 in the Appendix shows that 29 percent of adult TANF recipients were reported as engaged in work activities. Although the total is unduplicated, some of the participants were engaged in more than one work activity. Within this limitation, Table 11:4 also shows that slightly more than 50 percent of these adults were working in unsubsidized employment, while about 9 percent had unpaid work experience and roughly 19 percent were doing "other" type of activities.

Table 11:5 in the Appendix shows that, of the total 9,240 adult TANF recipients reported, 33.5 percent were required to work. An additional 28 percent were exempt from work, and about 5 percent were either disregarded or deemed working.

Table 11:6 in the Appendix shows that almost 83 percent of the adult TANF recipients were the heads of their households, and slightly more than 13 percent were the spouse of the head of the household.

Table 11:7 in the Appendix shows that about 34 percent of the families being served had three or more children. The average family had 2.3 children.

Table 11:8 in the Appendix shows that the average age of children served was 8.2 years, and about 29 percent of the children were less than five years old.

Table 11:9 shows the work participation rates for Tribes in FY 2002. Each Tribe has negotiated with HHS to determine what activities will count toward their participation rates, and whether they will be measured according to a one-parent rate, two-parent rate, and/or an all family rate. HHS and the Tribes then established individual targets of performance for these measures.

The Native Employment Works Program

The statutory purpose of the Native Employment Works (NEW) program is to make work activities available to grantee service populations. The NEW program complements TANF programs by preparing participants for employment and self-sufficiency and helping them find unsubsidized employment. While NEW programs are not required to serve TANF participants, the majority of NEW participants are Tribal TANF or State TANF participants. Thus NEW is an important partner with both Tribal and State TANF programs within the TANF initiative.

The NEW program was authorized by section 412(a)(2) of the Social Security Act, as amended by Public Law (P.L.) 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The NEW program began July 1, 1997, replacing the Tribal JOBS program. Federal regulations for the NEW program are found in 45 CFR Part 287.

By law, eligibility to administer NEW programs is limited to federally-recognized Tribes, Alaska Native organizations, and Tribal consortia that operated JOBS programs in FY 1995. As of June

30, 2003, there were 79 NEW grantees, 19 of which also operated Tribal TANF programs.

Annual NEW program amounts are set by law at the FY 1994 Tribal JOBS funding levels for each eligible Tribe/organization. Total annual funding is \$7,633,287.

NEW programs provide work activities, supportive services, and job retention services to help clients prepare for and obtain permanent, unsubsidized employment. NEW grantees have the flexibility to design their programs to meet their needs, to select their service population and service area, and to determine the work activities and related services they will provide, consistent with statutory and regulatory requirements. In designing their NEW programs, Tribes consider the unique economic and social conditions in their communities and the needs of individual clients. Clients generally have low levels of education and job skills, and often face serious shortages of job opportunities and support services. Some clients have additional barriers to employment, including substance abuse and domestic violence issues. Working with related programs, NEW programs help Tribes address these problems, bridge service gaps, and provide coordinated employment, training, and related services. Primary coordination linkages are with Tribal and State TANF programs, other employment and training programs (for example, the Department of Labor's Workforce Investment Act program), Head Start and child care programs, Tribal and community colleges, and local businesses.

NEW work activities include (but are not limited to):

- Educational activities, including General Educational Development (GED) preparation and remedial, post-secondary, and alternative education.
- Training and job readiness activities, including job skills training, job readiness training, on-the-job training (OJT), entrepreneurial training, and management training.
- Employment activities, including work experience, job search, job development and placement, and unsubsidized and subsidized public and private sector employment.

NEW program supportive and job retention services are work and family self-sufficiency related services that enable a client to participate in the program or to obtain or retain employment. These services include transportation, child care, counseling, medical services, and other services such as providing eyeglasses, tools, and uniforms and other clothing needed for jobs. NEW program activities also may include labor/job market assessments, job creation, and economic development leading to job creation.

NEW Programs in PY 2002-2003

Seventy-nine Indian Tribes, Alaska Native organizations, and Tribal consortia operated NEW programs during PY 2002-2003 (July 1, 2002 – June 30, 2003). Of this total, 28 grantees included their PY 2002-2003 NEW funding in demonstration projects under P. L. 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992. P. L. 102-477 gives Tribes the option to operate demonstration projects that integrate federally-funded employment, training, and related services programs and consolidate administrative functions for these programs. These grantees reported to the lead agency for P. L. 102-477 projects, the

Department of the Interior. The remaining 51 NEW grantees did not include their NEW funding under a P.L. 102-477 project in PY 2002-2003. These grantees reported directly to HHS on their NEW programs.

The following statistics were reported for PY 2002-2003 by 50 of the 51 NEW grantees that did not include their NEW programs in P.L. 102-477 projects (one grantee closed down soon after PY 2002-2003 ended). Data reported by these grantees are provided in more detail in Tables 11:10 through 11:15 in the Appendix.

Appendix Table 11:10 indicates that 50 of these 51 grantees served a total of 5,116 participants during PY 2002-2003. Appendix Table 11:12 shows that of these clients, about 67.5 percent (3,454 clients) were adult females, 24.5 percent (1,255 clients) were adult males, 5 percent (256 clients) were females under age 21, and 3 percent (151 clients) were males under age 21. Most NEW program participants also received TANF assistance. Appendix Table 11:11 shows that 63 percent of NEW participants (3,240 clients) also received TANF cash assistance and/or other TANF services through Tribal or State TANF programs during PY 2002-2003.

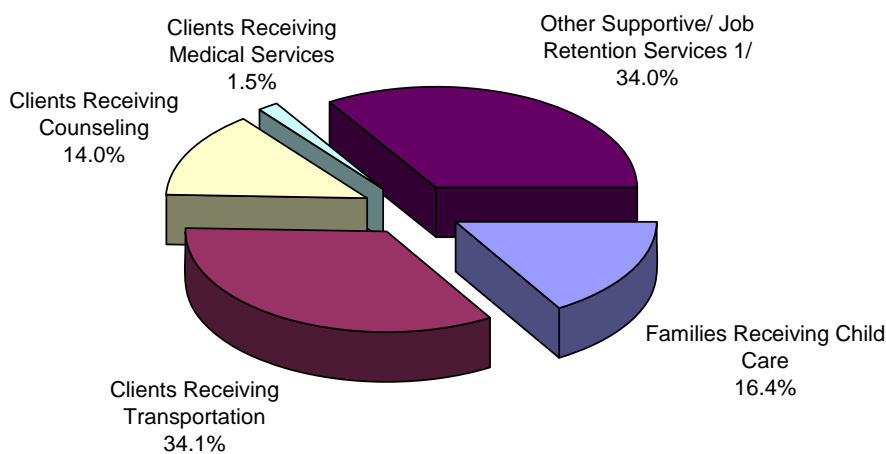
Appendix Table 11:11 shows that during PY 2002-2003, almost 20 percent of NEW program participants (948 clients) completed the program by entering unsubsidized employment. Of those who entered unsubsidized employment, 61 percent (575 clients) were TANF recipients.

Appendix Table 11:12 shows that of these clients, about 73 percent (3,710 clients) were female and about 27 percent (1,406) were male. About 92 percent (4,709 clients) were adults, and about 8 percent (407) were under 21 years of age.

The most frequently provided NEW program work activities were job search, classroom training, and work experience, as reported in Appendix Table 11:13. In PY 2002-2003, 40 percent of participants (2,059 clients) engaged in job search, 36 percent (1,833 clients) participated in classroom training/education, and 34 percent (1,731 clients) participated in work experience.

Appendix Table 11:14 shows that the most frequently provided supportive and job retention service was transportation. About 34 percent of participants (1,512 clients) received transportation assistance through the NEW program. Figure D contains a breakdown of the supportive and job retention services provided by NEW programs in PY 2002-2003.

Figure D
Supportive and Job Retention Services Provided to
NEW Program Clients, July 1, 2002 - June 30, 2003¹



¹Some clients received more than one service.
Source: Table 11:14

Appendix Table 11:15 shows that about 46 percent of participants (2,362 clients) completed NEW employment/work experience activities/objectives, while 22 percent (1,121 clients) completed NEW classroom training/education activities/objectives.

Tribes participating in P.L. 102-477 projects did not report separate data on the NEW program. Instead, they reported combined data for all of the programs included in their P.L. 102-477 projects. According to Interior Department summary information, during PY 2002-2003, the 28 NEW grantees that included their NEW programs in P.L. 102-477 projects served a combined total of 30,232 clients under all of the programs in their P.L. 102-477 projects, and of these clients, almost 20 percent (5,833 clients) entered unsubsidized employment during this period.

NEW programs coordinated education, training, work experience, job search, and job referral with other Tribal programs and with local educational institutions and employers. They provided intensive case management, behavioral and health counseling, and life skills training. Many Tribes with NEW programs located training, employment, and social services in “one-stop” centers where staff assessed clients’ needs and then provided targeted activities and services to meet those needs. Information/resource centers and learning centers containing resource materials, classrooms, and computer labs provided job preparation services, including individual needs assessments, case management, and classroom instruction.

Many NEW grantees helped clients achieve educational goals to prepare for employment, such as receiving their GED or Associate of Arts degree (AA). Grantees provided GED preparation

classes and enrolled clients in nearby colleges, including Tribal colleges, where clients took courses in nursing, child care, teaching, accounting, business, management, etc. Grantees helped clients take vocational courses to pursue careers as certified nursing assistants, office workers, fire fighters, auto mechanics, bus drivers, and construction workers.

NEW programs established on-the-job training and work experience placements for clients and helped them locate and apply for permanent employment. They provided vans and other transportation to take clients to classes, training, and work experience. They helped with job search, purchased clothing and equipment needed for employment, and paid bills. They provided child care and other needed supportive and job retention services, and they operated programs and made referrals to help clients overcome barriers including substance abuse and domestic violence. They coordinated with, and referred clients to, other providers of supportive and job retention services.

Lack of jobs is a major problem for NEW programs, which typically are located on isolated, rural reservations. However, eleven grantees were able to place 50 percent or more of their NEW clients in permanent, unsubsidized employment in PY 2002-2003.

