



TANF Regulation Comment Period Ends August 28, 2006

August 15, 2006

In late June, the Department of Health and Human Services (HHS) issued interim final regulations to implement changes the Deficit Reduction Act (DRA) of 2005 made to the Temporary Assistance for Needy Families (TANF) program. Although the regulations are effective immediately, **HHS is accepting public comments until August 28, 2006.**

The regulations are at: www.acf.dhhs.gov/programs/ofa/tanfregs/tfinrule.pdf. Send written comments to OFA, ACF, 5th Floor East, 370 L'Enfant Promenade, SW, Washington, DC 20447; submit electronic comments to: www.regulations.acf.hhs.gov. HHS will issue final regulations by September 30, 2006.

Below are suggested comments to improve the education and training provisions of the interim final regulations. An analysis of the entire regulatory proposal is available from the Center for Law and Social Policy and Center on Budget and Policy Priorities at www.clasp.org/publications/final_tanf_rules_analysis.pdf.

Comment #1—The regulation should state explicitly that participation in an associate degree program is a countable TANF work activity.

The regulations should allow TANF recipients to be counted as engaged in work if they are enrolled in an associate's degree program. In the regulation's preamble, HHS states that it wanted to keep the TANF definition of vocational education consistent with definitions used in other federal programs, such as the Carl D. Perkins Vocational and Technical Education Act. Associate degree programs fall squarely within the Perkins definition; they should explicitly fall within the TANF definition, as well.

Comment #2—The daily supervision requirement for vocational education (and other training and education) is arbitrary, overly burdensome, and could inhibit innovative learning approaches for working adults. The regulations should adopt a “good or satisfactory progress” standard instead.

The regulation requires daily supervision of TANF participants in most education and training activities, including vocational education. This requirement could be extremely onerous for institutions providing vocational training, some of which (such as community colleges, where TANF recipients are a small minority of the overall student body) could have to create such a monitoring system from scratch. The requirement could also pose insurmountable challenges for implementing distance and web-based learning initiatives (where often an instructor is not literally present), which are increasingly common.

HHS should instead adopt a standard of “good or satisfactory progress” for TANF education and training activities (similar to that proposed for the “education directly related to employment” category). Such a standard could be developed by the education or training institution and include both a qualitative measure (such as grade point average) and a quantitative measure (such as time frame for completion).

At a minimum, the final rule should provide an explanation and justification for why HHS chose this daily supervision requirement since it is not required by statute.

Comment #3. TANF’s definition of vocational education should be broadened.

HHS notes in the preamble to the regulation that because it wants to “define work activities that are mutually exclusive, we are interested in comments on how states currently implement this component and *whether the definition should be broadened*” (emphasis added). TWA encourages education and training providers to submit information to HHS that persuades them to broaden the definition in a way that productively increases vocational training opportunities.

Under the definition in the regulation, vocational education cannot include basic education, remedial education, and education in English proficiency. In addition, it can include basic skills education only if it is embedded within a vocational education program and as long as “it is of limited duration and is a necessary or regular part of the vocational educational training.”

Comment #4. TANF recipients close to completing a college degree should be counted toward the TANF work participation rate while doing so.

The preamble to the interim final rule prohibits participation in higher education as a countable work activity under vocational education. This is counterproductive for those who are close (within 12 months, for example) to completing their college education, given the boost in earnings (and self-sufficiency) associated with a college degree.

For More Information

For more information or to receive a more detailed analysis of these specific provisions, contact Tim Giattina, TWA’s policy associate, at timg@workforcealliance.org or 202-223-8991 ext. 108.