

# Appendix A

Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

The Interim Final Rule (IFR) for proposed regulatory changes to 45 CFR section 265 (Data Collection and Reporting Requirements) was published on June 28, 2024 ([89 FR 53870](#)) and was concurrently used as a vehicle to fulfill the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and Office of Management and Budget (OMB) regulations at 5 CFR Part 1320 (60 FR 44978, August 29, 1995) to provide a sixty-day period for public comment. During the notice and comment period, 12 comment(s) were received from 6 states and one membership association.

The comments and questions received from six states and a state human services membership association and ACF's associated responses are detailed below.

## A. General

### 1. Comment re: reporting deadlines

- a. We recommend OFA change all three new reporting requirement deadlines FROM each state needing to file each report within 45 days following the end of the quarter (QE) or the fiscal year's end TO within 75 days following the end of the quarter (QE) or the fiscal year's end.

**ACF Response:** We cannot extend the deadline under the current Interim Final Rule but will consider this comment when finalizing the rule after that comment period has ended.

## B. Work Outcomes of TANF Exiters

### 1. Comment re: Flexibility in Exit Definition

- a. OFA should offer states the flexibility to count 90 days OR three months since a family's last day of assistance has elapsed, depending on which is more feasible for states' data systems.
- b. The current Interim Final Rule, Section III.A defines "exit" as "a family having not received TANF assistance for at least **90 days**." We recommend that the Interim Final Rule language be amended to define TANF exit (for the purposes of calculating the Work Outcomes metrics) as follows: "a family having not received TANF assistance for at least **3 report months**."

**ACF Response:** We have added "or three months" to the definition of exit to accommodate states' different systems.

**2. Comment re: Clarification of "Family"**

- a. OFA should revise its Work Outcomes of TANF Exiters Report Instructions to clarify the use of the word "family" in the definition of "exit" and provide example scenarios of how this definition could impact the report.

**ACF Response:** We provide the definition of "family" and address example scenarios in the Technical Resource. We have also added the following: "A work-eligible individual will be included as an exiter in these measures only when their family ceases to receive assistance, and will not meet the definition of an exiter when the needs of the work-eligible individual are removed from the assistance payment but the family continues to receive assistance and the individual remains work-eligible. An individual in the family must have been "a work-eligible individual," as defined in 45 CFR 261.2(n)(1), in their last month of assistance."

**3. Comment re: SSN validation**

- a. For questions regarding the new SSN/Exit Date file, can we send those to you as well? My question is regarding the SSN: according to the instructions, 'does not begin with 9; fifth digit is not 0; does not end with 0'. My SSN ends with zero, don't know if all SSNs follow the other rules. Is there a particular reason the validation is stating SSNs don't end with zeros?

**ACF Response:** Thank you for catching this. We confirmed with SSA documentation and have revised the validation to say "SSNs cannot contain all zeros in any digit group (e.g., 000-XX-XXXX, XXX-00-XXXX, XXX-XX-0000) and SSNs should not be repeated numbers like 111-11-1111."

- b. How do we handle work eligible individuals who do not have a SSN?

**ACF Response:** We added the following instruction: "The only exception is if a WEI does not have an SSN, in which case the individual WEIs without an SSN should be reported as "999999999" in order to get a sense of the true exiting population and to understand missingness in the work outcomes measures. Since those individuals won't be able to be matched with the National Directory of New Hires, any positive work outcomes would only be captured if a state chooses to submit a Supplemental Work Outcomes report and includes those individuals."

**4. Comments re: Reporting Deadlines**

- a. Regarding the Work Outcomes of TANF Exiters Report, [STATE] respectfully requests a longer data collection period, increasing it from **45 to 75 days**. Thirty additional days will allow data to fully mature, particularly for program participants who exited at the end of the quarter. With an extension of the deadline, states will be able to submit cleaner and more thorough datasets. While the state understands the 45 day deadline for

submission of the work outcome measures is a component of the interim final rule (IFR), this is an important issue we are elevating here.

**ACF Response:** We cannot extend the deadline under the current Interim Final Rule but will consider this comment when finalizing the rule after that comment period has ended.

- b. Example: Work Eligible Individual Exits in 11/2024 (which is within FFY Q1) and verified as Exited 90 Days (aka 3 Months) later in 02/2025. Is that Individual reported in the Q1 Report due May 15, 2025, or is that individual reported in the Q2 Report due August 14, 2025? Should we point out that this is the example provided on page 2-3 of “1A. Instructions –Work Outcomes of TANF Exiters Report” but it is confusing because the text does not appear to be consistent with the chart on page 3 of the document?

**ACF Response:** We understand how this is confusing. In this example, the individual would be included in the Q1 report (due May 15). To minimize confusion, we have revised the table:

| <b>Fiscal Year/Quarter Individual Exits in</b> | <b>Exit Date Confirmed in</b> | <b>Individual appears in Quarterly Reporting Period</b> | <b>Due Date</b> |
|--|-------------------------------|---|-----------------|
| FY Q1  | FY Q2                         | <u>FY Q1</u> , October-December                         | May 15          |
| FY Q2  | FY Q3                         | <u>FY Q2</u> , January-March                            | August 14       |
| FY Q3  | FY Q4                         | <u>FY Q3</u> , April-June                               | November 14     |
| FY Q4  | Following FY Q1               | <u>FY Q4</u> , July-September                           | February 14     |

**5. Comment re: Update Burden Hours**

- a. [STATE] estimates that the development and reporting of the new TANF outcome metrics will take approximately 551 burden hours to complete. This estimate assumes that the state will need two months to review the information, define the process including metric development, and make changes to our systems.

**ACF Response:** Thank you for this information. We will consider this estimate as part of the start up costs and will provide technical assistance to ease this burden as much as possible.

## C. Secondary School Attainment Measure

**1. Comment re: Exit scenario**

- a. For the education measure, please consider this example and inform how we should determine inclusion in the numerator and denominator:
  - i. A program participant exits TANF in October 2024, returns to TANF in August 2025, and then exits again in November 2025. They meet the criteria for eligibility. In this scenario, should a state count this individual in both the “Current Recipient” denominator and the “Exiter” denominator?

- b. In other words, are they considered exited if they exit in any quarter during the reporting year, regardless of their program status in the 4th quarter? Or should we only consider them exited if they are exited in the 4th quarter?

**ACF Response:** This will be addressed in technical resource scenarios.

**2. Comment re: Clarification of measure**

- a. Education directly related to employment is considered a non-core activity for those who are under age 20 per 45 CFR 261.33; if the new requirement is requesting tracking for those who obtained a Secondary School Diploma or equivalent, will it allow this to be a core activity to fulfill the obtainment requirement of this outcome measure? We request consideration on what is an allowable core activity.

**ACF Response:** The Fiscal Responsibility Act did not modify what counts as a core activity for the work participation rate.

## D. Supplemental Work Outcomes Report

**1. Comment re: State-level Matching for the Supplemental Work Outcomes Report**

- a. In our conversations with states, several scenarios have surfaced wherein the outcomes data might not accurately represent a family's actual circumstances.

As is the case in WIOA programs, for families that receive assistance in October, meet the exit definition in March, reapply for assistance in April, and meet the exit definition again in September, within one fiscal year this family will be counted twice as having exited the program.

If OFA does not plan to filter out "returners" such as those in the example above, nor request states to report how many "leavers" each quarter have since returned to the program, OFA should acknowledge individuals may likely be counted multiple times within one fiscal year.

**ACF Response:** Each individual should only be counted once. It is up to the state whether they count an individual as an exiter if they return by the fourth quarter. Scenarios such as this will be addressed further in the technical resource guide.