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# Temporary Assistance for Needy Families Program Instruction

U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Family Assistance  
Washington, DC 20447

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No. TANF-ACF-PI-2013-03

Date: October 23, 2013

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- TO:** State agencies administering the Temporary Assistance for Needy Families (TANF) Program and other interested parties
- SUBJECT:** Deadline for submitting state reports and updating state plans to reflect the TANF EBT requirements set forth in Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96).
- REFERENCE:** Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96); Sections 402, 408(a), and 409 of the Social Security Act
- PURPOSES:** To remind states of the February 22, 2014 deadline for submitting reports on their implementation of policies and practices to prevent assistance funded with TANF and maintenance-of-effort (MOE) funds from being used in any electronic benefit transfer transaction in: any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment. This Program Instruction also reminds states about the state plan requirements and the deadline associated with updating TANF plans.

## **BACKGROUND:**

Section 4004 of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96) amends the Social Security Act (the Act), adding a requirement for states receiving TANF grants to “maintain policies and practices as necessary to prevent assistance provided under the State program funded under this part from being used in any electronic benefit transfer transaction in any liquor store; any casino, gambling casino, or gaming establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.”

The legislation also imposes a reporting requirement, a penalty, and modifications to state plan requirements.

## **INSTRUCTIONS:**

In accordance with section 409(a)(16) of the Act, each state is required to report to the Secretary by February 22, 2014 on its implementation of the policies and practices required by section 408(a)(12) and; states may submit reports to [tanfebtreports@acf.hhs.gov](mailto:tanfebtreports@acf.hhs.gov). The Administration

for Children and Families (ACF) is required to reduce a state's block grant if the state fails to comply with this reporting requirement or if, based on the information that the state reports, ACF finds that the state has not implemented and maintained the required policies and practices.

Furthermore, in accordance with section 402(a)(1)(A)(vii) and (viii), states are required to include in their state plans a statement outlining how they intend to implement policies and procedures to prevent access to assistance through any electronic fund transaction in an automated teller machine or point-of-sale device in casinos, gaming establishments, liquor stores, and retail establishments which provide adult-oriented entertainment. The state plan must also include an explanation of how the state plans to ensure that: (1) recipients of the assistance have adequate access to their cash assistance, and (2) recipients of assistance have access to using or withdrawing assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available.

Please note that this plan update action is in addition to the preparation of the report due to the Secretary required by sections 408(a)(12) and 409(a)(16) of the Act. To update its state plan, a state should either submit an amendment to its current state plan or include the required information with its next plan renewal, so long as ACF receives the amendment or plan renewal before February 22, 2014.

Please refer to [Q & A's: TANF Requirements Related to EBT Transactions](#) for more information.

**INQUIRIES:**

Please direct any inquiries to the appropriate TANF regional program managers.

**ATTACHMENT:**

Section 4004 of P.L. 112-96

/Earl S. Johnson/

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Director  
Office of Family Assistance