

## § 265.10

Plan, it may meet the annual reporting requirements by reference in lieu of re-submission. If the information in the annual report has not changed since the previous annual report, the State may reference this information in lieu of re-submission.

(e) If a State makes a substantive change in certain data elements in paragraphs (b) and (c) of this section, it must file a copy of the change with the next quarterly data report or as an amendment to its State Plan. The State must also indicate the effective date of the change. This requirement is applicable to the following data elements:

(1) Paragraphs (b)(1), (b)(2), and (b)(3) of this section; and

(2) Paragraphs (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) of this section.

### § 265.10 When is the annual report due?

The annual report required by § 265.9 is due at the same time as the fourth quarter TANF Data Report.

## PART 270—HIGH PERFORMANCE BONUS AWARDS

Sec.

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AUTHORITY: 42 U.S.C. 603(a)(4).

SOURCE: 65 FR 52851, Aug. 30, 2000, unless otherwise noted.

## 45 CFR Ch. II (10–1–03 Edition)

### § 270.1 What does this part cover?

This part covers the regulatory provisions relating to the bonus to reward high performing States in the TANF program, as authorized in section 403(a)(4) of the Social Security Act.

### § 270.2 What definitions apply to this part?

The following definitions apply under this part:

*Absolute rate* means the actual rate of performance achieved in the performance year or the comparison year.

*Act* means the Social Security Act, as amended.

*Bonus year* means each of the fiscal years 2002 and 2003 in which TANF bonus funds are awarded, as well as any subsequent fiscal year for which Congress authorizes and appropriates bonus funds.

*CCDF* means the Child Care and Development Fund.

*Comparison year* means the fiscal or calendar year preceding the performance year.

*Fiscal year* means the 12-month period beginning on October 1 of the preceding calendar year and ending on September 30.

*Food Stamp Program* means the program administered by the United States Department of Agriculture pursuant to the Food Stamp Act of 1977, U.S.C. 2011 *et seq.*

*CMS* is the Centers for Medicare & Medicaid Services.

*Improvement rate* means the positive percentage point change between the absolute rate of performance in the performance year and the comparison year, except for the calculation and ranking of States on the increase in success in the work force measure in § 270.5(a)(4).

*Medicaid* is a State program of medical assistance operated in accordance with a State plan under title XIX of the Act.

*MSIS* is the Medicaid Statistical Information System.

*Performance year* means the year in which a State's performance is measured, i.e., the fiscal year or the calendar year immediately preceding the bonus year.

*SCHIP* is the State Children's Health Insurance Program as described in title XXI of the Act.

*Separate State Program* (SSP) means a program operated outside of TANF in which the expenditure of State funds may count for TANF maintenance-of-effort (MOE) purposes.

*SSP-MOE Data Report* is the report containing disaggregated and aggregated data required to be filed on SSP-MOE recipients in separate State programs as specified in §265.3(d) of this chapter.

*State* means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.

*TANF* means The Temporary Assistance for Needy Families Program.

*We (and any other first person plural pronouns)* means the Secretary of Health and Human Services or any of the following individuals or organizations acting in an official capacity on the Secretary's behalf: the Assistant Secretary for Children and Families, the Department of Health and Human Services, and the Administration for Children and Families.

**§ 270.3 What is the annual maximum amount we will award and the maximum amount that a State can receive each year?**

(a) Except as provided in §270.9, we will award \$200 million in bonus funds annually, subject to Congressional authorization and the availability of the appropriation.

(b) The amount payable to a State in a bonus year may not exceed five percent of a State's family assistance grant.

**§ 270.4 On what measures will we base the bonus awards?**

(a) *Performance measures: general.* In FY 2002 and beyond, we will base the high performance bonus awards on: four work measures; five measures that support work and self-sufficiency related to participation by low-income working families in the Food Stamp Program, participation of former TANF recipients in the Medicaid and SCHIP programs, and receipt of child

care; and one measure on family formation and stability.

(b) *Work measures.* (1) Beginning in FY 2002, we will measure State performance on the following work measures:

- (i) Job entry rate;
- (ii) Success in the work force rate;
- (iii) Increase in the job entry rate; and
- (iv) Increase in success in the work force rate.

(2) For any given year, we will score and rank competing States and award bonuses to the ten States with the highest scores in each work measure.

(c) *Measures of participation by low-income working households in the Food Stamp Program.*

(1) *Food Stamp absolute measure.* (i) Beginning in FY 2002, we will measure the number of low-income working households with children (*i.e.*, households with children under age 18 which have an income less than 130 percent of poverty and earnings equal to at least half-time, full-year minimum wage) receiving Food Stamps as a percentage of the number of low-income working households with children (as defined in this paragraph) in the State.

(ii) We will rank all States that choose to compete on this measure and will award bonuses to the three States with the highest scores. We will calculate the percentage rate for this measure to two decimal points. If two or more States have the same percentage rate for the measure, we will calculate the rates for these States to as many decimal points as necessary to eliminate the tie.

(2) *Food Stamp improvement measure.* (i) Beginning in FY 2002, we will measure the improvement in the number of low-income working households with children (*i.e.*, households with children under age 18 which have an income less than 130 percent of poverty and earnings equal to at least half-time, full-year Federal minimum wage) receiving Food Stamps as a percentage of the number of low-income working households with children (as defined in this subparagraph) in the State.

(ii) For any given year, we will compare a State's performance on this