

# Welfare, Work, and American Indians: The Impact of Welfare Reform



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## Executive Summary

The *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* (PRWORA) ushered in a new era of welfare programs in America. PRWORA and related legislation specifically addressed the needs of American Indian tribes. In this report we review the key features of the welfare reform legislation as it applies to American Indians and Indian Country, assess—to the best of our ability with currently available information—its impact on Indian nations and its chances of achieving its goals, and identify key issues that demand attention if welfare reform is to succeed on Indian lands.

The report is divided into three major parts, each corresponding to one of the three policy areas in which significant change must be achieved in order for current reform efforts to be considered successful: income support and support services, job skills and training, and employment. The area of *income support and support services* involves the effective provision of assistance to those in need through Temporary Assistance for Needy Families (TANF) and other programs, including child care, child support, General Assistance, Medicaid, and Food Stamps. This is what welfare recipients depend on as they try to survive and take care of their families. *Job skills and training* has to do with human capital development, or the provision of job and life skills that help welfare recipients move off welfare and into work. The final area, *employment*, has to do with developing and providing appropriate employment opportunities for welfare recipients as they exit welfare rolls. Failure in *any one* of these policy areas can—and does—jeopardize welfare reform.

Our primary conclusion is that the combination and concentration of obstacles to welfare reform on Indian reservations means that current welfare policies are bound to fail in much of Indian Country. We are particularly concerned by the lack of attention at the policy level to the last of the three policy areas outlined in the preceding paragraph: employment. Current policy largely ignores economic growth as a welfare reform strategy for Indian Country. Even if the funding problems with TANF and its related training programs can be solved—and these are substantial—and even if federal policy were to provide Indian nations with more flexibility and control over the design and implementation of reform—and we believe it should—a sobering fact remains: without an economic growth strategy—that is, without jobs—welfare reform in Indian Country will fail. Either it will drive significant numbers of tribal citizens further into poverty as they lose support and find no alternatives, or it will force large numbers of them to leave their homelands in search of employment, undermining tribal communities and embittering Indian peoples. Neither outcome is acceptable to Indian nations; neither outcome should be acceptable to the United States.

Fortunately, PRWORA reauthorization offers an opportunity to address these issues. We offer this report as a contribution to that effort. More specifically, we identify key issues in each of a number of policy or program areas. We summarize these issues here by topic area, with each area corresponding to a section of this report:

### **American Indians and State TANF Programs**

- Even though the increasing number of tribal TANF programs has decreased the proportion of American Indian welfare recipients served by states, it is likely that state programs will always serve a significant portion of the American Indian population (particularly those in urban areas).
- State programs must improve their administrative protocols for identifying American Indians and tribal members in order to serve them better and to ensure compliance with PRWORA's equitable access provision.
- Tribal and state programs must develop methods of communication and cooperation for information-sharing, improved service provision, and evaluation.
- Little is known about American Indians' access to state TANF services and about outcomes for tribal members on state programs; more and better data is needed to understand these issues. Changes in the composition of states' welfare rolls may help motivate more targeted research and evaluation.

### **American Indian Tribes and TANF Administration:**

- Tribal TANF programs vary substantially in program design, but there are some commonalities among programs; for example, tribal TANF programs are young, and many have begun to take advantage of the flexibility of tribal TANF to tailor programs to reservation populations, economies, and social circumstances.
- Tribes have been eager to take over administration of TANF; a conservative estimate is that a third of all American Indian TANF recipients received support through tribal programs in 2001. The ability to tailor programs to reservation realities and the opportunity to assert self-governing power appear to be important factors in tribal decisions to run their own TANF programs.
- Funding to date has been inadequate to meet the unique needs of tribal TANF programs; for example, tribes receive less TANF-related financial support from the federal government than states do. Financial burdens discourage some tribes from running their own TANF programs.

### **The Impact of Welfare Reform on American Indians:**

- Indian welfare caseloads are not dropping as fast as non-Indian caseloads and, in some states and on some reservations, are rising. As a result, some state welfare rolls are becoming increasingly—and disproportionately—Indian.
- Large portions of tribal TANF caseloads are “hard-to-serve” clients requiring specialized programs or extended support.
- Jobs are extremely scarce on many reservations, and many of the jobs that Indians are moving into are essentially “unpaid work experience.”
- Some Indians are forced to leave reservations in search of work.

- Because of the scarcity of full-time work in Indian Country, welfare reform's progress in moving recipients from welfare to work has been limited; where progress has occurred, the prevalence of generally low wages and recipients' ongoing needs for other income support, likewise limit welfare reform's progress against reservation poverty.

#### **Child Care:**

- The need for child care is growing as reservation welfare recipients enter education and training programs and find employment.
- Current child care services in Indian Country are inadequate to meet this need (which is most acute with regard to infant care, children with special needs, and parents with late-night and weekend work hours), posing a significant obstacle to workforce entry by TANF clients.
- Child care options offered by non-Indian individuals or entities often are not culturally appropriate, and even when they are administered by community members, Indian parents often also express distrust of large child care centers.
- Inadequate funding and a shortage of qualified child care providers on reservations are major bottlenecks in child care delivery.
- The combination of tribal control on one hand and the flexibility of CCDF funding on the other has been of considerable advantage to tribes and to welfare recipients, allowing tribes to design more effective child care programs.

#### **Child Support Enforcement:**

- CSE can be important in tribal TANF financing and for augmenting household income.
- A number of tribes would like to run their own CSE programs; however, many are waiting for the final federal regulations before pursuing program management.
- Effective tribal CSE programs may require investments in upgrading tribal court capacities.
- In the absence of a tribal CSE program, tribes rely on county and state CSE programs, family members, and tribal courts, mechanisms that *may* benefit children and custodial parents, but will *not* augment TANF/social service program resources.

#### **General Assistance:**

- It is unclear what impact TANF is having—or is likely to have—on GA client rolls.
- We need much better data on GA caseloads and on the characteristics of people receiving GA, including case histories that indicate client trajectories ending at GA.
- The cap on Welfare Assistance at the 1996 levels limits the degree to which GA can meet the needs of welfare recipients who are past their TANF assistance limits and suggests that the stress on reservation assistance systems is likely to increase significantly over the next few years.

### **Transportation:**

- Along with the lack of jobs on reservations, the lack of transportation is perhaps *the* most significant barrier welfare recipients face in obtaining and maintaining employment.
- The lack of reliable private transportation, the near total absence of public transportation, and the long distances people must travel on many reservations leave TANF recipients with few options for getting to work.
- Few funds are currently available to tribal governments to deal with this issue. Given the time it takes to improve transportation infrastructure, funds must be made available soon if change is to be realized even in the medium term.

### **Medicaid:**

- There are almost certainly Medicaid-eligible children and families on state and tribal TANF rolls who currently are not receiving Medicaid.
- There is a need for better coordination, integration, and streamlining of TANF and Medicaid application processes.
- Tribes should have greater authority to determine Medicaid eligibility.
- Medicaid coverage should be extended to families at a higher percentage of the federal poverty level.

### **Food Stamp Program:**

- The need for food assistance on Indian reservations is substantial and persistent.
- Indians participate in the Food Stamp Program at low levels, and many eligible American Indian families are not receiving Food Stamp benefits.
- Especially since the implementation of PRWORA, many American Indians have demonstrated a preference for less complex and more accessible tribal emergency food programs; however, these programs have difficulty meeting increasing needs.
- The lack of coordination between FSP and other income support programs, such as TANF and other forms of cash assistance, complicates Indian families' efforts to meet their food security needs.
- Tribes have indicated an interest in administering FSP, and tribal administration might solve some of the problems with accessibility and program coordination.

### **Employment and Job Training:**

- Tribal welfare rolls are dominated by "hard-to-serve" populations that place exceptional demands on programs, staff, and resources. Program design and funding resources generally have failed to take this into account.
- The connection between TANF and employment and training programs is often weak. Coordination problems, eligibility requirements, and program targeting lead to competition for resources and complicate potentially productive collaboration and integration.

- TANF and WtW have not been well coordinated with tribal economic development programs and strategies. This undermines potentially beneficial cooperation and more efficient use of resources and limits the impact of both welfare reform and economic development programs.
- “Education First” is an important but limited strategy that makes some sense in the presence of job scarcity and significant human capital deficits; however, without tribal and national policymaker attention to the job scarcity problem, education alone is unlikely to have a major impact on welfare dependency.
- Public Law 102-477, the *Indian Employment, Training, and Related Services Demonstration Act*, is under-utilized. The flexibility offered by this law is essential to efficient employment and job training on many reservations, and federal support of tribes’ transition to greater use of 477 authority would be valuable to those tribes that are interested in 477 but lack the administrative infrastructure to receive funding in this manner.
- Job scarcity is an overwhelming barrier to program success. The job gap in much of Indian Country is so wide that even well-designed, well-funded, and well-run employment and job training programs will have only limited impacts unless they are accompanied by significant economic growth.

#### **Employment and Economic Growth:**

- Particularly in rural areas, Indian nations face an enormous “job gap,” or a large difference between the size of the reservation labor force and the number of jobs generated in the local economy.
- Without reservation economic growth, this gap will not be filled—that is, most welfare clients will not find jobs in reservation economies.
- Economic growth will depend in large part on the ability of tribes to reform government institutions so as to create a governmental environment in which economic growth becomes not only possible but likely. This will require federal and tribal investments in tribal institutional capacity building.
- Institutional capacity building is necessary in social service provision as well, where tribes could be moving toward comprehensive social service systems that offer efficiencies, expand available resources, and give tribes greater flexibility and capacity to effectively serve diverse client needs.
- In order to realize fully the potential benefits of institutional development and capacity building, tribal control over welfare reform—practical tribal sovereignty—has to be reinforced, giving tribes greater authority over program design, integration, and implementation.
- Social service provision, and TANF and GA in particular, needs to be linked more closely to reservation economic growth strategies and programs.

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## I. Introduction

The welfare reform that began with Public Law 104-193 (the *Personal Responsibility and Work Opportunity Reconciliation Act of 1996* or PRWORA) often inspired two very different sentiments. On one hand, there was a hope that a programmatic focus on work and on local solutions to welfare dependency would turn out to be more effective at reducing welfare rolls than federally regulated income support programs had been. On the other, there was a fear that the single-minded drive to reduce welfare rolls would leave the worst-off members of society, especially children and single-parent families with children, sinking deeper into poverty.

Across much of the United States, the reformers' hopes were realized, and PRWORA is widely viewed as a success. In state after state, welfare rolls are down,<sup>1</sup> and large numbers of those leaving the rolls have jobs. Admittedly, this success occurred in a rapidly growing economy, and how the story may change in the current economic downturn is unknown. Nonetheless, at statewide, aggregate levels, the numbers are impressive.

A closer view, however, reveals a more complex picture. While success in reducing welfare rolls clearly is widespread, it is by no means universal. For example, outside urban areas, success has come mostly in the semi-rural areas of the U.S. where, during the 1990s, technological advances increased available economic opportunities and spurred economic growth. The hardcore pockets of rural poverty, such as those found in some parts of rural Texas, Mississippi, Kentucky, and South Dakota, have not done as well. These are areas in which human capital and infrastructure investments, including transportation investments, have been historically low; where job opportunities are scarce and the public sector dominates what few opportunities there are; where wage levels often make it difficult to rise out of poverty; and where socio-cultural expectations about responsibilities to nuclear and extended family sometimes depart significantly from the American mainstream (Economic Research Service 1997, Harvey et al. 2000). In these places, welfare rolls remain stubbornly high, and the fortunes of those leaving the rolls are much less certain.

Much of Indian Country fits this second category. In other words, American Indians,<sup>2</sup> particularly those who live on rural reservations, have had the misfortune of suffering both the disappointment of reformers' hopes and the realization of pessimists' fears. Whatever the success of welfare reform in urban areas and even semi-rural areas of the United States, that success did not and, under present program designs and implementation, cannot penetrate much of Indian Country. Statewide figures illustrate the problem. In a number of states, American Indians increasingly dominate the welfare rolls as other residents—according to current evidence at least—make the transition to work. For example, data from the U.S. Department of Health and Human Services (hereafter DHHS) show that American Indians comprised 76% of South Dakota's welfare rolls in federal fiscal year 1999 (as compared to 60% in fiscal year 1996), 58%

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<sup>1</sup> Wisconsin offers a dramatic example. Between 1997 and 2001, the state's welfare caseloads fell 93% (Thompson 2001).

<sup>2</sup> In this report we use the phrase "American Indians" to refer to all American Indians and Alaska Natives. We prefer this term both because federal legislation and policy typically use the term and because the popular alternative, "Native Americans," can be confusing.

of North Dakota's rolls in fiscal year 1999 (as compared to 43% in fiscal year 1996), and 50% of Montana's rolls in fiscal year 1999 (as compared to 36% in fiscal year 1996) (Burke 2001; DHHS, Administration for Children and Families 2000).

Why hasn't welfare reform had success in Indian Country comparable to its impact elsewhere?<sup>3</sup> To answer this question, this report considers three policy areas in which significant change must be achieved if current reform efforts are to be successful:

- Income support and support services
- Job skills and training
- Employment

The area of *income support and support services* involves the effective provision of assistance to those in need through Temporary Assistance for Needy Families (TANF) and other programs, including child care, child support, General Assistance, transportation, Medicaid, and Food Stamps. This is what welfare recipients depend on as they try to survive and take care of their families. *Job skills and training* has to do with human capital development, or the provision of job and life skills that help welfare recipients move off welfare and into work. The final area, *employment*, has to do with developing and providing appropriate employment opportunities for welfare recipients as they exit welfare rolls. Failure in *any one* of these policy areas can—and does—jeopardize welfare reform.

These issue areas present challenges to policymakers, program designers, and community leadership everywhere, but they are particularly challenging in Indian Country. Inadequate resources, policy inconsistencies, and inter-program and intergovernmental coordination problems undermine the income support and support services component. The large proportion of “hard-core” unemployed on reservation welfare rolls, inadequate resources (again), and a frequent lack of flexibility in program administration and use-of-funds complicate job training efforts. And the sheer lack of job opportunities makes it extremely difficult even for trained and motivated reservation residents to find work.

In this report we examine the available literature on American Indians' experience with welfare reform, organized under these three policy areas. We address the difficulties of state and tribal TANF and other income-support programs. We examine the linkages between TANF and reservation job training and job placement programs. Finally, we confront a topic that underlies much of the criticism of welfare reform on Indian reservations—the futility of welfare reform in an economic environment that often has few, if any, jobs to offer.

Our primary conclusion is that the combination and concentration of obstacles to welfare reform on Indian reservations means that current welfare policies are bound to fail in much of Indian Country. We are particularly concerned by the lack of attention at the policy level to economic growth in Indian Country as a welfare reform strategy. Even if the funding problems with TANF and its related training programs can be solved—itsself not an easy task—and even if

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<sup>3</sup> One could ask this question about rural areas more generally, and, while our own focus is on Indian Country, much of what we say in this report may be more widely applicable as well.

federal policy were to provide Indian nations with more flexibility and control over the design and implementation of reform, a sobering fact remains: without an economic growth strategy, welfare reform in Indian Country will fail. Either it will drive significant numbers of tribal citizens further into poverty as they lose support and find no alternatives, or it will force large numbers of them to leave their homelands in search of employment, undermining tribal communities and embittering Indian peoples. Neither outcome is acceptable to Indian nations; neither outcome should be acceptable to the United States.

Fortunately, PRWORA reauthorization offers an opportunity to address these issues. We offer this report as a contribution to that effort.

## **II. Income Support and Support Services: TANF and Related Assistance Programs**

In 1996, PRWORA ushered in welfare reform on a national level, replacing Aid to Families with Dependent Children (AFDC) with the Temporary Assistance for Needy Families (TANF) block grant. Under the provisions of this law, eligible families can receive temporary assistance for a maximum of five cumulative years.<sup>4</sup> Adults must participate in sanctioned work activities and start paid employment. Other notable features of PRWORA include the following:

- Unlike AFDC (which was an entitlement program), TANF is by a block grant with a capped amount of funding<sup>5</sup> and does not increase from year to year.
- In an effort to “devolve” authority for public assistance programs from the federal government to state and local governments, states are given more options in administering TANF than they were in earlier welfare programs.
- In an attempt to change the childbearing and family formation behaviors of women on public assistance, states receive financial incentives if they reduce teen pregnancy and out of wedlock births.

Additionally, PRWORA made changes in other social programs, including child care, child support enforcement, Medicaid, and Food Stamps.

To understand the effect of PRWORA on the income support and support services provided to American Indians, and particularly those living in Indian Country, it is necessary to examine two different kinds of TANF programs—those administered by states/counties and those administered by tribes—and to evaluate the operation of support services in the wake of reform. These topics are taken up in turn in this section.

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<sup>4</sup> Or less, at state or tribal option.

<sup>5</sup> The current annual block grant amount is \$16.5 billion.

## II. A. American Indians and State TANF Programs

### *American Indians Served by State TANF Programs*

While PRWORA gave tribes the option to manage their own programs (an arrangement that is discussed in detail in the next subsection), a majority of the United States' American Indian population has been and is currently served by state TANF programs. In fiscal year 1999, for example, 34,800 of perhaps 40,000<sup>6</sup> adult American Indian TANF recipients were served by state programs (Falk 2001). By fall 2001, tribal programs served approximately four times as many clients as they did in 1999 (Brown and Springwater 2001), but still fewer than half of the American Indian families receiving welfare.<sup>7</sup>

There are a variety of ways American Indians might fall under state jurisdiction. First, not all self-identified American Indians are also members of tribes, and most of these individuals would only be eligible for state services. Second, not all tribes administer TANF programs, and in cases where they don't, tribal members are served by the states in which they reside.<sup>8</sup> Third, even when there is a tribal program, tribal members may opt to receive TANF services from

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<sup>6</sup> The exact comparison from Falk (2001) is 34,800 American Indian *adults* receiving state TANF aid versus 4,000 American Indian *families* receiving tribal TANF aid in fiscal year 1999. Since Native American adults are more likely to be in two-parent families than adults in most other ethnic groups (*ibid.*), the estimate of 40,000 total American Indian TANF recipients builds in an adjustment for two-adult families.

<sup>7</sup> It is difficult to know exactly how many American Indians receive TANF, either from states or from tribes. One reason is the fact that the breakout (between states and tribes) is a moving target. Many tribes are just beginning to implement TANF programs, or have applied and not yet received approval, but until the moment a tribal program begins to operate, its clients are served by the state. Another difficulty in creating an accurate report of state and tribal numbers is that the 1994 data on the number of American Indians on TANF were unreliable (generally an undercount of American Indian TANF recipients due to limited or non-existent protocols for making the determination); to the extent that these numbers serve as a rough baseline for current calculations of the number of American Indian recipients on state and tribal rolls, those calculations will also be inaccurate. Finally, as highlighted in the previous footnote, different entities have different reporting styles, and conversions of recipient figures reported as "families" into "individuals" is a rough process at best.

<sup>8</sup> Indeed, some states are not at all eager for tribes to run their own programs, since a state program budget can suffer as many as three hits when a tribe takes over a portion of the service population. First, the state program's federal TANF block grant decreases when a tribe takes over a portion of the state's 1994 service population (the benchmark for PRWORA block grant funding). Second, the program loses the state matching dollars that had been associated with that portion of the federal block grant (because the state has to match a lower block grant amount). Finally, federal regulations allow any contribution to a tribal TANF program to count toward the state's MOE requirement (a dollar value already diminished by the reduction of the federal block grant) and thus, if a state government contributes matching (also called "Maintenance of Effort," or MOE) dollars to a tribal program, the contribution has the effect of *further* reducing the matching dollars provided to the state TANF program.

Of course, it is important to acknowledge that the issues are complex. While these state program budget reductions decrease states' willingness to support tribal TANF programs, there are also incentives for states to support tribal programs. The dollar-for-dollar MOE credit for state governments' contributions to tribal TANF programs is one. At the program level, there is also a recognition that tribal TANF programs may be absorbing some of the clients that states have the most difficulty serving, which in turn increases a state program's chances of meeting federal caseload reduction benchmarks.

either the state or the tribe (but not both).<sup>9</sup> Finally, tribal citizens may receive services from the state even under tribal TANF programs, if that program has contracted the state to provide certain services (although in this situation, clients are counted as being served by tribal rather than state programs).

### ***The Guarantee of “Equitable Access”***

Concerned that tribal members in particular might not receive fair treatment from state programs (because they were perceived to have alternative sources of assistance and/or because they were more likely to live at some distance from the more urban centers where services were provided), advocates succeeded in placing language in the legislation to protect their access. Title I Section 402(a)(5) of PRWORA requires:

A certification by the chief executive officer of the State that, during the fiscal year, the State will provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government (P.L. 104-193, 110 Stat. 2115)

Even this strong language, however, has not been the guarantee that advocates hoped for. In part, this is because no enforcement mechanism is provided in the legislation. But problems also arise from the fact that the term “equitable access” remains undefined. (Does it mean equal? Does it mean reasonably similar? Does the definition vary from tribe to tribe or locality to locality?) In other words, the lack of an agreeable, workable definition is a further bar to the provision’s enforcement. In addition to these issues, the notion of access for Indians not served by tribal programs is problematic because state programs generally have not developed protocols for identifying American Indians’ tribal affiliations and whether or not a given tribal member is a reservation resident. Without such protocols, states cannot collaborate well with tribes for shared service provision, nor can they collect information about whom they should be serving and how well those clients are served.

### ***State Data Collection Efforts***

Despite these data deficits, there are two data sources that help define the experience of American Indians served by state programs—or at least clarify the things that are unknown. The first source is aggregate state TANF administrative data, in which there is at least some identification of who may and may not be American Indian. These data allow demographic comparisons between Indian and non-Indian TANF recipients as well as a very limited analysis of the record of state programs’ services. In conducting such analyses, the Congressional Research Service (Falk 2001) has found, for example, that for fiscal year 1999:

- American Indian TANF recipients on state rolls are slightly more likely to be living in two-parent families than the overall TANF population.

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<sup>9</sup> This option arises because tribal members possess dual citizenship; that is, tribal members are citizens of both states and tribes.

- American Indian families receiving state TANF were slightly larger than the average TANF family.
- Sixty percent of American Indian adult TANF recipients on state rolls had a pre-school child in the home.
- Compared to all other ethnic groups, American Indian adults receiving TANF support from state programs had the lowest employment rate but the highest rate of participation in job preparation programs. When employment, job preparation, and participation in tribal work programs (which may not count as work participation for state tallies) are combined, American Indians in state TANF programs have a *higher* rate of participation in work and job preparation activities than any other ethnic group (including whites).

Aside from uncertainties in the method of identification (how the states determined American Indian race/ethnicity), the real deficiency with these data is their inability to offer comparisons of the type required by the equitable access provision: if these citizens are not served by tribal programs, are they provided equitable services? It would also be useful to understand differences, in both service offerings and outcomes, by residence (for example, urban versus rural or reservation-to-reservation).

A second, emerging source of data about how state programs serve American Indian recipients is the states' own program evaluations: some states with particularly large Indian populations have opted to include Indian tribes in their state TANF evaluations, including some leaver studies. In particular, work of this sort has been done in Arizona (Kornfeld et al. 1999), Alaska (Alaska Division of Public Assistance 2000), and Utah (Weathers et al. 2001). The state of Montana also plans to include tribes in a state TANF evaluation. These studies tend to provide more in-depth and specific data, focusing on the impact of welfare reform on Indian populations. At this point, however, available studies sample one or a few Indian reservations or only one part of a reservation, and it is difficult to generalize from these small samples to larger units or other reservations in the state. It stands to reason, however, that if state TANF caseloads continue to fall and the proportion of Indian recipients on state TANF rolls continues to rise, these evaluations will have to focus even more directly on Indian populations and more thoroughly study the implications and outcomes of state TANF programs for American Indians.

### ***Summary: Key Issues***

Key issues concerning state TANF programs and American Indians are these:

- Even though the increasing number of tribal TANF programs has decreased the proportion of American Indian welfare recipients served by states, it is likely that state programs will always serve a significant portion of the American Indian population (particularly those in urban areas).
- State programs must improve their administrative protocols for identifying American Indians and tribal members in order to serve them better and to ensure compliance with PRWORA's equitable access provision.

- Tribal and state programs must develop methods of communication and cooperation for information-sharing, improved service provision, and evaluation.
- Little is known about American Indians' access to state TANF services and about outcomes for tribal members on state programs; more and better data is needed to understand these issues. Changes in the composition of states' welfare rolls may help motivate more targeted research and evaluation.

## **II. B. The Administration of Tribal TANF Programs**

### ***The Basics of Tribal TANF Administration***

While PRWORA ended welfare as an entitlement to poor families, program observers have also noted that it presented a unique opportunity to the governments of American Indian nations.<sup>10</sup> In keeping with the spirit of devolution, and for the first time in history, federal legislation granted American Indian tribal governments the authority to design and administer their own TANF and child support enforcement (CSE) programs. (Tribes already administered their own child care and employment and training programs.) Instead of requiring tribes to work through state governments to receive federal dollars for these social programs, PRWORA allowed tribal governments to contract directly with the federal government. Tribes and tribal consortia can submit their TANF or CSE plans at any time to the U.S. Department of Health and Human Services. After plans are reviewed and approved, tribes, like states, receive direct funding for PRWORA programs.

As of October 2001, 34 tribal entities (including individual tribal governments as well as tribal consortia) had taken over administration of their own TANF programs. These 34 plans include more than 170 tribes in 15 states<sup>11</sup> and assist a projected total of 16,936 families per month (DHHS, Administration for Children and Families, Office of Community Services, Division of Tribal Services 2001). The best present estimate is that, as a whole, tribal programs serve at least one third—and perhaps as many as one half—of all American Indian families enrolled in TANF.<sup>12</sup> Of course, considered individually, the number of families served under different tribal TANF plans (including consortia of tribes operating under a single plan) varies widely. According to DHHS, caseload estimates at program inception (which were themselves based on 1994 data) ranged from a low of eight per month (in the Sokoagon Chippewa Community in Wisconsin) to a high of more than 9000 (in the Navajo Nation in Arizona, New Mexico, and Utah) (DHHS, Administration for Children and Families, Office of Community Services, Division of Tribal Services 2001). Brown and Springwater (2001) provide additional

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<sup>10</sup> See, for example, Bushman (1997-98).

<sup>11</sup> Tribes with approved TANF plans are located in Alaska, Arizona, California, Idaho, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

<sup>12</sup> See footnote 7 for an explanation of why the estimate is difficult to make. The one third to one half estimate is based on the assumption that some 40,000 American Indian families continue to receive TANF services (from either state or tribal sources); on figures in Brown and Springwater (2001), Burke (2001), DHHS Administration for Children and Families (2000), and Falk (2001) that ballpark the number of tribal TANF recipients; and on educated guesses about the timing of the transition of some 13,000 American Indian clients from state rolls to Torres-Martinez (4,000 clients) and Navajo (9,000 clients) rolls.

detail about actual caseloads in the fall of 2001. Twenty-four of the 34 tribal TANF programs responded to the “current caseload” question; seven (29% of all respondents) reported a current caseload of 50 recipients or fewer; five (21%) reported a caseload in the 50-100 range; nine (37.5%) reported monthly caseloads between 101 and 500; and three (12.5%) reported caseloads of over 500. The Navajo Nation remained far and away the largest program.

Part of the purpose of PRWORA was to offer states greater flexibility in the design and implementation of welfare programs and policies, reducing the top-down, imposed character of previous federal attempts to deal with welfare. In some ways, tribes enjoy even more flexibility in designing TANF programs than states do. Tribes can determine their own definitions of “work” that meet TANF work requirements, can set their own employment participation rates and (within certain constraints) time limits on assistance, and can define their own service populations and service areas. In addition, in recognition of the lack of employment opportunities on many reservations, PRWORA made Indian families residing on reservations with non-employment rates of at least 50% exempt (on a month-to-month basis) from the five-year lifetime limit on the receipt of services.<sup>13</sup>

### *Variation Among Tribal TANF Programs*

As with state programs, the flexibility and choice permitted under tribal administration of TANF has led to great variation among programs. Program size, noted above, is only one aspect of this variation. Table 1 highlights additional differences between programs.<sup>14</sup>

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<sup>13</sup> The flexibility discussed in this paragraph has been particularly important in states where the law has been otherwise quite restrictive, such as Alaska.

<sup>14</sup> A more complete listing of tribal TANF programs’ characteristics can be found at the Table’s source: DHHS, Administration for Children and Families, Office of Community Services, Division of Tribal Services (2001).

**Table 1. Characteristics of Tribal TANF Programs (n=34)**

	<b>Number</b>	<b>Percent</b>
<b>Starting dates</b>		
1997	8	24%
1998	7	21%
1999	5	15%
2000	7	21%
2001	7	21%
<b>Tribes Receive State Match</b>		
Yes	24	71%
No	10	29%
<b>Time Limits</b>		
60 months	32	94%
Less than 60 months <sup>15</sup>	2	6%
<b>Work Participation Rates</b>		
Same as federal rates	4	12%
Lower than federal rates	27	79%
Other <sup>16</sup>	3	9%
<b>Allowed Work Activities</b>		
Job search/job readiness	25	74%
On-the-job training	25	75%
Work experience	21	62%
Vocational education	19	56%
Job skills training	18	53%
Child care for TANF recipients	16	47%
Community service	13	38%
Subsidized/unsubsidized employment	12	35%
Education related to employment	11	32%
Vocational education for >12 months	11	32%
Traditional tribal subsistence activities	10	30%
Substance abuse treatment and counseling	7	21%
Basic education	6	18%
Post-secondary education	2	6%

*Source:* DHHS, Administration for Children and Families, Office of Community Services, Division of Tribal Services 2001.

The table also motivates these more general conclusions about the design and administration of tribal TANF:

- Most tribal TANF programs have begun implementation only recently; 19 of the 34 plans have been implemented since 1999. Their track records, therefore, are limited.<sup>17</sup>

<sup>15</sup> Klamath Tribes and Confederated Tribes of Siletz Indians, both of which are located in the State of Oregon, have adopted the Oregon State time limit of 24 months within an 84-month period.

<sup>16</sup> These plans include lower participation rates for all families but higher rates for two-parent families.

- Most (nearly three-quarters) of the tribes and tribal consortia with approved TANF plans receive a state match to help them fund their programs.
- Nearly all of the plans (32 of 34) set a 60-month lifetime limit on benefits while the remaining two set more stringent limits consistent with state limits.
- Many tribes have taken advantage of the flexibility of tribal TANF to tailor programs to the needs of clients and the realities of reservation life. For example, the emphasis in many programs on education and training is consistent with the lack of jobs on reservations and the low educational and job experience levels of many tribal members. Likewise, the allowance for subsistence activities (usually hunting, fishing, gathering, and crafts) in some plans and the frequent focus on substance abuse issues are direct responses to cultural, economic, and social realities in some tribal communities.

### *The Advantages of Tribal TANF Administration*

Flexibility and discretion in program design and implementation have led not only to tribal program differentiation, but also to significant advantages for tribes and tribal members. Often, these advantages have been critical in tribal decisions to run their own TANF programs. Positive aspects cited by tribes that administer TANF programs include the following (Brown and Springwater 2001; Hale 2001; Pandey et al. 1999, 2000; Willon 2001):

- Avoidance of problems encountered in communication and coordination under state programs, especially problems with the quality and type of services provided. As demonstrated, tribal TANF programs are able to offer programs that are culturally appropriate and more directly responsive to specific community circumstances and needs,<sup>18</sup> and accumulating experience with such programs suggests that tribal agencies *can* serve Indian people better than state (or federal) programs.
- Greater accessibility of services under tribal TANF. Because many reservations are geographically isolated and because tribal families often lack access to reliable transportation, many reservation TANF clients are better able to report to local TANF offices than to state offices.
- The opportunity and flexibility to prioritize the needs of tribal communities.

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<sup>17</sup> Nonetheless, it is encouraging that no tribal TANF plan has been retroceded back to the respective state. Tribes that administer TANF submit new, updated tribal TANF plans every three years, and eleven programs already have submitted a second three-year plan.

<sup>18</sup> As one program observer put it, "Tribal programs and the people that staff them are much more familiar with the needs, customs, expectations, and in some cases language of clients than are non-tribal programs and their staff (personal communication, Norm DeWeaver, Director, Indian and Native American Employment and Training Coalition, October 2001). One example comes from the Navajo Nation TANF program, which trains TANF workers to conduct themselves in culturally appropriate ways when interacting with clients (Hale 2001).

- The opportunity and flexibility (some of which stems from the federal regulations written specifically for tribes) to restructure, coordinate, and improve the comprehensiveness of tribal social service programs.
- The opportunity to exercise tribal sovereignty and expand tribal self-government.

Taken together, the points on this list underscore the degree to which tribes have been using tribal TANF as an opportunity for their own education and institutional development. Tribes running their own TANF programs are rapidly learning about the needs of their welfare populations and are having to develop new organizational arrangements and procedures for meeting those needs (Pandey et al. 2001). While those arrangements and procedures vary, they constitute net additions to tribal understanding of their own communities and to tribal institutional capacities.

### *The Limited Resources for Tribal TANF Administration*

The advantages tribes realize from program administration are countered by the dearth of resources for tribal TANF. Indeed, although the number of tribal grantees is increasing, the National Congress of American Indians (2001) notes that insufficient funding for the program overall has prevented additional tribes from trying to initiate their own TANF programs.<sup>19</sup>

As compared to states, tribes suffer a variety of funding inequities. The method by which tribes receive base funding is one salient example. While states were able to choose from three funding formulas in determining their TANF grant amounts, tribes are given no such choice in determining block grant levels. Instead, a tribe in a given state receives an amount based on the 1994 payment made by the federal government to that state for American Indian families living in specified service areas. Because most states did not keep AFDC data broken out by American Indian race/ethnicity, it is widely accepted that the 1994 data on which these payments were based were not reliable, typically undercounted eligible families, and thus, diminished the funding available to tribal programs.

A less obvious but no less significant funding hurdle is the lack of federal funding for infrastructure development and program start-up. Unlike states, which have received federal support for infrastructure building over the last 60 years of AFDC administration, tribal TANF programs do not receive support costs and start-up money from the federal government (Hicks and Brown 2001, Pandey et al. 1999). This differential investment places tribes at financial risk as many of them are building aspects of their social service programs for the first time and lack the infrastructure needed to administer a complex program like TANF. While the Navajo Nation, the largest Indian nation in the U.S., is at the extreme end of the spectrum, its experience is instructive: to date, the Nation has expended \$1.5 million *of its own scarce tribal government*

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<sup>19</sup> Tribal programs were expected to receive more than \$86 million in assistance grants during fiscal year 2001 (Brown 2001), and on its face, this number seems large. Yet when funding deficiencies, including inequities in the ways states and tribes are funded, are taken into account, the figure is much less impressive. A specific example, offered by the San Carlos Apache Tribe's Social Services staff, demonstrates the extent of the problem: had the Tribe been administering its own TANF program, the cost overrun in fiscal year 2001 alone would have been \$675,186 (reported at "DHHS Tribal Listening Session, San Francisco, October 26, 2001).

*resources* on the development and initial implementation of TANF, over and above federal TANF monies (Pandey et al. 2001, Brown and Springwater 2001).

Other funding inequities include the fact that states are not required to contribute TANF Maintenance of Effort (MOE, or matching funds) to tribal TANF programs. While most states have opted to provide MOE to tribal TANF programs,<sup>20</sup> those tribal programs that operate without MOE are serving their populations with 30-50% fewer resources than were available for their populations in 1994. Also, tribes do not receive any of the bonuses offered to States for reducing caseloads, unwed births, or teen pregnancies. Tribes are not eligible (as states are) for funds to evaluate their programs—resources that have yielded a good deal of fruit (see, for example, National Academy Press 1999). Finally, as noted in later sections of this report, tribal TANF populations typically include higher proportions of “hard-to-serve” clients facing multiple barriers to employment. Even if “dollars per client” were equalized between state and tribal cases, the “dollars necessary per positive outcome” would remain unequal, as hard-to-serve populations are more expensive populations to serve (Hicks and Brown 2001).

Tribal communities thus incur proportionately heavier financial burdens than states do in administering TANF programs. Their funding shortages translate to shortages in staff, staff training, and services such as transportation (Brown and Springwater 2001). And there are other, more far-reaching implications of the funding inequities. The financial burdens not only discourage some tribes—particularly poorer tribes—from taking over TANF programs,<sup>21</sup> but also detract from the government-to-government (tribal/federal) relationship that TANF seeks to establish. For example, all nine tribes in the State of South Dakota expressed an interest in administering TANF after the passage of PRWORA, and they worked together to draft a template tribal TANF plan that would apply to them all. But because the State of South Dakota opted not to provide matching funds to tribal TANF programs,<sup>22</sup> only one tribe, the Sisseton-Wahpeton Sioux Tribe, could afford to take on TANF administration. In other words, for funding reasons alone, the remaining eight tribes were forced to retain the less desirable tribal/state relationship.

### ***Summary: Key Issues***

Key points regarding the administration of tribal TANF programs are:

- Tribal TANF programs vary substantially in program design, but there are some commonalities among programs; for example, tribal TANF programs are young, and many have begun to take advantage of the flexibility of tribal TANF to tailor programs to reservation populations, economies, and social circumstances.

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<sup>20</sup> Of all the states in which tribal TANF programs operate, only the states of South Dakota and Wisconsin have opted not to provide tribal TANF programs with state matching funds.

<sup>21</sup> For some discussion of the fiscal challenge tribes face in choosing to administer TANF programs, see Shanley (1997-98).

<sup>22</sup> The South Dakota state government bases its decision not to provide funds on the notion of “trust responsibility.” Specifically, it claims that the federal government should be required to cover all costs of tribal TANF administration as a component of its trust responsibility to American Indian tribes.

- Tribes have been eager to take over administration of TANF; a conservative estimate is that a third of all American Indian TANF recipients received support through tribal programs in 2001. The ability to tailor programs to reservation realities and the opportunity to assert self-governing power appear to be important factors in tribal decisions to run their own TANF programs.
- Funding to date has been inadequate to meet the unique needs of tribal TANF programs; for example, tribes receive less TANF-related financial support from the federal government than states do. Financial burdens discourage some tribes from running their own TANF programs.

## II. C. The Impact of Welfare Reform on American Indians

### *How American Indian TANF Recipients are Faring*

Many lawmakers and other policymakers across the U.S. have hailed welfare reform as a great success. The statistics certainly are worthy of attention: since the passage of PRWORA, national welfare caseloads across the country have dropped by 50%.<sup>23</sup> Looking beyond the caseload figures, however, the picture is less clear. Although welfare receipt is down and employment among low-income parents is up, national data (i.e., aggregated across race and ethnicity) show that:

- Only 35 to 40% of former welfare recipients are employed for the entire year after they leave welfare (Acs and Loprest 2001), and as many as 40% of those who leave welfare are *not* working (Greenberg 2001).
- Wages for families who exit welfare are low and tend to remain low. Annual incomes may be no more than \$8,400-\$14,400, sums insufficient to lift these families out of poverty (Acs and Loprest 2001).
- The decline in the child poverty rate has not kept pace with the decline in TANF caseloads (Primus et al. 1999).

Such facts suggest that PRWORA may have been successful in reducing the number of people on welfare, but its effects on family and community well being are much less clear.

In Indian Country, however, even the drop in caseloads has to be qualified. A study of welfare reform on reservations in Arizona found that, while caseloads had fallen 59% in the state as a whole, American Indian caseloads had dropped only 40%, and on some reservations, caseloads actually increased (Pandey et al. 1999, 2000). Things have been even worse in other states. In South Dakota, for example, caseloads overall dropped 69% since the implementation of welfare reform but dropped only 9% among American Indians. In Montana, caseloads overall dropped 26%, but there was a 0.5% *increase* in the number of American Indians receiving TANF assistance (DHHS, Administration for Children and Families 2000). A recent survey of tribal TANF administrators found (among the 22 respondents to both items) 12 tribal programs with

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<sup>23</sup> From 4.4 million families in August 1996 to 2.2 million families in June 2000 (DHHS, Administration for Children and Families, Office of Community Services 2001).

current caseloads larger than the projected caseload at program implementation, and only 10 that currently manage caseloads smaller than the original estimate (Brown and Springwater 2001). These facts support the conclusion reached by Burke (2001): in states with significant proportions of American Indian residents, welfare is becoming more and more an Indian program.

The impact of TANF implementation on Indian family and community well being is more difficult to judge; very little systematic research has been done. Nonetheless, the available data are not encouraging. The U.S. Department of Health and Human Services has funded one longitudinal study of the effects of welfare reform on American Indians: an examination of three tribal communities in Arizona.<sup>24</sup> This ongoing study (Pandey et al. 1999, 2000, 2001) found that, among other things:

- While 64% of American Indian families in the studied tribal TANF programs participate in some type of work activity.
- Nearly a quarter of American Indians who had moved from welfare to work stopped working within three months; half were not working a year later. Twenty-seven percent of respondents reported some employment income for the previous month; however, only a small portion were employed full-time.
- Even among former welfare recipients who were employed, there is evidence of substantial hardship. Forty-five percent of respondents reported they were unable to afford enough food for their families, while 25% reported their children had gone to bed or to school hungry since leaving welfare. Twenty-one percent reported their gas or electricity had been turned off due to their inability to pay utility bills.
- Employed TANF recipients and former TANF recipients reported earning an average hourly wage of \$6.80 (average monthly wages of \$591), an insufficient amount to lift their families above the federal poverty line.
- Approximately 40% of those who leave welfare do so without any employment at all; there is very little information on what happens to them.

While these findings apply only to the Arizona communities involved in that particular study, they find broad anecdotal support in discussions with tribal TANF administrators and others familiar with the welfare reform story in Indian Country to date.

### ***Reasons for American Indians' Slower Exit from the Welfare Rolls***

What accounts for the difference in welfare reform impacts between Indian Country and both the states where many reservations are located and the U.S. more generally?

The reasons are numerous and, in some cases, reservation-specific, but a number of factors apply across a significant number of Indian nations. Of course, most tribal TANF

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<sup>24</sup> The study includes that portion of the Navajo Nation located in Arizona, the San Carlos Apache Reservation, and Salt River Pima-Maricopa Indian Community.

programs are still young, and it may be too soon to tell just how effective they will be in the long run. Nonetheless, rural reservations, like other rural areas, did not experience the same degree of job growth and increased employment that much of the United States experienced in the late 1990s (Pandey et al. 1999). While U.S. unemployment rates fell to unusually low levels in the late 1990s, unemployment rates and poverty rates in many Indian communities remained discouragingly high. According to the U.S. Bureau of Indian Affairs (U.S. Department of the Interior 1999), average unemployment across all Indian reservations in 1999 was 43%; on some rural reservations it ranged into the 70 and 80% range or higher. Many reservations are isolated from job opportunities and have only limited access to education and training (Pandey et al. 2001). In order to find work, many American Indian families must consider leaving their reservations for more populated areas<sup>25</sup>; most are reluctant to do so (Pandey et al. 1999).<sup>26</sup>

Other factors include the high cost of delivering services on reservations; lower levels of education and other forms of human capital; inadequate job training and support services; and inadequate physical infrastructure for economic development (Pandey et al. 1999; National Congress of American Indians 2001). In addition, transportation and child care present major challenges for reservation individuals trying to work.<sup>27</sup> These circumstances make finding and maintaining employment difficult.

Finally, many reservations have high numbers of “hard-to-serve”<sup>28</sup> individuals in their TANF caseloads. A number of factors have contributed to this. Generations of dependency and economic stagnation (or worse) have produced reservation populations with high proportions of residents with little work experience and few job skills, and this is exacerbated by historically low levels of education and the youth of reservation populations (U.S. Department of Commerce, Bureau of the Census 1993; Cornell 2000).<sup>29</sup> In addition, deeply entrenched poverty, inadequate social services, high rates of certain kinds of diseases, and the scarcity of effective programs dealing with mental and behavioral health issues on reservations have produced some reservation welfare populations with a high proportion of individuals suffering from emotional, psychological, or behavioral problems that complicate the move from welfare to work. These inexperienced or troubled populations are particularly difficult to serve.

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<sup>25</sup> See Section IV.A below for a discussion of why such migration should be considered an inappropriate general solution to job scarcity on Indian lands. It should also be noted that some tribal leaders and program directors observe (or are concerned about) a reverse flow—that tribal members on TANF are returning from the cities to their reservations in order to gain assistance through tribal services and support from extended family members. Cebula and Belton (1994) suggest this was the case with regard to TANF’s precursor programs; see also Stromwell (1998) with respect to PRWORA. All told, however, flows likely vary by tribal community. In any case, they are worth serious empirical investigation, as they affect the service population of both state/county and tribal TANF (and related) programs.

<sup>26</sup> See Sections III and IV for more comprehensive treatments of reservation job training and reservation economies.

<sup>27</sup> See the more comprehensive treatments of these topics in Section II.D on “Child Care” and “Transportation.”

<sup>28</sup> “Hard to serve” is a term used in the literature, and hence, we repeat it here. Unfortunately, the term can also be interpreted as laying the blame for poverty and limited job opportunities (etc.) at the feet of the victims. We do not espouse this interpretation: especially in the context of Indian Country, poverty, joblessness, and a variety of social dysfunctions are best attributed to a history of discrimination and other policies that marginalized American Indians.

<sup>29</sup> Rural Indian populations tend to be younger than urban Indian populations. See Snipp (1991).

Of course many states and counties have faced similar phenomena, but only after significant caseload declines—that is, after the most able workers have left the welfare rolls. Yet many tribal communities (similar to other rural communities facing extreme poverty) have not seen comparable declines in caseloads. This suggests that tribal programs have proportionately more hard-to-serve clients. It also means that these programs typically have had to focus more of their attention and energy on helping tribal welfare recipients overcome significant barriers to employment that are rooted not solely in external circumstances but in individual client histories as well. Anecdotal reports from TANF program staff are that clients have deeper and more multi-faceted needs than were ever anticipated.

### ***Summary: Key Issues***

Key issues involved in the impact of welfare reform on American Indians include the following:

- Indian welfare caseloads are not dropping as fast as non-Indian caseloads and, in some states and on some reservations, are rising. As a result, some state welfare rolls are becoming increasingly—and disproportionately—Indian.
- Large portions of tribal TANF caseloads are “hard-to-serve” clients requiring specialized programs or extended support.
- Jobs are extremely scarce on many reservations, and many of the jobs that Indians are moving into are essentially “unpaid work experience.”
- Some Indians are forced to leave reservations in search of work.
- Because of the scarcity of full-time work in Indian Country, welfare reform’s progress in moving recipients from welfare to work has been limited; where progress has occurred, the prevalence of generally low wages and recipients’ ongoing needs for other income support, likewise limit welfare reform’s progress against reservation poverty.

## **II. D. Related Income Support and Support Services Programs**

Other income support and support services programs have an impact on welfare reform in Indian Country in that they can supplement the services provided through TANF and further support the transition from welfare to work. Conversely, problems with these programs in terms of service availability, funding, or a lack of coordination with TANF can complicate the transition to work. This section discusses six programs and services—Child Care, Child Support Enforcement, General Assistance, transportation, Medicaid, and Food Stamps—that can provide vital additional assistance to families in poverty.

### ***Child Care***

The availability of child care is a major factor in the ability of many reservation TANF clients to leave welfare and enter education and training programs or move into work. Lack of child care facilities or arrangements is widely reported as a reason parents do not move into work

sooner or as a make-or-break obstacle to sustained employment. In particular, infant care, care for children with special needs, and care that accommodates a working parent's changing schedule or late-night/weekend shift work has been difficult to find. Participants in welfare-recipient focus groups in Arizona, for example, have indicated that the shortage of reservation child care facilities makes finding and keeping a job difficult (Pandey et al. 1999). In a subsequent survey that was part of the same research effort, 89% of the respondents with children had no regular child care arrangements (Pandey et al. 2001; see also Hargreaves and Chang 1992). Less formal discussions with TANF and economic development administrators from around the country commonly point to child care as one of the keys to successful reservation work transitions.<sup>30</sup>

This is not news to welfare agencies and policymakers, who have long recognized that child care is a necessary support for parents leaving public assistance, both within Indian Country and outside it, and the federal government has provided child care assistance in one form or another for more than 60 years. PRWORA continues this commitment. The 1996 legislation expanded the Child Care and Development Fund (CCDF), which assists low-income families and those leaving welfare in obtaining child care so that they can participate in training and education and, ultimately, go to work. In terms of Indian tribes' access to child care funds, PRWORA has added significance. The Act both increased the "discretionary" (block grant) funds available under the program, through which tribes had previously received some funding, and gave tribes a portion of the "mandatory" component, funding that previously had not been shared with tribes. The overall effect was a major increase in federal support for tribal child care. The CCDF expires in 2002 and will be considered in the TANF reauthorization process.

American Indian tribes are eligible to receive direct CCDF grants to subsidize parental purchases of child care, to construct and renovate child care facilities, and to develop tribal child care programs.<sup>31</sup> In federal fiscal year 1998, tribes received more than \$60 million from CCDF, more than doubling previous federal grant amounts to tribes for child care.<sup>32</sup> Also in 1998, more than 17,000 American Indian children received child care services funded wholly or in part by tribal CCDF grants; this undercounts the number of Indian families receiving such support, however, since dual citizenship (in tribes and states) permits Indian children to access CCDF programs through either tribes or states. In fiscal year 2001, 257 tribal CCDF grantees, serving over 500 tribes, received \$90 million, or approximately 2% of the fund total.<sup>33</sup> Of course child care programs offer more than simply child care; such benefits include construction

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<sup>30</sup> This has been evident at an assortment of conferences on TANF and related topics over the last few years.

<sup>31</sup> Tribes are eligible for CCDF if they have at least 50 children under age 13. Those with fewer children may join with other tribes to form a consortium and establish eligibility for CCDF funds.

<sup>32</sup> These statistics—and all others in this paragraph—were provided in a personal communication by Ginny Gorman, National Tribal Child Care Specialist, Child Care Bureau, Administration for Children and Families, Office of Community Services, U.S. Department of Health and Human Services, October 2001.

<sup>33</sup> PRWORA allowed the Secretary of Health and Human Services to annually set aside 1-2% of the entire CCDF for Indian CCDF grantees. Under HHS Secretary Donna Shalala, Indian grantees received the full 2% in fiscal years 1997-2000.

opportunities,<sup>34</sup> employment for tribal members in child care or construction, and training for child care providers.

One of the advantages of CCDF is flexibility. As is the case with TANF, tribes can design their own programs to meet family needs, providing service through center-based care, through programs that certify individual child care providers, or both. A number of tribes have certified extended family members as child care providers, responding to tribal member preferences for providers they know and their reluctance to place young children in large centers.<sup>35</sup> In comparison to state CCDF programs, tribes have tended to adopt more liberal eligibility criteria for child care, allowing more working families and parents in school to receive subsidies (DHHS, Office of the Inspector General 1998, Pandey et al. 1999).

There are other advantages to tribal management of child care through CCDF. Geographic isolation and transportation problems often restrict Indian families' access to state programs; tribal programs tend to be closer at hand. In addition, many parents in need of child care appear to have more trust in tribal providers, due in part to a history of prejudice, lack of cultural sensitivity and understanding, and tension between tribes and states.

The Brown and Springwater survey asked TANF administrators to assess the level of CCDF funding. Only one quarter of the 28 TANF programs that responded to the questionnaire described CCDF funding as adequate; nearly half described it as inadequate. When asked about alternatives to CCDF funding or CCDF-funded child care, only one quarter of the programs said that there were other funding resources available—mostly state or tribal sources—while approximately half indicated that at least some TANF recipients have made use of other (generally non-paid) child care options, typically in-home care or relative-care. Overall, one quarter of responding TANF programs indicated that they thought there were sufficient child care services for their TANF clients (this group of programs has significant overlap with the group stating that funding for child care also was adequate); one quarter indicated that services were insufficient; and half of the responding programs provided no answer (Brown and Springwater 2001). While it is clear that TANF clients make use of multiple sources of child care, it also seems clear that these sources, in the aggregate, are insufficient to the need on many reservations.

According to tribal TANF administrators, however, the single largest barrier to effective child care delivery to TANF clients is simply the lack of qualified child care providers (Brown and Springwater 2001). Key factors involved appear to be funding, recruitment, and training.

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<sup>34</sup> Between 1997 and 2001, tribes used nearly \$36.5 million of their total allocation for the construction or renovation of child care facilities (personal communication, Ginny Gorman, National Tribal Child Care Specialist, Child Care Bureau, Administration for Children and Families, Office of Community Services, U.S. Department of Health and Human Services, October 2001).

<sup>35</sup> Nearly half of the programs responding to the special survey conducted for this paper had fewer than 40% of their clients accessing child care through tribal care centers (Brown and Springwater 2001).

*In sum*, the outstanding child care issues linked to welfare reform include the following:

- The need for child care is growing as reservation welfare recipients enter education and training programs and find employment.
- Current child care services in Indian Country are inadequate to meet this need (which is most acute with regard to infant care, children with special needs, and parents with late-night and weekend work hours), posing a significant obstacle to workforce entry by TANF clients.
- Child care options offered by non-Indian individuals or entities often are not culturally appropriate, and even when they are administered by community members, Indian parents often also express distrust of large child care centers.
- Inadequate funding and a shortage of qualified child care providers on reservations are major bottlenecks in child care delivery.
- The combination of tribal control on one hand and the flexibility of CCDF funding on the other has been of considerable advantage to tribes and to welfare recipients, allowing tribes to design more effective child care programs.

### ***Child Support Enforcement***

Child support is another critical issue for many welfare families and programs in Indian Country because monies derived from the enforcement of child support orders can provide additional income for families and/or additional operating funds for programs. Acknowledging this link, PRWORA allowed tribes to receive direct federal funding for child support enforcement (CSE) through Title IV-D Child Support Enforcement funds. However, the U.S. Department of Health and Human Services decided in 1997 to award grants for CSE program development and administration to only 15 tribes as demonstration projects. At present, only five tribes receive direct funding to run Child Support Enforcement programs.<sup>36</sup> These five tribal CSE programs work cooperatively with the appropriate state to enforce program rules, provided the tribe has a court of Indian offenses (Burke 2001). The Child Support Enforcement component of PRWORA expires in 2002 and will be included in the TANF reauthorization process.

A number of tribes that do not currently operate their own CSE programs would like to do so, believing that tribally run programs could pay closer attention to cultural variation in family organization and parenting practices, could design more flexible support guidelines that better recognize reservation circumstances, could incorporate local knowledge of clients and noncustodial parents and thereby increase effectiveness and collections, could better encourage parental responsibility, and would reduce the red tape involved in tribal-state interactions. Despite these predicted advantages, many tribes are biding time before applying to manage CSE programs. In part, this is due to ambiguities in federal regulations. Given PRWORA's directive, DHHS issued a proposed rule under which tribes could implement CSE programs; in response,

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<sup>36</sup> Personal communication, Lawrence Dunmore, Office of Child Support Enforcement, Administration for Children and Families, Office of Community Services, U.S. Department of Health and Human Services, October 2001.

tribes provided the Department with substantial feedback, which DHHS must itself respond to and take into consideration in writing the final rule. Tribes are waiting for this final federal regulation before they undertake a tribal CSE program. (The five extant programs operate under an interim rule.) Some TANF administrators who indicated this preference also emphasized that their tribes would need to upgrade their court systems if tribally run CSE programs were to be effective (Brown and Springwater 2001).

At present, of course, most tribes rely on state or county enforcement of child support or on non-program mechanisms within the tribe (for example, family members or the tribal court). How well these systems work for tribes or how much revenue TANF programs and families are losing due to inadequate CSE is unknown.

*In sum*, key points regarding reservation child support enforcement and welfare reform are:

- CSE can be important in tribal TANF financing and for augmenting household income.
- A number of tribes would like to run their own CSE programs; however, many are waiting for the final federal regulations before pursuing program management.
- Effective tribal CSE programs may require investments in upgrading tribal court capacities.
- In the absence of a tribal CSE program, tribes rely on county and state CSE programs, family members, and tribal courts, mechanisms that *may* benefit children and custodial parents, but will *not* augment TANF/social service program resources.

### ***General Assistance and other BIA-funded Welfare Assistance***

Another important set of welfare services in Indian Country is funded by the Bureau of Indian Affairs (BIA) through its Welfare Assistance program. The goal of this funding stream is to provide financial assistance to needy individuals and families who have no other resources. In other words, assistance provided through the component programs of Welfare Assistance (General Assistance, Child Assistance, Non-Medical Institutional or Custodial Care of Adults, Tribal Work Experience Program, and Miscellaneous Assistance) is intended as residual funding for which tribal members are eligible only when they have applied for and been denied all other, alternative forms of assistance. Essentially, as defined by the BIA, Welfare Assistance is a program of last resort, providing a safety net to meet needs that would not otherwise be met (Spilde 2001).<sup>37</sup> Approximately 85% of Welfare Assistance programs are contracted by tribes.<sup>38</sup>

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<sup>37</sup> Indian people have expressed great concern about this interpretation of the BIA Welfare Assistance programs, because it marks an important shift in the federal government's interpretation of its responsibilities to American Indians. Many tribal members feel strongly that the federal government's treaty and trust responsibilities obligate it to provide education, welfare, and health support services to Indian people, regardless of their income level. By contrast, the individual means testing inherent in programs like BIA GA and Medicaid treat recipients as poor people first and Indians second. This shift downplays the responsibilities of the federal government to Indian people at a policy level and may even make it easier to justify budget cuts in important Indian service programs.

With reference to TANF, the most important Welfare Assistance program is General Assistance (GA), which, as the name implies, is an all-purpose pool of funds available to help low-income Indian individuals pay basic monthly living expenses. If an individual or family meets a certain income criterion, General Assistance monies can help pay their shelter, food, clothing, and utility bills. Thus, GA is an important alternative for families whose needs are not met through TANF (but only after the family has applied for and been denied TANF assistance). Indeed, it might be anticipated (and has been by both tribal administrators and national advocates) that as TANF has been implemented, GA has been forced to support a greater and greater number of families. This projection is based on the assumptions that if families cannot meet TANF work requirements, they will become ineligible for TANF assistance; that families will remain in need of assistance even after they exhaust their lifetime benefit limit under TANF; and that tribal members living off-reservation will migrate back to the reservation to receive assistance and support as they reach state TANF program benefit limits.

At least in the early period of TANF implementation, such a change was not visible in aggregate data. BIA data show that between fiscal years 1995 and 1997, General Assistance caseloads fell in every BIA region except Anadarko, Minneapolis, and Muskogee, but that these small increases (45, 50, and 100 cases, respectively) were washed out by the Indian Country-wide caseload decrease of 10,960 (U.S. Department of the Interior 1997a). The BIA has not made figures for subsequent fiscal years publicly available, but Bureau insiders and others familiar with the data indicate that evidence to support the assertion that former TANF clients are shifting to GA is still not visible in the aggregate.

Even so, none of these observations proves tribal-level program administrators and national advocates wrong. In particular, there are four problems with the aggregate data.

- First, it is messy: until recently, there have been no clear reporting standards that specify how a tribe must report GA caseloads back to the BIA. Thus, while the caseload data may be labeled “GA” by the tribe and subsequently by the BIA, some tribes may have been reporting individual recipients while others were reporting families.<sup>39</sup>
- Second, the time series may have been forced downward artificially by another federal policy: Congress capped federal appropriations for Welfare Assistance in

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<sup>38</sup> Personal communication, Larry Blair, Director, Division of Social Services, Bureau of Indian Affairs, U.S. Department of the Interior, Summer 2001.

<sup>39</sup> This point about the “messiness” of GA data should not be interpreted as a criticism of tribes. Because Welfare Assistance is intended to be a needs-based program, tribes submit caseload and expenditure information on a quarterly basis so that needs-based allocations across Indian Country can follow, and they have been quite diligent in doing so. The problem is that, until recently, tribes had received little or no guidance about how they should report information (e.g., individuals versus families); the problem has been further confounded by the BIA’s limited MIS capacities.

fiscal year 1996. Many tribes substantially altered their eligibility criteria for GA, as it was the only way of staying within the new budget guidelines.<sup>40</sup>

- Third, the aggregate data mask important, tribe-specific dynamics motivated by PRWORA and TANF implementation. For example, Pandey et al. (1999) finds a number of Arizona tribes in which GA caseloads were increasing between 1995 and 1997, even though the BIA's Phoenix Area Office reported an overall caseload decrease of 1,500 over the same period (U.S. Department of the Interior 1997a). In some cases, state program flexibility under TANF resulted in states eliminating programs that had existed under AFDC; tribal members on these state programs would then have no option but to turn to alternative tribal services, like GA.<sup>41</sup> Such developments have prompted a reorganization of services at the tribal level as well, and Welfare Assistance/General Assistance rolls in particular were truly reduced to serving those whose needs could not be met by any other program.<sup>42</sup> Given such changes, there could be an increasing number of former TANF recipients on GA rolls even if a tribe's overall GA caseload stayed constant or declined.
- Fourth, the aggregate data reflects a time period in which shifts from TANF to GA are least likely to be evident: the argument about families who are sanctioned off TANF turning instead to GA is most likely to hold as state time limits on TANF participation begin to bind.<sup>43</sup> Only eight states hit their TANF lifetime limits before 2001, but by the end of 2002, 37 states' time limits on TANF participation will have expired (Urban Institute 2001). Therefore, it is likely that the greatest shifts from TANF to GA are yet to occur.

If these caseload shifts do occur, tribal Welfare Assistance budgets (and GA budgets in particular) will suffer tremendous strain. Tribes may have to pursue further painful re-prioritization among recipients, and the needs of even the most needy in some tribal communities may go unmet.

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<sup>40</sup> The funding cap is introduced to explain a problem with the data, but it is worth noting the oddity of placing a funding cap on this program. Both the treaty and trust responsibilities of the U.S. government to American Indian tribes and the fact that this is a program for meeting unmet needs (a program of last resort) stand in ironic contrast to the capped authorization.

<sup>41</sup> This may have happened in North Dakota, which chose not to continue AFDC's "Unemployed Parent" program under TANF. Anecdotal reports suggest that, in at least one ND tribal community, the former clients of the UP program turned to GA for help in meeting their basic income needs.

<sup>42</sup> This point was made in an interview with Drake Lewis, Director, Division of Social Services, Gila River Indian Community, October 1998.

<sup>43</sup> Families cannot choose whether to obtain assistance from TANF or GA. Rather, if eligible, families must participate in TANF until they are terminated. Before time limits began to bind, relatively few families would have qualified to participate in GA, especially since new regulations make the work requirements of GA similar to those of TANF. After time limits begin to bind, however, more families will meet the residual funding criteria (i.e., they don't qualify for any other program), and there is a much greater probability that TANF clients will shift to GA rolls.

*In sum*, key issues concerning General Assistance and TANF are these:

- It is unclear what impact TANF is having—or is likely to have—on GA client rolls.
- We need much better data on GA caseloads and on the characteristics of people receiving GA, including case histories that indicate client trajectories ending at GA.
- The cap on Welfare Assistance at the 1996 levels limits the degree to which GA can meet the needs of welfare recipients who are past their TANF assistance limits and suggests that the stress on reservation assistance systems is likely to increase significantly over the next few years.

### ***Transportation***

According to Pandey et al. (1999, 2000, 2001) as well as anecdotal information collected at national Indian welfare reform conferences, transportation has been identified by many respondents and observers as the most significant barrier that reservation TANF recipients face in getting and keeping jobs. For instance, Pandey et al. (2000) reported that out of 442 TANF recipients on three Arizona reservations, only 29% owned an automobile. Because the automobiles were often in need of repair, 10.7% were unable to use their automobile, and 64.5% could use it only sometimes. Furthermore, on most rural reservations, there is no public transportation.

TANF recipients reported transportation-related difficulty in the following areas (Pandey et al. 2000):

- 93 of 257 respondents (36%) had difficulty getting to work.
- 233 of 428 respondents (54%) had difficulty seeing a doctor.
- 55 of 222 respondents (25%) had difficulty going to their childcare provider.
- 201 of 421 (48%) had difficulty going to the welfare office or making appointments.
- 243 of 421 respondents (58%) had difficulty going to the grocery store.

A fairly typical comment from one TANF recipient was: “My truck is always broken down. The further I go with my education and training, the harder it is. I’m not close enough to town and not close enough to stores. My aunt has to take me shopping. I have to go 30 miles for gas” (Pandey et al 1999, p.31).

In 1998, Congress passed Public Law 105-178, the *Transportation Equity Act for the 21st Century* (TEA-21), which created a new discretionary grant program titled the Access to Job and Reverse Commute Grants. The purpose of the grant program is two-fold. First, it is intended to assist states and localities in developing new or expanded transportation services that connect welfare recipients and other low-income persons to jobs and other employment related services. Job Access projects are targeted at developing new or expended transportation services such as

shuttles, vanpools, new bus routes, connector services to mass transit, and guaranteed ride home programs for welfare recipients and low income persons (Federal Transit Administration 2001). Second, the program also provides services for residents of urban centers, rural areas and other suburban areas to suburban employment centers. The Grants Program is funded with \$750 million annually from fiscal years 1999-2003.

To date, tribal access to these funds has been limited. Reasons include the program's requirement of a letter of *state* endorsement and a 50% percent tribal funding match, the cumbersome application process, and a federal emphasis on projects that already use mass transportation services. Tribes typically have few funds for the required match and most rural reservations have no mass transportation at all.

TEA-21 also added transit facilities to the list of eligible activities for the Indian Reservation Roads (IRR) program and authorized \$1.6 million for IRR over six years (fiscal years 1998-2003), or \$275 million annually. Since the passage of TEA-21 in 1998, however, tribes have not had success in accessing IRR funds for transit development because the federal agencies that administer the funds and approve projects have not developed a procedure to process transit requests (Inter-Tribal Council of Arizona 2001).

*In sum*, key issues concerning transportation needs and welfare reform are:

- Along with the lack of jobs on reservations, the lack of transportation is perhaps the most significant barrier welfare recipients face in obtaining and maintaining employment.
- The lack of reliable private transportation, the near total absence of public transportation, and the long distances people must travel on many reservations leave TANF recipients with few options for getting to work.
- Few funds are currently available to tribal governments to deal with this issue. Given the time it takes to improve transportation infrastructure, funds must be made available soon if change is to be realized even in the medium term.

### ***Medicaid***

Receiving medical care is critical to maintaining a healthy workforce. Medical insurance in the form of Medicaid is seen as such an essential support for low-income families that, prior to the passage of PRWORA, Medicaid eligibility was strongly linked to welfare assistance under the AFDC program. This presumptive eligibility ended with the passage of PRWORA, however; the Act de-linked the assistance programs, so that application to one did not imply application to the other.

The provision of health care services to federally recognized American Indians grew out of the federal trust relationship defined by treaties, laws, Supreme Court decisions, and executive orders. The principal federal health-care provider for Indian people is the Indian Health Service (IHS), which has established 59 health clinics and 37 hospitals to serve the American Indian population. Many of these facilities, and even more of their component services and programs,

are managed by tribes under P.L. 93-638 contracting arrangements with the IHS (DHHS, Indian Health Service 1997).

Medicaid is an insurance program covering physician, hospital, and other basic health care services for eligible, low-income Indian families and children (including nursing home care and other long-term services for elderly and disabled Indians). Because of the high rates of poverty among American Indians, many American Indians qualify for its benefits; in 1996, it was estimated that Medicaid covered 40% of the American Indian population (Schneider and Martinez 1997). As a result, Medicaid funding has become an important means of complementing and expanding IHS offerings. For example, Medicaid fills an important gap for low-income Indian families living off-reservation (especially those living in urban areas) who may not reside near an IHS or tribally contracted health care facility; often, Medicaid is the only way these families can finance their health care. Where eligible individuals do have access to IHS services, and both Medicaid and the IHS cover a service, the Medicaid program is required to pay for the service. This requirement provides additional revenue for IHS and for tribally operated clinics and hospitals<sup>44</sup> and allows them to maximize their service provision to Indian families and children. In fiscal year 1999, Medicaid reimbursements to IHS and tribal facilities accounted for 13% of the total IHS budget (DHHS, Indian Health Service 2001).<sup>45</sup>

Since welfare reform, Indian advocates from across the country have been concerned about the de-linking of TANF and Medicaid. While there were good, competing reasons at the national level to support program separation (in particular, a desire to expand access to other low-income families), the administrative complexity that is added by having a separate application process for the programs, separate case workers, and separate application sites may lead to negative consequences for TANF recipients. The greatest concern is that program separation may leave many TANF families who are eligible for Medicaid unaware of the program and the benefits for which they might qualify. Additionally, it will be more time consuming and difficult for TANF recipients to access Medicaid.

Indian families face additional barriers to Medicaid coverage. Tribal governments are not authorized to administer the Medicaid program, cannot determine Medicaid eligibility, and do not receive direct Medicaid reimbursements (payments go through the states to tribal governments). Even the 170 tribes served by the 34 tribal TANF programs must send their clients to the state for the determination of Medicaid eligibility.<sup>46</sup> In some cases, state Medicaid eligibility workers are stationed part of the time at tribal TANF offices on reservations, but

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<sup>44</sup> This "additional revenue" may be additional in a limited sense, since Congress may take account of the revenues the IHS receives from Medicaid and other "third party" payers in its annual budget allocation to the Agency.

<sup>45</sup> The provision of health care to tribal members through Medicaid funding as opposed to better direct funding of IHS services again raises the point of footnote 37. Many Indian families resist Medicaid, since "going on welfare" runs against their interpretation of the federal government's trust and treaty responsibilities to Indian people; requiring them to do so marks a fundamental shift in the federal government's reasons for providing health and social services to tribal members.

<sup>46</sup> Actually, this is true for all tribes except for the Mille Lacs Band of Ojibwe. In September 2001, the U.S. Department of Health and Human Services approved an amendment to the state of Minnesota's Medicaid plan to allow Mille Lacs (a tribe that administers a tribal TANF program) to determine Medicaid eligibility for tribal TANF clients.

clients must still meet with different program staff, fill out separate forms, and usually make different appointments. It is difficult enough for the clients of state TANF and state Medicaid programs to access benefits; it is all the more difficult for clients of programs administered by two wholly different governments to claim services for which they are eligible. These issues are compounded by the fact that there is considerable confusion in Indian Country about eligibility criteria. The current patchwork of Medicaid and State Children's Health Insurance (S-CHIP) means that, on occasion, parents and children of the same family may be eligible for different programs.

A final problem arises from the fact that, in a typical (or median) state, a family of three loses Medicaid eligibility when the family's income surpasses 67% of the poverty line (Primus 2001). Because of the low wages and limited benefits attached to many reservation jobs, many reservation families who do make the move from welfare to work are in danger of losing Medicaid benefits, and if they do, the IHS or contracted facility that serves them suffers an income loss.

*In sum*, the key issues concerning Medicaid and welfare reform are these:

- There are almost certainly Medicaid-eligible children and families on state and tribal TANF rolls who currently are not receiving Medicaid.
- There is a need for better coordination, integration, and streamlining of TANF and Medicaid application processes.
- Tribes should have greater authority to determine Medicaid eligibility.
- Medicaid coverage should be extended to families at a higher percentage of the federal poverty level to help ensure financing for IHS and tribally contracted health services and facilities.

### ***Food Stamp Program***

The Food Stamp Program (FSP) is another important source of assistance for low-income families. On its face, PRWORA made only minor changes to the FSP; for example, it gave states the option to reduce FSP benefits if an adult failed to comply with other public assistance requirements. However, as PRWORA has been implemented, the number of individuals receiving food stamps has changed significantly, which raises questions about the implicit, dynamic linkages between the programs.

The U.S. Department of Agriculture (USDA) defines "food insecurity" to include family resource constraints that lead to family hunger, to the inability to purchase a balanced diet or enough food to feed their children, or to parents skipping meals so that children can eat. American Indians suffer from twice the rate of food insecurity and hunger as the general U.S. population, and three times the rate of food insecurity and hunger as white Americans (Henchy et al. 2000). Between 1995 and 1997, USDA found that 22.2% of American Indian households were food insecure, meaning that they did not have enough food to meet their basic needs. During the same period, USDA determined that in 8.6% of American Indian households, one or more members of the household suffered from moderate or severe hunger (Henchy et al. 2000).

Pandey et al. (2001) found that the basic food needs that existed in the general American Indian population in the mid-1990s persisted among TANF recipients on three Arizona reservations in 2000-2001. In particular:

- 154 of 346 respondents (45%) indicated that they needed food but could not afford to buy any.
- 57 of 224 respondents (25%) said their child(ren) had gone to bed or to school hungry because they had no money to buy food.
- 60 of 350 respondents (17%) indicated that in the preceding three months there was sometimes not enough food to eat, and 11 (3%) indicated that in the preceding three months there was often not enough food to eat.

The Food Stamp Program is the primary income-support program designed to address such problems. As with Medicaid, Indian families are eligible for food stamps, and in fiscal year 1999, 88,000<sup>47</sup> (1.1%) of the 7.67 million households receiving food stamps were American Indian (Rosso and Fowler 2000). Sixty-two thousand of these households (70%) included children, while 10,000 (11%) included elderly persons. And, there is a substantial overlap between the participants in the FSP and welfare programs: thirty-seven thousand of the households (42%) receiving food stamps also received TANF or General Assistance income (Rosso and Fowler 2000).

The clear needs of reservation residents contrast with the fact that FSP caseloads have been falling since the implementation of welfare reform. Of course, these aggregate decreases may largely correspond with the success states have had moving non-Indian TANF clients from welfare to work.<sup>48</sup> Yet it is possible to point to at least one Indian Country case (a case that may be representative, although not generalizable) in which food stamp and TANF/cash assistance rates are both falling, despite persistent evidence of food insecurity. The Northern Cheyenne Reservation straddles two counties, and data from each of the county offices shows that the number of reservation residents receiving food stamps declined between 1996 and 1999. In Rosebud County, the percentage of reservation residents receiving food stamps declined from 12.3% to 1.8% over the period, and in Big Horn County, the percentage fell from 21.6% to 17.8%. Also over the same period, the Northern Cheyenne Tribe's cash assistance caseload was reduced by more than 50%. By contrast, the Tribe's Food Distribution Program experienced a 15% increase in the demand for its services between July 1998 and June 1999, and tribal food pantries and other emergency food service programs likewise have seen a rise in program participation (Davis et al. 2001). These observations point to remaining food insecurity and a shift between food assistance programs as PRWORA has been implemented, as opposed to success at moving tribal members off of welfare and into poverty-reducing work.

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<sup>47</sup> These 88,000 households included 281,000 people.

<sup>48</sup> On the other hand, the low wages earned by former TANF recipients, and the fact that clients can be sanctioned off TANF for failing to comply with work requirements, argue that there should be no reason for FSP caseloads to decline in concert with TANF caseloads.

Indeed, PRWORA and TANF implementation may have led implicitly to decreased FSP utilization. Decreases in FSP caseloads can occur even in the presence of food insecurity if TANF and other forms of cash assistance are not well coordinated with FSP. Additionally, eligibility changes to TANF, the more punitive philosophy of some FSP programs, and longer waiting periods before the receipt of program benefits may have made eligible families feel hesitant to participate in FSP. As one Northern Cheyenne FSP recipient said of the application process, "It's harder now than it was five years ago. Now you have to almost give them the history of your life" (Davis et al. 2001, p. 13). Another recipient said, "You have to have an appointment and fill out a lot of paperwork, and sometimes you have to wait up to two weeks. When you really need food it is really hard for the kids" (ibid.).

An important caveat in this record is the fact that Indian tribes do not administer FSP,<sup>49</sup> although one of PRWORA's innovations was a provision allowing tribes to take over administration of FSP. To qualify, a tribe must offer proof that the state agency administering FSP is failing to provide proper service and that the tribe itself has the ability to administer the program in place of the state. To date, only one tribe (the Navajo Nation) and one tribal consortium (the Southern California Tribal Chairmen's Association) have applied to administer FSP, and both applications have been denied. In large part, the denials have been based on the applicants' inability to meet the second criterion, which as part of the proof of administrative capacity, requires tribes to pay a share of administrative costs and to accept liability for any additional costs of program administration. Due to their limited revenue sources, tribal governments have found such criteria difficult to meet.<sup>50</sup> These regulations seem counter-productive. Given the evidence emerging from tribal TANF administration and relevant findings from other research in Indian Country that demonstrates the importance of sovereignty and self-determination to socioeconomic development success (for example, Cornell and Kalt 1998), it seems tribal administration is more likely than state administration to solve some of FSP's reservation accessibility and program coordination problems.

*In sum*, key issues concerning the Food Stamp Program and its linkages to welfare reform appear to be these:

- The need for food assistance on Indian reservations is substantial and persistent.
- Indians participate in the Food Stamp Program at low levels, and many eligible American Indian families are not receiving Food Stamp benefits.
- Especially since the implementation of PRWORA, many American Indians have demonstrated a preference for less complex and more accessible tribal emergency food programs; however, these programs have difficulty meeting increasing needs.

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<sup>49</sup> But 215 tribes *do* administer the Food Distribution Program on Indian Reservations, a component of the Food Stamp Program that is available in remote areas where recipients lack access to stores in which to purchase food.

<sup>50</sup> It is worth noticing the similarity between tribes' dilemma with FSP administration and the problems caused by insufficient TANF program funding. In both cases, inequities in past funding, which provided opportunities for states but not tribes to develop physical and administrative program infrastructure, crippled present tribal efforts to expand self-determination and self-governance and to put in place a more appropriate federal/tribal government-to-government relationship.

- The lack of coordination between FSP and other income support programs, such as TANF and other forms of cash assistance, complicates Indian families' efforts to meet their food security needs.
- Tribes have indicated an interest in administering FSP, and tribal administration might solve some of the problems with accessibility and program coordination..

### **III. Job Skills and Training: Preparing Welfare Recipients to Move from Welfare to Work**

Successful movement of welfare clients into sustained employment depends in part on the skills and knowledge clients bring to the workforce and on their ability to function successfully in work environments and in specific job situations. Ultimately, this is a human capital or human development issue: the task is to enhance welfare clients' skills and abilities and facilitate successful transitions into the workforce.

#### **III. A. Typical Job Skills and Training Programs Available to American Indian TANF Recipients**

A number of federal programs provide direct funding to tribes so that they may, in turn, provide employment services to tribal citizens living on or near reservations. Several of these programs are targeted (either implicitly or explicitly) at TANF recipients; they are the tribal component of the Welfare-to-Work program funded by the Department of Labor, the Native Employment Works program funded by the Department of Health and Human Services, and any special employment and training programs developed with TANF funds. Other federal employment and training programs are available to welfare clients, but are intended to help a much broader Indian service population build skills and acquire work; these include comprehensive employment services programs for youth and adults funded by the Department of Labor under the *Workforce Investment Act*, additional special youth services programs funded under the *Workforce Investment Act*, and Adult Vocational Training and Direct Employment programs funded by the Bureau of Indian Affairs. In addition, if a tribe receives funding for several employment or employment-related service programs, Public Law 102-477, the *Indian Employment, Training and Related Services Demonstration Act*, creates the option to combine these resources and better integrate employment and training services.

This section describes the intent, reach, and operation of several of these programs; the aim is to understand the types of opportunities available to Indian tribes and Indian welfare clients.<sup>51</sup> The next section analyzes and critiques the universe of programs, highlighting issues from earlier research and raising new issues for the attention of researchers and policymakers.

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<sup>51</sup> For descriptive information in addition to that found in Section III.A, see, for example, DeWeaver (2000a, 2000b) and U.S. Department of Labor, Division of Indian and Native American Programs (2001).

### ***Welfare-to-Work***

The Welfare-to-Work (WtW) program was authorized under the *Balanced Budget Act of 1997* and was specifically intended to supplement TANF. The legislation further specified that grants would be for a two-year period only (fiscal years 1998 and 1999) and that, to be eligible, states and tribes would have to meet certain criteria. Tribes were eligible for grants if they operated a tribal TANF program, participated in the Native Employment Works program (discussed below), or could show that their existing employment programs provided “substantial services” to welfare recipients. Of the \$2 billion authorized for all WtW programs over the two-year period, the Department of Labor provided \$15 million for tribal programs in fiscal year 1998 and another \$15 million in 1999. Ninety-three American Indian tribes, tribal consortia, or Alaska Native organizations received this funding; as of fall of 2001, most Indian grants had been expended.

At the outset, the tribal WtW program (like its state counterpart) was very restrictive. Seventy percent of the funding had to be spent on a relatively limited group of long-term recipients of TANF or AFDC benefits. Federal law also limited the purposes for which funds could be spent. WtW programs were allowed to provide a range of workforce services, including education and training, but only if a WtW participant was engaged in some type of employment activity. Also, program regulations made it difficult for tribes to use the funds to help clients overcome some of the most serious barriers to employment, such as substance abuse or other behavioral problems. These restrictions made it difficult for many tribal programs to expend funds or even operate (indeed, some states had similar problems (Smith Nightingale and Barnow 1999)). Eventually, amendments to the legislation eased restrictions, made more TANF clients eligible for WtW services, and promoted program operation. While tribal programs were finally able to use their funding, it nonetheless appears that initial hurdles limited their overall success.

### ***Tribal NEW***

The Native Employment Works (NEW) program was authorized in PRWORA as a successor to the tribal component of the Job Opportunities and Basic Skills (JOBS) program, which PRWORA otherwise eliminated.<sup>52</sup> Essentially, Congress acknowledged the ongoing training needs of tribal citizens by continuing the funding that had been available for the tribal component of JOBS—it simply renamed the program NEW. The program comes with two important caveats, however: JOBS froze its list of tribes eligible to participate in 1989, a ban which is retained in JOBS’ reincarnation as NEW, and total annual funding was frozen at the fiscal year 1994 level of \$7.6 million. The authorization for the NEW program expires at the end of fiscal year 2002, the same time that the authorization for the TANF program ends.

Seventy-nine American Indian tribes, tribal consortia, or Alaska native organizations receive NEW grants, and between July 1998 and July 1999, tribal NEW programs served 7000 clients. This coverage level is impressive, and yet, because the funding cap translates to a typical

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<sup>52</sup> JOBS was part of the Family Support Act of 1988 and was the first program that provided direct funding to tribes for services to AFDC recipients. PRWORA eliminated JOBS for states.

tribal grant of less than \$50,000 (with some as low as \$2,000), one is left to wonder exactly what services are delivered and how useful they are. NEW grants are eligible for consolidation with other funding streams under PL 102-477 (see below), which might maximize the usefulness of NEW funds, but only 27 of the tribes receiving NEW grants (just over one third) have utilized this option.

The purpose of NEW is broad. PRWORA removed the links that had legally obligated the tribal JOBS program to serve welfare clients only; instead, it allows tribes to make work activities available to whatever population and service area it chooses. Nonetheless, nearly all tribes that receive NEW funds continue to focus program spending on welfare recipients. Thus for most tribes, the advantage of the program's broad purpose is flexibility. Tribes with NEW grants provide an array of education, training, support-for-employment, and economic development services.

PRWORA gave the NEW program one additional advantage: a tribal citizen's participation in NEW program activities qualifies as participation in a "work activity" under federal TANF regulations. Thus, states operating TANF programs in reservation areas served by a NEW program can choose to exclude such tribal members from the state TANF work participation rate calculation. It is not known how many states have used this provision. For those that have, it means that tribal NEW participants can receive education, training, and other services without also having to spend 20 hours or more a week in community service or other jobs.

### ***Temporary Assistance to Needy Families***

As noted in Section II.A of this report, 34 tribes or tribal consortia, representing a total of 170 tribes, operate tribal TANF programs. Like states, tribes operating their own TANF programs can use TANF funds for employment and training programs and supportive services (including child care). However, this is only possible if caseloads have declined, freeing cash formerly used for direct assistance for allocation to other purposes. This is an important qualification: available evidence suggests that few tribes have been able to use TANF funds for employment and training purposes because tribes generally have not experienced significant caseload declines and, indeed, in some places have experienced caseload increases (see Section II.B of this report).

### ***Workforce Investment Act***

The *Workforce Investment Act* (WIA) became law in 1998 and was fully implemented on July 1, 2000. The law replaced the *Job Training Partnership Act of 1982* (JTPA) and is intended to provide state and local officials with new authority and flexibility to set up workforce investment systems in their communities. To implement WIA, local WIA boards—consisting of business, education, and service program representatives—help to identify workforce problems and fund programs to address needs. For example, a board may decide to fund education and training (both pre-employment and on-the-job programs), transportation, child care, dependent care, housing, and other needs-related services that support workers and employment. Building

on current workforce programs and developing new programs, the intent is to simplify these activities under a single, comprehensive system.

In Indian Country, WIA has not tended to operate in this manner.<sup>53</sup> Instead, WIA activity has been more narrowly focused on the two programs that WIA specifically authorized to serve Native people (American Indians, Alaska Natives, and Native Hawaiians)—programs that are similar to the precursor Indian programs under JTPA. The first program, from which Indian tribes and organizations receive \$55 million per year, is “Comprehensive Services.” While grants are made to a variety of Native governments and organizations, most of the funds are directed at services to Native people in off-reservation areas, who need not be TANF recipients. Historically, however, approximately 30% of the participants in the similar JTPA program were welfare recipients (where “welfare” is defined generally, to include TANF, AFDC, and tribal GA). The second Indian program under WIA, funded at \$16.5 million in fiscal year 2001, is “Supplemental Services.” The grantee profile is similar to that for Comprehensive Services, but grants do not fund off-reservation activity (except in Alaska, Oklahoma, and Hawaii). An even more important contrast concerns the service population: Supplemental Services grants are targeted at economically disadvantaged (though not necessarily welfare-receiving) Native youth. Together, the two WIA-funded Indian programs provide a wide variety of training and employment support activities, including skill-based and on-the-job training, remedial and basic education, work experience, assessment, case management, counseling, job readiness training, child care and transportation.

### *Vocational Training Assistance*

The Bureau of Indian Affairs (BIA) has provided financial assistance to Indian people for vocational training since the 1950s. Currently, this assistance is used to pay tuition and related costs for Indian students in classroom-based training programs (“Adult Vocational Training,” or AVT, services) and to cover the costs of relocating to a place where an Indian person has found employment (“Direct Employment,” or DE, services). Both of these programs are funded by the BIA, via block grants that may be used by tribes for purposes as diverse as public safety, road maintenance, and job training (tribes individually decide how much money to allocate to each purpose). Many tribes run AVT and DE themselves, although some elect to have the programs administered by BIA staff. The employment and training services are not targeted toward welfare recipients, or even the economically disadvantaged, although many participants are low income.

### *PL 102-477*

Even before WIA, Public Law 102-477, *the Indian Employment, Training and Related Services Demonstration Act of 1992*, emphasized the advantages of “one-stop” service delivery. Drawing on the experience of tribes in the self-governance program, it was intended to stimulate greater tribal control over the use of federal resources. In particular, PL 102-477 gives tribal governments the option to integrate the employment, training, and related services (such as child

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<sup>53</sup>At least one program observer has noted that tribes tend to be “out of the loop” on WIA (Mack Rhoades, Jr., Social Scientist at Support Services International, in a personal communication in August 2001).

care services) they operate, even if these services are funded by different federal agencies. Integration allows tribes to operate the programs under a single plan, single budget, and single reporting system and, theoretically, promotes a focus on client needs rather than distant federal agencies' priorities. The law was reinforced through amendments in December 2000 and remains the only federal tool that permits the integration of such federally funded services across federal program and department lines. All of the programs discussed above—WtW, NEW, TANF, WIA, AVT, and DE—can be included under a tribe's 477 plan, as can child care, a variety of services for elementary, secondary, and post-secondary school students, and the BIA's General Assistance and Tribal Work Experience Programs.

PL 102-477 is not a funding stream, and no additional funding comes to a tribe as a result of participating in the provisions of the Act, which some tribes may view as a disadvantage. On the other hand, tribes participating in 477 report that the Act achieves its facilitative purposes. By combining the funds they already receive under a variety of programs, 477 tribes have been able to save staff time through reduced paperwork and to better allocate funds to tribal needs and priorities (tribes need not allocate each expenditure back to the program from which the funding came). In particular, 477 tribes report serving substantially more people and improving the effectiveness of their services.

While any federally recognized tribe receiving funds from two or more different federal programs covered by PL 102-477 may apply to the Secretary of the Interior to participate in provisions of the Act, only 43 tribes and consortia (representing a total of 212 tribes) currently have 477 plans. Of these 43, 12 consolidate their TANF funds and 28 consolidate their NEW funds with those from other programs under the PL 102-477 authority.

### **III. B. Issues Affecting Job Skills and Training Programs and Welfare Reform**

What issues have affected the implementation and viability of employment and job training programs for Indian TANF recipients, particularly those who are tribal members living in tribal communities? What are the conditions under which the programs outlined above operate and how do those conditions affect their success?

These questions underlie the analysis and critique offered in this section. The primary points to be made are that reauthorization of TANF must include reauthorization of related training and employment programs and that fixes to this component of welfare reform must be aimed not only at the funding and administrative problems tribes currently face but at the distinctive economic circumstances that tribes deal with as well.

#### ***Tribal Welfare Rolls Have Always Been Dominated by the "Hard-to-Serve"***

In Section II.C we noted that tribal welfare rolls include relatively high proportions of "hard-to-serve" populations: those who either lack work experience and job skills or who suffer from various personal problems that complicate transitions into employment. This has important implications for employment and training programs. The requirements imposed by TANF, combined with changes in support programs, have presented employment and training providers with a new situation.

Because TANF's work requirement pushes more clients into employment and training programs in search of job skills and opportunities, and because certain programs are now tied more closely to the welfare population, many employment and training programs see a very different clientele from the one they saw only five or six years ago. Program staff have had to deal with different kinds of barriers to employment from those of their previous clients. Even where the clientele has not changed significantly, the focus on barriers (not just on training and placement) forces the staff of employment and training programs to work with the same individuals in new ways. Program workers must now screen for a broader set of barriers, including substance abuse, domestic violence issues, and other psychological factors. The programs and their staff must be able to adjust to these changes in their client pool and in expected services in order to perform effectively. This has altered the work of these programs, increased the skill sets needed to operate these programs effectively, and increased staff work loads.

### ***Tribes Lack Resources to Adequately Address Fundamental Barriers to Employment***

Even if programs and staff can change course in response to changes in clientele and program focus, a lack of resources can hamper real progress. Most tribes that operate (or hope to operate) employment and training programs report that they lack adequate resources for helping clients overcome identified barriers to employment. The truth in these claims is underlined by the fact that non-tribal programs (that is, employment and training programs operated by states/counties) also have confronted the challenge of shifting focus as hard-to-serve individuals become more dominant in their caseloads, but because resource issues have been much less of a problem, non-tribal programs have been better able to adjust.<sup>54</sup>

In reviewing the available literature and discussing employment and training programs with tribal administrators, we consistently find that most tribes simply do not have the auxiliary social services (or funding to create or expand the services) necessary to address many TANF clients' major needs. For example, if a welfare-to-work program manager identifies a client's main problem as substance abuse, the tribe may not have any funding or programs available for substance abuse treatment to help that tribal member. The problem has become even more acute as many tribal WtW grants expire.

The hard fact is that federal funding for tribal employment and training programs has not increased at all since PRWORA, with the sole exception of the two years of tribal WtW funding, despite enormous needs. The funding level for NEW was frozen by PRWORA. Meanwhile, the constant dollar value of Indian funding under first JTPA and now WIA has declined drastically in the last decade and a half; DeWeaver (2001) finds a decrease of nearly 53% from fiscal year 1984 to fiscal year 2000.

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<sup>54</sup> Personal communication, Mack Rhoades, Jr., Support Services International, August 2001. These comments are offered with the realization that external funds for state/county programs may not have increased either; rather, the point is that they often have deeper pockets (that is, still other sources of programmatic support) or more funding per client as a result of declining welfare rolls.

### ***The Connection Between TANF and Employment and Training Programs is Often Weak***

Among the various training and employment programs described in the previous section, only Welfare-to-Work has been specifically targeted at TANF recipients.<sup>55</sup> In all other programs, TANF recipients must compete for resources with other, non-welfare-receiving tribal members, and there are several reasons why it may be difficult for them to gain their share of support. As noted above, changing client needs present some program staff with unfamiliar challenges, and staff may have difficulty tailoring services to meet these changing needs. Some studies (e.g., Harvey et al. 2000, Pandey et al. 1999) also suggest that in some cases there may be community biases against mothers' participation in the workforce; if this sentiment extends to employment and training staff, it may be another reason TANF clients are less well served.

Even with WtW, however, there are hurdles to program participation. While only enrolled TANF clients are eligible for WtW services, the WtW programs must be aware of client eligibility. For tribes operating WtW but not TANF, this awareness requires a special interface or agreement between the tribe and the state's TANF programs (multiple agreements may be necessary if the state has devolved TANF responsibility to counties). For example, as a tribal member enrolls, the state or local TANF administrator may need to be able to identify a client as an American Indian *and* as a member of a specific tribe. This has proven to be difficult, as state welfare offices have not historically asked for this kind of information.<sup>56</sup> Also, because tribes' historical intergovernmental relationship is with the federal government, developing and negotiating programmatic relationships with the states is fairly new territory for many state and tribal employment and training program administrators.

Beyond identifying who might participate, tribes have had to negotiate which clients will be served by tribal WtW and which will be served by state WtW. This issue may be particularly pressing in the few urban areas where tribal and state programs may be more likely to operate side-by-side and in instances where tribal and state programs offer different sets of services.

### ***TANF and WtW are not Well-Coordinated with General Economic Development Programs***

Related to coordination between TANF and WtW programs is the issue of coordination between programs for the welfare population on the one hand and business and economic development programs and strategies on the other. Many TANF administrators have indicated that, despite the fact that both sets of programs share a concern with expanding economic opportunity, there is little communication between TANF programs and tribal economic

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<sup>55</sup> And even under the most restrictive versions of WtW, non-custodial parents of children receiving TANF (i.e., the parents were not themselves TANF clients) were eligible for WtW services.

<sup>56</sup> Oklahoma is the only state that asks as a matter of policy, although the tribes in California have been relatively successful at gaining agreement from county offices that they, too, will ask about tribal affiliation (personal communication, Kathy Larin, U.S. General Accounting Office, August 2001; personal communication, Mack Rhoades, Jr., Support Services International, August 2001).

development programs (see, for example, Brown and Springwater 2001).<sup>57</sup> This has high costs. For example, it discourages providers of job training from coordinating their work with tribal economic strategies: what sorts of jobs should tribes be training people for? Better coordination would mean that labor force improvement efforts supported development goals. Similarly, some development funders might be more willing to support certain initiatives if they knew that in doing so they also would be targeting welfare populations. Benefits can flow the other way as well: development decisions could take welfare recipient locations, needs, and attributes into account, thereby supporting tribal goals of reducing welfare dependency.

In some ways, the reported lack of coordination is not surprising. Tribal government bureaucracy has grown up around a variety of federal grant programs and governing trends and, in many ways, mimics the federal bureaucracy's inability to facilitate the easy flow of information across departmental and agency boundaries. Tribal dependence on federal resources also has led to isolated "stovepipes" of activity, in which program principals may be more concerned about perpetuating their "vertical" relationships with Washington (which can preserve the program) than networking to create "horizontal" relationships with other tribal programs (especially if they fear that networking might diminish program resources). It may be difficult for welfare-oriented staff and business-development-oriented staff to imagine how the services of one program could be useful to the clients of another. In their review of WtW programs, Hillabrandt and Rhoades (2000, p. 11) point out that "many employment and training program staff view self-employment and entrepreneurial activities as unrealistic for all except persons with strong skills, knowledge, and experience (e.g., accounting, marketing and sales, distribution, cash management, investment capital)." Business development staff likewise often fail to recognize that they share broad economic goals with tribal welfare programs. One such example lies with training and development opportunities offered through the U.S. Department of Agriculture's Cooperative Indian Reservation Extension Program; although the primary goal of these services is to provide individual ranchers, producers, and tribal enterprises with the expertise to compete in agribusiness, the basic training in entrepreneurship, leadership, and business can benefit TANF recipients.

In fact, connections between employment and training programs targeted at welfare recipients and job development programs *per se* often have been a critical part of the success of urban TANF and WtW programs.<sup>58</sup> Some of the most successful urban, non-Indian TANF and WtW programs have had direct connections with employers (such as Goodwill Industries and Marshalls Department Stores) who participated in the training of clients and gave them jobs. Most reservations lack such opportunities—the employers aren't even there—but parallel connections appropriate to the setting might be possible. Continuing the example, a linkage to entrepreneurship programs may be especially appropriate in environments characterized by significant informal economic activities—as some tribal communities are (see, for example,

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<sup>57</sup> This has been a topic of conversation at several recent meetings of Indian Country TANF program directors; see, for example, Hale 2001. Additionally, it is a topic stressed in the literature on the implementation of welfare reform in rural areas (for example, Kaplan 1998). The issue raises the possibility of fruitful cross-program learning, should innovative ideas and workable solutions be found.

<sup>58</sup> Personal communication, Kathy Larin, U.S. General Accounting Office, August 2001.

Sherman 1988)—and by the lack of other job opportunities (this is discussed in detail in Section IV below).<sup>59</sup>

### ***“Education First” is an Important but Limited Strategy***

The primary assumption regarding client trajectories under PRWORA is “work first,” with other enhancements to TANF clients’ human capital viewed as supports, rather than alternatives, to employment. The focus, in other words, is on work and the emphasis is on moving clients into jobs. While tribal leaders generally support the concept of “work first,” they also report extensive use of an alternative strategy, “education first.” That is, many tribal programs have focused on improving the education of members before requiring them to get a job. There are two strong reasons for this different orientation. As compared to “work first,” “education first” may have a much better chance of giving TANF clients valuable long-term skills and credentials and, therefore, may be a much better approach to permanent self-sufficiency. Additionally, given the extraordinary shortage of employment opportunities in many tribal communities, “education first” may sometimes be the only possible option. In sum, “education first” has been an important strategy in the face of human capital underdevelopment, economic deprivation, and job scarcity (Hillbrant and Rhoades 2000, DeWeaver 2001).

It is critically important that the reauthorization process recognize the “education first” strategy and provide means to support education and job training. But it also should be made clear to all parties that, at best, this strategy puts tribes in a holding position. Without significant investments in economic development, and without strong linkages between TANF programs and new local job opportunities, “education first” eventually will fail. Without jobs, education and training are of limited help.<sup>60</sup>

### ***Public Law 102-477 is Under-Utilized***

A number of tribes using PL 102-477 authority to integrate programs have reported that, for them, it is a particularly important strategy for meeting the administrative and population challenges of welfare reform, improving service delivery, and reducing red tape (Brown and

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<sup>59</sup> It is intriguing to note that Indian entrepreneurs may be ahead of the curve on this issue; some are seeking connections with welfare-to-work programs rather than waiting for information and opportunities to flow in the opposite direction. Lansdowne (2001) cites entrepreneurs on the Flathead Reservation (home of the Confederated Salish and Kootenai Tribes), who are engaged in tipi manufacture: “We’re hiring out of welfare-to-work programs like crazy” (p. C2).

<sup>60</sup> An interesting sidelight on this issue derives from data presented by Falk (2001): in fiscal year 1999, 54% of American Indians receiving TANF through a state-run program had at least 12 years of schooling as compared to 51% of all TANF recipients, 60% of white recipients, 52% of African American recipients, and 37% of Hispanic recipients. In other words, in the aggregate, American Indian clients of state-run TANF programs were already better educated than other minority clients, but were less likely to be working. This educational difference may be moderated when tribal TANF clients are taken into account (if there is a difference in average education levels between urban and rural Indian populations, and if the urban population is both better educated and more likely to be on state-run TANF programs). Nonetheless, other research supports the general implication of this data—that the fundamental barrier to employment in Indian Country is less lack of education than lack of jobs (see Cornell and Kalt 2000).

Springwater 2001; Hillabrant and Rhoades 2000). As noted above, however, despite its clear advantages, there are not many tribes using 477 authority to administer TANF funds.

There are several reasons for this reluctance. First, some tribes simply do not have multiple funding streams; the flexibility only makes sense if a tribe can merge several funding streams to reduce administration and bureaucracy. Second, historic divisions between program operations at the tribal level—the “stovepipe” bureaucratic structure mentioned earlier—has created an overall program administrative structure that, in many cases, is difficult to dismantle. Third, some tribes have current service arrangements that they feel are effective and would not be improved by using 477 flexibility. Fourth, program integration and the creation of more comprehensive services requires enormous effort<sup>61</sup>; this means that even program administrators who agree with the concept of pooled funds are frequently unwilling to participate, particularly since there is no clear financial incentive to participate in 477.<sup>62</sup> Finally, anecdotal reports reveal that, from time to time, staff in various federal agencies have tried to discourage the use of 477 authority, which then causes tribal staff to “think twice” before participating.

### ***Job Scarcity is an Overwhelming Barrier to Program Success***

Several points above have already highlighted the centrality of the problem of job scarcity. Additional information about the context underscores how difficult it is for TANF clients who are tribal members and who live in tribal communities to find jobs.

- In fiscal year 1999, 21% of American Indian adults participating in state-run TANF programs were employed as compared to 28% of *all* (i.e., any race) adults participating in such programs (Falk 2001).
- In 1985, Sinte Gleska College (now University) carried out a survey of jobs in Todd County, SD, which is co-extensive with the Rosebud Sioux Reservation; the survey found 1,406 full-time jobs in the county, and 181 part-time jobs. In 1989, the resident labor force on the Rosebud Reservation was 7,241, or more than 4.5 times the number of positions produced by the local economy (U.S. Department of the Interior 1989; Hargreaves and Chang 1992; Szabo 1985).
- “Official” unemployment rates generally underestimate the rate among Indians living on reservations because of differences in definitions. Most official definitions count as unemployed only those who report that they are seeking work. Those who have become discouraged by the lack of jobs and simply stopped looking for work are not included in the estimate. For example, state figures placed unemployment on the Pine Ridge Reservation in the 10-12% range in 1999 (State of South Dakota 2001), while a calculation for the same year from BIA Labor Force Survey data, which considers the workforce as a whole and not

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<sup>61</sup> For example, participation in 477 often requires substantial strengthening of a tribe’s financial accounting systems and other record-keeping capacities, and staff capable of engineering the transition to more integrated service provision.

<sup>62</sup> That is, the sum total of funds does not increase with 477, only the flexibility with which they may be used.

just the number seeking work, results in an adult unemployment estimate of approximately 85% (U.S. Department of the Interior 1999).

While the kind of data provided by Sinte Gleska—on the number of jobs generated in a given community or local economy—is rare for Indian Country, the third bullet above hints that the problem identified at Rosebud may be more common. Indeed, unemployment rates calculated to account for discouraged workers are high across most of Indian Country (see Table 2) and serve as an imperfect but usable proxy measure of the gap between employment needs and employment opportunities. As these data suggest, tribal policymakers on many reservations—particularly rural ones—confront enormous “job gaps” (Cornell 2000).<sup>63</sup>

**Table 2. Unemployment Rates by Bureau of Indian Affairs (BIA) Area, 1999**

<b>BIA Area</b>	<b>Unemployed as % of Labor Force</b>
Aberdeen	71
Albuquerque	41
Anadarko	37
Billings	68
Eastern	40
Juneau	47
Minneapolis	43
Muskogee	43
Navajo	34
Phoenix	42
Portland	57
Sacramento	44
All Regions	43

*Source:* U.S. Department of the Interior (1999).

*Note:* Unemployment figures from Bureau of Indian Affairs labor force estimates are given by reservation and aggregated by area and are for BIA service populations, which include persons resident “on or near” reservations who are eligible to use that tribe’s BIA-funded services. Figures are self-reported by tribes and, given tribes’ variable resources and capacities to gather such data and the inherent difficulty of gathering labor force data in large rural areas, are difficult to evaluate and should be used with caution. They nonetheless are useful indicators of the general state of reservation economies.

In short, the facts demonstrate that many tribal communities are characterized by mass unemployment, and not just unemployment of the hardest-to-serve welfare clients. In such conditions, *everyone* has great difficulty finding jobs. The facts also caution us to temper expectations about the impact and viability of the various employment and training programs described above, and about the effects of reauthorization. Reauthorization of TANF and its

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<sup>63</sup> Obviously these figures could include persons who choose not to take available jobs and thereby may be misleading as measures of the job challenge tribes face. However, the sheer magnitude of the unemployment figures combined with the near desperation with which many tribes pursue jobs—any jobs—argues that jobs are exceptionally scarce on most Indian reservations.

related employment and training programs that only tweaks the present system may well improve the administration of these programs and better prepare clients for work. But such changes—on their own—will leave untouched the fundamental problem with achieving workable welfare reform in Indian Country, which concerns *job scarcity and the pressing need for economic growth*.

### **Summary: Key Issues**

The key issues in the job skills and training component of welfare reform in Indian Country are:

- Tribal welfare rolls are dominated by “hard-to-serve” populations that place exceptional demands on programs, staff, and resources. Program design and funding resources generally have failed to take this into account.
- The connection between TANF and employment and training programs is often weak. Coordination problems, eligibility requirements, and program targeting lead to competition for resources and complicate potentially productive collaboration and integration.
- TANF and WtW are not well coordinated with tribal economic development programs and strategies. This undermines potentially beneficial cooperation and more efficient use of resources and probably limits the impact of both welfare reform and economic development programs.
- “Education first” is an important but limited strategy that makes some sense in the presence of job scarcity and significant human capital deficits; however, without tribal and national policymaker attention to the job scarcity problem, education alone is unlikely to have a major impact on welfare dependency.
- Public Law 102-477 is under-utilized. The flexibility offered by this law is essential to efficient employment and job training on many reservations, and federal support of tribes’ transition to greater use of 477 authority would be valuable to those tribes that are interested in 477 but lack the administrative infrastructure to receive funding in this manner.
- Job scarcity is an overwhelming barrier to program success. The job gap in much of Indian Country is so wide that even well-designed, well-funded, and well-run employment and job training programs will have only limited impacts without significant economic growth.

## **IV. Employment: Developing and Providing Jobs for Welfare Recipients**

The previous section ended by pointing out that the lack of jobs on many Indian reservations places a limit on what welfare reform can accomplish. With adequate resources, decision-making control and flexibility, and good program design, the support and skills components of welfare reform can do a great deal to support welfare families and prepare welfare recipients for work. But ultimate success in welfare reform—reform that ends dependency and mitigates poverty—simply will not occur without jobs. And the jobs that are

needed depend on growth in reservation economies. In short, economic growth is key component of welfare reduction in Indian Country, and without it, welfare reform is unlikely to succeed.

This section departs somewhat from the orientation of Sections II and III of this report. While they approach the topic in slightly different ways, each of the preceding sections has been concerned primarily with the nature and effects of programs linked to PRWORA and designed to provide support or training and skills to welfare populations. But PRWORA did not specify community economic development or growth as a legislative priority and provided neither programs nor funding that had economic growth as the primary objective. This report takes the view that, for Indian Country at least, welfare reform's neglect of this topic is a fatal flaw, for the lack of jobs represents an enormous obstacle in the way of reservation welfare recipients hoping to make the transition to work.

The lack of attention to economic growth in PRWORA has certain consequences for the organization of this report. In examining this third area critical to welfare reform, we cannot repeat the pattern of preceding sections. Instead, we review the record of job creation in Indian Country, examine alternative strategies for generating jobs, and review the implications of these strategies for federal and tribal policymakers.

First, however, we take up a very different but related topic. TANF recipients can go to work anywhere. Theoretically at least, this means that one option for people facing the loss of benefits is to leave the reservation for places (typically cities) where employment opportunities are likely to be greater. On its face, encouraging out-migration would be less difficult than transforming chronically depressed economies; in the 1950s and 1960s, this in fact was a centerpiece of the federal government's response to reservation poverty (Neils 1971). Why is out-migration not viable as an alternative solution for welfare recipients and tribes?

#### **IV. A. Why Migration Is Not a Solution**

American Indians have been migrating from reservations toward greater economic opportunity for decades: population statistics show that in the twentieth century, particularly since World War II, partly as a result of federal policy and partly in response to desperate reservation economic conditions, thousands of Indians have left reservations for U.S. cities. Decades of migration experience, combined with evidence from studies of welfare reform, teach several lessons about the potential of migration as a solution to reservation unemployment.

First, for many Indian people, urban migration is not an attractive option. In a study of welfare and economy on the Rosebud Sioux Reservation, Hargreaves and Chang found that "while leaving the reservation may seem, to an outsider, the most reasonable response to extreme economic conditions, it is the response least favored by the Sioux we talked to for whom kinship relations and historically and culturally rooted attachments to their homeland are profoundly important" (1992, p. 251). Tribal leaders and others have expressed similar views on numerous

occasions, including meetings on welfare reform.<sup>64</sup> Population and socioeconomic data back up these views; they show that significant numbers of Indians are willing to pay a high economic price to remain in their homelands (Cornell 2000).

Second, there is ample evidence that many urban Indian migrants, including later generation migrants, are interested in going the other way. This fact was underscored in a series of interviews with the directors of urban Indian programs conducted by the Urban Institute in the mid-1990s; aggregate interview results suggested that as many as 64% of these programs' constituents would prefer to return to tribal lands rather than remain in metropolitan areas (Kingsley et al. 1996, p. 96). Many of those who have left tribal homelands to secure work express the hope that reservation economic conditions will change, allowing them to return, and Indian nations that have experienced significant economic growth report high rates of return migration.

Third, Indians living in urban areas have not always realized the hope of improved economic circumstances. Snipp and Sandefur (1988) have shown that urban migration has not been the economic panacea that the federal government once imagined it to be. Urban Indian populations have high rates of unemployment and poverty, too, although not as high as the reservation population. In 1990, for example, the aggregate poverty rates for American Indians living in metropolitan areas was 17% compared to 35% among those living in tribal areas. On the other hand, the urban poverty rate for the non-Indian mainstream was only 11.5% (Kingsley et al. 1996). Furthermore, aggregate statistics on urban Indians tend to mask persistent pockets of poverty among the urban Indian population and fail to capture other dimensions of poverty, such as social disconnection and limited access to services. There is evidence that reservation mothers who migrate to urban areas in order to meet TANF requirements must often choose between leaving their children on the reservation in the care of extended family members and taking their children with them to the city, thereby losing the support system offered by extended family (Pandey 2001). Thus a policy that encourages off-reservation migration can result in broken families, a result seriously at odds with the intentions of welfare reform.

Fourth, it is unlikely that states will accept the out-migration strategy. They already have expressed fears that clients of tribal programs (which are supported with funds "carved out" of a state's allocation) will attempt to "double dip" by seeking services from both state and tribal programs. They are also fearful of a "race to the bottom" between TANF jurisdictions, where clients will seek out residency in areas with the most generous programs. Federal policies that promote the migration of tribal members off the reservation run afoul of both of these fears, increasing the probability that poor Indians, now living off the reservation, will seek services from the nearest agent—the state.

Finally, if TANF policies embrace the expectation that Indians should migrate away from their home communities to find work, they will mark the return of assimilationism as federal Indian policy. Philosophically at least, such policies challenge Indian nations' status (affirmed in

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<sup>64</sup> See, for example, the summary of the presentation at a National Congress of American Indians welfare reform forum by Robert Louie of the Confederated Tribes of the Colville Reservation in eastern Washington, who notes that relocation is not considered an option by tribal members at Colville (National Congress of American Indians 1998, p. 7).

treaties, executive orders, federal statutes and case law) as “domestic sovereigns” with rights of self-determination and to whom the federal government has a trust responsibility. It is not the case that only those tribal members who are “well enough off” should be able to live in these distinct communities, nor should tribal governments’ opportunity to govern be limited to authority over a nation composed of the “well enough off.” If tribal members who cannot find work in the community are obliged to leave, their leaving diminishes both the social fabric of the community and the strength of the nation. Simply put, if the U.S. government adopts an interpretation of PRWORA that advocates migration away from reservations, it will have created an economic policy in conflict with the political policy of self-determination.

The most obvious alternative to a massive exodus by working-age reservation residents is to increase reservation employment opportunities. This is the alternative that many tribal administrators who are wrestling with welfare reform now advocate.<sup>65</sup> But how can such growth be achieved? And how can PRWORA reauthorization help stimulate a productive economic transformation instead of contributing to an economic disaster? The sections that follow present evidence that speaks to these concerns.

#### **IV. B. Welfare Reform and Job Creation**

Much of the discussion of the need for economic development as a necessary complement to welfare reform uses the phrase “job creation.” While the essential notion is correct, what the term has come to mean in Indian Country may not be. In the last several decades, job creation in tribal communities has occurred largely through the growth of tribal bureaucracies. However, if proponents of “job creation” mean “government job creation,” they are unlikely to solve the core problem. The strategy fails to underwrite ongoing economic growth, which is the real need if Indian Country is going to succeed at welfare reform.

##### ***Public Sector Job Creation***

The heyday of job creation in Indian Country was the 1960s and 1970s, when the federal government shifted the goals of its Indian policy from “termination” and “relocation” (terminating federal services to tribes and moving Indians to cities) to “poor support” (sweeping up Indian policy into the larger War on Poverty). Many Great Society programs included Indian tribes as target populations. Critically, most funding programs not only sought to provide government assistance to the poor but also embraced the idea of community empowerment—impoverished populations were given the opportunity to play a larger role in program planning, direction, and administration.<sup>66</sup> Many new federal Indian programs from the mid-1960s to mid-1970s directly or indirectly involved tribal governments in administration or implementation. One result was job creation: the explosive growth of tribal bureaucracies. For example:

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<sup>65</sup> See, for example, National Congress of American Indians (1998).

<sup>66</sup> On community empowerment as a policy objective in many of these programs, see Greenstone and Peterson (1976). On Indian reservations as explicit targets, see Castile (1998, chapters 1 and 2), Prucha (1984, p. 1094), and Levitan and Hetrick (1971, chapter 6). On the turn toward development in federal policy discussions, see Castile (1998, chapter 1).

- At Zuni Pueblo, tribal government expanded from 9 employees (1950s) to 54 (late 1960s), largely with the support of federal funds. The Community Action Program, started in 1965 with money from the Office of Economic Opportunity (a primary funnel for Great Society program funding), quickly became the single largest component of tribal government, with 33 employees and the bulk of the tribal budget (Ferguson, Hart, and Seciwa 1988).
- The Navajo Tribe established its own Office of Navajo Economic Opportunity (ONEO) in 1965. By the end of the year, “ONEO had established a far-flung preschool program, a small business development center, a Neighborhood Youth Corps summer program involving 3,500 Navajo young people, a ‘reservation-wide’ recreation and physical fitness program, and a local community development program” (Iverson 1981, p. 90). Each of these had its own administrative component, employing at least some Navajos. A Head Start program, other educational programs, medical services, a culture center, legal services, job placement, and other activities followed, most of them in one way or another under the purview of a mushrooming tribal government.
- From 1937 to 1965 the Papago (now Tohono O’odham) tribal government consisted of the tribal council and four officers (chairman, vice-chairman, secretary, treasurer). By the early 1970s federal funds and program initiatives had led to a proliferation of committees, boards, programs, and offices, and had produced a massive tribal administration, staffed largely by O’odham tribal members (Manuel et al. 1978).
- On the Fort Belknap reservation in Montana, home of the Gros Ventre and Assiniboine peoples, “the War on Poverty programs...resulted in hundreds of jobs” as the tribal government became a major reservation employer (Fowler 1987, p. 116).
- On the Quechan reservation, “members of approximately 130 of the reservation’s 180 families received full or part-time wages from government programs between 1966 and 1969.” Many of these jobs were temporary positions in construction or in training programs, but some were longer-term administrative positions in tribal government (Bee 1981, p. 143).

The next major shift in the federal government’s Indian policy—“self-determination”—further increased the opportunities for bureaucratic expansion (Vinje 1996). The policy, articulated in the *Indian Self-Determination and Education Assistance Act of 1975* (P.L. 93-638) and in subsequent amendments and legislation, makes it possible for tribes to contract and compact with the federal government to directly manage federal programs. In general, contracted or compacted programs replicate federal organizational models, so that at least as many jobs as were removed from the federal payroll are added to the tribal government payroll.

Concurrent with (and perhaps motivated by) self-determination, tribes have been making significant efforts to exploit their comparative advantages in support of economic development, efforts that have also tended to increase the size of tribal bureaucracies. Natural resource development has been a particularly important part of this trend. For example, many tribal

governments rapidly developed their capacities to monitor and regulate resource extraction and develop their own resources (see Ambler 1990; also Iverson 1981 and Robbins 1979). The result was another large expansion of tribal government employment.

The outcome of these trends is contemporary reservation economies in which a large proportion of the available jobs are in the government sector (even excluding those jobs that might be considered “business” rather than “government” oriented). In 1985, of the 1,406 full-time jobs counted in Todd County, South Dakota (home of the Rosebud Sioux Tribe), 214 were in private businesses and the other 1,192 were in the public sector (Szabo 1985). In 1993, the unemployment rate on the Standing Rock Sioux Reservation was 86%; of those that *were* employed, nearly three quarters (72%) held jobs in tribal, state, or federal government; in 1997, after significant national-level economic growth, 74% of Standing Rock’s resident members remained unemployed, and of the employed, 68% worked in the public sector (U.S. Department of the Interior 1993, 1997b). While the percentage in government employment varies a good deal by reservation, the Rosebud and Standing Rock cases are by no means unusual. At Northern Cheyenne the figure was 82% in 1997; at Hualapai, 95%; and at Pine Ridge, 97%.<sup>67</sup> On the Wind River Reservation in Wyoming, “between 1987 and 1998 the distribution of employment remained weighted toward the governmental/service sector, with most jobs created by external entities such as the Bureau of Indian Affairs, Indian Health Service, and county school districts” (Antell et al. 1999, p. 12).

### ***Why Public Sector Job Creation Is Insufficient***

These public sector jobs have been important for Indian Country. In the almost total absence of other employment opportunities, a substantial part of the reservation-based American Indian workforce has depended on government employment for its survival. From the point of view of welfare reform, however, the critical questions to be asked about the past pattern of job creation on Indian lands are these: (1) are there likely to be enough such jobs to fill the job gap so many reservations face, and (2) are these the kinds of jobs Indian Country really needs as it struggles to respond to welfare reform?

Cornell (2000) has argued that there are four problems with a pattern of reservation job creation that relies primarily on the government or public sector.

- It concentrates reservation employment in a single sector—in this case, government—making the reservation economy more vulnerable to unexpected change than a multi-sector economy would be.
- It reduces practical tribal sovereignty by making the tribal economy substantially dependent on funding decisions made by distant political bodies—typically the

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<sup>67</sup> As noted in Table 1, the quality of BIA labor force estimates vary by reservation and should be used with caution; they nonetheless have value as indicators of the general situation. See also Snipp (1991, pp. 239, 240) on the high levels of government employment on reservations generally; Snipp additionally notes that, given the negligible role of state government on reservations, nearly all reservation government employment is either tribal or federal.

Congress or federal agencies—that have little local knowledge and have to serve multiple interests.<sup>68</sup>

- In view of current political and economic constraints on federal budgets, public sector employment has limited potential for growth. It is difficult to believe that the federal government will start pouring money into Indian reservations on a scale comparable to what was happening in the 1960s and 1970s.
- Unlike jobs in the productive economy, government employment has little inherent potential to generate additional jobs. That is, doing your job well in government is unlikely to increase demands for government services and thereby produce more jobs, while doing your job well in the productive economy *is* likely to attract more customers who ask for more of what you produce which in turn encourages more hiring. Tribes not only need jobs; they need jobs that generate jobs.

Another, more comprehensive criticism must be added to the list: too often, the relentless pursuit of public sector jobs has produced and reinforced counterproductive behaviors and mindsets. Government officials, desperate to provide work for their constituents, begin to view every federal program as an employment opportunity. They develop a “programs and projects” mentality in which the response to unemployment is to search for *any* federal funds that could be used to create programs and jobs (and, similarly, to respond positively to many random private sector opportunities presented at their doors). This process of moving from project to project and program to program is neither strategic nor, with its reliance on outsiders’ priorities and even fads, is it supportive of tribal sovereignty. It has seldom led to sustainable economic development and growth.

In short, it seems unlikely that such strategies will create either enough jobs or the kinds of jobs that Indian Country needs to overcome the job scarcity barriers to welfare reform.

#### **IV. C. The Alternative: Economic Growth and “Nation Building”**

In view of the inadequacies of “job creation” as a solution to the job gap, it is necessary to consider what *is* needed if Indian nations are to deal successfully with welfare reform. Of course, Indian nations need large numbers of jobs. But they also need jobs that last, jobs that are less vulnerable to political whims in Washington, and jobs that meet community needs and opportunities. What they really need is self-sustaining economic growth—and hence, job growth—in the productive sectors of reservation economies. This may seem far-fetched to some, but there are a number of Indian nations in which it has already proven a viable strategy. In these communities, government employment has become a minor part of a reservation economy dominated by productive enterprise.

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<sup>68</sup> The Navajo Nation is a good example of this sort of dependency (see Grant and Taylor 2001a): 70% of jobs on the Navajo reservation are in the public sector; 50% are grant-dependent. The grants are time-specific, so when they run out, the jobs are likely to disappear. As a result, the tribal government finds itself in constant pursuit of grant money to maintain the level of employment. Should granting agencies priorities’ change, it is likely that unemployment will rise significantly.

The most compelling evidence to date that a growth strategy can work comes from the Harvard Project on American Indian Economic Development, which has been engaged since the late 1980s in comparative research on reservation development. Harvard Project results confirm that sustainable, self-determined economic growth is possible on American Indian reservations, even in the absence of the recently developed gaming industry. The preconditions for growth appear to be these:

- Practical tribal sovereignty (the Indian nation is in the driver's seat in economic and political affairs);
- Sound governing institutions (among other things, the Indian nation has depoliticized court decisions and business management and has put in place a capable reservation bureaucracy);
- Cultural match (these governing institutions fit indigenous concepts of how authority should be organized and exercised);
- A strategic orientation (moving away from quick fixes toward setting development priorities in terms of the kind of society the nation is trying to build);
- Leadership (some group or set of individuals who are willing to break with established ways of doing things and commit themselves to designing and implementing effective tribal governance).

Where these conditions are in place, economic growth becomes dramatically more likely. In fact, these kinds of "nation-building" elements appear to be more important to economic growth than natural resource endowments, education, or geographical location.<sup>69</sup>

Viewed in these terms, economic growth is a very different objective from job creation. Rather than simply trying to find or create jobs, the economic growth strategy tries to secure the economic future of the community by building a working reservation economy and the institutions that can support it. Employment is a byproduct of the larger effort. The primary advantage of approaching employment in terms of economic growth instead of job creation comes from the source, quality, and sustainability of the jobs it is likely to produce.

Talking about growth instead of job creation may seem a mere semantic or cosmetic difference. But in fact, it requires a major and critical change of strategy at both tribal and federal levels. Once growing the reservation economy becomes the objective, it shifts attention from simply creating jobs to putting in place the institutional foundations for sustainable economic activity and employment. Rather than simply chasing grants or expanded federal programs, tribes are compelled to examine how tribal governing institutions, policies, and procedures either promote productive economic activity or hinder it, and to make the necessary changes to promote growth. Tribal and federal policies have to consider not simply whether tribal members have the necessary skills to hold jobs, but whether the nation has the necessary freedom (i.e., sovereignty) and necessary institutional capacities to produce and sustain jobs.

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<sup>69</sup> See, for example, the following papers by Harvard Project staff: Begay et al. (forthcoming); Cornell and Kalt (1992, 1995, 1997, 1998, 2000); Jorgensen and Taylor (2000). These findings concur with theory and research on economic growth more generally; see, for example, North (1990), Knack and Keefer (1995), La Porta et al. (1997).

This shifts attention to institutional capacity building, or nation building. “Capacity building” is one of the current buzzwords in Indian Country, a favorite of policymakers, funders, and consultants. It seems to embrace everything from sending people to college to providing computers for tribal government operations. These kinds of things are necessary contributions to the long-term welfare of reservation communities. But research suggests that few of these contributions will pay off in long-term welfare improvements unless *institutional* capacity building is done first, putting in place organizational structures, policies, and procedures that can encourage and sustain investments of time, energy, ideas, or money by tribal members or outsiders.

#### **IV. D. Implications for Policy: Nation Building and Welfare Reform**

The preceding section of this report explored the steps that are necessary for sustained economic growth in Indian Country. To some, this may seem to be far a field from the central concern of this report: to understand the experience of Indian nations with welfare reform. This section refocuses on that concern by tying together nation building and welfare reform. Does research or experience suggest ways that welfare reform policies can reflect and support effective economic development efforts? Can welfare reform and economic growth be linked? The answer in this section is yes, and the specifics of this answer provide a basis for future policy making.

##### ***Reform Tribal Government Institutions***

The links are straightforward: if welfare reform is to succeed, clients must be able to access the resources and services they need to care for themselves and their families; they must be able to gain education and training that helps them enter the workforce; and, ultimately, they must be able to find work. Yet in much of Indian Country, for clients to find work, economic growth must occur; and for growth to occur, institutional reform and development within tribal government is necessary. In other words, in many tribal communities, successful welfare reform will depend on the concurrent implementation of efforts in support of improved social service delivery and of efforts in support of nation building. This means that the federal government and tribal governments must commit to institutional capacity building, both within PRWORA reauthorization legislation and in parallel, broader authorizations aimed at economic development in Indian Country.

Addressing broader efforts first, it is clear that funds and other kinds of support are needed for a range of important institutional changes in tribal governance. In many tribal communities, true institutional change will require constitutional reform; tribal governments and tribal citizens must commit to making practical changes in judicial systems, governing structures, and the distribution of authority (Cornell and Kalt 1995; Lemont 2001). For many tribal governments, institutional change will require putting in place codes and other legal frameworks that can support entrepreneurship, depoliticize business decisions, and bring certainty into reservation business affairs (Cornell and Kalt 1992; Grant and Taylor 2001b; Henson and Nathan 1998; Jorgensen and Taylor 2000). And, in many tribal communities, institutional change will require a change in attitudes toward tribal government. Citizens must stop viewing tribal

government as a source of jobs, income, and patronage, and begin to see it as a leader and rule-maker that can decide whether to spend energy fighting over the reservation pie (the available jobs and income and other goodies) or spend energy making the pie bigger for everyone; government officials must consistently view government as the mechanism by which the nation can build its future (Grant et al. 2000).

The federal government, states, and even the nonprofit sector could help tribes undertake these sorts of reform, not by imposing changes but by supporting efforts by tribes to find their own solutions to these problems. Funds and programs could be made available immediately to spur the re-thinking of the organization and operation of foundational institutions in Indian Country. For example, federal legislation and policy could support more rapid approval within the BIA of constitutional changes; government and nonprofit funds could support working groups in various tribal communities to address issues of institutional reform; federal, state, and tribal government officials could engage in exchange relationships so that practical knowledge could be applied to reform problems.

These changes should begin immediately. It is easy to become complacent about policies supporting economic growth, since it generally occurs over the long run. In the meanwhile, welfare reform's timelines and goals—not to mention the socioeconomic deprivation that many tribal communities have too long endured—encourage tribal leaders to focus on the short term. But putting off the decisions that could lead to long-term economic growth means putting off the day when sizeable reservation populations can finally escape both welfare dependency and poverty.

### ***Move Toward Comprehensive Social Service Provision***

What would nation-building mean for income support and other social service programs? It is critical that institutional capacity building address the problem of isolated, “stovepipe” programs, departments, and activities. Indian nations must ask, “If we were to design—from scratch—our own income support, employment and training, and related programs (such as child care, transportation services, low-income health insurance programs, and even economic development), what would the system look like?” This question encourages tribal sovereignty over the design of social service provision and suggests a way to strengthen the institutional structure by pushing toward the development of comprehensive social service systems in which the parts are connected. By removing the walls that separate programs, tribes can address clients' needs more holistically, eliminate redundant service provision, realize complementarities and synergies among services, gain efficiencies, and leverage savings from more streamlined client processing to expand service provision.

Notably, some American Indian and Alaska Native nations have made major progress along these lines. They include nations that have made active use of the provisions of P.L. 102-477 and the “self-governance” tribes (those receiving pooled program and administration funding under the Self-Governance amendments to P.L. 93-638). Their success underscores the point that such programmatic re-thinking needs to occur on a much broader scale and to more often include social services delivery. This is the kind of improved capacity implied by the nation-building approach at the department, program, and service delivery level. PRWORA

reauthorization legislation could provide the incentives, funds, and flexibility necessary for such institutional development.

### ***Expand Tribal Sovereignty Over Welfare Reform***

One of the key findings in the Harvard Project's research is that sustainable socioeconomic change is more likely when the federal government (or other non-tribal governments) move from a decision-making role in reservation affairs to a support role. In its fifteen years of research on socioeconomic development in Indian Country, the Harvard Project has yet to find an example of sustainable success where the tribe was not in the driver's seat in reservation affairs, resource allocation, strategic decision-making, and other weighty matters.

This finding has significant implications for TANF administration. It underscores the importance of the preceding point: redesigned and more comprehensive social service delivery systems are not only more likely to succeed because they are stronger institutions, but because they reflect greater tribal self-determination. Furthermore, it suggests that devolution—an important hallmark of PRWORA—works in Indian Country, but only when the target of devolution is correctly specified. *Tribes* must be in control of welfare reform implementation, administration, and policy making in their communities if the idea is to meet real success. To date, the primary target of TANF devolution—and that of important, related programs—has been states. As noted at the start of this report, although PRWORA creates an opportunity for tribes to manage TANF programs, many regulatory, administrative, and financing details are biased toward the states. For example, the provision of evaluation funds to states but not to tribes, the lack of a mandate for state matching funds, the lack of funding for start-up and administration despite the fact that such funds have been provided for years to the states, and other provisions illustrate the legislative bias toward state power at the cost of tribal power. Add to this the fact that programs such as Medicaid and Food Stamps are *only* provided at the state level, and it becomes clear that creation of a truly sovereign and programmatically well-integrated tribal TANF program is impossible. If the objective is to foster successful welfare reform in Indian Country, this will have to change.

Change requires amendments to federal policy so that the choice of running a tribal TANF program is more attractive. For example, funds should be made available to cover start-up and various administrative costs; many tribes have particularly stressed the need for funds for physical infrastructure and management information systems. Funds—and the necessary flexibility in program administration and resource use—should be made available for more comprehensive program planning and social service integration. Tribes should have the option to manage any or all of the various “poor support” programs (Food Stamps, Medicaid, programs under the Social Services Block Grant, employment and training programs, etc.) that could be helpful to TANF clients. Where tribal government is currently too weak to risk implementation of these sovereign approaches, funds should be made available to reform and strengthen those governments.

### ***Link TANF to Economic Growth Programs***

Finally, TANF programs must position themselves to take advantage of economic growth as it occurs. In other words, direct ties must be made between TANF programs (and employment and training programs) and current or prospective job opportunities. Welfare programs must create such links by being aware of the progress tribal leaders are making on the nation-building front, and work strategically to place TANF clients in new jobs generated by economic growth. As noted earlier, TANF programs met success at moving their clients from welfare to work in some urban areas by making special agreements with stores or industries; the notion here is to prepare the ground for the same sorts of linkages in reservation economies.

This is a difficult task. It requires the directors of TANF programs to think in ways that not even their state and county counterparts have had to explore. As the nation-building process moves forward, TANF directors (and even staff) must be able to analyze where jobs are likely to arise (including small business and entrepreneurial sectors), seek out individuals in the community or government who are working on generating these opportunities, talk to them about TANF, broker agreements to assure that at least some portion of the new jobs will be available to TANF clients, and then work closely with the clients to support their success (by ensuring, for example, that they receive training relevant to the market opportunity).

What sorts of developments might TANF directors and staff be watching for? One instructive example of nation building-based economic development in action comes from the Loudon Tribe of Alaska and its tribally owned enterprise, the Yukaana Development Corporation (YDC). In the early 1990s, the Tribe's leaders called a series of community meetings to discuss the nation's future. The outcome was a firm community-wide commitment to self-government (and to institutional capacity building that would support that goal) and a pledge to clean up the contamination caused by the U.S. Air Force at a base adjacent to the Tribe's traditional lands. The Tribe worked with the Air Force on a government-to-government basis to address remediation issues, and when it gained the Air Force's agreement to pursue remediation, formed a business to contract with the Air Force for clean-up activities. This new business was YDC. The Tribe charged the Corporation with gathering and training a task-capable workforce primarily composed of the nation's citizens. But it also equipped YDC with several essential tools: a sound corporate governance structure that insulated YDC from tribal politics and the authority to negotiate with outside entities for funding and training support. In a short time, YDC worked with unions, the U.S. Environmental Protection Agency, the State of Alaska's Department of Environmental Conservation, and a private company to gain the necessary expertise to fulfill their mission. Today, YDC not only has removed 12,000 55-gallon drums and 3,200 barrels of tar products from their homelands, but it has become an engine of economic change in the community. Because YDC was formed by a tribe committed to the nation-building approach to economic development, in a strategically selected sector, and with a sound plan for improving tribal capacities and meeting tribal needs, it not only has succeeded but has generated additional economic growth.<sup>70</sup>

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<sup>70</sup> More details on the Yukaana Development Corporation can be found in Jorgensen et al. (2001).

The details of YDC are peculiar to that tribe's situation, but the story has broader relevance. It is the story of one Indian nation deciding to pursue economic growth, going about it in systematic ways, and generating productive jobs for its people. The success of welfare reform in Indian Country ultimately will depend on similar tales.

***Summary: Key Issues***

The key issues relevant to the employment component of welfare reform in Indian Country include the following:

- Particularly in rural areas, Indian nations face an enormous “job gap,” or a large difference between the size of the reservation labor force and the number of jobs generated in the local economy.
- Without reservation economic growth, this gap will not be filled—that is, most welfare clients will not find jobs in reservation economies.
- Economic growth will depend in large part on the ability of tribes to reform government institutions so as to create a governmental environment in which economic growth becomes not only possible but likely. This will require federal and tribal investments in tribal institutional capacity building.
- Institutional capacity building is necessary in social service provision as well, where tribes could be moving toward comprehensive social service systems that offer efficiencies, expand available resources, and give tribes greater flexibility and capacity to effectively serve diverse client needs.
- In order to realize fully the potential benefits of institutional development and capacity building, tribal control over welfare reform—practical tribal sovereignty—has to be reinforced, giving tribes greater authority over program design, integration, and implementation.
- Social service provision, and TANF and GA in particular, needs to be linked more closely to reservation economic growth strategies and programs.

**V. What Else Do We Need to Know? A Research and Evaluation Agenda**

As the foregoing review of research and experience indicates, much of what is known about welfare reform and American Indians comes from a very small number of studies, a broad pool of anecdotal information, the insights of practitioners working in TANF and related programs, and inferences drawn from work on non-Indian populations. These sources are significant and allow us to say a lot (hence, the length of this report), but they leave some of the most important questions about welfare reform and its impacts in Indian Country unanswered. On the eve of the reauthorization debate on PRWORA, we simply do not know much of what we need to know. The decision-making that lies ahead will lack much of the grounding in reliable information that good policy-making requires.

In the longer run, this can be corrected. It is possible to answer the key, outstanding questions that hover over welfare reform in Indian Country, but it will take some time to do so.

The data summarized in this report show that welfare policy—whatever concrete form it takes—plays a disproportionately large role in the lives of Indian people. As much as any population in the country—and more than most—they will bear the direct effects of welfare policy decisions. Surely they deserve policies built on reliable knowledge of the impact reform has had and of the ways it might be improved.

The specific research and evaluation efforts we propose are listed below, numbered for ease of identification. There is overlap among some of the topics, but this simply reflects, among other things, the complexity of the problem, the interrelatedness of the components of reform, and how much remains to be done.

### **1. What happens to those who leave the welfare rolls?**

At the state level, leaver studies have been critical in helping policymakers understand how well their TANF (and related) programs are operating. They indicate, for example, what kind of work former TANF recipients have found and where, how long they retain jobs, whether or not work is helping these individuals move out of poverty, what additional social service supports they might need, and how likely they are to move back onto TANF rolls.

No such studies focus on American Indians. This makes it difficult for tribes to know how well their programs are working and for states to determine how program impacts vary among different state populations. Tribe-specific or TANF-program-specific research initiatives could vastly improve tribal-state coordination of support services, resolve questions about on- and off-reservation migration, clarify the impact of the reservation job gap on leavers, and identify service gaps that prevent Indian welfare recipients from moving permanently into the workforce. Comparisons with leaver studies of broader welfare populations would help policy makers redesign programs to more effectively serve Indian populations and have larger effects on reservation poverty. Even stories of successful transitions from welfare to work can provide motivation to current TANF recipients.

### **2. Why do some tribes pursue TANF administration and others do not?**

Early in this report we enumerated some of the reasons why a large number of Indian nations, either singly or in coalition, have chosen to take over administration of their own TANF programs. But a large number of tribes also have chosen *against* tribal administration of TANF. Why? As we noted, there is some evidence that one of the primary reasons is financial: the funds available for tribes' start up, infrastructure, and administration costs are generally less than the funds available to states/counties for these same purposes, meaning that tribes have to supplement outside funding with other resources which, on most reservations, are in radically short supply. But there are surely other reasons as well. Closer analytical—even econometric—attention to the factors shaping tribal decisions could help in targeting new funding and technical assistance, could identify other obstacles (such as institutional ones) to effective tribal administration of TANF, and could help focus tribal, state, and federal cooperation on more narrow but potentially more productive solutions to programmatic problems.

### **3. How do the impacts on Indians of tribally run TANF programs differ from the impacts on Indians of state-run TANF programs?**

American Indians' option to receive TANF services under either a state or tribal program (but not both) raises a key research question. Many tribes have chosen to run their own TANF programs while many others have chosen to operate under state programs. But no systematic study has been done, across states, of how Indians fare under the two types of policy regime. If it were to turn out, for example, that some or all tribal programs—as many Indians believe—serve American Indian people better than state-run programs do, and if we knew why, this would constitute a powerful argument for further investment by both tribes and the federal government in tribally administered TANF. Alternatively, if some or all state programs were found to serve Indian clients equally well or better, then tribes' concerns that their citizens' needs are not well met by off-reservation entities can be assuaged, tribal-state cooperation can be improved, and better distributions of responsibility might be developed.

### **4. How do program development and recipient lifecycles vary across states?**

The only longitudinal study of American Indian welfare programs and recipients that we are aware of is the ongoing work by Pandey, Brown, and others at Washington University in St. Louis. While this study is extremely informative, it has several limitations. Most markedly, the study region includes only one state: Arizona. Given the flexibility of states under PRWORA to create their own, distinctive programs and the different state-tribal regimes that have developed (for example, the different decisions about whether a state will provide tribes with MOE funds), it is reasonable to wonder how tribal programs and American Indian client lifecycles have developed in other states. Similar work but done comparatively across states would further help policy makers at federal, state, and tribal levels improve their understanding of program design and recipient pools.

### **5. What are the keys to successful intergovernmental cooperation on TANF?**

Because it is unlikely that all tribes will soon administer their own TANF programs, or that Congress will immediately clear the way for tribes or other Indian entities to administer related programs such as Medicaid and the Food Stamp Program, tribal-state or tribal-county cooperation between tribes and states/counties around these programs remains vital. Some states and tribes have developed useful protocols for ensuring appropriate service delivery. Comparative analysis of state-tribal or county-tribal relations in regard to TANF, paying close attention to which sets of relations seem to be working best, would make it possible to identify key elements in successful cooperation, allowing both tribes and states to benefit from other's learning. The learning could move both ways, and may even involve cases without such protocols. Tribes with substantial service integration may be able to demonstrate effective approaches to reservation welfare reform for their state/county counterparts, for example, and new state-to-state and tribe-to-tribe relationships may also emerge.

## **6. How can we improve Medicaid provision to low-income American Indians?**

The extent and exact nature of the health insurance and health care services problems for welfare-receiving American Indians are currently unknown. We do know, however, that health services provision in general is a problem for many reservation residents and that the decoupling of welfare and Medicaid has caused substantial difficulties for low-income Americans as a whole. A better understanding of the problem and its sources (for example, the perception that Medicaid-funded service provision compromises the treaty and trust relationship between the federal government and tribes) would contribute directly to more appropriate and efficient services provision.

## **7. What effect does TANF have on migration onto and off the reservation?**

Migration by welfare recipients or former recipients has direct effects both on the burdens borne by state and tribal programs and on the burdens borne by welfare-receiving individuals and their immediate and extended families. Similarly, state or tribal program specifics may have direct effects on migration. Yet, apart from small-sample studies and anecdotal evidence, we simply don't know what the relationship is between TANF and the movement of Indian populations. Are former welfare recipients on reservations leaving those reservations in search of work? Or are former welfare recipients in cities returning to reservations in search of assistance and support—including, perhaps, support from tribal TANF programs? Perhaps both processes are going on but in different places, reflecting the different circumstances of source populations and the different details of state and tribal TANF programs. How do program specifics affect migration flows? How does the local economy affect migration flows? Larger samples and geographically diverse, longitudinal data could answer some of these questions, leading to better program design and coordination and better planning by Indian nations concerned with maintaining viable reservation communities, reducing the reservation brain drain, and improving program efficiencies.

## **8. How effective are current employment and job training efforts?**

We have reviewed employment and job training efforts in this report, but we have been unable to say very much about how *effective* these efforts are in either (1) preparing welfare clients to obtain and retain jobs or (2) assisting tribes in improving the skills of their labor pools in ways that are linked to—and thereby support—tribal development strategies. Evaluating efforts in these terms will require not only longitudinal studies of employment and training programs and their clients, tracking results in individual job outcomes, but also studies of how various tribes either do or don't establish links between training programs and tribal economic policy. The results of such studies could be crucial to policy-making at the federal level: which programs contribute most effectively to sustained work outcomes, and why? How can more effective programs be strengthened, expanded, or developed?

## **9. What would a comprehensive employment and job training effort look like?**

There is substantial evidence from reservation TANF professionals, outside observers, and researchers that a significant number of reservation TANF recipients face not only skill and

job-experience obstacles in the transition from welfare to work, but obstacles such as substance abuse and other behavioral problems as well. While many tribes have programs targeted at substance abuse and other problems, they often are not well linked to welfare-specific programs in the training area, while most employment and job training programs linked to welfare reform pay little attention to non-skill-related obstacles. How can Indian nations develop comprehensive, integrated programs that address the full range of workforce needs?

**10. On any reservation, what is the state of the job supply, what is the state of the labor supply, and how can the two be linked?**

Earlier in this report, we cited a study that indicated how many jobs were generated in the mid-1980s by the Rosebud Sioux Reservation economy. This study, when matched to data on the Rosebud labor force, indicated the size of the job gap faced by the Rosebud Sioux Tribe. Such studies, as we noted, are scarce; while there may be others, this is the only one we've found. But they can make a critical contribution to the effort to design policies that address local needs; without such studies, it is difficult to appreciate the challenge that welfare reform faces in Indian Country. We need more such studies on more reservations that indicate not only how many jobs there are (and aren't) in the reservation economy but what *kinds* of jobs there are: public or private? in what sectors? what skill levels are required? do they represent career opportunities for tribal members? and so forth.

The contribution of such studies would be even greater, however, if they were matched to studies of reservation labor forces. Very few tribal governments have a reliable, detailed idea of the nature of their own labor force. What skills are there in the reservation population? What levels of job experience do people have? How good is the match between available skills and the jobs that are being generated or that tribes are trying to create? Such information could help guide federal or tribal investments in job training, assisting in establishing training programs designed to bring skills in line with present or potential opportunities. They might also assist tribes in strategic planning because they would outline in greater detail the human assets that represent one of any community's leading resources. Armed with this knowledge, tribes could provide better services to their people and better planning for future development.

**11. Can TANF administration and tribal economic development programs be integrated in ways that improve both?**

We have argued that tribal TANF programs and tribal economic development programs too often operate in isolation from each other. Are some tribes consciously integrating welfare reform and economic development efforts? Certainly there are some examples: among others, the Navajo Nation, the Red Lake Band of Chippewa Indians, and the Sisseton-Wahpeton Sioux Tribe are pursuing such links. Such cases need evaluation: how are they doing it, what are the results, and how can such efforts be improved and replicated? With such information in hand, tribal TANF directors and economic development staff will be more likely to work together—to their mutual benefit.

**12. How can data gathering and evaluation efforts be revised to accommodate tribal priorities?**

Systematic data gathering on tribal TANF programs, related programs, and their results is rare, crippling both tribal and federal efforts to develop more effective and efficient welfare policies. Furthermore, evaluation standards reflect federal and state priorities. Subject to federal and state funding decisions, tribes have to conform to federal and state reporting practices. But these seldom take tribal priorities or distinctive reservation circumstances into account. Tribes need to be more active in developing—jointly, if possible—their own data and program evaluation components, setting their own benchmarks and tracking performance against their own standards and objectives. Not only would this allow tribes to incorporate cultural, contextual, and political concerns in program evaluation, but it is an important aspect of self-determination over program activities.

**13. What specific federal and state policies would assist tribes in nation-building: putting in place effective, appropriate governing institutions that can sustain self-determined economic growth?**

This report argues that without economic growth, welfare reform on many reservations is unlikely to be successful. It will lead either to an exodus of tribal citizens who have come off the welfare rolls and have found no work or to an increase in reservation poverty as former recipients, for familial or cultural or other reasons, do not leave and instead put added pressure on already stressed, informal reservation survival mechanisms. In some cases, it may lead to both. Regardless of the scenario, the community suffers.

But we also have argued, based on available research, that economic growth will require, among other things, strengthening tribal governing institutions: that is, sovereignty and nation-building. How can federal and state policy advance these goals and processes? There is a growing body of research that underlines the necessity and advantages of sovereignty and nation-building, but there's much less research that lays out specific steps that federal and state policy-makers could take to contribute toward those goals. Should their approach be hands-off? Should it be to invest in institutional capacity-building? Should it be to shift from the detailed, programmatic focus of legislation such as PRWORA toward a broader based transfer of decision-making power and resources into tribal hands? What do Indian nations think policy in this area should be? What do they think would be most helpful to them in the challenging task of nation-building?

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### **Interviews**

Larry Blair, Director, Division of Social Services, Bureau of Indian Affairs, U.S. Department of the Interior, Summer 2001.

Esther Corbitt, Transportation Program Coordinator, Inter-Tribal Council of Arizona, November 2001.

Norm DeWeaver, Director, Indian and Native American Employment and Training Coalition, August 2001 and October 2001.

Lawrence Dunmore, Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, October 2001.

Ginny Gorman, Child Care Bureau, Administration for Children and Families, U.S. Department of Health and Human Services, October 2001.

Leila Help-Tully, Assistant Director, Navajo Nation TANF, September 2001.

Kathy Larin, U.S. General Accounting Office, August 2001.

Carlene Narcho, Director, White Mountain Apache Department of Social Services, October 2001.

Mack Rhoades, Jr., Support Services International, August 2001.

In addition, the authors and project staff less formally interviewed numerous TANF program personnel, clients, and Indian Country professionals, and monitored numerous presentations and discussions of welfare reform at a series of conferences and meetings in the summer and autumn of 2001.

## **Appendix: Brown and Springwater Survey Methodology**

Two of the authors carried out a survey to gather additional information for this report. This appendix provides methodological information for this survey, which has been cited throughout as Brown and Springwater (2001).

### **Participants**

All 34 tribal TANF administrators were recruited to complete the survey. Of the 34 who were recruited, 28 replied with a completed survey.

### **Design**

The survey consisted of 44 questions, both open ended and likert scale. All questions pertained to TANF and its related programs including childcare, child support enforcement, employment and training, and jobs on American Indian reservations.

A total of 34 surveys were faxed and e-mailed to the 34 tribes and consortia who administer their own TANF programs. Follow-up phone calls were made to all administrators to ensure that as many surveys were returned as possible.

### **Results**

Twenty-eight surveys representing an 82% completion rate were received from the total 34 sent out. Missing data occurred randomly across the surveys, with minor effects on the outcome. Data from each survey were tabulated with some included in this report. Full survey results will be available later in paper form. For a full copy of the questionnaire, please contact Dr. Eddie Brown, Director, Buder Center for American Indian Studies, Washington University (tel. 314-935-4510 or e-mail [ebrown@gwbmail.wustl.edu](mailto:ebrown@gwbmail.wustl.edu)).