

# Policy Report

## American Indian Tribal Communities and Individual Development Account (IDA) Policy

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George Warren Brown School of Social Work

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## **Executive Summary**

Since 1997, there has been a tremendous increase in Individual Development Account (IDA) programs nationwide (Edwards, Mason, 2003). Since IDA programs aim to build the assets of low-income families, a critical evaluation question in examining the impact of IDAs, is whether or not current programs are reaching a high number of potentially eligible participants, especially populations that face disproportionately high poverty rates, such as American Indian Tribes.

This paper seeks to explore in what ways American Indians have (or have not) typically had access to IDA policy making and program development. In examining intergovernmental IDA policymaking processes, the authors surveyed 14 states with American Indian reservations and state IDA policies to assess whether American Indian communities in those states had access to IDA policymaking processes and whether the resultant state IDA policies include American Indian Tribal governments as eligible program fiduciary organizations and/or administrators. Additionally, the authors attempt to assess whether state-administered IDA programs are serving American Indian people.

As hypothesized, although previous research shows that IDA programs hold great promise to build assets in low-income American Indian communities (Deweese, 2003), the majority of Tribal communities, over 80%, have not been involved in state IDA policymaking processes and are largely unserved by state IDA programs. Moreover, most state IDA policies, over 75%, do not include American Indian Tribal governments as approved IDA program sites and program administrators.

To increase American Indian participation in IDA programs, a two-pronged strategy is in order. First, American Indian Tribal governments that have not taken advantage of their authority to directly receive available federal funding to develop Tribal IDA programs should open Tribal discussion on doing so. To assist tribes in better accessing federal funds for IDAs, future federal policymaking, including the reauthorization of the Assets for Independence Act, and the proposed Saving for Working Families Act, should seek to identify and ameliorate barriers to Tribal IDA programs by including Tribal governments and American Indian community members in policy development processes. Second, state governments developing or amending IDA policies should seek to consult with Tribal governments and community members during the policy making process. The input of Tribal representatives will be useful to states in structuring policies that facilitate Tribal government administration of IDAs as well as increase the success of state IDA programs in reaching potential American Indian program participants. Through the inclusion of American Indian Tribal governments in IDA policymaking processes, IDA programs can become a useful tool in building the assets of low-income American Indians, while building communities and perhaps breaking down community barriers.

## **Introduction**

The authors of this paper seek to examine whether existing IDA programs have been made available to a population disproportionately affected by extreme poverty—American Indians.<sup>1</sup> The first section of this paper presents an overview of the key concepts, philosophies, and processes related to IDA policies and programs. Federal and state legislation pertaining to IDAs is also summarized. The second section addresses the intergovernmental nature of IDA policymaking, examining the various policymaking models for the development of IDA programs and providing corresponding examples of the models. The third section highlights existing American Indian-run IDA programs. The fourth section summarizes the survey responses of state and non-profit administered IDA programs around the country with regard to the inclusion of American Indian Tribal governments in state IDA policymaking processes. The fifth section includes a case study of the development of IDA legislation in the state of Oregon, posing challenges and opportunities for Tribal policy input throughout the policymaking process. Section six offers recommendations for state IDA program administrators, Tribal governments, and Native representatives.

### **I. Individual Development Account Programs and Public Policy**

IDA policy-making began with Iowa's groundbreaking welfare-reform legislation in 1993, however, few state-level IDA programs were established between 1993 and 1997. Since 1997, there has been a tremendous increase in the number of Individual Development Account (IDA) programs at the national, state and community levels, with approximately 20,000 IDAs established in over 500 IDA programs in the United States (Edwards, Mason, 2003). Managed primarily by community-based non-profit organizations, IDA programs seek to promote greater financial self-sufficiency through savings, asset building, and increased financial management skills among individuals and families with low-incomes. Studies have shown that IDA programs are successful in promoting asset building among low-income populations (Schreiner, Clancy, Sherraden, 2002).

Based on initial successes, IDA programs may become an important tool in the reduction of poverty. IDAs help support low-income families to build financial assets by providing incentives to save. A participant in an IDA program establishes a savings account with a qualified financial institution for the purpose of purchasing a particular asset, such as buying a home, acquiring post-secondary education, or starting a business. The savings accumulated in an IDA (typically up to a specified amount) are matched with funds from private and public sources. The eligible savings goals and the rate at which savings are matched can vary according to program guidelines. In addition while saving for a match, a participant in an IDA program is required to complete coursework in budgeting, financial management and asset-specific training. The financial educational component has proven to be an important program

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<sup>1</sup> This paper uses the phrase "American Indians" to refer to the 334 American Indian tribes (and associated Tribal members in the contiguous 48 states) as well as the 227 Tribal governments (and Tribal members) in Alaska. The authors prefer this specific term both because much federal legislation and policy uses these terms and because the popular alternative "Native Americans" can be confusing, also including Native Hawaiians and Pacific Islanders, who are legally and politically distinct from American Indians and Tribal governments.

and can also vary across programs (Schreiner, Clancy, Sherraden, 2002).

Much of the early development and implementation of IDA programs was accomplished with financial support from the philanthropic sector. The American Dream Policy Demonstration project (ADD), a collaborative effort of 11 private foundations and spearheaded by the Corporation for Enterprise Development (CFED), which ran from 1997-2001, was the first large-scale effort to test the concept of Individual Development Accounts at the community level (Sherraden et al, 2001). This pilot project, incorporating 14 programs at 13 sites nationwide, has yielded knowledge-building around the development and implementation of IDAs and the refinement of IDA programs in practice. Current and planned research on ADD will continue to yield information that informs asset-building and policy development at the state and national levels for years to come (Edwards, Mason, 2003).<sup>2</sup>

### ***Federal IDA Policy***

While private foundation support was (and continues to be) critical in putting the concept of Individual Development Accounts into practice, federal and state policy has encouraged and facilitated the growth of the field by providing financial and programmatic support (State IDA Policy Guide 2002). Federally, in Section 404(h) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, Public Law 104-193), Congress authorized states to use Temporary Assistance for Needy Families (TANF) funds to support Individual Development Accounts, and to exempt funds in individual accounts from asset tests for means tested programs. Subsequent regulations, established in 1999 by the U.S. Department of Health and Human Services, determined that participation in an IDA program would not jeopardize public benefits for TANF recipients, nor count against their time limit for cash assistance (Neuberger, Silva, 2002).<sup>3</sup> Twenty-two states have since passed legislation or created administrative rules that support the use of TANF funds for IDAs (CSD Website, 2002).

Also at the federal level, Congress passed the Assets for Independence Act (AFIA), in 1998, establishing a five-year IDA policy demonstration project. AFIA is managed by the Office of Community Service at the Department of Health and Human Services. This project seeks to test the effectiveness of IDA programs as a strategy for reducing poverty and building financial assets for people with low incomes (IDAnetwork website, 2000). Since its implementation, AFIA has provided grants to over 80 community-based non-profit organizations to support IDA programs (IDAnetwork, 2003). Many of these grant recipients have partnered with states for funding to better leverage the federal match. AFIA is due to undergo a congressional reauthorization process by September 30, 2003.

Other Federal policies and rule making have encouraged the participation of financial institutions in IDA programs. In 1998, the Department of Treasury ruled that contributions to an IDA program could be considered as part of a financial institution's community reinvestment activities. Supportive activities by financial institutions may receive Community Reinvestment Act (CRA) credits, including such activities as making grants or loans to cover match or

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<sup>2</sup> For more information on the ADD policy demonstration go to the CFED website (<http://www.cfed.org/>), the CSD website (<http://gwbweb.wustl.edu/csd/>), and the IDAnetwork website (<http://www.idanetwork.org/>).

<sup>3</sup> The Corporation for Enterprise Development and the Center on Budget and Policy Priorities published a federal briefing paper that explains how IDAs affect eligibility for federal programs. (Silva, Neuberger, 2002)

administrative costs, offering IDA deposit accounts, and making loans to IDA accountholders (Silva, Neuberger, 2002).

Congress is currently considering federal legislation that would provide additional incentives for investing in IDAs. In June 2003, the Senate Finance Committee approved 100 percent tax credits (up to \$500 per account, per year) to qualified financial institutions for contributions to IDA programs. This legislation is part of the Charitable Aid, Recovery, and Empowerment Act, S.476 (CARE), a Bush Administration initiative designed to increase charitable aid and stimulate economic recovery. In the 108<sup>th</sup> Congress, the latest action on this bill is that it has passed the full Senate and is in the House of Representatives.

### ***State IDA Policy***

States have led the way in IDA policy making activities, beginning with Iowa in 1993. A majority of states have passed laws or created administrative rules that allow for some type of financial and/or administrative support for IDA programs. States have enacted several types of IDA policies. In addition to authorizing the use of TANF funds for IDAs, states have appropriated other public funds, such as state general revenue funds, state tax credits, and Community Development Block Grant (CDBG), for contributions to IDA programs (Edwards, Mason, 2003).

A significant number of states have supported non-profit partners in applying for, and receiving AFIA grant funds for IDAs. Not all states that have passed IDA legislation have appropriated funding or developed a state IDA program, however. Out of 34 states that have supporting statutes, 24 have developed IDA programs and provided administrative and/or financial resources for these efforts (CSD website, 2002).<sup>4</sup>

Given this level of policy activity, a critical question to ask is how effectively these policy efforts are accomplishing their objectives in supporting the building of assets for low-income families. This question can be addressed in a variety of ways, but one way is to consider whether the design, development, and implementation of IDA legislation and regulations are inclusive of all potentially eligible people<sup>5</sup>. In particular, we are concerned with whether or not state IDA policies, as currently enacted and implemented, support IDA programs that serve a historically disenfranchised and underserved population—American Indian communities.

Concern about this particular issue arises from a number of factors, including a growing interest in the concept of IDAs among American Indian Tribal leaders, and the increase in the number of IDA programs that have been established by tribes in their communities, balanced against evidence that state and federal IDA initiatives may not adequately support the establishment of

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<sup>4</sup> For more information on state-level IDA policies, see CSD's website at <http://www.gwbweb.wustl.edu/csd/statepolicy/>

<sup>5</sup> Accessibility relates to whether the process of developing and implementing IDA policies is open to all qualified beneficiaries. If there is not representation of qualified beneficiaries then the policy-making process is not accessible. A process that is not accessible to all qualified beneficiaries is less likely to be inclusive since these voices go unheard. By inclusive, we refer to whether federal and state authorizing statutes and regulations governing IDAs include all qualified beneficiaries as IDA eligible. Policies that fail to allow all qualified beneficiaries to participate are not inclusive.

IDAs in American Indian communities, which constitute some of the most economically distressed areas of the country (Deweese, 2002).

An example of this phenomenon occurred in earlier versions of the Savings for Working Families Act, proposed federal legislation for IDAs that seeks to provide tax credits for private sector investment in IDA programs. Although the legislation seeks to assist IDA programs in diversifying their funding resources (through private contributions from financial institutions), initial provisions in the bill limited eligible administrative entities to IDA programs administered by 501(c)(3) organizations. Since many IDA programs in Native communities are managed by Tribal governments rather than non-profit organizations, these programs would not have been eligible to receive funding through this legislation, even though they met other requirements. Once this omission was noted, subsequent versions of the bill revised these provisions to allow for IDA programs administered by Tribal governments. Informal discussions with Tribal agencies and non-profit organizations suggest that a similar situation exists in regard to state IDA policies, where representation by American Indian communities is often absent during the development stage of these policies.

## **II. Intergovernmental Policy Making and IDA programs**

It is important to understand how policies at the federal, state and Tribal levels interact, and how this policy relationship can impact IDA programs operating in Native communities.

American Indian tribes are authorized to receive a variety of federal funds directly because Indian tribes are not just an ethnic minority community; they are also sovereign governments. Article I, Section 8 of the United States Constitution recognizes American Indian tribes as sovereign, self-determining governments. Hundreds of treaties, federal statutes, executive orders, and Supreme Court decisions have repeatedly affirmed that American Indian tribes retain their inherent powers of self-government. As the National Congress of American Indians notes, “The treaties and laws have created a fundamental contract between Indian Nations and the United States: Indian Nations ceded millions of acres of land that made the United States what it is today, and in return received the guarantee of self-government on their own lands (National Congress of American Indians, 2001).” The 561 federally-recognized American Indian tribes in the United States provide a broad range of governmental services to their citizens on Tribal lands, including law enforcement, justice systems, education, health care, and environmental protection as well as creating and maintaining infrastructure such as roads, bridges, and public buildings.

Because of the status of tribes as sovereign nations (as opposed to non-profit status), federal IDA legislation (Assets for Independence Act, or AFIA) does not authorize tribes to directly receive federal funds, in the form of grants, for the purpose of developing IDA programs. Tribes may participate in the program, but must receive funds through a non-profit AFIA grantee organization. However, like states, tribes may use TANF funds for matching IDA accounts, and have flexibility to use other federally originated funds, such as CDBG, to match specific types of IDA programs. The Shoshone Bannock Tribe in Idaho, for instance, has used federal housing funds (received through the Native American Housing and Self-Determination Act [NAHASDA] block grant) to support a Tribal IDA program that facilitates homeownership. Although a few

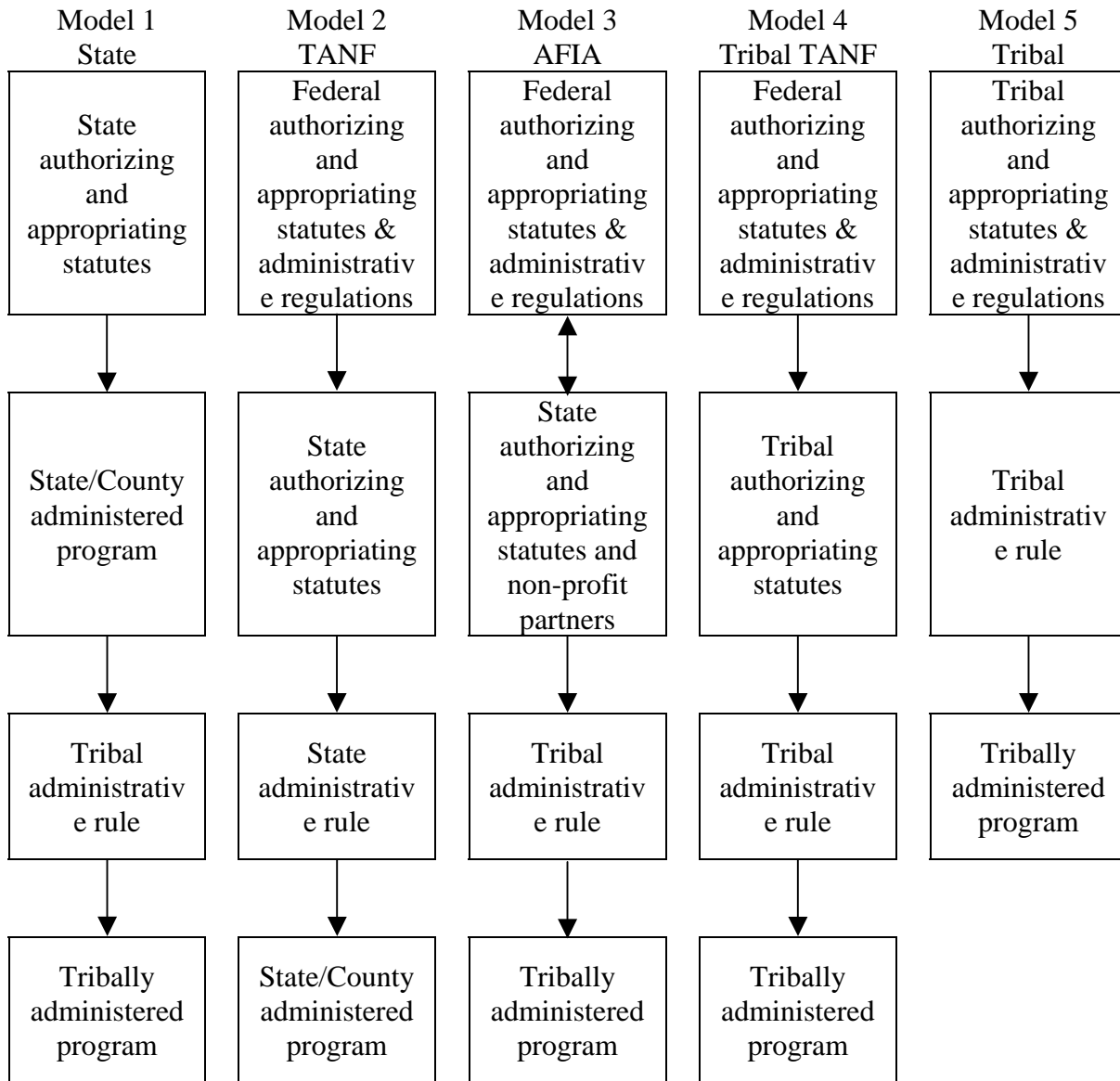


Native non-profit organizations have utilized AFIA funds (see Table 1), no Tribal government has been able to receive these grants directly, nor have they actually used TANF funds to develop IDA programs, although some are considering this option. Since many Tribal IDA programs are administered by Tribal governments, it would greatly assist tribes in funding IDA programs if they could directly receive AFIA grants (without having to go through a non-profit, which they may have no organizational relationship to).

Tribes may, however, participate directly in some state IDA programs, receive state IDA matching funds directly, participate in state IDA tax credit programs or function as state IDA program sites. As we will discuss later, in greater detail, a Tribal government may or may not be eligible to receive state funding for an IDA program depending on whether the state authorizing statute specifies Tribal governments as eligible fiduciary and/or administrative entities. State authorizing statutes that omit Tribal governments from the list of eligible administrative entities prohibit Tribal governments from directly receiving state funding to implement IDA programs.

Many IDA programs are governed by federally authorized and appropriating statutes, state authorized and appropriating statutes, and/or administrative rules and regulations from state level IDA administering agencies. For Native IDA programs, there may be an additional layer of policy-making based on Tribal authorization and appropriations of statutes. (Figure 1, below, presents five models of Federal/State/Tribal intergovernmental IDA policymaking).

**Figure 1: Five Models of Intergovernmental IDA Policy-making**



Note: Depending on their service area, service population and eligibility criteria, Models 1 and 2 may or may not serve American Indian families.

As mentioned earlier, the two primary federal statutes that authorize and appropriate federal funding for state and Native IDA programs are the Personal Responsibility and Work Reconciliation Act (PRWORA) and the Assets for Independence Act (AFIA). These statutes set parameters around the administrative implementation of Individual Development Accounts; PRWORA gives states the opportunity to use federal funds for the purpose of establishing IDAs, as does AFIA—when states partner with a non-profit applicant. PRWORA authorized the use of TANF dollars for IDAs,<sup>6</sup> while AFIA appropriated hundreds of millions of federal dollars to match non-federal dollars raised specifically for and administered through non-profit, community-based IDA programs, including those serving tribes. After federal TANF statutes authorized states to use federal funds for IDA programs, various state legislatures passed laws that directed their state executive branches to develop IDA programs with a particular funding amount, from TANF, to address the specific programmatic purposes included in Section 404(H) of the federal legislation.

However, states have also legislatively authorized IDA programs independently from TANF funded IDAs. For example, in the state of Minnesota the legislature passed HF#1 in 1998. This state statute appropriates \$500,000 in state general revenue funds each biennium for the purpose of establishing and implementing an IDA program, set eligibility criteria for administrative agencies and program participants, set a savings match rate, and established minimum and maximum savings requirements. According to state statute, the specific purpose of the Family Assets for Independence in Minnesota (FAIM) program is to allow families with incomes up to 200 percent of the federal poverty line to open “family asset accounts” assisting them to save money in matched savings accounts for the purpose of buying a home, capitalizing a small business, and going to college. Minnesota also applied for and received an AFIA grant through the state Community Action Program (CAP) Association (MCAA).

According to the Minnesota (FAIM) regulation, the 11 federally recognized tribes in the state may participate in the state-supported IDA program, receiving matching funds from the state through the non-profit administrator. Tribal IDA programs must focus target program goals within the parameters of state policy. In this instance (an example of model 3 on figure 1), the tribe assumes the role of an implementing organization, developing IDA policy and guidelines in accordance with the state authorized program. However, initial Tribal outreach was limited for the Minnesota state-supported IDA program, and although four tribes elected to participate, only two of those tribes remain in the program. Both of these tribes continue to face policy/program challenges that directly relate to Tribal administrative issues and culture. Tribal participation in the Minnesota IDA program has included few individual participants and produced mixed results (Clancy, Shreiner, Weiss, 2002).

Where tribes administer an IDA program with direct federal funding (model 4), such as the Confederated Tribes of Salish and Kootenai (Montana) Welfare to Work program, state IDA policy has no bearing on the Tribal IDA program. The Montana tribe developed an IDA program within the parameters of federal welfare policy. In this case, the tribe’s role is that of a

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<sup>6</sup> Advocates are working now, during the reauthorization of the Workforce Investment Act, (WIA), to clarify the potential use of WIA dollars for IDA programs and to include Tribal governments as eligible IDA program administrators.

federal grantee (designing a program and receiving a federal grant to implement it) as well as agency administrator. This program was one of the first successfully implemented IDA programs in the state, and one of only two programs in the country to successfully implement an IDA program with Welfare to Work funds.

When tribes utilize no federal or state support to develop and run an IDA program (model 5), there is maximum flexibility in designing parameters. In the case of the Confederated Tribes of Warm Springs IDA program, in Oregon, no federal or state funds are used. This program, which is administered by a Tribal credit union, is funded by private foundation and tribal monies. This funding source has given the tribe much flexibility in program design, but because of scarcity of funds transversely limits the number of participants able to be served and, unless additional funding is obtained, may limit program growth.

In examining the degree to which all Tribal IDA programs assist American Indian families in saving money and accumulating assets, it is important to consider the three previously mentioned models for programs administered by tribes – (a) tribes receiving state IDA funds and developing programs within the parameters of state policies (model 3), (b) tribes receiving direct federal funding and developing IDA policies and programs within the parameters of federal policies (model 4), and (c) tribes receiving no state or federal funding and developing their own IDA policies and programs with private and/or Tribal funds (model 5). After a discussion of the efficacy of these models, this paper will address the question of inclusion of Tribal governments and Native representatives in state IDA policy processes (related to models 1 through 3).

### **III. IDA programs in Native Communities**

According to the most recent Census, there are 2.5 million American Indians and Alaska Natives in the United States,<sup>7</sup> representing 0.9 percent of the total U.S. population (U.S. Census 2000). Approximately, two-thirds of the population resides in the west and mid-west regions (U.S. Census 2000), with the largest population concentrations in Alaska (16%), New Mexico (9.5%), South Dakota (8.3%), Oklahoma (8%), Montana (6%), Arizona (5%), and North Dakota (5%). Thirty-six percent of the American Indian and Alaska Native populations live in Tribal areas, with an additional 30 percent residing adjacent to these areas.<sup>8</sup>

Despite economic improvements in the last decade, existing data indicates that American Indians remain considerably poorer than their non-native counterparts, experiencing lower levels of income and greater poverty than the U.S. population as a whole. According to the 2000 Census, the median household income for all American Indians, for example, is \$30,679 compared to \$42,307 for the U.S. population as a whole. In addition, 22 percent of all American Indian families have incomes at or below the federal poverty line compared to only 9 percent of all families in the United States (U.S. Census, 2000). Among American Indians living in Tribal areas, these socio-economic indicators are even worse. Median household income for this

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<sup>7</sup> The number refers to respondents who identified as only American Indian or Alaska Indian or Alaska Native. For a discussion on the results of multi-racial identification on American Indian/Alaska Native populations in the 2000 Census, see DeWeaver (September 2001).

<sup>8</sup> Tribal areas include the legal and statistical areas delineated by the US census bureau as American Indian and Alaska Native areas.

population is \$24,922, and 29 percent of families have incomes at or below the federal poverty line (U.S. Census, 2000). Consequently, many more American Indian families (than non-Native counterparts) lack the economic resources necessary to go beyond meeting basic needs.

The higher level of poverty in American Indian groups is compounded by the limited availability of financial resources for tribes, to promote greater financial security and expand economic opportunities. A recent study by the Community Development Financial Institutions (CDFI) Fund documented significant barriers that exist for American Indians living in Tribal areas to secure financial capital for housing, small businesses and other needs. One of the many challenges identified was a notable lack of knowledge and experience among American Indian individuals regarding the financial world in general. “Many Native Americans...lack an understanding of banking, credit reporting, and loan qualification processes and standards, and have difficulty obtaining credit because they have no credit histories, or, in some cases, bad credit histories...” To remedy this situation, the report recommended an increase in education, training, and technical assistance in financial literacy for American Indian populations (Deloitte and Touche, 2000).

IDA programs, which offer participants incentives to save for asset purchases and include matching funds and strong educational components in financial management, may therefore be effective tools in assisting low-income American Indian families gain the expertise and knowledge in financial issues necessary to better accumulate assets and improve their financial security.<sup>9</sup> Indeed, a 1999 taskforce sponsored by the U.S. Department of Housing and Urban Development, recommended Individual Development Accounts as a strategy that could support homeownership initiatives in Tribal areas (US Department of Housing and Urban Development, 2000).

In the last few years, there has been a substantial increase in Native-run IDA programs in American Indian communities. From only two programs in the planning stages in 1997, there are currently 11 Native IDA programs in 8 states (Table 1).<sup>10</sup> Many of these Native IDA programs are structured in ways similar to non-Native IDA programs; providing matching funds for individual savings and instituting a financial education component. The educational component typically includes not only training in financial literacy, but also courses related to specific savings goals, such as home-buyer counseling or business development courses. Many of these programs include courses that are designed to reflect the community’s cultural and social values, as well as the practical situations American Indian families confront. As with non-Native IDA programs, there is some variation in the programmatic and administrative policies of these programs.

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<sup>9</sup> The most significant example of financial literacy curriculum targeted at American Indians was created by the First Nations Development Institute and the Fannie Mae Foundation. See (FNFI, 2003).

<sup>10</sup> Native IDA programs refer to IDA programs administered by a Native non-profit organization or tribe. This figure does not include non-Indian IDA programs that might serve Native populations.

While an extensive evaluation of Native IDA programs has yet to be completed, early analysis of a multi-site Native IDA initiative, conducted by First Nations Development Institute, found that IDA program participants saved on a regular basis and purchased assets. In addition, both program administrators and participants noted the importance and value of financial education in improving participants' financial management skills (FNDI, 2000).

Seven Native IDA programs developed independently of state or federal funding and/or policy efforts.<sup>11</sup> As with early non-Native IDA initiatives, philanthropic support has been essential to program development. In 1997, First Nations Development Institute,<sup>12</sup> in Fredericksburg, Virginia, provided grants to 5 Native organizations and Tribal governments to investigate the desirability and applicability of IDAs in their communities. This initial program was expanded in 2000, as four new grants were awarded, to include additional tribally administered IDA programs located in the Northwest. As Table 1 suggests, tribally administered funds are an important source of support for these programs.

The programmatic and/or financial support provided by Tribal governments distinguishes Native IDA initiatives from their non-Native counterparts—whose IDA programs have been run almost exclusively by community-based non-profit organizations with outside funding support. As Table 1 indicates, the majority of Native IDA programs are administered by a Tribal government agency, such as a credit department or housing authority. The fact that many of these programs are tribally-administered has important implications for the development of federal and state IDA policies because, as explained earlier, American Indian tribes are sovereign governmental units, distinct from 501(c)(3) organizations.

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<sup>11</sup> Native IDA programs in Hawaii, Montana, Minnesota, and South Dakota benefited from federal assistance.

<sup>12</sup> For more information about FNDI's grants to Native IDA programs see their website at:  
<http://www.firstnations.org/>

**Table 1. Native IDA Programs (Larson, 2002)**

<b>Native IDA Program</b>	<b>Start Date</b>	<b>Administrative Agency</b>	<b>Savings Goals</b>	<b>Participant Eligibility</b>	<b>Funding Sources</b>
<b>California*</b> Redwood Valley Little River Band of Pomo Indians IDA Program for Education	2001	Tribal Economic Development Agency Non-profit	Education	Tribal members 15-25 years old	Tribal funds Philanthropic funds
<b>Hawaii*</b> Alu Like, Inc	2000	Native Hawaiian Non-profit	Homeownership Business development Education Job training	Native Hawaiians	AFIA TANF State tax credits Philanthropic Funds Native sources
<b>Idaho*</b> Shoshone-Bannock IDA program	2000	Tribal Housing Department	Homeownership	Tribal members ≥ 18 years	Tribal funds Philanthropic funds NAHASDA
<b>Minnesota*</b> Leech Lake Family Assets for Independence program (State-supported program)	2000	Leech Lake Tribal College MN CAP Association	Homeownership Business development Education	At or below 200% of federal poverty line	AFIA State funds Philanthropic funds
<b>Minnesota*</b> White Earth Family Assets for Independence program (State supported program)	2000	Leech Lake Tribal College MN CAP Association	Homeownership Business development Education	At or below 200% of federal poverty line	AFIA State funds Philanthropic funds

\*Denotes First Nations grantees

<b>Native IDA Program</b>	<b>Start Date</b>	<b>Administrative Agency</b>	<b>Savings Goals</b>	<b>Participant Eligibility</b>	<b>Funding Sources</b>
<b>Montana</b> Salish and Kootenai Welfare to Work (Completed – grant expired)	2001	Salish & Kootenai Holding Company (Tribal for-profit)	Homeownership Business development Education	Tribal members who are Welfare-to-Work clients	Federal Welfare-to-Work grant
<b>Oklahoma*</b> Cherokee Nation IDA program (Currently includes a youth initiative)	1999	Tribal Commerce Department	Homeownership Business development Education Home improvement	Members of any federally-recognized tribes ≥ 18 years At or below 200% of federal poverty line	Tribal funds Philanthropic funds NAHASDA
<b>Oklahoma*</b> Oklahomans for Indian Opportunity	1999	State-wide Native non-profit organization	Homeownership Business development Education Home improvement Retirement	Members of federally-recognized tribes ≥ 18 years At or below 200% of federal poverty line	Tribal funds Philanthropic funds



<b>Oregon*</b> Umatilla Saves IDA Program	2001	Umatilla Housing Authority	Homeownership	Tribal members	Tribal funds Philanthropic funds NAHASDA
<b>Oregon*</b> Confederated Tribes of Warm Springs IDA program	2001	Tribal Credit Enterprises	Homeownership Economic Development	Tribal members	Tribal funds Philanthropic funds
<b>South Dakota</b> Lakota Fund IDA program	2002	Native non- profit organization	Homeownership Business development Education	Members of any federally- recognized tribes ≥ 18 years At or below 200% of federal poverty line	AFIA Philanthropic funds

\* Denotes First Nations grantees

#### **IV. Inclusion of American Indians in State IDA Policymaking**

Most state IDA policies are designed to promote IDAs by providing a program structure, financial resources, and/or programmatic guidelines to qualified non-profit IDA programs. Experience suggests, however, that IDA programs administered by Tribal governments may be ineligible to participate in many state IDA initiatives, mostly because Tribal governments are omitted from state IDA policies, or are absent from state IDA policy discussions. For instance, early conversations with program administrators, conducted by FNDI, indicate that little effort was made to include tribes or Tribal organizations in statewide IDA outreach efforts. The more recent telephone surveys completed for this publication provide additional support for this conclusion.

Federally-recognized Indian reservations are located within the geographical boundaries of 33 states. Table 2 illustrates the status of state IDA policy for these 33 states. Twenty-one out of the 33 states have passed some type of IDA legislation, or created IDA programs through administrative rulings (CSD website, 2002). Twelve of these states have no IDA laws (many of these states have large American Indian populations).

<b>Table 2. Status of state IDA policies</b>	
<b>States with IDA laws or Administrative Rules</b>	<b>States with no IDA laws or Administrative Rules</b>
Arizona	Alabama
California	Alaska
Colorado	Massachusetts
Connecticut	Mississippi
Florida	Nebraska
Idaho	Nevada
Iowa	New York
Kansas (limited to assistive technology)	North Dakota
Louisiana	Rhode Island
Maine	South Dakota
Michigan	Wisconsin
Minnesota	Wyoming
Montana (admin rule)	
North Carolina (law and admin rule)	
New Mexico	
Oklahoma	
Oregon	
South Carolina (admin rule)	
Texas	
Utah	
Washington (admin rule)	

Table 3 shows the type of state IDA policy that has been authorized in the 21 states previously mentioned (CSD website, 2002). It is important to note that while there may be state authorizing language, not all these initiatives have been developed or funded. One of the most common means of support for state IDA policies is to authorize the use of TANF funds for state IDA programs, whether created by legislation or administrative rulemaking. Another significant state IDA policy funding source is tax credits for contributors to IDAs. Under this type of legislation, private donors receive a state tax credit (typically 50 percent) for their contribution to a qualified IDA program. Hawaiian Natives participate in this type of IDA program. Oregon also offers tax credits, but tribes have not yet participated in the program due to state program parameter restrictions.

**Table 3. Sources of Support for State IDA Policies**

<b>TANF-funded</b>	<b>Tax credits</b>	<b>State general revenue funds</b>	<b>CDBG</b>	<b>No funding appropriated</b>
Florida*	Colorado*	Connecticut	New Mexico	Idaho
Iowa	Connecticut	Iowa	North Carolina	California
Louisiana	Kansas	Minnesota		Arizona
Michigan	Maine	New Mexico		Utah
Montana*	Oregon	North Carolina		
Oklahoma		South Carolina		
South Carolina				
Texas				
Washington				

\* Not yet appropriated, or rescinded, due to budgetary shortfalls.

Note: State programs with more than one funding source are listed in all applicable categories

Establishing a state-sponsored IDA program through policy that appropriates state general revenue funds is another typical type of state IDA policy initiative. In these states, funds are provided to cover some administrative costs and match monies for eligible IDA programs. As described earlier, two Tribal IDA programs participate in the state-supported Family Assets for Independence (FAIM) program in Minnesota. As one of 27 pilot sites in the state, Tribal IDA programs are required to administer the program through a non-Tribal non-profit organization, and comply with state IDA program policies and procedures, whether or not they are considered to be appropriate by the Tribal community.

To take advantage of a typical state-supported IDA program, an individual must be enrolled in an eligible program at a state-approved site. States have chosen to define what constitutes “an eligible program” in various ways. Table 4 (CSD website, 2001) lists one definition for “an eligible program” found in 20 out of the 21 states that have federally-recognized tribes within their boundaries and have passed IDA legislation.

**Table 4. Definitions of an eligible IDA program**

<b>Eligible programs limited to those administered by 501 (c)(3) organizations</b>	<b>Eligible programs defined more broadly than those administered by 501(c)(3) organizations</b>	<b>Eligible programs defined as specifically including those administered by tribes and Tribal agencies</b>
Colorado	Arizona	California
Connecticut	Iowa	Idaho
Florida	Maine	New Mexico
Kansas	Minnesota	Oregon
Louisiana	Montana	
Michigan	North Carolina	
South Carolina		
Utah	Oklahoma	
Washington	Texas	

One common definition (used by nine states) limits eligible IDA programs to those administered by 501(c)(3) organizations. This provision reflects the long-time presumption that IDA programs should be managed by these types of community-based non-profit organizations. Within a Native context, however, this restriction effectively excludes IDA programs administered by Tribal governments from participation since they are sovereign governmental units and not 501(c)(3) organizations, as defined by the Internal Revenue Service.

Eight states have adopted a broader definition of an “eligible program”, using such terms as an “operating organization” or an “economic development organization”. In these instances, there is some discretion at the state level to further define what an eligible IDA program is in the program rules and regulations it adopts. Whether IDA programs administered by Tribal government agencies qualify as eligible programs is subject to these rules. In Minnesota, for example, Tribal governments are not specified in the legislation establishing the FAIM program, but they are included in the regulations governing the program.

Four state IDA laws explicitly include provisions stating that IDA programs may be administered by Tribal governments and agencies. The Idaho IDA legislation provides for Indian tribes and “any Tribal subsidiary, subdivision, or other wholly owned Tribal entity” in the definition of “fiduciary organizations”, along with “non-profit, fundraising organizations that are exempt from taxation under section 501(c)(3) of the Internal Revenue Code”. In California, tribes are included as potential “service providers” for administering an IDA program. In Idaho, California, and New Mexico, American Indians advised policymakers to include tribes. The state IDA tax credit legislation in Oregon allows for qualified fiduciary organizations to include a federally recognized Indian tribe or band as well as a 501(c)(3) organization. As described in more detail in section 5 of this paper, the inclusion of tribes as eligible administrative entities in Oregon was a direct result of active participation on the part of Tribal representatives to secure this provision by an amendment to the original state IDA legislation. Therefore, all four states

required direct intervention by American Indians to adopt policy language that includes Tribal government administered IDA's.<sup>13</sup>

The definition of who qualifies as an eligible administrative entity to manage an IDA program is an important consideration in assessing whether state IDA efforts have been inclusive of all qualified beneficiaries. With respect to American Indian communities, limiting an eligible IDA program to one administered by a 501(c)(3) or other non-profit organization results in the exclusion of tribally-administered IDA programs and prevents participants in Tribal programs from fully utilizing the benefits state policy may help to provide. This is important because tribally-administered IDA programs serve participants that are often not able to access other IDA programs, and tribes are better trusted and able to provide services in ways that are culturally appropriate to the Tribal community due to their intimate understanding of the local environment and individual participants (Deweese, 2002).

When an eligible administrative entity is defined more broadly in IDA legislation, administrative regulations may support the inclusion of tribally-administered IDA programs. In Minnesota, the state actively encouraged the participation of tribes in the state IDA effort, and consequently, two tribes are FAIM program sites. However, the program must still be administered through a state-approved non-profit organization. In contrast, although Tribal agencies are not explicitly excluded from eligibility in the Oklahoma state IDA initiatives, no effort was made by the state to include tribes or Native organizations in any part of its policymaking or program implementation efforts. This occurred despite the fact that both a prominent tribe and a Native non-profit organization in Oklahoma administer IDA programs (and were doing so at the time the legislation passed). Hawaii has the only currently operating state program that uses Native tribes to be program administrators.

The exclusion of tribally-administered IDA programs from state-supported IDA initiatives is particularly problematic for American Indian-run IDA programs seeking funding to support their programs. State IDA tax credit policies that encourage private contributions to IDA programs provide an important funding source for programs, and can assist programs in leveraging financial resources. This option is not available for IDA programs administered by Tribal governments if they are not a state-eligible administrative entity. The potential remedy to this situation is to ensure that the language in the authorizing legislation or regulations allows for the eligibility of tribally-administered IDA programs, thereby ensuring that Native participants benefit from state IDA initiative funding sources. Only Idaho, New Mexico and Oregon currently allow Tribal governments to administer state approved IDA programs; Idaho's program has no funding and is not developed, New Mexico's program is in the planning phase, and Oregon contracts the work out to a private foundation.

Another consideration in terms of the inclusiveness of state IDA policy is the method chosen by the state to implement the IDA initiative. Several states have chosen to implement their IDA program through a lead non-profit organization. In Colorado, for instance, the state IDA tax credit program is administered by Mile High United Way, in Denver. In Oklahoma, the responsibility for administration of the state TANF-funded IDA program is the Tulsa

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<sup>13</sup> See CSD's state policy web page for access to bill numbers and legislation.

Community Action Program (Tulsa CAP). In Minnesota the state funded program is administered through the Minnesota Community Action Agency Association. While the states see this as an efficient mechanism for program implementation, it may not ensure that state resources reach all qualified beneficiaries, especially if the lead organization does not typically serve diverse communities within the state.

In selecting a lead agency (or agencies), it is important that states ensure that all qualified beneficiaries will be served appropriately. Provisions in the regulations governing the program can assist in addressing this consideration. Regardless of the lead agency chosen, the state could require that the lead agency develop partnerships with diverse populations in the state, such as contracting with a group of satellite agencies, representing diverse populations, that will work with and report to the lead agency, while administering the program.

The omission in considering tribally-administered IDA programs in state IDA policies is attributable in part to the absence of Tribal representation in the process of state IDA policy development. Table 5 summarizes the results of telephone interviews completed with state administrators and lead non-profit agencies in 14 states regarding state IDA outreach efforts to tribes.<sup>14</sup> As the table shows, state IDA policy development and planning has generally not been inclusive of Tribal participation.

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<sup>14</sup> Between May and July 2002, 14 of the 21 states with both (a) tribes in their state boundaries and (b) existing IDA legislation participated in a telephone survey. Survey questions are included in Appendix B. State contacts for the surveys are listed in Appendix C.

**Table 5. Outreach to Native communities related to IDA Policy Development**

<b>State</b>	<b>Outreach to Tribes</b>	<b>Tribal representatives included in legislation development</b>	<b>Tribal input in planning and administration</b>	<b>Tribal representation on advisory board</b>	<b>American Indian participants identified</b>
California	NO	NO	NO	N/A	NO
Colorado	NO	NO	NO	NO	YES
Florida	NO	NO	NO	NO	NO
Iowa	NO	NO	NO	NO	NO
Kansas	NO	NO	NO	N/A	NO
Louisiana	NO	NO	NO	N/A	NO
Maine	NO	NO	NO	NO	NO
Michigan	NO	NO	NO	NO	NO
Minnesota	YES	NO	YES	YES	YES
Montana	NO	NO	N/A	N/A	YES
New Mexico	YES	YES	YES	N/A	YES
Oklahoma	NO	NO	NO	N/A	NO
Oregon	YES	YES (amendment)	YES	N/A	YES
Washington	YES	NO	NO	N/A	NO

As the table shows, less than one-third of those contacted, indicated they had conducted outreach or gathered input from Tribal governments or Native organizations in the course of developing or implementing the state IDA effort. Only two states, Oregon and New Mexico, had sought to include Tribal representatives in the development of IDA legislation. In addition, only two states, Minnesota and Oregon, had solicited Tribal input in the planning and administration of these efforts. As described in the Oregon IDA policy case study (included in this paper), Tribal representation in Oregon was the result of monitoring by Tribal representatives to ensure that Tribal interests were addressed.

Among those states contacted, 6 states stated that they have (or plan to have) an advisory committee or board to solicit input regarding their IDA initiatives. With the exception of Minnesota, tribes and Native organizations are not represented on these boards. Overall, few agencies or organizations could identify any American Indian participants in the state IDA initiative.

Limited outreach and opportunities for participation by American Indians in the development and implementation of state IDA policies has resulted in policies that are not inclusive of Native communities. Taking steps to gather input and provide opportunities for tribes and Native organizations to participate in the process of IDA policy development and program planning may better ensure that state policies will begin to address these issues. This may require conducting

extensive outreach to tribes by visiting with Tribal officials to gather vital information, networking with national and regional Indian organizations, presenting information at Tribal meetings, learning about existing Tribal IDA programs, and relinquishing the assumption that tribes prefer not to participate in state initiatives.

The following case study, documenting Tribal efforts in Oregon, provides an example of the challenges and opportunities tribes and Tribal organizations face in seeking to be recognized in state IDA legislation. Tribal governments in Oregon met several challenges early on, including a lack of support by other community-based organizations active in promoting IDA programs in the state, mostly due to a lack of knowledge on the part of these organizations of the unique issues that Native IDA programs face. However, as the case study illustrates, through education and persistence, the tribes were ultimately successful in persuading state agencies, the state legislature, and other state IDA organizations to recognize the interests, rights, and unique issues of Oregon tribes that might affect their participation in the state-supported IDA initiative.

## **V. Case Study**

### ***Inclusion of Tribes and Tribal Organizations in Oregon IDA Legislation***<sup>15</sup>

Statewide IDA activity in Oregon began in the early 1990's with legislation passed for children's development accounts (CDAs). The CDA legislation received no appropriation and no program was developed. However, after CDAs were legislated, IDA policy activity stalled until 1997, when a Portland non-profit organization became part of a privately funded national IDA policy demonstration called the American Dream Policy Demonstration (ADD). This event renewed interest in developing IDA legislation and in June 1999 the state legislature, working with several statewide non-profit organizations, passed House Bill 3600 (HB3600). HB3600 established an IDA program for low-income households by appropriating state tax credits. A contributor (with a state tax liability) to an eligible Oregon IDA program was qualified to receive a tax credit of 25 percent of the donation, up to a maximum credit of \$25,000 per year. The Oregon Housing and Community Services Department was given sole authority over, and responsibility for, the administration of the program, and for determining the fiduciary organization(s) that would leverage the available tax credits.

Outreach to the tribes, prior to the passage of HB3600, was minimal, consisting of one presentation at the Umatilla Reservation in early 1999, by The Enterprise Foundation and state government representatives. Only a few of Oregon's nine tribes were present at the meeting and no follow up work was done in Tribal communities. Since tribes had not been "at the table" for the meetings leading up to the passage of HB 3600, their interests were not reflected in either IDA legislation or the resultant program planning process. In late 2000 and early 2001, Tribal committee members attended several IDA meetings with other organizations and state administrators in Oregon regarding IDAs. The Central Oregon Community Action Agency Network (COCAAN) in Redmond, Oregon, which had been running an IDA collaborative

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<sup>15</sup> There are nine federally recognized Indian tribes in Oregon, including the Burns Paiute Tribe; the Confederated Tribes of Grand Ronde, the Confederated Tribes of the Siletz Indians; the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; the Confederated Tribes of Warm Springs Reservation; the Confederated Tribes of the Umatilla Reservation; the Coquille Tribe; the Cow Creek Band of Umpqua Indians; and the Klamath Tribes. See Appendix D for a map of Oregon tribes.



program in their region for some time, provided a great deal of information on starting IDA programs and offered tribes free trainings on financial literacy and other topics. The Tribal committees also drew on resources available from national organizations, such as the CFED, the CSD, and FNDI.

Representatives from the state and the larger IDA community did not initially understand why IDA legislative restrictions were of concern to the tribes (such as the 501(c)(3) statutes required for applicable fiduciary organizations). Since the Warm Springs Tribe did not have a 501(c)(3) in place to qualify for state IDA funding (the Warm Spring Tribe funds and operates an IDA program), it was suggested that the tribe work with the COCAAN, an agency located over 100 miles away from reservation boundaries, with no connections to the Tribal community, to administer their IDA program. This suggestion sparked, within tribes, the realization of the need to educate state organizations and other national IDA related organizations about the unique program design needs and goals of Tribal IDA programs, including the desire to have local reservation-based programs that would be culturally appropriate as well as accessible to Tribal members.

In May 2001, despite a general lack of support from both the Department of Oregon Housing and Community Services and the leading IDA organizations in the state (due mostly to fears of unfavorable legislative backlash) representatives from the Warm Springs tribe gave testimony at a congressional hearing at the state capitol in support of HB 3391, a bill amending existing IDA legislation, which proved instrumental in ensuring the inclusion of Tribal governments in future IDA programs. That tribes were currently excluded from the benefits of the tax credit was of surprise and concern to State Revenue Committee members who were not aware of the omission; proposed amendment language for the State Revenue Committee's immediate consideration was requested. Language allowing a federally recognized tribe or band to qualify as a fiduciary organization was ultimately adopted by the legislative Committee. The response of the Committee to the tribes' petition was positive (with none of the legislative repercussions the administering department of the state-OHCS and non-profits in the state had feared), illustrating the importance of active participation by tribes in educating state legislators about Tribal-related issues. After the passage of HB 3391, Tribal representatives also assisted the state in the development of administrative rules for the legislation.

The experience in Oregon provides several lessons for ensuring that Tribal interests are incorporated into state IDA policy. Some important policy lessons include:

- The necessity for state recognition of Tribal sovereignty, the federal trust responsibility to tribes, and a practical understanding of how to engage Tribal governments in the policymaking process;
- The importance of including tribes in the policymaking processes from the beginning, to ensure that unique Tribal issues are addressed in the resultant policies and that tribes are included as eligible grantees and program administrators;

- The importance for tribes to provide information to states, relevant agencies, and non-profits on the need to develop culturally sensitive policies, taking into account the special community status and locations of Tribal reservations and lands;
- The importance of building state IDA networks that are inclusive of and provide accessibility to convenings for Tribal communities.

## **VI. Conclusion and Recommendations**

Based on research to date, we know that community-based IDA programs afford low-income families opportunities to build assets, and acquired the economic skills necessary to improve management of financial assets. State-level IDA initiatives may also provide valuable support to community-based IDA program sites. However, the majority of state IDA policies have, so far, limited support to programs offered by 501(c)(3) organizations. While this reflects the roots of the IDA movement, it may result in the failure of these policies to accomplish their objectives for diverse groups of people and communities. As this paper demonstrates, state IDA policy to date has been largely unresponsive of IDA efforts in American Indian communities, which include some of the poorest people in the country.

Failure, on the part of legislators and advocates, to recognize the limitations of existing state policy, is due, in large part, to the fact that Tribal representation has generally been missing from the development and implementation phases of IDA policy. In most cases, input from tribes and Native organizations regarding the design and implementation of state IDA programs has not been solicited by either state policy advocates, program administrators, or leading non-profit organizations. As a result, Tribal interests are largely unaddressed in most IDA legislation (at the state and federal level) and in the attendant rules and regulations.

There are a number of actions that could be taken to help remedy this situation. The following are recommendations for action, intended for state legislators, administrators, policy advocates, and Tribal governments:

- Ensure that tribes and Tribal agencies are eligible fiduciary and administrative entities of qualified IDA programs, in state IDA legislation and/or regulations. Adopt a broad definition of what constitutes eligible IDA programs and administrators – one that includes Tribal governments and tribal entities, as well as 501(c)(3) organizations and other similar types of approved entities.
- Conduct outreach to ensure Tribal representation in policy development and implementation. Approach Tribal governments as governments, not as non-profit organizations. Invite Tribal participation in the policymaking processes. Specific outreach activities may include visiting Tribal communities to inform them about potential policies and gathering input, as well as inviting Tribal participation on state IDA advisory committees.
- Conduct outreach in Native communities regarding participation in state IDA initiatives. Tribes often do not participate because they are not informed or brought

to the table. Tribes and non-profit organizations alike, benefit from receiving up-to-date information on new policy and program developments.

- Partner with appropriate Native organizations and Tribal agencies to ensure outreach and the provision of appropriate services to Native communities when implementing IDA programs. Often non-Indian non-profit organizations feel that they need to directly provide social services to Native communities, rather than partnering with local Tribal organizations to do so. Working with a Tribal agency will better ensure that services are more culturally appropriate and meet the needs of Tribal IDA program participants.
- Ensure that all eligible communities are served by the lead administrative agency. This may require mandating non-profit partners to work with Native communities in a variety of ways.
- Serve as advocates for Tribal interests. In Oregon, non-profit organizations did not see their role as advocating for Tribal IDA programs within the state. This is likely to be the case in many states.

Because of the governmental status of tribes, state governments can engage tribes to work together on a government-to-government basis, providing opportunities and supporting efforts to effectively improve the economic and social conditions for all peoples in the state. Working in partnership with tribes and Native organizations, state administrators and non-profit organizations have opportunities to design state IDA policies that are inclusive and accessible to diverse communities within the state, including disproportionately disadvantaged American Indian communities.

The authors hope that this paper illustrates ways that state IDA policy efforts could promote the building of assets in Tribal communities, through American Indian involvement in policymaking processes and the support of Native IDA programs. However, we must mention that many American Indians live off reservation lands and may be outside of the jurisdiction of a tribe. It may be critical therefore, to also examine the extent to which state IDA initiatives have, and will benefit Native families living outside of Tribal government jurisdiction.

Whether or not Tribal governments play a role in administering IDAs, Native families living on and off Indian lands should be able to choose to participate in state IDA initiatives. In the future, IDA federal and state initiatives could be better designed or expanded to better reflect some of the unique asset building needs of Tribal communities.<sup>16</sup> These are issues that non-native IDA programs also face, and are other important areas for further examination.

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<sup>16</sup> For example, uses of assets can be expanded to include home repair and purchasing a motor vehicle; asset tests can be less restrictive or eliminated; income limits can be raised; and allowances can be made for several generations of families in one household.

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## Appendix A: Major Events on an IDA Policy and Program Timeline



|  
**Children's Saving Program demonstration launched in Singapore**

-- 2001

|  
**Children's Matched Savings Program launched in Ireland**

-- 2001

|  
**AFIA funds third round of 60 IDA programs**

-2001 (\$25 million appropriated third year)

|  
**"Savings Gateway" IDA policy demonstration launched in United Kingdom**

-- 2002 (funded by parliament)

|  
**"Children's Trust Accounts" matched savings approved by parliament**

-- 2003 (accounts from birth, funded by parliament)

|  
**35 states have legislated IDAs in USA**

-- 2003

|  
**20,000 accounts established in 500 IDA programs in USA, nationwide**

-- 2003

## **Appendix B: Telephone Survey Instruments for State Agencies and Administrative Non-profits**

### **State Agency Survey**

1. Can you briefly describe how your state-authorized IDA program works? In particular, please describe:
  - Authorizing language
  - Regulations
  - Administrative non-profit
2. What or who was the impetus for the passage of the state IDA legislation?
3. Did any American Indian Tribal representatives participate at all in the development of the legislation or regulations?
4. Are there any special provisions, either through legislation or regulation, with respect to the Tribal communities, or Native populations in the state?
5. How was the administrative non-profit and/or program sites selected?
6. Do you know how many American Indian participants there are in the state-authorized IDA program?
7. Has any outreach been conducted with Tribal governments or Native representatives in the implementation of the state-authorized IDA program?
8. Is there an “IDA coalition” or “collaborative” in the state that guides the development and implementation of state IDA policy?
9. If so, could you tell me who the appropriate contacts are?





## Appendix C: State IDA Agency and Administrative Non-profits Survey Contacts

### Alabama

Martha Walters-Pierce  
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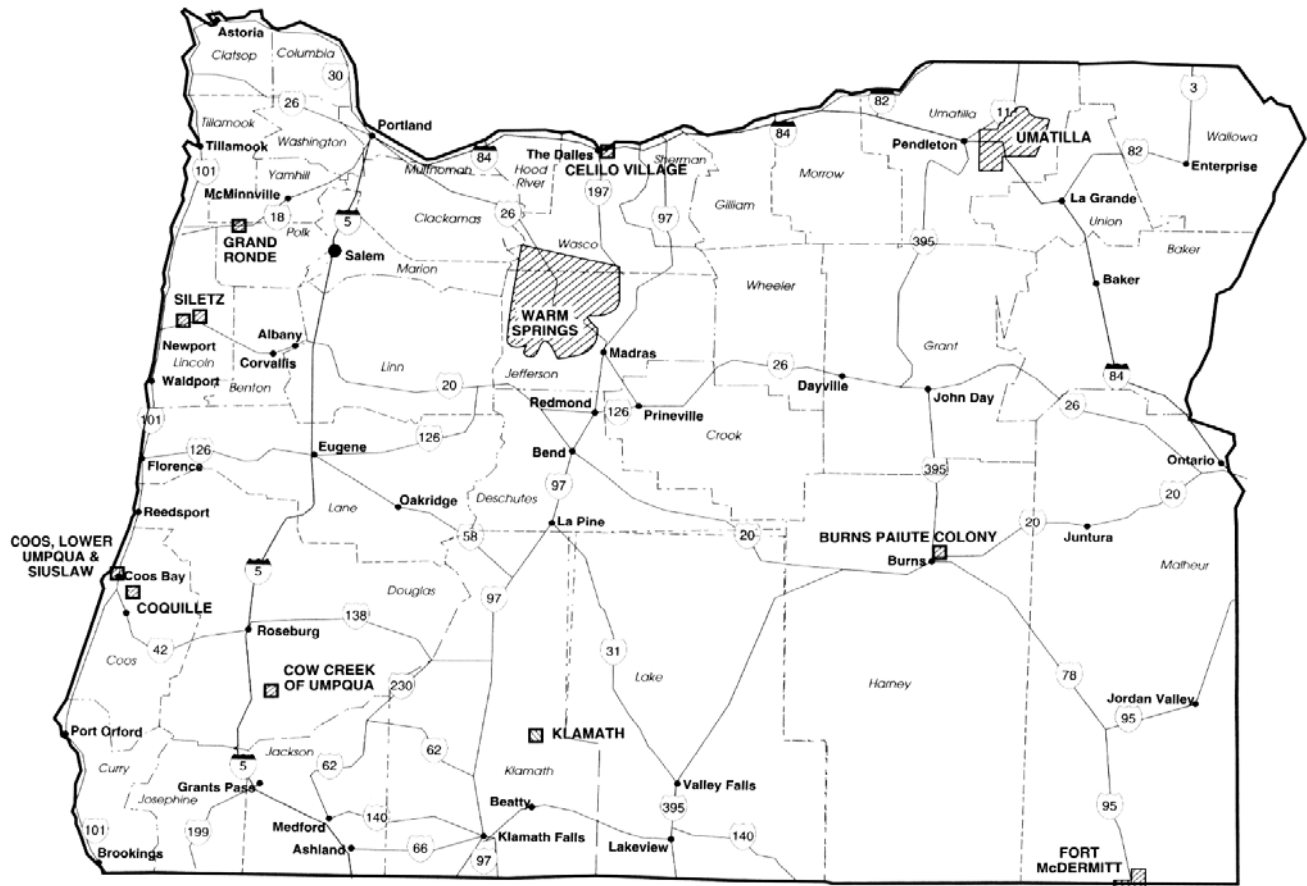
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## Appendix D: Map of American Indian Tribes in Oregon State



Source: Verlarde Tiller, Veronica E. (1996) *American Indian Reservations and Trust Areas*. Washington, DC: Economic Development Administration, U.S. Department of Commerce, p. 578.

**Appendix E: Oregon State IDA Statute HB3391 (with Amendments Inclusive)**

71st OREGON LEGISLATIVE ASSEMBLY--2001 Regular Session

Enrolled

House Bill 3391

Sponsored by Representatives MERKLEY, WESTLUND; Representatives  
BECK, KAFOURY (at the request of Enterprise Foundation)

CHAPTER .....

AN ACT

Relating to Individual Development Accounts; creating new provisions; and amending ORS 315.271, 458.670, 458.685, 458.690 and 458.700.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 315.271 is amended to read:

315.271. (1) A credit against taxes otherwise due under ORS chapter 316, 317 or 318 shall be allowed for donations to a fiduciary organization for distribution to Individual Development Accounts established under ORS 458.685. The credit shall equal the lesser of { - \$25,000 or 25 - } { + \$75,000 or 75 + } percent of the donation amount.

(2) If a credit allowed under this section is claimed, the amount upon which the credit is based that is allowed or allowable as a deduction from federal taxable income under section 170 of the Internal Revenue Code shall be added to federal taxable income in determining Oregon taxable income. As used in this subsection, the amount upon which a credit is based is the allowed credit divided by { - 25 - } { + 75 + } percent.

(3) The allowable tax credit that may be used in any one tax year shall not exceed the tax liability of the taxpayer.

(4) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a particular year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any tax credit remaining unused in the next succeeding tax year may be carried forward and used in the second succeeding tax year. Any tax credit not used in the second succeeding tax year may be carried forward and used in the third succeeding tax year, but may not be carried forward for any tax year thereafter.

SECTION 2. { + The amendments to ORS 315.271 by section 1 of this 2001 Act apply to tax years beginning on or after January 1, 2002. + }

SECTION 3. ORS 458.670 is amended to read:

458.670. As used in this section and ORS 458.675 to 458.700, unless the context requires otherwise:

(1) 'Account holder' means a member of a lower income household who is the named depositor of an Individual Development Account.

(2) 'Fiduciary organization' means { + :

(a) + } A nonprofit, fund raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on January 1, 1999 { + ; or

(b) A federally recognized Indian tribe or band + }.

(3) 'Financial institution' means { + :

(a) + } An organization regulated under ORS chapters 706 to 716, 722 or 723 { + ; or

(b) In the case of Individual Development Accounts established for the purpose described in ORS 458.685 (1)(c), a financial institution as defined in ORS 348.841 + }.

(4) 'Individual development account' means a contract between an account holder and a fiduciary organization, for the deposit of funds into a financial institution by the account holder, and the deposit of matching funds into the financial institution by the fiduciary organization, to allow the account holder to accumulate assets for use toward achieving a specific purpose approved by the fiduciary organization.

(5) 'Lower income household' means a household having an income equal to or less than 80 percent of the median household income for the area as determined by the Housing and Community Services Department. In making the determination, the department shall give consideration to any data on area household income published by the United States Department of Housing and Urban Development.

SECTION 4. ORS 458.685 is amended to read:

458.685. (1) A person may establish an Individual Development Account only for a purpose approved by a fiduciary organization. Purposes that the fiduciary organization may approve are:

(a) The acquisition of post-secondary education or job training.

{ + (b) + } If the account holder has established the account for the benefit of a household member who is under the age of 18 years,

{ - an approved purpose may include - } the payment of extracurricular nontuition expenses designed to prepare the member for post-secondary education or job training.

{ + (c) If the account holder has established a qualified tuition savings program account under ORS 348.841 to 348.873 on behalf of a designated beneficiary, the establishment of an additional qualified tuition savings program account on behalf of the same designated beneficiary. + }

{ - (b) - } { + (d) + } The purchase of a primary residence. In addition to payment on the purchase price of the residence, account moneys may be used to pay any usual or reasonable settlement, financing or other closing costs. The account holder must not have owned or held any interest in a residence during the three years prior to making the purchase. However, this three-year period shall not apply to displaced homemakers or other individuals who have lost home ownership as a result of divorce.

{ - (c) - } { + (e) + } The capitalization of a small business. Account moneys may be used for capital, plant, equipment and inventory expenses or for working capital pursuant to a business plan. The business plan must have been developed by a financial institution, nonprofit microenterprise program or other qualified agent demonstrating business expertise and have been approved by the fiduciary organization. The business plan must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(2)(a) If an emergency occurs, an account holder may withdraw all or part of the account holder's deposits to an Individual Development Account for a purpose not described in

subsection (1) of this section. As used in this paragraph, an emergency includes making payments for necessary medical expenses, to avoid eviction of the account holder from the account holder's residence and for necessary living expenses following a loss of employment.

(b) The account holder must reimburse the account for the amount withdrawn under this subsection within 12 months after the date of the withdrawal. Failure of an account holder to make a timely reimbursement to the account is grounds for removing the account holder from the Individual Development Account program. Until the reimbursement has been made in full, an account holder may not withdraw any matching deposits or accrued interest on matching deposits from the account.

(3) If an account holder withdraws moneys from an Individual Development Account for other than an approved purpose, the fiduciary organization may remove the account holder from the program.

(4) If an account holder moves from the area where the program is conducted or is otherwise unable to continue in the program, the fiduciary organization may remove the account holder from the program.

(5) If an account holder is removed from the program under subsection (2), (3) or (4) of this section, all matching deposits in the account and all interest earned on matching deposits shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching deposits for other accounts.

SECTION 5. ORS 458.690 is amended to read:

458.690. (1) Notwithstanding ORS 315.271, a fiduciary organization selected under ORS 458.695 may qualify as the recipient of account contributions that qualify the contributor for a tax credit under ORS 315.271 only if the fiduciary organization structures the accounts to have the following features:

(a) The fiduciary organization matches amounts deposited by the account holder according to a formula established by the fiduciary organization. The fiduciary organization shall deposit not less than \$1 nor more than \$5 into the account for each \$1 deposited by the account holder.

(b) The matching deposits by the fiduciary organization to the Individual Development Account are placed in { - either - } :

(A) A savings account jointly held by the account holder and the fiduciary organization and requiring the signatures of both for withdrawals; { - or - }

(B) A savings account that is controlled by the fiduciary organization and is separate from the savings account of the account holder { + ; or

(C) In the case of an account established for the purpose described in ORS 458.685 (1)(c), a qualified tuition savings program account under ORS 348.841 to 348.873, in which the fiduciary organization is the account owner as defined in ORS 348.841 + }.

(2) Deposits by a fiduciary organization to an account { - shall - } { + may + } not exceed \$2,000 in any 12-month period. A fiduciary organization may designate a lower amount as a limit on annual matching deposits to an account.

(3) The total amount paid into an Individual Development Account during its existence, including amounts from deposits, matching deposits and interest or investment earnings, may not exceed \$20,000.

SECTION 6. ORS 458.700 is amended to read:

458.700. (1) Subject to Housing and Community Services Department rules, a fiduciary organization has sole authority over, and responsibility for, the administration of Individual

Development Accounts. The responsibility of the fiduciary organization extends to all aspects of the account program, including marketing to participants, soliciting matching contributions, counseling account holders, providing financial literacy education, and conducting required verification and compliances activities. The fiduciary organization may establish program provisions as the organization believes necessary to ensure account holder compliance with the provisions of ORS 458.680 and 458.685. Notwithstanding ORS 458.670 (5) and 458.680 (2), a fiduciary organization may establish income and net worth limitations for account holders that are lower than the income and net worth limitations established by ORS 458.670 (5) and 458.680 (2).

(2) A fiduciary organization may act in partnership with other entities, including businesses, government agencies, nonprofit organizations, community development corporations, community action programs, housing authorities and congregations to assist in the fulfillment of fiduciary organization responsibilities under this section and ORS 458.685, 458.690 and 458.695.

(3) A fiduciary organization may use a reasonable portion of moneys allocated to the Individual Development Account program for administration, operation and evaluation purposes.

(4) A fiduciary organization selected to administer moneys directed by the state to Individual Development Account purposes or receiving tax deductible contributions shall provide the Housing and Community Services Department with an annual report of the fiduciary organization's Individual Development Account program activity. The report shall be filed no later than 90 days after the end of the fiscal year of the fiduciary organization.

The report shall include, but is not limited to:

(a) The number of Individual Development Accounts administered by the fiduciary organization;

(b) The amount of deposits and matching deposits for each account;

(c) The purpose of each account;

(d) The number of withdrawals made; and

(e) Any other information the department may require for the purpose of making a return on investment analysis.

{ + (5) A fiduciary organization that is the account owner of a qualified tuition savings program account:

(a) May make a qualified withdrawal only at the direction of the designated beneficiary and only after the qualified tuition savings program account of the account holder that was established for the designated beneficiary has been reduced to a balance of zero exclusively through qualified withdrawals by the designated beneficiary; and

(b) May make nonqualified withdrawals only if the qualified tuition savings program account of the account holder that was established for the designated beneficiary has a balance of less than \$100 or if the account holder or designated beneficiary has granted permission to make the withdrawal. Moneys received by a fiduciary organization from a nonqualified withdrawal made under this paragraph must be used for Individual Development Account purposes. + }

{ - (5) - } { + (6) + } The department may make all reasonable and necessary rules to ensure fiduciary organization



compliance with this section and ORS 458.685, 458.690 and 458.695.

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Passed by House May 11, 2001

Repassed by House June 12, 2001

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Chief Clerk of House

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Speaker of House

Passed by Senate June 8, 2001

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President of Senate