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# Temporary Assistance for Needy Families Program Instruction

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U.S. Department of Health and Human Services  
Administration for Children and Families  
Office of Family Assistance  
Washington, DC 20201

No. TANF-ACF-PI-2023-02

Date: March 29, 2023

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- TO:** State and territorial agencies (hereafter, states) administering the Temporary Assistance for Needy Families (TANF) Program
- SUBJECT:** Supporting families who are victims of Electronic Benefit Transfer (EBT) theft due to card skimming, cloning, and similar fraudulent methods
- REFERENCES:** Title IV-A of the Social Security Act, 45 C.F.R. Parts 260-265 specifically 45 C.F.R. § 260.31
- PURPOSE:** To provide guidance about using TANF funds to support families facing an economic crisis as a result of EBT theft

## **BACKGROUND:**

As communicated in the October 31, 2022, [joint memo](#) from the Administration for Children and Families (ACF) and the U.S. Department of Agriculture's Food and Nutrition Service (FNS), the agencies are aware of increasing reports of Electronic Benefit Transfer (EBT) theft. When benefits are stolen via card skimming, card cloning, and other similar fraudulent methods, families lose critical resources they rely on to meet their basic needs.

On December 29, 2022, Congress passed the Consolidated Continuing Appropriations Act, 2023 (Public Law 117-328), outlining in Title IV, Section 501 of the legislation the provisions for the use of federal funds to replace stolen Supplemental Nutrition Assistance Program (SNAP) benefits.

This program instruction provides guidance to states in the use of TANF funds to support families facing an economic crisis, primarily due to the loss of TANF benefits stolen via card skimming, card cloning, and other similar fraudulent methods.

## **GUIDANCE:**

### **Use of Non-Recurrent, Short-Term Benefits (NRSTs)**

We encourage states to use non-recurrent, short-term benefits (NRSTs) to help families whose TANF benefits have been stolen by fraudulent means. In accordance with 45 C.F.R. § 260.31(b)(1), NRSTs must: be designed to deal with a specific crisis situation or episode of need; not be intended to meet recurrent or ongoing needs; and not extend beyond four months. A family experiencing an economic crisis due to the theft of benefits it relies on to meet basic needs could well be facing a specific episode of need.

NRSTs are outside TANF’s definition of “assistance” and therefore do not trigger TANF requirements associated with “assistance,” such as the 60-month time limit for states, work requirements, child support assignment, and detailed data reporting. A state has the flexibility to set a higher income standard for an NRST than for regular TANF cash assistance. For families facing a significant crisis due to the theft of SNAP benefits or other circumstances, even after any possible replacement of SNAP benefits under federal law, a TANF or maintenance-of-effort (MOE)-funded NRST may be appropriate.

### **Validating EBT Theft**

ACF is very concerned about all instances and allegations of benefit theft. We encourage states to follow the same or similar procedures for the submission and validation of a stolen benefit claim as outlined in their “State Plan for The Replacement of Stolen EBT Benefits” approved by the U.S. Department of Agriculture to ensure consistent methods for safeguarding benefits.

### **Ensuring Equity and Accessibility**

As our federal partners at FNS have shared, we encourage states to establish procedures that ensure equity and accessibility in EBT benefit theft prevention and replacement.

TANF households should be informed of the ability to report benefits theft, the steps they can take to protect their benefits, and the consequences for misrepresentation of theft.

### **Strengthening Program Integrity and Accountability**

ACF is committed to working with federal partners, state agencies, and other collaborators to take strong prevention, reduction, detection, and enforcement action to address the criminal matter of EBT theft. In addition to the previous [joint memo](#) on tools and resources for EBT card skimming prevention, ACF may issue additional guidance going forward on aspects of EBT theft not directly addressed here.

**INQUIRIES:** Please direct inquiries to the TANF Program Manager in your region.

/s/

Ann Flagg  
Director  
Office of Family Assistance