Policy Report

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

Juliet King, Sarah Hicks, Karen Edwards, Alisa Larson

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Sarah Hicks
Karen Edwards
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Center for Social Development
Washington University in St. Louis
One Brookings Drive, Campus Box 1196
St. Louis, MO 63130-4899
Tel: (314) 935-7433
Fax: (314) 935-8661
E-mail: csd@gwbmail.wustl.edu
http://gwbweb.wustl.edu/csd/

First Nations Development Institute
2300 Fall Hill Avenue, Suite 412
Fredericksburg, VA 22401
Tel: (540) 371-5615
Fax: (540) 371-3505
E-mail: research@fndi.org
http://www.firstnations.org

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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 (Dewees, 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.\(^1\) 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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\(^1\) 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).

**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). 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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2 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/).

3 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 108th 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).4

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 people5. 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

4 For more information on state-level IDA policies, see CSD’s website at http://www.gwbweb.wustl.edu/csd/statepolicy/
5 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 (Dewees, 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

Model 1
State
- State authorizing and appropriating statutes
- State/County administered program
- Tribal administrative rule
- Tribally administered program

Model 2
TANF
- Federal authorizing and appropriating statutes & administrative regulations
- State authorizing and appropriating statutes
- State administrative rule
- State/County administered program

Model 3
AFIA
- Federal authorizing and appropriating statutes & administrative regulations
- State authorizing and appropriating statutes
- Tribal administrative rule
- Tribally administered program

Model 4
Tribal TANF
- Federal authorizing and appropriating statutes & administrative regulations
- Tribal authorizing and appropriating statutes and non-profit partners
- Tribal administrative rule
- Tribally administered program

Model 5
Tribal
- Tribal authorizing and appropriating statutes & administrative regulations
- Tribal administrative rule
- Tribally administered program

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, 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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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, 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.

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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7 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).
8 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. ¹⁹ 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).¹⁰ 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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¹⁹ 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 (FNDI, 2003).

¹⁰ 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. As with early non-Native IDA initiatives, philanthropic support has been essential to program development. In 1997, First Nations Development Institute, 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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11 Native IDA programs in Hawaii, Montana, Minnesota, and South Dakota benefited from federal assistance.
12 For more information about FNDI’s grants to Native IDA programs see their website at: http://www.firstnations.org/
<table>
<thead>
<tr>
<th>Native IDA Program</th>
<th>Start Date</th>
<th>Administrative Agency</th>
<th>Savings Goals</th>
<th>Participant Eligibility</th>
<th>Funding Sources</th>
</tr>
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<tr>
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<td>2001</td>
<td>Tribal Economic Development Agency Non-profit</td>
<td>Education</td>
<td>Tribal members 15-25 years old</td>
<td>Tribal funds Philanthropic funds</td>
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<td>Redwood Valley Little River Band of Pomo Indians IDA Program for Education</td>
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<tr>
<td>Hawaii*</td>
<td>2000</td>
<td>Native Hawaiian Non-profit</td>
<td>Homeownership Business development Education Job training</td>
<td>Native Hawaiians</td>
<td>AFIA TANF State tax credits Philanthropic Funds Native sources</td>
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<td>Idaho*</td>
<td>2000</td>
<td>Tribal Housing Department</td>
<td>Homeownership</td>
<td>Tribal members ≥ 18 years</td>
<td>Tribal funds Philanthropic funds NAHASDA</td>
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<td>Shoshone-Bannock IDA program</td>
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<td>2000</td>
<td>Leech Lake Tribal College MN CAP Association</td>
<td>Homeownership Business development Education</td>
<td>At or below 200% of federal poverty line</td>
<td>AFIA State funds Philanthropic funds</td>
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<td>Leech Lake Family Assets for Independence program (State-supported program)</td>
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<td>Minnesota*</td>
<td>2000</td>
<td>Leech Lake Tribal College MN CAP Association</td>
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<td>White Earth Family Assets for Independence program (State supported program)</td>
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*Denotes First Nations grantees
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<th>Native IDA Program</th>
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<th>Administrative Agency</th>
<th>Savings Goals</th>
<th>Participant Eligibility</th>
<th>Funding Sources</th>
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<td>Oklahoma* Cherokee Nation IDA program (Currently includes a youth initiative)</td>
<td>1999</td>
<td>Tribal Commerce Department</td>
<td>Homeownership Business development Education Home improvement</td>
<td>Members of any federally-recognized tribes ≥ 18 years At or below 200% of federal poverty line</td>
<td>Tribal funds Philanthropic funds NAHASDA</td>
</tr>
<tr>
<td>Oklahoma* Oklahomans for Indian Opportunity</td>
<td>1999</td>
<td>State-wide Native non-profit organization</td>
<td>Homeownership Business development Education Home improvement Retirement</td>
<td>Members of federally-recognized tribes ≥ 18 years At or below 200% of federal poverty line</td>
<td>Tribal funds Philanthropic funds</td>
</tr>
<tr>
<td><strong>Oregon</strong></td>
<td>Umatilla Saves IDA Program</td>
<td>2001</td>
<td>Umatilla Housing Authority</td>
<td>Homeownership</td>
<td>Tribal members</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------</td>
<td>------</td>
<td>---------------------------</td>
<td>---------------</td>
<td>----------------</td>
</tr>
<tr>
<td><strong>Oregon</strong></td>
<td>Confederated Tribes of Warm Springs IDA program</td>
<td>2001</td>
<td>Tribal Credit Enterprises</td>
<td>Homeownership Economic Development</td>
<td>Tribal members</td>
</tr>
<tr>
<td><strong>South Dakota</strong></td>
<td>Lakota Fund IDA program</td>
<td>2002</td>
<td>Native non-profit organization</td>
<td>Homeownership Business development Education</td>
<td>Members of any federally-recognized tribes ≥ 18 years At or below 200% of federal poverty line</td>
</tr>
</tbody>
</table>

* Denotes Firsts 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).
Table 2. Status of state IDA policies

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

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

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

* 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

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

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.\textsuperscript{13}

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 (Dewees, 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

\textsuperscript{13} 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. As the table shows, state IDA policy development and planning has generally not been inclusive of Tribal participation.

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14 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

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

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

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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15 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 unsupportive 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
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. These are issues that non-native IDA programs also face, and are other important areas for further examination.

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16 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.
References

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Fredericksburg, VA.


Fredericksburg, VA.


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

Michael Sherraden offers theory of asset-based social welfare
-- late 1980s (professor at Washington University)

“Assets and the Poor,” Sherraden, published, M.E. Sharp, Armonk, NY
-- 1991 (proposes policy structure for IDAs)

First state-level IDA policy for children legislated
-- Oregon 1991 (no funding appropriated)

First 3 community-based IDA programs launched
-- 1992-93 (Indianapolis, Tupelo, Bozeman)

First state-level IDA policy for adults legislated
-- Iowa 1993 (program implemented 1996)

National American Dream IDA Policy Demonstration (ADD) launched in USA
-- 1997 (funded by foundations, thirteen sites)

First Nations Development Institute funds 5 American Indian IDA programs
-- 1998 (additional 4 programs funded in 2000)

First federal IDA policy passed - Assets for Independence Act (AFIA)
-- 1998 ($125 million appropriated over 5 years)

Office of Refugee Resettlement (ORR) funds 16 IDA programs
--1999 (IDAs specifically for refugee populations)

AFIA funds first 20 programs, through a request for proposals
-- 1999 ($10 million appropriated first year)

Savings for Working Families Act proposed, funded by tax credits
-- 1999 (300,000 IDAs over 9 years)

United Kingdom proposes IDA-like initiatives
-- 1999-2000

ORR funds 13 more IDA programs
-- 2000

AFIA funds second round of 45 IDA programs
-- 2000 ($10 million appropriated second year)

National “Learn $ave” IDA policy demonstration launched in Canada
-- 2001
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?
Administrative Survey

1. Can you briefly describe how the state-authorized IDA program works? In particular, what is your role in administering/implementing the state-authorized IDA legislation?

2. How do you solicit policy and program design input from local communities in which you work?

3. Have any Tribal government representatives participated in the development of your IDA program? Have they played an advisory role in the collaborative/coalition planning and/or administration?

4. Have you conducted any outreach to Tribal governments or Native non-profit organizations? If so, how?

5. How many American Indian people currently participate in your state-administered IDA program?
Appendix C: State IDA Agency and Administrative Non-profits Survey Contacts

**Alabama**
Martha Walters-Pierce  
New South Federal Savings Bank  
210 Automation Way  
Birmingham, AL 35210  
205-951-7003  
mwalters@newsouthfedera l.com

**Arkansas**
Randy Lawson  
Assistant Director, DCO/OPS  
AR Department of Human Services  
PO Box 1437  
Little Rock, AR 72203  
501-682-8376  
501-682-8367 (fax)  
Randy.Lawson@mail.state .ar.us

**California**
Sonia Delgado Villa  
The Assets for All Alliance Lenders for Community Development  
111 W. St. John St., Suite 710  
San Jose, CA 95113  
408-297-8473 (ext. 14)  
408-297-4599 (fax)  
sonia@l4cd.com

**Alaska**
Brian Johnson  
Juneau Economic Development Council and Alaska IDA Network  
612 Willoughby Avenue, Suite A  
Juneau, AK 99801  
907-463-3662  
bjohnson@jedc.org

**Arkansas**
Mike Leach  
Good Faith Fund  
1123 S. University Ave. Suite 1018  
Little Rock, AR 72204  
501-661-0322  
501-537-1193 (fax)  
aduran@ehbt.com

**California**
Denise Fairchild  
Community Development Technologies Center  
2433 South Grande Ave.  
Los Angeles, CA 90007  
213-763-2520  
213-763-2729 (fax)  
denfaire@cdtech.org

**Arizona**
Karen LaFrance  
Neighborhood Economic Development Corporation  
635 East Broadway Road  
Mesa, AZ 85204  
602-788-9646  
480-833-9292 (fax)  
klafphoenix@yahoo.com

**Arkansas**
Ramona McKinney  
IDA Program Manager  
Good Faith Fund  
2304 W 29th Avenue  
Pine Bluff, AR 71603  
870-535-6200 (ext. 15)  
870-535-0741 (fax)  
rmckinne@ehbt.com

**California**
Ralph Lippman  
Executive Director  
California Community Economic Development Association  
1541 Wilshire Blvd., Suite 407  
Los Angeles, CA 90017  
213-353-1676  
213-207-2780 (fax)  
ralph@cceda.com

**Arizona**
Janet Wills  
IDA Program Director  
EOA of Washington County  
614 East Emma Avenue, Suite M401  
Springdale, AR 72764  
479-872-7479  
479-872-7482 (fax)  
janetwills47@yahoo.com

**Arkansas**
Bob Young  
Director

**California**
Margot Mailliard Rawlins  
Program Manager, Assets for All Alliance  
Center for Venture Philanthropy
Colorado
Charles Shannon
Vice President, Director of Community Building
2505 18th St.
Denver, CO 80211
303-561-2346
303-455-6462 (fax)
chuck.shannon@unitedwaydenver.org

Connecticut
Adrianne Baughns Wallace
Director of Financial Education
State of CT Office of the Treasurer
55 Elm St., 7th Floor
Hartford, CT 06106
860-702-3146
adrianne.baughnswallace@po.state.ct.us

District of Columbia
Center for Social Development
Washington University in St. Louis
Richard Hall  
Executive Director  
Capitol Area Asset Building Corp. (CAAB)  
1801 K Street, NW, Suite M-100  
Washington, DC 20006  
202-419-1440  
202-419-1447 (fax)  
rhall@caab.org

Gary Kohn  
Vice President, Legislative Affairs  
Credit Union National Association  
601 Pennsylvania Avenue N.W.  
600 South Bldg.  
Washington, DC 20004  
202-508-6721  
202-638-3391 (fax)  
gkohn@cuna.com

Jennipher Snowden  
Policy Analyst  
DC Dept. of Banking and Financial Institutions  
1400 L Street, NW  
Washington, DC 20006  
202-727-1563  
202-727-1290 (fax)  
jennipher.snowden@dc.gov

Florida  
Lynn Allison  
Florida Association for Microenterprise  
6260 N. Ocean Blvd.  
Ocean Ridge, FL 33435  
561-742-1234  
561-733-4461 (fax)  
drlynnna@aol.com

Jennifer Mathys  
Government and Operations Consultant  
Agency for Workforce Innovation  
Caldwell Building  
107 East Madison Street - MSC 229  
773-420-5171 (fax)  
Tallahassee, FL 32399-4133  
850-245-7429  
850-922-6174 (fax)  
jennifer.mathys@awi.state.fl.us

Georgia  
Jim Beaty, Jr.  
Director of Community Investments/ Homeownership  
United Way of Metropolitan Atlanta  
100 Edgewood Avenue  
Atlanta, GA 30303  
404-527-7308  
404-527-7353 (fax)  
JBeaty@unitedwayatl.org

Hawaii  
Glen Hayase  
Financial Specialist (PACT) Parents and Children Together Economic Development Center  
1505 Dillingham Blvd., Ste. 208  
Honolulu, HI 96817-4822  
808-842-7093  
808-841-1485 (fax)  
edcghayase@pacthawaii.org

Idaho  
Marilyn Chastain  
Idaho Department of Finance  
PO Box 83720  
Boise, ID 83720-0031  
208-332-3070  
mchastal@fin.state.id.us

Gavin Gee  
Director of Finance  
Idaho Department of Finance  
PO Box 83720  
Boise, ID 83720-0031  
208-332-8010  
ggee@fin.state.id.us

Brian Griffin  
Home Based Counselor/Trainer  
Shoshone-Bannock Tribes Tribal Credit Department  
P.O. Box 306  
Fort Hall, ID 83203  
208-237-1174 (ext. 15)  
208-237-0455 (fax)  
bgriffin@ida.net

Illinois  
Kevin Davy
Business Manager
Shorebank
5100 West Harrison
Chicago, IL 60430
773-420-5150
773-420-5171 (fax)
kevin_davy@sbk.com

Lois Hummel
Program Planner
Illinois Department of Human Services
401 S. Clinton, 2nd Floor
Chicago, IL 60607
312-793-2061
312-793-7851 (fax)
lois.hummel@dhs.state.il.us

Dory Rand
Staff Attorney/FLLIP Coordinator
National Center on Poverty Law
111 North Wabash, Suite 500
Chicago, IL 60602
312-263-3830 (ext. 228)
312-263-3846 (fax)
doryrand@povertylaw.org

Indiana
Robin Shackleford
IDA Program Director
Indiana Department of Commerce, Community Development Division
One N. Capitol, Suite 600
Indianapolis, IN 46204
317-233-0541
317-233-3597 (fax)
rtownsend@commerce.state.in.us

Leigh Tivol
Member Services Manager
IN Assoc. for Community Economic Development
324 West Morris Street
Suite 104
Indianapolis, IN 46225
317-423-1070
317-423-1075 (fax)
ltivol@iaced.org

Iowa
Siri Granberg
IDA Program Manager
Iowa Dept. of Human Services, Division of Financial, Health & Work Supports
5th Floor, Hoover Building,
1305 E. Walnut
Des Moines, IA 50319
515-281-4187
515-281-7791 (fax)
sgranbe@dhs.state.ia.us

Kansas
Melinda Lewis
Special Projects Coordinator
El Centro, Inc.
650 Minnesota Avenue
Kansas City, KS 66101
913-677-0100
913-362-8513 (fax)
mlewis@elcentroinc.com

Kentucky
Michael B. Davis
IDA Coordinator
The Center for Women and Families, Louisville
P.O. Box 2048
Louisville, KY 40201-2048
502-581-7253
502-581-7204 (fax)
mdavis@cwfempower.org

Louisiana
Lina Alfieri Stern
Director, Greater New Orleans IDA Collaborative
A.B. Freeman School of Business
#7 McAllister Drive,
Tulane-Xavier Campus,
Tulane University
New Orleans, LA 70118
504-865-5455
504-862-8902 (fax)
linaa@tulane.edu
Anthony Ellis  
Program Development Director  
State of Louisiana Department of Social Services  
PO Box 94065  
Baton Rouge, LA 70816  
225-342-0495  
225-219-9939 (fax)  
aellis@dss.state.la.us  

Maine  
Anne Pfeiffer  
IDA Program Assistant  
Coastal Enterprises, Inc.  
P.O. Box 268  
36 Water Street  
Wiscasset, ME 04578  
207-882-7552 (ext.152)  
207-882-7308 (fax)  
acp@ceimaine.org  

Eloise Vitelli  
Maine Centers for Woman, Work and Community  
46 University Drive  
Augusta, ME 04330-9410  
207-621-3934  
207-621-3429 (fax)  
evitelli@maine.edu  

Maryland  
Sheri Bell  
Program Officer  
Maryland Center for Community Development (MCCD)  
1118 Light St.  
Baltimore, MD 21230  
410-752-6223 (ext. 105)  
410-752-1158 (fax)  
sheri@mccd.org  

Massachusetts  
Frank Kelley  
National Coordinator  
The Network IDA  
2 San Juan Street  
Boston, MA 02108  
781-985-7496  
617-262-4567  
617-265-0759 (fax)  
ucfsafek@aol.com  

Joe Kriesberg  
Massachusetts CDC Association  
999 Chauncy, 5th Floor  
Boston, MA 02111  
617-426-0303  
joek@macdc.org  

Michigan  
Susan Cociarelli  
Credit Unions IDA Program  
Center for Urban Affairs, Michigan State University  
1801 West Main St.  
Lansing, MI 48915  
517-353-9555  
517-484-0068 (fax)  
cociare@msu.edu  

Eric Muschler  
Director, Michigan IDA Partnership  
Council of Michigan Foundations  
17177 N. Laurel Park Drive, Suite 433  
Livonia, MI 48152  
734-542-3951  
734-542-3952 (fax)  
muschler@earthlink.net  

Julie Powers  
Program Director  
Michigan Community Action Agency  
Association (MCAAA)  

Office Park West  
516 South Creyts Road, Suite A  
Lansing, MI 48917  
517-321-7500  
517-484-1380 (fax)  
powers@mcaaa.org  

Minnesota  
Denise DeVaan  
Minnesota IDA Program Coordinator  
Family Assets for Independence in Minnesota (FAIM)  
5508 Cumberland Road Suite 1A  
Minneapolis, MN 55410  
612-926-8116  
612-928-0369 (fax)  
denise@devaanassociates.com  

Joelle Hoeft  
Grants Manager  
Department of Children, Families & Learning  
1500 West Highway 36  
Roseville, MN 55113  
651-582-8375  
651-582-8491 (fax)  
joelle.hoeft@state.mn.us  

Center for Social Development  
Washington University in St. Louis
Mississippi
Joeanne Harris
IDA Coordinator
Shelby/Bolivar County
Federal Credit Union
PO Box 709
Shelby, MS 38774
662-398-7091
662-398-7009 (fax)
purpose80@hotmail.com

Kathleen Shields
Program Officer
Foundation for the Mid South
308 E. Pearl St., 2nd Floor
Jackson, MS 39201
601-355-8167
601-355-6499 (fax)
ksheilds@fndmidsouth.org

Teresa Thigpen
Manager
Quitman Tri – County
Federal Credit Union
Tut Wiler Branch
201 Humphrey Street
Marks, MS 38646
662-345-6520
662-345-6518 (fax)
tthigpenqced@yahoo.com

United Way of Greater St. Louis
1111 Olive Street
St. Louis, MO 63101
314-539-4205
314-539-4270 (fax)
kaufmanc@mail.stl.united way.org

Julie Riddle
IDA Program Manager
Heart of America Family Services
1829 Madison
Kansas City, MO 64108
816-418-8405
816-871-7100 (fax)
jriddle@hafs.org

Montana
Maureen Garrity
State IDA Program Coordinator
Career Training Institute, Helena
347 N. Last Chance Gulch
Helena, MT 59601
406-443-0800
406-442-2745 (fax)
mgarrity@ctibrc.org

Denise Jordan
Program Director
Human Resources Development Council
P.O. Box 2016
7 North 31st Street
Billings, MT 59103
406-247-4732
406-248-2943 (fax)

Gary Neumann
Project Services Manager,
Welfare to Work
Confederated Salish & Kootenai Tribes
PO Box 478
Polson, MT 59860
406-883-0156
406-883-0158 (fax)
garyn@ronan.net

Nebraska
Traci Bruckner
Federal and State Policy Analyst
Center for Rural Affairs
101 South Tallman
Walthill, NE 68067
402-846-5428 (ext. 18)
402-846-5420 (fax)
tracic@cfra.org

Julia Craig
IDA Coordinator
Family Housing Advisory Services Inc.
2416 Lake Street
Omaha, NE 68111
402-934-1777
402-934-1780 (fax)
fasho2@radiks.net
New Hampshire
Sharon Drake
Program Director (IDA)
New Hampshire Community Loan Fund
7 Wall St.
Concord, NH  03301
603-224-6669
603-225-7425 (fax)
sdrake@nhclf.org

New Jersey
Mary Ann Barkus
IDA Program Administrator
NJ Department of Community Affairs
Division of Housing and Community Resources
P.O. Box 806
Trenton, NJ  08625-0806
609-292-9794
609-984-8454 (fax)
mbarkus@dca.state.nj.us

Arnold Cohen
Policy Coordinator
Housing & Community Development Network of New Jersey
145 West Hanover Street
Trenton, NJ  08618
609-393-3752 (ext. 16)
609-393-9016 (fax)
acohen@hcdnnj.org

New Mexico
Sharon Henderson
Community Development Specialist
Northwest New Mexico Council of Government
224 West Coal Ave.
Gallup, NM  87301
505-722-4327
505-722-9211 (fax)
sharhend@cia-g.com

New York
Ron Deutsch
Statewide Emergency Network/Executive Director
The Statewide Emergency Network for Social and Economic Security
275 State St.
Albany, NY  12210
518-463-5576
518-432-9073 (fax)
mkd67@aol.com

Deirdre Silverman
Development Director
Alternatives Federal Credit Union
125 N. Fulton Street
Ithaca, NY  14850-3301
607-273-3582 (ext. 816)
607-227-6931 (fax)
Deirdre@alternatives.org

North Carolina
Elaine Fisher
EIS Associates
8728 Green Level Church Rd.
Apex, NC  27502
erfisher@mindspring.com

Allen McNeely

Director, Research and Policy Division
North Carolina Department of Labor
4 W. Edenton Street
Raleigh, NC  27601
919-733-8029
919-733-6197 (fax)
amcneely@mail.dol.state.nc.us

Vickie Miller
Division of Community Assistance
4313 Mail Service Center
Raleigh, NC  27699-4313
919-733-2853 (ext. 243)
919-733-5262 (fax)
vmillers@dca.commerce.state.nc.us

Shana Simpson Hall
Executive Director
IDA + Assets Building Collaborative of North Carolina
c/o Passage Home
P.O. Box 17588
Raleigh, NC  27619
919-834-0666 (ext. 225)
919-834-0663 (fax)

North Dakota
Nicole Andonov
Americorps VISTA / IDA Coordinator
Red River Valley Community Action
1013 North Fifth Street
Grand Forks, ND  58201
701-746-5431
Vista@rrvca.com
Karen Hilfer
CSBG Coordinator
Community Action & Development Program Inc.
Rhonda Hoff  
Americorps VISTA / IDA Coordinator  
Southeastern North Dakota Community Action Agency  
3233 South University Drive  
PO Box 2683  
Fargo, ND  58108  
701-232-2452  
Vista@sendcaa.org

Pamela Muldrew  
Americorps VISTA / IDA Coordinator  
Community Action and Development Program, Inc.  
202 East Villard  
Dickinson, ND  58601  
701-227-0131  
Coppelia76@bolt.com

Ohio  
Patricia Barnes  
Support/Funder  
Ohio CDC Association  
35 East Gay St., Suite #1200  
Columbus, OH  43215  
614-461-6392  
614-461-1011 (fax)  
ohiocdc@ohiocdc.org

Oklahoma  
Steven Dow  
Executive Director

Community Action Project of Tulsa County  
717 South Houston  
Suite 200  
Tulsa, OK  74127  
918-382-3217  
918-382-3213 (fax)  
sdow@captc.org

Oregon  
David Foster  
Policy Strategist  
Oregon Housing and Community Services  
P.O. Box 14508  
1600 State Street  
Salem, OR  97309-0409  
503-986-2112  
503-986-2020 (fax)  
David.foster@hcs.state.or.us

Alisa Larson  
Consultant  
Warm Springs Tribes IDAs  
P.O. Box 941  
Philomath, OR  97370  
541-929-2792  
541-929-2848 (fax)  
alarson@casco.net

Cynthia Winter  
Program Director  
The Neighborhood Partnership Fund  
1020 SW Taylor #680  
Portland, OR  97205  
503-226-3001 ext. 101  
503-226-3027 (fax)  
cwinter@tnpf.org

Pennsylvania  
Lynne Cutler  
President

Women's Opportunities Resource Center (WORC)  
2010 Chestnut Street  
Philadelphia, PA  19103  
215-564-5500  
215-564-0933 (fax)  
Worc-pa@erols.com

Nathan Singletary  
Program Specialist  
Department of Community and Economic Development  
4th Floor, Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA  17120-0225  
717-720-7331  
717-214-5399 (fax)  
nsingletar@state.pa.us

Puerto Rico  
Miguel Soto-Class  
Executive Director  
Center for the New Economy  
Home Mortgage Plaza, Suite 1003  
268 Ponce de leon Avenue  
San Juan, PR  00918  
787-622-1120  
787-622-1121 (fax)  
mike@cnepr.org
Rhode Island
Ann Priest
IDA Program Coordinator
The Housing Network of Rhode Island
790 N. Main St.
Providence, RI 02904
401-521-1461
apriest@housingnetworkri.org

South Carolina
Eugenia Beach
Office of Family Independence
S.C. Department of Social Services
P.O. Box 1520
Columbia, SC 29202-1520
803-737-9259
803-737-9296 (fax)
ebeach@dss.state.sc.us

Bernie Mazyck
President & CEO
South Carolina Association of Community Development Corp
658 Rutledge Ave., 2nd Floor
Charleston, SC 29403
843-579-9855
843-723-3918 (fax)
bmscadc@bellsouth.net

South Dakota
Leslie Mesteth
Marketing Coordinator
The Lakota Fund
P.O. Box 340
Kyle, SD 57752
605-455-2500
lmesteth@rapidnet.com

Tennessee
Michele Flynn
Executive Director

Tennessee Network for Community and Eco. Development (TNCED)
P.O. Box 23353
Nashville, TN 37202
615-226-8688
615-256-9836 (fax)
tnced@aol.com

Texas
John Hicks
Texas Workforce Commission
101 E. 15th St., Room 44OT
Austin, TX 78778-0001
512-936-9388

Patricia Segura
Program Specialist
Texas Workforce Commission
101 E. 15th St.
Room 440T
Austin, TX 78778
512-936-3119
512-936-3420 (fax)
pat.segura@twc.state.tx.us

Woody Widrow
Project Director
Texas IDA Network
1300 Guadalupe, Suite 100
Austin, TX 78701
512-477-4431 (ext.129)
512-477-8934 (fax)
widrro@consumer.org

Utah
Sarah Brenna
Director
Legislative Relations and Policy Studies
140 East 300 South
Salt Lake City, UT 84111
801-526-9205
801-526-9211 (fax)
sbrenna@utah.gov

Cathie Pappas
TANF Specialist
Workforce Services
140 East 3rd South
Salt Lake City, UT 84111
801-526-9760
801-355-7540 (fax)
cmpappas@utah.gov

Heather Tritten
Policy Analyst
Utah Issues Center for Poverty Research & Action
331 S. Rio Grande, Suite 60
Salt Lake City, UT 84101
801-521-2035 (ext.105)
heather@utahissues.org

Vermont
Mary Niebling
Director, Community Economic Development
Central Vermont Community Action (CVCAC)
195 US Route 302-Berlin
Barre, VT 05641
802-479-1053
802-479-5353 (fax)
mniebling@cvcac.org
Virginia
Shea Hollifield
Deputy Director
Virginia Department of
Housing and Community
Development (DHCD)
501 North Second Street
Richmond, VA 23219-1321
804-371-7030
804-371-7093 (fax)
shollifield@dhcd.state.va.us

Washington
Paul Knox
Assistant Director
Community Trade and
Economic Development
P.O. Box 48300
Olympia, WA 98504-8300
360-725-4140
360-586-9316 (fax)
paulk@cted.wa.gov

West Virginia
George Thomas
West Virginia Dept. of
Health and Human
Services
351 Capitol St., Room B18
Charleston, WV 25305
304-558-9171
GeorgeThomas@wvdhhr.org

Wisconsin
Richard Schlimm
Public Policy Director
WI Community Action Program Assoc. (WISCAP)
1310 Mendota St., Suite 107
Madison, WI 53714
608-245-3292
rschlimm@charterinternet.net

Center for Social Development
Washington University in St. Louis
Appendix D: Map of American Indian Tribes in Oregon State

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


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 \(-\) \(\frac{25,000}{75,000}\) \(-\) \(+\) \(\frac{75,000}{75,000}\) 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 \(-\) \(\frac{25}{75}\) \(-\) \(+\) \(\frac{75}{75}\) 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, the payment of extracurricular non-tuition 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.
(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.
(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.

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