



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

# ACF Tribal Consultation

*November 6, 2017*

## Executive Summary

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## MEETING ATTENDEES

### *ACF Leadership*

- Steven Wagner, Acting Assistant Secretary
- Amanda Barlow, Director, Office of Legislative Affairs and Budget
- Stacey Ecoffey, ACF Moderator, Acting Deputy Assistant Secretary for Native American Affairs
- Yolanda Butler, Deputy Director, Office of Community Services
- Clarence Carter, Director, Office of Family Assistance
- Katherine Chon, Director, Office of Trafficking in Persons
- Shannon Christian, Director, Office of Child Care
- Naomi Goldstein, Deputy Assistant Secretary for Planning, Research and Evaluation, Office of Planning, Research and Evaluation
- Scott Lekan, Commissioner, Office of Child Support Enforcement
- Ann Linehan, Acting Director, Office of Head Start
- Anna Pilato, Deputy Assistant Secretary for External Affairs
- William Wubbenhorst, Associate Commissioner, Family and Youth Services Bureau

### *Tribal Leaders and Representatives*

- Maryann McGovran, Tribal Moderator, Treasure, North Fork Rancheria Mono Indians, HHS STAC and TAC
- Russell Attebery, Chairman, Karuk Tribe
- Tino Batt, Treasurer, Shoshone-Bannock Tribe
- Eddie Crandell, Chairman, Robinson Rancheria Citizens Business Council
- Tilford Denver, Intergovernmental Affairs Administrator, Owens Valley Paiute-Shoshone Board of Trustees
- Gail Hatcher, Vice Chair, The Klamath Tribes
- Chuck Hoskin, Jr., Secretary of State, Cherokee Nation
- Elizabeth Kipp, Tribal Chairperson, Big Sandy Rancheria
- Neil Lawrence, Secretary, Suquamish Tribe Tribal Council
- Gary Loonsfoot, Director of Cultural Resources, Keweenaw Bay Indian Community
- George Lopez, General Manager, The Klamath Tribe
- Terrelene Massey, Executive Director, Navajo Nation Division of Social Services
- Cheryl Miller, Community Services Director, Port Gamble S'Klallam Tribe
- Liz Mueller, Tribal Vice Chair, Jamestown S'Klallam Tribe; ACF TAC Chair
- Brian Poncho, Vice Chairman, Owens Valley Board of Trustees
- Kevin Shendo, Education Program Director, Pueblo of Jemez
- Lee Spoonhunter, Chairman, Northern Arapaho
- Terrie Terrio, Tribal Treasurer, Stockbridge-Munsee Community
- Angela Thompson, Treasurer, Pawnee Business Council. Pawnee Nation of Oklahoma
- Thomas Torte, Chairman, Torres Martinez Desert Cahuilla Indians Tribal Council
- William Vega, Chairman, Bishop Paiute Tribal Council

- William Waquie, Lieutenant Governor, Pueblo of Jemez

*ACF Program Staff*

- Lauren Christopher, Director, Division of Energy Assistance, Office of Community Services
- Gail Collins, Director, Division of Program Implementation, Children's Bureau
- Angie Godfrey, Regional Program Manager for American Indian and Alaska Native Programs, Office of Head Start
- Seth Hassett, Director, Division of Community Assistance, Office of Community Services
- Paige Hausburg, Tribal Coordinator, Office of Child Support Enforcement
- James Henry, Tribal Child Care Program Specialist, Office of Child Care
- Preeti Kanodia, Legislative Analyst, Office of Legislative Affairs and Budget
  
- Stanley Koutstaal, Division Director, Tribal TANF Management and Regional Operations, Office of Family Assistance
- Elvis Lam, Senior Grants Management Specialist for the Head Start American Indian and Migrant Programs, Office of Grants Management
- Kimberly Romine, Deputy Commission, Administration for Native Americans
- Michelle Sauve, Intergovernmental Affairs Specialist, Administration for Native Americans
- Eileen West, Senior Program Specialist, Children's Bureau
- Shena Williams, Program Specialist, Family and Youth Services Bureau
- Donald Wyatt, Senior Program Specialist, Office of Head Start
- Heather Zenone, Tribal Policy Advisor, Family and Youth Services Bureau

## **BACKGROUND**

The Tribal Consulting Session met in the Monument Room of the DoubleTree Hotel Crystal City, 300 Army Navy Drive, Arlington, Virginia, at 9:00 a.m. Stacey Ecoffey, ACF Moderator, and Maryann McGovran, Tribal Moderator, presided over the session.

## **WELCOME AND INTRODUCTIONS**

Stacey Ecoffey, the Acting Deputy Assistant Secretary for Native Americans, at the Administration for Children and Families and Principle Advisor for Tribal Affairs in the Office of Intergovernmental Affairs at the Department of Health and Human Services (HHS), welcomed everyone to the session. Maryann McGovran, the Tribal Counsel Treasurer for North Fork Rancheria, would assist with tribal facilitation.

Tilford Denver, from Owens Valley, provided a welcome and prayer. Following this, each person at the table gave an introduction of themselves.

Ms. Ecoffey gave a reminder of ACF's Tribal Consultation Policy, about the order in which everyone will speak, beginning with Tribal Leaders. Ms. Ecoffey then reviewed the agenda, pointing out that it was based on the format of the Department of Health and Human Services, consultations as well as the Secretary's Tribal Advisory Committee (STAC) and ACF Tribal Advisory Committee (TAC) meetings. Ms. Ecoffey stated that this is the opportunity for new leadership to introduce themselves, since this is the first meeting under the new administration.

Ms. Ecoffey outlined the materials provided to each participant, which included feedback from Tribal leaders at recent regional and budget Consultations, as well as STAC and TAC committee members. The focus for the day was to consult with the Tribal members, move issues forward, and be in an open discussion. Ms. Ecoffey introduced Mr. Steven Wagner, the Acting Assistant Secretary for ACF.

Mr. Wagner welcomed all attendees and gave an overview of ACF, pointing out its \$56 billion budget and sprawling portfolio of programs including Temporary Assistance to Needy Families (TANF), Head Start, Child Welfare, Child Support Enforcement, Child Care, and Refugee Resettlement. Mr. Wagner noted that there are a lot of points of intersection with Tribal concerns. ACF leadership is thrilled to have this opportunity to consult with Tribes out of a genuine commitment to the principle that the Federal Government should be in service to local Government.

Mr. Wagner mentioned his experience at a recent STAC meeting and being a guest of the Cherokee Nation of Oklahoma.

Mr. Wagner outlined other priorities ACF will be working on. One is that ACF is committed to getting as many people to work as possible, out of a concern for that work is consistent with human dignity. Mr. Wagner reiterated that ACF leadership is committed to moving toward prevention in child welfare, and to achieving the maximum possible value in early childhood education. ACF leadership sees opportunities to deliver even greater value in those areas by incorporating the latest research concerning early childhood development, ages 0 to 5.

## **BUDGET UPDATE**

Ms. Amanda Barlow introduced herself as the Director of the Office of Legislative Affairs and Budget (OLAB). OLAB pulls together and monitors the President's budget request each year.

Ms. Barlow stated that ACF is still in a state of uncertainty about what the final budget will be for 2018. Most of ACF's programs are operating under a Continuing Resolution. There are also a couple of programs which for the first time in recent history have full year appropriations; the big one is TANF, and the other one is Child Care Entitlement.

Half of Child Care is funded through Child Care Entitlement, and roughly half of it is Child Care Development Block Grant (CCDBG), which is on the discretionary side. Some of the Child Care funds are subject to this continuing resolution, and some of them ACF has a full year of funding.

Ms. Barlow continued that for TANF, ACF generally gets extensions quarter by quarter, or half year by half year. Last year, Congress appropriated the funds for a full two years, through the end of 2018. ACF still has a few programs, the Personal Responsibility Education Program (PREP), Abstinence Education, and Home Visiting, which we are still waiting for appropriations for 2018. The PREP and Home Visiting have some funds left over, so they continued some program operations.

There were no questions.

## **HHS AND ACF PRIORITIES**

Ms. Ecoffey reintroduced Acting Assistant Secretary for ACF, Mr. Steven Wagner, who began by stating that the three "clinical priorities" of the Department include responding to the opioid crisis, which is a high priority across the administration. Mr. Wagner also acknowledged that many Tribes are on the front lines in responding to this crisis, and ACF would like to see what we could do to fund innovative programs to respond to the opioid epidemic.

The Head Start program, which is led by Ann Linehan, has seen a lot of the opioid problem in Head Start centers. This is also happening in Child Care. Mr. Wagner stated that he believes the only way forward is through experimentation and innovation; ACF is very keen to hear what tribes and service providers are seeing, and what sort of programs they either have in place or are eager to put in place.

Mr. Wagner pointed out a few items that he wanted to make sure attendees were aware of:

- The Office Child Care and ACF's Region 5 Administrator have been pioneering a toolkit to help Tribes deal with the opioid crisis.
- Last year, the region held the first task force about drug-exposed children in Indian Country.
- There is an exciting opportunity underway in TANF (including Tribal TANF) to support demonstration projects related to the opioid epidemic.

## *Questions and Answers*

Liz Mueller, Tribal Vice Chair, Jamestown S'Klallam Tribe; ACF TAC Chair, asked to clarify that although the President is in support of opioid programs, it doesn't sound as if there is going to be additional money for them.

- Amanda Barlow stated that while there are not additional funds, being that it is a priority, ACF is analyzing where it is prioritizing funds within ACF's current funding.
- Anna Pilato, Deputy Assistant Secretary for External Affairs at ACF: There have also been grant monies released through some offices. The HHS Office of Intergovernmental Affairs is aggregating a list of everything that is happening across the Agency. Ms. Pilato added that ACF is always looking for innovation and crosscutting initiatives that are out there, consulting with various task forces, community organizations, and others.

Maryann McGovran, Treasurer, North Fork Rancheria Mono Indians; HHS STAC and TAC asked if there are pilot projects/additional funds for which organizations can apply.

- Mr. Wagner responded that ACF is working the details out and expects there will be some money to support innovative programs in responding to the opioid epidemic. This will likely be announced via something like a Dear Tribal Leaders letter.

Tino Batt, Treasurer, Shoshone-Bannock Tribes commented that many tribes understand that these types of initiatives often come unfunded. He is concerned that special projects typically only affect a few tribes, and recommended that funds should be allocated to everyone, not just those selected individual tribes that do pilot projects.

Mr. Batt added that the majority of Tribes know how to resolve the issues, but they are often inhibited because of legislative issues such as relating to Public Law 102-477, the Indian Employment, Training and Related Services Act. He asked if the agency and/or administration would be willing to look at that, and reiterated that 477 is a good way for a Tribe to consolidate its programs in service to its members.

Ms. McGovran asked Ms. Pilato what is being done in California for the Tribal citizens who were affected by the Santa Rosa fire.

- Ms. Pilato stated that they have been monitoring the fires, gathering information, and formulating a response. She also added that a state must first request assistance, and in this case, California has not asked for it. Any response would be addressed through regional offices, and if there are questions about waivers for regulations, those would be addressed.

Liz Muller, Jamestown S'Klallam Tribe added on to Mr. Batt's comment about the 477 process and stated that many of the tribes in the U.S. are too small to apply for funds. However, they still need to serve their people, and so being able to bring different programs together under 477 would be very beneficial.

Ms. Kelly Roberts, delegate from the Chickasaw Nation's Department of Human Services asked, related to the opioid epidemic and response, that given there are no new funds, how does the agency move the dominoes around to make it budget neutral. She noted the expediency of the issue, and how they have been reviewing their entire system's process, and asked what can a Tribe do in terms of asking the government.

- Ms. Pilato reiterated that the Department is aggregating that information and HHS would like to serve as a one-stop-shop to provide information on what's going on in the Federal Government, although that might not be feasible.

Nigel Lawrence, Suquamish Tribe, Tribal Council Secretary shared that his tribe has an innovative program called *Healing of the Canoe Program*. This is a culturally based research project to determine if the tribe's own culture is an effective prevention measure. The program is fully adaptable for other cultures. More information is at [www.healingofthecanoe.org](http://www.healingofthecanoe.org).

Russell Attebery, Chairman, Karuk Tribe stated that the opioid crisis is extensive, and prevention—especially among youth—should be the focus.

Chuck Hoskin, Jr., Secretary of State, Cherokee Nation asked for clarification around what will be diminished as a result of moving things around to provide funding for opioid programming.

- Amanda Barlow stated that within ACF there is actually some new TANF funding as part of the TANF extension. Looking at Fiscal Year 2018, she continued, to the extent there are projects ending (whether they're research or demonstration projects) leadership will be looking at these priorities for where to put those funds for new starts.

Angela Thompson, Treasurer, Pawnee Nation of Oklahoma added that they are also dealing with the opioid crisis (in combination with substance abuse, alcohol, and other drugs) but a lot of their issues are related to access to treatment and delays in going through the Indian Health Service (IHS). On top of that, it overlaps with the mental illnesses, and there are tribal members who have mental illness who end up trapped in the penal system not getting the help that they need. This is despite an unfunded mandate from the State to address that. Ms. Thompson stated that she believes self-government working, and her tribe is moving to become a direct service tribe, and they want to use the flexibilities of Public Law 93-638, the Indian Self-Determination and Education Assistance Act (Contracting and Compacting).

Ms. Thompson also stated that her tribe had a good childhood obesity community initiative called Pawnee Pride, funded by the Centers for Disease Control, but the money wasn't reauthorized, and asked if ACF leadership can look into those dollars to see if that's an innovative way to address this issue.

Russell Attebery, Karuk Tribe provided an example from his tribe where the loss of the timber industry over protection for the Spotted Owl made a large negative impact on the youth in his community (and nearby), since the youth lost positive role models. This issue, he continued, plays back into the opioid crisis, when people have more time on their hands.

Cheryl Miller, Community Services Director, Port Gamble S'Klallam Tribe, added that her community developed a tribal healing opioid response team, called THOR, to address the opioid crisis on the reservation. Any additional funding that they could get would be appreciated.

Tino Batt, Shoshone-Bannock Tribe, asked Ms. Pilato if ACF is coming up with a specific strategic plan to address childhood obesity, opioid abuse, and mental illness. He also asked how this information will be shared with Tribes, including the program objectives for each agency, so that tribes can help them be accountable, to make sure they're fulfilling their trust responsibility.

- Ms. Pilato responded that ACF has put out several data calls on priorities such as opioids and childhood obesity to find out what is already happening. The results will be communicated externally.
- Mr. Wagner stated that he thought the information sharing for tribes on the three priorities was a great idea and would ask Ms. Ecoffey to start working on it.
- Ms. Pilato indicated that the data call reviews of the various programs provides an aggregation of what the Department is doing on things like opioids and childhood obesity.
- Ms. Ecoffey added that the ACF regional offices also collect that information, such as Barbara Greene, from Region 10. Ms. Ecoffey said she will work with Anna and pull something together specifically on the tribal front that can be shared out with Tribal Leaders and with our advisory committees.

Gary Loonsfoot, Cultural Resource Director, Keweenaw Bay asked if there has been research into the legalization of medical marijuana as an alternative to the opioid addiction. Eddie Crandell, Tribal Chairman, Robinson Rancheria, added that they have stipulations for eligible participants. However, because marijuana is legal in California, tribal members will sometimes avoid coming to their program because of the stipulations, and rather, go to the State.

## **ACF LEADERSHIP INTRODUCTIONS**

Ms. Ecoffey opened the ACF leadership introduction portion of the agenda.

### **Shannon Christian, Director, Office of Child Care (OCC)**

Ms. Christian introduced herself, including her experience working in her same position under George W. Bush administration, where she had the opportunity to visit several tribes. She was impressed with multi-generational shared responsibility and the caring thoughtful approach to how the tribes thought about their child care centers.

Ms. Christian stated that Child Care Development Fund (CCDF) is the largest federal program helping low income families pay for child care, and supports quality building activities. CCDF has 260 tribal grantees, encompassing 544 of the 567 federally recognized tribes. Last week, ACF issued the first quarter of CCDF tribal allocations, totaling \$97 million dollars. Of that, \$31.2 million was transferred to Department of Interior to go out to the tribes implementing Public Law 102-477, the Indian Employment, Training and Related Services Act.

She continued that OCC's current priority is the successful implementation of the reauthorizing legislation for our program. The rules and the regulations to go with it have been put out.

Ms. Christian stated that the final rule balances the CCDF dual goals of promoting families' financial stability, and fostering health child development, while providing flexibility for tribes or tribal communities.

OCC is currently in phased in implementation of that final rule. ACF will determine compliance through review and approval of the fiscal year 2020/2022 tribal CCDF plans, which aren't effective until October 1, 2019. Using that plan cycle to gauge compliance will give tribes additional time to implement those final provisions in the final rule.

In the summer of 2018, the Office of Child Care will conduct tribal Consultations on the development of that tribal plan. Ms. Christian stated that they have been getting positive feedback on the three-tiered approach to the tribal requirements, based on the size of the CCDF allocation. For the smallest allocation group (under \$250,000), those tribes are exempt from a majority of the CCDF requirements, and there is an option to submit an abbreviated plan.

There is still flexibility around how one defines an Indian child, as well as more flexibility around how you describe your service area. There is also a new categorical eligibility that allows the tribes that are receiving large or medium allocations to consider any Indian child eligible, regardless of their family's work, income, or training status, if the tribe's median income is below 85 percent of the median income average across the state.

Between now and then, OCC will continue to be doing a lot of trainings. There are a lot of new materials and resources that are being developed, and a tribal technical assistance center.

**Scott Lekan, Commissioner, Office of Child Support Enforcement (OSCE)**

Mr. Lekan introduced himself and his background. From his time in Arizona, he has some experience with the Navajo Nation's tribal child support program, which opened his eyes to the different needs and the experiences that tribes go through, versus what a state program does.

Mr. Lekan stated that the child support program is one of the most cost-effective programs in government, and that it's also one of the best tools for poverty reduction.

He said that his priorities are going to center around the core mission of the child support program, what we do to ensure compliance with child support orders, to get money to those families that truly need it. Employment is a big issue in this administration; without employment, and appropriately sized child support orders, OCSE can't get the money to the families that need that.

Mr. Lekan stated that they are changing their approach to the Section 1115 grant process, focusing more on getting more people aware of OCSE's programs, and engaging them through the core mission functions. OCSE wants to spread the dollars out a little bit more across the board. In addition, instead of long-term evaluations tied to initiatives, he stated that he wants see ones that are shorter-term results, so that OCSE can put plans into action a little bit more quickly.

Mr. Lekan finished by stating that he and his team are there to listen and help Tribes through any concerns they have.

**Ann Linehan, Acting Director, Office of Head Start (OHS)**

Ms. Linehan introduced herself, noting that she has been involved with Head Start for 36 years, including 23 years working with Tribes. She noted that she's witnessed the evolution of some incredible things happening within Tribal Head Start programs over the past 25 years. Since the birth of Early Head Start about 20 years ago, OHS is now serving almost 5,000 infants and toddlers in its tribal programs, and about 18,000 preschoolers. Most recently, in 2015, OHS started the Early Head Start Child Care Partnership, when tribal programs reached out to their child care partners within their nations and helped Child Care increase their standards with added resources.

Ms. Linehan also noted the issuance of OHS's monumental Program Performance Standards, which was the first overhaul in 20 years. Ms. Linehan also pointed out that OHS standards reflect a very strong commitment to language revitalization and preservation, and they will continue to support those efforts in tribal communities.

She continued that OHS's technical assistance and in training is most focused on supporting teachers and coaching and mentoring.

Ms. Linehan acknowledged tribal communities have fairly high turnover in directors. This led to an OHS mentoring program, pairing up veteran directors with new directors.

OHS also undertook a fiscal initiative, unique to support tribes, where OHS sent out technical advisors who could really relate to and work with tribal Head Start programs that were experiencing some financial challenges.

In addition, Ms. Linehan stated that OHS has a very serious effort underway to ensure that all programs are fully enrolled.

Ms. Linehan introduced Angie Godfrey, the OHS regional program manager, who directly oversees tribal programs.

Ms. Linehan stated that OHS conducts six Tribal Consultations annually.

**William Wubbenhorst, Associate Commissioner, Family and Youth Services Bureau (FYSB)**

Mr. Wubbenhorst introduced himself and pointed out that Family Youth Services Bureau has three program areas:

- Adolescent pregnancy prevention, including the PREP program.
- Family Violence Service Prevention (FVPSA).
- Runaway and homeless youth.

Mr. Wubbenhorst stated the two keys for him are collaboration and accountability. With respect to collaboration, he stated he would like to be mindful not only of the programs that FYSB funds, but also aware of co-laborers in runaway homeless youth, family violence, and pregnancy prevention, that are working on the same issues. Mr. Wubbenhorst stated that he plans to frequently implement logic models and theories of change, to shift attention from outputs to outcomes, improving accountability.

Mr. Wubbenhorst then noted that FYSB has opened up a new resource center for Alaskan and Native Americans.

He closed by stating that he is looking forward to building good relationships with Tribes.

**Gail Collins, Director, Division of Program Implementation, Children's Bureau (CB)**

Ms. Collins introduced herself and noted that she was there representing the Children's Bureau's (CB) Associate Commissioner, Dr. Jerry Milner, who was not able to be there due to a prior engagement out of town.

Dr. Milner, in addition to serving as Associate Commissioner for CB, is also serving as the Acting Commissioner for the Administration on Children, Youth, and Families (ACYF).

Ms. Collins noted that she has served with ACF for 25 years, including 10 in her current position. There are currently nine tribes approved to be directly operating the Title IV-E program, and several others in the queue for approval and with ongoing grants. Ms. Collins said she knows of both the opportunities and the challenges in that process. She acknowledged that Title IV-E has a great many requirements, and CB works to balance how to best make that work for Tribes. CB encourages each tribe to consider the best options, including direct operation or entering into a Tribal/State agreement.

CB also oversees the Title IV-B programs, which provide funding for child welfare services, with approximately 180 to 185 tribes participating in those each year.

Ms. Collins described Mr. Milner's experience and passion for improving child welfare practices—especially in the area of prevention—and noted that he is a major architect of the Child and Family Services Review process. CB is continually looking to see how to achieve program improvement, increased impacts, and sustainability.

Ms. Collins also said that Mr. Milner is looking to be creative, to partner with other offices, and to see how we CB move forward in prevention activities.

**Seth Hassett, Director of the Division of Community Assistance, Office of Community Services (OCS)**

Mr. Hassett introduced himself, along with Lauren Christopher, the director of the Division of Energy Assistance and Yolanda Butler, division director for the Social Services Block Grant. Acting Director Janelle George wasn't able to attend.

The Community Services Block Grant (CSBG) is a network of over 1,000 community action agencies. OCS has approximately 55 tribes that apply and receive direct services. CSBG also provides technical assistance support. In the past two years tribes have been eligible to consolidate and apply for a 477 consolidated grant, and there are six tribes currently on that system.

Across CSBG spending in the past three to five years, OCS has worked to refine their performance management system for states and territories. However, OCS has held off implementing some of those changes with its tribal grantees, in part because there are so many differences in terms of jurisdictions and the way the system works.

Mr. Hassett stated that OCS is focusing this year on how to take the most straightforward elements of performance management to create a practical tool for tribes, working with its Technical Assistance (TA) centers, to meet all the required administrative assurances and certifications.

**Lauren Christopher, Director of the Division of Energy Assistance, Low Income Energy Assistance Program (LIHEAP)**

Ms. Christopher welcomed the attendees and introduced herself.

She indicated that she understood how unique each tribe's situation is, and that she appreciates learning how LIHEAP can adapt to fit each's needs. LIHEAP's block grant program was designed to provide as much flexibility as possible in designing and administering programs, including setting benefit levels, eligibility, the types of LIHEAP assistance that are offered, whether to offer a cooling program or winterization assistance, or something called Assurance 16. This is where tribes can collaborate with other programs to help some people be more self-sufficient with their home energy needs through financial coaching, budget counseling, energy efficiency education, etc.

Ms. Christopher added that LIHEAP is working with a contractor partner, Tribal Tech, who will be helping to support all of LIHEAP's Tribal training and technical assistance activities.

Ms. Christopher stated that, like CSBG, LIHEAP also has been focusing the last few years on improving its ability to collect data about the program and move it more towards outcome-based data.

For the tribes that don't apply to LIHEAP directly, they are serviced through the state program, with whom LIHEAP works to make sure that they're providing outreach to the tribes. Ms. Christopher asked that it would be helpful for Tribes to provide feedback on all of the above.

#### **Naomi Goldstein, Deputy Assistant Secretary for Planning, Research, and Evaluation (OPRE)**

Ms. Goldstein introduced herself and stated that her office has a portfolio of research on ACF programs focusing on their effectiveness in serving American Indians and Alaska Natives. She stated that ACF aims to carry out work related to tribes in a participatory way, to not impose research questions or methods, but instead work in partnership fashion and produce findings that will be useful to ACF's partners and provided examples.

#### **Clarence Carter, Director of the Office of Family Assistance (OFA)**

Mr. Carter introduced himself and noted that OFA administers the Temporary Assistance for Native Families (TANF) block grant program, Healthy Marriage and Responsible Fatherhood grants, and the Health Professions Opportunity grants.

Mr. Carter stated that TANF is the principle safety net cash assistance block grant, with the intention to look broadly at how OFA helps individuals and families to grow beyond their need for safety net supports. Of the 73 tribes involved in the program, 19 are Public Law 102-477 grantees. In addition to TANF, OFA administers the Native Employment Works program. There are 78 tribes that are Native Employment Works grantees and of those, 34 are 102-477 grantees.

Mr. Carter stated that OFA believes it is appropriate to provide support while an individual or family is in need of them, but that it ought to be the intention of the safety net to grow as many individuals and families beyond that need if possible.

Ms. Ecoffey ended this segment.

#### **OPEN TRIBAL DISCUSSION WITH ACF LEADERSHIP**

Ms. Mueller, Vice-Chair of the Jamestown S'Klallam tribe, opened by commenting about small tribes and services, noting that her tribe was too small to have TANF and the other programs that

come through it and that there needs to be a way for small tribes to be able to access those dollars, such as having them go to the state and passing through to tribes. Ms. Mueller also stated that it's difficult to find child care out in a rural area to begin with, and the decreased funding for child care makes it even more difficult. Ms. Mueller also mentioned difficulties with the 700 reporting system. She thanked Child Support's program for its great work in Washington.

Ms. Mueller also commented on TANF data collection. Her tribe worked hard to get the AFCARS [Adoption and Foster Care Analysis and Reporting System] and the data that will be helpful for tribes, but that there seems to be a push-back with AFCARS to remove language that had been put into it.

Russell Attebery of the Karuk Tribe, Northern California, introduced himself and stated how important, he feels, ACF funding is for tribes, and asked for someone to explain why it's difficult to get funding to small tribes, and suggested going to a needs-based assessment. He also commended their TANF program, which has helped Tribal members get back into the workforce with training and new jobs. Mr. Attebery also noted his tribe's new Data Exchange Committee.

Chuck Hoskin, Secretary of State, Cherokee Nation thanked everyone for the opportunity to be here. He opened by noting that the Cherokee Nation is a large jurisdiction, including 7,000 square miles and 350,000 citizens, and that much of their work in the efforts of improving the health and wellbeing of their children and families is done in partnership with the ACF program offices. He highlighted Cherokee's child care program, which serves more than 3,000 children and works with 600 care providers, collaborating closely with the National Indian Child Care Association. He stated that the Child Care Development Block Grant is very critical to Indian Country, and that they want to make sure that the funding stream is protected and increased, as the demands have increased. Regarding the new Office of Child Care rules (from 2016), Mr. Hoskin stated that he believes there needs to be certainly phased implementation to give Indian Country time to implement. He also expressed concern about data collection and the seeming lack of parity between the states and the tribes in terms of what data tribes get to analyze their child care needs.

Mr. Hoskin cited the Learn to Grow program, a partnership with the U.S. Department of Agriculture (USDA), to utilize funds from other agencies for their child care needs. Mr. Hoskin also cited that Title IV-D program, which has brought in more than a half-million dollars for Cherokee families. The Nation has an MOU with the state in which they use the Tax Intercept Program. Although they have access to the Federal Parent Locator System, program staff indicated to him that their access capability is not on par with the State. If it was, he said, they could be even more effective.

Mr. Hoskin continued that the 477 program is important to all tribes and embodies the concept of self-determination by allowing tribes to have a one-stop-shop. He encouraged HHS to support the 477 program, particularly HR228, employment, the Indian Employment, Training and Related Services Consolidation Act.

With respect to LIHEAP, Mr. Hoskin noted that he's encouraged to hear about the efforts on LIHEAP but was discouraged in March to hear that LIHEAP was slated for elimination, since it is a critical, meaningful program. If LIHEAP was eliminated, Mr. Hoskin said, many Cherokee Nation families would suffer, and the burden would fall on many of their other programs.

Maryann McGovran, Tribal Council Treasurer for North Fork Rancheria Mono Indians of California, introduced herself and noted that she is also a STAC member and an ACF TAC member. She also serves as the co-chair for National Congress of American Indians (NCAI), Tribal TANF Task Force. She stated her appreciation for the opportunity to consult within ACF, but stated her concern that a lot of tribes that run ACF programs don't have means to travel. She suggested combining ACF Consultation with the NCAI winter executive meeting in February in order to get a larger turnout of Tribal Leaders.

Ms. McGovran continued that another priority was to establish the ACF Tribal Advisory Committee (TAC).

Regarding TANF, Ms. McGovran asked that since tribes are relatively new to welfare program administration, ACF should ensure culturally appropriate training for tribes on the development and operation of TANF programs, consistent with national standards, to enable tribes to provide the same standard of service as the state.

Regarding AFCARS, Ms. McGovran noted that it was established for Indian Child Welfare Act (ICWA)-related data collection, and reiterated the importance of AFCARS to her tribe and to the state of California since it provides data on court ICWA requirements.

Lastly, Ms. McGovran expressed there was concern in California in regards to the Federal Register posting of June 30<sup>th</sup>, and stated that there is no reason to change the regulations as currently affected. She requested that the Agency withdraw the June 30, 2017 Federal posting.

- Gail Collins, Children's Bureau, clarified that AFCARS has been in place since the early 1990s as our only national data collection relating to adoption and foster care. Ms. Collins continued that the Federal Register notice referenced by Ms. McGovran doesn't relate to the updated AFCARS requirements. Ms. Collins said that ACF received many comments from tribes and others expressing strong support for the final rule that was published last December.

Ms. McGovran stated that the reason for that was because no "Dear Tribal Leader" letters went out in regard to changing what was posted in the Federal Register back in December of 2016 in regards to ICWA data points, and that Tribal Leaders were very upset about that. Ms. McGovran asked if the Children's Bureau has done what states required to meet the implementation timeline of the 2016 AFCARS rule.

- Ms. Collins stated that she wanted to make clear that the announcement that went out in no way changes the final rule that was published, and that it doesn't address ICWA because ICWA updated elements were not part of the original AFCARS that was created in 1993. She stated that ACF didn't do a "Dear Tribal Leader" or other Consultation because it was a routine thing (done every three years since the 1990s) and it strictly was to keep the existing AFCARS data collection in place. The final rule that was published in December, she added, has been part of a review that's ongoing in light of this administration's priorities and an executive order relating to reducing the burden and looking at rules. Ms. Collins stated that no decision has been made about changes, and

should there be any decision to consider any changes, ACF will be doing extensive outreach and providing opportunity for comment.

Ms. McGovran and Ms. Collins had a back-and-forth to clarify that as the rule was published, states aren't being required to implement the ICWA-related data points until next year, FY2019.

Ms. McGovran asked what the Children's Bureau is doing to make sure the states are going to meet that requirement, to which Ms. Collins clarified that ACF has not been very proactive in implementing the new rule.

Tino Batt stated that, as it relates to AFCARS, Tribes were very concerned about this issue, and CB should see that this is a critical issue for tribes. Mr. Batt stated that tribes don't want the administration to pull the language that requires the ICWA information, and he hopes that CB advocate that the regions need to prepare to implement the rule. Mr. Batt continued that the administration needs to understand that it's not a burden, it's a need for the tribes.

Mr. Attebery then reiterated about the LIHEAP programs, that this speaks to needs-based development. He also added that he appreciated this open, meaningful consultation process.

Thomas Torte, chairman for Torres Martinez Desert Cahuilla, reiterated that appreciation. He has concerns about LIHEAP and the Community Service Block program not continuing. Mr. Torte's tribe has collaborated with other tribes to create a consortium of TANF programs and he described several individual success stories in the program.

Tino Batt gave a background of his tribe, and stated that many such small tribes are struggling, and rely on many HHS/ACF programs. His tribe has consolidated programs just based on the needs, helping citizens move from poverty. His tribe, he stated, has a Title IV-D child support program in place, but one of their biggest concerns is the 20 percent match. Mr. Batt then gave a brief summary of his tribe's program, and reiterated that each tribe is unique and must adapt to changes, and that any new rules or regulations can cause issues. He thanked the ACF leadership for their work and understanding, and welcomed the new leaders. Lastly, he stated that his tribe prefers direct funding for all programs, as he believes it is more effective than pass-throughs and having to wait for the state.

Ms. McGovran then encouraged the Tribal Leaders and staff of the Tribal Leaders to take it back to their leadership that a lot of the issues are legislative issues, not administrative. She mentioned that NCAI has developed a TANF task force geared towards TANF re-authorization.

Eddie Crandall, Chairman of the Robinson Rancheria, introduced himself and noted that he also serves as the executive chair for the California Tribal TANF Partnership. He explained that they have conducted a collaborative strategic plan recently to combat some of the issues through legislation and came up with a new vision statement. Mr. Crandall reiterated the importance of culturally rooted programs. He encouraged funding flexibility to serve their partners.

Gail Hatcher, Vice-chair for the Klamath Tribes, stated that it was interesting to hear how tribes are culturally unique, but share the same issues such as drug abuse and domestic violence.

She described the size of her tribe and her appreciation for the ongoing partnership with ACF. Ms. Hatcher continued that, unfortunately, once a tribal TANF program establishes the number

of assistance units as a basis for federal funding, they don't have the mechanism to renegotiate assistance units without redefining the service area or the eligible population served. In her tribe's case, they are continually enrolling new Tribal members which they can't keep up in their program. She stated that the Klamath Tribes recommend allowing tribes to reopen caseload negotiations without the need to redefine the entire program. Most tribal TANF programs, Ms. Hatcher continued, do not receive sufficient funding to provide a holistic, culturally, and trauma-informed approach for families, adding that most tribes struggle with resources and do not have the funding streams to help provide effective mental health services. Allowing the Tribal TANF program to renegotiate caseloads, she stated, considering the real costs of effective preventive services, can help improve TANF outcomes.

Ms. Collins also pointed out the barriers of background checks to Tribes when attempting hire qualified tribal members who can and will provide effective services; the strict and mandated background checks under federal law, including the Indian Tribal Protection and Family Violence Act, hinders many tribes from hiring tribal members. The Klamath Tribes recommend providing more autonomy and making background adjudication decisions based on a case-by-case basis, as tribes are best able to determine the character of their tribal members.

Regarding ICWA, Ms. Collins stated that after nearly 40 years, children are still three times more likely to be removed by state children's welfare systems than non-native children, with 60 percent of adopted children placed outside their families and Native communities. She added that the Klamath Tribe's children are in crisis in the state of Oregon, along with many other children across the nation and provided examples. Ms. Collins asked that ACF help tribes hold all states accountable to all children, and hold the states accountable to the courts.

Ms. Collins then discussed the challenges in administrating grants from different federal and state entities, with different fiscal years, eligibility requirements, and reporting processes, which creates a bureaucratic burden for tribes with limited resources and staff.

Ms. Collins closed by speaking to the importance of Tribal sovereignty and the general government-to-government relationship.

Terrelene Massey, the executive director for the Navajo Nation Division of Social Services, stated that she wanted to add to the record that the Navajo Nation has supported AFCARS regulations that were implemented in last year. She stated her belief that CB should be seeking a more proactive approach. In addition, Ms. Massey pointed out that being a large tribe brings its own administrative problems working with the Federal government.

Regarding, ICWA, Ms. Massey described the size of Navajo Nation's ICWA program and frequency of referrals. She continued that one of the biggest things they have been working on for the past several years is implementing its Title IV-E program, which supports their tribal child welfare system. She described the challenges they've faced in this and requested support from ACF in using three different AFDC rates to determine eligibility for its IV-E children, despite continued requests for this to be under one so they can work consistently across the board with families.

Similarly, regarding Title IV-E, Ms. Massey stated that every year there seems to be new requirements or updates that the Title IV-E programs are required to implement and suggested

there is a need for more Native American tribal liaisons to help tackle some of these barriers and complexities. She added that another area for Title IV-E is the support for tribal IT system, which is not up to par, and asked that the support for Tribes be on par with what it is for states.

Regarding TANF, Ms. Massey expressed her appreciation for the support in terms of funding levels and flexibility.

Ms. Massey stated that regarding Child Support, the nation had difficulties in that they had orders they could enforce in New Mexico, but not on the Arizona side, because there wasn't that level of agreement with the state of Arizona.

The group dismissed for lunch at noon, and returned shortly after 1:00 p.m.

Brian Poncho, the vice-chairman for the Owens Valley Board of Trustees, introduced himself and began on the topic of TANF. Mr. Poncho gave a background on the law that created TANF, noting that it explicitly states that the principles of the Indian Self-Determination and Education Assistance Act are to apply to the execution of the program. However, he continued, the Office of Family Assistance interprets the law through its implementing regulations as though it is not the case. As a small tribe, this is an acute challenge since they often have to choose between donating valuable land for the operation of the program or using it for their housing crisis. Moving a program off-reservation means that participants and families that need these services will have to travel. Mr. Poncho urged the administration to reconsider their position on the matter. He also asked to schedule some follow-up in February.

Regarding Head Start, Mr. Poncho noted that his organization began an Early Head Start program in 2015 and is having trouble accessing carryover dollars to fulfill their obligations in our startup plan. With this, he several suggestions to help improve this for the future, including:

- Training and technical assistance for new grantees on grant requirements and processes.
- A checklist of documents needed to submit and amend the budget and the request for carryover.
- Samples of completed Forms 425, 428, and 429.
- A glossary of terms.

Ms. McGovran asked to follow up regarding AFCARS and what California has done in regards to ICWA compliance. She said the state has been very receptive of their report, and the task force has a roadmap that they are currently implementing to bring ICWA compliance to California, with the commitment of the attorney general. Ms. McGovran noted that they have several Navajo Nation referrals, and that this is why AFCARS is so important for its shared database.

In response to a question from Mr. Batt, Ms. Ecoffey then clarified that she is there in a consultation role as Mr. Wagner's representative as the acting Deputy Assistant Secretary of Native Americans at ACF. This role also includes serving as the Acting Commissioner for the Administration for Native Americans. In her regular position, she is the Principle Advisor for Tribal Affairs in the immediate Office of the Secretary and the Office of Intergovernmental Affairs. Ms. Ecoffey noted that ACF outlines in its consultation policy that, as the tribes are able

to give a delegate as opposed to a tribal leader here consulting, the agency is given that same right.

Mr. Batt noted that, if a discussion is dealing with an issue for which the responsible program office isn't available, comments should be withheld until the person returns, or submit them within the 30 days.

Mr. Batt and Ms. Ecoffey then discussed the publication in the Federal Register regarding the standing principles and ACF guidance for consultation, which goes hand-in-hand with the ACF Tribal Consultation policy, which was developed with the tribal leaders, hand-in-hand, like the HHS consultation policy. Ms. Ecoffey also pointed out that this is also a time for Tribal leaders to comment on the consultation policy and on where they feel it needs to be updated.

Ms. Ecoffey continued that HHS does a good job of updating their consultation policy periodically, looking at feedback from Tribal leaders, and that HHS wants to make sure that they're always keeping that up-to-date.

Ms. Massey then asked for a follow-up from the Children's Bureau regarding the AFCARS, including what they going to be doing next and when, as well as what the plan is for the implementation of the regulations.

Liz Kipp, Tribal Chair with Big Sandy Rancheria, noted that she had expected the agency heads to remain through the lunch break and into the afternoon.

Ms. Thompson commented on the AFCARS report and stated that her tribe does not have Title IV-E program, and instead relies on the state (Oklahoma) for those services. However, the state is not adequately reporting the information on tribal kids in custody.

Mr. Torteiz stated that tribes frequently get the notices of proposed rule-making along with a comment period to respond and noted that no response is typically meant as acceptance of the policy.

## **2017 ACF TRIBAL ISSUES**

Ms. Mueller opened this portion of the agenda by stating that during the past year, ACF has had consultation with tribes out in the regions. From this, ACF staff have compiled the issues that have been brought up, which was included in the attendees' packets.

### *Tribal-State Relations*

Ms. Mueller opened discussion on one of the issues, tribal-state relations, where tribal leaders noted that partnering with states to implement ACF programs can be challenging, especially in regard to child welfare services. Tribal leaders offered the example of state-requested waivers of tribal sovereignty immunity as a problem. States require these waivers to allow tribes to provide services to their communities and may include penalties and punitive damage if tribes act outside of these terms, she stated.

Ms. Mueller then asked if the state can ask a federal entity to waive sovereign immunity, and what would be the purpose.

Paula Pinder, the director of Family and Community Development with Aleutian Pribilof Islands Association, stated that hers is considered a small tribe, despite having a large area to cover, and they are denied many grants because of the high service delivery costs.

Ms. Pinder stated that some area tribes recently entered a compact agreement with the state of Alaska for child welfare. The tribes did not want to waive tribal sovereignty when the state asked them to, because the tribes understood litigation could be at issue. The tribes were more willing to negotiate and sign the compact once the state pulled the lands from litigation.

Ms. Mueller suggested all tribes review the compact that the Alaska coalition made, and consider going to their states. She stated that the California Tribal Coalition is working on this fast formula now for compacts similar to the Alaskans.

Ms. Pinder also pointed out that the Alaskan compact also solidifies the fact that Alaska is onboard with regulations and compliance, which was another guiding factor towards the compact. Eventually, they are hoping to get some investigations and other pieces in as they try to develop programs and services, including around the opioid epidemic.

Sunshine Parker, with the Eastern Band of Cherokee Indians in North Carolina, stated that they are a direct IV-E agency since October 2015. When they began the application process, they attempted to enter into an MOA or an MOU with the state of North Carolina and the counties. But the state refused to enter into either with them unless the tribe would give them a waiver of their sovereign immunity, which the tribe declined. They've been functioning without an MOA or an MOU, and ACF staff are the only ones who frequently bring it up during site visits. The Tribe has received a Dear Directors letter from the state DHHS that notes they are a IV-E agency. However, Ms. Parker stated that they would still like to have an MOU or an MOA for when administrations and directors change.

### *Funding*

Ms. Mueller stated that tribes would prefer formula funding or mandatory funding for necessary services over competitive discretionary grants. Tribes have several concerns regarding non-federal share, namely that there is a variability among ACF programs in terms of waiver qualification, process, and the tracking of non-federal shares. The overall concern, she stated, is that tribes are being asked to bear a disproportionate share of liability for programs and will have to deal with funding shortfalls due to the administrative caps.

There were no comments or questions on this.

### *Public Law 102-477: The Indian Employment, Training and Related Services Act*

Ms. Mueller then moved on to the next issue, opening that Tribal leaders want to see ACF support self-governance through the expansion of programs allowed as part of the PL 102-477 demonstration program. There were no comments.

### *Background Checks*

Ms. Mueller introduced the next topic by stating that Tribes are unable to efficiently access the results of background checks due to bureaucratic obstacles in some states and other areas with slow response time. Tribes find the cost of background checks to be quite high.

Ms. Pinder commented that, with regard to funding, the state of Alaska and the tribes are beginning in negotiations with regards to how to streamline services with regard to law enforcement across the state, background checks and a variety of other things that weren't addressed under the Child Welfare Compact Agreement.

One of the topics that are going to be discussed is a dedicated computer where staff could access certain information and get into systems that they hadn't otherwise been able to.

Ms. Linehan commented that this is also applicable to the Office of Head Start, because in their recent regulations they had more stringent requirements for criminal background checks. Both OHS and the Office of Child Care, she stated, granted an extension to all states and tribes for up to a year to come into compliance. The Office of Head Start compliance date was extended to September 30, 2018. Ms. Linehan stated that she believes they underestimated the time it would take for guarantees to come into compliance because this is a requirement that relies on the state to have their infrastructure setup. Even though OHS has delayed compliance with the new requirements, she added, they are still requiring that entities comply with what is in the OHS statute.

Related to this, Ms. Linehan continued, ACF is looking at the issue of having different requirements across different offices because this can become complicated for tribes.

Ms. Romine pointed out there would be two sessions later in the week dedicated to background checks, including representatives from Children's Bureau, OCC, as well as the Department of the Interior and Department of Justice.

Mr. Batt stated that they are trying to comply with the Head Start regulations, but they have their own internal problem because they are getting mixed messages from Department of Interior. Some of that confusion, he stated, is related to the information in the Native American Children Safety Act that passed last year.

Ms. McGovran reminded attendees that this section of the agenda is a tool for the ACF TAC members to hear from tribal leaders on what the priorities are that leaders want the TAC to put forward when they meet with the Secretary.

Ms. Ecoffey added to this by saying that they wanted to give the TAC members an opportunity to hear from all the attendees and make sure that they had accurately captured what was heard in the regional consultation sessions as well as the budget consultation sessions on ACF specific issues.

Mr. Parker stated that her tribe was fortunate to become part of the initial pilot program for the Tribal Access Program (TAP) through SMART and the Department of Justice (DOJ). Without that, they would have had no access. Her understanding is that TAP is coming under scrutiny now with concerns about whether it's beneficial, and she stressed to the attendees that it is extremely useful to her tribe and she'd recommend TAP expanding to more tribes.

Mr. Attebery asked why tribes need to put forward a waiver of sovereign immunity with the states.

Ms. Parker responded that the Eastern Band was told this was necessary because the state, by entering into any agreement automatically waives their sovereign immunity, which would be a reasonable response if that were true. Her tribe had entered into multiple other MOAs and MOUs with them for other programs that did not require any waiver of their sovereign immunity and resulted in no waiver of their immunity.

Mr. Attebery then noted Head Start teacher credentialing, specifically the requirement of having at least an A.A. degree. His tribe had a respected teacher with 30 years of experience, who doesn't want to have to go through the process of getting an AA degree after 30 years of experience. He had asked about grandfathering those type people in and reiterated now that tribes should have the right to determine whether or not that person is good for their program.

Angie Godfrey, the Regional Program Manager for Head Start, confirmed that the requirement is a bachelor's 50 percent, but an AA was the minimum. OHS respects that length of experience, and has offered to work with the tribe and the staff person around professional development.

Terrie Terrio, Treasurer of the Stockbridge Muncie Tribe in Wisconsin, noted that her tribe has had a related issue for years; once the tribe gets staff educated to meet OHS requirements, the staff are frequently hired away by the public education facilities, since the Tribe can't compete with the salaries. This has been a major problem, she said.

Ms. McGovran and Ms. Linehan clarified that the regulation regarding teacher credentials became part of OHS's reauthorization in 2007. Ms. Linehan continued by stating that OHS understands the issues of turnover and salaries, and agrees that is a problem within tribal communities but across the country, but noted that they are then a gift to the public schools.

She also reiterated Ms. Godfrey's comments that OHS wants to work with tribes to support teachers who have demonstrated themselves to be competent, and although OHS doesn't have the legal authority to grandfather a person in, they certainly don't want to suggest that person should be terminated. OHS wants to work with the program, Ms. Linehan stated, to keep the classrooms open.

Ms. Ecoffey stated that she is going to reach out to other ACF leadership to get clarification on the Tribal Sovereign Immunity issue, and to see which other tribes are facing this as well.

Mr. Attebery reiterated the importance of the work they do and of having excellent teachers.

### *Opioids, Other Drugs, Severe Mental Illness, and Childhood Obesity*

Ms. Mueller began this section by stating that Tribal leaders have concern about the state-written policies that guide social work licensure for staff working with families that are impacting by opioids and other drugs, child welfare, and Indian health service issue. Tribes feel that collaboration is needed to rewrite state and local policies to take cultural health beliefs and traditions into account. She continued, Tribes would also like to see funding for culturally appropriate facilities for detox and addiction treatment. Tribal leaders believe that cost reductions including copay and deductible waivers in the proposed healthcare bill will negatively impact tribal members' economic stability and/or access to healthcare. Ms. Mueller also noted that some tribes, especially in ACF Region 7, are still battling the meth epidemic.

Ms. Ecoffey noted that New Jersey and Utah came in to seek an 1115 waiver to expand their Medicaid to address more treatment. When states apply for this waiver, they must consult with the tribes. There is a need for expansion of treatment within Indian Country as well.

Ms. Roberts, from the Chickasaw Nation, commented for OPRE that her tribe is developing their own models, including, for example, a Chickasaw enculturation scale, since research shows that with higher levels of enculturation you have better socioeconomic outcomes. However, the tribe has faced two issues:

1. As a rural tribe, there is a long commute to resources (such as the university library research databases) to build their work. She suggested that OPRE could somehow create an Indian Library Database that would incorporate these resources, which are extremely important to their ACF work.
2. The 1115 waiver that came out last week is tough because it just moves things around, but with a promise streamlining. Her tribe's 1115 waiver for some other Medicaid issues has been waiting for two years, and she hopes the process can go quicker.

Mr. Attebery commented that his tribe doesn't have the necessary facilities for children and families that have drug problems; the nearest place is five hours away. There is also some red tape that slows response when an individual comes asking for help (including those who are incarcerated), impairing the tribe from acting quickly. He added that the delay is sometimes up to two weeks before their social workers can talk to them. He also attested to the power of cultural healing with children.

### *Head Start*

Ms. Mueller opened this section by pointing out that Tribal leaders noted several challenges to Head Start programming that required funding, including salaries, facilities improvements, and equipment. In addition, she continued, the rural location of many tribal Head Start programs carries increased cost for transportation, supplies, and employee costs. Tribes are concerned that program review teams and those leading the mental health consultation lack the necessary cultural awareness. According to the feedback, Tribal leaders would also like to see additional technical assistant and training offered to meet the revised Program Performance Standards.

Nigel Lawrence, a Suquamish tribal councilmember and director of its early learning center, stated that he is trying to figure out how to increase Early Head Start to meet the standards, and asked if, once they graduate from Early Head Start to Head Start, they should go back down to the fewer hours, fewer days model for Head Start, or should he expand Head Start to match Early Head Start hours.

Ms. Linehan noted that OHS would certainly follow up about this. She noted the legislative history leading up to the differences in funding and hours requirements. She also added OHS believes communities should build preschool programs that meet their needs. OHS drew a hard line on hours for infants and toddlers for the continuity of care, but is providing much more flexibility for the preschool population

Kevin Shendo, the education director for the Pueblo of Jemez, thanked the OHS staff and leadership for prioritizing language in the last regulations that came out, and noted that the Pueblo's Head Start program converted to full immersion in 2012 based on a tribal council

resolution. He noted several issues that he's been working with OHS staff on, the first of which related to teachers and the Associate's degree requirement. His tribe is fortunate to have young people who are fluent, but a lot of other tribes' fluent speakers are elders, who may not have this degree.

Secondly, Mr. Shendo asked what the relationship is (if there is one) with all the institutions of Higher Education and the Office of Head Start. He noted that, as new regulations are being implemented and tribes may focus more on language and culture-based education, one of the challenges that his tribe is having is degree programs that may be curriculum or teacher preparation and immersion or dual language or language- and culture- based.

He also noted there is a challenge with transitions as young people are leaving Head Start, they are feeding into three different school systems such as the Bureau of Indian Education (BIE) school, a public school, and charter schools. His tribe is working with those schools to ensure that their teachers and classrooms are prepared to accept children coming from full immersion. Mr. Shendo asked if these conversations are also happening at the national level, in addition to the state and local levels.

Lastly, Mr. Shendo pointed out the importance of culturally based practices and curriculum in classrooms, as well as prevention and intervention programs. He voiced support for additional research dollars to support tribally specific research-based projects, noting that as a relatively small population, they usually aren't considered research-based at this time, so they must partner with other tribes.

- Ms. Godfrey noted three points:
  1. All states have a collaboration director, as well as a National Collaboration Directors Office, which is headed by Mike Richardson. This office recently did a scan of tribal colleges and others that work with tribes around the early childhood coursework.
  2. OHS has limits to what they can do regarding supporting the transition into schools. Ms. Godfrey gave the example of Sisseton Wahpeton in North Dakota, where they developed an MOU so that once they graduate Head Start, children will enter a kindergarten-immersion classroom.
  3. For decades there was no research to which OHS had access or that was used in funding OHS AI/AN programs.
- Ms. Linehan added that OHS would be very interested in hearing from tribes that arrived at a level of consensus around this being a topic that they would like to see more research on. She noted that for a very long time OHS had a lot of trepidation out of concern for doing it in a culturally responsive and inclusive way. Ms. Linehan pointed to OHS's experience with the Family and Child Experiences Survey (FACES), which was inclusive of tribal input from the beginning to the end.

Mr. Shendo said that better guidance around transitions would be very helpful because, in their case with the State of New Mexico, the state and the tribe have different expectations around reading levels that conflict with their language immersion program. He suggested a letter of support, guidance, or something similar from OHS that informs states that there are tribes pursuing language-based programs.

Ms. Ecoffey noted that the ACF TAC members are in the room and that this discussion was helpful to get them caught up on some of the key issues.

## **CONSULTATION ISSUES, GRANTS ADMINISTRATION, AND OTHER ISSUES**

In introducing the Open Consultation session, Ms. Ecoffey noted that the items being discussed were generated based on the input from the series of planning calls in advance of the consultation. There were no further comments on the background check requirements and sovereign immunity, so the discussion moved on to the other topics that were raised.

A participant from the Oglala Sioux Tribe noted that the Tribal Council adopted an official ordinance regarding consultation in the government-to-government relationship that they would like the agency and the different programs to adhere to and will be following up in the coming days on a few issues of importance to the tribe.

Michelle Sauve, Intergovernmental Affairs Specialist for ANA, noted several documents in each person's packet.

### *Administrative Caps and the Requirements for Federal Share*

Ms. Sauve noted that these comments were mostly from the requests for information and several letters that came into the Office of Child Support Enforcement for sort of a blanket waiver for non-federal share.

Ms. McGovran asked if anyone present from ACF could answer the earlier question of the waivers of sovereign immunity, regarding states trying to require tribes to sign one. She also asked about the possibility of conducting a needs assessments for tribes, rather than the competitive process for grants, noting that small and needy tribes typically don't have a large grant-based program and therefore miss out on a lot of programs.

Ms. McGovran and Ms. Ecoffey noted that this is a legislative issue, not an administrative one, and would require congressional action. Ms. Ecoffey noted that ACF has an internal process to sometimes be able to propose changes legislatively, but this must compete with many other priorities, and is especially acute since HHS is the largest domestic federal agency. She also noted that ACF works to prioritize items for consultation that they have direct control over (i.e., administrative and policy issues).

Ms. McGovran brought up the issue of lack of starts funds for TANF expansion, leaving the tribe to pay for expansion out of pocket. She encouraged tribal participants to get with their legislative bodies to advocate for it.

After several questions about the legislative process, Ms. Ecoffey invited Preeti Kanodia, from the Office of Legislative Affairs and Budget, to come to the table to explain the process better. Ms. Kanodia noted that ACF's hands are slightly tied when it comes to legislation; they have some flexibility to propose justifications and legislative changes within the President's budget, but not to speak to directly on proposed legislation unless specifically requested to do so by Congress.

When bills look like they're likely to pass, sometimes the Office of Management and Budget (OMB) requests an administration-wide views document, which is typically a two-pager with highlights, according to Ms. Kanodia.

## **HUMAN TRAFFICKING**

Ms. Ecoffey began the next session by noting that ACF has heard from several of tribes throughout the country that human trafficking is starting to become an issue. Tribes have asked for Technical Assistance and education materials. ACF has recently been asked to co-chair an ad hoc working group on American Indian and Alaskan Natives on the Interagency Task Force to Combat Human Trafficking. The main working group is run out of the Department of State.

She then introduced Katherine Chon, the director of the Office on Trafficking in Persons, to provide a few comments and take questions.

### *OTIP Comments*

Ms. Chon noted that, in terms of the federal legislation on human trafficking, the U.S. is now 17 years into anti-trafficking efforts since Congress passed the Trafficking Victims Protection Act of 2000. Since then, there has been a growing evolution of federal interagency efforts, including the formation of this new ad hoc working group. In addition, she continued, HHS recognizes that forced labor and commercial sexual exploitation as a broader public health issue, noting that it intersects with many other issues that communities and families face including domestic violence, sexual assault, child abuse and maltreatment. Ms. Chon also stated that they recognize the historical legacies of trafficking are tied to forms of historical types of slavery in the past.

Ms. Chon also stated that she wanted to report out on how the past consultations have informed OTIP's programming in combating human trafficking and through OTIP's federal partnerships. She noted that two key themes they have heard in previous years were:

1. The importance of working with American Indian and Alaska Native leaders and nongovernmental groups to provide materials, especially youth-friendly materials.
2. Strengthen data collection around victimization connected to the American Indian and Alaskan Native communities.

Ms. Chon broke her comments based on three of OTIP's major functions and programmatic areas.

### **Victim Assistance**

Over the past four years, ACF has integrated human trafficking into various Federal funding opportunity announcements (FOAs), including ANA SEDS grants and certain FYSB runaway homeless youth programs.

The Children's Bureau, through new federal mandates there are requirements for child welfare and child protection service providers to get training and to report and assist victims of trafficking, child victims of trafficking.

In terms of specialized funding opportunities, OTIP and FYSB launched a demonstration program three years ago to specifically serve domestic victims of trafficking. Prior to that, she said, the history of OTIP's victim assistance funding was focused on assisting foreign victims of

trafficking here in the United States. In the second FOA, they specifically mentioned the importance of addressing trafficking in American Indian and Alaskan Native communities; two out of the three grants were in North Dakota and Montana, focusing on American Indian populations. This year, in their third cohort, there are a number of grantees including an organization in Alaska to focus on how trafficking impacts particular Alaskan Native youth.

Ms. Chon also noted the Department of Justice has a much larger budget for victim assistance programs, and they have expressed an interest in funding anti-trafficking programs impacting American Indian and Alaskan Native populations, but they aren't seeing the proposals come in to their broader pool of applicants. OTIP has been encouraging them to get the word out more, and encouraged participants present to provide more feedback on how they can do that.

### **Building Community Capacity**

Through the National Human Trafficking Training and Technical Assistance Center (NHTTAC), OTIP has a pool of subject matter experts who are deployed to give training and technical assistance. This center includes survivors and other subject matter experts representing the American Indian and Alaskan Native community. Some of the topics have included strengthening the capacity of tribal emergency management disaster response and strengthening the healthcare response to identifying victims of trafficking and referring for services.

Ms. Chon also took a moment to acknowledge that many of the tribes in the room have already engaged in awareness raising efforts, and welcomed any collaborative or coordinated efforts.

### **Research and Data Collection**

OTIP piloted its human trafficking data collection project this year in six states, including Oklahoma, coordinating closely with the Administration for Native Americans because we heard loud and clear the need to have more specialized research and data collection to gather data around human trafficking and American Indian and Alaskan Native populations. The findings from that pilot effort will likely come out early next year.

Ms. Chon also noted there were two U.S. Government Accountability Office reports that came out this year based on Congressional requests, both of which are specific to human trafficking in American Indian and Alaskan Native communities.

Ms. Chon then turned the conversation over to Ms. Sauve to discuss interagency work.

### *Interagency Work*

Ms. Sauve noted that she is helping staff the interagency ad hoc working group on AI/AN trafficking, and that the co-chairs are at DOJ and at the Bureau of Indian Affairs. This ad hoc group is working to align the activities of the participants. Ms. Sauve continued that they are primarily looking to develop a list of what programs and services are working on trafficking in AI/AN issues, and specifically around different areas such as prosecution and investigation, victim assistance, data and research, tribal engagement, capacity building, and training.

Ms. Chon also mentioned that there is this trilateral working group between the U.S., Mexico, and Canada specifically about human trafficking. When they met last year, there was an interest between the countries to talk specifically about anti-trafficking efforts impacting indigenous communities. She expects this will likely come up again in this year's meeting.

### *Comments and Questions*

Mr. Attebery asked how much effort is put into looking into drug use in correlation with human trafficking.

- Ms. Chon replied that she is not aware of any rigorous research on the intersection, but they have been hearing from their grantees and some federal partners about that connection.

Mr. Tortez, Chairman of the Torres Martinez Desert Cahuilla Indians Tribal Council, asked if, while there is insufficient funding for a full-fledged program to be implemented with tribes, there an opportunity for ACF/HHS to send out trainers to their reservation. Given his tribe's location near the border, he said he would be very interested in having someone come out to speak with the tribe and provide training.

- Ms. Chon noted that Beth Pfenning is point of contact on OTIP's training and technical assistance efforts, and that she will connect with the tribe to make sure that OTIP could meet the community's needs. Further, she encouraged all the participants that, if there are training or technical assistance needs, OTIP will match them up with subject matter experts (in lieu of being able to send someone themselves).

Ms. Thompson, from Pawnee Nation of Oklahoma, echoed that they have the same issues in their community, in part because of the crossroads of the interstates that come into Tulsa and Oklahoma City areas. She noted that much of her community is older, and unaware of what is going on, stressing the need to educate the community on how to recognize and deal with it, especially with the influx of the casinos in Oklahoma.

- Ms. Chon said that OTIP is continually hearing about trends and intersections from various communities and using this for its activities, such as webinars. She also pointed out the National Human Trafficking Hotline, which is one of OTIP's grant programs. Based on the 35,000 cases that have been reported over the years, they developed a report of the top 25 industries impacted by trafficking, along with some examples of what those recruitment, control, and victimization schemes look like, noting that Casinos are one of those 25 industries.
- Ms. Williams (FYSB) commented about the intersections of human trafficking with things like drug use or domestic violence, and that the Family Violence Prevention and Services program has done extensive work to coordinate efforts to address the issue, as well as to provide training, because victims often go to domestic violence shelters. She also pointed out that there is both online and individual training available for tribes to identify domestic violence and sex trafficking, along with how to address those issues.
- Ms. Sauve noted that social service populations are one of those vulnerable populations when it comes to trafficking, and so ACF wants to make sure that the tribes that are implementing ACF programs are aware of this issue and are aware of the technical assistance and the resources that they can access through the NHTTAC and other programs. For example, ACF has just released a youth-oriented toolkit to combat human trafficking, developed in collaboration with youth groups and experts.

Mr. Crandell, from Robinson Rancheria thanked ACF for recognizing this subject, and stated that they had a recent training, without which they would have never known the signs to combat trafficking.

Mr. Poncho, from Bishop Paiute Tribe, commented that it would help to have training tools that are geared towards casino security staff so they know how to recognize trafficking. He also asked about training with Tribal police.

- Ms. Chon thanked Mr. Poncho and said they would follow-up on specific tailoring. She also noted that OTIP's training and technical assistance efforts are all part of the services that we provide through the NHTTAC.

## **UPDATES FROM ACF TRIBAL LIAISONS**

Ms. Ecoffey then asked each liaison to give a brief update on key activities at each agency regarding tribes.

### *Office of Child Care*

Jim Henry, from the Office of Child Care, reminded everyone that OCC has a new final rule that came out that's elevating child care throughout the country, including Indian Country. The final rule allows a lot of flexibility for tribes.

Mr. Henry also mentioned that the new rule provides details on background checks, including the FBI background check, the different registries that have to be looked at, as well as interstate communication with states and tribes about where individuals have lived before. Mr. Henry noted that OCC would like to hear from tribes about their experiences, and that OCC is going to be starting to develop the new plan beginning in early 2018 and will have listening sessions over the next few months.

### *Office of Head Start*

Mr. Wyatt noted that OHS has implemented the new director's leadership academy.

In addition, OHS is implementing a new monitoring system, which is far less rigorous in terms of time and is more outcome-driven.

### *Children's Bureau*

Ms. West stated that CB expects to have Title IV-E grants open up again around January 2018, with a 90-day open period. She encouraged applicants to get all stakeholders together to discuss the project, as opposed to letting a grant writer apply on their own. She highlighted that on the Children's Bureau webpage there is a document called Tribal Considerations, which has suggested questions under various areas of a Title IV-E plan.

### *Office of Family Assistance*

Mr. Koutstaal noted that they have been continually working to strengthen relationships with their 477 partners, both tribes and federal partners in BIA and DOL.

OFA is looking for ways to strengthen the partnership and streamline some of the processes under the TANF program and the Native Employment Works programs.

Mr. Koutstaal commented that OFA is also supporting tribes that are applying for TANF, and they are always receptive to more tribes implementing their own TANF program.

He indicated that TANF expects some policy clarifications, and tribes will have opportunities to play a big role in helping TANF shape its thinking around these.

There are also some technical assistance activities that TANF anticipates coming in the year ahead, he said, including TA around case management. They are exploring the pathway to move TANF recipients and other low-income individuals to a sustainable career path, and what's the role for a social enterprise.

- Ms. McGovran asked what tribes can do to assist in this and help this thought process along. Ms. McGovran stated that tribes want to make sure the administration understands that there is a big difference between state TANF and tribal TANF, and that tribal TANF is very successful, noting its five-year time limits.

Mr. Koutstaal suggested they figure out ways to continue the conversation, whether through formal consultation or some other means. He added that even when they are planning TA, if Tribes see a gap, then they should indicate that as well.

- Ms. McGovran reiterated her earlier comments about lack of startup funding, along with negotiations of TANF compacts with each state, adding that is where tribes need help. She also said she feels Tribal TANF program are very successful in what they do, and asked if there has been a concern that some tribes need assistance with their programs.

Mr. Koutstaal responded that there is not and noted that TANF does annual regional meetings and makes resources available to tribes.

## **OPEN CONSULTATION**

Acting Assistant Secretary Wagner returned, and Ms. Ecoffey then asked what other participants had testimony.

Ms. Thompson noted that to address all these issues and all the priorities that the Secretary has identified, Tribes are going to need more dollars.

She also mentioned the importance of education and training to combat human trafficking, especially because some of their members don't believe that it is actually happening in their rural area.

Ms. Thompson thanked Mr. Wagner for returning, noted that this was a meaningful consultation, and gave appreciation for the opportunity for tribes to voice their concerns and speak up on behalf of their communities. She also appreciated the back-and-forth, and noted that this was one of the best consultation that she's ever attended.

Mr. Poncho commented on "less than arm's length" transactions regarding office space rentals on the reservation. It is basically the tribes position, he said, that the law that created tribal TANF, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, explicitly states that the principles of the Indian Self-Determination and Education Assistance Act apply to

the execution of the tribal TANF programs. However, Mr. Poncho continued, the Office of Family Assistance interprets the law through its implementation of regulations as though this is not the case. In practice that means that tribes operating tribal TANF programs on their reservation cannot charge fair market rental rates for the space used to provide services to the needy members of the community.

Given the small land base of his tribe, land is at a premium, and the need for it competes with the tribe's housing needs. Mr. Poncho asked for some follow-up teleconferences in order to try to understand each other's positions better, especially as this seems to be a regulation, not a law.

- Mr. Wagner indicated that he'd be very willing to be a part of that conversation, and reiterated his commitment to providing ACF's partners with maximum flexibility, consistent with the purposes of the Act.
- Mr. Koutstaal added that he would be sure to relate the concerns to the OFA Director, and noted that this has been a recurring, long-standing issue.

Mr. Torrez, chairman for the Torrez Martinez Tribe in Riverside County, noted that his tribe started TANF as a small tribe in Riverside County, where the unemployment rate is 5.7 percent. However, his tribe's unemployment rate is 50 percent. They then we expanded to applying TANF and implementing TANF in all three of the counties where they are, and they currently have an approximately \$54 million budget from TANF, making them the second largest TANF in the nation. Mr. Torrez noted several success stories.

- Mr. Wagner thanked Mr. Torrez for the kind words and the beautiful testimonials.

Ms. Mueller thanked Mr. Wagner for returning and expressed to the ACF leadership that on the whole, the tribes work very well, and that the relationship with ACF has been building.

Ms. Mueller also noted that, with regards to 477 and self-governance, self-governance with the BIA and Indian Health Service made a huge difference in what her tribe was able to provide for its people, as well as the larger community. Her rural area's main healthcare provider pulled out, leaving everyone without any kind of healthcare at all. The Tribe built a clinic and now serves a wide catchment. This was just the beginning of the tribe's self-governance, she said.

Ms. Mueller also noted there was still some confusion around AFCARS, and noted that the tribes need to know the data and information so that they can conduct their own program improvements.

Ms. McGovran added that she felt the session's outcomes were very good, and thanked Ms. Ecoffey. She noted that they need the database for the Navajo tribe, and like some of the other large tribes in the nation, their systems aren't all on the reservation. Other tribes help in those cases, since they need data to know about the child, the family, what the needs are in order to assist. This is, she said, just another example of why AFCARS is so important. Ms. McGovran also asked for clarification about what actually is being looked at in AFCARS.

- Regarding the data collection notice that went out, Mr. Wagner reiterated that it does not pertain to the new regulations, and confirmed that ACF has not undertaken anything with regard to the new regulations. He went on to say that he has some concerns about the

extent of the data collection in AFCARS, but in order to look at that, ACF would need to invite public comment.

Ms. McGovran stated that California has established an ICWA task force, and the state is in support of the tribes and ICWA compliance, as well as the data. She asked if there is going to be a new Dear Tribal Leaders letter coming out at some point that will express the concerns of the agency.

- Mr. Wagner said that if it went out, it would not express the concerns of the agency, but instead would be an invitation for tribes, states, citizens, and anyone affected by AFCARS to provide comments. Mr. Wagner also clarified that while this is taking place, the states are still getting ready to implement that data source. He also stated that there is not a review committee for AFCARS.
- Ms Ecoffey noted that some of the confusion might be coming from a discussion at STAC in March 2017 regarding the deregulation internal committee that they were developing.
- In response to a question from Ms. McGovran, Mr. Wagner noted that this is an internal committee at HHS to review deregulation and to review any proposed regulations. It consists of the Assistant Secretary for Financial Resources, the internal HHS think tank, Assistant Secretary for Planning and Evaluation (ASPE). The Executive Secretariat also sits on it.

## **CLOSING REMARKS**

Ms. McGovran began the closing by thanking ACF leadership for organizing this. She continued by stating that this was probably one of the best, major ACF consultations that they have had, and they look forward to doing more. She reiterated her request to consider doing a Consultation in February when more tribal leaders can come around the winter session for NCAI.

Mr. Wagner thanked participants for making the trip to Washington, D.C., and for the investment tribes have made in furthering their shared goals of helping people in need who have come into our care. He also thanked Ms. Ecoffey for the excellent forum.

Ms. Ecoffey thanked participants and noted that the record is open for 30 days in case Tribes wanted to continue to submit testimony. ACF staff will be consolidating the top-level issues from the meeting, she said, and sharing that back with the TAC and STAC. She then asked Lieutenant Governor Waquie of the Pueblo of Jemez to close out with a prayer.

Mr. Waquie thanked Mr. Wagner for the excellent consultation and noted the importance of this event. He then provided the closing prayers in his Towa language.

The meeting concluded at 4:45 p.m.