



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Child Support Services | 330 C Street, S.W., 5th Floor
Washington, DC 20201 | www.acf.hhs.gov/css

**Administration for Children and Families
Office of Child Support Services
Tribal Consultation Session Summary Report
April 6, 2023**

This report is written in accordance with the Administration for Children and Families (ACF) Tribal Consultation Policy, which requires a written report within 45 days of the completion of consultation. The ACF Tribal Consultation session occurred April 6, 2023, and the official record was kept open until May 6, 2023. This report will summarize the discussion, identify specific tribal recommendations and/or requests, and provide the federal responses. The Office of Child Support Services (OCSS) Tribal Consultation Report is published on the OCSS [website](#).

NOTIFICATION OF CONSULTATION

ACF announced in writing via a Tribal Dear Colleague Letter (TDCL) on February 9, 2023, as to the date, purpose, physical and virtual location, and registration process for consultation. The TDCL was shared through the OCSS website, OCSS and Administration for Native Americans email list-serves, and ACF's program offices.

A final agenda was developed based on input from the co-facilitator, Councilman Lee Spoonhunter of the Northern Arapaho Tribe.

Final Topics for OCSS Consultation included:

- Modification of the non-federal share of program expenditures
- Tribal legislative priorities
- Additional regulatory changes (e.g., procedural and technical changes)
- Tribal systems

ACF Representatives (in person):

Tanguler Gray, Commissioner, ACF, OCSS

Melissa Johnson, Director, Division of Regional Operations, ACF, OCSS

Monica Adams, Program Specialist, Division of Regional Operations, ACF, OCSS

Chad Sawyer, Senior Policy Specialist, Division of Policy and Training, ACF, OCSS

Tribal Leaders or Designees (in person):

Lee Spoonhunter, Councilman, Northern Arapaho Tribe

Malinda Beiler, Child Support Director, Aleutian Pribilof Islands Association

Jennifer Berridge, Tribal Court Administrator, Winnebago Tribe of Nebraska

Crystal Bowman, Child Support Director, Bear River Band of the Rohnerville Rancheria
 Amber Caldera, Councilperson Pro Gamble S'Klallam Tribe
 Stacy Caudle, Child Support Director, Kickapoo Tribe in Kansas
 Kateri Cervantes, Child Support Director, Mescalero Apache Tribe
 Oyate Contreras, Child Support Director, Winnebago Tribe of Nebraska
 Lynette Dixey, Child Support Services Director, Shoshone-Bannock Tribes
 Kimberly Ferris, Financial Specialist, Eastern Shoshone Tribe
 Janae Franklet, Child Support Director, Central Council Tlingit and Haida Indian Tribes of Alaska
 Warren Hawk, Councilman, Standing Rock Sioux
 Willowa "Sis" Horn, Child Support Director, Fort Belknap Indian Community
 Lisa Hulvey, Child Support Director, Modoc Nation
 Maria Huynh, Child Support Director, Port Gamble S'Klallam Tribe
 Gina James, Child Support Director, Quinault Nation
 Lilly James, Child Support Director, Nez Perce
 Ralph Jefferson, Child Support Director, Lummi Nation
 Alison Johnson, Child Support Director, Three Affiliated Tribes
 L. Clare Johnson, General Counsel, Northern Arapaho Tribe
 Tish Keahna Kruzan, Child Support Attorney, Lac Courte Oreilles
 Michael Kidder, Child Support Director, Osage Nation
 Wayland Large, Council Member, Eastern Shoshone Tribe
 Tom Majdic, Program Attorney, Northern Arapaho Tribe
 Joanne Marvin, Child Support Director, Sokaogon Chippewa Community
 Linda Moser-Buse, Child Support Director, Ho-Chunk Nation
 Brent Mulvaney, Child Support Attorney, Puyallup Tribe of Indians
 Rita Phillips, Child Support Director, Eastern Shoshone Tribe
 Candice Polite-Robinson, Child Support Director, Alabama-Coushatta Tribe of Texas
 Vince Redhouse, Technical Advisor for Councilman Spoonhunter, Northern Arapaho Tribe
 Roseann Reeves, Child Support Director, Tulalip Tribes
 Trina Schuyler, Child Support Director, Oneida Nation
 Susan Smith, Child Support Director, Lac Courte Oreilles
 Mary Squally, Child Support Director, Puyallup Tribe of Indians
 Brittany St. Pierre, Child Support Director, Chippewa Cree
 Ann Stafford, Acting Child Support Director, Mille Lacs Band of Ojibwe
 Tami Swanson, Attorney, Sokaogon Chippewa Community
 Jerl Thompson, Child Support Director, Standing Rock Sioux Tribe
 Pamela Waterman, Child Support Director, Lac du Flambeau Band of Lake Superior Chippewa Indians
 Jennifer Webster, Councilwoman, Oneida Nation
 Awendela "Mali" Williams, Child Support Director, Penobscot Nation
 Debi Condon, Child Support Director, Confederated Tribes of the Colville Reservation
 Judy Platero, Child Support Director, Navajo Nation

HHS/ACF/OCSS Representatives (virtual):

Raghavan Varadachari, Director, Division of State and Tribal Systems, ACF, OCSS
 Rebecca Kantsiper, Program Specialist, Division of Regional Operations, ACF, OCSS

Tristan Anderson, Program Specialist, Division of Regional Operations, ACF, OCSS
Chelsea Logan, Program Specialist, Division of Regional Operations, ACF, OCSS
Natalie Njoku, IT Specialist, Division of State and Tribal Systems, ACF, OCSS
David Jibodu, IT Specialist, Division of State and Tribal Systems, ACF, OCSS
Nancy Mathieson, Program Specialist, Division of Regional Operations, Region 10, ACF, OCSS
Maritza Hawrey, HHS, OIG
Kyle Bueno, HHS
Melinda Golub, HHS, OIG

Tribal Leaders or Designees (virtual):

Kamichia Goodman, Administrative Manager, Cherokee Nation
Gidget Lincoln, Child Support Case Manager, Suquamish Tribe
Diana Canku, Child Support Program Director, Sisseton-Wahpeton Oyate
Gail Hatcher, Vice Chairwoman, Klamath Tribes
Danita Herrera, Child Support Program Director, Kamath Tribes
Nicole Homer, Attorney, Ho-Chunk Tribe
Samuel Moose, Commissioner of Administration, Mille Lacs Band of Ojibwe Indian Reservation
Michael Fairbanks, Chairman, White Earth Nation
Raegan Hendrickson, Child Support Program Director, White Earth Nation
Kristen White Eagle, Representative, Ho-Chunk Nation
Sara Quetone, Child Support Program In-Charge Designee, Cherokee Nation
Stefanie Swan, Child and Family Service Attorney, Port Gamble S'Klallam Tribe
Cherilyn Yazzie, Council Delegate, Navajo Nation
Laura Lee Erickson, Legal Assistant, White Earth Nation
Sandy Cloer, Child Support Program Director, Eastern Band of Cherokee Nation
Daniel Moya, Tribal Liaison, New Mexico's DHS
Kendra Martinez, Attorney, Suquamish Tribe
Angela Crazy Thunder, Child Support Program Director, Northern Arapaho Tribe

Written Testimonies:

Dimitri Philemonof, President/CEO, Aleutian Pribilof Islands Association, Inc.
Kristin K. White Eagle, Representative, Ho-Chunk Nation
Harlan Baker, Tribal Chair, Chippewa Cree Tribe
J Garrett Renville, Tribal Chairman, Sisseton-Wahpeton Oyate
Samuel N. Penny, Chairman, Nez Perce Tribe
Sandy Cloer, President, National Tribal Child Support Association
Leonard Forsman, Chairman, Suquamish Tribe
White Earth Nation
Mille Lacs Band of Ojibwe
Jeromy Sullivan, Chairman, Port Gamble S'Klallam Tribe
Audra Blanche, Child Support Director, Red Cliff Band of Lake Superior Indians

Greeting and Introductions

Commissioner Tangler Gray with the Office of Child Support Services and Councilman Lee Spoonhunter from the Northern Arapaho Tribe welcomed attendees and expressed their excitement to facilitate the consultation.

Melissa Johnson, OCSS Director of Regional Operations, explained how the discussion would move through the four topic areas and how testimony would be received from in-person and virtual attendees.

MODIFICATION OF THE NON-FEDERAL SHARE OF PROGRAM EXPENDITURES

Testimony from tribal leaders and uniformly sought the elimination of the non-federal share of tribal child support program expenditures. Testimony detailed the hardships in meeting the non-federal share and the importance of services provided by the child support program to families.

OCSS RESPONSE

On April 21, 2023, OCSS published [AT-23-05](#) which announced a Notice of Proposed Rulemaking (NPRM) for the elimination of the non-federal share of tribal child support program expenditures. Comments to the NPRM are due by June 20, 2023.

TRIBAL LEGISLATIVE PRIORITIES

Written and oral testimony requested that tribes be allowed the same access as states to the Federal Tax Refund Offset program, passport denials, and the Federal Parent Locator Service (FPLS).

OCSS RESPONSE

OCSS supports tribal access to the Federal Tax Refund Offset program. This change will require passing federal legislation.

Tribal child support agencies can complete a security assessment and gain access to the FPLS. Information on gaining access to the FPLS can be found in [IM-16-03](#).

OCSS is always looking for improvements to FPLS access for the tribal child support programs and will explore tribal access to passport denial.

ADDITIONAL REGULATORY CHANGES (E.G., PROCEDURAL AND TECHNICAL CHANGES)

Written and oral testimony supported most of the technical changes discussed. However, other changes such as moving to a three-year budget submission cycle would only be supported if the non-federal share is eliminated. There was no support for moving the budget submission deadline to June 1 or mandating the electronic submission of the annual budget application.

OCSS RESPONSE

OCSS appreciates the support for the technical changes and will pursue regulatory change for those items in the future. Other regulatory changes without consensus will be on hold pending further developments concerning the non-federal share and future discussions.

TRIBAL SYSTEMS

Written and oral testimony sought the ability of tribal programs to use federal funds within their child support budget for the acquisition of any system that best supports the operation of the child support program. Additional testimony requested the re-implementation of the Change Control Board (CCB) meetings for tribes with the Model Tribal System (MTS) and an increase in funding and federal staff to update and maintain MTS. Testimony sought an increase in communication between OCSS and the tribes operating MTS and allowing tribes to make changes and improvements to the system to meet their needs.

OCSS RESPONSE

OCSS takes our government-to-government relationship with tribal nations seriously. OCSS also understands that every tribe is different and how to best support each tribal program will vary by tribe. OCSE prioritizes continuously improving how we work with tribes and support tribal child support programs. Regulatory changes would be required to provide broader federal funding for acquisition of systems. While OCSS cannot currently offer this flexibility in funding, we have published a Notice of Proposed Rulemaking that would eliminate the non-federal share amount for authorized expenditures.

OCSS appreciates the need for reinstituting the CCB for the MTS. The CCB process was put on hold for the MTS modernization and will restart after the User Acceptance Testing for all modules are complete. CCB will discuss enhancements needed for the MTS and will follow a similar process that existed prior to 2018, including discussions of changes and voting by tribal members on the scope and time required to implement.

The MTS federal team is comprised of two federal staff and two contract staff that handle architectural changes, development, and testing of MTS before releasing to the tribes for User Acceptance Testing.

Detailed comments, oral and written by topic:

Modification of the non-federal share of program expenditures:

Verbal testimony:

Jennifer Webster, Councilwoman, Oneida Nation:

I just want to give a little bit of background of our nation located in Wisconsin. We're one of 11 tribes, and we are located just outside of Green Bay. Our membership is about 17,000 worldwide with about 4,000 living on or near a reservation. So I'm speaking today on behalf of Oneida Nation in support of eliminating the non-federal share match requirement for IV-D tribal child support programs. Oneida Nation has operated its own I V-D child support agency since 2008 which assists on families by obtaining financial short in enriches the lives of our children. We are one of 60 tribal child support agencies across the country. Tribal child support programs like ours are providing 20 percent match in order to receive Federal funding, also known as non-federal share. This match requirement creates financial and administrative hardships for tribes. During these difficult economic times, tribes have limited resources and often have to make difficult financial decisions on which social programs will receive funding. On average our staff spends many hours calculating and monitoring the federal match requirement, and it takes a preparation of multiple staff to report on each year. That consists of our county, our law office, and the staff on site. The time spent on this could be used more effectively to provide additional support to parents or provide additional programming to better stabilize our families. The match also creates a barrier to entry for other tribes who want to start their tribal child support agencies. While there are 574 federally recognized tribes, only 60 currently operate their own tribal child support agencies. There are many benefits of the tribes to operate their own support agencies. For example, differences between Oneida child support agency and the typical, Oneida does not charge interest on arrears. Our surrounding county charges six percent currently. Oneida does not charge any fees for costs, court rules or receipt for business disbursement fees. Oneida case managers have smaller caseloads to allow for a more individualized case management approach with the parents and due to the smaller caseloads. Those cases could be reviewed every two years instead of three years as the surrounding counties. And Oneida offers families the option for non-cash report for family support options.

Federal tribal programs like ours are able to directly impact families with more personal and one-on-one customer service, for example, our case managers take parents down to the Economic Support Services Department with a warm hand to help parents with additional services such as job search or needed childcare services. Oneida parents have told us how much they appreciate that we did not charge interest on arrears like the county does and compliments our customer service and the resources that they receive. The goal of our agency is to be more involved with

more referrals to assist our parents with the ADA and mental health issues. They may be able to pay their child support and become more sufficient while encouraging engaged in parenting.

We are pleased that OCSE Commissioner Gray expressed your support eliminating the non-federal share requirement of tribes in August 2022 at the National Association of Tribal Child Support Directors Executive Leadership virtual meeting and again on October 19th, 2022, at the National Association of Tribal Child Support Directors meeting in Alabama.

If the non-federal share match requirement was eliminated, it would provide all tribal IV-D programs with the opportunity to take a proactive approach to offer its services that are shared. The overall well-being of children and families we serve, with our experience we try to establish their own tribal child support programs, increase tribal sovereignty. So Oneida strongly supports permanently removing the non-federal share requirement for ACF programs, including for the child support.

Gina James, Child Support Director, Quinault Nation:

I am the program manager for the Quinault Child Support Program, and I am also on the Business Committee, Tribal Council for several years. This morning I'd like to offer testimony on the non-federal 20 percent match and eliminating this.

For many years we've struggled to meet the in-kind or cash match. Our tribe is heavily government-employee based. And we have our managers where we could use in-kind for services that are indirect. So we've had problems with meeting that because we can't use that for services that are provided direct. Because we do have a pretty robust treaty in the tribe. A lot of those services are government employees that are mostly indirect because we've heard from other tribes on what they're using for their matches. But we're not able to. That is a one of the large factors. And we're also located in Washington state. We have a beautiful reservation that's pretty remote. We're not located next to major cities. And the next major, we are 45 minutes from the next major city. So we have to be really creative in our revenues and our budget spending. We don't have a tax base. We have a 200,000 acres reservation with little over 40,000 members. Probably half live on the reservation and half live off. So we're kind of in that part. Since we're located next to the Pacific Ocean, and we don't really encourage tourism development on the reservation because our members are pretty traditional. They like to have their homeland to themselves. Our beaches are closed. We have to have permission to get permits if it is allowed certain times of the year. When we do close the beach during our annual treaty submit celebration.

But I'd also like to tell a story not only with my tribe struggling to meet the match, but we have sort of sister tribes working with us that are even more remote than us. Sometimes we have cases where children are placed with families, and we do the orders from individuals that are north of

us on the reservations. And it's funny that the northern tribe won't recognize, they won't garnish for the State. So if we have that case, they'll send it to us to garnish for them. So we're actually enforcing when the State can't. It won't enforce. The other tribe won't enforce. So we're kind of helping out in that way. But it would be really nice if this is affordable for other tribes so they can operate their own support programs. And I just see a great need in that area for smaller tribes that aren't near large cities where we have economic ventures.

We do not charge for DNA testing. We don't charge interest. We don't charge for cost. We don't charge for any kind of services that we offer. So we do encourage our clients to transfer their cases from the county because they'll be charged all of those services. And we do our orders on the judicial and base them on actual income also. Sometimes we'll deviate if we know an individual is a new worker, maybe they're having struggles in their life or just coming out of alcohol and drug treatment. And we'll try to do something to help them out to get familiar with the workforce to get to work. And so we offer that. We don't just automatically impute income. For a while there our tribe was more minimal wage per hour than our state, so we live on the reservation. We use our minimum wage and what they live off in order to use that as the minimum wage just to help people out. Because obviously it's really hard to get a job if you're on versus off. And so we just try to be creative and do with our orders. We do, a majority of our orders are treaty-based which is nontaxable. So we have to be pretty creative. Most of our income is seasonal. But the non-federal share has been needed for us because most of our services are government-based.

So I'm just glad that we're finally here. I've been involved with child support as a case manager since 2009, and I think we opened in 2006. I wasn't there then. This past year we added abatement to our Tribal Code which is going to be nice for individuals that are not in that situation. So I just wanted to relay a little bit of history about our tribe and our neighboring tribes and how to help them. This will be for them because there are 27 Federally recognized tribes in Washington state, and I believe there might be four or five that offer tribal support programs and many of them are small tribe.

Malinda Beiler, Child Support Director, Aleutian Pribilof Islands Association (APIA):

(Read from a letter on behalf of Dmitri Philemonof, President and CEO, APIA) Dear Commissioner Gray: The Aleutian Pribilof Islands Association, Inc., APIA, is the regional tribal consortium organized as a nonprofit corporation on behalf of 13 Federally recognized tribes to provide services in ten regional communities in Alaska. APIA was incorporated in 1976 to advance the overall economic, health, social, and cultural development of the people within the Aleutian and Pribilof regions. Through contracts with federal, state, and local governments, as well as securing private funding, APIA provides a broad spectrum of services throughout the region we serve, including the operation of health clinics, behavioral health and addiction

counseling, employment training, education, public safety, and cultural services. The child support program became Comprehensive in 2012.

I'm writing this letter as at formal consultation on behalf of our 13 Federally recognized tribes in our service area regarding the Tribal Child Support Program. I authorized Ms. Malinda Beiler, Child Support Coordinator, to read this testimony at the upcoming Tribal Consultation in Atlantic City, New Jersey, on April 6, 2023.

We are formally requesting to eliminate the non-federal share requirement for this program.

The lack of community resources and the paperwork burden associated with tracking and monitoring this match takes away time from programs working directly with parents. Although it is possible to request a full or partial waiver, this provides only temporary relief and does not solve the issue of the overburdening paperwork requirement that takes time away from direct services.

Because we are administratively operated, we do not have a tribal court. And any type of court-related costs that we can utilize to meet the non-federal share.

With respect to OCSE Tribal Consultation on this matter, APIA is in support of the permanent removal of the non-federal share requirement for tribal child support.

Thank you for this opportunity to consult in our government development relationship. We look forward to hearing about the next steps to these needed changes to best serve our people.

Shirley Allman, Executive Committee Member, Nez Perce Tribe:

(Read from a letter on behalf of Chairman Shannon F. Wheeler) On behalf of the Nez Perce Tribe, I write in support of the elimination of the Tribal non-federal share contributions as required in the 45 CFR 309.130(d). The contribution requirement has had an adverse effect upon the child support program, resulting in staff cutbacks and the hindrance of services provided to the custodial parents and children over the years. Our programs funding and services have been reduced due to the difficulty meeting the requirement.

In our experience, the Tribal non-federal share contribution requirement has hindered the development of tribal child support programs. And is a barrier to the tribe. The requirement forces critical service programs such as Head Start and child support to compete for tribal hard dollars. Tribal hard dollars are used to support self-government systems in charge of public safety, health, and natural resources.

The current match requirements are a direct conflict with the interest of all tribes and serve no identifiable purpose. Child support programs are designed to sovereign principles so that each tribe can develop programs that provide stability and economic security, responsibility, and self-sufficiency. Eliminating the non-federal requirement contribution requirement would provide several benefits to the tribe and to their child support programs, increasing overall service quality and increasing financial independence, ultimately leading towards better services and outcomes for our tribal children and families.

Thank you for your attention to this crucial matter.

Amber Caldera, Councilperson, Port Gamble S’Klallam Tribe:

I am a tribal councilperson, but more importantly, I've been the child support lead case manager since 2009. So that's why this consultation is especially important to me personally. I'd like to thank you for taking the time to listen today. We will be providing more thorough written comments, but we wanted to discuss some of the highlights here today.

We've had a child support program since 2002. We pride ourselves in offering wraparound services to our own people under our Children and Family Services Department. We offer services, child welfare, child support, foster care, as well as other ACF programs, including elder programs, youth services, and Head Start services.

The non-federal share hinders the development of tribal child support programs and is a barrier to obtain the full funding that Congress intended the tribes to receive for a successful operation in order to fulfill their Trust responsibility. Approximately 90 percent of Federally recognized tribes do not have a child support program.

The non-federal share is an unnecessary and unjustified burden imposed on tribes that has prevented many tribes from starting Title IV-D programs. In our own child support program, the non-federal share requires staff to spend time and energy documenting all the details of our efforts to provide match funding. And I know this personally. It's one of my least favorite job duties. That's limiting time available for offering outreach services such as fatherhood program and culturally relevant parenting courses.

The match requirements forces tribal support to compete with other programs supported by tribal hard dollars. Hard dollars are used to support critical self-governance functions as well as Indian child welfare, elder abuse support system, safety, public safety, health, and natural resource programs. These are all very critical services. However, children and family services are the very core of our community and the core of who we are as a tribal nation.

Our tribe is still recovering from the unforeseen effects of COVID-19 pandemic, and the last two years have been challenging for the tribe as the COVID-19 pandemic took a toll on the economy and community. The current regulation 45 CFR 309.130(e) makes it nearly impossible for tribes to receive the anticipated emergency waiver. Tribes were able to get emergency waiver due to the pandemic because certain requirements were waived. The waiver requirement needs to be reviewed and reworded to state the following statements will be considered sufficient to merit a waiver under this section without documentary evidence satisfactorily to the secretary. Funds have been committed to other budget items, a high rate of unemployment, a generally poor economic condition, a lack of or decline in revenue from gaming, fishing, timber, mineral rights and other similar revenue sources, a smaller declining tax base, and little or no economic development. Our tribe is thankful for the emergency waivers we've received in the last two years.

We commend OCSE for listening to us at the ACF Consultation in Pechanga, California in September of 2019 on how the current 20 percent non-federal share rate has caused an unnecessary administrative burden and undue hardships on our tribe today. We thank Commissioner Gray for putting these issues as her number one priority for tribes. Our tribe supports OCSE's intent to permanently eliminate the non-federal share requirements and look forward to offer additional support to our families.

Warren Hawk, Council Member, Standing Rock Sioux Tribe:

I am from the Standing Rock Sioux Tribe of North and South Dakota, and I serve on our 17-member council. And I'm Chairman of our Judicial Committee and oversight over budget of the federal process. And so I thankfully have my director here because he sort of helps. He oversees a lot of programs so it's hard to track the individual programs, and each program in need.

But the match requirement was not part of the original legislation. It is outstanding, as communicated by to us by OCSE and staff. The match point was added by the Office of Management Budget, and it was added without Tribal Consultation, meaning that the tribes never had the opportunity to comment on how they would be impacted by should they start a program.

Having a match forces the tribes to consider whether or not they even can afford to have a grant before the tribe can consider the benefits of having the grant to provide the services for our people. The tribes that have an abundance resources rare are exception. Excuse me. Tribes with abundant resources are the exception to the rule and not the rule.

Standing Rock Sioux Tribe is located in a region with low population. While we have tribal gaming revenue, we are limited in our ability to grow that revenue. We are also highly susceptible to losses due to many factors.

And most recently the COVID pandemic that has the greater impact on us. Last year when we prepared our budgets, we had cut budgets straight across the board. Every program that we offered to our people, benefits our people, is important. And so we couldn't cut just anyone in a particular budget. Everybody had to take a hit including our child support programs and programs that benefit our people directly.

Probably out of the 14 tribes in North and South Dakota, only 3 of those tribes operate a Title IV-D program. And the statistic that was given by my friend Jennifer earlier, out of the 574 Tribal nations across this nation, 60 or 61 tribes are operating offering programs. That means there's 90 percent of our tribal programs that are going without this service. And that's a huge number.

So the greater impact is with the start of having to do away, eliminating the tribal match for the federal share would mean great things for our people. Because our tribes, as a tribal leader, we care about our people and care more for our children. And if we don't have the ability to take care for our children and provide for them, then it really affects our people as a whole. And in an era where we have an administration that encourages consultation, we appreciate that but we also appreciate some action.

And I appreciate your time for this consultation. It's important. Thank you.

Wayland Large, Councilman, Eastern Shoshone Tribe:

I'm an Eastern Shoshone Tribal Councilman. We come from the Wind River Indian reservation in Central Wyoming. We share the same reservation with the Northern Arapaho Tribe. Our population is 4,997 membership. Today I am going to read a letter from our Eastern Shoshone Tribal Business Council from our chairman regarding the letter of court proposed rulemaking for Title IV-D programs.

(Read from a letter on behalf of Chairman John R. Sinclair) Dear Commissioner Gray: The Eastern Shoshone Tribe supports the change in the requirements for the tribes to provide a shared program expenditures.

Our tribe became a Comprehensive tribe in 2010. We have been struggling to provide the match requirement that is required in place for the past 13 years. This requirement is time consuming, costly to the tribe, and brings staff to use their scarce resources, time to be used on collecting a count for the match. Time spent on compiling the information needed for the match could be better used to assist families with more services to educate and provide more assistance with paternal responsibility, including job and work-related issues, domestic violence outreach, fatherhood services, teenage pregnancy topics, and may other matters concerning child support.

The Eastern Shoshone child support program is providing basic child support services to our community. If the tribes are approved to eliminate the non-federal share of the program expenditure requirement for Tribal Child Support Enforcement programs, we will be able to reach out and serve more of our families. Before the Eastern Shoshone Tribe had a child support program, many of our families did not receive child support. The Eastern Shoshone Tribe commits to assisting the Eastern Shoshone Child Support program by supporting their work with families to benefit the future of our tribe by ensuring that our children receive support from their parents.

Approval in favor of discontinuing the cost-share of your program expenditures for tribes will greatly assist the Eastern Shoshone Tribe, especially our children.

Gail Hatcher, Vice Chair, Klamath Tribes:

I am The Klamath Tribe's Vice Chair. Thank you for giving me this opportunity to speak. These matters are very important to the Klamath Tribes. I'm here today to request a permanent elimination of the 20 percent tribal non-federal share for the 40 child support programs.

Since time immemorial, The Klamath, Modoc, and the Yahooskin people have lived in Southern Oregon as a federally recognized tribe. Our mission is to protect, preserve, and enhance our spiritual, cultural, and values and resources. Currently there are 5,813 tribal members with the majority living in Klamath County. Klamath County is the fourth largest County in Oregon, and it is 6,135 square miles. Klamath County is our service area. Our Tribal Government offices are in Klamath, Oregon, which has a population of approximately 776 people. Because we are in a very rural area, we are a remote tribe managing limited economic opportunities and resources. The income per capita in Chiloquin is 58 percent lower than the national average. The median household income is 47 percent lower than the national average. The unemployment rate is 168 percent higher than the national average. And the poverty level is 176 percent higher than the national average.

These statistics have a very direct impact on the Tribal economy and enterprises. Tribal programs rely on and compete for revenue generated from our tribal casino, which is our primary tribal enterprise. Because funding under this tribal revenue stream is subject to impact such as COVID and the fires and that's just to name a few of the recent issues we've suffered. It has a limited funding option.

The elimination of the 20 percent Tribal non-federal share would give the tribes the ability to meet the needs of their Tribal members without fear of exhausting critical tribal remedies for essential services such as law enforcement, housing, health, and education. For these reasons, we are asking for the permanent elimination of this match.

Cherilyn Yazzie, Council Delegate, Navajo Nation:

Navajo Nation fully supports the elimination of the tribal non-federal share. The elimination of the non-federal share of the 20 percent match would be beneficial to the Navajo Nation as the nation is experiencing limited economic and financial resources. The nation must make difficult decisions as to which Navajo Nation programs it can fund.

Child support is an essential program providing direct services to our Navajo children and families and thereby must be funded by more than 7450 active cases worked by Tribal employees. Tribal child support programs are designed upon sovereign principles so that each tribe can develop programs that promote stability and economic security. If tribes are not able to provide the non-federal share, children of low income families will suffer.

The elimination of the non-federal share would send a message that the ACF understands this and is flexible in its approach to enable tribes to achieve ACF program objectives.

Lynette Dixey, Child Support Director, Shoshone-Bannock Tribes:

I was given permission to testify on behalf of our tribe from our Fort Hall council.

We've been running our program since 2015. And in that time we've collected \$1.3 million in child support and arrearages. And before the program became Comprehensive, the families relied on outside sources of the state programs to assist with collections, but because we're a sovereign nation, they weren't able to collect from per capita which we now can which has really assisted our families on the reservation.

Why should OCSE consider reducing the non-federal share from 20 percent to zero? I did some research through our Census Bureau for our community and also looked at the website for OCSE. And in the analysis, this data blog, Exploring Tribal Demographic Data, Part One, it states that nearly one third of Native Americans living in the areas where a tribal child support program is present live in poverty. Number two, the Census Bureau calculations for the Fort Hall Reservation Native Americans through the Americans Community Survey found that 12.6 of the population is unemployed. And 45 percent of that had an annual income of \$24,999. So that's not very much. Our income level their average is pretty low. And also indicated in the survey 18.9 percent of grandparents take care of their grandchildren. Forty-seven percent of that are 60 years and older. Currently with our program, 61 percent of our cases are non-federal share.

Parents do not pay child support. But if it wasn't for that tribal child support or that child support garnishment from our per cap program, hardly any of these families would be getting anything. Funds allocated for the non-federal share requirement to be reallocated to other areas to assist in our tribe.

Sorry, I have to read this. Areas that I or that Council has felt we could use to allocate other parts of the tribe: Funding resources to assist grandparents taking care of grandchildren; assist unemployed noncustodial parents with training, education, and job search; assist poverty stricken families with supplemental assistance or allocate for funds for its programs that can assist the families; help with critical infrastructure such as upkeep of buildings; employ more emergency personnel; and possibly rebuild a child building that housed several of our community assistant programs that was destroyed due to water damage.

The 20 percent non-federal share requirement is a hardship for the tribes. Although match has increased by Title IV-D and our general fund, it has averted to ask the court personnel to make a commitment to keep records of the time given to child support cases. And general funds may not always be available as they also fund other programs within the tribe. And those funds can be utilized to supplement other needed programs for tribal members.

We are fortunate to receive an emergency waiver for the past two years as it has put on the child support program. If non-federal share requirement was reduced, other tribes can invest in important programs, allowing sister tribes to work together to collect child support.

Removing the non-federal share will allow child support program to be less stress and less worry about the budgets and more productive in creating ways to assist the community and producing responsible parenting through outreach and education. There can be only be positive changes in removing the non-federal share requirement.

And I thank you for this opportunity to be able to speak and to be able to have an opportunity to give feedback the 20 percent match.

Ralph Jefferson, Child Support Director, Lummi Nation:

(Read from a letter on behalf of Chairman Anthony Hillaire) I write a letter on behalf of Lummi people in support of the efforts of the Native Nations across the US seeking to eliminate the non-federal share that each tribal IV-D agency is currently required to report for the operation of their Title IV-D child support programs.

Title IV-D programs benefit tribal children in both financial and emotional support. The 20 percent non-federal match is a barrier preventing other tribes from developing child support offices for their people and their children. Current match requirements serve no regularly identifiable purpose.

Tribal child support programs are designed upon sovereign principles that each tribe developing a program that promotes the stability, economic security, and responsibility of self-sufficiency.

These core values and principles are desired components of programs ACF administers on behalf of children and families everywhere.

The Lummi Nation has been more fortunate compared to other tribes that have little economic development. The Lummi Government must decide which social programs to fund. Our funds could be redirected to battle the opioid crisis, which programs can continue to exist based on the funding shortfalls. Money is tight within the Indian country. Eliminating the non-federal match would send a message that ACF understands this and is flexible in its approach to achieving the stated ACF objectives.

In closing, the Lummi Nation fully supports the elimination of the Tribal non-federal share.

Susan Smith, Child Support Director, Lac Courte Oreilles Band of Lake Superior Chippewa:

I'm from Lac Courte Oreilles Bank of Lakes Chippewa, and I've been with child support director of our child support program since 2010 when we started. And I have had experience as to the challenges, burdens, and hardships of the current 20 percent match that match creates. It limits growth.

Match rates vary between tribes to establish a child support program of other tribes in our area. The match is disruptive. The 20 percent match requirement takes tribal resources from other tribal entities and putting a burden on the rest of the tribe.

ACH, ACF, OCSE, we all serve the children and families first. And how sincere are we? If we are sincere, then let's take action that would support our words. The population I'm speaking of my tribe are people who are stricken with high poverty and all the challenges of the burden of poverty, much created by historical trauma heaped upon us by past government policy, boarding schools, assimilation, and relocation. We all know that history. And currently our communities, due to the pandemic, have seen increase numbers of homelessness, opioid drug addiction, and often increased death, with children with loss of a parent.

We have an increased need for meaningful outreach for our families is a high priority right now. The 20 percent match creates a limitation on the outreach efforts. Without the burden of the high 20 percent match for tribal child support would have increased the ability to reach out to our children, families, and support their efforts to support their children in all aspects of responsible parenting. Our child support would have greater ability to expand our efforts to work with parents in a more than enforcement role, help our parents to simply find meaningful employment due to expanded collaboration with our community employers, programs that serve, which include tribal, county, state and federal.

To support our children and families, we ask that you reduce or eliminate the match to more fully meet their needs. We agree the following statements of need accurately reflects the goals of our program. We both agree the statement of need to ensure that opportunity of our incredible families to receive child support services that reflect and affirm their tribal cultures, traditions, and to promote parent responsibility, create financial responsibility, and lift out of poverty.

So I'm asking that the match be eliminated.

Kristen White Eagle, Representative, Ho-Chunk Nation:

I want to thank you, Commissioner Gray, for offering this opportunity to share the Ho-Chunk Nation's concerns with the tribal non-federal share and how it negatively affects the tribe. We appreciate that ACF is making efforts to abide by Executive Order 13175 regarding Tribal Consultation. It recognizes our inherent sovereign authority to self-govern and by coming to the table to find ways to grant the tribes maximum administrative discretion, it preserves the prerogative, the authority of the tribes set forth under Section 3 of that Executive Order.

I'm here as an elected official for Ho-Chunk Nation, my second four-year term. And I did attend the 2019 Consultation and plan to restate our position from them. I appreciate this opportunity to attend virtually today.

Of particular interest to the Nation is the topic of non-federal shared program expenditures for tribal IV-D agencies. And the Nation is still in support of the elimination of this requirement.

Now, while the Nation consistently met the regulation requirements pre-COVID-19, the pandemic has exacerbated and brought to light during our comments, and that was during September 16, 2019, Tribal Consultation in Temecula. The Ho-Chunk Nation does have a unique situation. We're a unique tribe in that we lack a reservation, and we lack a contiguous land base. So instead we have pockets of Trust land that spread out across the state of Wisconsin, and our legislative represents four different districts. I represent District 2. We've a District 4 which encompasses all tribal members that reside outside of Wisconsin, so this does become challenging to serve each with direct services. And this is one of those services that is available to those near and far to their tribal governments. And as such we think it's very vital towards keeping our families connected to their tribal nation with this service.

A little bit of background on our agency and the child support program. The Nation was awarded start-up child support funding from ACF back in 2012. After that start-up period concluded, we received notice in 2014 that it was awarded Comprehensive funding. During that initial year of being comprehensive, the Nation claimed that the rental fair market value square footage over its space to meet its 10 percent non-federal share. But unfortunately in 2014, Part 74 was removed. And with it that more friendly provision regarding the rental FFP. So initially the Nation was not

negatively impacted, although it did place more stress on Title IV-D agency to scramble to try to make up that difference. And also to think outside the box in counting for in kind.

Now, following the onset of the recent pandemic, the Nation continues to struggle to meet the non-federal share match and that it's due to, extraordinary measures taken not only to sustain our Tribal Government, our people as a whole, but we're also forced to strip away many in-person services. And that agency has to make cuts in personnel, both of which were heavily relied upon and satisfied the non-federal share since the Nation was no longer able to rely upon the FFP over that space. So we were one of the other nations and I'm hearing from other officials and representatives that emergency waiver of non-federal share of program expenditures, we had to use that waiver as well. We appreciate that.

The nation's child support agency continues to operate with that reduction in staff, curtailing travel, changing how it tracks time and effort under the grant, to better reflect the lower amount of tribal in-kind that's available. And although program adaptations are helpful, the lean style of the federal programs, it limits the type of services that the agency can offer.

While we are on a slow path of economic recovery, just as well as most of the world is, we do want to address the elimination of the tribal non-federal share from a preparedness lens. So all of many nations are especially hard hit by the pandemic, it has forced many of the governments, the Ho-Chunk Nation as well, to make difficult decisions as to which social programs to continue to fund. So, for example, do we now use tribal funds to battle the opiate crisis? If so, which programs that may be at risk. How do you offset those shortfalls for critical service.

So tribes already were at a disadvantage to begin with. We lack resources. Many times proper taxation base. We have limited economic diversification. We're oftentimes in remote regions. And add that pandemic that we're all aware of, and a change in FFP allowances in the past, we just simply cannot meet the 20 percent non-federal share. Tribes that operate child support programs do understand that there is that mechanism in place to seek that waiver. The problem, though, is that many tribes do not experience the circumstances on a temporary basis. Each and every year there exists high rates of unemployment, poor economic conditions, all of these factors that they mentioned before. And on top of that, we're combatting drug epidemics throughout our communities.

So additionally with the waiver not being guaranteed, this does lead to program instability. It also hinders program development to meet the needs of the community and it discourages the adoption of efficiency improvements such as costly technology and applications that are needed.

Now, looking at child support programs, these programs, this is the bedrock of Tribal sovereignty. So in other words, the bedrock of child support programs is our tribal sovereignty.

The purpose is to allow tribes the ability to develop culturally appropriate programs to promote the stability, economic security, responsibility, and the self-sufficiency of our people. These core values and principles are desired components of programs as administered by ACF on behalf of children and our families. If child support programs close based on the inability to meet non-federal share, it's the tribal children of low-income families that are going to suffer.

So in Wisconsin our child support agency has really been a critical, important tool to use towards the exertion of our Tribal sovereignty. So with Wisconsin statutes, we do have a legal mechanism in Wisconsin that we can easily transfer our civil cases into our Tribal Court. So working in a government to government relationship within the state of Wisconsin, we are able to many use MOUs with the counties to streamline and transfers of mass caseloads of counties at a time. So therein again this is exerting our sovereign right to handle our own domestic matters within our fully capable judicial and social service systems.

And if we take a look at the affected tribal members, our tribal members have often not had the best relationships with their own county child support workers. The county often lacks understanding of the historical trauma that can lead to chronic joblessness. Excuse me. Joblessness. They don't always understand that a parent has no control over the tribal laws that address how recognition and enforcement actions are addressed within the tribe. They struggle with having a driver's license that may have been revoked, and that makes it more difficult obviously to maintain employment or even gain employment. So now with parents they're finally seeing payments that they have not seen in the past, and that's due to the willingness to work with tribal agencies as opposed to counties. Our tribal families are benefitting greatly from having our Ho-Chunk Nation child support agency doors open.

Now, start to conclude here and do want to say that in order to continue to provide this valuable services, we ask that the Federal Government eliminate this tribal non-federal share due to its financial restrictiveness that could limit our services or force us to eventually close our doors altogether. We believe the elimination of a non-federal share honors the Federal Government's Trust responsibility to assist tribes in achieving self-determination and exerting its sovereignty over its own domestic affairs. As such, we would request that the Administration for Children and Families begin the process required to make such elimination a reality.

Tom Majdic, Program Attorney, Northern Arapaho Tribe:

I'm the program attorney for the Northern Arapaho Tribe. And I've been in this capacity for the last two years. And I have prepared anticipated waivers for the past two years for the program.

In my prior background before I was an attorney was accounting, so I particularly enjoyed looking at the numbers for the tribe. And it looks like several years before I came aboard, there

was no elimination of being able to use the fair market value for the building that the program is inside. And that really upended the tribe's ability to be able to come up with a match.

This is the first time I've heard today tribal hard dollars. It's a really interesting term for me. And basically it was leading away from being able to provide alternative forms of payment to the words "tribal hard dollars." And a lot of individuals have spoken about here today, tribal hard dollars are a scarce resource. There's a lot of tugging, opposing concerns for those tribal hard dollars. Plus, there's not a lot to begin with.

And we were very heavily affected by COVID. In fact, probably the most heavily affected area in the state of Wyoming. And the casino basically shut down. And even today I like to go up there for my lunch every now and then, and the numbers of individuals in the casino are nowhere near pre-COVID levels.

But I don't know when this elimination was going to be decided upon or such, but I have a lot of concern about us being able to come up with any additional funds or concern. But, I'm not sure what OCSE would want from us with regard to a valid reason for another elimination. But it is very necessary for the program to be able to ask the elimination of the tribal match.

And this program was a wonderful program for the tribal community, like everything that's been said this past week about this program, the cultural aspects and the one-on-one with individuals. This is a very important program for Northern Arapaho community. And I would ask that tribal match be eliminated.

Michael Fairbanks, Chairman, White Earth Nation:

I'm listening to some of the leaders here talk about the disparities and the support that our fathers need. I would like to go into a different realm here and talk about myself in leadership across True Island. I know that the Office of Child Support Enforcement has been there for quite a few years, and I want to say for assisting us and guiding us in ways. But also there are other parts, portions of it that we do need more help.

In Minnesota we have a huge problem with drugs, fentanyl, opioids, and us combatting it. And then myself as a leader of our tribe in trying to keep everyone on a good path, on the right road. I know that the Office of Child Support Enforcement is something, I think, is a very delicate part of, I think, the piece of the puzzle. One thing that I wanted to stress also is that us up here working with our parents and in our division of child support, I think it's much needed that we get the full support from the Office of Child Support Enforcement, full funding. I think we do a good job of trying to integrate our programming together along with healing. I know that a lot of us here in my building work hard on trying to devise ways of not only use the Western medicine but our own medicine that was given to us by our forefathers. And I think it's important that we

look at this and see it as a really good positive for all of us that we're working today and meeting today and looking at ways how we can support health and integrate different ideas together to help us to combat these and do a promise to our people. Why are these parents neglecting their children? Why is the system today the way it is today? And I'm not taking it into negative things that we had to commonly use that come out of us.

And I just want to say on the record that White Earth Nation, we do support the Office of Child Support Enforcement, but also we encourage you to listen to all of us, which you're doing today. But also keep in hand that we have a huge other burden alongside of all of us. And we're trying to fix what we can and fix our fathers and our mothers. As a council member, as chairman, we are tasked with that. It's a tough task. And I believe that you can slowly as we heal together that we can fix. So one of the things I'm getting at is I'd like to see that this program be fully funded by the Federal Government.

Written testimony:

White Earth Nation:

For the past decade, our White Earth Child Support Director along with other Tribal Directors throughout Indian Country have been working with the Office of Child Support Enforcement to eliminate the tribal match. Tribal programs receive federal funds to operate their program which currently are 80% Federal funds 20% Tribal Match

Currently White Earth Nation Child Support has been able to meet the match requirements, but as the program grows, and expenditures increase such as salaries, benefits, supplies, contracts-- finding the match will begin to be a problem and the program will have to request higher cash match or face the difficulties of cutbacks within the budget. The 80/20 match rate is disruptive to the program and imposes a hardship to White Earth along with other Tribes. The White Earth Reservation is in northern Minnesota and has limited economic resources.

Current match requirements are in direct conflict with the interest of Tribes and serve no readily identifiable purpose. Tribal Child Support programs are designed upon sovereign principles, so that each Tribe can develop programs that promote stability and economic security, responsibility, and self-sufficiency. These are core values and principles that are desired components of programs as administered by ACF on behalf of children and families.

If child support programs close, based upon the inability to meet the non-federal share, this will have a negative impact for children of low-income families. The 80/20 match rate is disruptive to the programs and imposes hardship to Tribes. This would have a negative impact throughout Indian Country.

Our White Earth Tribal Child Support Program has positively impacted on our Reservation. Being able to work side by side with our tribal and community members more effectively than the Counties and State.

Eliminating the tribal match would give opportunity for program growth and expansion, provide additional culturally specific services to all families we serve. This would help Tribes gain greater control over the efficiency of Tribal Child Support Programs, less bureaucratic barriers. It would also give Tribes a fair and equal opportunity to the States, Counties.

The Suquamish Tribe:

The Suquamish Indian Tribe (Tribe) is a federally recognized tribe located in Kitsap County, Washington with approximately 1,244 enrolled citizens. The Tribe provides a variety of services to its citizens, descendants, and community members which includes child support enforcement.

The Tribe has operated a tribal IV-D child support program for close to thirteen years. In those years, the Tribe has not only met the federal match requirement but has invested its own resources to ensure the program's success and continuity. Currently, the Tribe pays twenty percent of the federal match which diverts tribal government funding from other programs.

The Tribe's Child Support Enforcement Office provides services to Suquamish citizens, descendants and community members. In the past year, the Tribe's Child Support Enforcement Office has served 381 clients, 156 of whom are children. Of those clients served, 159 were Suquamish citizens, 18 were members of other federally recognized tribes, and 204 were non-native.

The Tribe is in support of proposed rulemaking that eliminates the federal match requirement for tribal IV-D programs. Elimination of the federal match requirement would enable the Tribe to use those resources to invest in its other social services programs. The Tribe heavily invests its own resources to its social services programs due to the historic underfunding of those programs by the federal government. Requiring a federal match for the Tribe's IV-D child support program removes much needed funding from the Tribe's other social services programs. The federal match requirement also prevents other Tribes from operating a tribal IV-D child support program due to the significant investment required to maintain its operation long-term.

The Tribe looks forward to engaging with the Office of Child Support Enforcement as it begins its rulemaking and requests that the proposed rulemaking eliminates the federal match requirement for tribal programs set forth in 45 CFR § 309.130.

National Tribal Child Support Association:

The National Tribal Child Support Association (NTCSA) believes that the current funding requirements requiring Tribes and Tribal Organizations, during the initial 3-year comprehensive period, as specified under 45 CFR § 309, to provide a ten percent Non-federal share (a/k/a tribal match), and thereafter to provide a twenty percent non-federal share (a/k/a tribal match) for the administration of Tribal child support enforcement programs, is prohibiting the development of such programs.

The Board of Directors voted and agreed unanimously in favor of the desire to support eliminating the non-federal share.

Nez Perce Tribe:

On behalf of the Nez Perce Tribe ("Tribe") I write in support of the elimination of the tribal non-federal share contributions as required under 45 CFR 309.130(d). The contribution requirement has had adverse effects on the Nez Perce Tribe Child Support Program ("Program") resulting in staff cutbacks and the hinderance of services provided to custodial parent(s) and child(ren). Over the years, our Program's funding and services have been reduced due to the difficulty of meeting the requirement.

In our experience, the tribal non-federal share contribution has hindered the development of tribal child support programs and is a barrier to tribes. The requirement forces critical service programs, such as Head Start and child support, to compete for tribal hard dollars. Tribal hard dollars are used to support critical self-governance systems such as court system, public safety, health, and natural resources.

The current match requirements are in direct conflict with the interest of all tribes and serve no readily identifiable purpose. Tribal child support programs are designed upon sovereign principles so that each tribe can develop programs that promote stability and economic security, responsibility, and self-sufficiency. Eliminating the non-federal share contribution requirement would provide several benefits to tribes, including gaining greater control over the efficacy of their child support programs, increasing overall service quality, and increasing financial independence, ultimately leading towards better services and outcomes for our tribal children and families.

Chippewa Cree:

On behalf of the Chippewa Cree Tribe of the Rocky Boy's Reservation ("Tribe"), we submit this communication to ask for your support to eliminate the non-federal match requirement, in order to operate a Tribal IV-D program. The Tribe respectfully asks that the non-federal match requirement be eliminated as it unnecessarily burdens the Tribal Child Support Programs budget which is already stretched thin with limited resources. By way of

background, we were the first Tribe in the State of Montana to operate our own Tribal Child Support Program. Our Tribal Child Support Program has been in operation since 2009. There are eight federally recognized tribes in the State of Montana with only four who have joined in operation of their own Tribal Child Support Programs. Our Tribe is the smallest reservation in the State of Montana with a land mass of 117,365 acres of land and approximately 6,000 enrolled members.

As previously mentioned, the Tribal Child Support Program's budget is already stretched thin with limited resources, and our program has struggled with meeting the match requirement as we have applied for an emergency waiver for the past three years. The requirement places an undue burden on tribes to come up with the match as the amount is covered either through tribal funds or in-kind matches. The match places a burden on the Tribe's general fund account while also confining our program to sticking to basic services instead of allowing our program the opportunity to expand and provide the best services possible to clients. Additionally, if a tribe can cover the match through in-kind work, it creates extra administrative duties on Child Support Staff to track in-kind activities. In-kind match is also unnecessary because it comes out of operations that are paid through tribal general fund activities. Smaller tribes, including our tribe, have a hard time coming up with enough in-kind activities to meet this requirement. There are well over 500 federal recognized tribes with only 61 that operate their own Tribal Child Support Programs. If the match requirement is eliminated it would not only encourage other tribes to join in operating their own Child Support Programs but also sends a clear message through out Indian Country that our voices have been heard. Furthermore, the non-federal match requirement does not serve any reasonable purpose other than impacting the Tribal Child Support Program's budget and resources.

In sum, we respectfully ask you to support efforts to eliminate the non-federal match requirement and to take swift action to see that it is removed.

Aleutian Pribilof Islands Association (APIA):

The Aleutian Pribilof Islands Association, Inc. (APIA) is the Regional Tribal Consortium organized as a non-profit corporation on behalf of thirteen (13) federally recognized Tribes to provide services in ten regional communities. APIA was incorporated in 1976 to advance the overall economic, health, social and cultural development of the people within the Aleutian and Pribilof regions. Through contracts with federal, state, and local governments as well as through securing private funding, APIA provides a broad spectrum of services throughout the region we serve including the operation of health clinics, behavioral health & addiction counseling, employment/vocational training, education, public safety, elder services, & cultural programs. APIA's Tribal Child Support Program became comprehensive in 2012.

I am writing this letter as our formal consultation on behalf of our 13 federally recognized tribes in our service area, regarding the Tribal Child Support Program. I authorize Ms. Malinda Beiler, Tribal Child Support Coordinator, to read this testimony at the upcoming Tribal Consultations in Atlantic City, New Jersey on April 6, 2023.

We are formally requesting to eliminate the non-federal share requirement for this program.

The lack of community resources and the paperwork burden associated with tracking and monitoring this match takes away time from programs working directly with parents. Although it is possible to request a full or partial waiver, this provides only temporary relief and does not solve the issue of the overburdening paperwork requirement that takes away time from direct services.

Because we are administratively operated, we do not have Tribal Court-related costs that we can utilize to meet the non-federal share.

With respect to the OCSE Tribal Consultation on this matter, APIA is in support of the permanent removal of the non-federal share requirement for Tribal Child Support.

Ho-Chunk Nation:

I. Ho-Chunk Background

The Ho-Chunk Nation is a unique Tribe in that it lacks a reservation and a contiguous land base. Instead, it has pockets of trust land spread out across fifteen (15) counties in the state of Wisconsin. Our Legislature represents four districts, with district 4 encompassing all members residing outside of Wisconsin. The Ho-Chunk Nation's Child Support Agency provides a valuable social service in that it provides IV-D services to all Tribal members who need such. It is not always possible to provide direct services to tribal members who do not reside close to an area office, but this is one of those services that is available to those near and far, and as such is vital to keeping our families connected to the Ho-Chunk Nation. In order to continue to provide these valuable services, we ask that the federal government eliminate the Tribal Non-Federal Share due to its financial restrictiveness that could limit our services, or force us to eventually close our doors altogether in the event of another event akin to the COVID-19 pandemic.

The Nation was awarded start-up child support funding from the ACF on January 11, 2012. After the start-up period concluded, the Nation received notice on May 19, 2014, that it was awarded comprehensive funding. During its initial year of being comprehensive, the Nation claimed the rental fair market value (FMV) of the square footage of its space to meet its ten percent (10%) non-federal share. Unfortunately, on December 19, 2014, 45 C.F.R. part 74 was removed, and with it the more friendly provision regarding rental FMV. Initially, the Nation was not negatively

impacted, although the issue did place some stress on the Title IV-D agency to scramble to make up the difference in accounting for In-Kind.

Our Tribal IV-D Child Support Agency has been an important tool in our exertion of tribal sovereignty. With Wisconsin's Statute § 801.54, we have a legal mechanism in Wisconsin to easily transfer civil cases into our tribal court. Working in a government-to-government relationship with the state of Wisconsin, we were able to manage a system of workable MOUs with the counties to streamline the transfers of mass caseloads from counties at a time. Therein, exerting our sovereign right to handle our own domestic matters within our fully capable judicial and social services systems.

Our tribal members have often not had the best relationships with their county child support workers, who often lack an understanding of historical traumas that can lead to chronic joblessness or do not understand that a parent has no control over the Tribe's laws that address how recognition and enforcement actions are addressed within our Tribe. They have struggled when their driver's licenses have been revoked making it more difficult to obtain employment or maintain employment. Further, our Agency is in a better position than the counties to connect our parents to tribal specific workforce services within the Tribe. Parents are finally seeing payments they may have not seen in the past due to a willingness to work with the Tribal Agency as opposed to the County. Thus, our Tribal families are benefitting greatly from having the Ho-Chunk Nation Child Support Agency doors open.

The RIN Data sheet issued on the modification of the Tribal Non-Federal Share Requirement mentions that in FY 2020, the Tribal child support enforcement programs collected \$58 million in payments. We were responsible for \$1.7 million of that collection. Having only been comprehensive since May 29, 2014, we felt that was an accomplishment and we would hate to see all of that work, and the relationships built with the families to meet those goals, go to the wayside.

II. COVID-19 Pandemic

However, following the onset of the COVID-19 pandemic, the Nation began to struggle to meet the non-Federal share match due to the extraordinary measures taken to sustain the Nation as a whole. As a result of the pandemic, the Nation was forced to strip away many in-person services and administer cuts in personnel, both of which were previously relied upon to satisfy the non-Federal share. Thus, this required the Nation's filing of an *Emergency Waiver of Non Federal Share of Program Expenditures* for FY21 and FY22.

The Nation's child support agency continues to operate with a reduction in staff, curtailing travel, and changing how it tracks time and effort under the grant to better reflect the lower amount of tribal in-kind available. Although program adaptations are helpful, the lean style of

program limits the type of services the agency can offer. While we are on a slow path of economic recovery, as the rest of the world is, we must address the elimination of the tribal non-Federal share from a preparedness lens.

Tribes were hit especially hard by the pandemic, forcing their governments to make difficult decisions as to which social programs to fund. For example, do we use dwindling tribal funds to battle the opiate crisis - if so which programs must be discontinued to offset the funding shortfalls then created? Tribes work from a disadvantageous spot to begin with. Tribal governments already lack resources, lack a proper taxation base, have limited economic diversification, and are oftentimes located in remote regions. Add the pandemic and the change in the FMV allowances of the past, and we have simply been unable to meet the 20% non-Federal share.

Tribes that operate child support programs do understand that there is a mechanism in place under 45 C.F.R. § 309.130 to seek a waiver if they are temporarily unable to contribute to the non-federal share. The problem is that many tribes do not experience these circumstances on a temporary basis. Each and every year, there exist high rates of unemployment, poor economic conditions, little or no economic development, reduction in funding, and funds being committed to other budget items such as combating the drug epidemic. Additionally, the waiver is not guaranteed, which leads to program instability, hinders program development to meet the needs of the community, and discourages the adoption of efficiency improvements such as costly technology and applications.

III. Conclusion

The bedrock of tribal child support programs is tribal sovereignty. The purpose is to allow tribes the ability to develop culturally appropriate programs to promote the stability and economic security, responsibility, and self-sufficiency of its people. These core values and principles are desired components of programs as administered by ACF on behalf of children and families. If tribal child support programs close, based upon the inability to meet the non-Federal share, tribal children of low-income families will suffer. In closing, the federal government owes a trust responsibility to ensure our survival. This includes supporting our ability to provide direct line services to our people. Our child support program plays an integral role in supporting our Ho-Chunk families. Elimination of the non-Federal share would promote tribal self-governance and ensure that we will be able to remain open and continue to support our families in need.

Sisseton-Wahpeton Oyate:

We are in support of the elimination of the non-federal share regulation which requires we contribute 20% matching dollars. The non-federal share/match requirement was not a requirement of Congress but was implemented by the Office of Management and Budget (OMB) without consultation with nor with input from the tribes.

Our child support program became a comprehensive IV-D program in 2002. We have provided the 20% match every year since becoming comprehensive which poses a financial hardship for our tribe. Since becoming comprehensive in 2002, SWOCSE has collected and disbursed over fourteen million (\$14,000,000+) dollars to custodial parents. Prior to the development of SWOCSE very few members of SWO ever received child support payments. SWOCSE has not applied for other grants offered recently because it would require additional funds to meet the match requirements. The budget has been frozen at the same amount since 2015 because we do not want the non-federal share to increase. This limits the services the department can offer.

The Sisseton-Wahpeton Oyate has over 14,000 members whom we provide a variety of services to. The various grants that our tribe receives also require matching dollars. Our gaming dollars have to be apportioned out to meet all grant matches, fund various programs, provide services, and mitigate hardships and natural disasters. The pandemic had an adverse impact on gaming which resulted in less resources for our tribe. Many tribes in the nation are in isolated areas, have high unemployment rates, and have very few resources; elimination of the match would allow them to keep their child support offices in operation and/or would allow development of a child support program. Our tribe fully supports the elimination of the non-federal share

Mille Lacs Band of Ojibwe:

The Mille Lacs Band of Ojibwe fully supports the elimination of the 20% non-federal share.

The Mille Lacs Band of Ojibwe Child Support Enforcement Program became comprehensive in 2011. There were times the Band struggled to find funds or in-kind to meet the non-federal share.

Additionally, the COVID-19 pandemic impacted the Band and the community as a whole. Many Band enterprises and local businesses had to lay-off employees, sometimes permanently. Parents continue to have difficulty in finding employment and families still struggle with meeting the day-to-day needs of their children. By eliminating this non-federal share we would be able to increase services we provide to our tribal community and the families. The IV-D program could begin to focus on coordinating with other programs to provide wrap-around services that would help our parents become self-sufficient, productive, and responsible members of our community.

We also support our sister Tribes. There are many tribes that are located remotely and do not have the resources to meet the non-federal share required under the current requirements. There are still potentially hundreds of tribes that want to administer a IV-D program to serve their communities, but are unable to do so because of the match requirements and the current structure of their funding resources. If the non-federal share was eliminated it would remove that barrier

and may allow them to open their own IV-D program for their tribal community. As we have seen, the tribal IV-D programs have also benefited the state IV-D programs, as in many cases, the states were unable to collect support if the parent(s) were members of a tribe or a parent was working for a tribal employer. The tribal IV-D programs have the ability to focus on culturally appropriate services, resulting in collections for children that had never received support in the past.

Port Gamble S’Klallam Tribe:

We support the Office of Child Support Enforcement’s (“OCSE”) intent to permanently eliminate the non-federal share requirement and look forward to being able to offer additional support to our families.

We commend OCSE for listening to us at the ACF Consultation in Pechanga, California in September of 2019, on how the current 20% non-federal share rate has caused an unnecessary administrative burden and undue hardship on our Tribe. We thanked Commissioner Gray for identifying this issue as her number one priority to meet the trust responsibility and treaty obligations to Indian Tribes.

The non-federal share hinders the development of tribal child support programs and is a barrier to obtaining the full funding that Congress intended the Tribes to receive for successful operation. It is an unnecessary and unjustified burden imposed on Tribes that has prevented many Tribes from starting Title IV-D programs. Approximately 90% of federally recognized Tribes do not have a Child Support Program.

Eliminating the match would provide several benefits such as:

- Gaining greater control over the efficacy of Child Support Programs,
- Less bureaucratic barriers, including spending less time on the budget process,
- Increased overall service quality,
- Provide financial independence,
- Allow staff to spend less time and energy documenting small details of our efforts; and
- Allow us to focus on offering outreach services such as a fatherhood program and culturally relevant parenting courses.

The match requirement forces child support to compete with other programs supported by tribal hard dollars. Hard dollars are used to support critical self-governance functions such as our Indian Child Welfare, Elders, Youth, Court systems, Public Safety, Health Services, and Natural Resources. These are all critical services – however, children and family services are the very core of our community and the core of who we are as a Tribal Nation.

The Tribe is still recovering from the effects of the COVID-19 pandemic. The last three years have been challenging for the Tribe as the COVID-19 pandemic took a toll on the economy and the community.

The current waiver regulation 45 CFR 309.130(e) makes it nearly impossible for tribes to receive an anticipated or emergency waiver. We have requested waivers but have never qualified under the current regulation until sections were waived due to the pandemic in the last three years.

Waivers for all ACF programs should allow for the most common challenges tribes face today, including:

- A high rate of unemployment;
- A generally poor economic condition;
- A lack of or a decline in revenue from gaming, fishing, timber, mineral rights and other similar revenue sources;
- A small or declining tax base; and
- Little or no economic development.

Red Cliff Band of Lake Superior Indians:

The Red Cliff Band joins the many tribal leaders and program directors who provided live testimony in support of the elimination of the non-Federal share of program expenditures requirement, including the 90/10 and 80/20 cost sharing rates, for Tribal child support programs. This is a Rule change that will help tribes that have tribal child support agencies, and the families that they serve; it may well also enable more tribes to develop child support agencies within their communities.

Our tribal child support agency has been comprehensive since 2014, and we currently have approximately 214 active cases that we handle within our tribal court system. Our tribal population includes over 5300 enrolled members, with about 2500 tribal members residing on or near the reservation. In 2020, an estimated 34.9% of the Red Cliff reservation families lived in poverty (including 45% of children under age 18), compared to 11.5% of families within Bayfield County. The average median household income in 2020 on the reservation was \$40,000, while it was just under \$63,000 within the county. The Tribe is the largest employer in the county.

During the years of our agency's operation, meeting the tribe's non-federal share of program expenses (the "match") has been difficult, and sometimes impossible. While the Tribe has been grateful for the waivers we have received, that too, has been a burdensome and time-consuming process, using precious resources that should be dedicated to improving services and program outcomes for the tribal families that the program serves. The number of staff hours and amount of resources, not only from child support staff but also from other providers and departments,

that are required to estimate and track or document their time and/or the value of services that are anticipated (but not guaranteed) to be donated in an effort to meet the match, is incredibly time-consuming and stressful, especially for smaller tribes who do not have substantial non-federal funding streams to draw from. We would submit that the match rate has definitely been “disruptive and imposed hardship” on tribes, such that it must be revised in accordance with the guidance provided by the Secretary in 65 Fed Reg. at 50823.

We urge the approval of this rule change, and would submit that it is absolutely aligned with the federal government’s trust responsibility to Indian tribes; the US government does not have that same relationship with, or responsibility to, any state. Given the numerous jurisdictional issues that prevent some states from collecting child support for tribal children, or limit their capacity to do so, it would behoove the federal government to encourage more tribes to establish child support agencies.

Tribal legislative priorities:

Verbal testimony:

Amber Caldera, Councilperson, Port Gamble S’Klallam Tribe:

The tribal legislative priorities that we are focusing on, we are aware of the legislative changes currently happening for tribes to have direct access to the federal tax refund offset program, and we ask for your support in this issue. We depend on IRS collections and are fortunate enough right now for the Washington State Division of Child Support to intercept federal tax offsets on our behalf. This may change to the due to the language the IRS is enforcing, tribes as a contractor. Many of our families depend on these collections. And for many of them, many of our cases, this is the only thing a parent may receive for the whole year.

Jennifer Webster, Councilwoman, Oneida Nation:

I would like to support the legislative change to give all tribes access to federal tax offsets. Currently, the Oneida Nation uses the state of Wisconsin’s KIDS system. We are able to intercept federal and state taxes for child support. We would like to see all tribes have direct access.

Lynette Dixey, Child Support Director, Shoshone-Bannock Tribes:

Currently our arrearages just went up over \$2 million. We just had got our people with North Dakota, and then the IRS changed direction on us. So, unfortunately, we weren't able to collect anything. But the Shoshone-Bannock Tribes really appreciate direct access to the Federal tax refund offset will improve collection of the past-due child support.

Tish Keahna Kruzan, Tribal Attorney, Lac Courte Oreilles:

I worked alongside some of you for so many years on this issue. We began both as the National Tribal Child Support Enforcement Association and the National Association of Tribal Child Support Directors to focus on a way to communicate the need for parenting, for tax offset for tribes. I believe it's worthwhile to take the time and testimony to talk about community. And this community of tribes, how we work together and how we try to problem solve. I look around the room, and we as a community do this work together.

We've been working on this issue for at least 12 years. But if you go back, officially as subcommittees for the national tribal organizations, this idea of tax offset, direct access for tribes, you can find language going back to materials from 2002. Someone stated earlier that the tribes being left out of this clearly was not intentional at the time. It was an oversight. But the problem for us as tribes is, how do we remedy an oversight? How does our voice get heard when you've been overlooked?

So for all these years we have continued to educate on this issue, to talk to legislators, to talk to OCSE, to talk to the IRS. And we understand that this requires a legislative fix. But we also understand that the administration has a very important role in this. The testimony here today can go forward and note that tribes speak in unified voice with this issue because tribes care about their children and they want to get that access to those funds to their children. To our children. And I had begun to speak a little bit about our community, I look around this room. I'm looking straight at Sis. And I look at Jerl, and so many other people in this room. We work together. We work together toward this goal. Ralph Jefferson mentioned earlier this morning that it doesn't matter if it's a tribe that has money and can manage to offset something. We speak in one voice for all the tribes hoping that other tribes get access to this. So even if a tribe can find a way to support their members without this, they still say let's get this done for tribes. Not just our tribe. That's how we work as a community.

So this offset is very important because of that parity in access. When we're working alongside the county and the state for our citizens, we don't want our citizens to be treated less than because we don't have access to tax offset. We've been scrambling for years. Jerl and Standing Rock and Lac Courte Oreilles began an innovative program to try to do this, to provide tax offset for our members, our families, and our caseloads. And then as Lynette indicated earlier, she joined too. And then all of a sudden that was pulled out. These are challenging, challenging times to try to remedy this, to try to remedy this oversight.

As you know, Senate Bill 534 would have done that. It needs to be brought forward again in whatever form it will be next. But that language in there would have remedied that for tribes. It would have fixed something long overdue to be fixed. A portion of that, as a legislative priority as well, is that it also remedied something for states and tribes together.

I would like to make sure that my part of this testimony reflect that we have had a lot of support from states. From state directors, from states officials. They have supported. We've had several letters of support from state directors across the country. Now, when Senate Bill 534 was drafted, a portion of that also addressed something that has been an issue for states for over 20 years as well. That combination of tribes and states working together to fix something should not only be acknowledged, it should be lauded. It is an important thing because we are seeking to support our families together. Tribal children and their families are also state citizens. I mean, we might not have gotten the right to vote until 1924, but now we are. We are federal citizens, state citizens and tribal citizens. And at this time we've been working in the states to remedy these oversights.

So LCO, back in 2012, supported Sue and I going forward and trying to educate nationally. The Tribal Council acknowledged that right away that this was an important issue.

And so we ask you to elevate these voices and the support for fixing this and finding a way to renew our goals for our families both as tribal and as state citizens lifting our voices with us.

Jerl Thompson, Child Support Director, Standing Rock Sioux:

Standing Rock was a founding member of the tax offset partnership with the State of North Dakota back in 2014 or 2015 as a way for us to innovate and to find a way for tribes to have access to federal income tax offset. We also want to thank director Jim Fleming from North Dakota for helping us to provide that innovation and being so open to it. But I think it demonstrates that, though this was an oversight in the setup of this enforcement measure, tribes and states have a long history of collaborating to find a workaround to grant us access. Because everyone benefits when we all have equal capabilities to provide for our children and families.

We'd be remiss if we forget about the historical and cultural impacts that tribes face with regard to being able to provide for our children and families. And so often, it seems that tribes can feel sort of like second-class citizens to states. And the fact that this has been allowed to go on for so long without a legislative fix, sort of adds to that. And we really do need to start somewhere here where tribes are viewed at the same level as states when programs like this are set up. There is no reason for the tribe to not have the same access to all enforcement measurements that states have. We have the same, or can build, the same capabilities.

In fact, I would say that because of working in the tax offset partnership, we've had to go sort of one level beyond what states have had to go through to get access to tax offsets. And have in that time demonstrated our ability to carry out and to adhere to the same IRS standards and laws that the states have. So it was very disheartening when we found out that we were going to lose this ability for Standing Rock. We have almost nearly ten years built our program around having this as one of our enforcement measures, and our children and families expected that we had this

capability. And now they are forced to, as much as we can try to explain to them what has happened, go without. And like was mentioned before, for many of the cases, this may be the only time that they receive any type of benefit or any kind of recovery from the resources that are due to them.

Because of the nature also of the way in which we had to sort of go in through the back door to get access to this we weren't ever allowed to keep sort of robust data that they could report to the feds on how much this was benefitting us. But now we can definitely. Even though this was the first quarter, I was telling Sue earlier that when I was looking at our first quarter numbers for collections, you can already see that they were impacted. And that's even factoring in that we had obviously, like everyone else, had seen this great dip in collections during the pandemic. But over the last two years when you look at our collections, you can see that steady increase. And now that's going to be affected because federal income tax offsets have been part of what we enforce just like the states. But now we won't have that capability. And our children and families on Standing Rock and throughout the Indian country will be negatively by that.

So as with everyone else, we request a legislative fix, and we request full support from Office of Child Support Enforcement in getting direct access to federal income tax offsets.

Ralph Jefferson, Child Support Director, Lummi Nation:

I don't have anything new to add. I just wanted to voice support for the legislation that would give us access to the tax offsets and also help our state partners. And more so just to let your team know that this is something that tribes across the nation support and want and hope that you'll be able to help us with that.

Cherilyn Yazzie, Council Delegate, Navajo Nation:

Navajo Nation expresses the need for continued collaboration as contractors to the Arizona and New Mexico Child Support Enforcement program for the interception of federal tax refund as child support collections.

The Navajo Nation Child Support Team are certified and trained in protecting federal tax information, which they must always comply with at all times. The staff are required for certification in protecting federal tax information and they understand and acknowledge the requirements. Navajo Nation has agreed with Arizona and New Mexico to utilize the automated child support systems which allows for enforcement remedy for federal income tax interception for child support arrears and accumulated nonpayment by the noncustodial parent.

The child support collections would decrease without the interception of federal income tax, thus hindering custodial parents from meeting the needs of the children. In some cases, tax interceptions are the only payments to the family yearly. The families benefit from the interception of involuntary payments.

Navajo Nation views it necessary for the legislative fix to continue the enforcement remedy of federal tax refund interception. Navajo Nation will reach out to advocate for passage of the Thune/Wyden bill for a continuance of the enforcement remedy of collecting the involuntary payments. In some court cases this is its only payment families may receive yearly. This also helps the paying parent to reduce the child support arrears owed.

Willowa “Sis” Horn, Child Support Director, Fort Belknap Indian Community:

I just want to reiterate what Tish said. We've been working on this issue for a long time. One of the things that I want to point out is that tribal child support programs are working on the ground level with our families, and we want our children to have a stable, good future. If we can get access to this federal tax intercept program, we can get money to our children and we can help our families grow and be responsible members of society.

I just want to remind the federal government that they have the trust responsibilities to tribes. I'm appreciative of the OCSE coming to the table and talking to us. I just wish that other federal agencies could have this kind of communication with tribes.

Warren Hawk, Council Member, Standing Rock Sioux:

I've heard the comments about the Senator Thune and Wyden the Tribal Child Support Enforcement Act. I want to comment that sometimes legislation just kind of stutters and gets stuck in the process. Last night I reached out to our Tribal Affairs liaison in North and South Dakota, and I sent them an article that I read last night on that bill and asked them to move it forward so we can have something settled. But even Senator Thune says that the Tribal Child Support Enforcement Office is really on unequal footing as far as access to child support. The same as states. I fully support that. Hope that we can move forward with that. There's nothing less that we should expect as tribal nations, Child Support Enforcement Office.

Tammy Swanson, Child Support Attorney, Sokaogon Chippewa Community:

Our tribe is one of the newest start-up child support agencies in the country. We have been working with the KIDS system in Wisconsin. Federal tax offset is very important for all of the tribes.

I believe that tribal child support agencies have been developed to assist our tribal members in areas where the states have not been able to perform. And I think that that's clear from some of the tribal regulations that are on states and so forth. Tribes are just in a much better situation to serve their tribal members. And it is unfair to try to expect them to perform those same duties as states but not to grant them the same access to resources. And so, I really want to echo the comments here about parity for child support, equity to access. We really try to do a good job for our families. We care about our families. And it's hard for us to explain to them why they

shouldn't allow their kids to transfer county court to tribal if we can't access the same resources for them.

I really encourage support for the legislative fix. Again, if it was an oversight so many years ago, it should be able to be remedied. And I do want to thank the Commissioner and everybody from OCSE and Councilman Spoonhunter for hosting this consultation and for listening to us.

Written testimony:

White Earth Nation:

Give Tribes more leverage and opportunity for enforcement remedies. Such as tax intercepts, passport denials, et. Give Tribes a fair and equal opportunity as the States and Counties.

Sisseton-Wahpeton Oyate:

Our tribes are sovereign nations just like states. We should be allowed the same capabilities/authorities as the states to access the Federal Parent Locator System and the ability to process our own Federal Tax Offset. There should be parity in the treatment of the tribes and states.

Mille Lacs Band of Ojibwe:

The Mille Lacs Band of Ojibwe has been trying for some time to get access to the Federal Tax Intercept Program and the Band is closely monitoring S.534, which passed the Senate on July 13, 2021. We appreciate the support of ACF and OCSE, and are hopeful that soon Tribal families can benefit from the federal tax offset program in high arrears cases.

Port Gamble S'Klallam:

The tribe is aware of the legislative changes currently being considered for tribes to access the Federal Tax Refund Offset Program and asks for your support in this issue. We depend on IRS collections and are fortunate enough right now for Washington State to intercept federal tax offset on our behalf. This may change due to the languages the IRS is enforcing when referencing tribes as a “contractor”. Families depend on these collections and in many of our cases this is the only payment a parent may receive for the entire year.

Red Cliff Band of Lake Superior Indians:

The Red Cliff Band supports tribal access to federal tax offsets or offset programs. This is a tool that has been made available to states, but not to tribes. It is a tool that provides much needed help to some of our most vulnerable citizens, and it is not fair or right to deprive the tribal families of benefits that all other American families enjoy.

Additional regulatory changes:

Verbal testimony:

Amber Caldera, Councilperson, Port Gamble S’Klallam:

As for the regulatory changes, Port Gamble, at this time we've been struggling to come up with the non-federal share for the year. We cannot predict what's going to happen for a three-year budget. If the non-federal share was to be eliminated, then our program would consider a three-year option.

Regarding the financial forms submittal requirements, Port Gamble doesn't have an issue with this as long as it's not made mandatory. Our IT department likes to change things up on us sometimes, which causes us some technical difficulties.

Also we do not want to move the submission date to June 1st instead of August 1st.

As for the budget revisions, we would like more discussion and information before we can discuss situations clarifying the situations that warrant a budget revision, such movement of funds between categories and items needing pre-approval prior to purchase. I'll save for the contracts and the tribal plan. We'll have more discussion on that topic as well.

For the electronic application submission, we don't have any issues with that as long as it's not mandatory.

We don't have any issues with the technical fixes for the award notices and changing the SF-296 to the SF-425. Same with the 45 CFR 309.170 (b) to align with the revised OCSE 75 reports.

Lynette Dixey, Child Support Director, Shoshone-Bannock Tribes:

In regard to the regulation change, if it changes to a zero percent match, changing the annual budget submission to a three-year submission would not be a hardship for our tribe as our calculation of the non-federal share will not be a factor in projecting a three-year budget.

Submitting the budget prior to August 1st, however, will not work for our tribe as we have elections in May and the new Council generally approves budgets in June and July. August 1st is definitely a better choice for us.

Clarification of budget revisions will definitely be helpful.

Electronic submissions on reports and budgets are the preferred method for the Shoshone-Bannock Tribes right now.

Also yearly submission of the forms SF- 425 is preferred. Contracts to be included in the Comprehensive plan will be beneficial instead of yearly submissions of contracts, excluding IT system contracts and cooperative agreements. This proposed change will reduce time in preparation of the budget.

Susan Smith, Child Support Director, Lac Court Oreilles:

I am okay with the three-year budget proposal. Our annual budget submission of three-year budget, but the match is a limitation on three-year plan to submit, that would be a problem.

I have no problem with the technical fixes and also with the award timing.

The electronic submission, have no problem with.

The reporting frequency where it is done the end of the obligation year and the end of liquidation year is a good idea.

The contracts, do like the idea that the IT contracts would be the only ones we would have to submit. The others would be on a list that we use from year to year. That would be great.

Ralph Jefferson, Child Support Director, Lummi Nation:

No problem with the technical fixes.

I do want to object to the budget revisions when they're less than ten percent movement between categories. The general rule is now not just for ACF programs but other federal grants, if it's less than ten percent, we don't need to seek permission to move from one category to the next if it's an anticipated cost. That's going to come up with three-year grants and one-year grant. So making us go back for that when it's less than ten percent, what if it's only one percent, two percent? We have to go back, it creates more work for us. I don't understand why that and I don't remember if you offered that explanation.

But I can't agree with changing the June 1st, that would make things a little harder. I understand. We get our wish, and it's by zero percent match, that's going to create more work for your team. And so bumping that out to an earlier date would be helpful if the tribes gets an alert on time and give their team the time necessary to review those. So we could support that although it would be a little more challenging. And that's the limit of my comments.

Written testimony:**White Earth Nation:**

If the federal match is to be eliminated, White Earth Nation we would see no problem moving forward to submitting a 3-year budget submission.

Budget submission continue to submit by August 1st.

White Earth Nation has no problem with technical fixes to the federal reporting forms.

In support of electronic submissions.

In support on reporting the 425 from quarterly to 1 to 2 times a year.

White Earth would be in favor of submitting the contracts as part of the budget submission, except for IT Contracts needing prior approval, but still be allowed to submit IT contracts with the budget submission upon approval of those contracts.

Sisseton-Wahpeton Oyate:

If the matching requirement is eliminated, we would support the budget submission process being a three year process rather than annually.

Mille Lacs Band of Ojibwe:

The Mille Lacs Band of Ojibwe is not opposed to making amendments to 45 CFR 309, if those changes are only technical in nature. For instance, updating OMB circular and form references and the match requirements. However, if there are additional regulatory amendments, the Band would need assurances that all tribal consultation rules are followed so that all tribes have input on any proposed changes.

The Band would also not oppose amending the regulation to allow for a three-year grant funding period, but only after the final determination has been made on the match requirement. There would be significant confusion and perhaps errors made if a change were made on the grant funding period before determining the match. With respect to tribal revenue resources and the regulations set forth by Bureau of Indian Affairs, and our revenue allocation plan we may not be able to guarantee a match for a 3-year period, our income is determined on the revenue generated from the tribal casino. We have to seek approval from BIA prior to changing how we allocate our revenue.

Port Gamble S’Klallam:

- Annual budget submission
 - Our tribe struggles to meet the non-federal share year to year; we cannot predict a 3-year budget. Attempting to predict the non-federal share for the next 3 years would be a hardship for our tribe.
 - If the non-federal share is eliminated, then we may consider a 3-year option.
- Financial forms submittal requirements
 - We support the optional electronic submission for financial forms, but request to continue to allow for mail submissions.
 - We do not support moving the budget submission date from August 1 to June 1. If the non-federal share is eliminated, we may consider this new proposed date.
- Proposed new revisions under 45 CFR 309.130
 - More discussion and information is needed to discuss clarifying situations that warrant budget revisions, including movement of funds between categories and items needed pre approval.
- Contracts in the tribal plan: 45 CFR 309.60 (c)
 - More discussions and information is needed to clarify situations that determine when and what types of contracts should be included in a tribal plan or budget.
- Electronic application submissions: 45 CFR 309.20(b)
 - We support the optional electronic submission for applications, but request to continue to allow for mail submissions.
- Technical fixes
 - We support OCSE’s technical fixes for the following:
 - 45 CFR 309.130(a)(2) (award notices)
 - 45 CFR 309.135(d) (SF 296A to SF-425)
 - 45 CFR 309.170(b) to align with the revised OCSE 75 reports

Tribal systems:

Verbal testimony:

Amber Caldera, Councilperson, Port Gamble S’Klallam:

For the tribal systems we'd like to see a “visit and think” session around how OCSE can provide for more flexibility for clients to purchase a computer system with federal dollars. Currently, systems such as Eagle Sun Tribal Assistant System is not allowed under these regulations to be built, but is allowed to be used by employees. Only maintenance costs is available, that are allowable.

There also needs to be more flexibility on tribes being able to get any system paid for with federal dollars. We are the experts on our programs. We know what would work best for our programs. We should be able to decide that for ourselves. Not being able to purchase and install Eagle System tribal systems has been a hardship for our program. Our other tribal programs, they were fortunate in purchasing the system at the beginning of their programs and the child support

program continues to lag behind using Excel spreadsheets and Word documents. Last year our tribe was fortunate enough to have a database built for us using Office Automation funds available. I will say that has made my job much easier and more efficient and more effective.

Susan Smith, Child Support Director, Lac Courte Oreilles:

Our tribal systems or access to tribal systems or programs is really important. It gives us up-to-date, relevant, current ability to do the processing of our case management and our financial management with the efficiency that should be done. And without the proper systems or the support systems, it's really important. The flexibility to purchase whatever product is necessary, but also to be have reports, we're limited on installation. They will do purchase that installation and to continue with maintenance, but it is very important that we do have these systems.

Lynette Dixey, Child Support Director, Shoshone-Bannock Tribes:

As far as tribal systems allowing the tribal child support program to continue to use the office automation system provided by Access and Data Solutions LLC, has been beneficial in efficiency with case management, financial records, and reporting. It really has helped our program to move along, especially with reporting. I really like that. Instead of spending endless hours on trying to update our Excel spreadsheet, that has really helped. Case management has really improved. We were using just an Excel spreadsheet and keeping track of what's happening in there, and then one day it disappeared. So luckily we have the CIS program and I really like it. I'm glad now OCSE has allowed us to have that opportunity to use it.

I think the only issue I have with the budget and IT and your request, one time we did ask for new computers and they had requested for documentation of the old computers that were purchased. That was before my time. So trying to research and find those documents was a task. But since we only have to retain our documents for three years, so luckily, we were able to find it and submit that. I think that's just one of the issues that we have is to provide that documentation. Those computers are older than old. I think we just requested a server last year. Getting that server this year though that was purchased back in 2013.

Tish Keahana Kruzan, Child Support Attorney, Lac Courte Oreilles:

If I could add on a little bit, some of you were aware that I was the attorney with Red Cliff Child Support Services. I was very grateful to serve with them for a very long time. Now I'm with Lac Courte Oreilles. I mention both of those because one tribe I worked for, we were on KIDS, which is the Wisconsin state case management system. Then with Lac Courte Oreilles, we are not on KIDS as a case management system. I'd like to highlight the difference because it's important for one to acknowledge our state counterparts to allow that flexibility. Some of them do work really well with tribes and open that access up and those relationships. But sometimes, even if the state is open to that, it might not be the right fit for that particular tribe either because of size or choosing to manage our own system.

So again, it's just a reminder that it's important that tribes have the flexibility to choose which system is correct for them. Those choices, be it with a state system or with a system that we choose ourselves, that choice itself is an expression of sovereignty. An the flexibility I think there is acknowledging that tribes have the right to make their own choices on this and how to best serve our communities.

Judy Platero, Child Support Director, Navajo Nation:

I'd like to provide testimony that systems are very, very important. The flexibility to each of the tribes, what accommodates the tribes, is very, very important. For Navajo Nation, we aren't able to use Access or Excel. That's way beyond, our caseload is way beyond the capacity for that. We use the state systems. It's really, really accommodating. The automation as far as the state system is what works for our huge caseload. We have 7,500 active cases that we're working with. It's very, really very important. That's one of the things that is necessity for child support programs, that we have a system advocating on behalf of all of the tribes that systems are very important and the need for flexibility and accommodation to the tribe itself.

Written testimony:

White Earth Nation:

White Earth Child Support is currently involved with the implementation of modernization of the MTS (Model Tribal System), they are in 3 years of testing. It has been a lengthy process. We believe if we open the communication lines and talk with one another more frequently we could get through this process quicker. The system can do so much more than it is intended too and can allow more efficient quality purposes for the program, however, to move forward measures need to be put in place to make it work, such as; open communication between Tribes and the Office of Child Support Enforcement on a weekly basis, bring back the Control Board, allow Tribes to make decisions to make changes and improvements to the system to meet their needs. Start implementing enhancements that the Tribes have requested.

Mille Lacs Band of Ojibwe:

The Mille Lacs Band of Ojibwe has been utilizing the Model Tribal System ("MTS") since 2014 for case management and financial processing. The MTS is owned by the federal government and only OCSE Division of State and Tribal Systems ("DSTS") has the ability to access the code. Prior to 2018 DSTS and the IV-D Tribes utilizing the MTS had regularly scheduled Change Control Board ("CCB") meetings to discuss BUGS and prioritize enhancements. Although DSTS has stated the CCB meetings several years ago that the CCB meetings would resume, they have yet to occur. The Mille Lacs Band of Ojibwe believes both DSTS and the Band would benefit from discussing issues and working through resolutions to expedite any BUG fixes and enhancements.

Additionally, since 2018 DSTS has significantly reduced dedicated staff members to complete MTS tasks. This has resulted in delays to completing the new UI and has halted all BUG fixes for several years that may be critical to one or more tribes using the MTS. The Mille Lacs Band of Ojibwe would strongly support an increase in both funding and staffing to update and maintain the MTS for all tribes that depend on this system to serve our families.

Port Gamble S’Klallam:

Discussion is needed to determine how OCSE can provide more flexibility for Tribes to purchase computer systems with federal dollars. We understand that under section 45 Part 310.5(d) *A Tribal IV-D agency may design, develop, procure, or enhance an automated data processing system funded entirely with tribal funds*, however, tribal funds are limited and used to support many self-governance programs.

Current Child Support regulations do not allow tribes to use systems such as Eagleson Tribal Assistance, but it is allowable under TANF and IV-E regulations. Only maintenance costs are allowable in the Child Support regulations. More flexibility should be allowed for Tribes to obtain any systems paid for with federal funds. During Covid-19 pandemic, the Child Support Program was fortunate to create a database using federal funds through Office Automation. The necessity of working from home and the waiver of the non-federal share allowed the Program to modernize our program. Previously, the Child Support Program lagged behind other Tribal Programs by using Microsoft Office programs such as excel and word. Our TANF and IV-E were fortunate in purchasing the Eagleson Tribal Assistance System at the beginning, and we should have been allowed as well.