

OCSE Tribal Consultation Report
Tribal Access to FPLS
Consultation date May 20, 2015

This report is written in accordance with the ACF Tribal Consultation Policy, which requires a written report within 45 days of the completion of consultation. This report will provide information that summarizes the:

- Discussion;
- Specific recommendations; and
- Federal responses.

In addition, by way of this report, we are soliciting tribal feedback on the consultation process itself. The Consultation Report is available on the [OCSE website](#).

BACKGROUND INFORMATION

- On September 29, 2014, the President signed Public Law 113-183, **the Preventing Sex Trafficking and Strengthening Families Act of 2014** (Act.) Section 302 of the Act, which authorizes direct access to FPLS, is below.

Section 302. Child Support Enforcement Programs for Indian Tribes.

- a. Tribal Access to the Federal Parent Locator Service (FPLS). The law amends section 453(c)(1) of the Act to add an agent or attorney of an “Indian tribe or tribal organization [as defined in subsections (e) and (l) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)]” as an additional authorized person that the FPLS may provide information for the purpose of establishing parentage or establishing, setting the amount of, modifying, or enforcing child support obligations.
 - b. Waiver Authority for Indian Tribes or Tribal Organizations Operating Child Support Enforcement Programs. The law amends section 1115(b) of the Act to provide that an Indian tribe or tribal organization operating a IV-D program shall be considered a state for purposes of authority to conduct an experimental, pilot, or demonstration project. The Secretary may waive compliance with any requirements or regulations to the extent and for the period the Secretary finds necessary for an Indian tribe or tribal organization to carry out such project. Costs of the project which would not otherwise be included as expenditures of a program shall, to the extent and for the period prescribed by the Secretary, be regarded as expenditures under a tribal plan or plans approved under such section, or for the administration of such tribal plan or plans, as may be appropriate. A start up program is not eligible for this program.
- On October 16, 2014, OCSE hosted a Tribal IV-D Directors call to discuss Section 302. During that call, we described that FPLS access mean access to the National Directory of New Hires

(NDNH), Federal Case Registry (FCR), External locates, Multistate Financial Institution Data Match (MSFIDM) and Insurance Match (IM).

- On January 14, 2015, we sent an email message to the Tribal IV-D Director's list serve to inform directors that we were conducting an analysis of tribal access to key FPLS functions using the federal Child Support Portal. Access to these functions can be provided via the internet without your tribal cases being registered on the FCR. .

NOTIFICATION OF CONSULTATION

- On April 15, 2015, Commissioner Turetsky sent out a Dear Tribal Leader Letter inviting tribal leaders to engage in consultation on the Section 302 of Public Law 113-183. The letter provided information on registration for the consultation and an option to join the consultation remotely. This consultation was going to be in conjunction with the ACF Tribal Consultation scheduled for May 21, 2015 in Washington, DC.
- On April 17, 2015, we sent a message to the Tribal Child Support Directors via our list serve, sharing the information concerning the consultation.
- On April 22, 2015, the Federal Register [80 FR 22525] published a notice announcing the Consultation.
- On May 15, 2015, ACF Leadership notified ACF Principals and Tribal Leaders that the ACF Tribal Consultation scheduled for May 21 was postponed due to low registration numbers. We immediately sent a message to the Tribal Child Support Director via our list serve about this postponement, but notified them that the OCSE Consultation would continue as planned.
- OCSE invited Sue Smith, Tribal Child Support Director of the Lac Courte Oreilles Tribe, and ACF Tribal Advisory Committee Member, to co-facilitate the consultation.

CONSULTATION ATTENDEES

- Sue Smith – IV-D Director, Lac Courte Oreilles, and Consultation Co-Facilitator
- San Juanita Lopez – Attorney, Lac Courte Oreilles
- Keisha Fish – Eastern Band of Cherokee Indians (EBCI)
- Jerry Sweet – EBCI
- Kyla Stephens – EBCI
- Kent Walden – IV-D Director, Modoc Tribe
- Jennifer Webster – Tribal Council Member, Oneida Tribe of Wisconsin
- Lisa Schwartz – IV-D Director, Oneida Tribe of Wisconsin
- Vicki Turetsky – Commissioner, OCSE
- Donna Bonar – Deputy Commissioner, OCSE
- Linda Deimeke – Director, Division of Federal Systems, OCSE
- Linda Boyer – Data Access and Security Manager, Division of Federal Systems, OCSE

- Yvette Riddick – Director, Division of Policy and Training, OCSE
- Roy Nix – Director, Division of Regional Operations
- Paige Hausburg – Tribal Coordinator, OCSE

Joining Remotely:

- Samantha Battise – IV-D Director, Alabama-Coushatta Tribe of Texas
- Carol Williams – Budget/Compliance Analyst, Muscogee (Creek) Nation
- Tallis King George – Attorney, Puyallup Tribe
- Tammy Pecore – IV-D Director, Stockbridge Munsee
- Kara Whitworth – IV-D Director, Cherokee Nation
- Allison Lasley – IV-D Director, Meskwaki Nation
- Kelly Sager – IV-D Director, Confederated Tribes of the Umatilla
- Aimee Turner – IV-D Director, Kaw Nation
- Brian Molina – IV-D Director, Chippewa Cree
- Bill Paine – IV-D Director, Suquamish Tribe
- Rachel Sablan – IV-D Director, Mille Lacs band of Ojibwe
- Patricia Sanders – Chickasaw Nation
- Pat Snodgrass – OCSE
- Jerl Thompson – IV-D Director, Standing Rock Sioux Tribe
- Willowa “Sis” Horn – IV-D Director, Fort Belknap
- Amber Ahola – IV-D Director, Leech Lake Band of Ojibwe
- Andrea Smith – Attorney, Port Gamble S’Klallam Tribe
- Alana Babineau – IV-D Director, Red Cliff Band of Ojibwe
- Tish Keahna – Attorney, Red Cliff Band of Ojibwe

DISCUSSION

We provided a list of discussion topics and questions prior to the consultation, below.

- What FPLS access mean
 - Overview
 - Do you think you are interested in using FPLS? We would like to get an idea of intent.
- Phased access of FPLS
 - Phased approach to access
 - Locates, FCR Query, DOD Entitlements and Employer Search
 - Tribal cases on the FCR – not required to put cases on the FCR but in order to do proactive matching the cases will have to be on the FCR.
 - Do you think you would voluntarily put your cases on the Federal Case Registry to have access to the other tools?
- Requirements and Design
 - We have some flexibility about screen shots
- Security and security agreements

- All agencies that receive FPLS data must enter into a security agreement with OCSE.
 - The agreement will include information about your security posture, security controls and how you are protecting the FPLS data.
- Discussion about the legislative requirements for fees
 - Required by statute to charge a fee for FPLS data
 - Standard fee methodology that is designed to distribute costs to all users
 - New users pay a start-up fee to cover additional administrative and development costs.
 - How fees will be paid
 - We plan to waive the start-up fees for users; we have the flexibility to do that
- Project Plan
 - Requirements/analysis/design by August 2015
 - Development and testing by January 2016
 - Implementation and Training January – February 2016
- Training for access
 - OCSE will provide training for the tribes.
 - What is the best method/frequency for training? How many trainings do you think would be appropriate?
- Conversations with Tribal IV-D Directors
 - Schedule future conversation about requirements to be held between now and August.

We began the Consultation with introductions and a power point presentation on FPLS access (attached as an addendum to this report).

SPECIFIC RECOMMENDATIONS/QUESTIONS RAISED

FY 16 BUDGET SUBMISSIONS

- Should costs associated with FPLS access be included as a line item in the FY 16 Annual Tribal Budget Submissions? Will you provide information that we can share with Tribal Council to get approval to move forward?
- Will Tribes using the MTS still have to pay a fee to connect to the portal?

FEES

- Since fees are based on caseload, and a high percentage of the tribal caseloads are state shared cases referred to the tribe for enforcement, can there be a consideration of counting only tribal cases for calculation of the fee?

SECURITY AGREEMENTS

- Will you schedule additional conversations to discuss the fees and security agreements?

FEDERAL RESPONSE

FY 16 Budget Submissions

- The anticipated implementation for Tribal Access to the FPLS is January 2016. Tribes may want to include costs for the fees with the submission of FY 16 Annual Budgets due on August 1, 2015. However, tribes may wait to submit a budget amendment as we get closer to the implementation date.
- In response to the request to provide information that tribal directors can share with their tribal councils, OCSE provided the following information to the Tribal List Serve email on June 19.
 - Sample Fee Examples for tribes: this gives an example of what fees would look like based on caseloads. This is for estimation purposes only and these costs are based on FY 15 fees. The fees vary every year.
 - Tribal Access to FPLS: this describes the security standards and guidelines required in order to access FPLS information.
 - Tribal and FPLS interface: this describes the actions taken and information returned by the FPLS.
 - Locate, FCR Query, DoD Entitlement: this provides examples of what screen shots may look like.

FEES

- We propose that the \$6,444 start-up fee for access to the FPLS portal will be waived for tribes, but that the fee methodology used for tribes be similar to our other FPLS users, including state child support agencies and other state agencies .
- We explained that the FPLS data set fees are legislatively mandated and cannot be waived. OCSE cannot participate in the cost of paying the fee.
- We explained that the telecom cost that tribes must pay will be based on the current match rate.
- A more complicated fee structure (charging tribes for the tribal-only cases) will cost OCSE more to administer. We allocated fees proportionally across all users.
- We will continue to talk about the fees with the directors. We look to tribal directors to provide us with additional thoughts and ideas.

SECURITY AGREEMENTS

- The Security agreements do not have flexibility; they are prescribed to OCSE.

FOLLOW-UP

- Lunch meeting with the tribal directors (33) at conference on June 9.
- Information sent out via EMAIL on June 19.
- Tribal IV-D Directors call to be held on June 30 for continued conversation
- Tribal IV-D Directors call to be held on August 14 for continued conversation
- Possibility of OCSE attendance at the NTCSD meeting in October