

THE INITIAL STEPS FOR TRIBAL TANF: SUBMITTING A LETTER OF INTENT (LOI)

WEBINAR TRANSCRIPT

JULY 31, 2013

WELCOME

Felicia Gaither: Greetings, and welcome to the Tribal Temporary Assistance for Needy Families (TANF) Webinar: The Initial Steps for Tribal TANF: Submitting a Letter of Intent. My name is Felicia Gaither and I am the Director in the Division of Tribal TANF Management in the Office of Family Assistance. Our Division is responsible for three programs: the Tribal TANF Program, Native Employment Works Program, and our program has responsibility for the Tribal TANF Child Welfare Discretionary Grant Program. Our Division and the Regional Office program staff work very closely to ensure the success of Tribes administering the Tribal TANF Program.

The Letter of Intent process is one where the Regional Offices play an important role and provide assistance, and are available to work with a Tribe from the initiation phase when a Tribe is making important decisions about whether or not they will administer a Tribal TANF Program, to the implementation phase when a program is approved for funding and ready to provide services to clients.

Today you will hear from both Central Office and Regional Office staff. This Webinar is a part two of a two-part series. Part one, An Overview of Tribal TANF, was hosted on June 4. If you missed that presentation, please go to the Welfare Peer TA

OUTLINE

Felicia Gaither: Today's Webinar has been designed to provide you with an outline. The outline of today's Webinar is you will hear about the Regional Office role when you are submitting a Letter of Intent, the Central Office role in the Letter of Intent process, Letter of Intent required components, important items to consider for your Tribal organization, and you will also hear about the TANF Plan requirements. You will have an opportunity at the end of the presentation to ask questions. The Webinar is also being recorded, and a full transcript and copy of the presentation materials will later be posted on the Welfare Peer TA Web site.

PRESENTERS

Felicia Gaither: I now would like to introduce the presenters for today's Webinar. Presenting today is Mikaela Smith. Mikaela is a Family Assistance Program Specialist for State and Tribal Temporary

Assistance for Needy Families program in our Region IX Office of Family Assistance, and that is located in San Francisco. Ms. Smith is responsible for providing technical assistance and support to State and Tribal TANF programs, as well as the Native Employment Works programs in Region IX. Also presenting today is Ms. Tonya Taylor. Tonya Taylor a Family Assistance Program Specialist here in the Division of Tribal TANF Management. Ms. Taylor has worked for our Division of Tribal TANF Management for 8 years, and also works to provide technical assistance and support to the Regional staff, and works with the Tribal TANF Native Employment Works and Tribal TANF Child Welfare Discretionary Grant program. Also speaking today is Eric Keller. Eric is on detail here in the Division of Tribal TANF Management as a Family Assistance Program Specialist. Eric's primary job at the Administration for Children and Families (ACF) is in the Office of Administration as a Grants Policy Specialist, where he provides grant and financial policy guidance to ACF programs and Regional Offices. Again, you will have an opportunity to ask questions at the end of the presentation. And I will now turn it over to Eric.

REGIONAL OFFICE ROLE

Eric Keller: Thank you, Felicia, and hello, everyone. So ACF's Regional Offices are the first points of contact for Tribes that are interested in submitting a Letter of Intent to start a Tribal TANF program. So if your Tribe is interested in starting a program, the first step is going to be to make initial contact with the Regional Program Manager or the Program Specialist in your region. And we definitely recommend you contacting your Regional Office before submitting the Letter of Intent. They can really assist you with understanding the process, and they are often available to help out in terms of reviewing drafts of the Letter of Intent just to make sure that all of the required components are included. So touching base with the Regional Office early on in the process can really help in order to make the process run much more smoothly.

REGIONAL OFFICE CONTACTS

Eric Keller: So this next slide lists all of ACF's 10 Regional Offices, the states that comprise that region, and it also provides the contact information for the TANF Program Manager in that region. So depending on which state your Tribe is located in, these are the people that you would contact to begin the Letter of Intent process. I will pause here just for a second before we move on in case folks are trying to copy down some of this contact information.

CENTRAL OFFICE ROLE

Eric Keller: ACF's Central Office in Washington, D.C., also plays a critical role in the Letter of Intent process. Central Office staff help to review the Tribe's Letter of Intent to make sure all the required components are included, and they support the Regional staff throughout the process. Central Office staff might also assist in coordinating with the Bureau of Indian Affairs (BIA), if needed. For example, the Central Office might be able to help the Tribe if they need clarification from BIA regarding exactly what their current designated service area is. However, we should point out that it is the Tribe's responsibility to obtain a BIA designated service area, if needed. And we will talk a little bit more about that, BIA service areas and how they fit into the Letter of Intent process later on in this presentation.

Later on in the process, the Central Office also determines the funding amount for the Tribal Family Assistance Grant. This happens only after an acceptable Letter of Intent has been submitted and the case load determination has been completed. The Central Office also provides final approval of any new Tribal

TANF program and, again, this happens later on after the Letter of Intent process is completed and after the Tribe has established a Tribal Family Assistance Plan, which is also something we will discuss in a little more detail later in the presentation. So now I will pass things along to Tonya who is going to discuss some of the key components of the Letter of Intent.

LETTER OF INTENT COMPONENTS

Tonya Taylor: Thanks, Eric. Good afternoon, everyone. The Letter of Intent must include the following components. The Letter should be addressed to the Regional TANF Program Manager, intended implementation date, intended population to be served, intended service area, identify Tribal contact with whom ACF will be working, and signature of Tribal leadership. The Tribe will need to prepare and send a Letter of Intent to the appropriate Regional Program Manager that is assigned to the state in which they plan to operate a program. The proposed implementation date for their program should be included in the letter. The Tribe needs to clearly describe the population and service area in which they are intending to serve. The Tribe also needs to provide ACF with the necessary contact information for the primary contact who will be responsible for the operation of the program. As Eric mentioned earlier, we welcome Tribes to submit a draft Letter of Intent to the Regional Office for comments and/or to talk through any questions. Lastly, the final draft of the Letter of Intent needs to be signed by the appropriate Tribal leadership.

The Letter should address all the main components that are necessary for ACF to start the data request process. An acceptable Letter of Intent informs ACF of a Tribe's intent to operate a TANF program, and provides a clear description of the service area and population that a Tribe proposes to serve. The Letter enables ACF to request from the State the data necessary for negotiation of a Tribal Family Assistance Grant. The proposed service area and population must be clear and specific so that ACF can request and the State can provide accurate data. The Letter of Intent does not confer legal rights to serve the area and/or population.

INTENDED IMPLEMENTATION DATE

Tonya Taylor: Factors to consider when determining your proposed date. The proposed implementation date can change, often because of an extended negotiation period with the State. The Tribe must be ready to open its doors and begin serving clients on the official start date. Reminder: TANF does not provide for start-up costs/infrastructure. Please refer to the Table at 45 CFR 286.160 for timeframes. Prior to starting, the Tribe needs to have a Memorandum of Understanding (MOU) in place with the County/State to transfer cases. Prior to the start date, the Tribe needs to have staff hired, data systems in place, and policies and procedures documented.

The implementation date can change for a variety of reasons. There are often many stakeholders involved in the process. They contact other Tribes, BIA and ACF. In addition to the data request process, the Tribe must also submit a completed Tribal TANF (unclear) before the program is approvable. It is essential for the Tribe to keep regular communications with ACF Regional Office contacts and maintain good communication with the States in order to keep the process on track. Upon receipt of approval letter from ACF, the Tribe should be ready to provide services to the eligible families identified in their service areas and population. As a reminder, ACF does not provide start-up funds to Tribes for the purpose of operating a program. This is an important point because the Tribe will not be reimbursed by the program for any

costs that occurred prior to being approved and funded. The Tribe will also need to set up an MOU, Memorandum of Understanding, or agreement with the State to transition the caseload to implement their program on the first day of operation. The Tribe needs to have all personnel staff and assistance in place prior to the proposed date of operation.

Here, this is a timeframe that has been implemented for Tribes as a guideline to follow when determining the due date for submission of a Letter of Intent. If you take a look at the chart, you will see how the dates are implemented with the first column being the dates that you would start providing services to families. The table then works backwards to establish when the Letter of Intent is due and when the formal plan must be submitted. You may also reference the source 45 CFR 286.160 at the bottom of the chart to obtain more information on the timeframes and procedures when submitting a Letter of Intent. And now I will turn it over to Mika to discuss the intended service population.

INTENDED SERVICE POPULATION

Mikaela Smith: Thanks, Tonya. In addition to the implementation date, establishing the proposed service population is a key component of the Letter of Intent in the Tribal TANF program development. The Tribe must decide who they plan to serve. Some Tribes choose to serve only their Tribal members, while other Tribes serve all Federally recognized Tribal members in the service area. The decision about who the Tribe plans to serve will probably depend largely on the size of the Tribe, its infrastructure, and the needs in the larger community. Tribes can also choose to serve non-Indians within their service area, but the Tribe must request and receive approval from the State to serve non-Indians. And ACF can help facilitate this process of requesting that approval from the State. Lastly, the Tribe can decide to serve different populations on- versus off-reservation. For example, a Tribe may decide to serve only their members off-reservation, but serve all eligible families residing on the reservation. And there are a number of reasons why they might decide to do this, and we will talk more about the idea of concurrence later on in the presentation. But a Tribe does have full authority to serve all Federally recognized Tribes on the reservation and authority to serve all of their own members in their off-reservation BIA service area. So they would not need to seek concurrence in that situation. The Tribe must be very specific in the Letter of Intent to indicate exactly who they want to serve on-reservation versus in the off-reservation BIA service areas, since this is the information that will determine the caseload and their funding amount.

INTENDED SERVICE AREA

Mikaela Smith: Determining the service area that the Tribe wants to serve is another primary component of the Letter of Intent. It needs to be very clearly specified. If the Tribe proposes to provide services on-reservation, they will need to indicate the name of the reservation, which county or counties it is located in, as well as indicate the reservation boundaries. If there are other reservations in the larger service area, the Letter of Intent must indicate by name which reservations will be included and which will be excluded, and this is very important for the State to be able to provide accurate data.

If the Tribe proposes to provide services off-reservation, the Tribe will need to clearly explain its BIA service designation, citing which counties are involved and the boundaries. The Bureau of Indian Affairs is responsible for the designation of the financial assistance and social service areas that give Tribes the authority to operate a Tribal TANF program off-reservation, and ACF relies on this BIA designation. The Tribe must also determine whether it shares the BIA service designation with any other tribes, and this can be quite common, especially in Region IX, there can be multiple Tribes who share the same service area designation.

Precisely identifying the proposed service area and population is essential because these two descriptions are what the State uses to determine the caseload, which will establish the Tribe's grant amount. As I will discuss in another couple of slides, the Tribe has the opportunity to negotiate the caseload with the State, however the Letter of Intent is what the State will use to establish its initial caseload figure.

In this slide I will talk about when concurrence might be necessary. If the Tribe either shares the BIA service area with another Tribe or if the Tribe wishes to serve an area where no BIA designation has been granted, then the Tribe will need to seek concurrence. In the case where a Tribe wants to serve in an area where it shares a BIA designation, it must obtain a resolution from the other Tribe or Tribes, providing their approval. Documentation of this concurrence must be submitted to ACF prior to approval of the program. This process can become quite involved, especially if there are multiple Tribes who share the same service area. So we really encourage you to contact the Regional Program Office to discuss this process more in depth. And as Eric and Tonya both mentioned, we are here to provide that support. That is our job, so please utilize us, we are here to provide you any technical assistance and support throughout the Letter of Intent process and the plan development, and any other questions that might come up.

In the other case of a need for concurrence, that is if a Tribe wishes to serve an off-reservation area where no BIA designation has been established. Then the Tribe must obtain approval from the State. The Tribe can either obtain this approval directly from the State or ACF can help facilitate this process.

IMPORTANT ITEMS TO CONSIDER

Mikaela Smith: There are a few additional items that we think are important to consider. The first of which is, if a Tribe submits a Letter of Intent for an area that is already being served, then the Letter will be deemed unacceptable. This is because ACF does not have the authority to withdraw approval of a legitimately operating Tribal TANF program solely because another Tribal Letter of Intent has been submitted to serve the same area. It is a different situation if the Tribe is wishing to withdraw their members from the operating program and start their own program with their members. However, if they

intend to serve the same population in the same service area, then the Letter of Intent will be deemed unacceptable.

Another item we encourage Tribes to consider is to conduct their own due diligence. What I mean by this is for the Tribe to conduct their own research to determine what the 1994 caseload data could be that corresponds to the service area and population that the Tribe is proposing to serve. There are two reasons for this. First, for the Tribe to be informed and best able to negotiate effectively with the state. So ACF, once we approve the Letter of Intent, we will submit a data request letter to the State and they will conduct their own research to determine what an initial caseload figure will be. But this due diligence would also recommend that the Tribe come up with their data, so then they can really effectively negotiate with the State.

The second reason to conduct due diligence is to assist the Tribe in the development of the program. For example, the Tribe may identify that their proposed service population would not result in a high enough caseload to constitute a successful program. Therefore, by determining this early on in the process, they might choose to partner with another Tribe, form a consortia, or join another operating Tribal TANF program.

The last two notes on this slide are just reminders that, first, the data must relate back to 1994 data based on Federal regulation. And the second point is to point out a few different potential data sources that the Tribe may want to use when conducting their own research for the caseload data determination. And a couple of those potential sources are: Census Bureau data, Bureau of Indian Affairs data, data from other Federal programs such as Indian Health Service data, or a Tribe can use their own Tribal data as well. So we encourage you to do some due diligence that can really help you in starting that foundation of developing and building your program. Now I will pass the presentation back to Tonya who will talk about some of the requirements for the Tribal Family Assistance Plan, a development process that can take place at the same time as the caseload is being negotiated between the State and the Tribes. Thanks, Tonya.

TRIBAL FAMILY ASSISTANCE PLAN REQUIREMENTS

Tonya Taylor: Thanks, Mika. Before a Tribe can start a TANF program, they must submit a Tribal TANF plan. As we have discussed previously, the Regional Office contacts are available to work with each Tribe to discuss the development of your unique program. The Regional Office can provide example plans and guidance about the development process. We encourage Tribes to take advantage of us as a resource in this process. The Tribe will need to draft a plan and work with the ACF Regional Office to determine that all the necessary elements have been addressed in the plan, according to 45 CFR 286.75 regulations. Some of the required elements are listed on slide. The Tribe will need to identify eligibility criteria, including a definition for “needy family,” income, and resource limits; description of the assistance, support services, and work activities to be offered and the means by which they will be offered; the goals for the TANF program and the means of measuring progress toward these goals; assurance that the Tribe provides a 45-day public comment period; and identify employment opportunities and how the Tribe will enhance such opportunities.

Required elements in a Tribal Family Assistance Plan are located at 45 CFR 286.75 and include: describe

the appeal (dispute resolution) process; provide the Work Participation requirements and minimum work hours per week (to be negotiated with ACF); describe the penalties/sanctions for refusing to engage in required work activities; and provide time limits for assistance and any exemptions. There are more requirements but these lists present some of the main elements that the Tribe will need to consider when designing their program. More information can be located at the link provided in the slide. As always, we are here to assist you with this process. If you have any questions, please do not hesitate to contact your Regional Office administrator or representative. This concludes the Letter of Intent presentation. Now I will turn it over to Felicia. Thank you.

QUESTIONS AND ANSWERS

Felicia Gaither: Thank you to all the presenters. At this time we will take questions. You can submit your questions via the chat box. Okay, we have a couple of questions coming in. The first question: Is funding based on the proposed service area population or on all Native Americans served in the service area in 1994? Mika, would you like to answer that question?

Mikaela Smith: Yes, definitely. The funding is based on 1994 caseload data, so that is what you want to focus on, your Tribe wants to focus on, when they are looking at the population that they want to serve. They need to look back to data in 1994 to be able to determine the caseload at that time, and then funding will be based off of that, and that is what the State will also be doing. Do you have anything to add, Felicia or Tonya or Eric?

Felicia Gaither: The big thing is to remember it is based on American Indians served in that service area based on 1993-1994 caseloads. So thank you, Mika.

Felicia Gaither: Another question: How many Tribes currently have a TANF program? I will answer that. Currently we have 68 approved Tribal TANF programs operating across the United States.

Felicia Gaither: Next question: Could a Federally recognized Tribe provide Tribal TANF services to members of State recognized Tribes that reside in the proposed service area? Mika, do you want to give that one a try?

Mikaela Smith: Sure. A Tribe can provide services to State recognized Tribes, but they need to go through the process of requesting that authorization to serve that population through the State. Because going through ACF, they have the authority to request to serve their own members and all Federally recognized Tribes, but State recognized Tribes would be considered outside of that scope, so they would need to request that approval through the State. And as we mentioned earlier in the presentation, we can help facilitate that process to request that approval through the State.

Felicia Gaither: Thank you, Mika. Another question: Why are we using 1994 data? Caseloads and populations have dramatically increased since then. Based on the Social Security Act in which the Tribal TANF program was authorized, the 1993-1994 caseload number is based on the legislation. So until our program is either reauthorized or the law changes, we have to use the 1993-1994 caseload data.

Felicia Gaither: Next question: How does descriptive should a Tribe be in describing the service area? Mika, would you like that one?

Mikaela Smith: I can definitely take that one. Really, I would say as descriptive as you can be. It really helps the State to be able to, in looking at their data, it really helps to describe things as much as possible. So specifically saying which population you want to serve on the reservation, what exactly the boundaries of the reservation are, the name of the reservation. Including all of that information in the Letter of Intent will dramatically help the State to provide accurate data. And it can also help if there are shared service areas, it can get quite confusing if the lines are not clearly specified as boundaries and of the specific populations. And like I mentioned in my part of the presentation, too, describing who might be excluded as well, if that pertains to the situation for the Tribe, such as if a particular reservation would be excluded and is not going to be served or that Tribe does not want to be served by the other Tribe. It would be important to mention that in the Letter of Intent, too, so that that is clear to the State and to ACF.

Felicia Gaither: Thank you, Mika. Next question: Do all Tribes need to have a BIA Social Service designation in order to administer Tribal TANF? Eric, would you like to take that one?

Eric Keller: Sure, and Mika kind of touched on this in her slides as well. So the answer to that question is no. If a Tribe wishes to provide TANF services to Native families only within the boundaries of their own reservation, then they do not need to receive concurrence from the State, and they also do not need to have a BIA designated service area in order to do that. Also, if a Tribe wishes to offer services in an area that has not been designated by the BIA as a service area to another Tribe, then the Tribe can seek concurrence from the State in order to do that.

Felicia Gaither: Thank you, Eric. Next question: What resources are available to a Tribe for use with setting up this program? Tonya, would you like to take that one?

Tonya Taylor: Yes, Tribal TANF provides no pre-award startup funds for the Tribe. It is an improper use of TANF funds for the Tribe to use any of the grant for reimbursement of startup costs. The Tribe must use their own Tribal dollars for startup expenses. The Tribe will also want to coordinate with the State to develop an MOU that can allow for a transition of cases from the State to the Tribe.

Felicia Gaither: Thank you. Next question: Do States provide assistance to State recognized Tribes? To answer that question, really States do have State TANF programs and so they serve everyone, whether Native American, Federally recognized, State recognized, it is whoever comes into their offices are eligible to receive TANF assistance there.

Felicia Gaither: Next question: What happens to the Letter of Intent if it is unacceptable? Does this reject the deadline date? For example, does July 1 now become October 1? So I think what the question is asking is if the Letter of Intent is submitted and it is not acceptable, what happens then with your implementation date? Basically, our Regional Office staff will continue to work with a Tribe to get to a point where the Letter of Intent is actually acceptable, and then look at what your new implementation date would be, looking at the date that the Letter of Intent was actually acceptable.

Felicia Gaither: Next question: Do States have funding based on 1994 also? Yes. States are also funded at the 1993-1994 caseload numbers based on the Welfare Reform Act, and when Welfare Reform occurred in 1996, basically the caseload information was frozen and that is what both fundings are based off of.

Felicia Gaither: Next question: Is there an annual conference and/or training specifically for Tribal TANF programs? We do have meetings and conferences for approved Tribal TANF programs. We have been conducting this Webinar series to help others that are interested, and if you have not gone through the process of submitting a Letter of Intent. So if you are asking that question and you do not already have Tribal TANF or have a Letter of Intent, I would advise you to contact your Regional Office based on the State that your Tribe is located in.

Felicia Gaither: Next question: What if a case is at 60 month time limit since 1994? Does that exclude them from Tribal TANF participation? Based on Welfare Reform, TANF was not in effect in 1994, so basically the new count of the 60 month limit started after Welfare Reform. So, therefore, if someone has used their 60 month lifetime limit on State assistance or on another Tribal TANF program, then they are not going to continue to be eligible unless there are some other exemptions. But, for the most part, if their 60 months have been used in State TANF, they are still not eligible under Tribal TANF.

Felicia Gaither: Let us see. We have time for a few more questions. Can we elaborate on MOUs with the counties? Mika, would you have a good example being in a Regional Office of what a Memorandum of Understanding might include between a State and a Tribe?

Mikaela Smith: Yes. It depends on the State and the relationship between the Tribe and the State. But in the case of California, each of the Tribal TANF programs has a Memorandum of Understanding with the State. And one of the main components of that and what we really encourage, especially in this initial process of starting a program, one of the main components in that Memorandum of Understanding is to help with the transition of cases and how the State and the Tribe are going to work together to make sure that everyone is served in the service area. And to help facilitate communication between the Tribe and the State, they meet on a regular basis, the Tribal TANF programs in this region with their State, for actually all of our Tribal TANF programs. And I think that helps with that communication and all of the Tribes do have a Memorandum of Understanding. That is one of the main things that I think can be helpful is with the transition and communication. I am not sure, Felicia, if you have anything else to add to that that might be included.

Felicia Gaither: Thank you. We have another question. If there are delays in the approval of a Tribal TANF plan, what flexibility does the Tribe have to change the implementation date? Does it have to be the start of a quarter? So the implementation date is, again, negotiated between the Tribe and what is in the plan, and if the Tribe feels that they are not ready to start implementation, then it is suggested that you look at what would make sense for you. Does it have to start at the beginning of a quarter? In our P.I. where you all received the link where it is referenced – maybe it is not referenced – actually we have Program Instructions that can be found on our Web site. It is ACF-PI-2005-3, and it actually speaks to the implementation date and when you would need to submit information in order to start your program. And our rule is basically it needs to start the first day of a month, but can happen in any quarter.

Felicia Gaither: Any other questions? Please submit them. Okay, we have another question. How many minimum cases are necessary for a Tribe to have a viable program?

Mikaela Smith: I will take this one. This is a question we get very, very frequently, and it is something I touched on in the presentation. And it is a difficult question because ACF has not established a minimum number of cases for a viable program. So it can vary greatly depending on the size and the accessibility of the service area. If the Tribe proposes to provide TANF services outside of its BIA designated service area, it must demonstrate its administrative capacity to do so. And this also goes back to the idea that there is not startup funds so you want to make sure that you can have the administrative capacity to start the program and make sure that it can be viable. When a Tribe accepts the caseload and expenditure data, it is expected to provide TANF services consistent with its approved TANF plan with that funding grant amount. It should be noted that some Tribes decide not to start a TANF program after they review the initial data in their own research and/or the data response from the State. So it does not always match up, the numbers do not always match up and that is why it is really important for the Tribe to do their own due diligence and to consider their different options. And as we mentioned in the presentation before, they could decide to partner with another Tribe or start a consortia or join another existing Tribal TANF program that is operating in a nearby area. Those are other options if it does not appear as though they can start a viable program.

Felicia Gaither: Thanks, Mika. We have another question. Why are there no regulations for a Tribe to follow if the Tribe is withdrawing from a consortium? And I am going to assume this is a consortium that is operating another Tribal TANF program, and now the Tribe is wanting to operate their own program. Our regulations briefly cover, very vaguely cover whether or not or how to withdraw from a consortium, the process to follow. But I would also advise you to contact the Regional Office in your respective region in order to get further guidance on what steps to take.

Felicia Gaither: Next question. Which office will make a determination if the State and Tribe cannot come to an agreement on the AFDC number? So based on the 1993-1994 caseload numbers, the Region or Central Office? Actually, that decision is made at ACF and so that is the Administration for Children and Families. And based on our guidance from our regulation, as well as what is in the P.I. I mentioned previously, it kind of outlines the steps. And we use State data as well as information and data provided from the Tribe for ACF to make the determination.

Felicia Gaither: Okay, next question. According to the panel in your regulations, there is no startup cost associated with a Tribe transferring this program from the State. Is there technical or financial assistance or special technical assistance that can be provided? Again, there are no startup costs as you are working through the process to administer a Tribal TANF program. But our Regional Office staff is more than willing and very capable to provide technical assistance. We oftentimes encourage Tribes that are interested in starting their own program to also talk with other Tribes who are administering the program so that you know kind of what those costs are going to look like. So, again, if you do have questions regarding that – and that is another one of those items to consider when starting or thinking about having a Tribal TANF program. It is really can you afford the startup fees that are going to be necessary to get the program going? Because you cannot charge those back to the TANF program.

Felicia Gaither: Okay, next question. I have coding instructions for Tribal TANF programs from the Division of Tribal Services offices that were dated April 4, 2006. Is there an updated version of this? Absolutely, there is. We most recently posted – and there have been updates since 2006 – but we most recently posted on our OFA Web site the latest coding instructions for data. So if you go to the ACF Web site and you go to the Programs link and go into TANF, Tribal TANF Data and Reports, it is actually posted there. And if you need further assistance with that, my contact information or the Regional Office contacts in your respective States, they can get you to that Web site.

Felicia Gaither: Next question. Can startup costs be something that the Secretary's Tribal Advisory Council (STAC) addresses with the Secretary of the Department of Health and Human Services? And actually, again, startup cost is the ability for us to be able to allow Tribes to charge that back to the program. That is actually in our legislation as well and in our regulations that startup costs are not allowable. So if this were something that the STAC Committee did bring forward, I think it is definitely something we hear and we know and recognize that this is an area of concern for Tribes. And so, again, we have to go based on what our law says.

Felicia Gaither: Any other questions? Please submit them. We have a question. Can we serve people who receive unemployment benefits and Social Security SSI benefits? The Tribe determines the eligibility standards that will be set for the Tribal TANF program, and so that is a decision that – the Tribe creates the eligibility standards.

Felicia Gaither: Next question. Are there infrastructure requirements for Tribes to demonstrate their capacity? Mika, do you want to take that one?

Mikaela Smith: That is a really interesting question. I think the Tribe needs to consider how they can fully support the program so that the service population and service area that they are proposing to serve, they want to make sure that they have the infrastructure necessary. And so that will include having policies and procedures in place, having the personnel, the financial staff, as well as administrative staff, case managers and managers to be able to support that program. So they are going to want to consider those different factors. And if it is a case in which the Tribe needs to demonstrate their capacity to ACF, then we will walk through those steps with you in identifying what the specifics are that we need to see demonstrated, in the case of an expansion or in the case where we might have a question. But otherwise the Tribe will need to assess their own infrastructure to determine if they can serve the caseload that corresponds to their service area and population.

Felicia Gaither: Thanks, Mika, those are very important points. I think there is also, especially with regard to whether or not you are looking to go outside your BIA designated service area and serve, and what your administrative capacity is to do that. And those are, again, items to consider kind of before walking through the process of wanting to have a Tribal TANF program, but also items that the Regional Office staff can help you to work through.

Felicia Gaither: Next question. Do funds cover salaries of an administrative assistant and case manager intake workers? Yes. For Tribal TANF, that is an allowable use of funding to pay for program staff. There are administrative caps and concerns that do play into the funding and the allowability, and that is all outlined for you once you are working with us, and we work with you to understand what those

administrative caps are.

Felicia Gaither: Next question. What is the best or preferred source for Tribal TANF regs? The ACF Web site or another government Web site? I will always say that for Tribal TANF regs, our ACF Office of Family Assistance Web site is going to be the best place to find most Tribal TANF information as well as a link to our regulations and resources. You can also find Q&As there and other guidance cases that we have on our Web site.

Felicia Gaither: We will give it about another minute for questions. All right, next question. What if the Tribe covers counties in another state? So we do have situations like that where you have multi-state programs being administered, and really what happens there is the Regional Offices worked with – if you are working with a Tribe that has representation in states in multiple regions, our Regional Offices work together. Or if you have a region where there are multiple states that have your Tribe located in that region, the region then will work with the states that need to be worked with, as well as the Tribe, you determine kind of where the lead office is for your Tribe.

Felicia Gaither: Again, we would like to thank you for your participation today. I thank our presenters. We will have a transcript and copies of the presentation on the Welfare Peer TA Web site, as well as you all will receive a copy of the slides used today. You will then also have contact information for the Regional Office staff, and so we invite you to have conversations with the Regional Office staff and really get your questions answered, if you have any. Thank you, again, and have a wonderful afternoon.

[End.]