



FY 2024 OVC Crime Victims Fund Tribal Set-Aside Formula Grant Program Tribal Consultation Framing Paper

The Office for Victims of Crime (OVC) is dedicated to enhancing services for victims of crime in American Indian and Alaska Native communities through the administration of the Tribal Victim Services Set-Aside Formula Grant Program (TVSSA). OVC values feedback from TVSSA applicants and stakeholders. In demonstration of this commitment, OVC consults with Tribes on OVC's administration of the TVSSA and other matters annually. OVC is hosting a virtual Consultation on January 17 and 18, 2024, from 1:00–3:30 p.m. Eastern Time each day to discuss the administration of the TVSSA Program for Fiscal Year (FY) 2024. Visit [OVC's website](#) for information on registering for and providing testimony to the OVC Tribal Consultation and OVC's Annual Report on the TVSSA Program.

This Framing Paper outlines four issues on which OVC is seeking feedback from Tribal Leaders:

1. Exploring options to optimize administration of TVSSA funding given the variation in the annual Tribal Set-Aside amount from the Crime Victims Fund (CVF);
2. Enhancing the application process for the FY 2024 TVSSA Formula Grant Program;
3. Improving outcomes for projects that involve major renovations or construction; and
4. Strengthening services for families of Missing or Murdered Indigenous Persons (MMIP).

Background information on each of the four issues is provided following the listing of the consultation questions. In addition to the issues above, testimony on any OVC grant making concern is welcome.

ISSUE #1: ADMINISTRATION OF THE TVSSA FORMULA GRANT PROGRAM

Questions for Issue #1:

1. How did OVC's administration of the TVSSA funds in FY 2023 affect your victim service project? Was the amount of funding allocated to your Tribe sufficient to meet project goals?
2. Congress has not yet passed a budget for FY 2024. The amount of the set-aside in the House and Senate marks is \$60 million, which is \$35 million less than the FY 2023 set-aside. This will result in reduced award amounts for Tribes participating in the FY 2024 TVSSA formula grant program. OVC has tried to estimate what FY 2024 formula allocations might look like:
 - a. Assuming the set-aside is \$60 million;
 - b. Assuming 80 percent of the set-aside is awarded directly to Tribe and 20 percent is used to support Tribes in implementing their victim services programs, progressing their construction projects, and managing their awards (for example, as recommended by the Not Invisible Act Commission);
 - c. Assuming the same number of Tribes elect to participate in FY 2024 as in FY 2023 (267);

The chart below represents a possible allocation strategy for FY 2024, in which the minimum award is set at \$125,000.

Tier	Population	2023 Formula Allocation	2024 Allocation Option
Tier 1	999 and below	\$251,383	\$126,967
Tier 2	1,000-4,999	\$257,025	\$135,496
Tier 3	5,000-9,999	\$272,085	\$158,095
Tier 4	10,000-14,999	\$288,498	\$182,847
Tier 5	15,000-24,999	\$311,785	\$217,568
Tier 6	25,000-39,999	\$358,830	\$288,054
Tier 7	40,000-59,999	\$409,636	\$363,766
Tier 8	Above 60,000	\$946,466	\$500,000
Total Allocation		\$85,100,000	\$47,870,000

3. What are your recommendations for establishing a minimum award amount?
4. How would the reduced award amount impact your crime victim services program?
5. Instead of determining awards through a population-based formula, should OVC divide the amount of available formula funding equally among all participating Tribes regardless of population size? Using the assumptions above this would result in awards of approximately \$180,000 in FY 2024.
6. What, if any, other recommendations would Tribal Leaders like OVC to consider regarding how to administer FY 2024 set-aside funds?

ISSUE #2: ENHANCING THE FY 2024 TVSSA APPLICATION PROCESS

Questions for Issue #2

1. What concerns, if any, did your Tribe have about the FY 2023 TVSSA application process?
2. What strategies or enhancements should OVC consider implementing to provide more effective support and assistance to applicants to navigate the TVSSA application process in FY 2024?

ISSUE #3: IMPROVING OUTCOMES FOR PROJECTS INCLUDING MAJOR RENOVATION OR CONSTRUCTION

Questions for Issue #3

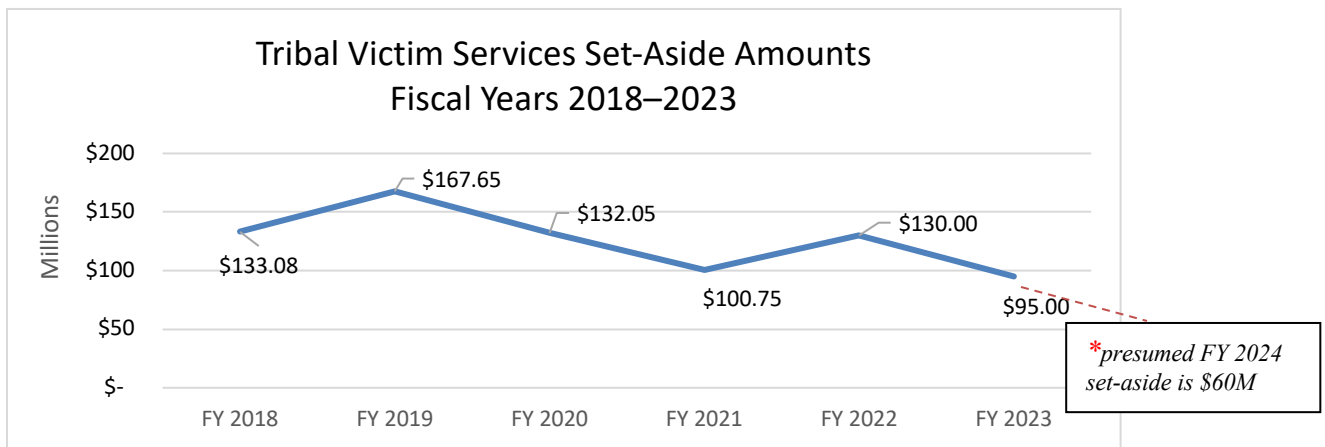
1. For those Tribes that currently have TVSSA funds to support construction, renovation, or purchase of modular buildings, what, if any, challenges or implementation delays are you experiencing with your project? What additional assistance can OVC offer to support your project?
2. What kind of pre-application technical assistance might applicants need to prepare a FY 2024 TVSSA Program application that involves construction or renovation of victim services program facilities?

ISSUE #4: STRENGTHENING SERVICES FOR FAMILIES OF MISSING OR MURDERED INDIGENOUS PERSONS (MMIP)

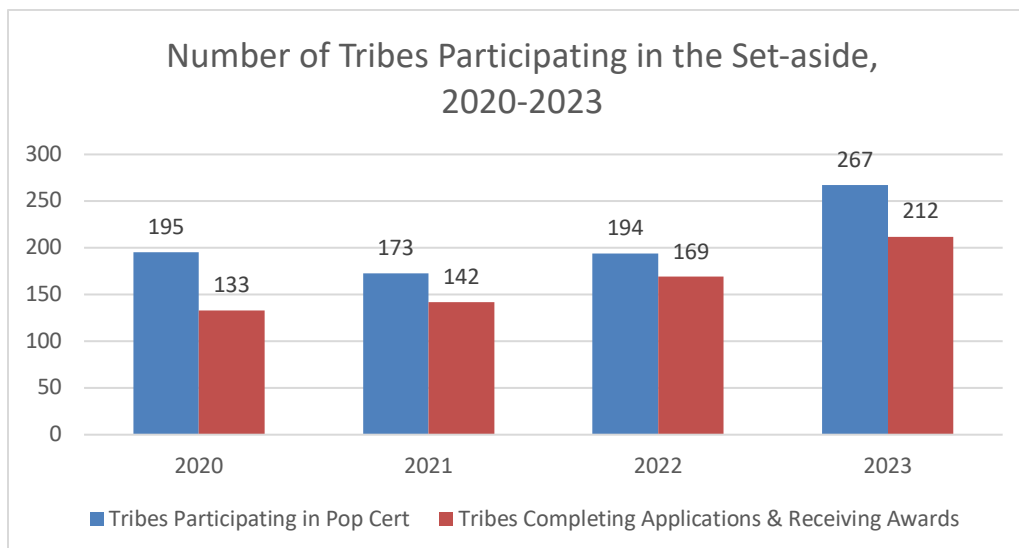
Questions for Issue #4

1. Did your Tribe use the 2023 funds to provide services for victims or survivors of MMIP? If so, where were the funds most helpful?
 2. What can OVC do to enhance our MMIP program policy and technical support provided to Tribal communities?
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Background for Issue # 1 ADMINISTRATION OF THE TVSSA FORMULA GRANT PROGRAM: The Crime Victims Fund (CVF) was established by the Victims of Crime Act (VOCA) of 1984 and is financed by fines and penalties paid by persons convicted in federal cases, not from tax dollars. Each year Congress authorizes OVC to use the CVF to support grant programs for victim services. The amount of funds authorized to be spent from the CVF is referred to as “the cap.” Since 2018, Congress has authorized a Tribal Victim Services Set-Aside from the CVF cap to be used for grants and programs for Indian Tribes to improve services for victims of crime (“the set-aside”). The set-aside is authorized under annual appropriations law and Congress determines, at its discretion, the annual amount in the set-aside. Thus the amount funding under the set-aside varies from year to year. The chart below shows how funds authorized under the Tribal Set-Aside have fluctuated since FY 2018.



The number of Tribes applying for funding through OVC’s TVSSA Formula Grant program has increased by 59.4 percent from FY 2020 to FY 2023 (the period during which the formula has been used).



OVC is committed to ensuring that the majority of the set-aside funds are used to make non-competitive awards to Tribes, Tribal consortia, and organizations acting as the authorized designee of a Tribe.ⁱ OVC is also committed to being responsive to Tribes' requests for technical assistance to support them in developing and submitting their TVSSA applications and designing and implementing their TVSSA victim services projects, an effort that is also supported with set-aside funds.

In FY 2023, OVC used the same noncompetitive, formula-based, two-phase application process for distributing TVSSA grants that has been used since FY 2020. In Phase 1, all eligible applicants submitted Population Certificates, indicating their intention to apply for FY 2023 TVSSA Program funding and noting the size of the population to be served. OVC used a population-based formula to allocate \$85.1 million of the FY 2023 set-aside funds to the 267 eligible applicants.

In Phase 2, OVC invited these applicants to submit a full application for their allocation amount and offered technical assistance with the application process. In FY 2023, 55 of the 267 Tribes that submitted Population Certificates in Phase 1 to signal their intent to participate in the program did not submit applications in Phase 2. Several Tribes submitted applications but requested less funding than their formula allocation amount. OVC ultimately made 212 awards, totaling over \$69.6 million, to eligible applicants. As detailed in Appendix E of OVC's [Annual Report on the Administration of the FY 2023 TVSSA](#), OVC distributed the unclaimed set-aside funds to eligible tribal governments and organizations that submitted applications for funding through other OVC FY 2023 grant programs for initiatives that benefit Tribes.

Congress has not yet passed an appropriations bill for the Department of Justice for FY 2024. However, the House and Senate marks suggest the total set-aside amount may decrease in FY 2024 by 36.8 percent from FY 2023, to approximately \$60 million. This will lead to a reduction in the TVSSA grant awards to individual Tribes.ⁱⁱ

Background for Issue # 2 ENHANCING THE FY 2024 TVSSA APPLICATION

PROCESS: In FY 2024, OVC is proposing to retain many of the TVSSA program features that have come to define the program over the last four FYs including awarding TVSSA funds using a two-phase, noncompetitive application process through which all interested and eligible applicants submit a Population Certificate to OVC to signal their intent to participate in the program and subsequently submit a program narrative or checklist and budget via JustGrants.

OVC anticipates continuing the following activities to support Tribes in submitting TVSSA applications:

- Holding multiple application webinars to highlight and explain various aspects of the application submission process and post the recordings on [OVC's website](#).
- Hosting virtual "Office Hours" where applicants can receive real time support and assistance with their application.
- Streamlining the Population Certificate process by providing the opportunity to submit via an electronic web-based form as an alternative to submitting the certificate to OVC via email.
- Offering choice between submitting a traditional written narrative, a [checklist](#) using

a format provided in the solicitation, or participating in an interview with OVC staff to document information about the planned project.

- Providing an option to submit a paper application if a Tribe does not have electronic access to JustGrants.
- Holding in-person, onsite support for Alaska Villages in conducting interviews to develop project narratives.

In FY 2023 nearly 21 percent of the Tribes that submitted Population Certificates did not submit applications in JustGrants. The Tribes that did not complete phase two of the application process expressed various reasons for not applying for TVSSA funding, including: no identified need for additional funding to continue their victim services programming; decision to apply as a member of a consortium instead of an individual award; turnover in key staff positions or Tribal leadership; insufficient time to complete the application in JustGrants; and confusion about the application process.

OVC is interested in hearing from Tribal Leaders about their community's experience in applying for funding in FY 2023, and recommendations about how the process can be improved in FY 2024.

Background for Issue # 3 IMPROVING OUTCOMES FOR PROJECTS INCLUDING MAJOR RENOVATION OR CONSTRUCTION: Through consultation, Tribes have told OVC that there is a shortage of available building stock and housing in tribal communities, and consequently a lack of secure housing for victims in need of shelter. Many communities also lack office space for victim services staff, so OVC has expanded the allowability of TVSSA Program funds to be used to meet this need as a reasonable and necessary expense to serve victims. The TVSSA Program is unique in that it is the only OVC grant program in which funds can be used for construction.

Among the allowable expenses under the TVSSA Program, applicants may request funding for:

- minor renovations, remodeling, maintenance, and repair to existing structures (e.g., painting, replacing windows, doors, or flooring);
- purchase and shipping costs, site preparation, set-up and installation for modular and other pre-fabricated buildings;
- major renovations and expansions of existing buildings;
- sidewalks, parking areas, driveways, etc., necessary to provide accessibility to victim service facilities;
- fencing surrounding victim service facilities; and
- traditional new construction, in cases where the Tribe can demonstrate that it is more cost effective than installing pre-fabricated or modular buildings.

Any TVSSA grantee with a project involving construction or renovations complies with the [Department of Justice procedures for implementing the National Environmental Policy Act \(NEPA\)](#)ⁱⁱⁱ and other construction-related conditions on the award prior to actual construction, renovation, or remodeling^{iv}. To support grantees with NEPA reviews and to provide construction project management, OVC provides technical assistance from specialist contractors using

TVSSA Program funds.

In FY 2023, all applicants requesting funds for renovation or construction activities, including the purchase, installation and site preparation for modular buildings and other prefabricated structures, were asked to complete and submit a [TVSSA Construction and Renovation Efforts Questionnaire](#) with their application for funding. The purpose of the questionnaire was to assist applicants in articulating their plans for construction projects with the goal of expediting referrals for specialized technical assistance and the approval process to begin activities. OVC received applications from 36 Tribes interested in using FY 2023 funding for construction or renovation projects. Each of these new awards has a partial funding hold until the NEPA assessment process is completed and documentation of the NEPA review results are documented.

Background for Issue # 4 STRENGTHENING SERVICES FOR FAMILIES OF MISSING OR MURDERED INDIGENOUS PERSONS (MMIP): While TVSSA funding has always been available to provide services to families of homicide victims, in response to the recommendations of Tribal leaders at the FY 2022 OVC Tribal Consultation, OVC has broadened the scope of the TVSSA Program to allow grantees to use their funds to address the needs of families of missing persons. We believe this change creates an opportunity for Tribal communities to direct much-needed funding towards serving the loved ones of MMIP, generating awareness of MMIP, and creating systemic change to help remove barriers to helping victims of MMIP and their loved ones find justice and healing. TVSSA grant funds can be used to assist family members of a missing person under the following circumstances:

- the missing individual is known to be the victim of kidnapping, or human trafficking (or was being groomed by a trafficker);
- the individual's disappearance is the subject of a law enforcement investigation;
- the individual is feared by family members or loved ones to be missing as a result of any form of criminal victimization; or
- the missing individual is known to have a prior history of crime victimization and the victimization may be directly or indirectly linked to their status as a missing person.

Allowable TVSSA grant activities and services related to MMIP include:

- Providing financial assistance and support to the families of MMIP.
- Conducting outreach events and other activities to educate the community about MMIP issues in general.
- Helping to generate awareness about individual missing person's cases, and in limited circumstances, support costs incidental to a private search.
- Working with a multidisciplinary, interjurisdictional group of stakeholders to create MMIP response protocols.
- Assisting families when the remains of a missing person have been recovered and have been determined to be a victim of a homicide.

In FY 2022 and FY 2023, OVC funded a number of Tribes that planned to use their TVSSA award funds to address MMIP. In FY 2023, OVC developed supplemental performance measurements so that OVC can begin to assess the outcomes of adding these activities to the TVSSA Program. Beginning in January 2024, OVC's FY 2022 and FY 2023 TVSSA Program

grantees will report on the additional performance measurement questions when they submit their semi-annual performance reports in JustGrants. The new performance measure questions will prompt grantees to provide data on the following activities:

- The total number of family members of a missing person who received direct services during the reporting period (i.e., information and referrals, emotional support, and assistance with the court system).
- The total number of times the grantee used award funds for the following activities during the reporting period:
 - Awareness of an individual missing person’s case (e.g., produce billboards, flyers, or other materials about the case).
 - Support for a private search for a missing person (e.g., supplies, snacks, transportation).
 - Assistance with reunification costs, including disinterment, repatriation, or burial of a homicide victim’s remains.
 - Conduct outreach events to spread awareness about Missing or Murdered Indigenous Persons among the community.

In May 2023, staff from OVC’s Tribal Division facilitated a 90-minute discussion with representatives from a diverse group of seven TVSSA grantees representing Tribes in the lower 48 and Alaska who received TVSSA funding to support MMIP activities. During the discussion the grantees shared their experiences in launching their projects, identified topics on which they need training and technical assistance or other resources, and provided feedback on the Department’s ongoing efforts to encourage more families struggling with MMIP cases to consider adding the details of their cases to NamUs, the Department’s national information clearinghouse and resource center for missing, unidentified, and unclaimed person cases across the United States. OVC will use these insights as the basis for developing resources and training for all TVSSA grantees.

OVC is seeking input from Tribal Leaders about how we can enhance support of Tribal communities’ efforts to provide services, resources, and support in MMIP cases.

ⁱ Please see the [FY 2023 Report](#) that was submitted as a resource document for the FY 2024 OVC Tribal Consultation. This report details how \$95 million in TVSSA funds were allocated in FY 2023 to support victims of crime in Tribal communities.

ⁱⁱ With regards to unobligated TVSSA funds and TVSSA funds returned to OVC at the end of a grant period: OVC conducted an analysis of data from 799 TVSSA awards made between FY 2018–FY 2022.

- Of the 322 grantees that received funding under TVSSA between FY 2018–FY 2022, 42.5 percent (137) had 3 or more active awards and approximately 20.8 percent (67) had 4 or more active awards with significant unobligated balances as of summer 2023.
- Of the 799 awards made with TVSSA funding from FY 2018–FY 2022, 85.2 percent (681) of these awards had not reached their end date prior to September 30, 2023, and had not fully obligated the grant funding.
- Most grantees requested and were granted at least one project period extension to extend their projects up to 60 months to meet goals and objectives to implement critical victim services.

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- Of awards made between FY 2020–FY 2022, 95 are working on issues to clear their project budgets. There is currently \$57 million dollars in grant funds pending for these grantees upon budget clearance.
 - Upon closeout of 118 awards funded between FY 2018–FY 2022, more than \$20 million was unobligated and returned to the CVF. Tribes opted not to extend their project periods to expend these funds.
 - Of awards made in FY 2022, five grantees have not accepted their award and one grantee declined their new award.

As a result of this analysis, OVC did not re-run the formula allocation to redistribute unclaimed FY 2023 TVSSA funding to TVSSA applicants. In the past, recalculating the formula to distribute unclaimed funds after Tribes have submitted their TVSSA applications placed a significant burden on applicants, who then had to revise their project designs and budgets post-award for a minimal increase in award amounts and wait for the new budgets to be cleared before project activities could begin.

Therefore in FY 2023, awards were made using the initial formula allocations and no revisions were made to adjust for the funding available from Tribes that did not complete the application process. Because of this, OJP was able to approve the budgets for a significant number of applicants at the time of award, which allows these grantees expedited access to their FY 2023 award funds.

iii Department of Justice Procedures for Implementing the National Environmental Policy Act can be found at [28 C.F.R. Part 61](#).

iv In addition to the NEPA Special Condition, which holds funds related to the renovation or construction project, other special conditions on awards involving construction or renovation include requirements to submit information to demonstrate project feasibility and that buildings being renovated are viable and safe structures for the intended use; that appropriate project insurance and bonding to cover construction activities were in place; and that the grantee has planned for and secured adequate funding to complete the construction and support ongoing operation and maintenance of the facility.