Tribal Consultation
VAWA 2013, Section 903

July 17, 2019

National Indigenous Women’s Resource Center
Welcome!
Today’s Presenters

NCAI Task Force Co-Chairs:

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Traditional Legislative Councilwoman
Pauma Band of Luiseno Indians

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Chief Justice
Tlingit & Haida Supreme Court

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NCAI

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NIWRC
14th Annual
Government-to-Government
Violence Against Women
Tribal Consultation

August 21-22, 2019
New Buffalo, Michigan
Schedule

• **August 19, 2019**: Tribal Caucus to prepare for OVC consultation. 7 PM ET
• **August 20, 2019**: Office of Victims of Crime Tribal Consultation
• **August 20, 2019**: Tribal caucus to prepare for Annual Consultation on Violence Against Native Women. 7 PM ET
• **August 21-22, 2019**: 14th Annual Consultation on Violence Against Native Women
What is Tribal Consultation?

- The Department of Justice’s annual Tribal Consultation on Violence Against American Indian and Alaska Native Women is held pursuant to Public Law 109-162, Title IX, Section 903, Violence Against Women Reauthorization Act of 2005.
- Section 903 requires the Attorney General to conduct an annual consultation with Indian tribal governments to address the federal administration of all tribal funds and programs established under VAWA.
Purpose of Tribal Consultation

- Section 903, VAWA 2005 directs the Attorney General to solicit recommendations from Indian tribes on the following:
  - administering tribal funds and programs;
  - enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
  - strengthening the federal response to such violent crimes.
Significance of Tribal Consultation

- Provides critical opportunity for government-to-government dialogue and for Indian tribes to identify barriers and implement solutions that will enhance their capacity as governments to protect their citizens.

- Feedback opportunity on what works/doesn’t work in how funds and programs are administered.

- Raise awareness on current, outstanding and/or emerging issues.

- Help to design a legal framework for change and removal of barriers, inequity, etc.
Platforms for Change

- *National* platform unites movement on a national level
- *Regional* platform unites movement on a regional or tribal-specific level
Preparing for Tribal Consultation

- Review VAWA 2013 in context of tribe/region
- Identify tribal or region-specific platform issues
  - Extend VAWA 904 jurisdiction to cover child abuse, sexual assault, stalking, trafficking crimes
  - Parity in funding for Tribes under FVPSA, VOCA
- Develop consultation statement on specific platform issues
Section 903, VAWA 2005 mandates the Attorney General to submit a report to Congress on the annual consultation that –

- Contains recommendations made by Indian tribes during the year covered by the report;
- Describes actions taken during the reporting year to respond to recommendations made during the year or a previous year; and
- Describes how the Attorney General will coordinate and collaborate with Indian tribes, Secretary of HHS, and Secretary of the Interior to address recommendations made.
Review VAWA 2013 in Context of specific tribe/region

- Inherent Tribal Sovereignty is reaffirmed
- Section 904: Implementation of special domestic violence jurisdiction over non-Indians
- Section 905: Full civil jurisdiction over everyone to issue & enforce protection orders is clarified
- “Sex Trafficking” language is included under tribal government & tribal coalitions program
- Tribal Coalitions program is strengthened
2019 Issues of Concern

- Tribal Jurisdiction Over Non-Indian Offenders
  - Increased authority/SDVCJ jurisdiction
- Disbursement of Crime Victim Funding/Support for Permanent Fix
- Increased Protections from Sexual Assault and Services for Women Surviving Rape
- Improve Public Safety Funding Mechanisms
- Impact of Extractive Industries on Safety of Native Women
- Outstanding Unaddressed Issues/Missing and Murdered Native Women
- Increase Federal Penalties for Tribal Protection Order Violations and Exclusion Orders
Priority Concerns Discussion
VOCA Overview

• Victims of Crime Act authorized in 1984
• Federal legislation to assist crime victims beyond punishment of criminal
• Crime Victims Fund (the Fund) established by VOCA
The Crime Victims Fund

• Serves as major federal funding source throughout the U.S. for state governments
  • Victim Assistance
  • Crime Victim Compensation

• Every year Congress decides how much will be distributed from the Crime Victims Fund.
VOCA Formula Grants

• Based on 1984 legislation, states & territories are eligible to receive annual VOCA formula funding.
• Indian tribes were not included in the 1984 legislation and did not receive annual VOCA funding until FY 2018.
FY 18 Tribal Set-Aside Funds

- $133.1 million available for Tribes.
- 195 applications for funding.
- 154 applications received funding.
- Many of the applicants who received funding had their budgets dramatically reduced with little or no explanation.
- Last year DOJ failed to obligate the full amount and $25 million was returned to the treasury. This was 20% of the funding appropriated for Tribes.
<table>
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<tr>
<th>VOCA Set-Aside Funds – FY 18</th>
<th>awards</th>
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<tr>
<td>FY 2018 Victim Services Set-Aside Grant Awards</td>
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<td>OVC’s Tribal Financial Management Center Training and Technical Assistance (Contract)</td>
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<td>Specialized Programmatic Training and Technical Assistance for Tribes</td>
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<td>TAP expansion</td>
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<td>BIA Tribal Victim Services Training and Technical Assistance</td>
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<td>Human Trafficking Capacity Building Center (Contract)</td>
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<td>Enhancing Community-Driven Responses to the Opioid Crisis: Serving Our Youngest Victims solicitation (5 tribal grantees)</td>
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<td>$3,702,076</td>
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<td>Unobligated Amount</td>
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FY 2019 Tribal Set-Aside

- 5% [$168 million] “to Indian tribes to provide services to victims of crime”
FY 2019 Tribal Set-Aside: Timeline

• Solicitation was released on May 29 by OVC
  **DEADLINE: August 16, 2019**

• Given the amount of funding available, we anticipate that all eligible tribes who apply should be funded.

• **Important to spread the word!**
Office for Victims of Crime Consultation

Opportunity to discuss ongoing issues with OVC funding:

• What other programming ideas should OVC explore to meet the needs of victims of crime in tribal communities – either through CTAS or other solicitations?
• What do you need to develop tribal, village-based responses and services, including possibly a program?

Feedback is encouraged regarding:

• Maximum grant amounts (per applicant)
• Support tribes need during the application phase
• Competitive nature of solicitations, and/or thoughts on formula or other base funding grants
NCAI Task Force Discussion of Consultation Priorities

- The existing approach is not working to fit tribal needs.
- The money should be distributed to all eligible tribes based on a formula that includes sufficient base funding and considers other criteria, not limited to population.
- Unobligated funds should stay available for tribes.
- Tribes should define how funds can be used to address needs of victim.
- OVC must increase its capacity to manage the program.
- Create a standing advisory committee of tribal reps.
Additional Resources

- NCAI 2019 Priority Issues
- VAWA 2013, Title IX-Safety for Indian Women
- Tribal Consultation Testimonies from Previous Years
  - https://www.justice.gov/ovw/tribal-consultation
- http://ovwconsultation.org/
- NIWRC Restoration Magazines
- “Safety for Native Women: VAWA and American Indian Tribes” resource book @NIWRC or Amazon.com
Thank You!

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