



National
Congress of
American
Indians

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
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Pauma Band of Luiseno Indians

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Chief Justice
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Senior Native Affairs Advisor
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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

Annual Tribal Consultation Report

- 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

OVC Consultation

August 20, 2019

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.

FY 2018 Tribal Set-Aside Uses

VOCA Set-Aside Funds – FY 18	awards	amount
FY 2018 Victim Services Set-Aside Grant Awards	154	\$88,003,937
OVC’s Tribal Financial Management Center Training and Technical Assistance (Contract)	1	\$3,955,912
Specialized Programmatic Training and Technical Assistance for Tribes	2	\$2,650,000
TAP expansion		\$5,000,000
BIA Victim Specialists		\$3,422,530
BIA Tribal Victim Service Academy		\$785,578
BIA Tribal Victim Services Training and Technical Assistance		\$275,640
Human Trafficking Capacity Building Center (Contract)		\$500,000
Enhancing Community-Driven Responses to the Opioid Crisis: Serving Our Youngest Victims solicitation (5 tribal grantees)	5	\$3,702,076
Unobligated Amount		\$24,784,327

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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