



**CONSULTATION FRAMING PAPER ABOUT
TRIBAL SET-ASIDE FUNDING FROM THE CRIME VICTIMS FUND
ADMINISTERED BY THE OFFICE FOR VICTIMS OF CRIME**

The Department of Justice (the Department) has a long-standing commitment to improve services for victims of crime in Indian country and Alaska villages. On May 1, 2019, in Fairbanks, Alaska, the Department will consult with tribal leaders about current and future “tribal set-aside” funding the Office for Victims of Crime (OVC) is administering from the Crime Victims Fund (CVF)¹. The Department presents this paper to help guide the conversation at the consultation by outlining issues for discussion. This paper includes: (1) an overview of how funds from the FY 2018 tribal set-aside were distributed; (2) the Department’s plans thus far for distributing the FY 2019 set-aside funds; (3) questions for tribal leaders to consider; and (4) OVC’s historical crime victim services grant programs for tribal communities.

While there are numerous ways OVC tribal set-aside funding can meet the needs of crime victims in American Indian and Native Alaska communities, there are limitations. For instance, generally, this funding should be used for projects related to supporting and/or assisting crime victims. A few unallowable costs include activities focused primarily on crime prevention, investigative or law enforcement activities or prosecution, capital expenses, construction or the purchase of a building or real estate.²

This paper is not a statement of official Department policy. It is intended to provide information and suggest questions to be considered by tribal leaders and representatives as they prepare to participate in the consultation. The Department welcomes all input from tribes on this and other matters that are of concern to tribal communities.

Comments must be submitted to OVC by 5:00 p.m. (eastern time) on July 1, 2019. Please submit your comments by email to ovctribalsetaside@ojp.usdoj.gov or by first-class mail to:

Office for Victims of Crime
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531
Attn.: Allison Turkel

¹ In February 2019, in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2019, Congress authorized OVC to receive \$3.53 billion from the CVF to fund FY 2019 programs, and designated a 5% tribal set-aside (\$167.65 million) to provide grants to tribes to improve services for victims of crime, consistent with the requirements of the Victims of Crime Act. Previously, in March 2018, Congress authorized OVC to receive \$4.436 billion from the CVF to fund FY 2018 programs, and designated a 3% tribal set-aside to provide grants to tribes (\$133 million); the FY 2018 funding was the first such set-aside for tribal victim services.

² Some limitations on how OVC funding can be used are outlined in the FY 2018 tribal set-aside solicitation posted at <https://www.ovc.gov/grants/pdfxt/FY18-Tribal-Victim-Services-Set-Aside-Program-508.pdf> (see pages 33-45).

CONSULTATION QUESTIONS

Question: How should OVC increase access to funding and services for tribal governments – both in the Lower 48 and in Alaska?

- How can OVC support new victim advocacy programs created with this new funding?
How can we assist existing programs enhance their services to victims?
- Would additional (or different) technical assistance be useful?
 - Would more (or different) remote trainings be helpful?
- How can OVC support tribal nations in developing culturally-relevant, tribal-specific responses to crime victims?

OJP has received feedback from tribal leaders encouraging OVC to increase outreach efforts and build awareness about tribal set-aside funding for victim services – particularly to tribes that have not historically applied for OVC funding, and/or tribes that lack grant-writing skills. Regarding outreach specifically to tribal communities in Alaska, OVC awarded over 30 grants with FY 2018 tribal set-aside funding to Alaska tribes, tribal consortia, and authorized designees. This is an all-time high for Alaska tribal grantees for OVC. Further, OVC is committed to providing vital programmatic training and technical assistance, as well as tribal financial management assistance, to grantees that receive tribal set-aside grants. Subsequently, OVC is working closely with the three organizations that received funding to provide this assistance to ensure they are properly equipped to meet the specific needs of tribal grantees in Alaska and the Lower 48. OVC is dedicated to the success of these grantees and to providing much-needed services to victims of crime, and OVC is eager to increase the number of tribes receiving funding from the set-aside for victim services in FY 2019 and future years.

Question: What other programming ideas should OVC explore to meet the needs of victims of crime in tribal communities – either through CTAS or other solicitations? Feedback is encouraged regarding:

- maximum grant amounts (per applicant),
- the support tribes need during the application phase,
- the competitive nature of solicitations, and/or
- thoughts on formula or other base funding grants.

OTHER TOPICS FOR FEEDBACK³

Question: While there are certain limits on how OVC funding⁴ can be used to address the housing and transportation needs of crime victims, OVC is interested in exploring how we can help tribal communities develop resources to address the full continuum of victim service needs – including transportation, emergency shelter, transitional housing, and

³ While a 30-day notice was not provided on these particular topics, OVC is interested in receiving feedback from tribal leaders and representatives on these matters – either during the consultation or in writing afterward.

⁴ Some limitations on how OVC funding can be used to address various needs are outlined in the FY 2018 tribal set-aside solicitation posted at <https://www.ovc.gov/grants/pdf/FY18-Tribal-Victim-Services-Set-Aside-Program-508.pdf> (see pages 33-45).

preparing for permanent housing – in a manner that is practical, culturally appropriate, and safe?

- Should OVC provide a separate solicitation to assist with emergency and/or transitional housing?
- Should OVC prioritize applications that respond to housing and transportation needs?
- What else does OVC need to know to respond to these critical concerns?

OJP has received recommendations from tribes (particularly those in Alaska) regarding the need to develop safe homes, shelter programs, and transitional housing resources for victims of domestic violence and other crimes. Victims are also in need of resources to assist with transportation to access services, get to court or to safe homes, and transportation is also important for advocates and other victims-serving staff to reach victims. Further, transportation is needed for the repatriation of homicide victims. Geography and weather also pose significant challenges to the transportation needs of AI/AN victims of crime and the people that serve them.

Incidentally, from October to December 2018, reports show that 2,812 Alaska residents accessed *emergency shelter*, including 332 victims of domestic violence, and almost half identified as American Indian or Alaska Native.⁵ During the same time period, 69 of the 476 individuals who accessed *transitional housing programs* in Alaska identified as victims of domestic violence, and nearly 40% of these individuals were American Indian or Alaska Native.⁶ These statistics illustrate a clear need for emergency shelter and transitional housing assistance for Alaska Native victims of domestic violence and other serious crimes, yet there is a shortage of housing units available in Alaska, and the gap between the number of new housing units required to keep pace with the projected population growth in Alaska is expected to widen in the years to come.⁷

⁵ Alaska Homeless Management Information System, retrieved: www.icalliances.org/alaska-dashboard.

⁶ Alaska Homeless Management Information System.

⁷ Alaska Housing Finance Corporation.

APPENDIX A:

BACKGROUND: THE CRIME VICTIMS FUND & FEDERAL VICTIMS OF CRIME ACT (VOCA) FUNDING

A 1988 amendment to the Victims of Crime Act of 1984 (VOCA) created the Office for Victims of Crime as part of the Department's Office of Justice Programs (OJP). An important part of OVC's mission is to administer grant award programs that are funded by the federal CVF, which is financed primarily by federal criminal fines paid by convicted federal offenders. Each year Congress provides the authority to OVC to use the CVF to support various grant programs.

Since 1988, OVC has used a portion of its funds to specifically support victim services programs in tribal communities. Beginning in FY 2010, OVC has funded the Comprehensive Tribal Victims Assistance Program (CTVA), which has been administered as Purpose Area 7 of the Department's Coordinated Tribal Assistance Solicitation (CTAS). Between FY 2013 and FY 2018, OVC distributed more than \$47.1 million to 114 tribal programs as part of the CTVA Program.

OVC also currently administers another tribal-specific grant program funded by the CVF, the Children's Justice Act Partnership for Tribal Communities Program (CJA Program: CTAS Purpose Area 6). The authority for the CJA Program is derived from the Children's Justice Act of 1986, which provides grant funds for state governments to improve their handling of child abuse cases. OVC provides the funds for state governments to the U.S. Department of Health and Human Services, and administers the tribal set-aside funds as the CJA Tribal Program. Between FY 2013 and FY 2018, the CJA Tribal Program awarded more than \$20.4 million to 50 tribes as part of CTAS.

BACKGROUND: COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018, sec. 510

On March 23, 2018, President Donald Trump signed the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018, (the Act) into law creating a CVF tribal set-aside for the first time. Accordingly, the set-aside totaled about \$133 million. OJP was statutorily required to obligate FY 2018 CVF grant funds no later than September 30, 2018.

Following enactment of the FY 2018 budget, OJP reviewed feedback it had received from tribal leaders at the OJP Tribal Consultation held in February 2018 – where a possible set-aside for tribal victim services was a specific item raised by OJP. Additionally, OJP considered feedback received from prior OVC and OVW Listening Sessions and Consultations. Due to time constraints and the six months between enactment of a budget and the end of the fiscal year, an in-person consultation wasn't possible prior to developing and implementing a plan to disseminate the FY 2018 set-aside funds. The Department did, however, host three telephone consultations with tribal leaders, victim advocates, and other interested parties in June 2018. As the result of these consultation efforts, the Department was able to further refine its plans to distribute the FY 2018 set-aside funds using a process that was designed to decrease the usual complexity and difficulty of the grant application process, thereby making it possible for a

greater number of tribes to apply for the funding and have the opportunity to significantly improve victim services for tribal members. The Department also used the information that it received through the June 2018 phone consultations to identify means by which to make the allowable activities identified in the set-aside solicitation as expansive as possible, so that the funding could be responsive to the needs of each tribal community.

OVC issued a solicitation for the FY 2018 Tribal Victim Services Set-Aside Program on June 22, 2018. Eligible applicants for the solicitation included federally recognized tribes, tribal organizations, tribal consortia, and organizations acting as the authorized designee of a federally recognized tribe. Applicants were able to request up to \$720,000 in federal funding for an award period of 36 months (applicants could request more than \$720,000 with a thorough explanation for the needed increase.) To ensure that the largest number of eligible applicants possible were able to submit an application for funding within the time remaining in Fiscal Year 2018, the Department introduced a unique two-phased application process. In Phase 1, applicants were required to provide certain basic information into the online Grant Management System (GMS) by August 6, 2018. OVC provided answers to Frequently Asked Questions, and assisted tribal representatives throughout the application process to provide as much information as possible, to assist potential applicants with this innovative streamlined process. OVC also established a designated email box to receive inquiries and provide assistance to the applicants.

On June 28, 2018, OVC hosted a pre-application webinar. During the webinar, OVC staff provided an overview of the two-phase application process and answered 135 questions from the more than 200 individuals who participated in the webinar. At the conclusion of Phase 1, OVC had received 195 applications for funding. OVC reviewed all of the applications using the criteria outlined in the FY 2018 VSSA solicitation, and by September 30, 2018, was able to obligate a significant portion of the \$133 million in FY 2018 set-aside funding by making grant award offers to 178 of the tribal applicants who satisfied the criteria of Phase 1 of the solicitation. However, additional steps would be necessary to complete the application process and receive a grant award. OVC also obligated more than \$20 million in FY 2018 tribal set-aside funds under other FY 2018 solicitations and/or programs to enhance victim services and resources in Indian country and/or Alaska Native villages (See table below for details).

In Phase 2 of the application process, the 178 applicants from Phase 1 received feedback on their Phase 1 applications, requested changes to program narratives, and the need to submit a detailed, itemized budget, in addition to other standard forms and documents typically required to support applications for federal funding.⁸ OVC hosted another webinar on October 10, 2018, to provide the successful Phase 1 applicants with a detailed explanation of the Phase 2 application requirements and submission process, and to answer other questions they had. OVC also created a new FAQ document and enlisted the assistance of the newly created OVC Tribal Financial Management Center to provide technical assistance to certain applicants who had not received an OJP grant in the previous 5 years. The deadline for Phase 2 applicants to submit all of the required Phase 2 application documents in GMS was no later than January 4, 2019.

⁸ Phase 2 applicants were required to submit: Tribal Authorizing Resolution (if not provided in Phase 1), Project Timeline, Capabilities and Competencies Statement, Plan for collecting and submitting performance measure data, Indirect cost rate agreement (if applicable), signed certifications and assurance documents, a Disclosure of Lobbying Activities, a Disclosure of Pending Applications, and a Disclosure of High-Risk Status.

OVC and other business offices within OJP reviewed completed Phase 2 applications and processed them on a rolling basis. During this review process, OVC and OJP employed a rigorous risk-based approach to ensure the most viable applications were funded. As a result, some of the applicants were not funded, but they will be provided an opportunity to participate in technical assistance, which should equip them for success in future funding applications. The Department began announcing the final awards in March 2018. As of April 15, 2019, OJP completed its review of all Phase 2 applications and confirmed awards with successful applicants. See table below for an accounting of how the Department allocated the \$133,080,000 in FY 2018 tribal set-aside funds:

FY 2018 OVC Tribal Program	Number of Awards	Amount Awarded
FY 2018 Victim Services Set-Aside Grant Awards	154	\$88,003,937
OVC's Tribal Financial Management Center (TFMC) Training and Technical Assistance (Contract)	1	\$3,955,912
Specialized Programmatic Training and Technical Assistance for Tribes	2	\$2,650,000
Tribal Access Program Expansion ⁹		\$5,000,000
Bureau of Indian Affairs (BIA) Victim Specialist Program	1	\$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
Uncommitted/Unobligated Amount ¹⁰		\$24,784,327
TOTAL		\$133,080,000

BACKGROUND INFORMATION: OVC's TRIBAL LISTENING SESSION DECEMBER 2018 – PALM SPRINGS, CALIF.

On December 4, 2018, OVC hosted a listening session in conjunction with the Indian Nations Conference at Agua Caliente. Three major themes emerged in the feedback OVC received:

1. OVC should do more to assist tribes who are not currently receiving funding to prepare and submit an application for funding;
2. OVC should solicit applications for the Victim Services Set-Aside Program through a stand-alone solicitation; and
3. Tribes need additional resources to address emergency and long-term housing and transportation needs of victims.

⁹ The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) in August 2015 and has expanded yearly to provide tribes access to national crime information systems for both civil and criminal purposes. The \$5 million from OVC's FY 2018 tribal set-aside will enable additional tribes to participate in TAP, and use their access to assist in providing services to victims of crime. With FY 2018 funding from OVC and other federal agencies, TAP will expand from 47 tribes to 72. For more information on TAP, visit <https://www.justice.gov/tribal/tribal-access-program-tap>.

¹⁰ The funds included in this line item will be returned to the CVF to assist other victims in the future.

BACKGROUND: THE COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT OF 2019, SECTION 510

In February 2019, Congress authorized OVC to receive \$3.53 billion from the CVF to fund its programs, and designated a 5% tribal set-aside (\$167.65 million) to provide grants to tribes to improve services for victims of crime, consistent with the requirements of the Victims of Crime Act. Subsequently, the Department determined that the CTAS solicitation (Purpose Area 7, the Tribal Victim Services Program) would be one way for tribes to access this funding. The maximum 3-year amount applicants could request was increased from OVC's usual \$450,000 cap to \$500,000.

OJP sponsored general pre-application webinars for the FY 2019 CTAS application process which covered pertinent topics, such as budget development and preparation and grant-writing. Additionally, OJP sponsored two in-person grant-writing workshops in the Lower 48 and Alaska to aid previously unsuccessful applicants in writing an FY 2019 CTAS proposal, and OVC held a webinar specifically for Purpose Area 7 on January 17, 2019. OVC also engaged in additional outreach activities during this time to educate potential applicants that tribal set-aside funds for victim services were available in FY 2019 through CTAS Purpose Area 7.

The FY 2019 appropriations bill for the Department was signed into law February 15, 2019, and the FY 2019 CTAS solicitation closed on March 12, 2019. OVC received 59 applications under CTAS Purpose Area 7. Although the review of those applications is still occurring, even if each one was fully funded, less than \$30 million would be obligated (of the \$167.65 million allocated by Congress for the FY19 tribal victim services set-aside). Other specialized solicitations that OVC will be posting this spring (related to law enforcement victim services, elder abuse, human trafficking, assisting children victimized due to their parent's opioid abuse, and other programs) will include designated funding just for tribal applicants; visit <https://ovc.ncjrs.gov/Solicitation.aspx> periodically to view current funding opportunities.

OVC continues to explore other options for programming this dedicated funding to enhance victim services for AI/AN crime victims and within tribal communities.