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**Consultation Question: OVW has, in the past, explored distributing OVW Grants to Indian Tribal Government Program funds through a formula. Should this method be revisited? If so, would you be willing to serve on a working group to explore different funding models?**

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**BACKGROUND:**

The 2005 reauthorization of the Violence Against Women Act created the Grants to Indian Tribal Governments Program (Tribal Governments Program) to decrease the incidence of violent crimes against Indian women; to strengthen the capacity of Indian Tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior. The OVW Tribal Governments Program has 12 statutory purpose areas that permit Tribal grantees to engage in a wide range of activities, including: developing and operating culturally informed crisis responses such as shelter programs; supporting justice system responses such as dedicated law enforcement, courts, probation, or prosecution units; providing legal services for survivors; operating batterer’s intervention programming; providing supervised visitation and exchange programs; organizing prevention and community education campaigns; implementing SANE/SART programs; developing, updating, and implementing Tribal codes and policies; implementing law enforcement response protocols and training for missing or murdered Indigenous persons cases, and more.

OVW has historically administered the Tribal Governments Program as broadly as possible by implementing all 12 statutory purpose areas to give Tribal governments, or their designees, flexibility to address violence against women in their communities in the way they see fit. In FY 2022, a total of 32 Tribal applicants received approximately \$32 million dollars in grant funding through the Tribal Governments Program. These awards are generally for a three-year period.

**Past Discussions of Administering the Tribal Governments Program on a Formula Basis**

The question whether to distribute Tribal Governments Program funds on a formula basis has been raised at annual Tribal consultations under VAWA since they began in 2006. Proponents of the formula model emphasized that it better reflects the government-to-government relationship between Tribes and the federal government and offers more reliability in funding. To explore the possibility of formula funding, OVW requested Tribal input on this issue at the 2012 Annual Violence Against Women Tribal Consultation and the March 2013 NCAI Executive and Task Force on Violence Against Women meetings, where Tribal leaders specifically requested a series of options for the formula with specific examples demonstrating how Tribes of different sizes would be affected. At the June 2013 NCAI Task Force on Violence Against Women meeting, OVW presented the examples, which combined some of the key aspects of other agencies’ formula funding models.

**2013 Calculation of Sample Formulas**

The 2013 calculation estimated that, if Tribal Governments Program funds were converted to formula grants, 231 Tribes would likely apply. This is based on the number of Tribes that had applied for formula funding from the U.S. Department of Health and Human Services’ Family Violence Prevention and Services Act (FVPSA) program office in the year prior to the calculation.

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OVW used 2010 Census data to estimate Tribal population numbers. OVW estimated the total of available Tribal Governments Program funding at \$28 million based on appropriations levels at the time. In considering how to structure sample formulas, OVW, with Tribal input, determined that any formula should provide, at a minimum, sufficient base funding to all Tribes to fund at least one victim advocate position. OVW developed five different hypothetical formulas.

Four of the formulas set an amount of base funding and then proportionally distributed remaining funds based on Tribal population. The fifth formula equally distributed the existing funds among Tribes regardless of population, resulting in \$121,739 per Tribe. By comparison, the second formula allocated \$75,000 base funding per Tribe and then distributed remaining grant funds on a per capita basis resulting in potential awards ranging from \$80,163 to \$1,810,394.

### **Consensus of 2014 Tribal Working Group**

These calculations were the basis for continued meaningful conversations between OVW and Tribal leaders through several listening sessions and the creation of a working group of Tribal leaders and advocates to consider the formula issue. In a March 2014 conference call with the working group, despite support for the principle of formula funding, the overwhelming consensus was that there were too many hurdles to implementing formula funding at that time with only OVW funding. The working group concluded that, at 2014 funding levels, it would be impossible to accomplish the goals of both providing basic services for all Tribes and maintaining comprehensive, successful programs at others. OVW thus decided to continue to administer the grant program on a competitive, discretionary basis. However, OVW used Tribal feedback in making salient changes to the application process, such as issuing longer awards, adjusting the maximum available award so that funding reaches more Tribes, and streamlining the application process where possible.

### **Continued Tribal Requests for Formula Funding**

Since OVW's decision in 2014, Tribal leaders have continued to advocate for non-competitive formula funding—both through OVW's Tribal Governments Program and across all federal grant funding sources. This issue has been raised most recently at the 2022 Tribal Consultation in Alaska and Not Invisible Act Commission listening sessions in June 2023. In light of continued Tribal interest in formula funding, as well as recent increases in annual Tribal Governments Program appropriations, OVW is seeking input from Tribal leaders about whether the formula distribution method should be revisited.

At present, Tribal Governments Program funds have increased. Although future appropriations are unknown at this time, the projected total available for grants under the program in FY 2023 is \$40.3 million. OVW requests input on the questions below.

### **QUESTIONS:**

- 1. Should OVW revisit its efforts to identify a method for distributing Tribal Governments Program funds on a formula basis?**
- 2. If so, would you be willing to participate in a working group to explore different formula funding models?**