



U.S. DEPARTMENT OF JUSTICE
**COORDINATED TRIBAL
ASSISTANCE SOLICITATION**

TRIBAL CONSULTATION REPORT ON GRANT-MAKING

—◆ 2012 ◆—

Working Together to End the Violence





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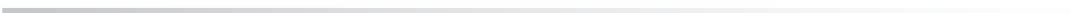
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TRIBAL CONSULTATION REPORT ON COORDINATED TRIBAL ASSISTANCE SOLICITATION (CTAS)

INTRODUCTION

For Fiscal Year 2010, the Department of Justice (DOJ) streamlined the Coordinated Tribal Assistance Solicitation (CTAS) by developing a single application tribes could use to apply for all tribal government-specific grant programs administered by the Office of Justice Programs (OJP), Community Oriented Policing Services, and the Office on Violence Against Women (OVW).

In the CTAS, each DOJ tribal government-specific competitive grant program is referred to as a “purpose area.” For FY 2012, the coordinated application covered 10 purpose areas and allowed tribes to specify the purpose area(s) that best addresses their law enforcement and public safety needs.

In reviewing a single application from each tribe, the DOJ’s goal is to gain a better understanding of each tribe’s overall public safety needs, which will allow DOJ’s grant-making programs for tribal government-specific funds to coordinate in making award decisions that best meet the comprehensive needs of applicants.

The single solicitation was a first step in improving the grant-making process to address concerns raised by tribal leaders. DOJ’s longer term goal is to move toward a more flexible and sustainable grant-funding model.

Following the 2011 tribal consultation on grant making, DOJ implemented a number of improvements to the CTAS process for FY 2012 in response to tribal input as well as feedback through OJP’s Tribal Justice Advisory Group, the OJP Assistant Attorney General’s interdepartmental training and technical assistance sessions, DOJ conferences, and other tribal meetings. These improvements included:

- A new strategic planning pilot program was added.
- A question and answer template option was created to assist tribes in compiling their project narratives.
- The CTAS purpose areas were adjusted to allow greater flexibility in funding requests. The purpose areas now include:
 - ◊ Public Safety and Community Policing
 - ◊ Comprehensive Planning Demonstration Program (BJA)
 - ◊ Justice Systems and Alcohol and Substance Abuse (BJA)

- ◊ Corrections and Correctional Alternatives (BJA)
 - ◊ Tribal Sexual Assault Services Program (OVW)
 - ◊ Violence Against Women Tribal Governments Program (OVW)
 - ◊ Children's Justice Act Partnerships for Indian Communities (OVC)
 - ◊ Comprehensive Tribal Victim Assistance Program (OVC)
 - ◊ Juvenile Justice (OJJDP)
 - ◊ Tribal Youth Program (OJJDP)
- The DOJ included a request for data on the demographics of the applicant tribe to better capture and describe the unique characteristics of each tribe.
 - Types of proof for tribal authority other than tribal resolutions were allowed to be submitted with the CTAS application.

In FY 2010, the DOJ awarded nearly \$127 million in CTAS awards. In FY 2011, the department awarded more than \$118 million. This year (FY 2012), the DOJ awarded more than \$101 million for 200 grants to 110 tribes to enhance law enforcement practices and sustain crime prevention and intervention efforts in the 10 purpose areas.

In addition to CTAS grants, tribes could also apply for DOJ grant funding that is not specific to tribal governments by submitting separate applications to any grant programs for which they were eligible.

TRIBAL CONSULTATION SUMMARY

Public Law 109-162, Title IX, Section 903 of the Violence Against Women Reauthorization Act of 2005 requires the U.S. Attorney General to conduct an annual consultation with American Indian tribal governments to address the federal administration of all tribal funds and programs established under the Violence Against Women Acts (VAWA) of 1994, 2000, and 2005. The statute further directs the Secretary of the Department of Health and Human Services and the U.S. Attorney General to solicit recommendations from the Indian tribes at an annual consultation concerning the following items:

- Administering tribal funds and programs
- Enhancing the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, and stalking
- Strengthening the federal response to such violent crimes

Because the Coordinated Tribal Assistance Solicitation is a substantial change to the federal administration of these funds, consultation on the CTAS program is mandated.



The annual tribal consultation was held October 2-3, 2012, at the Hyatt Regency Tulsa Hotel in Tulsa, OK. The first day of the consultation focused on the subject of violence against American Indian and Alaska Native women. The second day was devoted to consultation on the DOJ grant-making process for tribal governments, and focused specifically on the CTAS process that was implemented in FY 2010 and refined for FY 2011 and FY 2012. The DOJ also solicited recommendations for the FY 2013 tribal grant process.

A full report on the 2-day consultation event is available online at <http://www.ovw.usdoj.gov>. The present document provides a detailed report of tribal leader responses to the CTAS grant process, the themes that arose from the dialogue between the DOJ and tribal leaders, and specific recommendations made by tribal leaders and other representatives to improve tribal grant processes.

Testimony from the consultation related to the CTAS grant process, including written testimony submitted by tribes, is organized here by themes. Each theme is followed by a summary of the comments presented under the theme and then by specific comments or excerpts from written testimony. Sources of the comments, either speakers or written testimony, are provided following each comment.



TESTIMONY ON THE CTAS GRANT PROCESS FROM TRIBAL LEADERS

Tribal Consultation: Positive Feedback

Summary of Tribal Leader Comments: Tribal leaders appreciate how the federal government has been open to, and responded positively to, tribal feedback during the consultation process. They appreciate being able to designate a delegate to attend the consultation in their place. Tribal leaders affirmed that the consultations encourage valuable dialogue and that the federal government has shown considerable improvement in addressing tribal funding issues.

Tribal Leader Comments

Consultation and listening sessions do help in opening the dialogue about what works and what doesn't. Much has been accomplished in the past few years at the Pueblo of Laguna, and we look forward to the continuing progress.

Harry Antonio, Jr., *1st Lieutenant Governor, Pueblo of Laguna*

I congratulate you, federal government employees, for opening it up so that we, as tribal leaders, can come and meet with you one-on-one to discuss our needs, and that when we make these comments, they're met in a good way. We hope and look forward to our partnership with you as we move forward.

Carol Nuttle, *Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*

We want to thank you, the Department of Justice, for working very hard with us to actually address some of the issues tribes have been raising with respect to funding for years. There has been substantial improvement in this area and we're grateful for that.

Leonard Harjo, *Principal Chief, Seminole Nation of Oklahoma*

I do thank the DOJ greatly for being the first to allow tribal leadership to designate someone to speak, and acknowledge and respect that person at the table as a tribal delegate. Tribal leaders can't be everywhere, so this is a good solution. You went outside the box and set a good model.

Juana Majel-Dixon, *Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians*

Tribal Consultation: Areas for Improvement

Summary of Tribal Leader Comments: The DOJ consultation policy needs to be finalized. Tribes should receive notice of the CTAS consultation and related materials far enough in advance to collect tribal feedback, form appropriate responses to DOJ questions, and plan for a representative to attend the event. The consultation agenda should reflect input from tribal leaders.



Tribal Leader Comments

In his November 2009 memorandum, President Obama required each executive agency to create a tribal consultation policy. Three years later, the DOJ's policy is still in draft form. This concerns me. We need to have a face-to-face to finalize the consultation policy.

Juana Majel-Dixon, *Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians*

In fairness, our tribe should have seen this information before the consultation and had meetings. Because tribal governments need time to put this together, get all of our departments involved, ask them what questions and concerns need to be brought to the table. And it's important to recognize our sovereignty, and let us talk without restriction. That's when we know we're being heard.

Leo Stewart, *Vice Chairman, Confederated Tribes of the Umatilla Indian Reservation*

We ask that, in the future, we get the CTAS materials much sooner so we have more time to respond. I've been trying to get ahold of my council and get more feedback from them, but there hasn't been time because we didn't receive the materials in a timely manner.

Germaine Omish-Guachena, *Delegate, Rincon Band of Luiseno Indians*

It would have been best for us to receive this information ahead of time in order to have appropriate remarks prepared. I always feel like I'm inadequate in ensuring that my tribal leader has the information necessary to provide remarks. We'll have to answer these questions when we get back home.

Desiree Allen-Cruz, *Family Violence Services Program Manager, Confederated Tribes of the Umatilla Indian Reservation*

A listening session where federal agencies sit down to talk to a couple of tribal leaders is not a consultation. There's a process of notifying the tribal leaders, informing them of the agenda and consultation topics and questions, and giving them time to get there or arrange for a representative to get there.

Juana Majel-Dixon, *Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians*

The DOJ consultation needs to include more of the wording from when tribal leaders came together and shared what we should be looking at with tribal consultation.

Candice Wilson, *Vice-Chairwoman, Lummi Nation*



CTAS: Positive Feedback

Summary of Tribal Leader Comments: Some tribes report that the CTAS combined application improved intratribal communication and coordination regarding need, uses, and approval for grant funding. The new question and answer template and budget worksheet worked well.

Tribal Leader Comments

The Pueblo of Laguna appreciates the new application process because it led to the creation of an advisory board that meets monthly. The advisory board—consisting of behavioral health, judicial and tribal government officials—strives to constantly improve services provided to our tribal members and collaborates with several departments to ensure efficiency. The tribal resolution makes it necessary for the advisory board to receive council approval to apply for funds, educate them as to what funds will be used for, and allow the council to determine whether or not receiving funds will cost the tribe money in the long run.

Harry Antonio, Jr., 1st Lieutenant Governor, Pueblo of Laguna

These areas worked well in the 2012 CTAS application: The question and answer template provided structure and allowed focus on subject matter, and the budget worksheet is easier to work with now that it automatically totals figures.

Written testimony from Denine Morris, Contract Specialist I, Omaha Tribe of Nebraska, presented on behalf of the Omaha Tribe of Nebraska

CTAS: Areas for Improvement

Summary of Tribal Leader Comments: CTAS purpose areas should be revisited, with greater tribal input. The application needs to allow for additional budget worksheets to be submitted when tribes are applying for multiple grants within a purpose area. Tribes would like more time to complete the application, and they have additional concerns with the budget.

Tribal Leader Comments

Looking at the history of consultation on DOJ projects, tribes were not involved in setting the CTAS priority areas. There should be outreach to tribes to gather input to change these priorities, a serious conversation where tribal leadership has an appropriate say in setting the priorities. There are plenty of examples in other federal agencies where tribes are involved in setting program priorities like these, and tribal input will create a set of priorities that is more usable and user friendly.

Juana Majel-Dixon, Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians



These areas in the 2012 CTAS application were confusing: Page 2 of the FY 2012 CTAS announcement states, “In some cases, tribes may receive two separate awards under a single purpose area...” Yet in the application, we could only submit one budget work sheet. We were able to add a worksheet and give it a new name for our second program, but were not able to copy the format.

*Written testimony from **Denine Morris**, Contract Specialist I, Omaha Tribe of Nebraska, presented on behalf of the Omaha Tribe of Nebraska*

I don’t know how many other tribes have indirect rates, but to get the budget to the exact tee, then amend it to the exact tee, is very difficult with the system.

***Desiree Allen-Cruz**, Family Violence Services Program Manager, Confederated Tribes of the Umatilla Indian Reservation*

I think the indirect cost rate is too high. More of that funding should be put toward the programs and not used as overhead.

Unidentified Speaker

The 90-day deadline to prepare this application is still very short. We would like to write for more purpose areas, however we have very few staff in our tribal organization with the skills to write grant applications. So writing for more than three areas is too difficult in the timeframe allowed.

*Written testimony from **Denine Morris**, Contract Specialist I, Omaha Tribe of Nebraska, presented on behalf of the Omaha Tribe of Nebraska*

We do not want the open period to apply for grants shortened. The application process takes a lot of time for our staff when they already have limited time available to apply for grants.

***Harry Antonio, Jr.**, 1st Lieutenant Governor, Pueblo of Laguna*

DOJ asked about what information sharing and training processes would be best. In most tribal communities, we find quality in meeting person-to-person. We can see where webinars or teleconferences might be necessary, but within my local community I find spending time in person with the different staff or partners we work with is more important.

***Desiree Allen-Cruz**, Family Violence Services Program Manager, Confederated Tribes of the Umatilla Indian Reservation*

Grant Award Process

Summary of Tribal Leader Comments: The CTAS grant-making process should respect tribes’ custom program needs, be noncompetitive, and provide some level of funding to all tribes that apply. Grantees with successful programs should receive additional 5-year (versus 3-year) grants.



Tribal Leader Comments

How does the money get disseminated? We have 500-plus tribes across the country. We had 96 put in for funding last year. And 50-something got funded? So, again, we're competing against each other when we should not be competing against each other. We should be able to say these are our needs and go from there.

Richard Armstrong, *Chief of Police, Colorado River Indian Tribes*

What is the federal government looking at to determine one tribe's needs over another's? If you have 500-plus tribes apply for these limited funds, I think the funds should be dispersed between every one of the tribes that apply. Because who are you to determine one tribe's needs over another's? We're sovereign nations. All of our tribal peoples have different needs.

Germaine Omish-Guachena, *Delegate, Rincon Band of Luiseno Indians*

When a tribe gets funded, the funding should be continuous. We get a grant for 3 years, are successful, and then we don't get funded again. And our community asks why we lost these programs. When we meet our goals and are successful, that should warrant additional funding, and that funding should be put into a 5-year grant instead of three.

Unidentified Speaker

Federal Coordination

Summary of Tribal Leader Comments: Coordinated funding and comprehensive solutions in Indian Country would require the cooperation of many federal agencies, including DOJ, DOI, IHS, and other HHS organizations. These federal agencies should set budgets together in consultation with tribes, should be present at the table with DOJ for consultations, and should move toward greater tribal self-governance.

Tribal Leader Comments

Although the Department of Justice has brought this CTAS application together, the problem is larger than what the Department of Justice can address. The justice issues in Indian Country involve variables such as the need for social services, stable housing, additional public education on the issues of domestic violence, substance abuse and healthy relationships, and development of our youth. The sustainability of these programs must be moved towards tribal governments.

However, to generate continued funding the tribes need partnerships to build infrastructure and business developments that will be successful in providing revenue to tribes. Without revenue to invest in programs started by CTAS funds, our tribal communities lose the safety we've gained.



We recommend the Department of Justice initiate discussions with other U.S. Government departments, to provide a coordinated funding effort. The goal would be for the departments to work together to provide funding, just as you are asking our tribe to coordinate their approach to applying for funding.

*Written testimony from **Denine Morris**, Contract Specialist I, Omaha Tribe of Nebraska, presented on behalf of the Omaha Tribe of Nebraska*

Budgets and grants should be an official policy matter for tribal consultation. The Tribal/ Interior Budget Council [a Department of Interior forum where tribes and DOI work together to develop annual budget requests for DOI's tribal programs] needs to be at the table with you, and DOJ needs to start coming to the table with our other counterparts. When our tribes do the budget with BIA and IHS, there are separate budget items for each of those departments. The different federal funding streams need to be identified again. Where is the money coming from? What are the relationships between agencies that provide it? This should be a part of the consultation.

***Juana Majel-Dixon**, Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians*

We ask that BIA, BIE, and HHS money all be included within a coordinated tribal system that is first a block grant, perhaps like NAHASDA, and then moves to a self-governance model. The self-governance model has worked very well across the country. As you know, HHS has convened a secretarial-level tribal-federal work group on self-governance, which is considering bringing self-governance to other HHS programs beyond the Indian Health Service. So, there's a model out there that could be used.

***Carol Nuttle**, Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*

BIA officials are the front-line investigators handling important cases. We cannot be successful in our efforts without them. They should be well represented at these consultations in order to fully understand the current issues that are their responsibility. Sending a letter or email is not sufficient. They should be here, present.

***Harry Antonio, Jr.**, 1st Lieutenant Governor, Pueblo of Laguna*

We need to get the Bureau of Indian Affairs to come to the table and let us know what they're doing for funding. Because it seems like every year, we do the same thing. We say we need more money, and are told to apply for the next funding cycle, which is generally two years down the road. So we apply, but we don't get the funding. But how do we get it? They say we have to go up and politic, get our people up there and start making the rounds. But how many tribes can afford that?

***Richard Armstrong**, Chief of Police, Colorado River Indian Tribes*



Coordination and Tribal Outreach Within DOJ

Summary of Tribal Leader Comments: DOJ could greatly increase transparency with tribes and coordination across agencies by doing the following: reviving the Justice Program Council on Native American Affairs, coordinating all training and technical assistance through the National Indian Country Training Coordinator, and creating a dedicated website that covers all tribal programs within DOJ in one location.

Tribal Leader Comments

The Justice Program Council on Native American Affairs was a good vehicle for transparency and tribal input for DOJ programs, but where has it gone? JPCNAA should assist in unifying and coordinating the tribal activities across many different agencies within DOJ. It would help tribes to gain clarity on the different funding streams within DOJ, and it would help the feds themselves start to recognize the connections across these agencies.

JPCNAA is a corollary with the HHS committee on tribal consultation, at the level of the HHS Secretary, which provides a stable and ongoing connection with tribes.

DOJ also needs to coordinate all training and technical assistance through the National Indian Country Training Coordinator. It's an existing program that works.

Tribes used to have our own dedicated website, but now tribal information is part of the OVC, OVW, and other websites within DOJ. You have to dig to find our information. I would like to go back to having our own dedicated website with complete information on tribal grants accessible there, instead of scattered throughout the DOJ site.

Juana Majel-Dixon, Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians

State and Tribal Coordination

Summary of Tribal Leader Comments: Tribal grants require an explanation of how tribal activities coordinate within state programs, but state programs are almost never designed to consider tribal needs. This places an unfair burden on tribes. States should be required to increase their cooperation with tribes as well, as a condition of their federal funding.

Tribal Leader Comments

In writing for some grants, the tribe is asked to provide an answer regarding how our proposal fits to the state's implementation plan. This is confusing because usually the answer is one sentence about what the state STOP implementation plan [for DOJ STOP (Services, Training, Officers, and Prosecutors) Violence Against Women formula grants to states] says in regard to tribal nations, and it doesn't usually fit for tribal nations. Yet we're required to answer the question.



At a STOP administrators' annual conference, I recently learned that only two state STOP administrators are actually looking at tribal nations. Has DOJ pushed STOP administrators to see how their plan meets tribal implementation for addressing domestic violence and sexual assault?

Desiree Allen-Cruz, Family Violence Services Program Manager, Confederated Tribes of the Umatilla Indian Reservation

Office of Tribal Justice and Tribal Leadership in the Federal Government

Summary of Tribal Leader Comments: There should be more American Indian and Alaska Native employees in federal positions that work directly with tribes. Federal positions that are tribal liaisons or are responsible for tribal programs should be at a high agency level, to reflect the importance of the federal relationship with sovereign tribes.

Tribal Leader Comments

There should have been greater visibility on the search process for the Office of Tribal Justice director. The 2-week search was not appropriate. This position should be filled by a high-level candidate, at the level of the federal Senior Executive Service.

In general, there are not enough senior executive positions filled by Native people in the federal government, and tribal-focused positions are not raised to a high enough level within agencies. For example, the Deputy Director for Tribal Affairs within OVW should be raised to a more senior level within DOJ. With higher positions will come a higher respect overall for the federal government's relationship with tribes and for tribes themselves as sovereign nations.

The tribal grants unit should be in the Associate Attorney General's office. Because if we move it, we're raising it up to the same level as we did with OTJ in terms of policy and justice. OJP with program dollars—it only makes sense to raise it to the same level.

Juana Majel-Dixon, Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians

We would like to see more tribal representatives in all key leadership positions that work directly with tribes.

Candice Wilson, Vice-Chairwoman, Lummi Nation

I know it's because of intervening circumstances, but I'm hoping that for future consultations the OTJ director will attend.

Juana Majel-Dixon, Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians



Communication Between Tribes and DOJ

Summary of Tribal Leader Comments: Communication could be improved in several areas, including DOJ contacting tribes for any missing information on applications, and prompt notification to tribes of the reasons a grant application is denied. The back-and-forth budget approval process should be streamlined. The success stories of CTAS should be shared widely so tribes can learn from each other.

Tribal Leader Comments

If the DOJ finds that there is missing information on a CTAS application, or you need more information, contact the tribes and work with them so they can get you what you need. When a tribe receives a letter that we did not receive a grant, we should also automatically receive information regarding why we were denied the grant.

Germaine Omish-Guachena, *Delegate, Rincon Band of Luiseno Indians*

The budget approval process needs to be streamlined. It goes back and forth between the government agency and our office. Most of the tribes are small, and when we have to respond it takes our staff time away from our people. We will make sure you get the documents you need for reporting, so we can continue to receive funding. We understand the process and want to provide you what you need, but please understand our position as well.

Carol Nuttle, *Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*

It would be nice for tribes to share their success stories for programs that have been created or revitalized by the CTAS. This would allow us to learn from each other and build off of each other's successes or failures.

Harry Antonio, Jr., *1st Lieutenant Governor, Pueblo of Laguna*

Covering the Basic Need

Summary of Tribal Leader Comments: A lack of funding continues to prohibit tribes from building critical program infrastructure and providing necessary basic services.

Tribal Leader Comments

The major issue we see and hear about is still the lack of funding. Whatever we want to do, we have to have the money to do it. Whatever services we want to provide, we have to have the money to do it. We want to come to a training, we've have to have the money to do it. We want to put on a training, we have to have the money to do it. All of our tribes are scrambling for money to provide basic services to our people, so that's a big concern.

The fact is before we can move forward we need to have infrastructure - courts, jails, police services, probations, prosecution, public defenders, the whole gamut—if we're going to be functional and provide the services. It's very critical to what we're doing.

Richard Armstrong, *Chief of Police, Colorado River Indian Tribes*



Tribes Must Fill Funding Gaps

Summary of Tribal Leader Comments: Tribes need more money to provide critically needed services and must often take on the responsibility of filling the funding gap.

Tribal Leader Comments

We're providing more services in the gaps from federal obligations, and we don't provide all the services that we should. Maybe 30% of our funding comes from the feds. Another 10% comes from other agencies. We cover 60% just to run our organizations. And that's not enough. We need to do more. We are doing our best to help ourselves, and we are asking you to help us. And the federal government should do that by showing us the money.

Candice Wilson, *Vice-Chairwoman, Lummi Nation*

The Bureau of Indian Affairs Department of Interior always refers to historical funding, and we can't get away from that. Unfortunately, the historical funding has pretty much remained the same, at about 25%. We may have a \$2.2 million budget we're requesting for a 638 contract. We receive 25 percent. So where is the other \$1.7 million going to come from? The tribe is going to provide it. But we're going to take away services from other components to do it. But we're already committed. And we're not going to fail. So we have to make the adjustment somehow.

Richard Armstrong, *Chief of Police, Colorado River Indian Tribes*

If you don't have that base funding that recurs, it's impossible to provide the services you need. In our tribe, we probably supplement at least two-thirds, because that's what it takes to get the job done. And it's a priority to the Citizen Pottawatomi Nation to get the job done, because the safety and health of our people is at risk.

Rhonda Butcher, *Self-Governance Director, Citizen Potawatomi Nation*

Federal Trust Responsibility

Summary of Tribal Leader Comments: The government needs to fulfill its trust responsibility to tribes by supporting tribes with funding.

Tribal Leader Comments

Hopefully, the DOJ will assist us. It gets to the point where if you don't assist us, we move forward without you. But what I keep hearing from other tribal councils and tribal members in other organizations is the federal government has a trust responsibility. I see the trust responsibility slowly being pulled away by funding. And it affects all the tribes, especially the smaller ones. We're lucky that we're diversified. But other tribes aren't, and they are really struggling. Somehow the federal government has to find a way to fulfill its trust responsibility.

Merving Scott, Jr., *Tribal Council Secretary, Colorado River Indian Tribes*



Funding Formulas

Summary of Tribal Leader Comments: Tribes generally support base funding, but have concerns about whether a formula can be developed to accurately represent tribes' unique needs and circumstances. The most important elements in developing a formula are ongoing tribal input and consultation, and transparency.

Tribal Leader Comments

In terms of stable base funding, the federal government should establish funding formulas using tribal input and consultation. You can bring a tribal federal work group together to look at all of the funding. We can establish options for different formulas, put them out nationally, consult on them, and come to some common ground so that we'll have a sustained amount of funding each year for programs. And we'll know where the money came from and what the formula is based on, even if we may not agree with the formula 100%. Then that equips us, as tribal leaders, to go forward to our congressional delegation to move the unmet need forward.

Carol Nuttle, *Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*

If we're going to maintain a consistent level of public safety across Indian Country, we have to have some kind of consistent base funding available to all tribes. There's such a disparity in the size of tribes that a minimum level of funding needs to be made available in order to allow the smaller communities to have a real effort. We just can't fund them from population-based numbers and expect them to be able to provide for the needs of their tribe.

Leonard Harjo, *Principal Chief, Seminole Nation of Oklahoma*

Formulas often seem to only work for large tribes. They are based on population and demographics, and we don't really have either of those, so it's hard to get our numbers together, and we're competing with other tribes that are huge.

Unidentified Speaker

We need a methodology that takes into consideration the uniqueness of each Indian tribe. That's why we're sovereign. We have land-based people, customs, and cultures. It's very important we keep using specific information as opposed to a general formula. Because formulas, just like any numbers, can be skewed, right?

But if we have a base to start from, maybe based on population or land, you can start plugging in the numbers and get a base figure. Then we have established a historical funding base, something that persists from year to year, instead of grabbing at grants each year and sometimes receiving them and sometimes getting nothing. A base number would be a start.

Richard Armstrong, *Chief of Police, Colorado River Indian Tribes*



Regarding formula funding for OVW Tribal Governments Program funding: Formula funding could potentially address various disparities within the systems between tribes. But the concern is that it could trigger a shift toward other disparities, as “needs based” would potentially not be taken into account. The current CTAS process weighs 40/100 points for “needs based.” The Omaha Tribe has unemployment rates nearing 70% with minimal gaming funds and is located in one of the poorest counties in the United States.

The Omaha Tribe received an FY 2011 GTGP grant for \$450,000 of the requested \$750,000 that was based upon need and continuum of care. \$450,000 provides minimal personnel and programming, therefore cannot be holistic as necessary to be proactive rather than reactive for our sovereign nation. The fear is that formula funding will further limit our ability to attain the essential resources to combat our domestic violence rate currently at 18 to 20% times the rates in similar jurisdictions.

*Written testimony from **Heather Campbell**, Director Omaha Nation Abuse Intervention Program, submitted on behalf of the Omaha Tribe*

In evaluating priority areas, I would divide them between areas that are program-oriented as distinct from those that are capital improvement-oriented. The base funding for operations helps you establish programs and provide personnel for specific purposes. Construction and facilities, though, are a different issue. I would keep that as a discretionary application as opposed to part of the base funding.

***Leonard Harjo**, Principal Chief, Seminole Nation of Oklahoma*


Self-Governance, Flexibility, and Accountability

Summary of Tribal Leader Comments: Tribes favor a move toward greater self-governance in DOJ funding. Block grants could provide an interim step. Ultimately, self-governance will provide tribes with the flexibility necessary to meet the needs of their people. Tribes have already proven they can design and operate their own programming with appropriate oversight and accountability.

Tribal Leader Comments

A better funding model is NAHASDA [a block grant program through the Department of Housing and Urban Development]. One plan, set by the tribe, is submitted ahead of time and the feds approve it. Personally, I like self-governance where the feds don't approve our plan and our tribal legislature does. But a block grant would be better than what we have now. There would be less administration at the federal end and the tribal end, so more funding would go toward service to our people. A federal-tribal work group could establish a formula. Then you'd have the plan—each tribe would decide how to spend the funds. The fact is we have to take care of our people and get the job done. We don't have the option to leave them there with nothing. I make the recommendation that we go straight to a block grant as quickly as possible and then move forward to the full option of self-governance.

***Rhonda Butcher**, Self-Governance Director, Citizen Potawatomi Nation*



Tribes are fully capable of running and operating our own programs. It is, at a minimum, embarrassing to ask the tribal government to come to you to ask if we can change a budget to travel versus another designation. We can make those decisions. Let us run our own programs and do not micromanage us. We can document through our annual successful audits that we are fully capable of running our own programs. So you have a way of showing Congress the money was spent appropriately.

Carol Nuttle, *Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*

With a self-governance model you pull all of the money together, then give the tribes the ability to redesign and re-budget programs at the local level to meet our own priorities. I can see keeping the CTAS priorities, but put them in an across-the-board funding agreement. Then tribes know that money, according to their own base formula, is coming in every year and we can go to our tribal legislatures and tribal councils and budget according to our needs.

Carol Nuttle, *Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*

The Pueblo, like other tribes, would like to see fewer strings attached in order to receive funds. Often our departments feel the need to model federal programs before they can receive grant funding. It's important that tribes retain the flexibility to design their own programs.

Harry Antonio, Jr., *1st Lieutenant Governor, Pueblo of Laguna*

Instead of just one application and all of these separate funding sources, I'd like to see more flexibility so each tribe can each target what its community needs. I'd start with an option more along the lines of self-governance, like what we have with our BIA funds. We get the funding and budget it through our tribal legislature. They set the priorities for which project will receive funding and at what level. We don't like having to apply for particular priorities, such as tribal youth and domestic violence, and one gets funded and the other doesn't. The tribe should make those decisions and be responsible and accountable to our people.

Rhonda Butcher, *Self-Governance Director, Citizen Potawatomi Nation*

The purpose areas are extremely comprehensive. Most tribes only feel capable for applying for one or two, yet actually need funding in all of the areas. Regarding the base funding approach, the federal government should allow tribes to apply funds for non-capital purposes, or capital purposes if they choose, but primarily non-capital to any of the areas they feel is important in their community.

Leonard Harjo, *Principal Chief, Seminole Nation of Oklahoma*



Sustainability

Summary of Tribal Leader Comments: Tribes require continual funding in order to sustain critical tribal safety and wellness programs, and should be provided training on how to diversify funding to support program sustainability.

Tribal Leader Comments

CTAS is a discretionary grant-based process, and the tribe's ability to sustain safe and healthy American Indian and Alaska Native communities is inhibited by this process. The funding is typically three years at maximum. We get a program established to fill a major gap. In most of our situations, it's not just a gap; it's a major, major canyon. And in most Native American communities, the state, county or tribe doesn't have capacity to fill that gap or it probably wouldn't have been there in the first place. So we establish a program that meets the need, and there's a distinct possibility in three years funding will not be available to support the program which makes it very difficult for us to sustain a level of effort. Some type of base funding is necessary in order for us to sustain services.

Leonard Harjo, *Principal Chief, Seminole Nation of Oklahoma*

We need to invest in the retention of trained staff, so we don't lose them to other city and local county agencies. In tribes that have lost funding, their people go to other agencies outside of the reservation. So often the tribe doesn't receive the service because there is no one to provide it.

Candice Wilson, *Vice-Chairwoman, Lummi Nation*

There have been brick and mortar grants available, but our tribe is reluctant to build a facility if it will be unable to continue funding the operation. For example, there's an existing juvenile facility near us that's no longer being upgraded by the county. The tribe could lease the facility and offer tribal-specific juvenile programs, and not need to make the capital investment in a new building. I think we need to start working together to see what best helps our tribal communities, especially in terms of joint-use ventures.

Leo Stewart, *Vice Chairman, Confederated Tribes of the Umatilla Indian Reservation*


Tribes in Public Law 280 States

Summary of Tribal Leader Comments: Because tribes in PL 280 states don't qualify for BIA funding, they rely on funding from other government agencies to support their programs, and their unique circumstances should be recognized in the CTAS process.

Tribal Leader Comments

The PL 280 states are coming to the table now requesting and demanding, and rightfully so, that they be part of this discussion because they are a part of Indian Country. And we need to take that under very strong consideration.

Richard Armstrong, *Chief of Police, Colorado River Indian Tribes*



A lot of PL 280 tribes do not qualify for certain BIA funding. So we rely on funding from the Department of Justice and OVW in order to sustain our tribal programs, coalitions and clinics.

Germaine Omish-Guachena, *Delegate, Rincon Band of Luiseno Indians*

When I first got on our tribal council, I went back to D.C. to find out what was going on with funding for our juvenile services. I discovered the BIA absolutely refused to look at our requests because we lived in a PL 280 state. So our juveniles were running amuck. To address the issue, we built our own justice center. We did it, not the United States government, not the BIA. The only thing the BIA did was guarantee a loan. I sure hope you aren't using Public Law 280 to refuse funding to tribes. It's a travesty.

Nathan Small, *Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes*

Criminal Database

Summary of Tribal Leader Comments: The federal government should fund a criminal records database that would provide tribal law enforcement access to records from all reservations in order to appropriately address criminal sentencing.

Tribal Leader Comments

The Pueblo of Laguna would like to see funding become available for the creation of a criminal records database to allow tribes to share criminal histories with other tribes, and prevent criminals from bouncing from reservation to reservation without their tribal criminal histories following them. This would help tribes implement appropriate sentencing enhancements.

Harry Antonio, Jr., *1st Lieutenant Governor, Pueblo of Laguna*

Cultural Sensitivity in Government

Summary of Tribal Leader Comments: By now the federal government should understand and be able to effectively address and incorporate the cultural needs of tribes into their funding and consultation programs. The government should hire more tribal members who have lived in Indian Country and therefore best understand and know how to serve tribal communities. Federal government agencies should be required to understand tribal culture in order to receive funding and continue their programs, just as tribes are required to understand how to work with the federal government in order to receive funding.

Tribal Leader Comments

I love the shawls that were here. In the future, I would appreciate if one of the shawls could be placed in the center at all times, as a reminder of why we're here—for the ones we've lost, for the future. Unfortunately, the way I was seated yesterday, it was to my back, and it felt like I was being disrespectful of why we're here.

Gene "Bear" Hughes, *Councilman, Spokane Tribe of Indians*



It's concerning that we have to worry about cultural sensitivity in the federal government when tribes' relationship with this nation is more than 235 years old. There shouldn't be a need for Indian 101 at the federal level, but there is. In order to understand Indian tribal relationships, not only harness what is known from the tribal members who work in D.C., but hire tribal members who have lived in Indian Country to get that cultural sensitivity right. If you live in Indian Country, you're better able to understand how to best serve tribal communities.

Juana Majel-Dixon, *Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians*

We received a grant and attended the mandatory grantee training. There were two tribes who received this grant nationwide, and the rest of the recipients were non-Native. The TA provider was unsure of how to deal with tribal nations, so they hired two tribal-enrolled members as consultants to sit with us and the other tribal nation. By the end of the training, my team was very frustrated that our TA provider believed they needed to hire a consultant to assist tribes. They wrote a letter asking why it was necessary since we've been doing this work for a long time, stating how belittling it was. They felt embarrassed, hurt, and offended.

Desiree Allen-Cruz, *Family Violence Services Program Manager, Confederated Tribes of the Umatilla Indian Reservation*

OVW should become more culturally competent and recognize the collective nature of Native families and sovereign nations by developing funding that meets holistic family wellness needs, and includes innovative approaches to address men and youth. OVW funding policies are structured to potentially further alienate Native women and children by not taking into account traditional belief systems and values.

*Written testimony of **Heather Campbell**, MSW, Director Omaha Nation Abuse Intervention Program, submitted on behalf of the Omaha Tribe*


Justice, Jurisdiction, and the Tribal Law and Order Act

Summary of Tribal Leader Comments: To fully address justice issues and implement TLOA at the tribal level, tribes need to be able to exercise jurisdiction over non-Natives and nonmember Indians, as well as to fully enforce tribal protection orders. Funding is also needed to support tribes' new and updated judicial programs. Tribes have ongoing concerns about the Tribal Justice Plan, and the extent to which it has been subject to tribal input.

Tribal Leader Comments

Jurisdiction for our court orders needs to be honored at face value. I don't understand how we're able to enforce child support orders across the nation through tribal 4D programs, but we can't get a violent crime law enforcement order honored at face value. Tribal 4D was established to protect TANF dollars, but what about the dignity of the person that needs the protection order? Isn't that at least as important?

Candice Wilson, *Vice-Chairwoman, Lummi Nation*



I think before we can start assuming more responsibility under the Tribal Law and Order Act, we need to address jurisdiction over non-Indians. We've had important jurisdictional losses in federal court that will prevent this.

Richard Armstrong, *Chief of Police, Colorado River Indian Tribes*

Several years ago our tribe decriminalized traffic violations in an attempt to deal with speeding on the reservation. After we started issuing citations to non-Indian drivers, they complained to the counties, saying Indians don't have rights over them. The county told them not to pay the tickets. We asked the U.S. Attorney's offices and the FBI what we could do. They mentioned that Central Violations Bureau tickets can be issued by tribal police officers in misdemeanor crimes. And we've been talking about that for years now. I ask that the federal government agencies get together and see about pushing these Central Violations Bureau tickets. They're handled through the U.S. Attorney's office or in federal court. Something has to be done. I mean, enough is enough.

Nathan Small, *Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes*

The Pueblo of Laguna is Tribal Law and Order Act-ready. The only missing piece is completing our rules of evidence, which are in the early stages of review. Funding to help support our in-house attorneys review, formatting, and publishing of our rules would be very helpful. CTAS can also assist with funding of our integrated justice center that meets Bureau of Prisons requirements and can be used as a regional facility for New Mexico, New Mexico's Indian tribes, and Pueblos. Our courts are becoming empowered to address the ongoing serious problems on our own. In response to the staggering statistics of crimes against women, we implemented the Adam Walsh Act, thanks to receiving a grant under the SMART office. We've established a sex offender office and adopted 15 additional sexual assault laws, which eventually led to the implementation of our own tribal SORNA law.

Leonard Harjo, *Principal Chief, Seminole Nation of Oklahoma*

The Tribal Justice Plan of 2011 [mandated under TLOA] did not have adequate input or comment from tribal leaders. It has been addressed in several working sessions, but not formally in tribal consultations. It should be addressed in consultation if it's going to be a governing document. I don't know how the rest of the leaders in the room feel about it, but I don't feel like we've had input or that we understand it. It hasn't had sufficient comment, and it feels like it is being implemented without us.

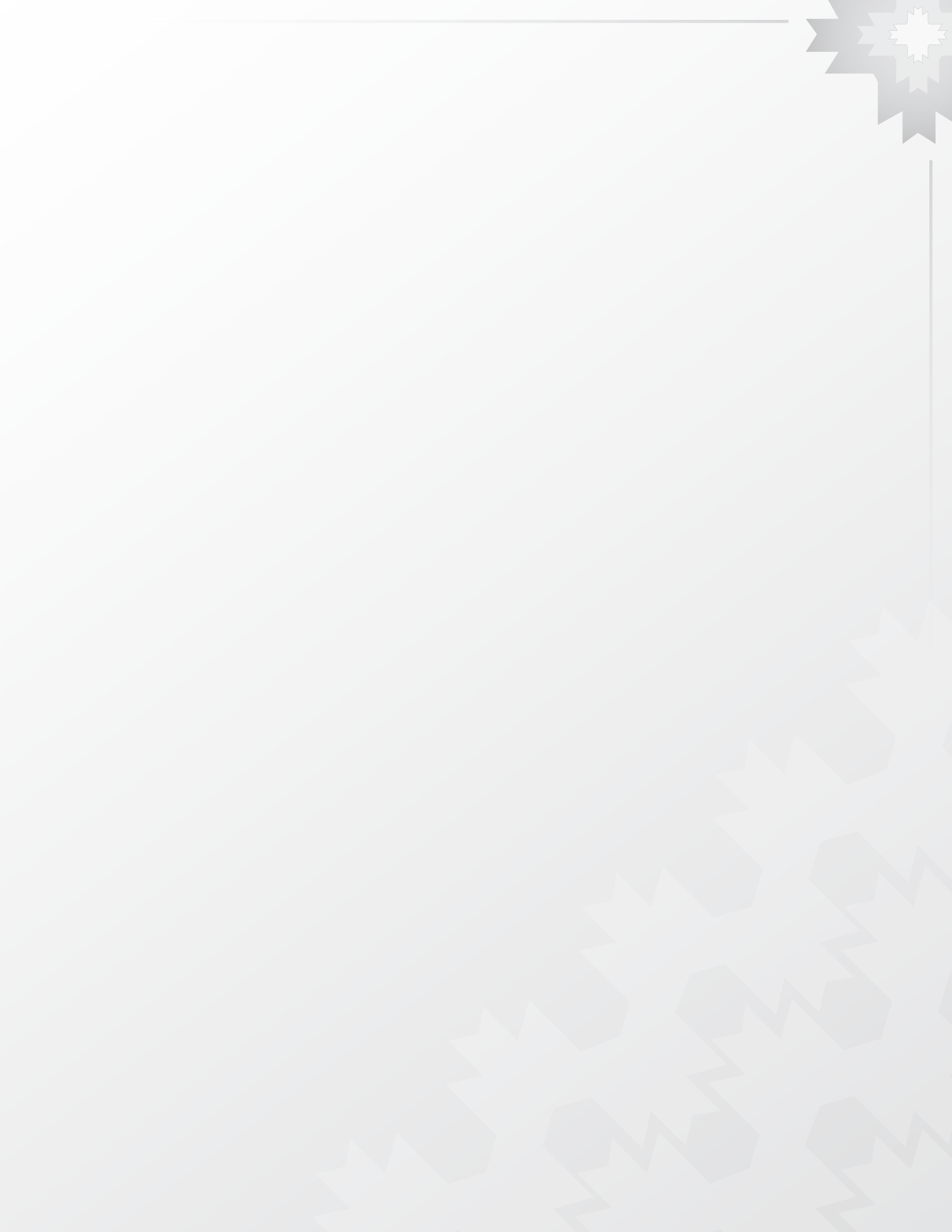
Juana Majel-Dixon, *Traditional Council Woman, Pauma Band of Mission Indians, and 1st Vice President, National Congress of American Indians*

We suggest an across-the-board review of CTAS to possibly use the TLOA-authorized interdepartmental MOU to help implement some of these initiatives, with money. We've got to have the money to do it. Push that forward as our federal partner.

Carol Nuttle, *Councilwoman, Pawnee Business Council, Pawnee Nation of Oklahoma*









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