



Department of Justice

STATEMENT

OF

DEPARTMENT OF JUSTICE

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

FOR A HEARING ENTITLED

"THE PRESIDENT'S FY 2016 BUDGET REQUESTS FOR INDIAN PROGRAMS "

PRESENTED ON

FEBRUARY 25, 2015

**TESTIMONY OF
THE DEPARTMENT OF JUSTICE**

**Before the
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

**At the Hearing Entitled
“THE PRESIDENT’S FY 2016 BUDGET REQUESTS FOR INDIAN PROGRAMS”
February 25, 2015**

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee:

Thank you for inviting the Department of Justice to testify regarding the substantial support that the President’s FY 2016 Budget requests for the Department of Justice for public safety initiatives in Tribal communities. Improving public safety in Indian Country continues to be a top priority for the Department. If enacted, this budget would represent a historic level of funding for American Indian and Alaska Native communities.

The FY 2016 President’s Budget for the Department of Justice requests \$417 million in total resources to address public safety in Indian Country, or \$296 million excluding funding for the Bureau of Prisons. Investments include significant and versatile grant funding totaling \$221 million, an increase of 74 percent over FY 2015 enacted levels.

Among the grant programs is a \$5.0 million request for a new Tribal Domestic Violence Criminal Jurisdiction program authorized by Congress in the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). This program would provide grants to Tribal governments and their designees to support Tribal efforts to exercise special domestic violence criminal jurisdiction over non-Indian offenders who commit violence against Indian spouses, intimate partners or dating partners, or who violate protection orders, in Indian Country. The

funds may be used by Tribes to implement a broad range of criminal justice reforms, including updating criminal codes, providing counsel to indigent defendants, and supporting victims.

The Department is also requesting \$20.0 million to support enhanced victims assistance services to Tribal victims of crime as part of OJP's Vision 21 strategic plan. OJP's Office for Victims of Crime (OVC) worked with service providers, advocates, criminal justice professionals, allied practitioners, and policymakers to develop OVC's ground-breaking 2013 report, *Vision 21: Transforming Victim Services*, which outlines the difficulties faced by most providers in meeting the challenges of serving victims in the 21st century. One of the report's key findings is that a number of subgroups among the general population of crime victims - including Native Americans and Alaskan Natives - are underserved by existing programs and services. Through a portion of the \$12.5 million in discretionary funding provided to support Vision 21 in FY 2014, OVC began implementing new programs to help Tribal communities improve services to victims of crime. The FY 2016 request, which would be funded through the Crime Victims Fund, would further expand OVC's efforts to develop evidence-based, culturally appropriate victims' services programs for the nation's Tribal communities.

In addition to new grant funding, the Environment and Natural Resources Division is requesting an increase of \$3.0 million to support an additional four attorneys who will work closely with federal and Tribal agencies to litigate cases addressing environmental violations in Indian Country, particularly violations resulting from the rapid expansion of oil and gas extraction on Indian lands. Additionally, the Office of Tribal Justice requests \$240,000 in new resources for one additional attorney position to support the office's efforts to serve as the primary Department of Justice point of contact for federally-recognized Tribes, to advise the

Department on legal and policy matters pertaining to Native Americans, and to ensure internal uniformity of Department of Justice policies and litigation positions relating to Indian Country.

The Department has worked hard to make its funding particularly responsive to the needs of Tribal communities. Departmental leadership, including the Attorney General, meets regularly with Tribal leaders through the Tribal Nations Leadership Council to gain valuable feedback about the most pressing issues in Indian Country and to discuss how the Department can work with Tribes to resolve these issues. The Department formalized its consultation policy in August of 2013 and issued a statement of principles to guide future interactions with Tribes in December of 2014.

Closer collaboration and consultation led the Department to launch in FY 2010 the Coordinated Tribal Assistance Solicitation (CTAS), which streamlines the solicitation process that encompasses most of our available Tribal government-specific grant programs. Through CTAS, the Department has awarded over \$525 million to hundreds of American Indian and Alaskan Native communities to invest in a variety of public safety-related purpose areas. For FY 2016, the Department proposes a seven percent set-aside from OJP's discretionary grant and reimbursement programs to support Tribal justice assistance. Based on funding levels requested in the President's Budget, this set-aside would make \$114 million available in FY 2016 to support flexible Tribal justice assistance grants. The set-aside will provide a consistent source of significant, Tribal-specific grant funding that can be distributed through a Tribal assistance grants model based on the lessons learned from CTAS and allow OJP increased flexibility in awarding funds and streamlining reporting requirements.

A better understanding of Tribal needs also led the Department to include in the FY 2016 President's Budget appropriations language changes that would provide two mechanisms for

Tribes to access critical national crime information databases that do not exist under current law. A proposed change to the Department's Working Capital Fund statute would allow Tribes to reimburse the fund for supplies, materials, and services related to access to law enforcement databases. Additionally, the Department is requesting a change to OVW's appropriations language that would allow the use of certain prior year balances to develop and maintain tribal protection order and sex offender registries, to be used to enhance the ability of Tribes to access existing federal criminal information databases, which will provide Tribes with more comprehensive, national criminal history information.

While federal taxpayer dollars are scarce and appropriators must consider many competing priorities, public safety in Indian Country is an investment that we cannot afford to forgo. As members of this Committee know, Tribal communities face severe problems: staggering violent crime and substance abuse rates, and unacceptable levels of domestic violence and sexual assault against Native women. The oil boom in the Bakken region has also brought increased crime, drug, and human trafficking, as well as potential environmental concerns, to Tribal communities in North Dakota and Montana.

The FY 2016 President's Budget request for the Department of Justice represents a historic commitment towards addressing the public safety issues plaguing Tribal communities, and maintains our promise to fulfill our trust responsibility to Indian Country.

The Department thanks the Committee for its interest in these critical issues and for its support.