



## U.S. Department of Justice

Office of Justice Programs

*Office for Victims of Crime*

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Washington, D.C. 20531

### **OVC LISTENING SESSION ON POTENTIAL FUTURE TRIBAL SET-ASIDE FUNDING**

The United States Department of Justice (the Department) has a long-standing commitment to improve services for victims of crime in Indian country and Alaska Native villages. The Department presents this paper to help guide the December 4, 2018 Listening Session process by framing issues for discussion. This paper includes background information on the Office for Victims of Crime (OVC) victim services grant award programs for tribal communities; information about the administration of the Fiscal Year (FY)18 and potential FY19 tribal set-aside funding for victim services; and questions for discussion on any potential future tribal set-aside funding.

This paper is not a statement of official Department policy. It is intended to raise questions for tribal leaders and representatives to consider in preparing to participate in the Listening Session. The Department welcomes all recommendations from tribes on this and other matters related to serving victims of crime that are of concern to tribal communities.

#### **BACKGROUND: VICTIMS OF CRIME ACT AND THE CRIME VICTIMS FUND**

The Victims of Crime Act of 1984 (VOCA) created OVC as part of the Office of Justice Programs (OJP) in the Department. An important part of OVC's mission is to administer grant award programs that are funded by the federal Crime Victims Fund (CVF). The CVF is primarily funded by fines, special assessments, and bond forfeitures paid by convicted federal offenders. Each year Congress allocates a portion of the receipts from the CVF to OVC to support its various grant award programs, including OVC's discretionary grant award program. OVC receives the CVF funding allocation as part of the annual appropriation for the Department.

Since 1988, OVC has used a portion of its discretionary grant award funds to support victim services programs in tribal communities via numerous grant programs, and in FY10 OVC began funding two Purpose Areas of the Department's Coordinated Tribal Assistance Solicitation (CTAS): the Children's Justice Act Partnership for Tribal Communities Program (CJA Program: CTAS Purpose Area 6) and the Comprehensive Tribal Victims Assistance Program (CTVA Program: CTAS Purpose Area 7).

Between FY13-18, OVC awarded more than \$20.4 million in CJA Tribal Program award funds to 50 tribes, and more than \$47.1 million to 144 tribes as part of the CTVA Program. Currently tribes may receive 36-month awards of up to \$450,000 under the CJA and CTVA Programs.

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

On March 23, 2018, the President signed the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2018 into law. In the Act, Congress allocated \$4.436 billion in CVF receipts to OVC to support its grant award programs. The language allocating the CVF receipts to OVC also specified that "...3 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.<sup>1</sup>" FY18 was the first Fiscal Year that Congress created a CVF set-aside for tribes, and the FY18 set-aside allocated up to \$133 million for OVC to direct funds to help tribes improve crime victim services. The Office for Victims of Crime (OVC) had to obligate all of OVC's FY18 grant funds no later than the end of the Federal Fiscal Year on September 30, 2018.

### **OVC FY18 TRIBAL VICTIM SERVICES SET-ASIDE PROGRAM**

In order for the Department to develop and implement the new Tribal Victim Services Set-Aside Program and obligate the money by September 30, 2018, it relied on input that tribal leaders and stakeholders had provided at numerous Department-sponsored meetings. These included the OJP FY 2018 consultation in February 2018, OVC Listening Sessions at the 15<sup>th</sup> National Indian Nations Conference in December 2016, and 3 telephone consultation calls held during the summer of 2018.

In order to meet the FY18 funding obligation deadline and make the grant portion of the funding accessible to as many tribes as possible, the Department developed a streamlined two-phase application process. Phase 1 required tribes, tribal consortia, and tribal designees to submit a short Program Narrative that provided information about the applicant; tribe(s) to be served with the funding; current state of victim assistance; how the funds would be utilized to serve victims; and a preliminary budget. OVC received 195 Phase 1 applications and approved 178 applications to move to Phase 2. Applicants approved in Phase 1 are required to submit all Phase 2 materials – including detailed budgets and, in some cases, revised Program Narratives – by the Phase 2 deadline of January 4, 2019, 9:00pm eastern time. Phase 2 applications will receive a thorough review by OJP. Applicants approved in Phase 2 will need to meet any withholding special conditions before accessing their awarded funding. Once the special conditions are met, applicants will be able to start their tribal set-aside work. FY18 tribal set-aside-funded projects are three-year projects that will end on April 15, 2022.

In addition to the Tribal Victim Services Set-Aside Program, FY18 tribal set-aside funding was used to establish two types of training and technical assistance for OVC tribal grantees: programmatic and organizational financial management assistance. The FY18 tribal set-aside also helped to fund:

- Bureau of Indian Affairs victim services personnel; emergency assistance, and to support BIA's victim assistance academy;
- tribal grantees awarded funding via OVC's opioids grant program;

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<sup>1</sup> Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018, sec. 510

- support to tribal communities via OVC’s Human Trafficking Capacity Building Center; and
- the Tribal Access Program (TAP)

In anticipation of potential tribal set-asides in future years, the Department is holding this Listening Session to learn more from tribal leaders and representatives about how potential funding should be administered. The Department will also schedule consultations with tribal leaders in 2019, including potentially an in-person consultation in Alaska.

Building on input provided by tribal leaders and other representatives at these Listening Sessions and Consultations, OVC also plans to convene small groups of tribal representatives and/or victim service providers to offer additional input on both content and process.

### **POTENTIAL FY19 TRIBAL SET-ASIDE FUNDING**

The Department has determined that if Congress appropriates an FY19 tribal set-aside from the CVF, the money allocated for victim services grants will be contained in the Department’s annual CTAS solicitation.

### **POTENTIAL FUTURE TRIBAL SET-ASIDE FUNDING (BEYOND FY19)**

The Department welcomes recommendations and comments regarding the administration and content of potential future tribal set-aside funding. (NOTE: Tribal set-aside funding is dependent on Congressional appropriations, and therefore, is **not** guaranteed in future years). The Department is particularly interested in receiving feedback on the following questions:

1. In the past, the Department has received feedback from some tribes and tribal stakeholders that the preferred way to administer tribal funding would be via a formula grant program. If the Department were to use a formula to award future tribal set-aside funds, in your opinion, what formula would be responsive to the needs of all federally recognized tribes and the victims they serve?
2. In FY18, the Tribal Victim Services Set-Aside Program was administered as a “stand alone” grant program. For FY19, the Department will put the set-aside funding for grants into the CTAS solicitation (if Congress appropriates a tribal set-aside in FY19). In anticipation of possible tribal set-aside funding beyond FY19 –should tribal set-aside funding be a “stand alone” grant program or part of the CTAS solicitation?
3. The FY18 tribal victim services set-aside program allowed applicants to request a wide range of victim service-related funding. Are there any other allowable types of programs you would like to see funded? {Be advised CVF funding cannot be used for law enforcement, prosecution or prevention activities.}
4. What are the best venues for the Department to hold tribal consultations on OVC-related topics in the future?

