



CONSULTATION FRAMING PAPER ON THE FY 2021 TRIBAL SET-ASIDE FROM THE CRIME VICTIMS FUND

BACKGROUND

The Department of Justice (the Department) and the Administration have a long-standing commitment to improve services for victims of crime in American Indian and Alaska Native communities. On November 17 and 18, 2020, the Department will consult with tribal leaders about “tribal set-aside” funding administered by the Office for Victims of Crime (OVC) from the Crime Victims Fund (CVF). Due to the COVID-19 pandemic, the Consultations will be held in a virtual environment using a platform for video and telephone conferencing. The Department presents this paper to help guide the conversation at the Consultations by outlining issues for discussion. The Consultation questions focus on (1) perceptions of the strengths and weaknesses of the FY 2020 formula program; (2) possible revisions of the formula and grant application process for FY 2021; and (3) technical assistance offered by OVC to set-aside grantees. The paper also includes appendices with background information about how FY 2020 set-aside funds were distributed; the set-aside formula calculations; an analysis of the statutory origin of tribal set-aside grant administrative requirements; and a description of technical assistance available to OVC’s set-aside grantees.

The Tribal Victim Services Set-Aside Formula grant program, and OVC’s other tribal grant programs, are administered by a newly created Tribal Grants Division. The Division was created in June in response to requests from tribal leaders that OVC assign dedicated staff to administer OVC’s tribal programs. The Tribal Grants Division currently has a Division Director, a Senior Tribal Affairs Specialist, and eight dedicated grant managers.

OVC has heard from tribal leaders and stakeholders that regular Consultations are integral to the trust relationship between the federal government and tribal governments. OVC looks forward to the opportunity to consult with tribal leaders in November, and in future annual Consultations.

HISTORY OF THE TRIBAL SET-ASIDE

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 Crime Victims Fund (CVF), which primarily includes criminal fines paid by convicted federal offenders. Each year Congress authorizes OVC to use the CVF to support grant programs for victim services.

In the fiscal year (FY) 2018 budget, for the first time Congress created a tribal victim services set-aside from the CVF. The amount of the first set aside was 3 percent, and accordingly, the set-aside totaled about \$133 million, “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.” In the FY 2019 budget, Congress authorized a tribal set-aside of \$167.65 million (5 percent), for the same purposes. Both of these set-aside programs were competitive grant programs with a 36-month project period.

FY 2020 TRIBAL SET-ASIDE RESULTS

The tribal set-aside was again authorized in the FY 2020 budget at 3 percent of the Crime Victims Fund, for a total of \$132,050,000. In response to past tribal consultations, Federal Advisory Committee hearings, and listening sessions, where tribal leaders expressed a strong preference that the tribal set-aside funding be distributed via a formula rather than as a competitive program, the Department implemented an interim formula grant program for disbursing tribal set-aside funds in 2020. Under this non-competitive formula program, federally recognized Indian tribes, tribal designees, and tribal consortia consisting of two or more federally recognized Indian tribes, were eligible to apply for tribal set-aside funding. Eligible applicants were invited to submit a Phase 1 pre-application in April 2020, consisting of a declaration of tribal population size. OVC used this information to determine formula allocations for each eligible applicant. Applicants were then invited to submit a Phase 2 application, including a project narrative and budget, in June. In Phase 2 of the application process, OVC offered applicants the flexibility to select their own award periods of 12 to 60 months. Appendix B is a flow chart of how the FY 2020 interim formula was used to calculate set-aside grant awards.

OVC received applications from 136 tribes, tribal designees, and consortia (representing a total of over 200 tribes) in Phase 1. OVC applied the interim formula to the set-aside funds, using the self-reported population information from the 136 applicants, and sent them instructions on how to submit a Phase 2 application. Three of the tribes that participated in Phase 1 elected not to participate in Phase 2 of the application process. Additionally, 39 applicants elected to submit Phase 2 applications for less than their full formula allocation amount. Because of these elections, OVC made 133 awards totaling \$112.6 M in formula grant awards. These funds will provide victim services to over 200 tribes. See Appendix A for a list of all FY 2020 set-aside awards.

Even though all eligible applicants that submitted Phase 1 and Phase 2 applications received grants under the FY 2020 tribal set-aside program, because of the elections noted above, OVC was unable to commit the full amount of the set-aside formula program funding to formula grantees. OVC committed the remaining balance of the set-aside formula program funds (\$5.5M) to support grant awards to tribes and tribal-serving entities that submitted applications under FY 2020 OVC competitive grant programs¹. See Appendix A for information about these awards.

¹ These tribes / tribal serving entities were awarded funds left over from the tribal set-aside: Lummi Nation, Delaware Tribe of Indians, Modoc Tribe, Chippewa Cree Tribe of the Rocky Boys Reservation, Pueblo of Zuni, St. Regis Mohawk Tribe, Comanche Nation, Alaska Native Justice Center, Cherokee Nation, Choctaw Nation of Oklahoma, Mille Lacs Band of Ojibwe, Red Cliff Band of Lake Superior Chippewa Indians, Alaska Native Justice Center, Apache Behavioral Health Services, Inc., Fairbanks Native Association, Muckleshoot Indian Tribe, and Prairie Band Potawatomi Nation. The Developing Future Victim Specialists in AI / AN Communities program was also funded under the set-aside (\$2,243,477).

At the end of FY 2020, OVC had an uncommitted balance of only \$9,244.00 in set-aside funds. This is a significantly smaller amount of uncommitted funds than in FY 2018 and FY 2019².

ANTICIPATING THE FY 2021 TRIBAL SET-ASIDE

Congress made \$132,050,000 available for the tribal set-aside through the CVF in FY 2020. Although Congress has not yet passed a budget for FY 2021, the Department proposes to assume for discussion purposes that the FY 2021 tribal set-aside amount will be similar to the FY 2020 amount.

In FY 2021, OVC proposes to retain many of the features of the FY 2020 set-aside formula program, including noncompetitive distribution of set-aside funds based on population; a two-phase process that allows OVC to calculate grant awards based on the number of tribes that intend to apply; self-determined project period of 12-60 months; and self-certification of tribal population numbers based on the population the tribe intends to serve under the set-aside grant program. All federally recognized tribes will be eligible to apply for FY 2021 set-aside formula funding regardless of when they last received set-aside awards, and regardless of the project periods of those awards. The Consultation questions at the end of this paper seek input about how the formula and process might be improved for FY 2021.

TECHNICAL ASSISTANCE

OVC provides two kinds of technical assistance (TA) to grantees: (1) programmatic, to build capacity to administer victim service programs; and (2) financial, to help grantees build capacity to comply with the financial accounting requirements of managing federal awards. In FY 2021, OVC will issue a competitive solicitation (or procurement) for a programmatic TA provider. OVC strives to meet tribes' need for technical assistance from persons and entities with cultural expertise and experience working with tribes. As part of the application process for technical assistance programs in FY 2021, OVC proposes to require applicants to demonstrate such expertise and experience.

Consultation questions at the end of this paper seek input about technical assistance under the set-aside program.

NOTE: This paper is not a statement of official Department policy. This is not an indication of any DOJ decisions or preferences; these assumptions are intended for discussion purposes only. It is intended to provide information and suggest questions to be considered by tribal leaders and representatives as they prepare to participate in the November 2020 consultations. The Department welcomes all input from tribes on this and other matters that are of concern to tribal communities.

² \$25,498,196 in set-aside funds was uncommitted in FY 2018. \$437,020 in set-aside funds was uncommitted in FY 2019.

CONSULTATION QUESTIONS

For background:

Appendix A: Funding Commitments under the FY 2020 Tribal Set-Aside and other Office for Victims of Crime Support for AI / AN Communities

Appendix B The FY 2020 Tribal Victim Set-Aside Formula Award Determination Process

Appendix C: Origin of OVC Tribal Set-Aside Grant Administrative Requirements, Contrasted with VOCA State Formula Grant Program Requirements

Appendix D: OVC's Current Tribal Technical Assistance and Program Support Offerings for Tribal Grantees

Tribal Victim Set-Aside Formula

1. OVC wants to ensure that the set-aside program remains responsive to the articulated needs of tribal communities. If your tribe participated in the FY 2020 set-aside formula program, were you satisfied with the process and the result?

OVC remains committed to working with tribes to ensure that the funds from the set-aside are accessible to as many tribes as possible. If your tribe did not participate in the FY 2020 formula program, what influenced your decision not to participate?

2. In FY 2020, the interim formula relied on an 8-tiered population grid and aligned award structure, and each tribe certified its population size. What concerns, if any, do you have about this approach to distributing the set-aside funds?

Tier 1 999 and below

Tier 2 1,000–4,999

Tier 3 5,000–9,999

Tier 4 10,000–14,999

Tier 5 15,000–24,999

Tier 6 25,000–39,999

Tier 7 40,000–59,999

Tier 8 60,000+

3. OVC has heard from tribal leaders from rural areas that the interim formula did not reflect the unique challenges that they face in providing services to victims of crime. While most tribes are located in what are generally considered rural areas, if OVC were, for example, to consider separately what USDA categorizes as extreme “frontier and rural” communities³, how might OVC revise the interim formula to address those needs?

³ USDA Level 4—FAR areas consist of rural areas that are: 15 minutes or more from an urban area of 2,500-9,999 people; 30 minutes or more from an urban area of 10,000-24,999 people; 45 minutes or more from an urban area of 25,000-49,999 people; and 60 minutes or more from an urban area of 50,000 or more people. Source: <https://www.ers.usda.gov/data-products/frontier-and-remote-area-codes/documentation/>

Tribal Victim Set-Aside Formula Program Application Process

4. In FY 2020 OVC used a two-phase application process described below:
 - Phase 1: submission of a declaration of population
 - In FY 2020 Phase 1 applications were due April 30, and OVC delayed the deadline until May 6 to accommodate tribes that needed more time to submit their Phase 1 applications.
 - Phase 2: submission of project narrative and budget
 - Phase 2 applications were due June 15, and OVC delayed the deadline until July 3 to accommodate tribes that needed more time to submit their Phase 2 applications.

What ideas do you have about improving the two-phase application process that OVC used in FY 2020?

5. OVC traditionally requires that applicants submit a written program narrative of up to 20 pages to describe the community the grant will serve, the problem(s) the applicant is proposing to address, goals and objectives for the proposed project, and the qualifications of staff who will develop and implement project activities. What can OVC do in order to collect this information while minimizing the burden posed to applicants for providing this information? Would different options, such as completing an OVC-supplied checklist or completing a telephone interview with an OVC program manager be useful as an alternative to submitting a written narrative?

Disposition of Funds Under the Tribal Set-Aside Formula Program that Tribes Elect Not to Apply For

6. OVC has heard from tribal leaders that tribes would like to be consulted when some tribes elect not to apply for all the set-aside formula funds to which they are entitled and as a result, set-aside funds become “left over.” For example, in FY 2020, some tribes elected not to apply for all of the funds to which they were entitled under the formula, or to continue their application and thus OVC used \$5.5 M in “left over” formula program funds to make awards to tribes that applied for funding under other OVC programs (See Footnote 1 and Appendix A for a list of these awards). OVC is proposing to develop a set of guiding principles to apply in this circumstance, should it happen again. What should OVC consider in determining how to allocate “left-over” set-aside funds?

Technical Assistance

7. Since the advent of the set-aside in FY 2018, OVC has made awards to an unprecedented number of tribal grantees. OVC would like to ensure that we are able to provide all of our tribal grantees with the support that they need to make their projects a success. What can OVC do to ensure that the technical assistance that we provide to tribal grantees is high quality, culturally appropriate, and provides tribes with the information and resources that they need to help them administer their grants and develop programs that are victim-sensitive and effective?

APPENDIX A

Funding Commitments under the FY 2020 Tribal Set-Aside (\$132,050,000) and other Office for Victims of Crime Support for AI / AN Communities

The tribal set-aside was authorized in the FY 2020 budget at 3 percent of the Crime Victims Fund, for a total of \$132,050,000. In response to past tribal consultations, Federal Advisory Committee hearings, and listening sessions, where tribal leaders expressed a strong preference that the tribal set-aside funding be distributed via a formula rather than a competitive program, the Department implemented an interim formula grant program for disbursing tribal set-aside funds in 2020. Under this formula program, federally recognized Indian tribes, tribal designees, and tribal consortia consisting of two or more federally recognized Indian tribes, were eligible to apply for tribal set-aside funding. The program was not competitive.

Awards Made Under the FY 2020 Tribal Victim Services Set-Aside Program

Tribe / Designee / Consortium	Award Amount
Absentee Shawnee Tribe of Indians of Oklahoma	\$694,698
Alaska Native Justice Center	\$2,428,987
Aleut Community of St. Paul Island - tribal Government	\$349,998
Aleutian Pribilof Islands Association, Inc.	\$3,000,000
Angoon Community Association	\$417,336
Arctic Village	\$417,336
Bay Mills Indian Community	\$694,698
Bear River Band of the Rohnerville Rancheria	\$417,336
Bishop Paiute Tribe	\$1,188,088
Blackfeet Tribe of the Blackfeet Indian Reservation	\$1,188,088
Cahuilla Band of Indians	\$1,252,010
Catawba Indian Nation	\$898,003
Central Council Tlingit and Haida Indian Tribes of Alaska	\$1,775,698
Cherokee Nation	\$2,999,999
Cheyenne River Sioux Tribe	\$1,188,088
Chippewa Cree Tribe	\$478,311
Choctaw Nation of Oklahoma	\$2,943,231
Chugachmiut	\$1,252,010
Citizen Potawatomi Nation	\$1,775,624
Colville Tribe	\$694,698
Confederated Tribes of the Grand Ronde Community of Oregon	\$694,698
Confederated Tribes of the Warm Springs Reservation	\$529,320
Coyote Valley Band of Pomo Indians	\$417,336
Crow Tribe of Indians	\$898,003
Delaware Tribe of Indians	\$1,775,697

Tribe / Designee / Consortium	Award Amount
Eastern Shawnee Tribe of Oklahoma	\$1,775,449
Emmonak Women's Shelter	\$694,698
Fairbanks Native Association	\$898,003
Fallon Paiute-Shoshone Tribe	\$505,795
Flandreau Santee Sioux Tribe	\$505,795
Forest County Potawatomi Community	\$505,795
Fort Belknap Indian Community	\$694,698
Ft. Peck Assiniboine & Sioux Tribes	\$778,016
Galena Village (a.k.a Louden tribal Council)	\$417,336
Gila River Indian Community	\$897,899
Hannahville Indian Community	\$417,336
Helping Ourselves Prevent Emergencies	\$1,252,010
Holy Cross Tribe	\$417,336
Hoonah Indian Association	\$417,336
Hoopa Valley Tribe	\$694,698
Huslia Village	\$417,335
Hydaburg Cooperative Association	\$414,096
Inter tribal Council of Nevada	\$1,261,308
Intertribal Court of Southern California	\$1,428,927
Iowa Tribe of Kansas and Nebraska	\$505,757
Jamestown S'Klallam Tribe	\$417,336
Kalispel Tribe of Indians	\$898,003
Karuk Tribe	\$694,698
Kaw Nation	\$694,698
Kenaitze Indian Tribe	\$505,795
Ketchikan Indian Community	\$1,186,770
Keweenaw Bay Indian Community	\$505,795
Knik Tribe	\$898,003
Koyukuk Native Village	\$417,336
La Jolla Band of Luiseno Indians	\$417,000
Lac Courte Oreilles Band of Lake Superior Chippewa	\$694,672
Little Traverse Bay Bands of Odawa Indians	\$505,795
Lower Sioux Indian Community	\$505,795
Lummi Nation	\$898,000
Maniilaq Association	\$2,984,856
Menominee Indian Tribe of Wisconsin	\$694,698
Mississippi Band of Choctaw Indians	\$794,379
Morongo Band of Mission Indians	\$505,795

Tribe / Designee / Consortium	Award Amount
Mount Sanford tribal Consortium	\$834,673
Nanwalek IRA Council	\$340,539
Native Village of Barrow	\$505,795
Native Village of Buckland	\$417,336
Native Village of Gakona	\$417,336
Native Village of Kwinhagak	\$417,336
Native Village of Napakiak	\$417,336
Native Village of Nunapitchuk	\$417,336
Native Village of Paimiut	\$417,336
Native Village of Port Heiden	\$379,982
Native Village Of Ruby	\$417,336
Native Village of Tatitlek	\$417,336
Native Village of Tununak	\$417,336
Native Village of Unalakleet	\$505,795
Newtok Village Council	\$417,336
Nez Perce Tribe	\$1,188,088
Nisqually Tribe	\$694,581
Nooksack Indian Tribe	\$505,795
Northern Arapaho Tribe	\$898,003
Nottawaseppi Huron Band of the Potawatomi	\$463,379
Nunakauyarmiut Tribe	\$417,336
Organized Village of Kake	\$417,333
Paiute Indian Tribe of Utah	\$504,447
Pascua Yaqui Tribe	\$1,188,088
Pit River Tribe	\$505,795
Pokagon Band of Potawatomi Indians	\$694,698
Ponca Tribe of Nebraska	\$1,188,088
Prairie Band Potawatomi Nation	\$694,698
Pueblo of Zia	\$417,336
Puyallup Tribal Council	\$1,353,631
Pyramid Lake Paiute Tribe	\$505,795
Quapaw Tribe of Oklahoma	\$1,775,698
Quinault Indian Nation	\$3,000,000
Red Lake Band of Chippewa Indians	\$898,003
Sac & Fox Tribe of the Mississippi in Iowa	\$505,760
Saginaw Chippewa Indian Tribe of Michigan	\$694,698
Salt River Pima Maricopa Indian Community	\$898,003
Scotts Valley Band of Pomo Indians	\$417,336

Tribe / Designee / Consortium	Award Amount
Shoalwater Bay Indian Tribe	\$417,336
Shoshone-Bannock Tribes	\$694,698
Sitka Tribe of Alaska	\$505,795
Skokomish Indian Tribe	\$505,795
Southern Ute Indian Tribe	\$505,795
Spirit Lake Tribe	\$694,698
Squaxin Island Tribe	\$497,709
St. Regis Mohawk Tribe	\$1,188,088
Suquamish Indian Tribe of the Port Madison Reservation	\$694,696
Tanana Chief Council	\$2,999,457
Taos Pueblo Administration	\$505,795
Tetlin tribal Council	\$417,336
The Chickasaw Nation	\$3,000,000
The Grand Traverse Band of Ottawa and Chippewa Indians	\$509,781
Tohono O'odham Nation	\$1,775,698
Tolowa Dee-ni' Nation	\$503,691
Tulalip Tribes of Washington	\$1,188,088
Turtle Mountain Band of Chippewa	\$2,428,987
Upper Sioux Community	\$336,860
Valdez Native Tribe	\$417,336
Venetie Village Council	\$417,336
Village of Aniak	\$417,336
Village of Chefornak	\$417,336
Village of Dot Lake	\$417,336
White Earth Reservation tribal Council	\$897,581
Wilton Rancheria	\$414,820
Winnebago Tribe of Nebraska	\$694,698
Wiyot Tribe	\$505,795
Women's Circle, Inc.	\$841,669
Wyandotte Nation	\$694,698
Yakutat Tlingit Tribe	\$417,335
Yurok Tribe	\$694,698
Total FY 2020 Tribal Set-Aside Formula Awards	\$112,673,348

OVC originally anticipated allocating \$118 M in set-aside formula grants based on the interim formula. Applications from 136 tribes, tribal designees, and consortia (representing over 200 tribes) were received in April 2020 under Phase 1. The funding formula was run for these 136 anticipated awards based on tribal population. Three of the tribes that participated in Phase 1

elected not to participate in Phase 2 in June. Additionally, 39 tribes elected to submit Phase 2 applications for less than their full formula allocation. Because of these elections, OVC awarded funds remaining in formula set-aside program to tribes and tribal-serving entities under other OVC programs, including CTAS and the Developing Future Victim Specialists in AI and AN Communities, among others. These awards are listed in the table below.

Non-Formula Awards Made Under the FY 2020 Tribal Victim Services Set-Aside Program

Tribe / Designee / Tribal Serving Entity	OVC Program	Award Amount (Set-Aside Funds)
Lummi Nation	FY 2020 Direct Services for Victims of Human Trafficking (total award \$349,999 split between human trafficking funding (\$69,999) and Set-aside (\$280,000))	\$280,000
Delaware Tribe of Indians	FY 2020 Shelter for DV Victims and Pets (total award is \$399,989; partially funded under an IAA with USDA and partially funded under the Tribal Set-aside)	\$200,968
Modoc Tribe	FY 2019 Enhancing Community Responses to the Opioid Crisis: Serving Our Youngest Crime Victims [FY 2020 continuation]	\$250,000
Chippewa Cree Tribe of the Rocky Boys Reservation*	FY 2020 CTAS Purpose Area 2- Strategic Planning	\$37,500
Pueblo of Zuni*	FY 2020 CTAS Purpose Area 2- Strategic Planning	\$37,500
St. Regis Mohawk Tribe*	FY 2020 CTAS Purpose Area 2- Strategic Planning	\$37,500
Comanche Nation*	FY 2020 CTAS Purpose Area 2- Strategic Planning	\$37,500
Alaska Native Justice Center	FY 2020 CTAS Purpose Area 6 - Children's Justice Act Programs	\$450,000
Cherokee Nation	FY 2020 CTAS Purpose Area 6 - Children's Justice Act Programs	\$449,990
Choctaw Nation of Oklahoma	FY 2020 CTAS Purpose Area 6 - Children's Justice Act Programs	\$436,804
Mille Lacs Band of Ojibwe	FY 2020 CTAS Purpose Area 6 - Children's Justice Act Programs	\$347,801
American Indian Development Associates, LLC	FY 2020 Developing Future Victim Specialists to Serve American Indian/Alaska Native Victims of Crime	\$450,000
Capacity Builders, Inc.	FY 2020 Developing Future Victim Specialists to Serve American Indian/Alaska Native Victims of Crime	\$448,833

Tribe / Designee / Tribal Serving Entity	OVC Program	Award Amount (Set-Aside Funds)
Curators of the University of Missouri on Behalf of UMSL	FY 2020 Developing Future Victim Specialists to Serve American Indian/Alaska Native Victims of Crime	\$449,919
Kaw Nation	FY 2020 Developing Future Victim Specialists to Serve American Indian/Alaska Native Victims of Crime	\$444,777
Northern Michigan University	FY 2020 Developing Future Victim Specialists to Serve American Indian/Alaska Native Victims of Crime	\$449,948
Red Cliff Band of Lake Superior Chippewa Indians	FY 2020 Enhancing Community Responses to America's Drug Crisis : Serving Our Youngest Crime Victims	\$700,000
Alaska Native Justice Center	FY 2020 Enhancing Services for Older Victims of Abuse and Financial Exploitation	\$500,000
Apache Behavioral Health Services, Inc.	FY 2020 Enhancing Services for Older Victims of Abuse and Financial Exploitation	\$499,252
Fairbanks Native Association	FY 2020 Enhancing Services for Older Victims of Abuse and Financial Exploitation	\$497,764
Muckleshoot Indian Tribe	FY 2020 Enhancing Services for Older Victims of Abuse and Financial Exploitation	\$499,848
Prairie Band Potawatomi Nation	FY 2020 Law Enforcement-Based Victim Specialist Program	\$259,007
Total, FY 2020 Set-Aside Funds Awarded to Tribes and Tribal Serving Entities or Designees Outside the Formula Program		\$7,764,911

*OVC's Set-aside funds were combined with other OJP funds to make awards under CTAS Purpose Area 2 of approximately \$150,000 per tribe.

By statute, OVC receives \$3 million annually from the Department of Health and Human Services to fund projects aimed at improving the investigation and prosecution of child abuse through the Department's Coordinated Tribal Assistance Solicitation. The table below shows the FY 2020 CTAS Children's Justice Act awardees. Because there were more CTAS Purpose Area 6 applicants than there were funds available, some tribes' CTAS Purpose Area 6 applications were funded with TVSSA funds. Those awardees are listed in the table above.

**FY 2020 OVC Awards to Tribes with Children's Justice Act Funds under
CTAS Purpose Area 6**

Tribe	Award Amount
Omaha Tribe of Nebraska	\$410,220
Shoshone-Bannock Tribes	\$285,000
Mille Lacs Band of Ojibwe*	\$80,591
Nez Perce Tribe	\$449,347
Absentee Shawnee Tribe of Indians of Oklahoma	\$450,000
The Grand Traverse Band of Ottawa and Chippewa Indians	\$450,000
Santee Sioux Nation of Nebraska	\$434,000
Menominee Indian Tribe of Wisconsin	\$440,842
Total FY 2020 CTAS Purpose Area 6 Awards	\$3,000,000

* The total CTAS Purpose Area 6 award to Mille Lacs Band of Ojibwe is funded partially under CTAS (\$80,591) and partially under the Set Aside (\$347,801).

In addition to the \$132,050,000 available under the Set-Aside, OVC made awards to tribes from other OVC funds. These awards are listed in the table below.

FY 2020 OVC Funding to Tribes, from OVC Discretionary Funds (not Tribal Set-aside)

Tribe	Solicitation	Award Amount
Ponca Tribe of NE	FY 2020 Direct Services for Victims of Human Trafficking	\$749,953
Lummi Indian Nation	FY 2020 Direct Services for Victims of Human Trafficking	\$69,999*
Delaware Tribe of Indians	FY 2020 Shelter for DV Victims and Pets	\$199,021**
Total, OVC Discretionary Programs (not Set-Aside)		\$1,018,973

*Total award is \$349,999 partially funded under Set-aside (\$280,000)

**Total award is \$399,989; partially funded under Set-aside (\$200,968).

Beyond making awards directly to tribes, consortia, and designees with set-aside funds, OVC also funded technical assistance, convenings such as Indian Nations and orientations for CTAS and TVSSA grantees, and the Department's Tribal Access Program with set-aside funds. These grants, agreements and contracts are listed in the table below.

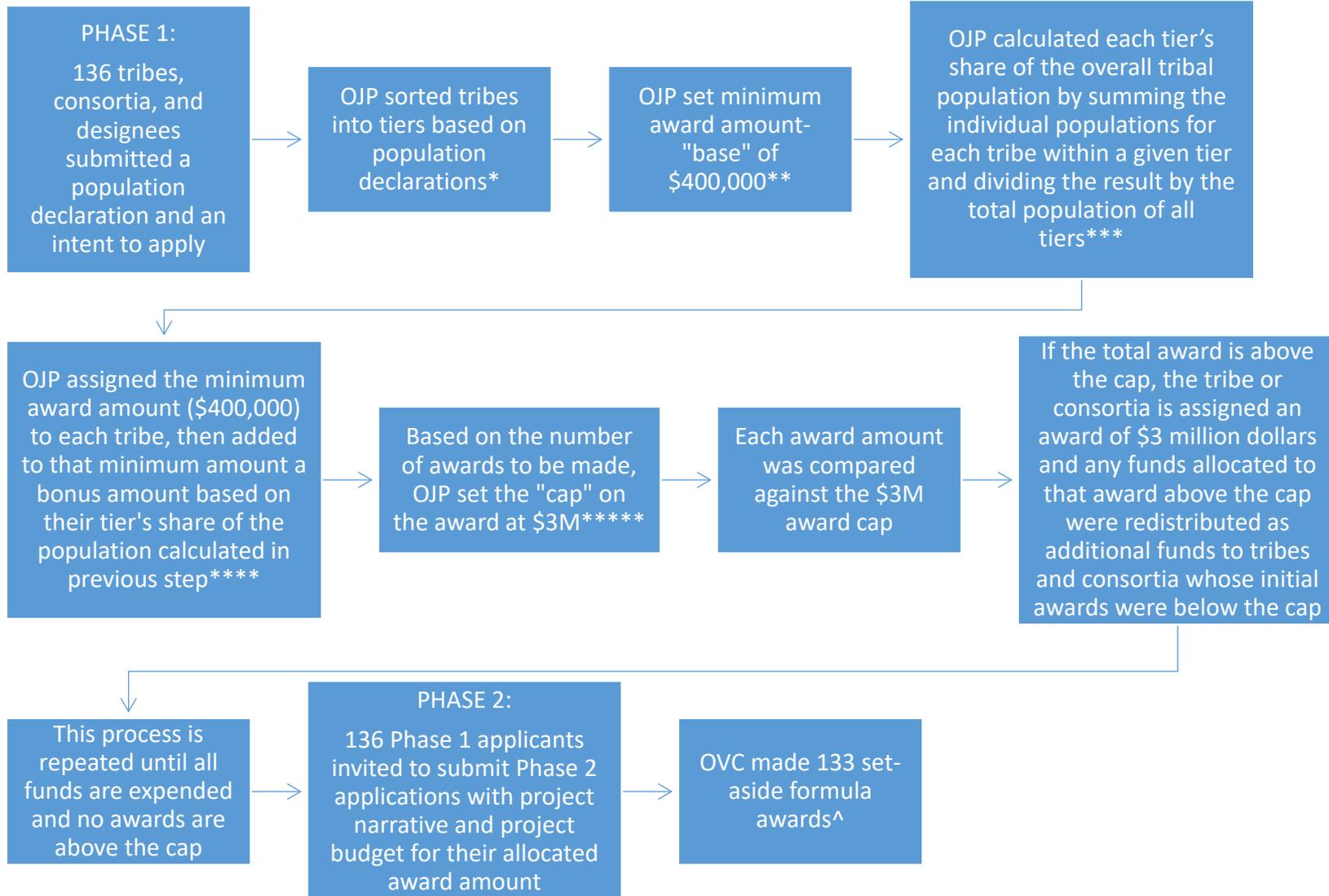
Recipient	Purpose	Amount
Convenings for Tribes		
Indian Nations Conference including planning, execution, and program support— (materials design and development, project management)		\$611,410 (These funds will be used for Indian Nations 2021)
Annual Grantee Meeting: Coordinated Tribal Assistance Solicitation & Tribal Victim Services Set-Aside		\$135,783 (These funds will be used for grantee meetings (virtual) in 2020 and 2021)
Technical Assistance		
Tribal Financial Management Center		\$4,155,088
FY20 OVC AI/AN Training and Technical Assistance Program [Unified Solutions Tribal Community Development Group, Inc. & Fox Valley Technical College]		\$1,500,000
Human Trafficking Capacity Building Center.		\$217,000
Other Support for Tribes		
Tribal Access Program Expansion (TAP)	Funding to connect federally recognized tribes with the FBI/CJIS databases that serve and protect AI/AN victims	\$5,000,000

Summary Table of All OVC Funding to Tribes and Tribal Serving Entities, FY 2020

Purpose / Program	Funding Level
Tribal Set-Aside Formula Awards	\$112,673,348
Awards made to tribes / tribal serving entities using set-aside funds	\$7,764,911
Awards to support tribal convenings, technical assistance, TAP, etc.	\$11,776,905
Awards under funds from CTAS Purpose Area 6 Children's Justice Act	\$3,000,000
Awards to tribes from OVC discretionary funds, not set-aside	\$1,018,973
Total OVC Funding to Tribes and Tribal Serving Entities	\$136,234,137

APPENDIX B

The FY 2020 Tribal Victim Set-Aside Formula Award Determination Process



* If a tribe provided a population that does not match the tier they specified, the tier was reassigned based on the population declaration. If a tribe provided a tier but no population declaration, the tribe was assigned a population equal to the average population of the tribes within the same tier. For example, if a tribe certified to tier 1 but provided no population, they were assigned a population of 392, which was the average population reported by the 82 other tribes in tier 1. If a tribe provided neither a population nor a tier, they were assigned to tier 1 and the average population of tier 1.

Tier	Population	Number of Applicant Tribes in this Tier	“Bonus” for this Tier (Added to Base amount of \$400,000)	Formula Allocation for Applicants in this Tier
Tier 1	999 and below	53	\$17,336	\$417,336
Tier 2	1,000–4,999	28	\$105,795	\$505,795
Tier 3	5,000–9,999	23	\$294,698	\$694,698
Tier 4	10,000–14,999	14	\$498,003	\$898,003
Tier 5	15,000–24,999	10	\$788,088	\$1,188,088
Tier 6	25,000–39,999	72	\$1,375,698	\$1,775,698
Tier 7	40,000–59,999	2	\$2,029,987	\$2,428,987
Tier 8	60,000+	4	-	\$3,000,000

** OVC relied on the advice of tribal leaders and stakeholders to set the minimum award amount.

*** For example, if tier 1’s combined population (all 82 tribes) is equal to .02% of the overall population (for all tribes submitting an intent to apply), tier 1 receives bonus funds equal to .02% of the remaining funds. These bonus funds are then equally split amongst every tribe within tier 1.

**** For example, if tier 1’s combined population is equal to .02% of the overall population, the tier receives bonus funds equal to .02% of the remaining funds. These funds were equally split amongst all tribes within the tier.

***** For consortia, the awards for all of the tribes within the consortia were added together and the resulting total was compared to the \$3M cap.

^Three tribes that submitted an intent to apply in Phase 1 elected not to participate in Phase 2.

Appendix C

Origin of OVC Tribal Set-Aside Grant Administrative Requirements, Contrasted with VOCA State Formula Grant Program Requirements

The statute authorizing the VOCA Assistance formula program mandates a formula allocation, a (primarily) pass-through grant structure, and defines subrecipient eligibility criteria. OVC does not require states to submit budget or project narratives because (1) states, not OVC, have discretion in subaward selection, (2) state-level budgets are of limited value when most funding is passed through, and (3) OVC prior review of thousands of subaward budgets is not feasible. Instead, for oversight, OVC relies on relatively detailed statutory and regulatory program rules that require states to have written subaward selection/monitoring policies (states review subaward budgets), and to provide detailed subaward reporting.

The TVVSA program, in contrast, is authorized in OVC’s annual appropriation as a discretionary program, though OVC (starting in FY20) has used a discretionary (not statutory) administrative formula to allocate funding. The program allows subawards, but pass-through funding is not a program requirement as it is under VOCA Assistance. Also, the TVSSA program, while larger than many other OVC programs, does not present the same scope issues as VOCA Assistance – for example, California’s FY18 award alone was nearly \$400M, which was distributed to about 1000 subawards. Consequently, for the TVSSA program, OVC follows the government-wide grant requirements in 2 C.F.R. part 200, which generally require recipients to submit budgets during the grant application process.

Statutory Requirements	OJP Policy Requirements for All Discretionary Grant Recipients, including TVSSA Formula Grantees	Statutory Requirements for VOCA State Formula Grant Recipients
2 CFR Part 200§	Active SAM Registration	Active SAM Registration
2 CFR Part 200§	Semi-Annual Progress Reports	Annual Progress Reports
2 CFR Part 200§	Quarterly Financial Reports	Quarterly Financial Reports
2 CFR Part 200§	Quarterly Performance Measurement Data Submission	Quarterly Performance Measurement Data Submission for Subgrants
2 CFR Part 200§	Submission and Clearance of Proposed Project Budget; Ongoing Budget Modification	

Statutory Requirements	OJP Policy Requirements for All Discretionary Grant Recipients, including TVSSA Formula Grantees	Statutory Requirements for VOCA State Formula Grant Recipients
VOCA Rule		Adherence to VOCA Victim Compensation Guidelines and VOCA Final Rule governing allowable / unallowable expenses
2 CFR Part 200§	Current Indirect Cost Rate from Cognizant Federal Agency; or de minimis rate of 10%	States Can Charge Administrative Expenses Up to the 5% Cap
OJP Policy	Submission of Project Narrative with Application	
2 CFR Part 200§	Lobbying Certification	Lobbying Certification
VOCA Statute	Does Not Inherit the VOCA Time Limit; Award Period Set at 60 Months for FY 2020 TVSSA Program	Time Limit: VOCA Assistance Grants Must Be Expended Within Four Years: “Year of Award + 3”

APPENDIX D

**OVC’s Current Tribal Technical Assistance and Program Support Offerings
for Tribal Grantees**

Program	Purpose	Annual Cost
Tribal Financial Management Center	The TFMC provides training and technical assistance and resources to support American Indian and Alaska Native (AI/AN) communities as they develop and maintain the capacity to successfully manage the financial aspects of their federal awards.	\$4,100,000.00
Human Trafficking Capacity Building Center	Launched in 2018, the Center works to strengthen human trafficking victim services by building tribes’ capacity to aid all kinds of trafficking survivors, helping them navigate the appropriate resources, and enhancing networks of trafficking services.	Varies, depending on how many tribes seek assistance \$200,000 - \$500,000
Fox Valley Technical College	The National Criminal Justice Training Center of Fox Valley Technical College provides OVC grantees with resources and training to increase the ability of tribal communities to deliver comprehensive and culturally appropriate crime victim services. NCJTC staff assists grantees in the development of victim-centered services to foster dignity and restore spiritual, mental, and physical health in crime victims, their families, and the community.	\$750,000
Unified Solutions Tribal Community Development Group, Inc.	Unified Solutions Tribal Community Development Group, Inc. training and technical assistance services are victim-centered, trauma-informed, and support the preservation of Tribal sovereignty. Services include skills training, needs assessments, capacity building, strategic planning, sustainability development, program evaluation, coaching and consulting, and communities of practice, which are web-based training and networking opportunities that highlight best practices presentations from subject matter experts.	\$750,000

Other Support for Tribes

Tribal Access Program (TAP)

\$5 Million in Set-Aside funds in FY 2020

DOJ has repeatedly heard from tribes at consultations and elsewhere that they face barriers to accessing and entering information into national crime information databases, which jeopardizes their ability to protect their communities and prevent domestic and sexual violence. In August 2015, DOJ announced the Tribal Access Program for National Crime Information (TAP) to address tribal access to national crime information by providing participating tribes with state-of-the-art biometric/biographic computer workstations with capabilities to process finger and palm prints, take mugshots, and submit records to national databases, as well as the ability to access Criminal Justice Information Services Division (CJIS) systems for criminal and civil purposes through DOJ's Criminal Justice Information Network. TAP, which is managed by the DOJ Office of the Chief Information Officer and the Office of Tribal Justice (OTJ), provides specialized training and assistance for participating tribes, including computer-based training and on-site instruction, as well as a 24x7 Help Desk. There are currently over 90 Tribes with over 330 tribal government agencies participating in TAP.