



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-034

**TITLE: Calling for Improvements in the Administration of Tribal Crime
Victims Funding**

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COMMUNITY*

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Congress created the Crime Victims Fund (CVF), the federal government's primary source of funding for crime victim services and compensation, in the Victims of Crime Act in 1984; and

WHEREAS, since that time formula funding from the CVF has been distributed on an annual basis to state and territorial governments; and

WHEREAS, tribal nations have historically been required to access CVF funding as pass-through funding from the states or by competing for very limited discretionary funds administered by the Office for Victims of Crime at the Department of Justice (DOJ); and

WHEREAS, this system has left tribal nations without adequate access to victim services and compensation funding, which has resulted in a severe disparity in the availability of services for crime victims in Indian Country; and

WHEREAS, NCAI has long called for the inclusion of tribal governments in the annual disbursements from the Crime Victims Fund (*see* NCAI standing resolutions #ANC-14-048; #KAN-18-007); and

WHEREAS, in FY 2018, Congress for the first time directed 3% of the total outlays from the Crime Victims Fund to tribal governments – an amount totaling \$133 million; and

WHEREAS, DOJ provided funding to 154 of the 195 applicants for FY 2018 funding and many tribal nations reported that their proposed budgets were dramatically reduced with no explanation; and

WHEREAS, DOJ reported that it failed to distribute nearly \$25 million of the \$133.1 million appropriated for FY 18 and instead returned those funds to the U.S. Treasury; and

WHEREAS, in FY 2019, Congress directed 5% of the total outlays from the Crime Victims Fund to tribal governments – an amount totaling \$168 million; and

WHEREAS, tribal governments have repeatedly conveyed that DOJ's short-term, competitive grants undermine program stability, hamper long-term planning, and run counter to the policy of tribal self-determination and has called on DOJ to administer tribal funds through formula grants (*see* NCAI standing resolution #SPO-16-019); and

WHEREAS, tribal governments have raised concerns that DOJ is administering this program in a way that imposes unnecessary administrative burdens on tribal nations and inappropriately interferes with tribal government decision-making about program design and priorities, including requiring that hiring and firing decisions be subject to DOJ review.

NOW THEREFORE BE IT RESOLVED, that NCAI calls on DOJ to consult with tribal nations on a government to government basis to develop a formula for distributing future tribal VOCA set-aside funding on a non-competitive basis to all eligible and interested tribal nations to meet the needs of victims, as defined by the tribal nations; and

BE IT FURTHER RESOLVED, that the formula adopted by DOJ should provide base funding for each eligible tribal applicant and distribute remaining funds on the basis of population, as reported and certified by the tribal nation, and any other appropriate criteria identified through consultation with tribal governments; and

BE IT FURTHER RESOLVED, that NCAI calls on DOJ to establish a standing group of tribal leaders and experts who can provide ongoing advice about the development and administration of this program in a manner consistent with the federal policy of tribal self-determination; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

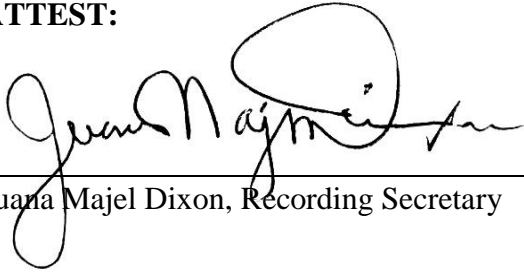
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary