

Office for Victims of Crime FY 2025 Tribal Consultation on the Administration of the Tribal Victim Services Set-Aside from the Federal Crime Victims Fund

Framing Paper
[Prepared August 2024]

The Office for Victims of Crime (OVC) has prepared this document to introduce issues for your consideration in advance of our annual Tribal Consultation for federal Fiscal Year 2025. The issues and related questions presented here are not intended to limit your feedback. OVC encourages Tribal leaders to share their thoughts, recommendations, and concerns about OVC's administration of the Tribal Victim Services Set-Aside during our upcoming consultation sessions.

This paper outlines two issues on which OVC is seeking feedback from Tribal leaders:

1. OVC's proposed changes to the administration of the Tribal Victim Services Set-Aside Program (TVSSA Program)
2. Ways in which OVC can support increased access to Crime Victim Compensation funds for American Indian and Alaska Native victims of crime

Background information on each of the issues follows the list of consultation questions below.

Issue #1: Changing the administration of TVSSA funds to decrease the burden on Tribes

Questions:

1. Based on your Tribe's experience in applying for TVSSA program awards, what recommendations do you have for how OVC can reduce the burden of submitting applications and annual programmatic and financial reports for each of your active TVSSA grants?
2. At present, Tribes may submit applications annually (or as needed) to receive a TVSSA grant. Tribes with multiple active TVSSA awards are required to complete semiannual program/performance progress reports and quarterly financial reports for each active grant. OVC is considering administrative changes that would offer Tribes funding for a 5-year award period, under a single award, with annual supplemental funding, if necessary; a process that would reduce the number of required reports. What are your thoughts on OVC's proposal to issuing a standing 5-year TVSSA solicitation that would allow Tribes to request funding each year (or select years, based on need) throughout the 5-year cycle under a single grant award?
3. OVC is considering developing a process that allows for a Letter of Intent to replace subsequent TVSSA applications after the first full application is submitted during the 5-year project period? What ideas or concerns do you have about how this might work for your Tribe?

Issue #2: Increasing access to Crime Victim Compensation funds for American Indian and Alaska Native victims of crime

Questions

1. What are your recommendations for strategies that state compensation programs can use to increase collaboration with Tribal communities to ensure American Indian and Alaska Native victims are able to access compensation?
2. To be eligible for compensation, some state victim compensation programs require victims to include a police report number in the application for assistance or to otherwise demonstrate cooperation with law enforcement. What alternatives to these requirements should state compensation programs consider accepting from American Indian and Alaska Native victims who may have difficulty satisfying these requirements?

Based on the experiences of crime victims in your community, which expenses incurred by American Indian and Alaska Native victims of crime have routinely been determined to be ineligible under compensation programs?

3. Do you have recommendations for ways in which OVC could improve its outreach to Tribes about the availability of crime victim compensation?

Background

Since the inception of the TVSSA Program in Fiscal Year (FY) 2018, the OVC Tribal Division has been intentional in its efforts to learn how to best administer this program through what we learn from consultations, listening sessions, and meetings with Tribal leaders and our TVSSA Program grantees. We have proactively addressed requests from Tribal leaders to change how we administer the program to increase our effectiveness in promoting justice, safety, and healing for survivors in Tribal communities. For FY 2025, OVC is proposing additional policy changes to reduce the administrative burden for Tribes that receive funding from our TVSSA Program and other Tribal-specific OVC grant programs.

Overview of OVC's FY 2024 Efforts To Solicit Feedback From Tribes

OVC conducted its FY 2024 Tribal Consultation in January 2024. The Tribal Division also hosted listening sessions with TVSSA Program grantees who attended three regional training and technical assistance gatherings in—

- Anchorage, Alaska (February 2024);
- Oklahoma City, Oklahoma (May 2024); and
- Palm Springs, California (June 2024).

The government-to-government consultation and listening sessions focused on key TVSSA priorities and how OVC can best support Tribes in enhancing and expanding their victim services

programs.¹ Demonstrating value and respect for the sovereignty of Tribal governments has allowed OVC's Tribal Division staff to receive candid feedback on the complex challenges Tribes face when applying for federal funding, managing grants, and providing programming to assist victims of crime in diverse Tribal communities. Based on this feedback, OVC is considering implementing the policy changes outlined below to address these challenges.

Since adopting a population-based formula to distribute TVSSA Program funds to Tribes in FY 2020, OVC has asked all Tribes that want TVSSA funding to submit a Population Certification Form. Once Congress has created a Tribal Set-Aside for the fiscal year, OVC uses the information from these forms to determine individual award allocations from the Set-Aside funds. OVC then invites all Tribes that received an allocation to submit a full application for funding.²

As a result, the TVSSA Program is noncompetitive and every federally recognized Tribe that wants a TVSSA award in any given year receives one. Nonetheless, we have heard that our application process creates a burden to our TVSSA Program grantees because OVC requires submission of full application every year a Tribe wants TVSSA funding, even if the Tribe plans to use the funding to sustain an existing TVSSA grant-funded victim services program. We have also heard that turnover in Tribal leadership and victim services program staffing, and the need to simultaneously apply for other federal funding, has contributed to challenges in meeting the TVSSA application deadlines.

Issue #1: OVC is considering changes in its approach to administering the Tribal Victim Services Set-Aside Program (TVSSA Program) to reduce the administrative burden and create efficiencies for grantees.

Proposed Remedy: Beginning in FY 2026, OVC is proposing to eliminate the requirement for current TVSSA Program grantees interested in continuation funding to submit a full application each fiscal year to receive continuation funding during a 5-year project period if they are not proposing major changes to how they are already using their TVSSA funding. Starting in FY 2026, Tribes would be asked to submit a Letter of Intent and budget documentation to receive funding, instead of a written program narrative, after completing the annual population certification process. Additionally, the burden of submitting multiple semiannual programmatic and fiscal reports for each active grant would be eliminated. For active grants awarded during the 5-year period, only one performance report would be due on a semiannual basis.

The table below summarizes OVC's proposed plan of action for implementing changes to the TVSSA Program application and reporting processes in FY 2026.

¹ As in previous years, OVC plans to publish an annual report on our fiscal year TVSSA Program accomplishments by October 17, 2024. The report will include a summary of the issues, recommendations, and opinions OVC heard during the listening sessions.

² Applicants that receive a TVSSA Program allocation are invited to submit, at a minimum, a written program narrative/checklist or participate in an interview with a Tribal Division staff member; a detailed itemized budget; the disclosures, certifications, and assurances required of all applicants for federal funding; and, if applicable, a Construction Questionnaire.

OVC's Proposed Action Plan for Changing TVSSA Application and Reporting Processes for FY 2026

Strategy	Intended Impact	Actions
<p>Develop policy and publish a standing solicitation over a 5-year grant cycle.</p> <p>Devise a cycle of 5-year increments for grantees to request annual funding by submitting a full application in year 1 and a Letter of Intent to accept annual awards available in years 2 through 5.</p>	<p>Each fiscal year allocation would remain available for expenditure by the Tribe through the end of the 5-year period. For example, FY 2026 allocations would remain available for expenditure by the Tribe until September 30, 2031 (or December 31, 2031, depending on the award start date).</p> <p>Consequently, Tribes would not need to submit project period extension requests as frequently.</p> <p>Grantees would be able to request a 1- or 2-year project period extension to expend the total unobligated funding available on the grant in year 5 of the project period to extend the total period of fund availability to 6 or 7 years.</p> <p>Tribes would not be required to submit annual proposals to receive their TVSSA formula allocations in the second through fourth years of the cycle.</p> <p>The Tribe's decision about whether to request funding each fiscal year would be based on need and feasibility of expending awarded funding within the 5-year project period.</p> <p>Tribes would not have to submit individual performance project and fiscal reports for each annual award. They would submit one semiannual report during the reporting periods of the 5-year grant cycle.</p> <p>OVC Tribal Division staff, in collaboration with TTA providers, would hold interview sessions with</p>	<ol style="list-style-type: none"> 1. Conduct listening sessions to refine the multiyear grant award process. 2. Work with other key offices within the Office of Justice Programs on changing policies to streamline the TVSSA application process. 3. Post a standing solicitation for a 5-year grant cycle. 4. Notify federally recognized Tribes annually of the option to submit a population certificate and letter of intent after the initial application is approved for the 5-year grant cycle. 5. Post a new solicitation in FY 2030 announcing the next 5-year grant cycle. 6. Notify Tribes new to TVSSA of the option to submit a population certification and application in any year of the 5-year grant cycle to begin receiving funds.

	<p>all funded Tribes to support their Letter of Intent and budget development process for annual awards during the 5-year project cycle.</p> <p>The chart below provides an example of the timeline of the budget periods for a 5-year grant cycle.</p>	
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Sample – Proposed TVSSA Cycle Application, Budget, and Reporting Timeline

Fiscal Year	Applicant/Recipient Action Required	Project Period/ Budget Period	Reporting Requirements and Due Dates
FY 2026	<p>Submit population certification.</p> <p>Submit full application in Grants.gov and JustGrants.</p>	<p>October 1, 2026-- September 30, 2031</p>	<p>One Quarterly Financial Report (FFR) due May, August, November, January</p> <p>One Semiannual progress report due July, January.</p>
<p>FY 2027</p> <p>FY 2028</p> <p>FY 2029</p> <p>FY 2030</p>	<p>Submit Letter of Intent if additional funds are needed, noting any significant changes to the proposed use of funding approved in the FY 2026 application.</p> <p>Submit required federal forms in Grants.gov, including budget for allocation.</p>		

Note: Tribes can request a project period extension to September 30, 2032; and, in extraordinary circumstances and with appropriate justification, to September 30, 2033.

Issue #2: Increasing access to Crime Victim Compensation funds for American Indian and Alaska Native victims of crime.

The Victims of Crime Act of 1984 (VOCA), Public Law 98-473, sec. 1403, 34 U.S.C. 20102, authorizes the federal VOCA Victim Compensation Program. Through this program, OVC makes annual grant awards to the crime victim compensation program in all 50 states, as well as the District of Columbia, and three U.S. territories. A statutory formula is used to determine the amount of each award based on each recipient's prior year's expenditures. State compensation programs make payments to, or on behalf of, crime victims for expenses they have incurred as the result of their victimization. Each state decides which expenses are compensable based on state statute, rules, or other policy, but VOCA requires all state compensation programs to pay for some mandatory expenses.³ OVC ensures that state compensation programs comply with VOCA requirements through regular monitoring and ongoing technical assistance and training.

In FY 2024, OVC's Tribal Division hosted three listening sessions with TVSSA grantees who participated in regional conferences held in Alaska, Oklahoma, and California. While the sessions touched on several issues of concern to Tribes, participants offered the following feedback on their experiences in attempting to help Native victims access state victim compensation funds:

- Some state victim compensation programs require victims to submit a police report number on applications for compensation. This poses a barrier for victims in Tribal communities that do not have a law enforcement response.
- The most often cited explanations that American Indian and Alaska Native victims received for why a state victim compensation claim was denied were that the application was missing a police report number, the victim did not cooperate with law enforcement, and the type of expense claimed was not eligible for compensation.

This feedback mirrors the feedback OVC received during a June 2023 Tribal listening session conducted by OVC's State Victim Resources Division (SVRD), which oversees the VOCA Victim Compensation Program.

During the SVRD listening session, participants identified the following barriers to accessing state victim compensation:

- State victim compensation programs denied claims because American Indian and Alaska Native victims did not have a police report number or were unable to demonstrate cooperation with law enforcement.
- There are often circumstances beyond a victim's control in Indian country that could delay access to police reports. For example, depending on the agency responsible for law

³ Mandatory expenses include medical/dental expenses, mental health counseling, funeral and burial costs, and lost wages.

enforcement response, the victim may need to file a Freedom of Information Act request to obtain a copy of the report. The victim's ability to demonstrate cooperation with law enforcement may also be impaired by the lengthy criminal investigation process involved with crimes committed in Indian country.

- Due to the challenges with obtaining a police report number and demonstrating cooperation with law enforcement, Native victims often have a difficult time applying for victim compensation within the time specified by state compensation programs.

OVC is eager to work with Tribal communities to help eliminate barriers to accessing victim compensation funds. In FY 2025, OVC's Tribal Division and State Victim Resource Division will work collaboratively to develop information to share with Tribes and states to foster improved collaboration to ensure that crime victims receive timely compensation and other assistance. OVC will also schedule additional listening sessions in FY 2025 to solicit feedback from Tribes and ensure that these efforts are successful.