

KATHERINE DARKE SCHMITT: When it is your turn to give testimony, your name will be announced and I will ask you if you would like to have your video enabled while you speak. If you do wish to have your video enabled, we will do that and your line will be unmuted and I'll indicate that you have the floor. If you don't wish to have video enabled, that's fine. We'll unmute your audio and we will receive your audio testimony.

We will ask you to restate your name and tribe affiliation and title as you begin your testimony. If you are a tribal leader's designee, then we ask that you also state the name of the tribal chief or chairperson on whose behalf you are offering testimony this afternoon. Thank you for reconfirming this information for us so that we can include it in the record of this event. We also welcome written testimony from tribal leaders. Please send your written testimony to us by email no later than February 4<sup>th</sup> [Correction: In response to testimony received, OVC has extended this deadline to March 15, 2022]. The email address is the [ovctribalsetaside@ojp.usdoj.gov](mailto:ovctribalsetaside@ojp.usdoj.gov) box. But you don't have to write that down because my colleagues are putting it in the chat for you here so that you can connect with us that way. Again, that written testimony will be due by February 4<sup>th</sup>, please [Correction: In response to testimony received, OVC has extended this deadline to March 15, 2022].

And I want to reiterate that if you would have any technical difficulties understanding us speak, making yourself understood using the features, please let us know by chat so that we can help make sure that you are able to fully participate in the conversation this afternoon.

We do have a formal opening for our consultation this morning and we are in the midst of working out the technical arrangements with Mr. Randy Cornelius for the Oneida Nation who is going to open us with a prayer. However, while we are working on those arrangements, I have the honor of introducing the director of the Office for Victims of Crime to make some opening remarks. Kristina Rose was appointed to the position of Director for the Office of Victims of Crime by President Joe Biden and sworn in on July 12<sup>th</sup>, 2021. Prior to her appointment, Ms. Rose spent nearly 20 years at the U.S. Department of Justice serving in numerous roles, including as Deputy Director at OVC, as Acting Deputy Director, Deputy Director for the National Institute of Justice and as Chief of Staff at the Office on Violence Against Women. Director Rose, we are so glad to have you today. Thank you for opening the session.

KRISTINA ROSE: Thank you, Katherine. And hello, everyone, it's an honor to be with all of you here and I'm very much looking forward to hearing from Mr. Cornelius who we will listen to if the technical difficulties work themselves out as soon as I'm finished. I'm

going to briefly recap my remarks from yesterday for those tribal leaders who are participating today but were not here yesterday.

As the Director of OVC, it truly is an honor to be with you today in this government-to-government setting, to talk about the future of the tribe—excuse me, the Tribal Victim Services Set-Aside from the Crime Victims Fund, or as we'd like to refer to it as the Set-Aside Program. President Biden has instructed the federal government to conduct our relationships with tribes with the intention of building a new era in nation-to-nation engagement. This administration's work is rooted in the president's respect for the unique nation-to-nation relationship, commitment to the country's trust and treaty responsibilities, and the desire to strengthen tribal sovereignty and advanced tribal self-determination.

Kimberly Woodard on my staff prepared an excellent framing paper and an FY21 Set-Aside Program report in preparation for this consultation. In case you haven't seen those documents, or if you want to refer to them again, the locations will be put into the chat to the right of the screen in just a few moments. These two documents are thorough resources, so I will only briefly cover the history of the Set-Aside Programs to set the stage for our consultation today.

The Office for Victims of Crime has learned a lot throughout our engagement with the tribes, through consultations and listening sessions, and we have been diligent about acting on what we've heard. In FY20, for example, OVC implemented several improvements based on feedback from tribal leaders including establishing a tribal division, which is now led by Katherine Darke Schmitt, with staff dedicated to administering the Tribal Victim Services Set-Aside Formula Grant Program and other tribal grant programs, implementing a formula for dispersing tribal set-aside funds. This was done in response to past tribal consultations, federal advisory committee meetings, listening sessions where tribal leaders expressed a strong preference for doing it this way. To ensure that tribal set-aside funding was distributed using a formula rather than a competitive program.

And lastly offering Tribal Victim Services Set-Aside program applicants the flexibility to be able to choose an award period between 12 and 60 months, an option that is unique among OVC's discretionary programs. It was designed to address tribal leaders' concerns that a 36-month period did not adequately meet the needs of the communities. So I'm going to start at the place where—I'm talking about in FY21, the set-aside was authorized at three percent of the Crime Victims Fund for a total of \$132,000—\$132,050,000 [Correction: \$100,750,000]. We don't have a budget yet for Fiscal Year '22 but we do anticipate that the amount set aside for this program will probably be

similar to the 2021 total. And under this noncompetitive formula program, federally-recognized Indian tribes, their authorized designees and tribal consortia consisting of two or more federally-recognized Indian tribes were eligible to apply for Tribal Set-Aside funding. We made 133 [Correction: 143] Tribal Set-Aside formula awards totaling \$112,600,000 [Correction: \$90,694,003]. That total represents every dollar that every eligible tribe or tribal designee or consortium requested from us. These funds will provide critical victim services to more than 200 tribes. It's important to note that the Tribal Set-Aside is not a statutory program. A statutory formula program, I should say. Meaning, Congress didn't create a formula program when it authorized the Tribal Set-Aside funds. Therefore, while OVC chose to administer the funds noncompetitively using a formula, we're still required to adhere to the federal statutes governing discretionary grant-making.

Notably, 200 CFR Part 2. This part of the code outlines how federal agencies must administer discretionary grant programs including the oversight of budgets, collecting certifications by grantees regarding lobbying and other issues. As we seek ways to streamline the oversight and the administration of set-aside grants, we are still bound by these federal statutes. For FY22, we were—we proposed retaining many of the features of the FY21 set-aside formula program, including the noncompetitive distribution of set-aside funds based on a population-driven formula. Number two, a two-phased process that allows us to calculate grant awards based on the number of tribes that plan to apply. Three, a self-determined project period of 12 to 16 months. Four, a self-certification of tribal population numbers based on the population the tribe intends to serve under the Tribal Set-Aside program. And number five, offering applicants the option to complete a program checklist on their own or participating in an interview with OVW Tribal Division staff in lieu of submitting a traditional 25-page program narrative. Finally, and most importantly, we want to be sure that everyone understands that all federally-recognized tribes are eligible to apply for FY22 Set-Aside formula funds regardless of when you last received set-aside funds and regardless of the project periods or any remaining balances that you may have.

So here's how the FY22 set-aside program is going to work. In phase 1, tribes that intend to participate in the set-aside program will submit population certifications. The population certification form is already available to you on our website and it can be completed online and submitted to us by email. This certification must be submitted by February 15th and I'm very happy to announce that we have already received some of those based on our consultation yesterday. Once we proceed to the population certification in hand and we have a budget from Congress, we will run the formula to allocate the available FY22 Set aside funds to the participating tribes. We don't know how much the set-aside will be this year, just as a reminder because we don't yet have

a passed budget from Congress. OVC staff will notify tribes of their allocations and then the phase two process will begin.

In phase two of the process, tribes order designees submit application into OJP's JustGrants Program. Our staff processes the application and awards will be made in FY22, in the fall. We look forward to receiving your testimony today about the two issues that have been identified in the framing paper for this consultation. Your experiences with applying for the Tribal Set-Aside Program in FY21 and your recommendations about whether OVC should expand the scope of the set-aside program to permit grantees to construct facilities to provide victim services in future fiscal years.

As always, we welcome your comment and your recommendation on any other topics related to OVC's Tribal Programming, whether it's the needs of your communities or any other issues related to Crime Victimization in Indian Country that you believe should be addressed by the Department of Justice. Katherine, I will now turn it back over to you, to queue up our testimony from our tribal leaders and tribal leader designees. Thank you.

KATHERINE DARKE SCHMITT: Thank you very much, Director Rose. And I am honored now to be able to introduce Mr. Randy Cornelius, who will open our session today. Dr. Cornelius is an Oneida Nation Tribal Leader and Faithkeeper for the Bear Clan located in Oneida, Wisconsin. We are honored that Mr. Cornelius will be presenting the opening prayer today to open the consultation. He has been working with the Oneida Nation for 34 years and has more than 37 years of independent and academic study of the Oneida language, culture, and history. For the past 25 years he's been with the Oneida Cultural Heritage Department and he spent 10 years as an Oneida Language and Cultural Educator with the Oneida Language Revitalization Program. He is also currently the Oneida Language and Cultural Archivist and he spent his career collecting stories of the people of the Long House including the Oneida. He has a strong background in the interpretation of the Oneida language, linguistic terminology, and contemporary history of the Oneida Nation. He graduated from the University of Wisconsin, Green Bay with a Major in Psychology and double minors in Human Development and Native American Studies. Mr. Cornelius credits his success in life to his wife of 40 years, their son, and five grandchildren. Mr. Cornelius, please begin when you're ready.

RANDY CORNELIUS: [SPEAKING IN NATIVE LANGUAGE] So, what we commonly call the Haudenosaunee or they call them the Six Nations or the Iroquois is that the custom that we have is whenever we come together as people is that someone is asked to speak on everybody's behalf, to acknowledge everything in creation. And this is a

custom that our people have always done. And it's a constant reminder to us of how the creator had intended for our minds to be, is to be conscientious of all the things here on our Mother the Earth. And so first of all, that we acknowledge all the people that are here, and that we're fortunate that they're able to be here together, and that we have that peace within us. But at the same time, we know that there's this calamity that's going around the world and it's causing a lot of suffering. And so we ask those families that are affected that their minds do not go too far down into the depths of darkness. And that after a few days is that to become [INDISTINCT] in the communities.

And so those of us here that have our health and well-being, that we extend greetings [INDISTINCT] to the prayer that we have that and that's how our minds shall be. And so from there, we acknowledge all the things here on our Mother the Earth. All the things that [INDISTINCT] all those things because we look at them as family. We have the same [INDISTINCT] the animals, the birds, the bees, and the bugs, all those things here on the Earth, the Creator made all those things for our well-being and that [INDISTINCT] sustain us, and so we extend our greetings and thankfulness and our love to our Mother the Earth, because she's the one that [INDISTINCT] sustenance of life. And everything depends upon her, especially us, the people, and that she's still carrying on her responsibilities. And so we extend our greetings and thankfulness and love to her that she's still carrying that on. And then from there, we direct our words to the sky world, and what we call the greater forces. So, all the things here on the earth, the plants, the animals, the birds, the waters, is that we acknowledge all those things here, and we turn our direction to the [INDISTINCT] and there are—they were given responsibilities as well. It's like everything here on earth, to work hand-in-hand with our Mother the Earth, and to—in order for life to continue on. And so, we acknowledge what we call the winds, our thunders, the grandmother, the moon, the brother, the sun, the stars, all those elements, they play a part in order for life to continue on. And so we're very fortunate that they're still carrying on their responsibilities. And so as one mind, we come together as one. And we extend those greetings and our thankfulness in that out to each one of them, that they're still carrying on their responsibilities.

And then we turn our directions to the four messengers. These are celestial beings that travel back and forth for the land of our creators. And their responsibility is to watch over us and to provide us with insight messages. And they come to us in various forms. They can come to us in our sleep for an additional question, or opportunities, and they're around us day and night. And that they were given that responsibility to work hand-in-hand with the winds as well so that they don't get too windy. And if that was to occur, then there would be suffering. And so, again, as one mind, we collectively come together and we extend our greetings and our thankfulness through the four messengers, the celestial beings, that they're still carrying on their responsibilities. And

lastly, we acknowledge our Creator, the—what we call [SPEAKING IN NATIVE LANGUAGE] and that means like he's the one who created all of us. All of us is the things that he created and put here on the earth. And people, we were the very nice things that were created. And he told us that we don't know how many days that we're going to be here and so that we tried our best [INDISTINCT] a good mind, to always be compassionate and also to carry that love for everything here and each other.

And he also told us that [INDISTINCT] that he intended for us to work in that once he breathes that last breath [INDISTINCT] we will know that [INDISTINCT] the spirit was at the land of the Creator. And for the duration that it was here, the mission that he gave us is to put our responsibility each for [INDISTINCT] purpose in life that we're intended to carry out. And while we're here during that time, we'll never know what that world is like but it's our mission to [INDISTINCT] purpose in life so that when we do breathe that last breath then we'll know what that world is like.

And so, together as one, we bring our minds together and we extend our greeting and thankfulness and love to the Creator for providing us with all the sustenance of life and giving us each and every one of us a purpose in life and that's how our minds shall be. And then the end of the speech has to do with acknowledging that this is the [INDISTINCT] to do, that maybe something that got dropped off, or I forgot to acknowledge something is then that I ask for that forgiveness. And that I'm learning—for a long time, I've been learning about our ways, our language, our teachings, you know. And so I may have forgotten something. And the reason we do that is to acknowledge that we are the most imperfect thing in creation and it's also to remind us to be humble. And so we do that because we don't want to—we don't want to offend the natural world because they hear, they see, they smell, they can taste, they have all the same senses that we have, but in their own way. And so when we do this acknowledgement, spiritually, they're being honored. And so if we forget some things you don't regret [INDISTINCT] and so we let the world know that this is done to the best of my ability. And so, this is the best I'm able to do at this time in translating what I have said and then the meaning behind as well of why we do this. So this is how our minds should be. [SPEAKING IN NATIVE LANGUAGE] So that—that's the end of it.

KATHERINE DARKE SCHMITT: Mr. Cornelius, we are so grateful to you for opening our consultation in a good way. And for sharing your traditional words of welcome and opening with us. And especially patience as we got our [INDISTINCT] things worked out so that we could hear you. Thank you for the gift that you gave us.

We are now ready to begin receiving testimony. And our first speaker today, Juana Majel Dixon of the Traditional Council of the Pauma Band of Luiseno Indians. Dr. Dixon, do you want us to have video engaged while you speak?

JUANA MAJEL DIXON: I'm trying to find the button to press for that.

KATHERINE DARKE SCHMITT: Mike—Daryl, do we do that for Dr. Dixon or do you do it?

DARYL FOX: What we'll do is move you to the panelist section and it's at that time that the button will appear and you'll be able to enable your video. It'll just take a few moments to transfer you to that section.

JUANA MAJEL DIXON: Oh, oh, start video it's says. Do I hit that?

KATHERINE DARKE SCHMITT: Hit that and we are ready when you are. Thank you very much.

JUANA MAJEL DIXON: There I am. Okay. You can see me?

DARYL FOX: Yes. Can see in here.

KATHERINE DARKE SCHMITT: We can see you and hear you. Thank you.

JUANA MAJEL DIXON: So I can just go ahead and start. How's that?

KATHERINE DARKE SCHMITT: That's perfect.

JUANA MAJEL DIXON: You know I thank you for the opening. It was...certainly was wonderful to hear and put us in a good place. And the words I want to share with you are coming from our task force, as you know, the NCAI Task Force on Violence Against Women, Office of Victims of Crime and Crime for this consultation. And in this, on behalf of the National Congress of American Indians, as you know being the oldest and largest and most represented American Indian/Alaska Native Organization dedicated to protecting the rights of tribal nations. When we—when we look at that, that has a long history, as you know, and to practice self-determination, self-sufficiency as well, I thank you for this opportunity to provide this written testimony.

As my name is Juana Majel Dixon, yes, I do have many degrees behind my name because I had to do that in order to be recognized in the outside world of my tribe in

terms of a statistician and academic. But as a traditional council to the Pauma Tribe, part of the clans have this representation, the whole study our relationship with you as sovereign, representing the NCAI is also acknowledging that that has been a part of the Pauma Band of Luiseño Indians of the co-chair of the NCAI Taskforce on violence Against Women and as well as the Task Force [INDISTINCT] Department of Justice. But we want to thank you also for hosting this important tribal consultation on Tribal Victim Services. Working with Tribal Nations Leadership Council, this has come up a couple times, as you know. And in doing this work, Tribal Victim Services Set-Aside Formula Grant, the TVSSA and, you know, just learning those acronyms as you know is like another language, right? Just enjoying it but we try—we brought a new influx of lifesaving resources to tribal nations that's being used to assist American Indian/Alaska Native crimes victims of crime. And knowing the importance of this new and necessary funding cannot be overstated as you know, and it is important—this is important, so this new funding to be I think echoed out to Indian country to utilize collaborate work with, yeah.

As tribal nations working together assure that all the funds reach American Indian/Alaska Native victims in Indian country, that becomes paramount but it cannot be overstated as you know. To achieve this goal, there must be an ongoing government to government consultation which is why I think if we're doing this between tribal nations and DOJ determine how the TVSSA formula funds can be modified, strengthened for use in future years.

In light of this, the inside taskforce recommends that DOJ take the following measures to be improved—to travel victim service formula grant and—but first provides a context for those recommendations. And so doing as you know, the historical considerations, traditionally native women were respected in [INDISTINCT] sacred within their nations and order was maintained within the tribal societies and communities if crimes did occur. They were dealt with swiftly which is very, very true. And that is essential to understand and know that we have that going on. But one of the things I realized in listening to how colonization eroded the sacred status and dehumanized our native women, devalued native men, removed our children, stripped our language and we were required to denounce our—living our way of life and from practicing our culture to become a citizen of the United States. Imagine the trauma these demands have had on us as a people. We have had many traumas imposed upon us from cradle to grave.

The current spectrum of violence against tribal societies into our communities intertwined with systematic barriers embedded within the federal government. These barriers developed as United States seized homelands and natural resources of American Indian and Alaskan Native peoples, forcibly removing and relocating our



relatives American Indian/Alaskan Native peoples. At times, perpetrating violence against our American Indian/Alaskan Native people, creating living conditions and cultures, unacceptable, victimizing especially our American Indian/Alaskan Native women. To fully address and prevent further inhumane injustice, it's imperative that we look at the crime victim's fund as applied to tribal nations. We must truly drive that—I think correct myself here, dive deeply into the historical issues that have given rise to where we are today. Disproportionate Violence Against Women and Missing and Murdered Indian Persons is a crisis, the highest rate of suicide especially among young males greater than the demographic and grossly underfunded justice support services—supported service systems. We cannot expect to be given access to resources in a way that does not allow us to create the systems that we need to build, that we need—that are necessary for infrastructure to create comprehensive and holistic system. We need to freshly look at what costs are allowable and unallowable, given the trust responsibility that the federal government has to the tribal nations, OVC must recognize that tribal nations are best positioned of what is needed in their societies and their tribal communities. And respect the sovereign right of the tribal nations to self-determination as they respect the sovereign right of state governments to self-determination.

The NCAI taskforce appreciates OVC's consultation framing paper and the recognition that some previously unallowed cost for non-tribal programs be reevaluated for tribal nations. We agree that funding should be expandable to include major renovations and construction. However, they should not require a separate grant application process. The NCAI [INDISTINCT] that allowable cost should be expanded to include supportive services to address the crime and support comprehensively and holistically the victim as determined by tribal nations. Meaningful consultations by each federal agencies paramount to strengthening in developing and sustaining such needed social services economic services for American Indian and Alaska Native peoples and tribal nations. Meaningful consultation is essential to adhere to, to the government to government relationship between the United States and each tribal nation. Meaningful government to government consultation requires minimal—minimum, I would say, accurate [INDISTINCT] and optimum scheduling opportunity for tribal nations significantly participating in consultation process.

And I want to add to that that during these times, when you're also doing your subsistence living, the hunting and gathering times are different, and they can be impacted on how you participate because you're doing the gathering for your nation. So it came to a conversation with these tribal leaders who do that. But I wanted to add that just so you know that when we look at the ultimate scheduling, it can be a part of that. Proper notice should be provided as early as possible, ideally 120 days from the date of

the consultation. And in this instance, tribal nations provided a Dear Tribal Letter—Leader Letter dated December 13th, 2021. However, the distribution suggests that it was through the OVC Justice Grants portal only with very few Tribal Nations Resource Centers or coalitions aware of the OVC consultation until beginning of the New Year. With mere two weeks' notice and through the Indian grapevine and Indian news, talking leaves and everything, we got the word out but once again it goes back to that ultimate time of 120 days and using the plethora of what is federal that reaches out to federal governments to inform them. When you consider that when possible written, testimony should be allowed up to 60 days following the consultation until the beginning of the—it used to be like you had like maybe two weeks, you know, let's make sure that it's 60 days. The Dear Tribal Letter with written comments are due less than 30 days after the consultation, not enough time, coupled with scheduling right before the holiday break, the uptick in active COVID-19 cases and all the other versions to what is COVID and the many related issues in that tribal nation governmental agency phase, this timeframe is not respectful to tribal nations, and will not solicit the desired responses from tribal leadership that OVC is seeking.

We all understand that these timelines may be difficult given the timeline for the grant cycle. As discussed below, we strongly encourage OVC to develop a regular schedule for consultation, annually or semiannually, that will allow sufficient notice to tribal nations. And as—also providing an opportunity for federal policymakers to get input when policy decision—policy decisions aren't to be made, which can be considered at this time as well.

When you look at these things and get that input, the taskforce—they said the taskforce strongly recommends extending the written comment deadline for this tribal consultation to March 15th, 2022 to accommodate the 60-day submission deadline. To honor the government-to-government consultation process, each federal agency must consult with tribal nations including the scheduling of consultation to avoid scheduling conflicts, for instance, last summer, OVC, OVW and FVPSA scheduled consultation within two months period that conflicted with subsistence hunting, fishing gathering times for many tribal nations, making it difficult on tribal leaders to attend the events as I kind of stated earlier. Appointed a standing working group—appoint a standing working group of tribal expert to improve the TVSSA program. Ongoing consultation, consistent input from tribal nations is imperative to ensure the success of TVSSA programs.

As we have recommended in the past, the NCI Task Force urge the DOJ establish a working group of tribal experts to help guide—develop the TVSSA program and provide input on pragmatic decisions on ongoing basis. The—you know, in the evolution process, what happens then as we come into this, there's a youngness to it because we

didn't do this. It's not us being young. It's just the knowledge and interaction with one another. So let's do this. Let's make this happen. And commit to the govern—obviously, do commit to government tribal constitutional program moving forward. Had there been a standing working group, there would have been regular meetings at which tribal subject matter experts would have provided input regarding the challenges, tribal nations' experience. The working group should have also helped OVC frame the issues for this very consultation—in standing consultation. The NCI Task Force, again, recommends that OVC appoint a standing working group of tribal experts to improve the TVSSA program and commit to regular tribal consultations on the program. Parity with the states. While COVID-19 has devastated the entire country, tribal nations, American Indian, and Alaskan victims have been particularly hard. Several tribal nations have been unable to utilize and expand their TVSSA funding as originally intended during the nationwide pandemic. The DOJ should be flexible in improving no-cost extensions to tribal nations upon their request in order to allow the TVSSA funding to reach out to their people.

On July 22 in 2021, President Biden signed the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 in a historic effort to stabilize the Crime Victims Fund. Among other provisions in the law, the Attorney General was given the authority to provide no-cost extensions to Victims of Crime Act and award recipients. Despite the new authority, tribal nations were still required to submit a request for extension and show good cause for communities that are already under-resourced, while at the same time, state programs received an automatic no-cost extension without authority. You and I both know, when you look at that, you know that it's on paper and it's documented, it was wrong. The parity is not there and now it's documented very succinctly.

These clearly unequal requirements demonstrate the lack of parity and discretionary funding, dissipate treatments, process different from the state programs. Tribal nations are required to have different needs, priorities, and values, and to go above and beyond what is expected of our state counterparts. OVC should provide justification for additional burdens placed on tribal nations and remove the additional burdens and criteria that are now imposed on—imposed—not imposed on the states. If there's some thinking in that, it's not to take away what your thinking was about that but the parity isn't there, and that needs to be righted and additionally fixed. It's a record of—you don't want a record where you just did this wrong. And in our eyes, it is, as tribal nations, when we look at that, when we hear the states, we're going, "What," you know? Maximize the TVSSA program flexibility by deferring to tribal nations' view of what constitutes to improving services to victims of crime. Many tribal nations create and support holistic services for their citizens. However, placing any prohibitions, any—anything to contravene or interfere with that was not—is not the intent. But if the funding

and the description of funding and how it should be funded and spent and used doesn't provide that working knowledge, it becomes prohibitive on one area of victim services. It creates an imbalance in the system that can result in the lack of justice which runs counter to the program's purpose.

The TVSSA should also allow for tribal-defined supportive services, including court summons, prosecution, the cost of holding the perpetrator accountable, other measures that provide holistic comprehensive program to systematic changes. And that's pedagogical. That helps affect change within the society to do better for their people and themselves. A victim may need medical care or counseling but they also need someone to answer that 911 call. How can a victim heal knowing that the perpetrator has not been held accountable? In tribal communities and societies, victims need functional systems that create an environment that—where true healing can take place. Drawing arbitrary lines between types of services simply is not working for our tribal communities. We need the flexibility and self-determination to import—to put the resources where they are needed. The funding may need—may be made available to improve victim services in tribal communities and societies through FY '18, FY '19 Appropriations Bill. It had the potential to transform the crime victim service infrastructure in tribal society or communities, bringing healing and support to victims who have long been forgotten. But, sadly, these grants fell short. The funding got caught up in bureaucratic red tape. And I know you know what that is, but, you know, for the record, we have to say this. And some of you are going to help greatly, and have, but let us be honest, this was necessary but it happened. Caught up in the bureaucratic red tape and the tribal nations surrendered.

Far too many tribal nations could not conform to OVC's unnecessary ill-fitting demands. Together, we must do better and reimagine this program for this vision to be realized. However, DOJ must administer the funding in a way that works for the tribal communities that funds are intended to serve. We need OVC restrictions removed from unallowable cost of tribal programs to maximize extent permitted by law and program that allows us to grant funds where they are needed, mostly to be comprehensive and holistic. OVC's decision to reevaluate its prior decision to disallow new construction is a good example of the increased flexibility tribes need. OVC should simply—similarly identify every other restriction that has resulted of a policy decision from nontribal programs and be as flexible, innovative, and broad as possible within the law. We must provide victim service support more broadly. A victim of crime is not just the sole person that was victimized by an incident. There are multiple layers of secondary victims from the child who was present in—when his mom was beaten to the husband who's trying to help his wife overcome the desperation of rape and does not have the tools to support her. There are many other scenarios that could be described related to this concept.

In addition, we know that many of our parents, grandparents, and other ancestors who were required to go to boarding schools were victimized and when they returned home, they were never the same. The harm from the boarding schools is not recognized by OVC but arguably anyone whose ancestor attended a boarding school should be eligible for OVC-funded services within the defined parameters. Often overlooked in this area of law providing support services of crime are the multigenerational impact of being victimized as a people again and again and the impact it has had on the family community, tribal community, and the tribal nation. The way the OVC grants are administered do not consider the need to go back further in time to acknowledge who is the victim. This must change to achieve this comprehensive victim services. Consultation questions, which if any of the bearers to complete the Tribal Victims Services Program application can obviously help you overcome it. OVC must approach the program with a broader perspective of who is the victim and what are allowable costs. Conversations had a devastating impact on us as it almost eradicated some of us. Tribal nations never had the resources to address holistically, comprehensively how to approach the wrongs committed against us. Fund the program with the approach to self-determine nation recognize the tribal nations how best—to know best what are the community—tribal communities' needs.

As described—question two. OVC has implement several changes to the application process, adopting a distribution formula offering applicants alternatives, traditional program narrative requirements to streamline the TVSSA application process. What additional steps can OVC take to make the application process less burdensome? Adopt a formula similar to the BIA formula that allows tribal nations to administer the money according to their needs so that they can go to multiple tribal agencies that address the program in different ways. From the courts to the health clinic to the youth center, they can all use these funds to help victims of crime rather than the present day or historically.

What kind of services, question three, of technical assistance might applicants need to prepare phase two of the tribal victim service funds? Program application systems streamline the process so that tribal nations are placing money in categories and part of their regulatory governance budget process to determine where OVC funding should be used in what program. Remove restrictions or non-allowable costs that might be relevant to a non-Indian community. It just aren't applicable in tribal societies and tribal communities. Should OVC allow the cost of new construction of buildings for uses as shelters, transitional housing units, other structures to extend that these will be used to meet the needs of crimes with future TVSSA programs anticipated FY 2023? Yes. OVC

should otherwise open up for needed services, support, redefine allowable costs for tribal nations that should not require a separate grant application.

This measure should—measure should be accomplished through the standing working group recommended today. Should OVC issue a separate competitive solicitation for tribes that are interested in obtaining TVSSA program fund—funding to support the construction of facilities, shelters, transitional housing, child advocacy centers—advocacy centers, et cetera? What are the practical barriers to completing the construction of victim service specific facility on trust lands that OVC should be aware of as far as this policy change? No. OVC should not issue separate competitive solicitation for construction of a facility. OVC should move away from solicitation, should work with the BIA on a mechanism where tribal nations can opt in for OVC funding, identify in general terms how the money will be spent.

What is the realistic timeline for completion of a construction project on trust land? With FEMA land studies, rates for construction and materials, the pandemic and shortages of materials, there should be flexibility with the construction while timelines should be identified. It should be flexible for the extensions. Environmental housing and urban development has processes that OVC can examine as often Tribal Housing Authorities provide the construction or project management for these types of projects. B, what challenges might a grantee who uses TVSSA program funds to construct the facility encounter with long-term facility maintenance? Having a line for maintenance of facilities should be part of the budget process. The rainy day fund is the aim for common maintenance issues as well as the increase in natural disasters as a result of climate change that impact communities every year.

Many of the things I've stated to you today are going to be written and handed to you and will be shared within—on our website and available through nci.org. The task force, our subject matter expertise have gone through this and seen this. We will continue to work with you. You are stepping in the right direction. Let us continue to step in that direction. The tasks want to thank DOJ and OVC for their work to ensure tribal nations are able to access this lifesaving funding in a flexible manner to best support American and Alaska Native victims and their tribal societies and communities. We will submit written comments for the record. Request that OVC will extend the comment deadline to March 15, 2022. I humbly thank you for letting me express these words on behalf of the nations we represent, and those who have worked in this work with you and continue to do so. [SPEAKING IN NATIVE LANGUAGE].

KATHERINE DARKE SCHMITT: Juana Dixon, thank you very much for those remarks. And thanks in advance for giving them to us and me as well. I appreciate all the effort

that has gone into preparing those detailed comments. Our next speaker will be Chief Mike Williams of the Akiak Native Community. Chief Williams, do you wish to have your video enabled while you speak?

MIKE WILLIAMS: Hello?

KATHERINE DARKE SCHMITT: Chief Williams, do you wish to have video enabled while you speak?

MIKE WILLIAMS: Yes.

KATHERINE DARKE SCHMITT: All right. We're going to move you into the panelist room so that you will have the option of turning—video. Your audio line is active and we need you to begin whenever you're ready.

MIKE WILLIAMS: Okay. Can you hear me?

KATHERINE DARKE SCHMITT: We can. Very clearly. Thanks very much.

MIKE WILLIAMS: Yes. My name is Michael Williams. I am a son, brother, uncle, husband, father, and grandfather with responsibilities to love, protect, provide, and care for our families here in our community. We are one of the 229 federally-recognized tribes in Alaska. And we will provide the written testimony over to you by the deadline.

The Akiak Native Community is a small community—a small community in Western Alaska and we have been existing here. I'm here—and I'm also representing the Alaska tribes with the National Congress of American Indians as Area Vice President. And also I have worked in the mental health field for a long time and started these programs to recover from all of the bad things that are happening in our community. So I think it will really help us to further recover with these—with these programs.

And, first of all, I wish to congratulate OVC and staff for their work in administrating this program. TVSSA has brought a new influx of lifesaving resources to tribal nations that can be used to assist native victims of crime. We appreciate how OVC has considered our input as tribal leaders and have modified the administration of the program accordingly. Crime Victims Fund has been in existence since 1984 and tribes only recently have had direct services since 2018. During this short time, we recognize the policies created mostly for states do not work for crimes, especially small crimes who may not have the infrastructure to even begin creating a program within the existing parameters of the TVSSA.

Tribes need the flexibility to address the needs for their communities and victims' needs. Tribes can create and support holistic services by placing prohibitions on areas of victim services creates an imbalance system that can result in lack of justice which runs counter to the program's purpose. The TVSSA should allow the tribally-defined supportive services, including court services, prosecutions, the costs of holding the perpetrator accountable, and other members that—measures that provide a holistic comprehensive program to systemic changes. A victim may need medical care or counseling, but they also need someone to answer if they call 911. Again, how can a victim heal knowing that the perpetrator has not been held accountable? We understand that OVC may read these comments and think, "We agree but it's not our job." But we ask you to step outside of the typical bureaucratic silos and think about the needs of victims.

The mission of OVC is to meet the needs of victims. In tribal communities, victims need functioning systems that create an environment that—where true healing can take place. Drawing arbitrary lines between types of services simply is not working for our communities. We need the flexibility of self-determination to put the resources where they are needed.

Alaska-specific recommendations. Number one, fund an Alaska Native-based TA provider that has knowledge and a "boots on the ground" understanding of the needs, barriers, available resources, and logistics, not just cultural representative from [INDISTINCT] TA provider to provide TA especially with allowing construction. Our situation in Alaska is much different and we need an organization that understands our issues. We waste so much time educating on our needs that our needs are often overlooked and not fully addressed.

Number two, we need to increase the cultural activities that will promote and increase traditional ways of learning value, family and community connection, and self-worth measure in doing for others and community members. The cultural-base connection of self-worth and sense of...

DARYL FOX: Just going to give a few more moments for audio and video to come back. If you just bear with us momentarily.

MIKE WILLIAMS: Manner. Three, to do all of these things, each tribal community must be allowed the ability to design victim and community centered programs that directly address the needs of those harmed as well as those committing the harm. The victim of crime is not the sole person that was victimized in the crime in many incidents. There



are multiple layers of secondary victims from the child who has—was present when his mom was beaten to the husband who is trying to help his wife overcome the desperation of rape and does not have the tools to support her. There are many other scenarios that could be described related to this concept. In addition, we know that many of our parents, grandparents, and other ancestors who were required to go to boarding schools were victimized, and if they returned home, they were never the same. The harm from boarding schools is not recognized by OVC. Arguably, anyone who's ancestor attended boarding schools should be eligible for OVC-funded services from defined parameters. [INDISTINCT] in this area of law, providing support for victim of crime are their inter—multigenerational impact of being victimized as people again and again and the impact that has on the family, the community, and the tribe.

The manner in which the OVC grants are administered, do not consider the need to go further back in time to acknowledge who is the victim. The NCI Task Force has urged DOJ to establish a working group of tribal experts to help guide the development of TVSSA program and provide input on programmatic decisions on ongoing basis. Had there been standing working group, there would never been—on the regular meetings at which tribal subject matter experts would have provided input regarding the challenges that had been identified thus far, and help with the proper framing of issues within the framing paper as one example of a benefit. We recommend that OVCP appoint a standing working group of tribal experts to improve the TVSSA program.

Next, as to your questions. Should OVC allow the cost of new construction on buildings for use as shelters, transitional housing units, and other structures through the extent that this would be used to meet the needs of crime victims with future TVSSA program? Yes. Housing is a huge problem for all tribal members but especially for victims of crime. In addition, with global warming, our villages had to move buildings and locations. We urge you to look at other ways to open up a needed services and support redefine allowable costs for tribal communities, and this should not require a separate grant application process. This measure would be accomplished through an advisory group recommended herein.

Number two, should OVC issue a separate competitive solicitation for tribes that are interested in obtaining TVSSA program funding to support the construction of facility, shelters, transitional housing, child advocacy center, advocacy centers, and et cetera.

A, what are the practical barriers to completing the construction of the victims services-specific facilities on trust land which are very limited in Alaska, because many of our lands are [INDISTINCT] simple land that are being managed by Alaska Native corporations and many of the tribes do not have—we have trust lands but we have very

limited amount of trust land. And OVC should be aware of—as it plans for policy change, we urge you to move away from solicitations. Look at the BIA self-governance model and develop a mechanism where tribes can opt in for OVC prefunding and identify in general terms how the money will be spent within the defined areas.

B, what is a realistic timeline for the completion of construction project on trust land? With FEMA land studies, rates for construction and materials, the pandemic, and shortages of materials, there should be flexibility with construction. And while one should be identified, it should be flexible for extensions. The Housing and Urban Development has process that could be looked at as often Tribal Housing Authorities provide the construction or project management for these types of projects. In Alaska, we have very narrow window construction and transportation of materials through our village. The costs are very high for labor, materials, and developing the land. The timeline should be approved, as proposed, an extension allowed.

C, what challenges might a grantee who uses TVSSA program funds to construct a facility encounter with the long-term facility maintenance? Having a line of maintenance of facilities should be part of the budget process and we should be allowed to keep in-savings. The rainy day fund is needed for the common maintenance issues as well as natural disasters that we seem to be experiencing more of each year with devastating impacts.

As to your second question about application process and tribes not completing both phases, I ask you to consider historical trauma impacts on the community. We ask you to open up the definition of what is—what an allowable cost is. The administration of children and families describe historical trauma as something that can be traced back to first contact and the treatment of Native Americans throughout history.

As a young boy, I was sent to a boarding school to attend school. I left a loving family in primary school, my native language. I arrived at the boarding school and I can only describe as a military school must have been like. And as a reference, I know what it's like. My hair was chopped off. I could only speak English and be punished. And I was alone. I looked around there and the kids as young—as young as first and second grade at the boarding school. They look lost and I'm worried about them and tried to look out for them. Fortunately, I had a solid foundation and I survived the experience, but we—but have my own hardships in life that I had to overcome. As a mental health counselor, I tried to help my community members heal. It was hard. We have far too many suicides, substance abuse, and few resources. We didn't have these issues prior to the contact with non-Indian. After three years, I changed careers. I was burned out. Historical factors and—factors and trauma need to be reviewed in the OVC allowable

costs. How historical trauma impacts individual and communities is challenging to quantify and identify. However, nonetheless, we all know that it has an impact on where the communities are today and the disproportionate rate of violence, substance abuse, and suicide. Among our young male, suicide is 3.5 times higher than any other cultural group. Sadly, American Indian and Alaska Native communities have experienced more oppression than any other group in the last hundred years. We need to address this trauma so we can heal. We need to be able to create the programs set and address these wholesale crimes against our communities and the negative impacts that have resulted, including the disproportionate rate of suicides among American Indian and Alaskan Natives in general, and especially among our young men.

However, as regulations and policies now stand, OVC does not recognize the impacts of intergenerational trauma and allow for services. This is a program—a prime example of serious oversight concerning the administration of programs with the administration and different approaches that crimes must navigate.

In closing, I thank our American Indian brothers and sisters on South 48 who stand in solidarity with us to elevate the injustices Alaska tribes have faced as national issues for immediate resolution. I thank the federal officials with us today for listening. I really appreciate this time and thank you for listening to me. And I will be submitting the written comments to you before the deadline. Thank you very much.

KATHERINE DARKE SCHMITT: Thanks to you very much, Chief Williams. We appreciate your testimony today. Thank you again, Councilwoman Majel Dixon, for your remarks that started us off this afternoon. At this time, we do not have other tribal leaders or tribal leader designees in the queue to speak, and so we are going to prepare to close the consultation. And we will do so first by welcoming back Director Kristina Rose to make some closing remarks. Following Director Rose's remarks, we have a formal closing to conclude the afternoon. Director Rose, when you're ready.

KRISTINA ROSE: Thank you, Katherine. I do want to offer a special thanks to Mr. Cornelius for opening up our consultation and honoring us by his participation. I want to thank all of you, those who spoke and those who listened. Thank you for your testimony today and for your candid remarks about how we can best work together. Most of all, thank you for the work that you do to support victims and survivors, and thank you for helping to make your community safer, and healthier, and stronger.

We know that tribal communities have been hit very hard, not only by the pandemic but by the unrelenting crime and victimization that continues. We are all taking the necessary precautions to keep our families safe and we all hope that you all are doing

the same to keep your tribal communities safe. And we hope it will be safe to hold the Indian Nations Conference as an in-person event in December of 2022 and that we can all be together by then. You've honored us by sharing your stories of need and the stories of resiliency in your families and communities, and we recognize your steadfast dedication as leaders committed to the dignity, safety, and wellbeing of your communities. We are so proud to be partners with you in making sure that victims of crime in American Indian and Alaska Native communities have access to the services that they need and that they deserve.

Before we close, I want to thank Katherine Darke Schmitt for moderating our consultation today and I want to thank the OVC Tribal Division for their preparation and participation in making this happen. I also want to thank our contractors from Leidos and Saxman One who helped us to carry out this consultation and we couldn't have done it without you, so thank you. We are grateful to everyone for the expertise that they brought to the table today. So thank you again. I wish everyone good luck and good health. And my understanding is we have an official closing to this afternoon's consultation which Katherine will introduce. Thank you.

KATHERINE DARKE SCHMITT: Thank you very much, Director Rose. Even a year and a half into the pandemic, we are all navigating on how to make a consultation work effectively over video platform, and so we're going to do things a little out of order. Forgive me for this, but I want to make sure that we are having representation and testimony from folks who have taken the time to join us. And I understand that we may have either First Chief Robert Walker of Anvik on. And then after that, we may have a statement representing Chief Pitka. So, Daryl, can you see if we can get Chief Walker's line open to give testimony. Director Rose, we're going to proceed through these next two and then we will check in again about whether it's time to do the formal closing. Thank you for your flexibility.

DARYL FOX: Yes, Katherine. So I guess, first, Janelle Chapin would like to speak on behalf of Chief Pitka's statement that she would like to read. So if we want to start with Janelle Chapin, then we'll work with getting Chief Walker on. He's on the telephone line right now so we're unable to designate what line is his but we'll work behind the scenes if you want to go to Janelle Chapin first.

KATHERINE DARKE SCHMITT: Thank you. I am grateful for you working behind the scenes. Ms. Chapin, we are going to open your audio line. If you are by video, would you like to have your video feed opened as well?

JANELLE CHAPIN: Yes, please.

KATHERINE DARKE SCHMITT: Okay. Thank you. That should take us a second. You're into the panel so your line will be open. You can turn your camera on on the bottom of the screen. Thank you for your patience and we are ready for your testimony.

JANELLE CHAPIN: Good morning. And thank you. Sorry. I don't—I wasn't set up. We just found out that Chief Pitka was quarantined this morning with her family, so she asked me to read her statement for her. So I'm reading this on behalf of Chief Rhonda Pitka of the village of Beaver. Beaver is located on the north bank of the Yukon River, approximately sixty air miles southwest of Fort Yukon and a 110 miles north of Fairbanks. It lies in the Yukon Flats National Wildlife Refuge. The population of Beaver is mixed Athabaskan and Yupik Eskimo. Our—their economic subsistence driven relies on moose, salmon, bear, and waterfowl. Merge—sorry. I have a cough. The lack of fish returning has had a big impact on their community this year and in the years past and the winters have been extreme with temperatures as low as 60 below. This year they've had rain which has worsened the winter. Her—my oral—I'm going to read it in first person. Sorry. That's how it's written. My oral testimony today will focus on the questions you have had within the framing paper and related considerations after I share what I believe to be important for our communities. We appreciate the work that OVC and our staff have done in getting this tribe—tribal program up and running. These funds have provided much needed services and we appreciate all the assistance that has been provided. We appreciate how OVC has considered our input as tribal leaders and are—have modified the administration of the program.

However, I have noticed for this event that—oh, goodness. The notice for this event was short, not timed well given the holidays as we recommended that you allow for written comments through the end of February at the very least. As you are probably aware, recent studies show—shows such as the National Institute of Justice research report on violence against American Indian and Native women and men documented dire safety circumstances that Alaska Native villages are in as a result of their unique geographic situation. One startling statistic is that 38 percent of native victims are unable to receive necessary compensation to 15 percent of non-Hispanic White female victims. I would like to talk about the need for more education about what is allowed under the program with a broader conversation about disallowable costs, and about how we can meet the needs of our communities.

The current—the current crisis and spectrum of violence committed against American Indian Alaskan native woman as a result of systematic barriers created and continued through stark law and policies of federal Indian law. Many tribal nations in Alaska and throughout the nation lack the necessary infrastructure to create standalone grant

systems that can be supported by an administrative body. Some of the states in which tribal nations are located do not have the necessary systems in place. So how can tribes who have—who have had to band together to protect their communities be expected to provide services in a limited fashion, leaving many other critical needs unaddressed? For example, in Alaska, many of us have no advocacy services, law enforcement, 911, or state offices to file a complaint. Given the separation of geography, language, and culture when a crime occurs, tribal leadership, social services, workers, or family members are the first to respond, preserve evidence, and provide victim services. The role of three agents of these agencies, the jurisdictional—oh, goodness, I'm sorry. Give me one second. The jurisdiction boundaries in Alaska create extremely dangerous conditions for the small remote communities. How can tribal nations be expected to create victim services in isolation of other needed services and programs to address the crime itself to just confer—conform to what is allowed by OVC? How do they effectuate change without addressing the underlying issues? While Alaska Native composed approximately 90 percent of the state's population according to a 2017 report from Alaska Crime Justice Commission 46 percent of all reported felony level sex offenders—offenses involve Alaska Natives.

While tribal governments to address—I just missed a whole sentence. While the situation for Alaska tribal nations may be extreme is an example of the very needs of tribal governments to address the disproportionate violence that sadly burdens our tribal citizens. Tribal nations cannot be given restrictive guidelines for funding a very narrow class of victims or related issues as prioritized by bureaucrats in Washington D.C., who have an abundance of resources available when—should a crime occur. We have many victims in our approach to treat the entire community, from the victim to the perpetrator. How else will the community change? The need is great in tribal nations need the ability to fully access in our terms, what is needed and how programs should be developed. Tribal authority must be respected to create what is needed into adequately served tribal citizens.

These recommendations will be developed more further below, while we will address the questions in the framing paper, we will also provide input about the following in general in its existing format. The underfunding of tribal justice systems is—has resulted in the loss of lives, high rates of criminal victimization, under duress trauma for generations of victims. Most recently, the BIA submitted a copy—submitted a report to Congress estimating that to provide a reasonable base level of funding to all federally recognized tribes, \$1 billion is needed for tribal law enforcement. A billion dollars is needed for tribal courts. And \$228.8 million is needed for determent—detention, sorry. We are not aware of a similar estimate of need for traditional victim services based on recent appropriation levels. The BIA is greatly—is generally funded tribal law

enforcement about 20 percent of the estimated needs, tribal detention at 40 percent of estimated needs, and tribal courts is dismal as three percent of estimated needs. In Public Law 280, states the tribe has virtually no BIA law enforcement present or funding for courts in law enforcement other than what is appropriated from year to year. Essentially providing no sustainability or safety for federal agencies to assume that tribes should conform and operate similar to state programs does a disservice to the victims.

Alaska specific recommendations, one, funded Alaska-based TA provider that has acknowledged—has knowledge and boots on the ground understanding of the needs, barriers, available resources, and logistics, not just a cultural representation from a national TA provider to provide TA especially with allowing construction. Our situation in Alaska is much different and we need an organization that understands our issues. We waste so much time educating on our needs, and that our needs are often overlooked or not fully addressed.

Two, we need to address the increased cultural activities that will promote and increase traditional ways of learning values, family community connection, self-worth, measured and doing for others and community members. This culturally based connection, self-worth, and sense of value as a contributor will reduce incidents of harm. When harm is done, the victim is more likely to seek help from within the community. And that community will have the tools and knowledge of how to address the victim in the person who has done the harm. The community is empowered and able to adjust the situation in a holistic, caring, and healing manner.

Our tribal—three, our tribal community must be allowed the ability to design victim community center programs that directly address the needs of those harmed, as well as those committing the harm.

Four we lack law enforcement, requiring many hours, and sometimes days to respond, especially in rural remote communities, even medium-sized towns and surrounding areas help gets delayed, while law enforcement has to figure out which agency has jurisdiction. What good is victim services if we have no one to call about the crime, and no one to enforce the crime.

Five, the chronic lack of housing—safe housing and shelter in all communities, large and small creates a dangerous and traumatic situation of victims having to be in the same vicinity and sometimes same household as the perpetrator. This leads to the victim and children being forced to relocate, often to one of the hub communities where they have very little support, no family, and can easily fall prey to traffickers,

homelessness, addiction. The victim services throughout the state, not just to victims home community.

Six, OVC needs to increase the cultural activities that will promote and increase traditional ways of learning values, family, and community connection, self-worth, measures and doing for others, and community members. This culturally based connection, self-worth, and sense of values as a contributor will reduce incidents of harm when the victim—when harm is done, the victim is most likely to seek help from the community, within the community, and has the tools and knowledge of how to address the victim and the person who has done the harm. The community is empowered and has the ability to address the situation in a holistic, caring, and healing manner.

Seven, to do anyone or all of these above, each tribal community must be allowed the ability to design victim and community center programs that directly address the needs of those harmed as well as the commune—as those committing the harm. There are two victims, the ones who have been harmed right now, and the one who is responsible for committing the immediate harm, who is learning that behavior with past harm done to them. Those that have harmed—those that have hurt, have unhealed wounds. And then the third victims are those that have heard, saw, or lost civility from the situation.

National recommendations, the NCIA Task Force has urged the DOJ to establish a working group of tribal experts to help guide the development of the TVSSA Program and provide input on programmatic decisions on ongoing basis. Had there been a standing workgroup, there would have been a regular meeting, which tribal subject matter experts would have provided input regarding the challenges that have been identified thus far, and help with properly framing the issues with a framing paper as one expects of a benefit—is one example of a benefit. We recommend that OVC appoint a standing group, a standing working group of tribal experts to improve the TVSSA Program.

Next, as to your questions. One, should OVC allow the cost of new constructions or buildings for use of shelter, transitional housing units, and other structures to the extent that they will be used to meet the needs of crime victims for future TVSSA Program? Yes, maximum flexibility should be provided to address the needs and the flexibility and reflect the housing difficulties that victims have had in remote areas and harsh weather. We should be able to do whatever is necessary for victims and allow for short-term solutions.



Two. Should OVC issue a separate competitive solicitation for tribes that are interested in obtaining TVSSA program funds to support the construction of our facility? What are the practical barriers to completing the construction of a—of a victim service-specific facility on trust lands that OVC should be aware of, as it plans for the policy change? No separate solicitation. The funding should use a self-governance model to allow so much for victim services, and to allow the tribes once given funding amount to provide a budget of where the funding will go, healthcare, mental health, housing, et cetera. The BIA self-governance model could be reviewed and similar approaches used for victim services

B, when is a realistic timeline for the completion of a construction project based on trust land? Costs can be very expensive. Construction can be limited in Alaska. Thus need the greatest flexibility whenever possible. You've heard many of the challenges that we face when our constructions—with our short construction season, and the need for additional supplies and costs as the supplies are needed.

C, what challenges might a grantee who you uses TVSSA programming funds to construct a facility encounter with long term facility maintenance? A maintenance plan should be part of any construction proposal. The second set of questions will be answered in a general manner. OVC should utilize a tribally based view of all the activities that would improve services to victims of crime as set forth in the FY 2020 Commerce, Justice, and Science appropriations bill, which provides for the TVSSA. Different tribal nations would have different needs and TVSSA funding must be flexible enough to meet these needs. Additional needs of the American Indian Alaska Native victims differ significantly from non-native victims based on location outside of Indian Country. Congress entitled or enacted the TVSSA to rectify a long-standing inequity between tribal nations, state, and tribal governments. OVC must respect the sovereign rights of tribal nations to self-determination as they respect the sovereign rights, a state government to self-determination.

While the non-indigenous communities may not have the needs associated with systematic and historical victimization that American Indian Alaska Native communities do, and we do have the ability to address these needs in adequately funding tribes in recognizing the self-determination authority, and creating culturally appropriate historical services. The OVC funding is a way to achieve these through comprehensive victim services. In closing, I would like to thank all of you for your time and attention. Alaska tribes have faced—Alaska tribes have faced these national issues for immediate resolution. [SPEAKING IN NATIVE LANGUAGE].

KATHERINE DARKE SCHMITT: Janelle Chapin, thank you very much for being able to step in at the last moment to provide Chief Pitka's testimony. We are grateful that you were here and able to do that. We are going to [INDISTINCT] by phone. We need two people so Daryl if you can [INDISTINCT] Chief Walker if you can speak to see if we have correctly identified your line, just give us a sentence or two.

DARYL FOX: All right, Line 11 is unmuted. Chief Walker, is that your line, sir?

ROBERT WALKER: This is Robert Walker. Yeah. Are you calling me?

KATHERINE DARKE SCHMITT: Got it in one.

ROBERT WALKER: Okay. You can hear me? I can barely hear you guys because you're cutting in and out. Something to do with our weather, I think.

KATHERINE DARKE SCHMITT: We can hear you Chief Walker, please proceed when you're ready.

ROBERT WALKER: Okay, thank you. I appreciate you giving me this time. I was kind of running late on other things I had to do but everybody has excuses every time we have to do something. Thank you for giving me and offering me this opportunity to testify. Good morning. My name is Robert Walker. I'm the First Chief of the Native Village of Anvik. This is my home. So our communities and Anvik tribal citizen's well-being and safety are a priority for me and our tribal council, the Anvik tribe is a Deg Hit'an and Athabascan community with a rich history. We are located on the west bank of Yukon River, in the interior of Alaska. Excuse me. We are an isolated tribe with 392 enrolled members and less—and less than 100 members living in our traditional lands around the Anvik. Access to Anvik is by small boat, small plane, snow machine, and barge, that's pretty much how we have to get into Anvik providing with the weather.

At this point in time, we have no law enforcement. We have a vacant position for our PSO, the public safety officer, which is funded through the state and position continued to be vacant. And we did have a COPS grant for our tribal police officer, and we're still too late respond to a domestic violence call went terribly wrong. Fortunately, no one was harmed but there was no backup for this incident, only the chief and Tribal Administrator had to step in. Our TPO resigned because of the fallout of that call. On that call he was concerned for the safety of his family. So again, we are back to the drawing board to provide basic public safety to our tribal members. [INDISTINCT] a hub community located one and a half hours away by airplane, are responsible for responding to calls in Anvik and the surrounding villages. The state has three troopers

on call for four to six villages. There is marks, travel in and out of Anvik often and possible for days, there's been law enforcement and not able to get to the village, for much of the year due to the weather. This is not a new situation.

The COVID-19 pandemic has added another layer of condition that impact our communities since March 2020. There has been no regular flights service to the village of Anvik because of airlines that was daily provided with twice a day service went bankrupt, because of the pandemic and COVID restrictions on travel, so—and that was what you call Ravn Air that did this and it really left us in a hard spot where—because we didn't have—and victims doesn't have a health aid and the nearest provider in Antioch vessel which is 1.5 to four hours away by airplane. This created dire situation, made much worse during the global pandemic. COVID-19 with the increased potential for widespread community infections, and no means of healthcare or those [INDISTINCT] or to even quarantine is extreme dangerous for every person in our community, and the village has imposed local mandates to help stop the spread, but efforts are hampered by the lack of housing. And that's one of the issues that was brought up not only now but time before—time before with the state and the federal government, which at the time of this living together, quarantining is very challenging.

This bad situation really becomes worse when someone is being victimized in their home with no local safe house or transportation to get to a shelter. The space can't be found, no regular shelter, no healthcare provider, and no law enforcement safety. There's not available in our community.

Alaska is a PL-280 state, thus tribes share jurisdiction with the state government because of the federal-run state laws, policies, and allocation of resources including the Department of Interior prior policies, not to fund tribes in Public Law 280, states tribal response has been a problem, leaving the investigation and persecution of policy of crimes including violence against women, are truly health safety and welfare issues. And such assistance is required by the federal trust responsibility.

Just last summer we were finally certified by the 2012 rape case and kit was finally tested, and the perpetrator identified eight years later. Crimes like this have a huge impact on communities' feeling of safety. Let me tell you a little bit of this incident happened nine years ago and all of a sudden it just came to view that it was—they found the perpetrator because of this—and this was really amazing because it was all long forgotten, and all of a sudden the Alaska State Attorney General made some calls and notified the proper people on what the procedure happen and they did find the perpetrator who lived out in the Lower 48. So this was pretty interesting but it was a long time and it was pretty much left, but this—but this really opened up another thing for us.

Alaska is a PL-280 state, thus Indian Tribes share jurisdiction with the state government because of federalized state laws, policies, and authorizations. Our research include the Department of Interior [INDISTINCT] policy [INDISTINCT] tribe and Public Law 280 states tribal response have been throttled leaving the investigation and persecution of policy of crimes including violence against women and children to the—to the state. I also like the federal government has failed to write for public safety in Alaska Native villages according to the tribal law and other commission report, about 40 percent of our communities lack law enforcement. Many villagers' crimes go unpunished as of today. We continue to share with you in hopes that you will understand the unique condition that exists in our communities in Alaska that demand we be creative in providing a local response.

We would like to address several issues at this time and respectfully submit our concerns and recommendation. The testimony yesterday really focused on what OVC wanted to hear about what a true government relations required and agenda raised issue that we report to our communities. And this is something that we all just have to—really have to really to work with the federal government [INDISTINCT] without tribal council would be either 11:00 to 4:00 service. All these coincide with what has to be with a government consultation because if we don't do this here we're going to be lost. And this is something that we have to look at and has look at the BIA. But I am a product of Los Cerritos High Schools out in Salem, Oregon, so this is something that Mike Williams did bring up, and I understand that being taken away from our home and brought to a new foreign place is very, very traumatic to live on. President Biden in his first year reaffirmed that EO 13175 constitution policy and created this own—created his own in the Executive Order 14053 and highly—and recognized a partnership listening to tribes and survivors as to what would work. Well, as you stated, my administration understands what Native American people, particularly the survivors of violence know best what the communities need to make them safer. And successful engagement, commitment, and collaboration would drive long-term involvement to our public safety for our Native Americans. So, I'm just glad that Mr. President has made a—made a statement on this—to where it should be brought forth and be recognized by the federal government.

The crime victims funded program has been in existence since 1984, and was created for the state and federal victims of crime, and a very different than who we are and what we—our needs are. Tribes especially small tribes do not have the infrastructure even to begin creating a program with existing parameters of the TVSSA, the structure of the program may be appropriate for states that have numerous resource available to them, that tribes do not, and in some cases, never will. Tribes need the flexibility to address needs to the communities and victims' needs. No victim can receive justice if there is no

emergency response available and no system in place to accommodate [INDISTINCT] where the perpetrator did the crime.

Our recommendations are as—and let's be clear, moving on. TVSSA would allow for Tribal response service including court services, cost included, the cost of holding the perpetrator coming from other measures that provide a comprehensive program to systematic changes here.

Two, OVC should utilize a tribal-based view of what constitutional activity and there would be improved service to victims of crime to set forth in the FY 2020 Community Justice and [INDISTINCT] appropriations bill which provided for the TVSSA.

The third, tribe relations would be a different need and TVSSA new funding may be [INDISTINCT] supposed to meet the—meet these needs. Number three, we urge the Department of Justice, DOJ, to evaluate the overall grant programs and are open to use CBF for example, states have been able to place victims, coordinator staff with law enforcement, state troopers [INDISTINCT] OVC law enforcement-based Victims Services and TA programs. So, these grants, since the stations in for a tribe but failed to recognize the tribes located in the Public 280 states may now—may not have law enforcement and have lasting authority. This goes back to what we discussed earlier about the PSO, the Public Safety Officer and also the TPO or Tribal Police Officer, which an eligibility requires of the grants so far, tribes located in Alaska and California, 229 and 109 respectively, and those in the four other mandatory states would be eligible to apply for these grants, more than one-half of the tribes in the nation who are already under resources. These tribes need more help not less. We have been through for many programs under federal government.

Number four, the additional—a large number of states use their CVF funds for child welfare programs such as Court-Appointed Special Advocates, CASA, tribe welfare program and other meaningful programs. The tribe welfare programs are usually understaffed and underfunded yet there is no target education information for tribes and how many programs could be utilized. Many tribes do not realize that the tribe welfare program fund would be funded through the programs, they provide education from above, how to, you know—and just to add to this, too, is watching this grow over the last 10 years that we have worked with this, and every tribal village has its ups and downs. And people coming, people move, we train people, and they find better jobs and, you know, and this—and this with our TFYF, it's just one of those things we have trained a lot of people and we have lost a lot of people because of these issues that we're not paying enough money—we don't have enough funding, and this is really—where do we go with this? I mean, if you look at our programs, most of them are based out of

Anchorage, Fairbanks, how many do you see based in the Bethel, Antioch, McGrath? Your—and this is something that we have to deal with here.

And I know that working with these—with these—our health providers Yukon Kuskokwin health creation, YKG, and they have issues here, too, but we are, like, two hours away. By the time they get here, it's—so they have to schedule them, they have, like, two days later didn't even show up and they'd only be here like half an hour because of their flight time and their plane is down to so many hours because in rural Alaska, all aircraft have a time limit for the day, for the week, for the month, and the pilots' hours. So, these are have to be justified somehow where we could get more time, more work done because we are on a off-road system. And just as we—like I said, aircraft is our taxi and a lot of it is our travel. So, I thank you for your time for this right here and I know I used time—a lot of time. Some of you guys, it's past your lunchtime, so thank you very much. My name is Robert Walker and I thank you.

KATHERINE DARKE SCHMITT: ...Walker, thank you for your time. We are glad that you gave us testimony today. We are going to break until 4:15 so everyone can refill their coffee cups or their water bottle and stretch their legs. If there are tribal leaders or tribal designees who are present in the consultation and wish to make remarks before the end of the afternoon, please include your information in the chat. Our team is watching it and we'll build a speaker queue from anyone we hear from in the chat. If you are a tribal leader or a tribal designee and you do [INDISTINCT] us to the chat or are connected to us only by phone, I'm going to read a number for you to text to let us know that you would like to give testimony. I'll say it twice, and slowly. If you cannot use the chat to let us know you want to give testimony, please text this phone number. 202-598-9803. I'm going to repeat that number again. 202-598-9803.

Everyone please take a few minutes break. We will reconvene at 4:15 with remaining speakers and the formal closure of our event when it's appropriate to do that. Thank you so much for your time.

Thank you, everyone. I'd like to welcome back Office for Victims of Crime Director Kristina Rose, to thank again all of you who participated this afternoon. Director Rose?

KRISTINA ROSE: Thank you so much, Katherine. And thank you to everyone, again, for your time today. We so value the testimony that you gave and we look forward to your written testimony. Our colleagues from the Office on Violence Against Women have put a tribal leader notice, a dear tribal leader notice of the Violence Against Women and Tribal Consultation into the chat. We look forward to receiving your population certification. And I want to thank those who gave testimony today,

Councilwoman Majel Dixon, Chief Williams, Ms. Chapin on behalf of Chief Rhonda Pitka and Chief Walker. Thank you so much again. Katherine, back to you.

KATHERINE DARKE SCHMITT: Thank you very much. It is now my pleasure to welcome Michelle Demmert who will conclude our program today. Michelle Demmert is of the Tlingit, Eagle, Man's Foot Clan and serves currently as an elected delegate. She is the former elected Chief Justice for the Central Council Tlingit and Haida Indian Tribes of Alaska and is the Law and Policy Director of the Alaskan Women Native Resource Center. We are honored that Michelle has to present the closing prayer on this final day of our consultation. Ms. Demmert has worked in various capacities advancing domestic violence and protections for women and children since 1985. As Presiding Judge at the Chehalis Tribe for over 10 years, she assisted with amending code provisions that provides greater protections for women and children, as well as developing a court process that holistically address the needs of all participants. Among her many achievements, Michelle has provided testimony during Office on Violence Against Women and the Office for Victims of Crime Annual Consultation as the Chief Justice of the Tlingit and Haida to bring awareness to Alaska's specific issues, as well to testify before the Senate and House Committees on proposed legislation that would affect her community and tribes, and villages across the nation. Ms. Demmert, thank you and please proceed when you are ready.

MICHELLE DEMMERT: [SPEAKING IN NATIVE LANGUAGE] Thank you for the warm welcome. Thank you, Deputy Director Rose. It was wonderful to hear you today and to see you in person attend the consultation. We appreciate how busy you are and the time that you set aside to do this. And to Ms. Schmitt, I just look forward to meeting you in person. It will be a lovely event. I—so—and I think the consultation, you know, I really appreciate the flexibility that was shown today. It looked like sort of a fire drill, if you will, and that's how it, you know, in our COVID-era Zoom, how it works, so I appreciate that. So, I would just ask, as I prepare to close in a good way, that we all bow our heads. And if you'd like to join me in prayer, otherwise, just remain silent.

[SPEAKING IN NATIVE LANGUAGE] our protecting power and [SPEAKING IN NATIVE LANGUAGE] our ancestors, we give thanks to our federal and tribal leaders for their courage and work in addressing the difficult issues that our victims, communities, and families face, and to consider ways to provide more robust and needed services for our victims. Please give us the courage to create solutions that will continue to make a difference in the lives of our victims in our communities. Please watch out for those that testified today, opening their selves up and sharing the harsh reality that victims face is not easy, but it is necessary to move forward. Be near to all of those who have been touched by violence, those who have been hurt, lost their loved ones, or lost their sense

of direction and security. Please place your love with them and be with them to provide steady comfort.

We pray for the leadership in law enforcement who are entrusted to investigate these crimes. We pray for justice and reconciliation. Please watch out for those who have perpetrated the violence. The one who is responsible for committing the immediate harm has probably had harm caused to him or her and maybe unhealed. These wounds maybe unhealed. Please make us all more sensitive to the needs to protect our children from those who might harm them. Provide them with the strength and the love of our [SPEAKING IN NATIVE LANGUAGE] our ancestors. May hate be replaced with love, violence with peace, and darkness with your love. We ask you to bless each and every one on this call today to lift them up and provide healing. We ask for blessings, peace, and comfort. [SPEAKING IN NATIVE LANGUAGE] we are very thankful for your watchful presence. [SPEAKING IN NATIVE LANGUAGE] our protecting power. Amen.

KATHERINE DARKE SCHMITT: Amen. Thank you, Ms. Demmert for sharing that beautiful set of parting words for helping us close our consultation in a good way. Director Rose, are you ready for us to close the consultation?

KRISTINA ROSE: That was beautiful. Thank you.

KATHERINE DARKE SCHMITT: Thank you, everyone, for attending. This concludes the 2022 Consultation, The Tribal Crime Services Set-Aside from the Crime Victims Fund. Everyone be well and healthy. Bye-bye.