

OVC Government to Government Consultation – New Buffalo, Michigan  
August 20, 2019

**Jane Root, Executive Director**  
**Wabanaki Women’s Coalition, Tribal Designee**  
**TESTIMONY OF THE WABANAKI TRIBES OF MAINE**  
**Aroostook Band of Micmac - Edward Peter Paul, Tribal Chief**  
**Houlton Band of Maliseet – Clarissa Sabattis, Tribal Chief**  
**Passamaquoddy at Indian Township – William J. Nicholas, Sr, Tribal Chief**  
**Passamaquoddy at Pleasant Point – Marla Dana, Tribal Chief**  
**Penobscot Indian Nation – Kirk Francis, Tribal Chief**

Good Afternoon, Distinguished Federal Partners, Distinguished Tribal Leaders and Tribal designees from across Indian Country, and guests.

I am Jane Root, Executive Director of the Wabanaki Women’s Coalition the Tribal Domestic and Sexual Violence Coalition in Maine. I come before you today as the Designee for the five Wabanaki Tribal Governments. Specifically, Chief Peter Paul of the Aroostook Band of Micmac located in Northern Maine, a rural area on the New Brunswick Canadian border with a tribal enrollment of 1,444 members. Chief Sabattis of the Houlton Band of Maliseet located in Northern Maine along the Canadian border. The tribal enrollment is 1,804. The service area for both is Aroostook County, which is approximately 6,672 square miles, larger than the states of Connecticut and Rhode Island combined. It’s an economically depressed county, which makes finding affordable housing, transportation, and employment very difficult for everyone but especially for Tribal members. Chief Nicholas of the Passamaquoddy at Indian Township is located in Washington County, Maine, located in the northeastern part of the state, bordering Canada. The county covers 2,568 square miles with fewer than 34,000 residents. Approximately 1100 members live on the Indian Township reservation. Chief Dana of the Passamaquoddy at Pleasant Point is also located in Washington County. The enrollment is 2,213. Declining employment opportunities have contributed to lower incomes and limited economic prospects, making Washington County the most impoverished county in Maine. On the Passamaquoddy reservations, the unemployment rate is at 65% (USDOJ 2009). Chief Francis of the Penobscot Indian Nation is located in Penobscot County. It is the only reservation that is near an urban area. Although in Maine with a total population of less than 1.5 million people an urban area is a town larger than 10,000 residents. The Penobscot Nation

has one of the oldest continuously operating governments in the world. Currently, the census lists 2,404 members. The land base today is only a fraction of what their ancestors occupied. Their ancestral territory included many rivers that flow into the Gulf of Maine. These include all the watersheds from the Machias River in the east, to Cape Ann in Massachusetts.

As research has shown, American Indians are 2.5 times more likely to suffer sexual assault violence compared to all other races, and one in three Indian women reports having been raped in the course of her lifetime. The five Wabanaki communities are fortunate in that each has an OVW funded Domestic and Sexual Violence Advocacy Center that serve the victims/survivors of domestic and sexual violence, dating violence, stalking and sex trafficking. The five Wabanaki Advocacy Centers are members of the Wabanaki Women's Coalition a Tribal Domestic and Sexual Violence Coalition funded by the OVW Tribal Coalition Grants. The TA provider that is most readily available and accessed on a daily basis is the Wabanaki Women's Coalition.

### **We would like to address some of the OVC SET ASIDE FUNDING ISSUES**

**INADEQUATE FUNDING DENIAL EXPLANATION AND ASSISTANCE:** When the FY2018 Set Aside funding was announced there were numerous webinars and in person meeting to explain the funding and encourage applications. It was indicated to the Tribes that everyone who applied for allowable purposes would be funded. Accordingly the five Wabanaki Tribes submitted FY2018 Phase One applications to expand their Domestic and Sexual Violence Advocacy Centers. All five applications were similar in their proposals and all five were invited to submit Phase Two applications. All submitted Phase Two applications for allowable projects. However, two were denied funding without an adequate reason. We've heard this happened to a number of Tribes. We learned later that DOJ reported that it failed to distribute nearly 25 million of the \$133.3 million appropriated for FY2018 and instead returned those funds to the US Treasury. This is unacceptable. At the very least the Tribes who were denied at Phase Two should be been contacted to resolve the issue the OVC used to deny funding.

**ISSUES WITH OVC REPORTING REQUIREMENTS:** The Tribes that did receive an award are required to submit programmatic reports quarterly and also semiannually. This means that twice a year the Tribe will have to submit two reports for the very same reporting period. This is excessive. OVC should take the

lead from OVW who has been funding Tribes since 1995. OVW has adapted over the years to what works best of the Tribes.

**RECOMMENDATION:** OVC should follow OVW's format with semi-annual programmatic reporting.

**DELAYED BUDGET APPROVAL:** The FY2018 grant awards were made on various dates which made the process confusing. The Award letters were dated a couple of weeks before the Tribes were actually notified. The budget approval process has been very slow. Of the three Wabanaki Tribes that were awarded funding only one recently received notice that their budget was approved. HOWEVER, even that grantee was subsequently asked to provide more information before drawing down funds. The grant cycle which is for three years is April 15, 2019 – April 15, 2022. Grant budgets are taking 4 or more months to get approved. This brings us to an issue of grant extensions.

**GRANT AWARD PERIOD CANNOT BE EXTENDED:** OVC's has announced that they will not allow grant award period extensions even though they are slow in approving budgets. This will cause the grantee to not be able to expend the full amount of the award that was based on 36 months that will be reduced to 32 months or less for many grantees. This may be due to a severe lack of staffing at OVC and a lack of experience working with Tribes.

**RECOMMENDATIONS:** First and foremost change the policy on extensions and allow an extension for as many months as it takes for budget approval and fund drawdown (i.e. if it takes 6 months to receive a budget approval from OVC then they should be able to extend the award period 6 months). Secondly, OVC needs to hire adequate staff to assist grantees. Third, OVC learn from OVW best practices in Tribal granting.

**SPECIAL CONDITIONS:** The Special Conditions attached to the funding are excessive and in some cases inappropriate for the funding requested.

**TA PROVIDERS:** The Wabanaki Domestic and Sexual Violence Advocacy Centers report that they are receiving numerous demands from agencies naming themselves as OVC TA providers. They are aggressive and present themselves as if it is mandatory for the grantee to complete their request for information even though the TA provider is not specifically addressing domestic and sexual violence victim services

**RECOMMENDATION:** Require that TA providers demonstrate their years of expertise in administering Victim Services in Indian Country. Actual on the ground experience not learning about it from others experience. Ask people in the field of providing services for over 10 years for recommendations of those applying to be TA providers. Award TA funding only to experienced, knowledgeable Tribal organizations.

**RECOMMENDATION ON APPROVED PURPOSES:** Since construction is not explicitly unallowable and since it is a major victim service need for most all Tribes; OVC need to open up the grant purposes to allow construction and or rehabilitation.

**FORMULA FUNDING:** The Wabanaki Tribes support formula funding ONLY if it is equitable for the majority of Tribes which have smaller populations. A purely census population base is unacceptable. The Tribal FVPSA formula is NOT to be replicated as it is antiquated and even the FVPSA office admits it is not equitable to the majority small tribes. They are looking at other options for the future.

**RECOMMENDATION:** We recommend that an Advisory committee be developed immediately. All too often DOJ takes years to appoint advisory group. This cannot wait. This advisory group should be appointed to provide guidance to OVC on the administration of the funding to help ensure that the program is designed in a way that will work for all Tribes. Tribal representation on the Advisory Committee needs to come from every region of the Country and equally from tribes of various sizes to help assure that every sized/region tribe has a voice in the process.

**STAFFING:** OVC needs to hire adequate staffing to successfully administer the Tribal Funding and create a dedicated Deputy Director of Tribal Affairs within OVC as Is in OVW.

**UNOBLIGATED FUNDS:** Any funds that are unobligated at the end of the fiscal year must REMAIN AVAILABLE for TRIBES.

#### **SURVIVE ACT (S. 1870/H.R. 4608)**

The passage of the Survive will give Tribes the resources to address the many needs of crime victims in our communities. The 2018/2019 OVC Tribal Set Asides are a step in the right direction and will give us an opportunity to increase victim services but since it would have to be added by Congress each year it is far from reliable.

Under the current system of VOCA distribution it is estimated that less than 0.5% reach Tribes. The Survive Act will make distribution to Tribes a permanent fix to the disparity that Tribes has faced for decades. There are many issues on how OVC handled the RFP and grant process with the set aside funds that we addressed yesterday at the OVC Consultation. **RECOMMENDATION:** VOCA budget include a permanent 3% direct tribal allocation. Incorporate the SURVIVE into the VAWA Reauthorization.

**SAVANNA'S ACT:** We DO NOT support expanding the scope of Tribal Governments Program from the focus on violence against women crimes to any missing or murdered case, regardless of its connection to domestic violence, dating violence, sexual assault, or stalking. We DO NOT support reducing funding currently available to support tribal services.

**RECOMMENDATION:** Additional funding needs to be appropriated to support the Savanna's Act. Taking from already inadequate funding in the Tribal Governments Program is not a viable option.

Welalin/Woliwon –Thank you