



FY 2022 OVC Crime Victims Fund Tribal Set-Aside Formula Program Tribal Consultation Framing Paper

ISSUE #1: EXPANDING ALLOWABLE GRANT-FUNDED ACTIVITIES TO INCLUDE MAJOR RENOVATIONS AND CONSTRUCTION

Background

Since the first Tribal Set-Aside from the Crime Victims Fund in Fiscal Year (FY) 2018, the Office for Victims of Crime (OVC) has encouraged applicants to its Tribal Victim Services Set-Aside Formula Grant Program (TVSSA Program)¹ to think expansively and creatively about how to best use TVSSA Program award funds.

Among the allowable expenses under the TVSSA Program², include “minor renovations” to existing structures (e.g., painting, replacing windows, doors, or flooring), as well as the purchase, site preparation (e.g., grading the site, installing a foundation) and, in some cases, installation costs associated with mobile homes/trailers reasonably necessary for the victim service project³.

OVC is committed to re-examining its policies and practices to identify opportunities and remove barriers to supporting tribes in providing holistic services to crime victims. This past year, OVC’s Tribal Division staff reassessed its policy of restricting TVSSA Program grant recipients from using their grant funds to pay for major renovations or new construction, to identify the obstacles to allowing such activities. Based on this review, OVC has determined it would be possible to permit major renovations to existing structures, and new construction with TVSSA Program funds in future years, as long as certain supports addressing National Environmental Policy Act (NEPA) review requirements are put in place for TVSSA Program grantees.

Therefore, beginning with its FY 2021 TVSSA Program, grantees that proposed to use award funds for facility renovations, modifications, or to acquire and install a mobile home, will complete an assessment to determine whether a formal NEPA review is necessary. OVC has hired a technical assistance contractor, using \$251,323 in FY 2021 TVSSA Program funds, to support grantees in the NEPA assessment and any subsequent review process necessary prior to proceeding.

¹ Congress has not passed an FY 2022 appropriations for the U.S. Department of Justice. For purposes of discussion, OVC is assuming that Congress will again carve out a set-aside for tribes as part of its annual allocation of Crime Victims Fund receipts, and that the set-aside will be comparable in amount and requirements to the set-asides from previous Fiscal Years.

² Allowable expenses include: personnel costs; community needs assessment; strategic planning; victim service program development and implementation; victim service program expansion; community outreach and education; purchasing or procuring tangible items related to victim services; and other activities needed to address the needs of a wide variety of crime victims in tribal communities.

³ Applicants typically include these items in their itemized budgets. After budget approval, OVC requires grantees to submit a more detailed itemized list of proposed renovations, modifications, and installations to OVC for review (which can involve other DOJ offices) for National Environmental Protection Act (NEPA) implications. Upon the approval, the grantee is permitted to proceed.



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Also beginning in FY 2022, OVC may consider a limited number of applicant requests to use TVSSA Program funds to cover the costs associated with major renovations. Applicants who use grant funding for these expenses will need to complete a post-award NEPA assessment with the OVC-funded technical assistance provider.

In future Fiscal Years, OVC could potentially support TVSSA Program grantees in using their grant funds to pay for new construction of facilities to support crime victims, including, but not limited to: shelters for victims of child maltreatment, domestic violence, and human trafficking; multi-family dwellings that can be used as transitional housing units for victims of crime; child advocacy centers; and specialized inpatient substance abuse treatment centers for victims of domestic violence, including those who have minor children. If OVC allows construction with TVSSA Program grants, it will be necessary to use a portion of the annual Set-Aside from the CVF to pay for the technical assistance required to ensure federal environmental requirements are met. OVC would need to contract with firms to do this work, at a rate to be determined, but which would likely be between \$25,000–\$50,000 per project. OVC would revise the population certification form to include a yes/no check box for whether the tribe intended to use grant funds for construction each year.

Questions for Consultation

1. Should OVC allow the costs of new construction of buildings for use as shelters, transitional housing units, or other structures to the extent that these would be used to meet the needs of crime victims with future TVSSA Program (anticipated FY 2023)?
2. Should OVC issue a separate, competitive solicitation for tribes that are interested in obtaining TVSSA Program funding to support the construction of a facility (shelters, transitional housing, child advocacy centers, etc.)?
 - a. What are the practical barriers to completing the construction of a victim-services-specific facility on trust land that OVC should be aware of as it plans for this policy change?
 - b. What is a realistic timeline for the completion of a construction project on trust land?
 - c. What challenges might a grantee who uses TVSSA Program funds to construct a facility encounter with long-term facility maintenance?



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ISSUE #2: ENHANCING THE FY 2022 TVSSA APPLICATION PROCESS

Background

OVC has been engaged in a continuous review and improvement of the TVSSA Program application process over the past four Fiscal Years. In FY 2020, in response to input from Tribal leaders during consultations and listening sessions, OVC adopted a population-based allocation formula for the distribution of set-aside funds. Since then, OVC has solicited feedback from OVC's tribal grantees on issues impacting their TVSSA Program awards by conducting periodic surveys, and hosting virtual grantee check-in events. As a result of feedback collected from Tribes in FY 2021, OVC changed its policy to allow TVSSA Program grantees to apply for project periods of up to 60 months, and also offered applicants alternatives to submitting a traditional, 20-page program narrative, such as an interview process or checklist. We have engaged in subsequent surveys and listening sessions with TVSSA Program grantees to assess how these changes have been received and whether further changes to the application process should be considered.

OVC remains steadfast in its goal of ensuring that the funds from the set-aside are used to maximize the benefit to federally recognized tribes by using the majority of the set-aside to make direct awards to tribes, tribal consortia, and organizations acting as the authorized designee of a tribe. For FY 2022, OVC intends to continue to use a two-phase, formula-based allocation process. In Phase 1, Tribes intending to participate in the FY 2022 TVSSA Program will submit a population certification, which will be used to calculate formula allocations for each participating Tribe; and in Phase 2, Tribes will submit applications with project plans and budgets.

Questions for Consultation

1. If your Tribe considered participating in the FY 2021 TVSSA Program, but ultimately did not participate (e.g., submitted a population certification in Phase 1 of the application process, but did not submit an application in Phase 2; or, decided not to participate in either phase), what factors influenced your decision?
 - a. Of the factors that influenced your decision not to participate, which of them do you anticipate will continue to be a barrier to completing the TVSSA application process in FY 2022?
 - b. Which, if any, of the barriers to completing a TVSSA Program application can OVC help you to overcome?
2. As described above, OVC has implemented several changes to the application process (adopting a distribution formula, offering applicants alternatives to the traditional program narrative requirement) to streamline the TVSSA application process. What additional steps can OVC take to make the application process less burdensome?



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3. What kind of technical assistance might applicants need to prepare a Phase 2 TVSSA Program application?