



United South and Eastern Tribes, Inc.

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Submitted via email to:
shena.williams@acf.hhs.gov

November 17, 2014

Shena Williams, Senior Program Specialist
Family Violence Prevention and Services Program
Family and Youth Services Bureau
Administration on Children, Youth, and Families
Department of Health and Human Services
1250 Maryland Ave SW, Suite 8213
Washington, DC 20024

Re: Comments of the United South and Eastern Tribes, Inc. on the Administration on Children and Families' Consultation on the Family Violence Prevention and Services Act (FVPSA) Funding Formula

Dear Ms. Williams,

The United South and Eastern Tribes, Inc. (USET) is pleased to provide the Administration for Children and Families (ACF or the Agency) with the following comments in response to the Agency's October 5, 2014 request for consultation on the current funding formula for Family Violence Prevention and Services Act (FVPSA) grants to American Indian Tribes.

USET is a non-profit, inter-tribal organization representing 26 federally recognized Indian Tribes from Texas across to Florida and up to Maine.¹ USET is dedicated to enhancing the development of Tribal nations, to improving the capabilities of Tribal governments, and assisting the USET Members and their governments in dealing effectively with public policy issues and in serving the broad needs of Indian people.

Introduction

USET is encouraged that the ACF has again chosen to consult with Tribes on the funding formula for FVPSA grants. As the Agency is well aware, the rates of domestic and sexual violence in Indian Country are staggering: our women suffer from violent crime at 3 times the national average, with nearly 40% of all Native women experiencing domestic violence in their lifetimes. However, as with other programs in Indian Country, those

¹ USET member Tribes include: Alabama-Coushatta Tribe of Texas, Aroostook Band of Micmac Indians of Maine, Catawba Indian Nation of South Carolina, Cayuga Nation of New York, Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Eastern Band of Cherokee Indians of North Carolina, Houlton Band of Maliseet Indians of Maine, Jena Band of Choctaw Indians of Louisiana, Mashantucket Pequot Indian Tribe of Connecticut, Mashpee Wampanoag Tribe of Massachusetts, Miccosukee Tribe of Florida, Mississippi Band of Choctaw Indians, Mohegan Tribe of Connecticut, Narragansett Indian Tribe of Rhode Island, Oneida Nation of New York, Passamaquoddy Tribe at Indian Township of Maine, Passamaquoddy Tribe at Pleasant Point of Maine, Penobscot Indian Nation of Maine, Poarch Band of Creek Indians of Alabama, Saint Regis Mohawk Tribe of New York, Seminole Tribe of Florida, Seneca Nation of New York, Shinnecock Indian Nation of New York, Tunica-Biloxi Tribe of Louisiana, and the Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts.

dedicated to domestic violence response and prevention are woefully underfunded. If Tribes are ever to break the cycle of violence in our communities, we must have access to adequate resources. While we recognize that the ultimate solution to this problem is increased federal funding, it is imperative that the limited FVPSA funds reserved for Tribes are distributed in a fair and equitable manner. All Tribes, regardless of size, must have the opportunity to implement a program through FVPSA that responds to local needs.

Small Tribes Lose Under Current Formula

Of the 12 USET member Tribes that are FVPSA grantees, 4 Tribes have populations under 1500 people and 10 Tribes under 3,500, with the largest USET Tribal population totaling just 13,000 people. A majority of USET Tribal grantees, then, fall within the category of FVPSA's small awards. Since Fiscal Year (FY) 2011 small awards have fallen from \$23,598 to \$14,867 in FY 2012 and \$16,386 in FY 2014², in spite of a relatively stable appropriation. While ACF notes that this is due to a change in population counts via the U.S. Census, we are also aware that the vehicles for funding programs in Alaska have changed.

Regardless of the source, however, these changes amount to a drastic drop in purchasing power and the ability to operate meaningful domestic violence response and prevention programs in our region. Although there are other opportunities to apply for federal funding intended for this purpose through the reauthorization Violence Against Women Act, only 60 Tribes have been awarded these dollars. Compared with the 238 Tribes awarded FVPSA grants in FY 2014, it is clear that for many Tribes, FVPSA grants are the only opportunity to fund these programs.

Though we understand the Agency's intent is to distribute funding that is, "proportional for larger Tribes while balancing the need for basic services...for all programs," the current formula is out of balance. With such small grant awards, many USET Tribes are hobbled in their ability to provide a range of, or even basic, services. \$16,386 is not enough to hire a full time employee. In most cases, it is not enough to provide specialized services for children exposed to violence, or emergency and transitional shelter for victims and their dependents. It is not enough to support victims in freeing themselves from abusive situations once and for all.

Support for Formula Changes

At a minimum, USET supports ACF's proposal to increase base funding for the smallest Tribes from \$2,500 to \$5,000, thereby bringing FVPSA small grant awards back in line with FY 2011 funding. In order for FVPSA funds to be effective in all of Indian Country and not just for larger Tribes, base funding for small Tribes must be made more consistent. While larger Tribes may not be greatly impacted by losses due to population changes, for small Tribes, a nearly 40% reduction in funding translates to at the very least, major setbacks in their progress against domestic violence. To that end, we would encourage the agency to ensure that base funding for small Tribes remains stable by holding it harmless from changes to population or methods of funding regional programs.

In addition to providing more sufficient and reliable base allocations for small Tribes, USET also urges ACF to reexamine the method of distributing additional dollars. Using population as the only criteria for formula distribution leads to an imbalance that favors large Tribes, even with the Tribal population ratio. Looking to other criteria for formula funding might ease this imbalance. For example, the Special Diabetes Program for Indians, administered by the Indian Health Service, accounts for small Tribes in their formula by providing a "Tribal size adjustment."

² Small FVPSA awards in FY 2013 were \$14,071, but this number was impacted by a cut of 5.2% due to Sequestration under the Budget Control Act of 2011.

Transparency in Process

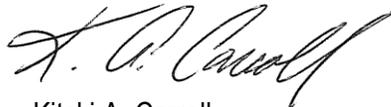
Although grantees are informed of the basic methodology used in awarding FVPSA grants, it is difficult to determine exactly how ACF arrives at final award numbers. For instance, ACF lists small awards for FY 2014 as being \$16,386. This number conflicts with the actual award amounts for 5 Tribal Grantees in Maine. For FY 2014, those Tribes were awarded \$13,671. This is not an insignificant discrepancy. As ACF reexamines its FVPSA grant funding formula methodology, USET would like to take this opportunity to request that, in the spirit of a fair process, it also seek to increase transparency as it determines awards.

USET appreciates the opportunity to provide comments. We are pleased that the ACF has recognized that the current FVPSA funding formula is not working for small Tribes and has chosen to highlight this through the Tribal consultation process. We hope that the FVPSA formula can be revised, so as to more broadly meet the needs of Indian Country, and expect that ACF will continue to consult with Tribes as a new formula develops. Should you have questions or require additional information please do not hesitate to contact Ms. Liz Malerba, USET Director of Policy and Legislative Affairs, at (202)-624-3550 or by e-mail at Lmalerba@usetinc.org.

Sincerely,



Brian Patterson
President



Kitcki A. Carroll
Executive Director

CC: USET member Tribes
Wanda Janes, USET Deputy Director
Liz Malerba, USET Director of Policy and Legislative Affairs
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"Because there is strength in Unity"