



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-080

TITLE: Urging the Administration to Consult on Funding for Tribal Assistance at DOJ

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, American Indian and Alaska Native women continue to experience epidemic levels of domestic violence and sexual assault in the United States; and

WHEREAS, the Violence Against Women Act of 2005 recognized that the United States has a "Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women;" and

WHEREAS, the Violence Against Women Act of 2013 reaffirmed the authority of Indian tribal governments to hold non-Indian domestic violence offenders accountable in tribal court, known as Special Domestic Violence Criminal Jurisdiction (SDVCJ); and

WHEREAS, in recognition of its Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women, Congress authorized \$25 million to assist tribes with the implementation of the SDVCJ provision; and

WHEREAS, where tribes have expended significant resources to implement SDVCJ, perpetrators have been brought to justice and safety has increased for victims who had too often slipped through the cracks; and

WHEREAS, Congress has failed to appropriate any money for tribal implementation of SDVCJ; and

WHEREAS, for the past several years, Congress has recognized that in order to operate successful justice systems, tribal governments need more flexibility than the current system of grant funding at DOJ allows and has allocated flexible resources for “tribal assistance” and directed DOJ to consult with Indian tribes about how to best spend that money; and

WHEREAS, DOJ has never held the consultation required by Congress and has distributed the money allocated for tribal assistance based on its own assessment of priorities without sufficient tribal input; and

WHEREAS, the Department of Justice recently initiated consultation with tribal governments to gather input on whether, in the absence of congressional appropriations, the Department should redirect a portion of existing tribal grant funds to a new program to support implementation of SDVCJ.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls on the Department of Justice, as required by Congress, to hold a government-to-government consultation about how grant funds appropriated for tribal assistance should be distributed; and

BE IT FURTHER RESOLVED, that NCAI calls on the Department of Justice to identify funding for implementation of SDVCJ without diminishing the overall funding available for other critical tribal priorities; and

BE IT FURTHER RESOLVED, that NCAI calls on the Department of Justice to remove eligibility restrictions from OVW’s Grants to Tribal Governments Program that prevent tribes from developing comprehensive approaches to addressing violence against women by precluding tribal governments from applying for grants for different purposes until they have expended all existing grant funds; and

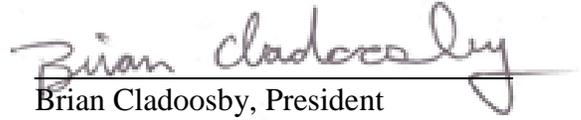
BE IT FURTHER RESOLVED, that the NCAI calls on Congress to uphold its trust responsibility and immediately appropriate sufficient funds to support tribal implementation of SDVCJ and tribal justice systems by:

- Appropriating the \$25 million authorized in VAWA 2013 for implementation of SDVCJ;
- Directing a portion of disbursements from the Crime Victims Fund to tribal governments so that tribes can provide critical victim services and compensation to crime victims on tribal lands; and
- Directing 7% of OJP discretionary programs to a flexible program for tribal assistance, as requested in the President’s budget and as included in both House and Senate CJS appropriations bills in recent years; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary