



The Honorable Mitch McConnell
Majority Leader
United States Senate

The Honorable Charles Schumer
Minority Leader
United States Senate

Dear Majority Leader McConnell and Minority Leader Schumer:

The undersigned organizations who advocate on behalf of American Indian and Alaska Native (AI/AN) victims and survivors of sexual assault, domestic violence, dating violence, stalking, sex trafficking, and homicide represent AI/AN people who have or will experience violence in their lifetime, tribes, tribal service providers, tribal technical assistance providers including tribal coalitions, resource centers and the nonprofit organizations created to enhance safety for Indian women.

Native women experience disproportionately high rates of violence. The various intersections that Native survivors of violence must confront as a result of their victimization are further exacerbated by the COVID-19 pandemic.

The National Institute of Justice released an alarming study in May 2016, confirming what many of us working to protect Indian women and children already knew. American Indian and Alaska Native women experience severe rates of violence in their lifetimes, including:

- 56.1% have experienced sexual violence;
- 55.5% have experienced physical violence by an intimate partner;
- 48.8% have experienced stalking; and
- 66.4% have experienced psychological aggression by an intimate partner.
- Of these victims, 38% were unable to receive necessary services, including medical care and legal services

In addition, the Administration for Native Americans of the Department of Health and Human Services reports that American Indian, Alaska Native and Pacific Islander women and girls have a heightened risk for sex trafficking. According to the Centers for Disease Control and

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Prevention in 2017, homicide is the 6th leading cause of death of Native females between ages of 1-44. Further, Native women continue to go missing and are murdered across the country at disproportionate rates. COVID-19 is likely to exacerbate this national injustice due to the virus' impact on already limited justice, health and advocacy responses.

We expect the COVID-19 pandemic to increase the prevalence of violence experienced by Native women by exacerbating already existing issues including:

- Lack of safe housing for victims;
- Lack of space in shelters for victims to maintain safe, social distancing;
- Lack of personal protective equipment (PPE) and cleaning supplies for staff of tribal shelters and victim services programs;
- Inadequate justice response to victims;
- Limited transportation for victims; and
- Lack of access to adequate health care.

The following funding recommendations encompass critical funding and policy needs to help protect and prepare tribal communities to effectively provide services to victims and survivors of domestic and sexual violence with the ongoing challenges presented by the COVID-19 public health emergency and crisis. We call on Congress to provide additional funding for the following grant programs in the fourth COVID-19 stimulus package:

Family Violence Prevention and Services Act (FVPSA) Grants:

- \$100 million FVPSA set aside for tribal governments
- \$1 million divided evenly between the National Indigenous Women's Resource Center and Alaska Native Women's Resource Center

Violence Against Women Act (VAWA) Grants:

- \$22,500,000 grants to tribal governments
- \$10 million to Tribal Sexual Assault Services Program
- \$3 million to tribal coalitions

Victims of Crime Act (VOCA) Grants:

- \$16,765,000 additional set aside for Tribal governments

Further details regarding each request are outlined in the attached appendices. These requests have been supported by a large bi-partisan group of Senators in letters dated April 13, 2020.

The current funding available in Indian Country is inadequate to address the needs of victims - from the provision of basic, emergency services and responses to more comprehensive, long term services – in “normal” times, and even less so during a pandemic such as COVID-19. The U.S. Commission on Civil Rights' *2018 Broken Promises Report*¹ states: “Coupled with the federal government's continuing failure to live up to its trust obligations, the end result is that

¹ US CIVIL RIGHTS COMMISSION, BROKEN PROMISES REPORT, CONTINUING FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS. (December 2018), <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

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Native Americans face significant inequities among major criminal and public safety, health, education, housing, and economic measures compared to the rest of the nation and non-Native people.”

The federal government has the opportunity to fulfill its obligations to address tribal needs during this pandemic and improve distribution of life-saving resources for Indian Tribes. Failing to do so will result in Native women continuing to experience disproportionate rates of violence, disappearing, and being murdered at the highest rates in the country.

Thank you for your consideration of the recommendations outlined in this letter. We stand ready to work with you to ensure that Indian Country’s concerns and priorities are comprehensively addressed, as we respond to the COVID-19 emergency.

Sincerely,

National Indigenous Women’s Resource Center
National Congress of American Indians
Alaska Native Women’s Resource Center
StrongHearts Native Helpline
Alliance of Tribal Coalitions to End Violence

Attachments:

- A. Overarching Policy Recommendations
- B. Supplemental Funding Recommendations
- C. Specific Challenges in Alaska

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Appendix A: Overarching Policy Recommendations

Purposes/Uses of funds

Existing funding streams must be supplemented, and administrative burdens reduced to ensure that tribal governments and programs can respond to survivors' safety, medical, economic, housing and stabilization needs.

Every grant program has an important and unique function. However, in this time of crisis, it is important that programs have maximum flexibility to use their federal funding to meet the immediate needs of their communities, that funding is disbursed as quickly as possible, and that all tribal governments regardless of grantee status are eligible for funds.

Flexibility

For any phase four supplemental appropriations, we call on Congress to ensure flexibility by:

- Allowing grant recipients to use their grants to provide services that are statutory purpose areas in other tribal grant programs addressing sexual violence, dating violence, or domestic violence;
- Enabling FVPSA office to fund FVPSA Technical Assistance Centers;
- Reducing documentation requirements, time-limitations and any other burdens that slow down immediate, time-sensitive access to funds for victim services and rental assistance;
- Allowing all relevant funds to be used to:
 - provide temporary, individual accommodations such as hotels, motels, or emergency trailers while securing permanent housing;
 - ensure availability of special supply planes/transportation for basic supplies and emergency domestic violence/sexual assault responses/assistance, especially for rural communities;
 - policy development/TA/training for tribal staff/community members;
 - support free broadband service for tribes, including funding for items to support remote workspaces such as computers/internet;
 - develop tribal emergency operations plans and policies (i.e., personnel policies to prevent furlough); and
 - other purposes as defined by tribal governments.

Eligibility

It is imperative that all tribal governments are deemed eligible to access any phase four supplemental appropriations regardless of current grantee status.

Disbursement

Given the urgency of COVID-19, the typical peer review and cumbersome application process utilized by federal funding agencies is inappropriate for disbursement of any phase four supplemental funding. We urge Congress to grant funding agencies the authority to operate outside of their current grantee funding process to ensure timely disbursement. Additionally, we urge Congress to direct funding agencies to disburse funds on an expedited timeline and identify appropriate deadlines similar to the direction provided to the Department of Treasury in the CARES Act regarding with the submission of a report to Congress no later than 30 days after funds are awarded.

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Appendix B: Supplemental Funding Recommendations

COVID Impact on Tribal Domestic Violence Programs:

As mentioned in our letter, tribal governments and victim services programs are currently facing unprecedented challenges in providing services as a result of COVID-19.

We recognize that stay at home or shelter in place orders are designed to create the safest environment in terms of public health; however, to a victim of domestic or sexual violence, “home” is oftentimes the most dangerous place. As tribal governments continue to urge their communities to stay home and take precautions to limit exposure to COVID-19, the limited number of tribal domestic violence shelters (less than 60 across Indian Country) and underfunded victim service programs are now dealing with the unprecedented challenge of addressing victim housing needs and providing services during a public health emergency.

Some programs nationwide are providing services remotely, but most tribal providers, particularly in rural America, are not equipped to offer support remotely due to limited internet and cell phone service infrastructure. In addition, largely due to the impact of COVID-19 on tribal economies, some tribal governments have been forced to furlough victim services program staff.

Additionally, lack of personal protective equipment is a serious concern for our victim services providers, courts, police, and other tribal first responders. As public health restrictions increase, chronic and compound stress will continue to place an overwhelming burden on tribal victim services providers, law enforcement, and tribal courts at unprecedented levels.

Shelter/Housing

Across the country, tribal communities and villages depend on “safe homes” to supplement the lack of safe housing and shelter in order to safely shelter victims of domestic violence; however, with the threat COVID-19, those homes are not able to provide the shelter they otherwise would have. Existing shelter and victim services programs are further challenged in trying to isolate victims who may be coming into shelter since most of the facilities are already overcrowded. Many shelters have seen a reduction in bed space as they modify their housing policies to comply with social distancing.

Victim Services

In Alaska and other rural tribal communities, shelter shortage is exacerbated by travel restrictions. As an example of the extreme impacts that Alaska Native victims are facing, in order to contain the COVID-19 from spreading into isolated tribal communities, air travel has been frozen, if not reduced, including freight, mail, and passenger access to outside services.

Tribal Courts

Tribal court operations are substantially curtailed to help keep the public and tribal employees safe during the COVID-19 pandemic; however, crimes continue to be committed, offenders still need to be jailed, and hearings must still be held. Domestic violence protection orders are still necessary and related services are needed. As mentioned in our above letter, many Tribal courts face the same challenges in terms of infrastructure limitations such as lack of access to

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broadband Internet, teleconference or other equipment needed to operate outside of their chambers or offices creating barriers to performing court functions remotely.

Funding Requests

HHS Family Violence Prevention and Services Request:

To directly respond to tribal victim needs related to COVID-19, additional funding directly to tribal programs funded through the Department of Health and Human Services (HHS) Family Violence Prevention and Services Office are needed.

The Family Violence Prevention and Services Act (FVPSA) Grants to Native American Tribes (including Alaska Native Villages) and tribal organizations are formula grants funded through a 10% statutory set aside. Funds assist tribal governments in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents, and also to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence. Funding is available to all tribal governments and tribal organizations that meet the definition of “Indian Tribe” or “tribal organization” at 25 U.S.C. 450b and are able to demonstrate their capacity to carry out domestic violence prevention and services programs.

Less than half of federally recognized tribes currently receive funding through the FVPSA program and awards for many tribal governments are very small. Less than 60 tribal domestic violence shelters operate throughout the nation, and too often victims find shelter wherever they can often further endangering their safety and health. Shelters and advocacy services are too often the only life-line women, children and their families have, especially when justice systems fail to protect women and hold abusers accountable.

Budgetary Justification:

- *\$100 million FVPSA set aside for tribal governments*
- *\$1 million divided evenly between the National Indigenous Women’s Resource Center and Alaska Native Women’s Resource Center*

While the CARES Act provided important funding to the Family Violence Prevention and Services Act, tribal governments across the country urgently need more resources. As referenced in the 2003 and 2018 U.S. Commission on Civil Rights Broken Promises Reports², funding for tribal programs and services are disproportionately lower than funding for programs and services to non-Native populations leaving many basic tribal needs unmet and contributing to the inequities in tribal communities, including shelter services. We call on Congress to appropriate an additional \$100 million directly to tribes to implement the lifesaving services that tribal governments across the nation provide. These funds are imperative to providing safe shelter and alternative, safe housing options and have been supported by a bi-partisan group of 33 Senators in an April 13, 2020, letter.

² US CIVIL RIGHTS COMMISSION, BROKEN PROMISES REPORT, CONTINUING FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS. (December 2018), <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>

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The CARES Act excluded organizations that provide essential and necessary technical assistance and training to tribal programs. Technical assistance, including developing, reviewing, and strengthening policies and training staff to assist tribal governments in providing shelter and supportive services during this pandemic is critical.

Legislative Text:

- *\$100 million FVPSA set aside for tribal governments*

Not less than \$100,000,000 shall be for Indian Tribes, tribal consortia, or tribal organizations under section 303 (a)(2)(B) (42 USC § 10403 (a)(2)(B)) of the Family Violence Prevention and Services Act.

- *\$1 million divided evenly between the National Indigenous Women's Resource Center and Alaska Native Women's Resource Center*

\$1 million divided evenly between the National Indian Resource Center and the Alaska Native Tribal Resource Center under section 303 (a)(2)(C) (42 USC § 10403 (a)(2)(C) of the Family Violence Prevention and Services Act.

DOJ Office on Violence Against Women and Office for Victims of Crime Requests:

To directly respond to tribal victim needs related to COVID-19, additional funding administered through the Office on Violence Against Women (OVW) for tribal governments and nonprofit Indian tribal coalitions is needed.

The Grants to Indian Tribal Governments Program (Tribal Governments Program), authorized in Title IX of the Violence Against Women Act of 2005 (VAWA 2005), is designed to enhance the ability of tribes to respond to violent crimes against Indian women, enhance victim safety, and develop education and prevention strategies.

In 2018, grants were awarded to only 55 American Indian tribes, Alaska Native villages, and other tribal designees through the Tribal Governments Program.

The Tribal Sexual Assault Services program enhances the ability of tribal governments to respond to violent crimes against Indian women, enhance victim safety, and develop education and prevention strategies. Not all tribal governments are able to access these funds due to underfunding.

The Tribal Domestic Violence and Sexual Assault Coalitions Grant Program (Tribal Coalitions Program) was first authorized by the Violence Against Women Act of 2000 builds the capacity of survivors, advocates, Indian women's organizations, and victim services providers to form nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions to end violence against American Indian and Alaska Native women. Tribal Coalitions Program grants can statutorily be used to increase awareness of domestic violence, sexual assault, and sex trafficking against American Indian and Alaska Native women; enhance the response to violence against women at the tribal, federal, and state levels; identify and provide technical assistance to

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coalition membership and tribal communities to enhance access to essential services; and assist tribal governments in developing and promoting state, local, and tribal legislation and policies that enhance best practices for responding to violence crimes against Native women. Additional funding would allow tribal coalitions to adequately respond and serve tribal governments, communities and programs to appropriately serve victims of domestic violence and sexual assault during and following the pandemic.

The tribal coalitions are familiar with the workings of tribal governments and courts. They are skilled at bridging and forging partnerships and collaborations between tribal and non-tribal agencies and service providers. Tribal coalitions are being called upon to assist tribal programs and their non-tribal service programs in their jurisdictional areas to ensure that victims of domestic violence and sexual assault continue to receive critical services. Tribal coalitions are providing assistance with victim service provider policy development and implementation for direct services in the scope of a pandemic; identification of best practices and/or development and implementation of tele-advocacy services; and training and technical assistance with regard to confidentiality and safety considerations. Further, court systems have changed with the pandemic and tribal coalitions have been key in working with tribal courts, leaders, and victim advocates in understanding the complicated dynamics of domestic and sexual violence and addressing safety concerns. Lastly, safe sheltering for victims of domestic and sexual violence has vastly changed and become more complicated particularly in rural areas. Tribal coalitions are assisting tribal governments and tribal victim service agencies in navigating the tribal and non-tribal state systems and identifying resources available from state programs who received FEMA funding, to ensure that victim survivors served by tribal governments have options when it comes to safe and stable shelter. It is important to note that many victim service programs operating under tribal governments serve both Native and non-Native survivors of domestic violence.

Budgetary Justification:

The CARES Act did not include any supplements to the important, lifesaving programs of the Office of Violence Against Women or Office for Victims of Crime. It is important that Congress recognizes the impacts of COVID-19 on victims of domestic violence and sexual assault by including OVW programs in any phase four supplemental appropriations. Congress recognized “the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.”³

All funding should acknowledge the disparities faced in American Indian and Alaska Native communities and honor tribal sovereignty by providing equitable resources to American Indian and Alaska Native communities directly to address domestic violence. The U.S. Commission on Civil Rights Broken Promises Report found that the federal government’s failures in fulfilling its trust obligations “have resulted in the degradation of the individual lives of Native Americans and the creation of barriers regarding access to opportunity in the areas of public safety, health, education, housing, life expectancy, and economic measures.”⁴ This finding did not take into account exacerbated needs brought on by emergency situations such as national pandemics.

³ Finding #6, VAWA 2005, Sec. 901. Findings

⁴ US CIVIL RIGHTS COMMISSION, BROKEN PROMISES REPORT, CONTINUING FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS. (December 2018), p. 203, <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

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In addition, the majority of tribal governments have been unable to access the billions of FEMA COVID-19 disaster relief funding that every state has been able to access. Some states have chosen to pass a portion of their disaster relief funds along to their state domestic and sexual violence programs. However, tribal governments and their domestic and sexual violence programs have been effectively shut out of this important funding stream for COVID-19 response.

Legislative Text:

For an additional amount for “Violence Against Women Prevention and Prosecution Programs”,

Provided, That the definitions and grant conditions of Section 40002 of the Violent Crime Control and Law Enforcement Act of 1994 (Title IV of Public Law 103-322) (“the 1994 Act”) shall apply to any awards issued with this funding:

Provided further, that of the amount provided—

- 1) \$10,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;*
- 2) \$22,500,000 is for grants to tribal governments for the purposes authorized Section 2015(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968;*
- 3) \$3,500,000 is for tribal coalitions as authorized by Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.*

For an additional amount for “tribal set aside”,

Provided that the definitions and grant conditions of Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d):

Provided further, that of the amount provided—

\$16,765,000 is for the set aside for Tribal governments for the purposes authorized in Section 1402(d) of the Victims of Crime Act of 1984.

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Appendix C: Specific Challenges for Alaska

1. Supply chain
 - A. Major Airlines have stopped most service except to some hub communities
 - B. No passenger travel: Only emergency medical
 - C. Limited service for Ferries for southeast Alaska--supplies were already hard to come by
 1. No passenger travel but are bringing supplies. Groceries are being bought up right away
 2. Economic stress: Panic shopping emptying the shelves
2. Stressors
 1. Food insecurity
 2. Medical issues
 3. Victims services and places for safety
 - Historically these stressors cause more violence and assaults
 - Direct services are taking longer
 4. Medicare
 5. Food stamps - lack of and lack of supplies.
 6. Housing - overcrowding and also lack of housing
 7. Emergency planning
 8. Victim safety plans might get lost in the pandemic
3. Housing and Shelter Challenges
 1. Provide isolation housing
 - New protocol but with so few shelters, it is challenging
 - Protect staff - no equipment to safeguard staff and residents
 2. Safe homes have shut down because of Covid-19
 - Transportation
 - Shelter
 - Outreach
4. Tribal Employees have been sent home
 - A. Understaffed because they can't pay them
 - B. How to be safe in the environment that you're in
 - C. Infrastructure isn't there for our smaller communities to work from home
 - D. Internet access, phone access
 1. Equipment (computers) - few and do not have available equipment
 2. Leave policies
 3. Furloughed staff
 - People don't know who to call to ask how to make new policies
 - a. The common outlets to provide assistance aren't working

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Based on their proportion of the overall State population, Alaska Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the population, but 47 percent of reported rape victims.⁵

A full 50% of Alaska Native women will have experienced physical or sexual violence in their lifetime.⁶

In some villages every woman has reported being raped in their lifetime.

On average, in 2003-2004 an Alaska Native female became a victim of reported sexual assault or of child sexual abuse every 29.8 hours, as compared to once every 46.6 hours for non-Native females.

Women have reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher.

During the period 2004-2007, Alaska Natives were 2.5 times more likely to die by homicide than Alaskans who reported “White” as their race and 2.9 times more likely to die by homicide than all Whites in the United States.⁷

The Violence Policy Center reports that Alaska is ranked first among states with the highest homicide rates of women by men and is the most violent state, with Anchorage as the most violent city within the Union. The Seattle-based Urban Indian Health Institute reports that Alaska is among the top ten states with the highest number of missing and murdered Native Americans and Alaska Natives with 52 active cases.⁸ With the current situation, we know the stressors will lead to increased violence.

Alaska Native children constitute only 17.3 percent of the Alaska state child population; however, Alaska Native children constitute 50.1 percent of substantiated reports of child maltreatment in the state, 51.1 percent of all children in out-of-home placements, and a staggering 62.3 percent of all children in foster care. This means that Alaska Native children are represented in foster care at a rate three times greater than the general population, and this disproportionality rate has been increasing in recent years.⁹ Who is managing these cases, providing wellness checks and finding placements will be challenging. We are already seeing an increased rate of child maltreatment issues.

The suicide rate among Alaska Natives is nearly four times the national average in some parts and is at least six times the national average in some parts of the State. Of the child suicides,

⁵ All of the of the following citations come from: *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013), available at <http://www.aisc.ucla.edu/iloc/report/>.

⁶ *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013), available at <http://www.aisc.ucla.edu/iloc/report/>.

⁷ *Alaska Violent Death Reporting System 2003-2008 (August 2011)*, State of Alaska, Department of Health and Social Services, available at <http://dhss.alaska.gov/dph/Epi/injury/Documents/akvdrs/assets/AKVDRS.pdf>

⁸ Report available at <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

⁹ Attorney General’s Advisory Committee on American Indian/Alaska Native Exposed to Violence: Ending Violence so Children Can Thrive Chapter 5 (November 2014), available at https://www.supremecourt.gov/opinions/URLs_Cited/OT2015/15-420/15-420-2.pdf.

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nearly 40 percent are Alaska Native children.¹⁰ The social distancing required because of COVID-19 further exacerbates this. We know that social isolation and anxiety will increase.

The state of Alaska, like the federal government, has failed in providing for public safety in Alaska Native villages as according to the Tribal Law and Order Commission Report, about 40% of our communities' lack law enforcement.¹¹ With the Shelter in Place order and challenges with even more limited transportation in and out of villages, law enforcement response to domestic and sexual violence, especially in, remote villages including transporting perpetrators has just about come to a halt.

Most of the Alaska Native villages are located in remote areas that are often inaccessible by road and have no local law enforcement presence. The Tribal Law and Order Commission found that "Alaska Department of Public Safety (ADPS) officers have primary responsibility for law enforcement in rural Alaska, but ADPS provides for only 1.0-1.4 field officers per million acres."¹² At least 75 communities in Alaska lack any law enforcement presence at all.

¹⁰ *Id.*

¹¹ *Supra* fn 1.

¹² *A Roadmap for Making Native America Safer: Report to the President and Congress of the United States* (November 2013), available at <http://www.aisc.ucla.edu/iloc/report/>.