



BACKGROUND

The Department of Justice, Office on Violence Against Women's Tribal Sexual Assault Services Program (TSASP), authorized by 34 U.S.C. § 12511(e), supports efforts to create, maintain, and expand sustainable sexual assault services provided by Tribes, Tribal organizations, and nonprofit Tribal organizations within Indian country and Alaska Native villages.

Research shows that American Indian and Alaska Native (AI/AN) women report alarmingly high rates of sexual violence. According to a National Institute of Justice report, 56.1 percent have experienced sexual violence during their lifetime—compared to 34.5 of white women.¹ The same study estimated that the lifetime prevalence of sexual violence against AI/AN men was 27.5 percent, compared to 20.9 percent of white men. Children and youth also are affected. The Centers for Disease Control and Prevention recently reported that AI/AN students were more likely than their peers from other racial and ethnic groups to have ever been forced to have sex.²

TSASP is the one OVW Tribal grant program that responds only to sexual assault and provides funding specifically for direct sexual assault services to victims, providing crisis intervention, accompaniment, and other support services. The TSASP statute currently provides that grants must be for the operation of programs or projects “in Indian Tribal lands and Alaska Native villages[.]” 34 U.S.C. § 12511(e)(1). The statute further provides that funded programs and activities must be “within Indian country and Alaska Native villages[.]” 34 U.S.C. § 12511(e)(2)(B). The Bureau of Indian Affairs reports that although most AI/AN people return home from time to time, over half now live away from their Tribal lands.³ As a result, services funded by TSASP are unlikely to reach Tribal members currently living outside of Indian country or Alaska Native villages.

Further, the TSASP statute limits eligible entities to Indian Tribes, Tribal organizations (controlled, sanctioned, or chartered by a Tribal government), and Tribal nonprofit organizations (defined as victim service providers with the primary purpose of serving Native victims of domestic violence, sexual assault, dating violence, and stalking).⁴ Since FY 2019, OVW has not received sufficient applications from eligible entities proposing to serve sexual assault victims in statutorily eligible areas, particularly in Alaska, where there are few “Tribal organizations” or “Tribal nonprofit organizations.”

To better meet the need of Tribal members living outside of Indian country and Alaska Native villages, OVW is seeking Tribal leaders' input on expanding eligibility for the existing TSASP grant program to urban Indian organizations (UIOs) to provide culturally responsive sexual assault services for AI/AN survivors living off Tribal lands. UIOs were created in 1972 following the Termination Era by Congress to fulfill the federal government's healthcare-related trust responsibility for Indians who live off the reservations. UIO is defined by Title V of the Indian

¹ Rosay, André B. (2016). "Violence against American Indian and Alaska Native Women and Men." National Institute of Justice Journal 277: 38–45 (Sep 2016).

² Centers for Disease Control and Prevention. (2023). *Youth Risk Behavior Survey data summary and trends report*. Author. Available at: https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf.

³ <https://www.bia.gov/frequently-asked-questions>.

⁴ See 34 U.S.C. § 12291(a)(22) & (44)-(45).



Health Care Improvement Act (PL 94-437), as amended (codified at 25 U.S.C. § 1603(29)). As of 2022, there are 41 UIOs funded by the Department of Health and Human Services, Indian Health Service, with over 80 sites located throughout 22 states.

Funding UIOs will not undermine OVW’s ability to fund services through TSASP in Tribal communities. TSASP receives relatively few applications. From FY 2017 to FY 2022, TSASP received an average of 11 yearly applications and funded an average of 10 awards. These applications are received primarily from Tribes, with a small amount received from Tribal and Tribal non-profit organizations. The unfunded applications typically were not funded because they did not meet the statutory criteria or proposed out-of-scope activities. Expanding eligibility to include UIOs would help increase the capacity to meet the needs of AI/AN survivors of sexual assault by providing them with culturally relevant services no matter where they live.

Additionally, each year after the TSASP awards are made, the Program has a surplus of funds – ranging from \$1,000,000 to \$2,000,000 in FY 2019 through FY 2022 (see table below). This surplus has been consistent, even after OVW raised the maximum award amount from \$325,000 to \$375,000 in FY 2021 and raised the cap again in FY 2022 from \$375,000 to \$525,000.

Fiscal Year	Amount Available	Number of Applications Received	Number of Funded Applications	Amount Remaining
2022	\$4,100,000	8	7	\$1,661,033
2021	\$3,800,000	14	12	\$1,703,420
2020	\$4,068,762	10	9	\$2,149,687
2019	\$3,710,471	11	10	\$1,050,004

Each year this surplus is subject to being taken back by Congress through rescission. Due to the FY 2023 increase in OVW’s appropriation for sexual assault services (ten percent of which is set aside to fund TSASP), if the current application numbers hold, TSASP could have a surplus of \$4,000,000. Expanding eligibility to include UIOs would help ensure that these funds are used to provide services to AI/AN survivors, as intended.

QUESTIONS

1. Do Tribal leaders support a legislative change expanding eligibility for TSASP to include UIOs?
2. If not, would Tribal leaders support a legislative change expanding TSASP eligibility to include UIOs, if they received only funds remaining after Tribes, Tribal organizations, and Tribal non-profit organizations that submitted applications have been funded?
3. Would Tribal leaders instead support a one-time reprogramming to pilot funding for UIOs?
4. Do Tribal leaders have additional recommendations for ensuring TSASP-funded services reach Tribal members living outside of Indian country and Alaska Native villages?