

National Indian Health Board



Submitted via e-mail

September 30, 2019

Ms. Sherriann C. Moore
Deputy Director for Tribal Affairs
Office on Violence Against Women
United States Department of Justice
145 N Street NE, Suite 10W.121
Washington, DC 20530

Dear Ms. Moore,

On behalf of the National Indian Health Board (NIHB),¹ I write to submit testimony on the 14th Annual Government-to-Government Violence Against Women Tribal Consultation with the Department of Justice (DOJ), Office on Violence Against Women (OVW), that occurred August 20-August 22, 2019, in New Buffalo, Michigan at the Four Winds Casino Resort. The mission of the OVW is to provide federal leadership in developing the national capacity to reduce violence against women and to strengthen services to victims of domestic violence, sexual assault, and stalking. The purpose of the Tribal consultation is to solicit recommendations from Tribal Nations on the following three topics: enhancing the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; strengthening the federal response to the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and administering funds and programs for Tribal governments established by the original Violence Against Women Act and subsequent legislation.

NIHB's Resolution 17-04, Supporting the Violence Against Women Act in Indian Country,² provides for the continued support of American Indian and Alaska Native (AI/AN) victims of domestic abuse. NIHB therefore supports Tribal leadership of federal programs and resources to assist domestic violence survivors in attaining safety, exercising their legal rights, and with other fundamental needs of surviving made possible by access to Violence Against Women Act

¹ Established in 1972, the National Indian Health Board (NIHB) is an inter-Tribal organization that advocates on behalf of Tribal governments for the provision of quality health care to all American Indians and Alaska Natives (AI/ANs). The NIHB is governed by a Board of Directors consisting of a representative from each of the twelve Indian Health Service (IHS) Areas. Each Area Health Board or regional Tribal organization elects a representative to sit on the NIHB Board of Directors. In areas where there is no Area Health Board or regional Tribal organization, Tribal governments choose a representative who communicates policy information and concerns of the Tribes in that area with the NIHB. Whether Tribes operate their entire health care program through contracts or compacts with IHS under Public Law 93-638, the Indian Self-Determination and Education Assistance Act (ISDEAA), or rely on IHS for delivery of some, or most, of their health care, the NIHB is their advocate.

² NIHB, Resolution 17-04, Supporting the Violence Against Women Act in Indian Country (Jan. 25, 2017), <https://www.nihb.org/docs/01272017/NIHB%20Resolution%2017-04%20VAWA.pdf>.



(VAWA) grants.³ Continued funding for VAWA implementation in Indian Country is a critical piece to securing public safety on Tribal lands and to ensuring support of violence prevention programming and education for the benefit of AI/AN people. To enhance these efforts, NIHB recommends that the Department of Justice provide targeted technical assistance to Tribal Nations to combat domestic abuse and, where programs already exist, DOJ must enhance national promotion by consolidating sources on one central webpage that is accessible to Tribes. The DOJ must also conduct outreach in a way that utilizes on-the-ground efforts to enhance connections to Tribal governments and Tribal leadership so that the Tribes themselves can seek buy-in from their people.

Background

Congress has declared that “it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians ... to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.”⁴ The unique legal and political relationship with American Indian and Alaska Native Tribal governments is established through and confirmed by the U.S. Constitution, treaties, federal statutes, executive orders, and judicial decisions. Central to this relationship is the federal government’s trust responsibility to protect and improve the health status of Indian Tribes and their families.

Like all components of the United States federal government, the Department of Justice, as a federal agency, has a trust responsibility to Tribes. In fulfillment of that trust responsibility, the Department of Justice must meaningfully consult with Tribes in the implementation of policies with Tribal implications. Policy-based or regulatory actions that affect Tribes’ access to and knowledge of available funds implicates Tribal Nations. As such, NIHB appreciates DOJ’s annual efforts to consult with Tribes, as mandated by VAWA, and the Tribal Consultation Report summary that the DOJ provides to Tribes after each annual consultation session.⁵ The involvement of Tribes in the development of DOJ policy allows the agency to better fulfill the trust responsibilities and treaty obligations, and to work towards clearer, more equitable grant making structures and processes. In addition, it allows for culturally appropriate approaches that will result in greater Tribal access to DOJ programs and positive outcomes for AI/AN peoples. As well, Tribal consultation allows for the improvement of the health programs operated by the Indian Health Service, Tribes and Tribal Organizations, and by urban Indian organizations.

Consultation Request

The DOJ Office on Violence Against Women (OVW) requests Tribal testimony as to how it can encourage Tribes to apply for OVW funding to help ensure that violence against women grant funds reach more Tribal communities.⁶

³ 34 U.S.C. § 20126 and subsequent reauthorizations (2005 and 2013).

⁴ 24 U.S.C. § 1602(a)(1).

⁵ DOJ OVW, Annual Tribal Consultation Reports, <https://www.justice.gov/ovw/tribal-consultation>.

⁶ DOJ OVW, Increase Tribal Applications Consultation Framing Paper (July 2019), http://ovwconsultation.org/var/m_4/4d/4d7/47948/825159-OVW_Increasing_Tribal_Applications_framing_paper_FINAL-c51ce.pdf?download.



As the DOJ is aware, there are unprecedented levels of domestic violence on Tribal lands. At least four out of five American Indian women have experienced violence in their lifetimes.⁷ According to the Bureau of Justice Statistics in the DOJ's Office of Justice Programs, at least 70% of the violent victimizations experienced by American Indians are committed by an offender of a different race.⁸ Further, national studies show that men who batter their companion also abuse their children in 49 to 70% of the cases.⁹

These appalling circumstances result not only in physical injury or death, they have an under-recognized impact on women's reproductive health, and on the contracting of sexually transmitted diseases. Also under-acknowledged is the fact that domestic violence victims crossing state lines to flee their abusers are not eligible for public benefits, such as the Supplemental Nutrition Assistance Program (SNAP) and Medicaid, to which they are rightfully entitled. At least 25% of AI/ANs receive SNAP food benefits. Medicaid, too, is a lifeline to Tribal communities. Severing access to any of these resources would be traumatic for a large swath of Tribal people. For victims and survivors of domestic violence and sexual assault, fleeing their attackers and starting over elsewhere – in many instances with children – the impact is especially acute. Although this was not the specific topic of the Office of Violence Against Women's consultation, the plight of American Indian and Alaska Native women in this regard must not be ignored. DOJ must keep these dire statistics and threats to health in mind as it seeks to improve the processes that determine access to vital DOJ funds and programs by Native women and Tribal governments.

Conclusion

We thank you for the opportunity to provide our comments and recommendations in response to the Department of Justice Government-to-Government Violence Against Women Tribal Consultation. We hope that the DOJ will continue to work closely with Tribal communities to elevate Tribal concerns at the federal policy level, and to honor the relationship that exists between the federal government and Tribes as sovereign Nations.

Should you have any questions regarding NIHB's comments, or for more information, please contact NIHB's Director of Policy, Devin Delrow, at ddelrow@nihb.org.

Sincerely,



Victoria Kitcheyan, Chair
National Indian Health Board

⁷ National Institute of Justice, Violence Against American Indian and Alaska Native Women and Men (June 2016), <https://nij.ojp.gov/topics/articles/violence-against-american-indian-and-alaska-native-women-and-men>.

⁸ See Attorney General's Advisory Committee on American Indian/Alaska Native Children Exposed to Violence: Ending Violence so Children Can Thrive (Nov. 2014), https://www.justice.gov/sites/default/files/defendingchildhood/pages/attachments/2015/03/23/ending_violence_so_children_can_thrive.pdf (citing statistics that are in need of national update).

⁹ *Id.*

