



NATIONAL CONGRESS OF AMERICAN INDIANS

November 30, 2017

The Honorable Steve Daines  
United States Senate  
320 Hart Senate Office Building  
Washington, D.C. 20510

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Re: DOJ's Request to Transfer Tribal Funding for the Tribal Access Program (TAP)

Dear Senator Daines,

Thank you for reaching out to the National Congress of American Indians (NCAI) to discuss the U.S. Department of Justice's (DOJ) request to transfer unexpended appropriations from prior years to support the TAP Program. NCAI has worked for over a decade to ensure that tribal governments are able to share and access information through the federal criminal information databases and supports DOJ's transfer request.

DOJ's Office on Violence Against Women initiated consultation with Indian tribes several years ago to discuss the possibility of using the unexpended appropriations for the TAP Program. In response, tribal leaders expressed their frustration that the unexpended funds had not been used for their original purposes—to build national tribal protection order and sex offender registries—and stressed that for TAP to be a meaningful substitute, it had to be available to *all* tribal courts that are issuing protection orders. It is our understanding based on these consultations, that the transfer of the registry funds would allow DOJ to remove eligibility restrictions for the TAP Program that are excluding many tribes in Alaska and California.

Funding has never been specifically appropriated for TAP. Instead, DOJ has cobbled together funding from the COPS and SMART Offices. As a result, eligibility for the TAP program has been limited to those tribal governments that have either a law enforcement function or a SORNA-compliant sex offender registry. These eligibility restrictions have the effect of excluding hundreds of tribes, particularly in Alaska and California. Many of these tribes have tribal courts who are issuing life-saving protection orders that cannot be entered into the national protection order file. Safety in tribal communities requires that this be remedied.

The TAP program has shown great promise in finally allowing tribal governments to share and access information alongside their state and federal counterparts. Securing additional funding for the TAP Program and ensuring that it is open to *all* Indian tribes is crucial. We believe that DOJ's transfer request will help achieve both of these goals. We look forward to working with your office to move this issue forward.

Sincerely,

Jacqueline Pata, Executive Director