Tribal Consultation
VAWA 2013, Section 903
August 2, 2019

National Indigenous Women’s Resource Center
Welcome!

Today’s Presenters

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NIWRC
14th Annual
Government-to-Government
Violence Against Women
Tribal Consultation

August 21-22, 2019
Four Winds Resort of Pokagon Band of Potawatomi Indians
New Buffalo, Michigan
What is Tribal Consultation?

- The Department of Justice’s annual Tribal Consultation on Violence Against American Indian and Alaska Native Women is held pursuant to Public Law 109-162, Title IX, Section 903, Violence Against Women Reauthorization Act of 2005.

- Section 903 requires the Attorney General to conduct an annual consultation with Indian tribal governments to address the federal administration of all tribal funds and programs established under VAWA.
Purpose of Tribal Consultation

- Section 903, VAWA 2005 and 2013 directs the Attorney General to solicit recommendations from Indian tribes on the following:
  - administering tribal funds and programs;
  - enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
  - strengthening the federal response to such violent crimes.
Section 903, VAWA 2013 mandates the Attorney General to submit a report to Congress on the annual consultation that –

- contains recommendations made by Indian tribes during the year covered by the report;
- describes actions taken during the reporting year to respond to recommendations made during the year or a previous year; and
- describes how the Attorney General will coordinate and collaborate with Indian tribes, Secretary of HHS, and Secretary of the Interior to address recommendations made.
Notice of Annual Tribal Consultation

- Section 903, VAWA 2013 requires the Attorney General *not later than 120 days before* the consultation date to notify tribal leaders of the date, time, and location of the consultation.
Significance of Tribal Consultation

- Provides critical opportunity for government-to-government dialogue and for Indian tribes to identify barriers and implement solutions that will enhance their capacity as governments to protect their citizens.
- Feedback opportunity on what works/doesn’t work in how funds and programs are administered.
- Raise awareness on current, outstanding and/or emerging issues.
- Help to design a legal framework for change and removal of barriers, inequity, etc.
Platforms for Change

- National platform unites movement on a national level
- Regional platform unites movement on a regional or tribal-specific level
Preparing for Tribal Consultation

- Review VAWA 2013 in context of tribe/region
- Identify tribal or region-specific platform issues
  - E.g., HR 1585, Section 903 to create a pilot project in Alaska to exercise SDVCJ
  - Parity in funding for Tribes under FVPSA, VOCA
- Develop consultation statement on specific platform issues
Review VAWA 2013 in Context of Specific Tribe/Region

- Inherent Tribal Sovereignty is reaffirmed
- Section 904: Implementation of special domestic violence criminal jurisdiction over non-Indians in “Indian country”
- Section 905: Full civil jurisdiction over everyone to issue & enforce protection orders is clarified
- “Sex Trafficking” language is included under tribal government & tribal coalitions programs & in analysis and research
- Tribal Coalitions program is strengthened
2019 Issues of Concern

- Tribal Jurisdiction Over Non-Indian Offenders
  - Increased authority/SDVCJ jurisdiction and include provisions for Tribes in states with restrictive land settlements
- Disbursement of Crime Victim Funding/Support for Permanent Fix
- Increased protections from sexual assault and services for women surviving rape
- Improve Public Safety Funding Mechanisms
- Impact of extractive industries on Safety of Native Women
- Outstanding Unaddressed Issues/Missing and Murdered Native Women
- Increase Federal Penalties for Tribal Protection Order Violations and Exclusion Orders
Priority Concerns Discussion
OVC Consultation

August 20, 2019
Agenda

7:30 a.m. – 9:00 a.m. – Pre-registration Check-in and Onsite Registration
9:00 a.m. – 12:00 p.m. – OVC Tribal Consultation [View Agenda]
12:00 p.m. – 1:30 p.m. – Lunch (on your own)
1:30 p.m. – 4:30 p.m. – OVC Tribal Consultation
Additional Resources

- NCAI 2019 Priority Issues
- VAWA 2013, Title IX-Safety for Indian Women
- Tribal Consultation Testimonies from Previous Years
- NIWRC Restoration Magazines
- ovwconsultation.org
- “Safety for Native Women: VAWA and American Indian Tribes” resource book @NIWRC or Amazon.com
Thank You!

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