



## **The Violence Against Women Act (VAWA)**

As a result of grassroots advocacy and organizing, the Violence Against Women Act (VAWA) became law in 1994 and was most recently reauthorized in March 2022. With the passage of VAWA, the United States government acknowledged its responsibility to change the legal, social, and cultural norms surrounding violence against women, and highlighted the need for dedicated supportive services and improved justice responses to such cases.

Efforts to enact and reauthorize VAWA have included the groundswell of Native women who organized to engage tribal, state, and federal systems to hold governments accountable to address the lasting effects of colonization, namely the continued crisis of domestic and dating violence, sexual assault, stalking, trafficking, homicides, and abductions and unsolved cases of American Indian and Alaska Native women.

### Tribal Amendments Under VAWA

VAWA has been reauthorized four times: 2000, 2005, 2013 and 2022. With each reauthorization, the national movement has achieved key amendments in support of tribal authority and the resources needed to increase the safety of Native women:

- 1994—VAWA included a 4% dedicated funding stream for federally recognized tribes with a statutory purpose of “developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes, including sexual assault and domestic violence, against women.”
- 2000—VAWA increased the tribal dedicated funding stream from 4% to 5%, provided increased clarity regarding tribal court protection orders and enforcement, and created a discretionary tribal coalition grant program.
- 2005—VAWA included a Safety for Indian Women Title, recognizing the unique legal relationship of the United States to Indian tribes and women, authorized the creation of a single VAWA tribal grant program, increased the dedicated tribal funding stream to a minimum of 10%, added dating violence as a new purpose area, created a Deputy Director for Tribal Affairs position, and mandated annual tribal-federal VAWA consultations.

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- 2013—VAWA included a key amendment affirming inherent tribal criminal jurisdiction over non-Indians committing domestic violence, dating violence, or certain violation of protection orders on tribal lands, known as Special Domestic Violence Criminal Jurisdiction (SDVCJ). It provided increased formula funding for the OVW tribal coalition's program and recognized sex trafficking as a new purpose area under the tribal grant program.
- 2022—VAWA included historic provisions restoring critical categories of Tribal criminal jurisdiction necessary to protect Native women and children, including sexual assault, stalking, sex trafficking, child violence, obstruction of justice, and assault on Tribal justice personnel. The bill also:
  - Codified the Tribal Access Program (TAP) to enhance Tribes' ability to access and obtain information from national criminal information databases;
  - Established a reimbursement program under which the U.S. Attorney General may reimburse Tribal governments for expenses incurred in exercising special Tribal criminal jurisdiction (STCJ);
  - Permanently reestablished the U.S. Bureau of Prisons (BOP) Tribal Prisoner Program to allow Indian Tribes to place offenders convicted in Tribal Courts of violent crimes in federal facilities if the sentence includes a term of imprisonment for one or more years;
  - Clarified that Tribes in Maine are eligible to exercise STCJ; and
  - Established an Alaska Pilot Project, which will enable a limited number of Alaska Native villages to exercise STCJ.

\*VAWA is currently reauthorized through 2027.

### Safety for Indian Women Title

The Safety for Indian Women Title, first established in VAWA 2005, includes three purpose areas and the increased capacity of Indian tribes to exercise their sovereign authority to protect Indian women and hold perpetrators accountable for their crimes to the decrease in violence against Indian women.

Purposes of VAWA 2005 §902 (Safety for Indian Women):

- to decrease the incidence of violent crimes against Indian women;
- to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and
- to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

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Additional Purposes of VAWA 2022 §811 (Alaska Tribal Public Safety Empowerment):

- to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies; and
- to empower Indian Tribes to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing or murdered Alaska Natives through the exercise of special Tribal criminal jurisdiction.

\*Supportive Statutes:

- Family Violence Prevention and Services Act (FVPSA) – FVPSA focuses on the provision of shelter and supportive services for victims of intimate partner violence and their dependents. More information may be found at [www.hhs.gov/fysb/programs/fvpsa](http://www.hhs.gov/fysb/programs/fvpsa).
- Victims of Crime Act (VOCA) – VOCA focuses on helping victims in the immediate aftermath of crime and supporting them as they rebuild their lives. Additional information may be found at [www.ovc.ojp.gov/program/victims-crime-act-voca-administrators/welcome](http://www.ovc.ojp.gov/program/victims-crime-act-voca-administrators/welcome).

## **About the National Indigenous Women's Resource Center**

The National Indigenous Women's Resource Center, Inc. (NIWRC) is a Native-led nonprofit organization dedicated to ending violence against Native women and children. NIWRC provides national leadership in ending gender-based violence in Tribal communities by lifting up the collective voices of grassroots advocates and offering culturally grounded resources, technical assistance and training, and policy development to strengthen Tribal sovereignty. [niwrc.org](http://niwrc.org)

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