

Tribal Consultation VAWA 2013, Section 903

September 25, 2017



National Indigenous Women's Resource Center



National
Congress of
American
Indians

Welcome!

Today's Presenters

NCAI Task Force Co-Chair:

Juana Majel Dixon
Pauma Band of Luiseno Indians

Jacqueline "Jax" Agtuca
NIWRC Legal and Policy Consultant

Virginia Davis, NCAI Senior Policy
Advisor

**12th Annual
Government-to-Government
Violence Against Women
Tribal Consultation**

October 3-4, 2017
We-Ko-Pa Resort and Conference Center
Fort McDowell Yavapai Nation
Fountain Hills, AZ

<http://ovwconsultation.org/registration/>

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 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, & sex trafficking;**
 - **Strengthening the federal response to the above violent crimes**

Annual Consultation Report

- Section 903, VAWA 2005 mandates the Attorney General to submit a report to Congress on the annual tribal consultation that –
 - **contains recommendations of Indian tribes made 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 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 tribal consultation.

Significance of Consultation

Tribal consultations with federal entities provides....

- Avenue for tribal leaders to express what tribes want/need (and how) to keep Native women safe
- Opportunity for feedback on what is and isn't working as it relates to how funds are administered.
- Opportunity to receive feedback on program requirements
- Opportunity to bring awareness to current issues
- Opportunity to help design a legal framework for change on specific issues 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 respective tribe/region
- Identify tribal or region-specific platform issues
- Develop consultation statement on specific platform issues

2017 Priority Issues of Concern

- Ineffective public safety funding mechanisms
- Inadequate protections from sexual assault and services for women surviving rape
- Limited accountability for tribal protection and exclusion order violations by non-Indians
- Extractive industry impact on domestic and sexual assault crimes by non-Indian perpetrators
- Inadequate response to issues of missing and murdered Native women
- Failure of state governments to give Full Faith and Credit to tribal orders of protection
- Need for complete *Oliphant* fix to address sexual assault and other domestic violence appendage crimes

2017 Priority Issues of Concern

- OVW Rescission from Tribal Grant Programs
- Funding disparity for tribes – VOCA, FVPSA
- Funding disparity for tribes in PL 280 jurisdictions
- Absence of SDVCJ jurisdiction – Alaska, Maine
- Tribal Access Program requirements
- VAWA 904 National Baseline Study limitations-
AK

Additional Resources

- **NCAI 2016 Priority Issues**
- **VAWA 2013, Title IX-Safety for Indian Women**
- **Family Violence Prevention and Services Act**
- **Tribal Consultation Testimonies from Previous Years**
- **NIWRC Restoration Magazines**
- **ovw.usdoj.gov/tribal-consultation**
- **“Safety for Native Women: VAWA and American Indian Tribes” resource book @NIWRC or Amazon.com**

Thank You!

See you in Arizona!

NCAI Task Force Co-Chair:

Juana Majel Dixon
Pauma Band of Luiseno Indians

Jacqueline Agtuca, NIWRC Policy
Consultant

JAgtuca@NIWRC.org

Virginia Davis, Senior Policy Advisor
VDavis@NCAI.org

Contact Information

National Indigenous Women's Resource Center
515 Lame Deer Avenue | PO Box 99 (mailing)
Lame Deer, MT 59043

(406) 477-3896 | Toll-Free: (855) 649-7299
NIWRC.org

“The National Indigenous Women's Resource Center's participation in this webinar was supported by Grant Number 90EV0452-01-00 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.”