



NATIONAL
INDIGENOUS
WOMEN'S RESOURCE CENTER

21st Annual Government- to-Government Violence Against Women Tribal Consultation

Priorities Document



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About NIWRC



The National Indigenous Women's Resource Center (**NIWRC**) is a Native-led nonprofit organization that provides national leadership to promote safety for Native women and communities by supporting culturally grounded grassroots advocacy and strengthening Tribal sovereignty. For the past 15 years, NIWRC has provided technical assistance, training, resources, research, and policy recommendations to Tribal Nations, victim services programs, and advocates to strengthen the response to and prevent violence against Native people and ensure safety in our communities.

This resource outlines the NIWRC's key priorities and recommendations for the 21st Annual Government-to-Government Violence Against Women Tribal Consultation. It is intended to support Tribal leaders and representatives in preparing testimony and identifying key issues impacting the safety of Native women and Tribal communities.

About Tribal Consultation

The Office on Violence Against Women is a grant-making agency in the U.S. Department of Justice. Under §903 of Title IX of the United States Department of Justice Reauthorization and Violence Against Women Act (VAWA) of 2005, OVW is responsible for conducting annual government-to-government consultations with the leaders of all federally recognized Indian Tribal governments on behalf of the United States Attorney General.

The purpose of each consultation is to solicit recommendations from Tribal government leaders on the following topics:

- Administering Tribal funds and programs;
- Enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;
- Strengthening the federal response to such crimes; and,
- Improving access to local, regional, state, and federal crime information databases and criminal justice information systems.



Details to Know

- » **Dates:**
September 9-11, 2026
- » **Location:**
Tulalip, Washington
- » **Registration:**
www.ovwconsultation.org

NIWRC's 2026 Consultation Priorities

Tribal Consultation Must Precede Any Decision Impacting Tribal Nations

Meaningful Tribal consultation requires the federal government to engage with Tribal Nations before decisions are made, and that engagement must include genuine dialogue, room for questions, and openness to alternative approaches. Pursuant to 34 U.S.C. § 20126, the U.S. Attorney General is required to conduct an annual consultation with Indian Tribal governments to solicit recommendations on four purpose areas: administering Tribal funds and programs; enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking; strengthening the federal response to such crimes; and improving access to local, regional, state, and federal crime information databases and criminal justice information systems. This annual consultation is vital to strengthening the Nation-to-Nation relationship between Tribal Nations and the United States by ensuring meaningful dialogue and Tribal input in decision-making.

NIWRC Recommendations

- On any matter affecting the safety of Native people and Native survivors of violence, including the administration of OVW grant programs, the DOJ must bring the matter before the Annual OVW Government-to-Government Tribal Consultation and give Tribal Nations' testimony genuine and well-documented consideration before finalizing any decision.
- OVW should release the Framing Paper and Questions for Discussion at least 30 days before the annual consultation to give Tribal leaders time to develop responses.

Consultation Priorities

OVW Must Remain a Separate & Independent Office

The Department of Justice (DOJ) announced plans to consolidate the Office on Violence Against Women (OVW), the Office of Community Oriented Policing Services (COPS Office), and the Office of Justice Programs (OJP) into a single grantmaking component, the Bureau of Justice Grants (BJG), to “reduce bureaucracy, create efficiencies, and reduce administrative costs.”¹

Congress created OVW as a “separate and distinct office within the Department of Justice, not subsumed by any other office”²—a structure reaffirmed in statute to ensure Violence Against Women Act (VAWA) funds are efficiently administered to communities for resources and support in providing survivors a specialized, coordinated response. OVW and its staff provide subject matter expertise, institutional knowledge, and federal prioritization and investment in addressing domestic and sexual violence. Given the specialized nature of the work and programs administered by OVW, including those serving American Indians and Alaska Natives (AI/AN), it is essential for the office to remain independent. Consolidating OVW with any other office risks weakening the enforcement of VAWA and reducing victim-centered services, which are crucial for the safety of AI/AN people and communities.

NIWRC Recommendation

- Maintain OVW’s independent, statutorily protected status. Any restructuring must keep OVW as a “separate and distinct office within the Department of Justice, not subsumed by any other office.” Any effort to consolidate OVW with another office cannot proceed without congressional approval and extensive consultation with Tribal leaders at the Annual Government-to-Government Violence Against Women Tribal Consultation.

¹U.S. Department of Justice. (2026). *Bureau of Justice Grants: FY 2027 president's budget request*. <https://www.justice.gov/jmd/media/1434626/dl>

²34 U.S. Code § 10442

³Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, § 901(6), 119 Stat. 2960, 3077 (2006).

Consultation Priorities

Maintaining Funding for Programs Serving American Indian & Alaska Native People

The federal government has a trust and treaty obligation to “assist Tribal governments in safeguarding the lives of Indian women,”³ which includes the allocation of federal funding to Tribal Nations and Tribal organizations serving survivors of domestic and sexual violence. Yet domestic violence shelters, rape crisis centers, and other programs serving AI/AN survivors and their families have been experiencing delays in federal funding and the release of Notice of Funding Opportunities (NOFOs), including VAWA and Family Violence Prevention and Services Act (FVPSA) funding. When funding to victim service programs is terminated or delayed, programs are left without the resources needed to operate, leading to reduced services, staff shortages, and program closures, putting survivors' safety and stability at risk of additional harm. Disruption of these life-saving services and resources erodes Tribal self-determination, increases violence and trauma in Indian Country and surrounding communities, and breaches the federal trust responsibility to ensure safety and justice for Tribal Nations.

NIWRC Recommendations

- DOJ and the U.S. Department of Health and Human Services (HHS) must expedite the release of congressionally appropriated funds for VAWA and FVPSA grants so programs can continue providing lifesaving services to survivors. DOJ should also immediately publish all delayed FY26 OVW Notices of Funding Opportunities.
- DOJ and all federal agencies must oppose any proposed reductions to Tribal violence prevention, public safety programs, Native-serving organizations, and any programs that otherwise serve AI/AN people.
- DOJ should implement a mandatory NOFO release schedule with at least 90 days between the release of the NOFO and the application due date.
- DOJ should prioritize Tribal set-aside funding and direct funding streams to Tribal Nations that avoid overly burdensome competitive grant processes.

Consultation Priorities

Ensuring Tribal Government Program Grantees Have the Resources to Succeed

The Tribal Governments Program supports Tribes in developing their own governmental responses to domestic violence, dating violence, sexual assault, sex trafficking, and stalking. In FY2025, DOJ invested \$47.5 million through 64 Tribal Governments Program awards. Tribes use these funds for a broad range of locally determined strategies, including victim services, Tribal code and policy development, courts and prosecution, and law enforcement. Federal law directs OVW to “ensure that adequate Tribal technical assistance” is developed and provided by entities with expertise in Tribal law, customary practices, and federal Indian law “is made available” to Tribes and Tribal organizations for “all programs relating to violence against Indian women.”⁴

The Tribal Governments Program is the largest of those programs. Ensuring that its grantees have access to adequate Tribal-specific support is part of the responsibility Congress assigned to OVW, and it has been 4 years since this support has been provided. Dedicated Tribal-specific support gives Tribal programs another resource to draw upon, creates opportunities for Tribes to share their own expertise with one another, and helps ensure the success of this federal investment.



⁴34 U.S.C. § 10449(b)(2)(I)

Consultation Priorities

Ensuring Tribal Government Program Grantees Have the Resources to Succeed

NIWRC Recommendations

DOJ should ensure grants to Indian Tribal Governments Program grantees have access to a dedicated, Tribal-specific resource that can:

- Connect Tribes with peers doing similar work and facilitate the exchange of successful approaches and lessons learned.
- Provide specialized information, expertise, and support when requested by Tribal grantees.
- Work with Tribal Governments Program grantees to successfully administer their programs.



Consultation Priorities

Restoring Full Tribal Criminal Jurisdiction

The 2022 reauthorization of VAWA expanded the list of covered crimes over which Tribal Nations can exercise jurisdiction over non-Native perpetrators. While a pivotal step forward, the most recent reauthorization did not address serious crimes that co-occur with domestic and sexual violence. Public safety will continue to be at risk in Tribal communities until Congress fully restores every Tribal Nation's complete jurisdiction over all crimes committed by non-Indians on Indian land.

NIWRC Recommendations

- Pass a full Oliphant fix, as outlined in NCAI Resolution SPO-16-037, to fully restore Tribal Nations' jurisdiction over Indians and non-Indians for any offense committed on Tribal lands.
- DOJ, DOI, and all other federal agencies should abide by their trust and treaty responsibilities to Tribal Nations by including annual, consistent, and sustainable noncompetitive funding for Tribal Nations for all public safety and victim services needs in their annual budget requests.
- DOJ should request the full amount of funding authorized for Tribal programs in VAWA 2022.



Consultation Priorities

Preserving Federal Justice Resources in Indian Country Following *Oklahoma v. Castro-Huerta*

The 2022 U.S. Supreme Court decision in *Oklahoma v. Castro-Huerta* marked a significant departure from prior federal Indian law precedent, holding that states have concurrent jurisdiction with the federal government to prosecute crimes committed by non-Indians against Indians on Tribal lands. Since the decision, Tribal Nations have raised concerns that this may lead to a reduction in federal justice-related resources in Indian country. Any decision to reprioritize federal justice resources in Indian country made without coordination and government-to-government consultation with Tribal Nations would raise serious concerns under the federal trust responsibility, risk undermining public safety, and would run counter to the federal government's stated commitments following the 2020 decision in *McGirt v. Oklahoma* to resourcing public safety and justice systems in Oklahoma.

NIWRC Recommendations

- DOJ and DOI should invest more staff, resources, education, and training into Indian country to ensure that safety is increased, rather than decreased.
- DOJ should provide training and education for U.S. Attorneys, FBI personnel, Criminal Chiefs, Victim Witness Coordinators, and any additional relevant DOJ staff on the link between Tribal sovereignty, Tribal consultation, and safety in Indian country.
- DOJ and DOI should continue to prioritize public safety in Indian country by addressing the disproportionately high rates of violence experienced by AI/AN people.
- DOJ and DOI should issue guidance stating that the *Castro Huerta* decision does not alter federal jurisdiction to prosecute crimes in Indian country pursuant to 18 U.S.C. §§ 1152 and 1153.
- DOJ should communicate to Congress that it supports the proposed legislation encapsulated in NCAI Resolution SAC-22-043 to affirm Tribal sovereignty and protect Native women and children, whose lives are at stake.

Consultation Priorities

Preserving the Intertribal Technical-Assistance Working Group

DOJ established the Intertribal Technical-Assistance Working Group (ITWG) in 2013 in response to Tribal leaders who emphasized the value of learning from other Tribes as they implemented restored criminal jurisdiction over non-Indians. At the time, the DOJ stated that the ITWG could be “the singular lasting legacy” of the VAWA 2013 Pilot Project.⁵

The ITWG is designed around Tribal peer-to-peer information sharing and support. For more than a decade, the ITWG has brought Tribal justice professionals together twice a year for in-person meetings, along with regular webinars, calls, and working groups. ITWG has connected judges, prosecutors, defense attorneys, victim advocates, law enforcement, court personnel, Tribal attorneys, and other professionals to allow Tribes to learn directly from one another as difficult implementation questions arise.

Supporting Tribal implementation of Special Tribal Criminal Jurisdiction is an ongoing federal responsibility. In VAWA 2022, Congress not only expanded Tribal jurisdiction, it expressly authorized federal funding through FY 2027 to support participating Tribes and to provide “training [and] technical assistance” to their criminal justice systems.⁶ After the expansion of Tribal jurisdiction over non-Indians under VAWA 2022, more Tribes are considering exercising this jurisdiction, while participating Tribes are navigating increasingly complex questions. The need for Tribal peer-to-peer support is growing, not diminishing, but current federal funding for the ITWG expires September 30.

NIWRC Recommendations

- DOJ should continue federal funding and support for the national ITWG.
- DOJ should maintain the ITWG uninterrupted as an ongoing peer-to-peer resource as Tribes implement jurisdiction under VAWA 2022.
- DOJ should ensure the planned November ITWG meeting moves forward.

⁵78 Fed. Reg. 35,961 (June 14, 2013).

⁶25 U.S.C. § 1304(j)

Consultation Priorities

Addressing the Missing and Murdered Indigenous Women & Relatives Crisis

The severity of the missing and murdered Indigenous women and relatives (MMIWR) crisis highlights the urgent need for a more effective federal response.⁷ This response should support locally led Tribal initiatives aimed at addressing and preventing abductions and murders in Indian Country. In its 2017 Indian Country Investigations and Prosecutions report, the Department of Justice acknowledged that prioritizing initiatives in Indian country, including efforts to build the capacity of Tribal courts, is central to improving public safety for American Indians and Alaska Natives.⁸ Yet chronic underfunding of Tribal services and Tribal law enforcement, combined with an inadequate federal law enforcement response, continues to contribute to elevated rates of violence against AI/AN people.



⁷National Institute of Justice, Violence Against American Indian and Alaska Native Women and Men: 2010 Findings From the National Intimate Partner and Sexual Violence Survey, May 2016.

<https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>

⁸U.S. Department of Justice. (2018). Indian country investigations and prosecutions: 2017.

<https://www.justice.gov/tribal/page/file/1113091/dl?inline>

Consultation Priorities

Addressing the Missing and Murdered Indigenous Women & Relatives Crisis

NIWRC Recommendations

- Established by the Not Invisible Act of 2019, the Not Invisible Act Commission (NIAC) submitted its report, *Not One More: Findings and Recommendations of the Not Invisible Act Commission*,⁹ to the DOI and DOJ on November 1, 2023. DOI and DOJ, as well as other relevant federal agencies, should implement the NIAC recommendations, with frequent public progress updates, and should restore public access to the report and other related documents on both the DOJ and DOI websites.
- The National Institute of Justice, in consultation with the Office on Violence Against Women, should continue to conduct a National Baseline Study to examine violence against AI/AN people.
- DOI and DOJ should support the Bridging Agency Data Gaps and Ensuring Safety for Native Communities (BADGES) Act (S. 390/H.R. 1010) and the Parity for Tribal Law Enforcement Act (S. 2452/H.R. 4712) to address MMIWR data gaps and reporting, expand Tribal access to national missing persons databases, and improve recruitment and retention of law enforcement in Indian country.
- Federal agencies should develop protocols in consultation with Tribal Nations, recognizing the inherent right of AI/AN people to exercise traditional practices in the prevention of and response to MMIWR, including addressing the unauthorized cremation of human remains without family consent, denial of family requests to view remains without explanation, and the mailing and shipment of remains without notice or proper care.

⁹[https://www.niwrc.org/sites/default/files/files/34%20NIAC%20Final%20Report version%2011.1.23 FINAL_0.pdf](https://www.niwrc.org/sites/default/files/files/34%20NIAC%20Final%20Report%20version%2011.1.23_FINAL_0.pdf)

Consultation Priorities

Correcting Funding Disparities for Tribal Nations in Public Law 280 States

In 1953, Public Law 83-280 (PL 280) shifted Federal criminal jurisdiction over offenses involving American Indians and Alaska Natives in Indian country to certain states. This shift has led to ongoing jurisdictional confusion and uncertainty, significantly impacting justice responses and systems in those communities to this day. Tribal Nations under PL 280 have consistently received inadequate resources to build and sustain their own justice systems. Meanwhile, states that were granted concurrent jurisdiction under the law often fail to meet their responsibilities, leaving many Tribal communities underserved and compromising public safety.

It is essential not only to restore Tribal Nations' jurisdiction over non-Indian offenders but also to provide the necessary funding and resources for Tribes to fully support their justice systems, thereby creating safer communities for everyone.

NIWRC Recommendations

- Restore Tribal Nations' full criminal jurisdiction, regardless of PL 280 status, so that jurisdictional gaps and confusion no longer determine whether a case is investigated or prosecuted.
- Establish dedicated, noncompetitive funding streams to build and sustain Tribal courts, law enforcement, and other necessary public safety and justice infrastructure in PL 280 states, ensuring restored jurisdiction is paired with the resources necessary to exercise it effectively.

Consultation Priorities

Federal Compliance with the Tribal Law & Order Act of 2010 (TLOA)

The Tribal Law and Order Act of 2010 (TLOA) was designed to address the high crime rates in Indian country, including the disproportionate victimization of AI/AN women. The Act mandated greater accountability from federal officials, including improved coordination with Tribal justice officials concerning crimes that occur in Indian country. Effective communication about the status of investigations into crimes on Tribal lands is essential for the safety of Tribal communities.

NIWRC Recommendations

- The U.S. Attorney General should direct U.S. Attorneys to comply with Section 212 of TLOA, which amends 25 U.S.C. § 2809 to require federal agency coordination and reporting with Tribal justice officials when declining to prosecute crimes in Indian country. Noncompliance should be reflected in employee performance metrics.
- DOJ must ensure Tribal justice officials are notified of the release and re-entry of sex offenders into Tribal lands under Section 261 of TLOA. Proper implementation of this provision is critical to public safety for Tribal communities and victims of violence.
- Section 212 of TLOA requires that the Attorney General submit an annual report to Congress detailing investigative efforts by the Federal Bureau of Investigation (FBI) and dispositions of matters received by United States Attorneys' offices (USAOs) with Indian country responsibility.¹⁰ The DOJ has not submitted the Indian Country Investigations and Prosecutions report since 2023 and must do so immediately, along with any other reports required under TLOA.

¹⁰25 U.S.C. § 2809

Consultation Priorities

Increasing Access to Housing, Shelter & Supportive Services in Indian Country

Housing instability is a significant predictor of continued exposure to violence, particularly intimate partner violence. Survivors often face the difficult choice between homelessness and returning to an abusive relationship. This risk is especially high for AI/AN women, who frequently lack access to shelters and supportive services in many communities. Ensuring dedicated funding for victim services within Tribal Nations and reauthorizing the Family Violence Prevention and Services Act – the only dedicated federal funding source for domestic violence shelters nationwide and in Indian Country – is therefore not just a service priority, but a matter of public safety.



Consultation Priorities

Increasing Access to Housing, Shelter & Supportive Services in Indian Country

NIWRC Recommendations

- DOJ and HHS should support S.3764/H.R.7333, the Family Violence Prevention and Services Improvement Act of 2026.
- Increase funding and create a dedicated Tribal set-aside for the OVW Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program (Transitional Housing Program), which funds transitional housing and support services for victims who are homeless or in need of transitional housing or other housing assistance because of domestic or dating violence, sexual assault, or stalking.
- HHS should restore funding for the Capacity Building Center on Safe and Supportive Housing for Domestic Violence Survivors in Tribal Communities (Tribal Safe Housing Center), which addresses the intersection of housing instability, homelessness, and domestic violence in Indian Country; or, alternatively, ensure the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women receives dedicated funding to deliver training on increasing access to emergency shelter, safe housing, and housing stability for Tribal Nations and Tribal organizations.
- Reinstate and expand access to the OVW Grants to Tribal Governments Victim Service Providers for Financial Assistance to Victims of Sexual Assault and Domestic Violence Special Initiative (Tribal Financial Assistance Initiative). The initiative provides flexible financial assistance that allows victims to meet self-identified needs quickly, avert crises such as homelessness, rather than respond after the fact, and may be more efficient and cost-effective than current service models. Originally, the initiative was designed as a pilot program to provide grants to existing grantees with active OVW Tribal Governments Program awards. To better serve Tribal Nations and victims of violence throughout Indian Country, OVW should expand eligibility to include Tribal victim service providers that do not currently hold a Tribal Governments Program Award.¹¹

¹¹U.S. Department of Justice, Office on Violence Against Women. (2024). OVW Fiscal Year 2024 Grants to Tribal Governments Victim Service Providers...(Assistance Listing No. 16.029, Funding Opportunity No. O-OVW-2024-172129). <https://www.justice.gov/ovw/media/1359986/dl>

Consultation Priorities

Timely Submission of Statutorily Mandated Reports to Congress

The crisis of violence against AI/AN women continues to be a top priority for Tribal Nations, as highlighted in previous consultation reports. Documents such as the *Indian Country Investigations and Prosecutions* report serve as vital tools for improving coordination, ensuring accountability, and tracking progress between Tribal, federal, state, and local justice systems and services as they work to address this crisis of violence.

NIWRC Recommendations

- OVV should consistently and promptly release the annual *Update on the Status of Tribal Consultation Recommendations* report. This report is essential for providing Tribal leaders with a comprehensive update on activities undertaken in the past year to respond to their recommendations at the previous year's OVV consultation, including DOJ's coordination and collaboration with Tribes, HHS, and DOI to address these recommendations. Additionally, OVV must publish the *Annual Report of Proceedings*, which summarizes the testimony provided at the previous year's consultation, on the OVV website.
- As mentioned previously, Section 212 of TLOA requires that the Attorney General submit an annual report to Congress detailing investigative efforts by the Federal Bureau of Investigation (FBI) and dispositions of matters received by United States Attorneys' offices (USAOs) with Indian country responsibility.¹² The DOJ has not submitted the *Indian Country Investigations and Prosecutions* report since 2023 and must do so immediately, along with any other reports required under TLOA.

¹²25 U.S.C. § 2809

Preparing for Consultation?

NIWRC is available to support Tribal leaders in preparing OVV testimony as part of our technical assistance offerings. To request support, contact us at policy@niwrc.org or visit our Contact Us page.



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