Legislative Update

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The National Indigenous Women’s Resource Center

Who we are and what we do
The National Indigenous Women’s Resource Center

• The Mission of NIWRC is to support and uphold grassroots advocacy by creating and enhancing the capacity of Native communities to end gender based violence through
  • technical assistance,
  • education,
  • public awareness and
  • policy development.
Alaska Native Women’s Resource Center

• Funded by a 2017 Appropriations for a State Tribal Resource Center to provide:
  • Technical Assistance & Training, including Needs Assessments
  • Public Awareness/Resource Development
  • Policy Development & Systems Advocacy/Engagement
  • Research and Knowledge Development
Appropriations

Funding available for tribal governments and courts
## DOJ Appropriations

<table>
<thead>
<tr>
<th></th>
<th>FY 18</th>
<th>FY 19</th>
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<tbody>
<tr>
<td>VOCA tribal funding (OVC)</td>
<td>$133M</td>
<td>$166M</td>
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<tr>
<td>Grants to Tribal Governments (OVW)</td>
<td>$40.15M</td>
<td>$40.45M</td>
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<tr>
<td>Tribal Sexual Assault Services (OVW)</td>
<td>$3.5M</td>
<td>$3.75M</td>
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<td>Tribal Jurisdiction (OVW)</td>
<td>$4M</td>
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<td>Tribal Coalitions (OVW)</td>
<td>$6.49M</td>
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<td>“Tribal Assistance” (BJA)</td>
<td>$35M</td>
<td>$37M</td>
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<td>Tribal Youth (OJJDP)</td>
<td>$5M</td>
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<tr>
<td>COPS Office</td>
<td>$30M</td>
<td>$27M</td>
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<tr>
<td>TAP Program</td>
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<td>$3M</td>
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<tr>
<td><strong>Approx. total</strong></td>
<td><strong>$257.14M</strong></td>
<td><strong>$292.69M</strong></td>
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<td>FVPSA Appropriations</td>
<td>Fiscal Year 2019</td>
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<tr>
<td>Overall FVPSA Funding</td>
<td>$164,500,000</td>
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<tr>
<td>*Grants to Tribal Governments</td>
<td>$19,755,000</td>
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*FY 18 and FY 19 included additional $5M set aside for tribal programs
Fiscal Year 2020 Appropriations

- President Trump signed the Bipartisan Budget Act (BBA) of 2019 on Friday, August 2, 2019.
  - The BBA raised the discretionary caps for FYs 2020 and 2021.
  - Also raised the debt limit for this same time period.
- Signing the BBA sets the stage for the Senate to start producing its 12 government funding bills.
- Mark up of the funding bills will likely take place in the beginning of September.
- Getting 12 funding bills through the Senate before the end of the Fiscal Year is unlikely.
- Continuing Resolution may be necessary.
Violence Against Women Act (VAWA)
VAWA Reauthorization History

• First enacted in 1994

• Reauthorized in 2000, 2005, and 2013

• Each reauthorization has strengthened the bill and included provisions aimed at enhancing safety for Native victims of domestic violence, dating violence, sexual assault, stalking, and trafficking.
2005 Title IX: Safety for Native Women

- Historic Amendment for Indian Country: Created in VAWA 2005-historic because within the act, Congress recognized the severity of the violence against Native women and the need to enact federal legislation supporting increased protections.
- Recognized the unique legal relationship and commitment that the US has to Indian tribes and the safety of Native women.
- Required Sec. 903, U.S. shall conduct annual government to government consultations with Indian tribal governments concerning administration of tribal funds and programs under this act.
Historic Amendment

• Restored inherent tribal authority of Indian Tribes to prosecute non-native defendants for certain crimes (partial Oliphant fix) - known as Special Domestic Violence Criminal Jurisdiction.

• Limited in Scope
  • Domestic Violence with certain requirements and Violations of a Protection Order.
VAWA 2013 Limitations

Special Criminal Jurisdiction only pertains to:
- Domestic Violence
- Dating Violence
- Violations of a Protection Order

Defendant must have close ties to Indian Country*:
- Resides in Indian Country of tribe;
- Employed in the Indian Country of tribe or;
- A spouse, intimate partner or dating partner of a tribal member or non-member Indian who resides in the Indian Country of the tribe.

*Jurisdiction tied to ”Indian Country” which results in 228 of 229 Alaska Native Tribes being left out of some of these provisions.
House Bill 1585 Reauthorization of VAWA

- Reauthorizes 2013 provisions and expands prosecution of non-Indians to include obstruction of justice-type crimes, sexual assault crimes, sex trafficking and stalking.
- Creates pilot project for five Alaska Tribes and expands the definition of Indian Country to include ANCSA lands, townsites and communities that have populations of at least 75% native.
- Expands definition of DV victims to include children who witness the crime.
- Provides a specific finding for Alaska and jurisdictional challenges because of restrictive land settlement.
- Expands Tribal Access Program (TAP) to tribes without law enforcement.
- Expands enforcement of tribal protection orders and specifically in Alaska with land issues.
FVPSA Reauthorization History

- Since its initial authorization in 1984 and subsequent reauthorizations, FVPSA has:
  - Created the first and only federal funding stream dedicated to supporting community-based domestic violence programs and shelters, thereby directly addressing the childcare, housing, community support, transportation, and other barriers that survivors of gender-based violence face in accessing safety and resources.
  - Significantly improved domestic violence prevention efforts and increased public awareness about the prevalence of domestic violence, dating violence, and family violence.
  - Ensured that survivors of gender-based violence from underserved communities have gained access to the same life-saving and life-changing assistance and resources as other survivors.
  - Developed trauma-informed best practices for children and youth exposed to domestic violence.
New tribal specific provisions would include:

• Permanent funding for an Alaska Native Tribal Resource Center (funding is currently discretionary and not permanent).

• Authorize permanent funding of the StrongHearts Native Helpline to serve as the National Indian Domestic Violence Helpline (funding is currently discretionary and not permanent).

• Once funding authorization reaches $185 million, the funding for tribes increases to 12.5% and provides 3% of funding for the Tribal Domestic Violence Coalitions.
Other Relevant Pending Legislation
Native Youth and Police Officer Protection Act

- S. 290/HR 958 - Bipartrisan - Udall (D-NM), Murkowski (R-AK), and Cortez Masto (D-NV) and Reps. Cole (R-OK) and O’Halleran (D-AZ).

- Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including: child abuse and crimes that are committed against certain public safety & justice officials.

- Also included as part of H.R. 1585.
Justice for Native Survivors Act

• S. 288/H.R. 3977 - Bipartisan - Smith (D-MN), Murkowski (R-AK), and Udall (D-NM) and Reps. Halaand (D-NM), Gallego (D-AZ), Davids (D-KS), Cook (R-CA), and Cole (R-OK).

• Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including: sexual assault, stalking, and trafficking.

• Also included as part of H.R. 1585.
Securing Urgent Resources Vital to Indian Victim Empowerment Act: SURVIVE Act

- S.211 - Bipartisan - Cosponsors: Hoeven (R-ND) and 14 other cosponsors.
- Directs that five percent of the total annual outlays from the Crime Victims Fund (CVF) be provided to Indian tribes to provide crime victim services.
- In addition to ensuring that tribal governments can access the Victims of Crime Fund (VOCA) resources on equal footing to state, the bill also empowers Tribes and Indian victims of crime by:
  - Expanding the types of victim assistance, services and infrastructure for which the funds may be used, including domestic violence shelters, medical care, counseling, legal assistance and services, and child and elder abuse programs.
  - This bill was also included in the H.R. 1585.
Savanna’s Act

• S.227/H.R. 2733 - Bipartisan - S.227 Murkowski (R-AK), Cortez-Masto (D-NV) and 14 other cosponsors. H.R. 2733 Bipartisan - Torres (D-CA) and Haaland (D-NM) and 31 other cosponsors including AI/AN Representatives Cole (R-OK), Mullin (R-OK), and Davids (D-KS).

• House Bill aims to supplement Senate Bill by improving language identified as problematic by Tribes and Tribal organizations earlier in 2019.

• The Bills aim to improve the response to missing and murdered Native women by:
  • improving tribal access to the federal criminal information databases,
  • requiring data collection on missing and murdered Native people, and
  • directing the U.S. Attorneys to develop law enforcement and justice protocols to address missing persons.
Significant changes in H.R. 2733 from the S.277 include provisions that:

• Expand the requirement for the creation of law enforcement guidelines to all U.S. Attorneys, not just those with Indian Country jurisdiction, and require such guidelines to be regionally appropriate;

• Require the Attorney General to publicly list the law enforcement agencies that comply with the provisions of the legislation (rather than list those that don’t comply); and

• Replace the affirmative preference subsections with an implementation and incentive section that provides grant authority to law enforcement organizations to implement the provisions of the legislation and increases the amount of those grants for those that comply, while removing the preference provision in S. 277 that will punish Tribal Nations lacking sufficient resources to implement the guidelines their local U.S. Attorney creates.
Not Invisible Act

- Bipartisan - Cosponsors: Cortez-Masto (D-NV) Murkowski (R-AK) and Tester (D-MT)
- Coordinates federal efforts to combat violence against native people
- Establishes an advisory committee on reducing violent crime against native people comprised of law enforcement, tribal leaders, and service providers to make recommendations to the DOI and DOJ on combatting violence against Native Americans and Alaska Natives.
- Introduced April 2, 2019 - referred to Senate Committee on Indian Affairs
Bridging Agency Data Gaps and Ensuring Safety Act

• Bipartisan - Cosponsors: Tom Udall (D-NM), Jon Tester (D-MT), Lisa Murkowski (R-AK), Catherine Cortez Masto (D-NV), Martha McSally (R-AZ.), and Tina Smith (D-MN).

• Bridging Agency Data Gaps:
  • Addresses inefficiencies in federal criminal databases;
  • Increases Tribal access to federal criminal databases; and
  • Improves public data on missing and murdered Indigenous women cases and Indian Country law enforcement staffing levels.

• Ensuring Safety for Native Communities:
  • Promotes more efficient recruitment and retention of BIA law enforcement;
  • Provides Tribes with resources to improve public safety coordination between their governments, States, and federal agencies; and
  • Mitigates against federal law enforcement personnel mishandling evidence crucial to securing conviction of violent offenders.
Next Steps as Tribal Citizens

• Sign up for email notifications from NIWRC and AKNWRC.
Questions and Thank You

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