

Legislative Update

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Presentation Goals

1. Update on appropriations of VAWA-type programs
2. Provide a summary of pending legislation

The Alaska Native Women's Resource Center

Who we are and what we do

ALASKA NATIVE TRIBAL RESOURCE CENTER ON DOMESTIC VIOLENCE (ANTRC)

Funded by a 2017 Appropriations for a State Tribal Resource Center to provide:

1. Technical Assistance & Training, including Needs Assessment
2. Public Awareness/Resource Development
3. Policy Development & Systems Advocacy/Engagement
4. Research and Knowledge Development

Organizing & Facilitating a Process of Discussion & Engagement

Facilitating a discussion within village/s to:

- Provide victims with pathways to safety
- Increase the accountability of abusers
- Increase the village response to domestic violence
- Determine changes needed within the village to increase village-wide responses to domestic violence within the village

Appropriations

Funding available for tribal governments and courts

DOJ Appropriations Update that affect VAWA Programs

	FY 18	FY19
VOCA tribal funding (OVC)	\$133M	\$166M
Grants to Tribal Governments (OVW)	\$40.15M	\$40.45M
Tribal Sexual Assault Services (OVW)	\$3.5M	\$3.75M
Tribal Jurisdiction (OVW)	\$4M	\$4M
Tribal Coalitions (OVW)	\$6.49M	\$6.49M
“Tribal Assistance” (BJA)	\$35M	\$37M
Tribal Youth (OJJDP)	\$5M	\$5M
COPS Office	\$30M	\$27M
TAP Program	---	\$3M
Approx. total	\$257.14M	\$292.69M

2019 Pending Federal Legislation



The Violence Against Women's 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 Indian 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.

VAWA 2013

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

- Limited in Scope
 - 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

VAWA 2013

- Effect on Alaska: 228 out of 229 tribes left out of some of these provisions.
- Jurisdiction tied to “Indian Country”

VAWA 2019

Time for a historic amendment
for Alaska Tribes/Villages?

House Bill 1585 Reauthorization of VAWA 2019

1. Reauthorizes 2013 provisions and expands prosecution of non-Indians to include obstruction of justice-type crimes, sexual assault crimes, sex trafficking and stalking.
2. 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.
3. Expands definition of DV victims to include children who witness the crime.
4. Provides a specific finding for Alaska and jurisdictional challenges because of restrictive land settlement.
5. Expands Tribal Access Program (TAP) to tribes without law enforcement.
6. Expands enforcement of tribal protection orders and specifically in Alaska with land issues.

New Section: Alaska

SEC. 901. FINDINGS AND PURPOSES.

*(15) In States with restrictive land settlement acts such as Alaska, **“Indian country” is limited, resources for local tribal responses** either nonexistent or insufficient to meet the needs, jurisdiction unnecessarily complicated and increases the already high levels of victimization of American Indian and Alaska Native women. According to the Tribal Law and Order Act Commission Report, Alaska Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the State population, but are 47 percent of reported rape victims. And among other Indian Tribes, Alaska Native women suffer the highest rates of domestic and sexual violence in the country.*

VAWA 2019: SEC. 903

*(g) Indian Country Defined.—For purposes of the pilot project **described in subsection (f)(5), the definition of ‘Indian country’** shall include Alaska Native-owned Townsites, Allotments, and former reservation lands acquired in fee by Alaska Native Village Corporations pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 33) and other lands transferred in fee to Native villages.”*

Young Amendment expands jurisdiction(!): “2) All lands within any Alaska Native village with a population that is at least 75 percent Alaska Natives.”

VAWA 2019: Criminal Jurisdiction SEC 106 2 e

- *Protection Order enforcement and reach expanded:*
- *“This applies to all Alaska tribes without respect to ‘Indian country’ or the population of the Native village associated with the Tribe.”*

Victims of Crime Act (VOCA)



VOCA 1984-2018

- Crime Victim Fund (CVF)
- Derived from offenders convicted of federal crimes
- Congress determines how much can be released each year
- Historic 3% Appropriation of \$133m appropriated in 2018 and \$166m appropriated in 2019
- Two primary victim programs for distribution:
 - Victim compensation--out of pocket
 - Victim assistance--support and guidance following crime

The Victims of Crime Act

The Victims of Crime Act (VOCA) was enacted in 1984 and established the Crime Victims Fund (CVF or Fund). The CVF is unique in that it is funded only through the collection of criminal fines, forfeited appearance bonds, penalties, and assessments. These dollars derive from offenders convicted of federal crimes and resulting fines and penalties, not taxpayers. While Congress does not appropriate funds for VOCA, it does determine how much can be released or distributed each year from the CVF. The 2013 balance of the CVF was over \$1.3 billion.

Overview

The idea behind the Act was that the money collected by the government from criminals should be utilized to help victims of their crimes. VOCA dollars are primarily distributed to support two important types of programs:

- Crime victim compensation programs, which pay many of the out-of-pocket expenses incurred by victims as a result of crime (including medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support), and

- Victim assistance programs, which provide victims with support and guidance in the aftermath of crime (including but not limited to crisis intervention, counseling, emergency shelter, criminal justice advocacy, and emergency transportation).

Each state and territory is recognized under VOCA to receive a dedicated annual amount for the above purposes. Formula grants to all states and territories are based largely on population. Of the amount available for state victim assistance grants, each state receives a base amount of \$500,000 (\$200,000 for territories) and the remainder proportional to population.

VOCA Generally Not Available to Indian Tribes

Unlike states and territories, tribes were not included in the 1984 VOCA legislation. As a result, there is no dedicated tribal funding stream under the VOCA for Indian tribes to administer to compensate and provide assistance to tribal victims of crime. Rather, tribes must access these funds through one of two grant



2019: VOCA

\$166 million from the Crime Victims Fund for tribal crime victims services


CTAS PA #7

deadline was March 12


Reported that only 50 tribes applied—


Only \$25 million potentially allotted, leaving more than \$125 million

May 1, 2019 Gov. to Gov. Consultation: Fairbanks

 UNIVERSITY OF ALASKA FAIRBANKS

HOMEAGENDAREGISTRATIONTRIBAL CONSULTATIONLOGGINGRESOURCES

 JUSTICE FOR VICTIMS
JUSTICE FOR ALL

 Office for Victims of Crime
OVC

**TRIBAL CONSULTATION ON POTENTIAL FUTURE
TRIBAL SET-ASIDE FUNDING**
WESTMARK FAIRBANKS HOTEL & CONFERENCE CENTER
FAIRBANKS, ALASKA
WEDNESDAY, MAY 1, 2019

Tribal Consultation on Potential Future Tribal Set-Aside Funding

The United States Department of Justice's Office of Justice Programs, Office for Victims of Crime (OVC) looks forward to holding a Tribal Consultation with Alaska tribal leaders, their representatives, and stakeholders regarding how potential future tribal set-aside funding from the federal Crime Victims Fund should be administered. We are honored to hold this Tribal Consultation on the concluding afternoon of the 36th Annual Alaska Tribal Court Conference, on Wednesday, May 1, 2019, in Fairbanks, Alaska.

To register for this Tribal Consultation and indicate your interest in speaking, please visit this [Link to the Tribal Consultation Registration Website](#) and click the "Register" button. You can also register on-site on May 1.

Date: Wednesday, May 1, 2019

When: 9:00 a.m. - 1:30 p.m. - Pre-registration Check-in and Onsite registration
1:30 p.m. - 5:30 p.m. Tribal Consultation

Where: Westmark Fairbanks Hotel and Conference Center
813 Noble Street
Fairbanks, AK

Please continue to register on the link provided below for the Tribal Consultation or [CLICK HERE](#) to visit Office for Victims of Crime registration site.

For more information, please contact ovctribalsetaside@ojp.usdoj.gov

What is Tribal Consultation?

- Consultation is the formal process through which the Department of Justice seeks Tribal input regarding the development of new or amended policies, regulations, and legislative actions initiated by the Department
- This government-to-government relationship has a more than 200-year history, and is built on the foundation of the U.S. Constitution, treaties, legislation, executive action, and judicial rulings.

“Marker” Bills

A marker bill is a piece of legislation introduced in Congress that's not actually intended to pass as a standalone bill, but rather is intended for inclusion in a larger bill (such as the farm bill)

Native Youth & Tribal Officer Protection Act

- S. 290/HR 958 - Introduced by Senators 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.
- Referred to the Indian Affairs Committee.

Studying the Missing and Murdered Indian Crisis Act

- S. 336 - Introduced by Sen. Tester (D-MT), Daines (R-MT), Cortez Masto (D-NV), Lankford (R-OK), Smith (D-MN).
- Directs the Comptroller General of the United States to submit a report on the response of law enforcement agencies to reports of missing or murdered Indians and make recommendations for improvement.
- Referred to the Senate Committee on Indian Affairs.

Justice for Native Survivors of Sexual Violence Act

- S. 288 - Introduced by Senators Smith (D-MN), Murkowski (R-AK), and Udall (D-NM).
- Reaffirms tribal criminal jurisdiction over some crimes committed by non-Indians including: sexual assault, stalking, and trafficking.
- Referred to the Indian Affairs Committee.

Senate Bills to watch...

The SURVIVE Act (VOCA for Tribes)

- S. 211: 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.
- Would result in approx. \$150-170M for crime victim services in Indian Country annually based on recent funding levels

The bill was reported favorably by the SCIA in Feb. 2019

Savanna's Act (MMIW)

- S. 227 - aims 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.

Next Steps as a Tribal Citizens

- Educate elected officials about what values are important to you
- Call House of Representative Young
- Call Senators Murkowski and Sullivan
 - Pass a VAWA similar to HB 1585
 - **Pass the acts referenced: Savannah's Act, SURVIVE, NYTOPA, Justice for Sexual Survivors**

Sign up for our email notifications at www.aknwrc.org

Gunalchéesh-Thank you

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