



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ECWS-19-005

TITLE: Urging Congress to Pass a Long-term Reauthorization of the Violence Against Women Act that Includes Key Protections for Native Women

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, NCAI resolution STP-00-081 established the NCAI Task Force on Violence Against Native Women, which has worked since that time to identify needed policy reforms at the tribal and federal levels, including in the Violence Against Women Act (VAWA);

WHEREAS, VAWA was first passed in 1994, reauthorized in 2000, again in 2005, and 2013 and each of these bills included important provisions aimed at improving safety and justice for Native women;

WHEREAS, the last long-term reauthorization of VAWA expired on September 30, 2018 and Congress has passed a series of short-term extensions that leave VAWA currently scheduled to expire on February 15, 2019;

WHEREAS, Native communities continue to experience high levels of domestic violence, sexual violence, child abuse, stalking, murder, and trafficking, many of these crimes are committed by non-Indians, and there is a need to amend federal law to improve access to justice and safety for victims in tribal communities;

WHEREAS, VAWA 2013 included a provision that reaffirmed the inherent sovereign authority of Indian tribal governments to exercise criminal jurisdiction over certain non-Indians who violate qualifying protection orders or commit domestic or dating violence against Indian victims on tribal lands;

WHEREAS, by exercising jurisdiction over non-Indian domestic violence offenders many tribal communities have increased safety and justice for victims who had previously seen little of either;

WHEREAS, the Department of Justice (DOJ) testified before the Senate Committee on Indian Affairs in 2016 that VAWA 2013 has allowed tribes to “respond to long-time abusers who previously had evaded justice,” but that there are significant additional gaps that need to be addressed;

WHEREAS, the tribes implementing VAWA 2013 report that children have been involved as victims or witnesses in their cases nearly 60% of the time and federal law prevents tribal courts from holding non-Indian offenders accountable for these crimes;

WHEREAS, according to DOJ, American Indian and Alaska Native children suffer exposure to violence at rates higher than any other race in the United States, and this violence has immediate and long term effects, including: increased rates of altered neurological development; poor physical and mental health; poor school performance; substance abuse; and overrepresentation in the juvenile justice system;

WHEREAS, a 2016 report from the National Institute for Justice (NIJ) confirmed that 56% of Native women experience sexual violence within their lifetime and nearly 1 in 2 report being stalked;

WHEREAS, according to NIJ Native victims of sexual violence are three times as likely to have experienced sexual violence by an interracial perpetrator as non-Hispanic White victims and Native stalking victims are nearly 4 times as likely to be stalked by someone of a different race, but federal law prevents tribal courts from holding non-Indian offenders accountable for these crimes;

WHEREAS, VAWA 2005 included a provision directing the Attorney General to permit Indian tribes to enter information into and obtain information from federal criminal information databases;

WHEREAS, in 2015 DOJ announced the Tribal Access Program for National Crime Information (TAP), which provides eligible tribes with access to the Criminal Justice Information Services systems;

WHEREAS, there has never been funding authorized for the TAP program and some tribes report that they are unable to access the program;

WHEREAS, on some reservations, American Indian and Alaska Native women are murdered at more than 10 times the national average;

WHEREAS, in many cases, law enforcement has failed to adequately respond to cases of missing and murdered American Indian and Alaska Native women, leaving family members to organize their own searches and community marches for justice and without access to support or services; and

WHEREAS, Alaska Native women experience some of the highest rates of violence in the country and geographical remoteness, extreme weather, the lack of transportation infrastructure, and

unique jurisdictional complexities present unique challenges to Native women's safety;

WHEREAS, certain tribes subject to restrictive settlement acts have not been able to implement the tribal jurisdiction provision of VAWA 2013.

NOW THEREFORE BE IT RESOLVED, that NCAI calls on Congress to move swiftly to pass a long-term reauthorization of VAWA that will:

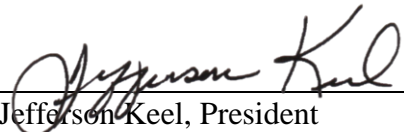
- Include provisions like those included in the Native Youth and Tribal Officer Protection Act and Justice for Native Survivors of Sexual Violence Act that amend 25 USC 1304 to address jurisdictional gaps including: child abuse and endangerment; assaults against law enforcement officers; sexual violence; stalking; trafficking; and the exclusion of certain tribes from the law;
- Create a permanent authorization for DOJ's Tribal Access to National Crime Information Program and ensure that TAP is available to all tribes;
- Improve the response to and classification of incidents of missing and murdered Indian women consistent with NCAI Resolution PHX-16-077;
- Identify and address the unique barriers to safety for Alaska Native women, based upon meaningful findings, and provide access to all programs; and
- Reauthorize VAWA's tribal grant programs and ensure that funding is available to cover costs incurred by tribes who are exercising jurisdiction pursuant to VAWA;

BE IT FURTHER RESOVLED, that NCAI will oppose any VAWA reauthorization bill that undermines tribal sovereignty, unfairly penalizes tribes in accessing federal funds, or that diminishes tribal inherent authority to define and address crimes of domestic or dating violence, sexual violence, stalking, or trafficking; and

BE IT FINALLY RESOLVED, resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the Executive Committee at the Executive Council Winter Session of the National Congress of American Indians, held at the Capital Hilton, February 12, 2019, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary