

Native VAWA Section-By-Section Summary

Title I – Grants

Section 101 – Grants to Indian tribal governments

Amends VAWA Title IX § 906 to

- Authorize services to victims of sex trafficking as allowable purposes under these grants.
- Authorize services to address the needs of victimized youth. It also authorizes support services for nonabusing parents or the child’s caretaker.
- Authorize services to develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking and stalking.

Section 102 – Tribal Coalition Grants

Amends VAWA to

- Authorize services to develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking and stalking.
- Remove “individuals” as eligible grantees under the tribal coalition grant program.

Section 103 – Consultation

Amends VAWA Title IX § 903 to

- Require the participation of the Secretary of the Interior in consultations. (Previously only the Secretary of HHS and Attorney General were required).
- Require notice of consultation at least 120 days prior.

Section 104 – Analysis and research on violence against women

Amends VAWA Title IX § 904 to

- Add “Alaska Native Villages” to the required areas of study for the national baseline study of violence against Indian women.
- Add “sex trafficking” to the scope of the national baseline study.

Section 105 – Definitions

Amends VAWA § 3 to

- Define “Alaska Native Village” as the same under § 3 of the Alaska Native Claims Settlement Act .
- Add “any federally recognized tribe” to the definition of a “rural area” and “rural community.”

Section 106 – Grants to children and youth exposed to violence

Amends VAWA Title IV § 401 to

- Increase authorized appropriations for this grant program from \$20 million to \$50 million.

Title II – Tribal Jurisdiction and Criminal Offenses

Section 201 – Tribal jurisdiction over crimes of domestic violence

Amends the Indian Civil Rights Act (25 U.S.C. 1301) to

- Recognize any participating tribes' concurrent criminal jurisdiction to investigate, prosecute, convict, and sentence persons (including non-Indians) who assault Indian spouses, intimate, partners, or dating partners, or who violate protection orders, in Indian Country.
- A “participating tribe” is any federally recognized Indian tribe that exercises powers of self-government over an area of Indian Country and adequately protects the rights of defendants.

Section 202 – Tribal protection orders

Amends 18 U.S.C. 2265 to

- Confirm the intent of Congress in enacting VAWA (2000) by clarifying that every tribe has full civil jurisdiction to issue and enforce certain protection orders involving any persons, Indian or non-Indian.
- This would effectively reverse the decisions in *Martinez v. Martinez*, which held that an Indian tribe lacked authority to enter a protection order for a nonmember Indian against a non-Indian residing on non-Indian fee land within the reservation.

Section 203 – Amendments to the federal assault statute

Amends 18 U.S.C. 113 to

- Provide a 10 year offense for assaulting a spouse, intimate partner, or dating partner by strangling or suffocating.
- Provide a 5 year offense for assaulting a spouse, intimate partner, or dating partner resulting in substantial bodily injury.
- Provide a 1 year offense for assaulting a person by striking, beating, or wounding.

Section 204 – Effective dates; pilot project

- The concurrent tribal jurisdiction over crimes of domestic violence shall take effect 2 years after the enactment of this proposed legislation.
- Establishes a new pilot project for tribes wishing to exercise concurrent jurisdiction over crimes of domestic violence on an accelerated basis. Tribes wishing to participate would apply to the Attorney General, who would coordinate with Dept. of Interior