

***Violence Against Women Act Reauthorization Act of 2022***  
**Section-by-Section Summary**  
**TITLE VIII – Safety for Indian Women**

**Prepared by the U.S. Senate Committee on Indian Affairs**  
**Offices of Chairman Brian Schatz**  
**and Vice Chairman Lisa Murkowski**

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***Executive Summary***

The *Violence Against Women Act Reauthorization Act of 2022* contains provisions that reflect Tribal stakeholder and Native community input gathered over years of Committee oversight and legislative activity on public safety in Tribal, Alaska Native, and Native Hawaiian communities. More recently, the Chairman, Vice Chairman, and Committee Members’ offices jointly examined solutions to address violence against Native peoples and restore justice to Native communities.

The bipartisan bill – which also includes important provisions that increase access to federal resources and data for American Indian, Alaska Native, and Native Hawaiian communities – contains a Tribal Title based on a [Committee discussion draft Schatz and Murkowski released in December 2021](#). The bill’s Tribal Title—

- Maintains special Tribal criminal jurisdiction (STCJ) over crimes of dating violence, domestic violence, and violations of Tribal civil protection orders first put in place by 2013 *Violence Against Women Act* (VAWA) reauthorization;
  - Restores STCJ over crimes related to child violence, sexual violence, sex trafficking, stalking, obstruction of justice, and assault of Tribal justice personnel;
  - Ensures Indian Tribes in Alaska and Maine are able to exercise STCJ and keep their communities safe; and
  - Provides Indian Tribes with improved access to critical STCJ resources by—
    - Increasing the authorization level of the VAWA Special Tribal Criminal Jurisdiction implementation grant program from \$5 million per fiscal year to \$25 million per fiscal year,
    - Expanding the VAWA Special Tribal Criminal Jurisdiction implementation grant program to cover Tribes’ reimbursements costs,
    - Reestablishing the Bureau of Prisons Tribal Prisoner Program, and
    - Codifying of the Department of Justice’s Tribal Access Program to provide Tribes with access to national criminal information databases.
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## ***Subtitle A – Tools to Enhance Public Safety for Indian Tribes***

### ***Sec. 801. Findings and Purposes.***

Provides findings and purposes related to violence against Native women—including the extraordinarily high rates of murder committed and violent crimes perpetrated against American Indian, Alaska Native, and Native Hawaiian women. These purpose provisions reaffirm inherent Tribal sovereignty and clarify the responsibilities of Tribal, federal, and state officials to respond to these cases of violence against American Indian and Alaska Native women.

### ***Sec. 802. Tribal Access Program.***

Codifies the U.S. Department of Justice’s (DOJ) “Tribal Access Program” (TAP) to enhance Indian Tribes’ ability to access, enter information to, and obtain information from national criminal information databases. It authorizes \$6 million per fiscal year through 2026, to remain available until expended, for DOJ to support TAP related-activities (including providing Tribes with the hardware and training resources necessary to access national criminal information databases).

### ***Sec. 803. Bureau of Prisons Tribal Prisoner Program.***

Reestablishes the U.S. Bureau of Prisons (BOP) Tribal Prisoner Program first authorized as a pilot in the 2010 *Tribal Law and Order Act*. This program allows Indian Tribes to accept in BOP facilities offenders convicted in Tribal Courts of committing violent crimes for which the sentence includes a term of imprisonment for one or more years.

### ***Sec. 804. Tribal Jurisdiction over Covered Crimes.***

Builds upon the restoration of STCJ over non-Indian persons who commit crimes related to domestic violence, dating violence, and violations of civil protection orders enacted through the 2013 VAWA reauthorization by—

- Restoring STCJ over non-Indian persons who commit crimes related to child violence, sexual violence, sex trafficking, stalking, obstruction of justice, and assault of Tribal justice personnel in Indian country;
- Removing the “sufficient ties” restriction that currently limits exercise of STCJ to only those non-Indian individuals who reside or are employed in Indian country or is the spouse, intimate partner, or dating partner of a member of an Indian Tribe or resident of Indian country; and
- Clarifying that the STCJ restored through the VAWA 2013 and 2022 reauthorizations applies to Indian Tribes in Maine.

The section retains the limitation in the 2013 VAWA reauthorization on Indian Tribes exercising STCJ where both the victim and the defendant are non-Indian

The section also maintains the requirements set out in the 2013 VAWA reauthorization that Indian Tribes exercising STCJ provide non-Indian defendants with all the rights and protections

guaranteed under the *Indian Civil Rights Act (ICRA)*, which codifies the same set of due process rights protected by the United States Constitution. It does this by—

- Retaining provisions outlining the rights of STCJ defendants;
- Restating the existing rights of STCJ defendants to file for a writ of habeas corpus from a U.S. court guaranteed under ICRA section 203;
- Retaining provisions guaranteeing the right of STCJ defendants who file petitions for a writ of habeas corpus from a U.S. court to also petition that court for a stay of further detention;
- Restating the 2013 VAWA reauthorization requirement that Indian Tribes exercising STCJ authorities provide a timely notice to any person ordered detained by the Tribe of the defendant rights codified in ICRA; and
- Requiring that an Indian Tribe exercising STCJ fulfill its ICRA notice requirement under the 2013 VAWA reauthorization in writing.

The section clarifies that any defendant petitioning for a writ of habeas corpus from a U.S. court under ICRA must first exhaust legal remedies available through the participating Indian Tribe’s court system, ensuring full comity between Tribal, state, and federal court systems related to petitions for a writ of habeas corpus.

The section reauthorizes the VAWA Tribal implementation grant program at \$25 million per fiscal year through 2026 to assist Indian Tribes in strengthening their criminal justice systems and implementing the STCJ provisions established in this title. It modifies the grant program by eliminating application of the “supplement, not supplant” requirement to Tribal governments and expands the grant program’s list of eligible uses to include expenses related to public safety facility maintenance, renovation, and rehabilitation.

The section also creates a mechanism for Indian Tribes to receive reimbursements from DOJ for costs associated with the exercise of STCJ and the Alaska STCJ pilot established in subtitle B. This new reimbursement program specifically—

- Directs DOJ to consult with Indian Tribes on rules implementing the reimbursement process, including any rule related to establishing and waiving a maximum annual reimbursement cap under the program;
- Specifies the STCJ-related eligible expenses for which Indian Tribes may receive reimbursements; and
- Requires DOJ to meet specific deadlines on responding to qualifying reimbursement requests from Indian Tribes, ensuring Indian Tribes have timely access to reimbursements funds and information concerning the reimbursement program.

## ***Subtitle B – Alaska Tribal Public Safety Empowerment***

### ***Sec. 811. Findings; Purposes.***

Provides findings and purposes related to violence against Alaska Native women. This section also provides that Indian Tribes should be empowered to combat these violent crimes against Alaska Native women.

### ***Sec. 812. Definitions.***

Provides definitions related to the Alaska STCJ pilot program established in this subtitle. For the purposes of the pilot program, it defines “village” to mean an Alaska Native Village statistical area covering all/any portion of a Native village (as defined in the *Alaska Native Claims Settlement Act*), as depicted on the applicable Tribal Statistical Area Program Verification map produced by the U.S. Census Bureau.

### ***Sec. 813. Tribal Jurisdiction in Alaska.***

Establishes a pilot program for Indian Tribes in Alaska to exercise STCJ within Alaska Native villages. The section limits participation in the pilot program to only 30 Indian Tribes, unless DOJ submits an appropriate public and Congressional notice of the Department’s intention to designate additional Indian Tribes as pilot participants. It also allows Indian Tribes to form inter-Tribal partnerships to participate jointly in the pilot program.

The section describes how STCJ will apply under the pilot program. The section includes a limitation on the exercise of STCJ if both the defendant and victim are non-Indian. STCJ is concurrent with any jurisdiction also possessed by the State of Alaska or the United States.

The section requires DOJ – in consultation with the U.S. Department of the Interior (DOI) and affected Indian Tribes – to develop a process to designate which Indian Tribes may join the pilot. It specifies that DOJ must give pilot designation preference to Indian Tribes occupying villages with a predominantly Indian population and that lack a permanent state law enforcement physical presence. As 2013 VAWA required in its pilot phase, it requires DOJ to verify whether the criminal justice system of each Indian Tribe seeking pilot designation has adequate safeguards in place to protect defendants’ rights in compliance with ICRA.

The section authorizes DOJ and DOI to enter into a memorandum of agreement with Indian Tribes participating in the pilot program and the State of Alaska for the purposes of coordinating law enforcement activities/resources, establishing cross-deputization arrangements, and addressing any other matters that will facilitate successful implementation of the Alaska STCJ pilot program.

The section requires DOJ – in consultation with the U.S. Department of the Interior, affected Indian Tribes, and the State of Alaska – to establish an “Alaska Tribal Public Safety Advisory Committee” that will focus on ways to improve the justice systems, crime prevention, and victim services of Indians Tribes and Alaska Natives. This advisory committee will also work to increase coordination between applicable law enforcement agencies.

This section authorizes appropriations of such sums as may be necessary to carry out the Alaska STCJ pilot program through 2026, to remain available until expended.

The section requires DOJ – in consultation with DOI and affected Indian Tribes – to submit a report describing the results of the Alaska STCJ pilot program to Congress no later than five years after enactment of the *Violence Against Women Act Reauthorization Act of 2022*.

The section reaffirms that the Alaska STCJ pilot program subtitle maintains the jurisdictional authorities of the U.S., the State of Alaska, and Indian Tribes in Alaska by stating that the program does not—

- Limit, alter, expand, or diminish the civil or criminal jurisdiction of the U.S., the State of Alaska, or any Indian Tribe in Alaska;
- Create or eliminate any federal or state criminal jurisdiction over a village; or
- Affect the U.S. authority (or any authority delegated by the U.S. to the State of Alaska) to investigate and prosecute a criminal violation in a village.

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