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House Passes VAWA with Weakened Tribal Provisions; NCAI Voices Serious Concerns Regarding HR 4970

NCAI Calls for House and Senate to Restore Bi-Partisan Tribal Provisions of S.1925

Washington, DC – Today, the U.S. House of Representatives voted and passed a version of the Violence Against Women Act (VAWA) reauthorization - HR 4970 - without any of the key tribal jurisdictional provisions intact. The National Congress of American Indians (NCAI) has serious concerns about the alternative provisions contained in the House bill and is calling on the House and Senate to restore the bipartisan and constitutionally sound tribal provisions in the Senate version of the bill, S.1925, that create local solutions to the epidemic of domestic violence experienced by Native women.

“Native women aren’t safer as a result of the passage of HR 4970. In fact, the tribal provisions included in this bill create additional hurdles for Indian women seeking protection from violence on tribal lands, and that is unacceptable,” said Juana Majel-Dixon, 1st Vice President of the National Congress of American Indians (NCAI) and co-chair of the NCAI Task Force on Violence Against Women. “Indian Country supports the bipartisan Senate VAWA bill, which contains constitutionally sound tribal provisions that provide local solutions that will deliver long-overdue justice to Native women and safety to tribal communities.”

Passed by a vote of 222-205, the tribal provisions included in HR 4970 would be a step backward in contrast to the bipartisan Senate VAWA bill, supported by NCAI and tribes across the country. Over the past few days, H.R. 4970 has been amended to include provisions that have the potential to cause great confusion surrounding tribes' authority to issue civil protection orders and that could further endanger Native victims.

HR 4970 would “federalize” the issuance and enforcement of protection orders for Native victims, authorizing Indian victims of domestic violence or Indian tribes on behalf of Indian victims to seek protection orders from U.S. district courts against suspects of abuse. This approach fails to address the crux of the problem - a lack of local authority to handle misdemeanor level domestic and dating violence when the perpetrator is non-Indian. The legislation passed by the House is drafted in a way that undermines the safety and autonomy of victims.
On the other hand, S.1925 contains key tribal provisions that would empower the governmental authorities closest to the alleged criminal activity—tribal police and courts—to intervene early in acts of domestic violence committed by non-Indians within the tribe's territory, before the violence escalates to the point of serious assault or homicide. These provisions are limited in scope, do not infringe on existing federal or state court jurisdiction, and defendants who stand trial before a tribal court would have the full panoply of constitutional rights.

About The National Congress of American Indians:

*Founded in 1944, the National Congress of American Indians is the oldest, largest and most representative American Indian and Alaska Native organization in the country. NCAI advocates on behalf of tribal governments, promoting strong tribal-federal government-to-government policies, and promoting a better understanding among the general public regarding American Indian and Alaska Native governments, people and rights. For more information visit [www.ncai.org](http://www.ncai.org).*

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