



Tribal Consultation Framing Paper on Section 904(a)

August 2025

BACKGROUND

Section 904(a) of the **Violence Against Women and Department of Justice Reauthorization Act of 2005** (VAWA 2005) required that the National Institute of Justice (NIJ) of the U.S. Department of Justice (DOJ) conduct research on violence against American Indian and Alaska Native (AI/AN) women.¹ There are three requirements for this research portfolio as outlined in the statute.²

- Conduct a National Baseline Study to examine violence against AI/AN women living in Indian Country and Alaska Native villages, including domestic violence, dating violence, sexual assault, sex trafficking,³ stalking, and murder.⁴
- Evaluate the effectiveness of federal, state, Tribal, and local responses to violence against Indian women.
- Propose recommendations to improve the effectiveness of these responses.

Additionally, section 904(a) of VAWA 2005 required the Attorney General to establish a Task Force (Section 904 Task Force) to assist with the development and implementation of these requirements. The Section 904 Task Force, which is a Federal Advisory Committee, is comprised of representatives from national Tribal domestic violence and sexual assault nonprofit organizations, Tribal governments, and national Tribal organizations. The Office on Violence Against Women (OVW) administers the Section 904 Task Force in collaboration with NIJ.

CURRENT STATUS OF THE NATIONAL BASELINE STUDY (NBS)

Since the establishment of the Section 904 Task Force, NIJ and OVW have convened it in keeping with its statutory purpose. NIJ funded a variety of studies and reports on the scope and context of violence against AI/AN women. For example, a 2008 NIJ-funded report titled [*“Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known”*](#) provided an overview of different data sources and their estimates of

¹ Pub. L. No. 109-162, 119 Stat. 2960, 3078-79 (2006), *amended by* Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 907(a), 127 Stat. 54, 125. The original statute authorized an appropriation of \$1,000,000 each year for this purpose (and the related task force) for fiscal year (FY) 2007 and FY 2008. This amount was reauthorized in 2013 for FY 2014 and FY 2015. Congress has appropriated \$1,000,000 annually since FY 2012.

² The statute is codified as amended at 34 U.S.C. § 10452 note. Please see **Appendix B** to review the language of the authorizing statute.

³ Note: sex trafficking was added in the 2013 VAWA reauthorization.

⁴ Hereafter, these crimes are referred to collectively as “VAWA crimes.”

violence against AI/AN women and barriers to responding to violence against AI/AN women.⁵ In addition, a 2016 report titled “[*Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*](#),” examines the prevalence of violence against American Indian and Alaska-Native women and men.

Although both NIJ reports provide prevalence data, the National Baseline Study (NBS) requires more detailed baseline data on VAWA crimes in Indian Country and Alaska Native villages.⁶

Despite multiple efforts and attempts, NIJ has not been able to successfully carry out the NBS. There are three main impediments to carrying out the NBS: size and scope of the study, logistical constraints, and funding.

- **Size and scope:** The putative scope of the NBS includes all 574 federally recognized Tribes. Therefore, a representative NBS requires participation across Indian Country and Alaskan Native villages.⁷ Each of these are sovereign nations with their own approach to research and data collection. Negotiating government-to-government research contracts requires extensive time and detail. For example, to respect Tribal sovereignty throughout the research process, approval would have to be obtained from multiple Tribal Institutional Review Boards (IRBs) and/or Tribal business councils. These deliberative procedures take time such that some IRB approvals expire while others are being considered. Consequently, an NBS with participation and consent of all Tribes and villages would not be practicable.
- **Logistical constraints:** The implementation of the NBS faces administrative obstacles inherent in federal grant administration. These include, for example, limited periods of performance for research grants, lengthy timelines for obtaining contracts and other contractual complications, and complex requirements for data archiving. These obstacles make it extremely difficult to issue a sufficiently flexible award and collect enough data in the lifespan of the contract or grant.
- **Insufficient funding:** The yearly funding available for the NBS is not sufficient to create and rigorously conduct custom data collection on a broad population across 574 Tribal nations.

APPROACHES MOVING FORWARD

Given the challenges summarized above, it is likely not possible to implement the NBS as originally conceptualized. However, the animating goal behind the NBS statute and the Section 904 Task Force remains essential: increasing understanding of the scope and prevalence of VAWA crimes against AI/AN women and the effectiveness of responses to those crimes. OVW has determined that there is approximately \$4 million in carryforward funds available for research on VAWA crimes against AI/AN women, including the NBS. OVW is consulting Tribes and requesting feedback on the following questions to most effectively research and address violence against AI/AN women.

⁵ Please see **Appendix A** for a full list of research funded under this portfolio.

⁶ NIJ approached the NBS through the development of one centralized survey to obtain national-level baseline data across Tribes.

⁷ While not specified in the statute, baseline data might also include AI/AN people not living in Indian Country or Alaska Native villages.

QUESTION FOR DISCUSSION

1. Should the authorizing statute be rewritten to reconceptualize the NBS as a broader program of research instead of a single national study?
 - a. For example, might the NBS be reconceptualized as a series of Tribal-led prevalence studies conducted by and for specific Tribal nations at the community or regional level?⁸
 - b. Might Tribes benefit from receiving the instruments, methods, and other tools generated while attempting to develop and implement the NBS? How might Tribes use this information to collect and assess prevalence in their own communities?

EXPANDING PREVALENCE DATA

A centralized NBS representing each Tribal nation faces practical challenges. However, increasing prevalence data may be feasible by analyzing existing data collections on victimization such as the National Crime Victimization Survey (NCVS), National Incidence-Based Reporting System (NIBRS), National College Health Assessment (NCHA),⁹ or the Youth Risk Behavior Surveillance System (YRBSS).¹⁰

QUESTIONS FOR DISCUSSION

2. As a way to produce foundational baseline data, might reports analyzing available federal victimization data on AI/AN populations be useful?
3. What other strategies might be explored to increase and enhance prevalence data on VAWA crimes both within and across Tribal communities?

UNDERSTANDING CONTEXT AND EFFECTIVE RESPONSES

Understanding the context behind VAWA crimes requires research that goes beyond examining prevalence. Furthermore, effective research in AI/AN communities requires cultural expertise, time, and flexibility. Grant making agencies are considering a Notice of Funding Opportunity (NOFO) that would provide funding to conduct this contextual research and evaluation.¹¹

⁸ For an example of how this might work, please see pages 11-15 of [Violence Against Women Prevalence Estimates, 2018](#): Global, Regional And National Prevalence Estimates For Intimate Partner Violence Against Women And Global and Regional Prevalence Estimates For Non-Partner Sexual Violence Against Women. Geneva: World Health Organization; 2021. License: CC BY-NC-SA 3.0 IGO; see also Maheu-Giroux, M., Sardinha, L., Stöckl, H. *et al.* [A Framework to Model Global, Regional, And National Estimates Of Intimate Partner Violence](#). *BMC Med Res Methodology* 22, 159 (2022).

⁹ This data is collected by the American College Health Association institutions of higher education on a wide range of health and wellness issues, including campus sexual assault and IPV. For more information, please see: [National College Health Assessment - ACHA](#).

¹⁰ This data is collected by the Centers for Disease Control and Prevention from high school students to capture health-related behaviors and experiences, including sexual violence. For more information, please see: [About YRBSS | Youth Risk Behavior Surveillance System \(YRBSS\) | CDC](#).

¹¹ Rather than funding broad, nationally scoped projects, this NOFO would support streamlined or more targeted grants that can be carried out within the timeframes and other logistical requirements associated with federal grants and contracts.

QUESTION FOR DISCUSSION

4. Within the guidelines of appropriations and authorizing statutes, how would you like to see funds used, and what research topics are of interest?

SIMPLIFYING THE SECTION 904 TASK FORCE

Over the past two decades, Section 904 Task Force members have provided useful insight into researching and addressing VAWA crimes against AI/AN women. The Task Force operates under the provisions of the Federal Advisory Committee Act (FACA) of 1972, as amended.¹² Under FACA, the Task Force cannot be convened without notice published in the Federal Register as well as other cumbersome requirements. The requirements of FACA constrain OVW's ability to nimbly and efficiently convene the Task Force as needed, thus limiting the day-to-day impact the Task Force can have on informing research.

QUESTION FOR DISCUSSION

5. Should OVW pursue a statutory exemption from FACA to ensure more effective administration of the Task Force? Do you have any concerns about this change?

NOTE: This paper is not a statement of official Department policy. It is intended to provide information and suggest questions to be considered by Tribal leaders and representatives as they prepare to participate in the 20th Annual Government-to-Government Violence Against Women Tribal Consultation. The Department welcomes input from Tribal leaders on this and other matters of concern to Tribal communities.

¹² 5 U.S.C. §§ 1001 *et seq.*

Appendix A: Key Studies Done to Date

- *The National Baseline Study on Public Health, Wellness, & Safety* (The NBS) (NIJ's Flagship Research Program Project)
 - Attempts to complete the NBS:
 - 2009 – 2011: NIJ developed an initial draft of the baseline questionnaire and tested study protocols and sampling techniques.
 - 2012 – 2013: Study sampling plan was developed and refined.
 - 2014: Contractors were brought on to implement the study
 - Securing study approvals and recruiting participating sites took longer than anticipated which impacted the contracts procured for the effort.
 - 2015 – 2017: Closed the initial contracts and secured more appropriate contract vehicles.
 - 2018 – 2023: Updated the study instrument, finalized sampling protocols, and recruited and secured participating tribes.
 - Experienced significant delays for study implementation due to the COVID-19 pandemic.
 - 2023 – 2024: Due to significant changes around budgets and sampling considerations the NBS was deemed not feasible.
- *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*
 - Supplemental funding to CDC for an oversample of NISVS in 2010 (inaugural year) to get a 'national' oversample of AI/AN. This addresses the 'urban' Indian population that the NBS will not include.
 - Products: [NIJ report](#), [NIJ journal article](#), [VAIW Video](#), NISVS data workshops to train scientists to conduct further analysis, etc.
- *Exploratory Research on the Impact of the Growing Oil Industry in North Dakota and Montana on Domestic Violence, Dating Violence, Sexual Assault, and Stalking* (grant | 2013-2016)
 - Final Report: <https://nij.ojp.gov/funding/awards/2013-zd-cx-0072>

- *An Innovative Response to an Intractable Problem: Using Village Public Safety Officers to Enhance the Criminal Justice Response to Violence Committed Against Alaska Native and American Indian Women in Alaska's Tribal Communities* (grant | 2013-2018)
 - Final Report: <https://nij.ojp.gov/funding/awards/2013-vw-cx-0001>
- *Findings from the Federal, State, and Tribal Response to Violence Against Women in Indian Country Studies* (Post-doc study via cooperative agreement | 2009-2015)
 - Final Document: <https://nij.ojp.gov/library/publications/findings-federal-state-and-tribal-response-violence-against-women-indian>
- *An Innovative Response to an Intractable Problem: Using Village Public Safety Officers to Enhance the Criminal Justice Response to Violence Committed against Indian Women in Alaska's Tribal Community* (grant | 2013-2018)
 - Final Report: <https://nij.ojp.gov/library/publications/innovative-response-intractable-problem-using-village-public-safety-officers>
- *Tribal Special Assistant United States Attorney (SAUSA) Program Evaluability Assessment Study* (Post-doc study via cooperative agreement | 2014-2015)
 - Alison Brooks Martin (NIJ Post-Doc): qualitative studies and did an evaluability assessment of the tribal SAUSA program
- *Violence Against Women in the National Missing & Unidentified Persons System (NamUs)* (2020 | cooperative agreement)
 - Report: <https://www.ojp.gov/pdffiles1/nij/grants/301932.pdf>
- *Embracing Tribal Culture to Build Research Partnerships* (grant | 2018-2022)
 - Final Brief: <https://nij.ojp.gov/library/publications/embracing-tribal-culture-build-research-partnerships>
- *A Descriptive Analysis of Missing and Murdered Native Women and Children in Nebraska: Barriers to Reporting and Investigation, and Recommendations for Improving Access to Justice* (grant | 2020-2022)
 - Final Report: <https://nij.ojp.gov/library/publications/descriptive-analysis-missing-and-murdered-native-women-and-children-nebraska>
- *Tangentially Related: Effective Methods to Assess Exposure to Violence and Victimization Among American Indian and Alaska Native Youth* (cooperative agreement | 2014-2019)

- Final Report: <https://bibliography.icpsr.umich.edu/bibliography/citations/data/177234/fileDownload>
- *Identifying the Scope and Context of Missing and/or Murdered Indigenous Persons (MMIP) in New Mexico and Improving MMIP Data Collection, Analysis, and Reporting* (grant | 2022-2025)
 - Final Report: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/identifying-scope-and-context-missing-andor-murdered-indigenous>

Appendix B: Authorizing Statute for the National Baseline Study and the Task Force

Codified at 34 USC 10452 note.

(1) In general.—

Not later than 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2013 [Mar. 7, 2013], the National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country and in Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(2) Scope.—

(A) In general.—The study shall examine violence committed against Indian women, including—

“(i) domestic violence;

“(ii) dating violence;

“(iii) sexual assault;

“(iv) stalking;

“(v) murder; and

“(vi) sex trafficking.

(B) Evaluation.—

The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) Recommendations.—

The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) Task force.—

(A) In general.—

The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) Members.—The Director shall appoint to the task force representatives from—

- (i) national tribal domestic violence and sexual assault nonprofit organizations;
- (ii) tribal governments; and
- (iii) the national tribal organizations.

(4) Report.—

Not later than 2 years after the date of enactment of the Violence Against Women Reauthorization Act of 2013 [Mar. 7, 2013], the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) Authorization of appropriations.—

There is authorized to be appropriated to carry out this subsection \$1,000,000 for each of fiscal years 2014 and 2015, to remain available until expended.