



VAWA 2022 Provisions Clarifying the Authority of Alaska Tribes

The Violence Against Women Reauthorization Act of 2022 (VAWA 2022) included several provisions to address public safety in Alaska Native villages. These provisions help clarify the power of Alaska Native tribal governments to exercise civil and criminal jurisdiction in their Villages. VAWA 2022 does this by: 1) defining the term “Village” and then 2) confirming the tribal government’s authority within the Village.

New definition of “Village”

Sec. 812(7) of VAWA 2022 includes a definition of “Village” for purposes of identifying the territory within which a tribe can exercise its civil and criminal jurisdiction. The definition is:

(7) VILLAGE. —The term “Village” means the Alaska Native Village Statistical Area covering all or any portion of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), as depicted on the applicable Tribal Statistical Area Program Verification map of the Bureau of the Census.

This definition can be used by tribes immediately for determining the geographic area within which the Tribe can exercise its inherent authority.

Recognition of Tribal Authority

- **Reaffirming that tribal governments in Alaska have the right to make and enforce laws (both civil and criminal) for all Native people in their Villages**

Sec. 813(a) of VAWA 2022 makes clear that Alaska Tribes have the inherent authority to exercise civil and criminal jurisdiction over all American Indian and Alaska Native people present in the Village.¹ A Tribe’s exercise of jurisdiction is subject to the requirements of the Indian Civil Rights Act.

- **Clarification of civil jurisdiction to issue and enforce protection orders involving all persons (Indian and non-Indian)**

Section 813(b) specifically addresses the civil jurisdiction of Alaska Native tribes to issue and enforce protection orders and applies to all persons, both Indian and non-Indian. The statute makes clear that a Tribe’s authority to enforce protection orders includes: civil contempt proceedings, exclusion of violators from the Village, and other appropriate mechanisms.

Next Steps

Tribal governments in Alaska can rely on VAWA 2022 immediately to support their exercise of civil and criminal jurisdiction in their Villages. Any Tribe who needs assistance understanding the new definition of Village, drafting tribal codes, or otherwise implementing the law can contact ANJC at TribalJustice@anjc.net.

¹ This provision addresses only the tribes’ jurisdiction over Native people present in their Village. It should not be read to imply anything about the tribes’ jurisdiction under other circumstances. It does not address civil jurisdiction over non-Indians, or a tribe’s citizenship-based jurisdiction or civil regulatory jurisdiction, which might in some cases extend beyond its Village.