

S 1763

SAVE Native Women Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Oct 31, 2011

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 579.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 579. (Dec 27, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1763>

Sponsor

Name: Sen. Akaka, Daniel K. [D-HI]

Party: Democratic • State: HI • Chamber: Senate

Cosponsors (14 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------|---------------|------|--------------|
| Sen. Baucus, Max [D-MT] | D · MT | | Oct 31, 2011 |
| Sen. Begich, Mark [D-AK] | D · AK | | Oct 31, 2011 |
| Sen. Bingaman, Jeff [D-NM] | D · NM | | Oct 31, 2011 |
| Sen. Franken, Al [D-MN] | D · MN | | Oct 31, 2011 |
| Sen. Inouye, Daniel K. [D-HI] | D · HI | | Oct 31, 2011 |
| Sen. Johnson, Tim [D-SD] | D · SD | | Oct 31, 2011 |
| Sen. Murray, Patty [D-WA] | D · WA | | Oct 31, 2011 |
| Sen. Tester, Jon [D-MT] | D · MT | | Oct 31, 2011 |
| Sen. Udall, Tom [D-NM] | D · NM | | Oct 31, 2011 |
| Sen. Conrad, Kent [D-ND] | D · ND | | Nov 8, 2011 |
| Sen. Reid, Harry [D-NV] | D · NV | | Dec 6, 2011 |
| Sen. Murkowski, Lisa [R-AK] | R · AK | | Dec 12, 2011 |
| Sen. Crapo, Mike [R-ID] | R · ID | | Feb 17, 2012 |
| Sen. Sanders, Bernard [I-VT] | I · VT | | Mar 22, 2012 |

Committee Activity

| Committee | Chamber | Activity | Date |
|--------------------------|---------|-------------|--------------|
| Indian Affairs Committee | Senate | Reported By | Dec 28, 2012 |

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

| Bill | Relationship | Last Action |
|-----------------------------|--------------|---|
| 112 HR 4154 | Related bill | Mar 15, 2012: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security. |

Stand Against Violence and Empower Native Women Act or the SAVE Native Women Act - **Title I: Grant Programs** - (Sec. 101) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include sex trafficking as a target of the grants to Indian tribal governments to combat violent crime against Indian women. Allows those grants to be used to: (1) address the needs of youth who are victims of, or exposed to, domestic violence, dating violence, sexual assault, sex trafficking, or stalking; and (2) develop legislation and policies and provide outreach and education that enhance best practices for responding to domestic violence, dating violence, sexual assault, sex trafficking, and stalking. Makes funds under the Violence Against Women Act of 1994 (VAWA) available for such purposes.

(Sec. 102) Allows tribal coalition grants to be used to develop legislation and policies and provide outreach and education that enhance best practices for responding to violent crimes against Indian women. Requires the Attorney General to award such grants annually to: (1) each tribal coalition that meets certain criteria under VAWA, is recognized by the Office on Violence Against Women, and serves Indian tribes; and (2) organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no coalition exists.

Distributes, for each of FY2013-FY2017, from the amounts appropriated to carry out such grants: (1) not more than 10% to such organizations, and (2) not less than 90% to eligible tribal coalitions, to be distributed equally among those coalitions for the applicable fiscal year. Limits grant awards to a one-year period. Specifies that: (1) receipt of an award by a tribal coalition shall not preclude the coalition from receiving additional grants, and (2) nothing herein prohibits any such coalition or organization from applying for funding to address sexual assault or domestic violence needs in the same application.

(Sec. 103) Amends the Violence Against Women and Department of Justice Reauthorization Act of 2005 to: (1) include the Secretary of the Interior, in addition to the Secretary of Health and Human Services (HHS) and the Attorney General, as a participant in consultations with Indian tribes regarding the administration of tribal funds and programs, the enhancement of Indian women's safety, and the federal response to violent crimes against Indian women; and (2) require the National Institute of Justice to include women in Alaska Native Villages, Native Hawaiian women, and sex trafficking in its study of violence against Indian women. Reauthorizes appropriations for the study for FY2012-FY2013.

(Sec. 105) Amends VAWA to revise the definitions of "rural area" and "rural community" to include an area or community associated with a federally recognized Indian tribe, regardless of whether the land is owned by the tribe.

Defines "sex trafficking" to mean specified proscribed conduct, regardless of whether it occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

Defines "tribal coalition" to mean an established nonprofit, nongovernment Indian organization (including a Native Hawaiian organization) that: (1) is established to provide services to members of the coalition on a statewide, regional, or customary territory basis; (2) provides education, support, and technical assistance to member Indian service providers in a manner that enables those providers to establish and maintain culturally appropriate services designed to assist Indian women and their dependents who are victims of domestic violence, dating violence, sexual assault, and stalking; (3) serves as an information clearinghouse and resource center for Indian programs addressing domestic violence and sexual assault; (4) is comprised of board and general members that are representative of such providers and the tribal communities in which the services are being provided; (5) supports the development of legislation, policies, protocols, procedures, and guidance to enhance domestic violence and sexual assault intervention and prevention efforts in the Indian tribes and communities to be served; and (6) has expertise in the development of Indian community-based,

linguistically, and culturally specific outreach and intervention services for the Indian communities to be served.

Title II: Tribal Jurisdiction and Criminal Offenses - (Sec. 201) Amends the Indian Civil Rights Act of 1968 to give Indian tribes criminal jurisdiction over domestic violence, dating violence, and violations of protective orders that occur on their lands. Makes that jurisdiction concurrent, not exclusive.

Allows a defendant to file for the dismissal of a case if neither the defendant or alleged victim is an Indian or has certain ties to the tribe.

Authorizes the Attorney General to award grants to assist Indian tribes in exercising such jurisdiction, providing indigent defendants with free legal counsel, and securing the rights of victims of such crimes. Authorizes appropriations for such grant program and to provide participating Indian tribes with training, technical assistance, data collection, and an evaluation of their criminal justice systems.

(Sec. 202) Amends the federal criminal code to give Indian courts civil jurisdiction to issue and enforce protection orders.

(Sec. 203) Increases the maximum federal penalties for assault convictions. Subjects individuals who: (1) commit an assault resulting in substantial bodily injury to a spouse, intimate partner, or a dating partner to a fine, imprisonment for up to five years, or both; and (2) assault a spouse, intimate partner, or dating partner by strangling, suffocating, or attempting to strangle or suffocate to a fine, imprisonment up to 10 years, or both. Makes federal felony assault penalties applicable to Indians.

(Sec. 204) Makes Indian tribes' criminal jurisdiction over domestic violence, dating violence, and violations of protection orders that occur on their lands effective two years after this Act's enactment. Gives Indian tribes the opportunity to participate in a pilot project that allows them to exercise that jurisdiction sooner.

(Sec. 205) Amends the federal criminal code to subject individuals who commit a sexual abuse felony to a fine, imprisonment for up to 20 years, or both.

Subjects individuals convicted under tribal law of repeat domestic violence or stalking offenses to maximum federal penalty provisions for repeat offenders.

(Sec. 206) Establishes maximum federal penalties for first time and repeat violators of civil protection orders issued by Indian courts.

(Sec. 207) Amends the Indian Law Enforcement Reform Act to require the Office of Justice Services in the Bureau of Indian Affairs (BIA) to report to Congress each fiscal year on the high priority performance goal pilot program carried out by the Secretary to reduce violent crime in Indian communities.

Title III: Indian Law and Order Commission - (Sec. 301) Amends the Indian Law Enforcement Reform Act to extend the Indian Law and Order Commission's reporting deadline by one year, from July 29, 2012, to July 29, 2013.

Title IV: Safety Enhancement Study and Demonstration Projects - (Sec. 401) Amends the Indian Civil Rights Act of 1968 to authorize the Secretary to select up to five Indian tribes in each of FY2012-FY2018 to participate in demonstration projects that: (1) require the Secretary, in consultation with a participating tribe, to promulgate regulations regarding the management and use of, and public safety in, Indian country; and (2) allow tribal law enforcement officers to enforce those regulations.

Requires the Secretary to favor proposed projects when the U.S. Attorney for the district where the project is to take place consents to the project.

Establishes penalties for those who violate regulations promulgated pursuant to the project and allows them to be tried and sentenced by any U.S. magistrate judge designated for that purpose.

Allows project regulations to remain in effect up to four years after the expiration of the applicable demonstration project.

Directs the Secretary to report to Congress, by September 30, 2016, regarding the effectiveness of the demonstration projects.

Actions Timeline

- **Dec 27, 2012:** Committee on Indian Affairs. Reported by Senator Akaka with an amendment in the nature of a substitute. With written report No. 112-265.
- **Dec 27, 2012:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 579.
- **Dec 8, 2011:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 10, 2011:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 112-489.
- **Oct 31, 2011:** Introduced in Senate
- **Oct 31, 2011:** Sponsor introductory remarks on measure. (CR S6919-6920)
- **Oct 31, 2011:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S6920-6922)