

**FIRST 100 DAYS PRIORITY**

**COMMITTEE**

Native American

**SUBCOMMITTEE**

Justice

**POLICY CHANGE** *(Brief summary of recommended action)*

Within the first 100 days, President Biden will commit to addressing the following:

- Existing data and victims' testimonials demonstrate how extractive industry "man camps" contribute to increased rates of sexual violence suffered by indigenous women and minors in reservation communities within proximity to these transitory workforces. Procedures must be established to: Require the corporations with liability for each respective "man camp" to ensure that all sex offenders employed register with the applicable local authority; set procedures for how "man camps" can be most effectively policed and monitored, and compel corporations with liability to instruct private security firms hired to patrol "man camps" to fully cooperate with the Deputy Director's office within the OVW. Existing zoning ordinances for "man camps" will undergo a thorough review to ensure compliance with all necessary compacts and laws, and where needed, will be amended to achieve that end.
- A lack of cultural competency exists in all aspects of MMIW cases. The establishment of Tribal Liaison Offices (TLO) in each BIA region will ensure access to culturally appropriate victim services for both victims and their families. TLOs will provide a confidential outlet where tribal and community members can share information on MMIW cases without having to engage with standard law enforcement agencies. The TLO will be the conduit to pass information to law enforcement. The TLO will be a point of contact for victims' families, to provide support and advocacy in the community and with law enforcement; and ensure that mental health treatment is available for the survivors of these crimes.
- To proactively combat drug cartel and gang operations on Indian reservations which include human trafficking, a protocol will be established for the removal of suspected non-tribal member cartel and gang operatives which will be based upon the "Bad Man" clause in historic treaties that is already codified in federal-Indian law. This protocol would provide Tribal Nations with full authority to enact this procedure by resolution, and empower tribal law enforcement to go to a tribal court judge with evidence that meets a "probable cause" warrant standard against an individual suspected of gang/cartel affiliation who is residing on the reservation and is suspected of criminal activity. Tribal Court would be empowered to issue a removal warrant for the suspect(s), and issuance of the removal order would trigger a rapid response team of US Marshalls, DEA and ATF agents to be escorted onto the reservation by tribal law enforcement to lead the extraction.

# CONFIDENTIAL & PRE-DECISIONAL

## PRIORITY LEVEL *(Mark with an X)*

HIGH	X	MEDIUM		LOW	
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## AGENCY THAT WOULD DRIVE THE WORK

Department of Justice and Department of Interior

## RATIONALE *(Summarize why this is a critical issue and why it requires action within the first 100 days)*

Native women are more likely to be murdered, raped, or otherwise abused than any population in the United States. The Supreme Court's 1978 decision in *Oliphant*, however, has precluded the government closest to Native women—their tribal government—from protecting them from the majority of violent crimes committed against them. Currently, United States Attorneys decline to prosecute the majority of these violent crimes committed against tribal citizens.

## VEHICLE *(Mark with an X)*

LEGISLATIVE	X	REGULATORY		EXECUTIVE ORDER		OTHER	
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## TRUMP ADMINISTRATION'S ACTIONS RELATED TO THIS ISSUE

The Trump Administration has created a task force to address MMIW, but the Task Force has been highly criticized and is merely tasked with listening and writing a report.

## CANDIDATE BACKGROUND ON ISSUE *(Does the Vice President have a public position? Has he made a campaign promise?)*

Yes, Vice President Biden has made public statements supporting the policy position of this broadly, for instance, his statement this past May 5: <https://www.facebook.com/joebiden/posts/today-our-nation-marks-the-national-day-of-awareness-for-missing-and-murdered-na/10156954925721104/>

## EQUITY IMPACT *(Policy's impact on people of color, LGBTQ+ people, and other marginalized groups)*

Native women are murdered at rates higher than any other population in the United States. This Day First 100 Days Action Item will ensure that President Biden is working to protect one of America's most marginalized and vulnerable populations: Native women.

# CONFIDENTIAL & PRE-DECISIONAL

## POLICY EXPERTS ON ISSUE *(List up to three experts in committee most knowledgeable on this issue)*

Name	Last Name	Email	Number
Rain	Bear Stands Last	director@globalindigenouso ouncil.org	

*Please fill out the below if applicable:*

## RELEVANT MOVEMENT ON THE HILL RELATED TO POLICY *(Is it bipartisan?)*

No legislation as specific as this has been introduced, but related MMIW bills include [VAWA re-authorization](#) (specifically the bi-partisan House bill, HR 1585), [Savanna's Act](#), and [BADGES for Native Communities Act](#) (S. 1853; relates to ensuring better access for tribal governments to national crime databases). This would be complimentary to those efforts, and in our opinion, vastly more effective at addressing the MMIW crisis.

## WORK DONE ON ISSUE BY PAST ADMINISTRATIONS *(What was successful? If it failed, why?)*

The Obama Administration did incredible work to secure the passage of a VAWA re-authorization in 2013 that restored tribal jurisdiction and increased safety for Native women, but his Administration did not work on MMIW directly. This would undoubtedly build upon the great work that President Obama and his administration began.

## COST *(If possible and relevant, provide an estimate of this proposals financial costs and benefits)*

TBD

## BARRIERS TO IMPLEMENTATION *(Besides objections from opponents, define notable barriers to overcome)*

There could be some resistance from individual US Attorneys to these initiatives. Communication will be key.