LEGISLATIVE SUMMARY SHEET

Tracking No. 0292-20

DATE: August 6, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITEES; SUPPORTING UNITED STATES SENATE BILL 290, THE "NATIVE YOUTH AND TRIBAL OFFICER PROTECTION ACT"

PURPOSE: This resolution, if adopted, would support United States Senate Bill 290, the "Native Youth And Tribal Officer Protection Act"

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: J. Johnson
Website Posting Time/Date: 7:33pm 11-24-20
Posting End Date: 11-29-20
Eligible for Action: 11-30-20

Health Education & Human Services Committee
Thence
Law & Order Committee
Thence
Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

Daniel E. Jr.

(Prime Sponsor)

TRACKING NO. 0292-20

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITEES; SUPPORTING UNITED STATES SENATE BILL 290, THE "NATIVE YOUTH AND TRIBAL OFFICER PROTECTION ACT"

WHEREAS:

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600 (A). Consistent with Navajo Nation law, the committee represents the Navajo Nation at state and federal levels on proposed legislation such as health, education, environmental health, employment, veterans and other matters affecting the Navajo Nation. 2 N.N.C. § 401(B)(7).

B. The Law and Order Committee of the Navajo Nation Council oversees matters relative to public safety within the Navajo Nation, among other duties and responsibilities. 2 N.N.C. § 600 *et seq*.

C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. The committee is empowered to coordinate all federal and state programs with other standing committees for purposes of providing the most efficient delivery of services to the Navajo Nation. 2 N.N.C. § 701(A)(4).

D. On January 31, 2019, Senator Tom Udall (D-NM) introduced in the United States Senate bill 290, entitled the "Native Youth and Tribal Protection Act." See, **Exhibit A.**

The bill will extend tribal jurisdiction over crimes involving violence against children by caregivers; violence against law enforcement officers involved in preventing, investigating, arresting, or prosecuting a person for domestic violence, dating violence, or child violence; attempted dating violence or domestic violence; or threatened dating violence or domestic violence. *See, congress.gov/116/bills/s290.* Funding under the bill, if approved, would be authorized through fiscal year 2024.

E. For purposes of protecting children and promoting public safety within the Navajo Nation, it is in the best interest of the Navajo Nation to support Senate Bill 290.

NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby supports Senate Bill 290, a bill introduced in the United States Senate entitled "Native Youth and Tribal Protection Act." See, **Exhibit A**.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



116TH CONGRESS
1ST SESSION

S. 290

To protect Native children and promote public safety in Indian country.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

Mr. UDALL (for himself, Ms. MURKOWSKI, and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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A BILL

To protect Native children and promote public safety in Indian country.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Youth and Tribal Officer Protection Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) American Indians and Alaska Natives are 2.5 times more likely to experience violent crimes

and at least 2 times more likely to experience rape or sexual assault crimes.

(2) The vast majority of American Indian and Alaska Native victims, 96 percent of female and 89 percent of male victims, report being victimized by a non-Indian.

(3) According to a 2010 Government Accountability Office report, United States Attorneys declined to prosecute nearly 52 percent of violent crimes that occur in Indian country.

(4) More than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime.

(5) According to the Centers for Disease Control and Prevention, homicide is the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age.

(6) On some reservations, American Indian women are murdered at more than 10 times the national average.

(7) Tribal prosecutors report that the majority of domestic violence cases involve children either as

witnesses or victims, and the Department of Justice reports that American Indian and Alaska Native children suffer exposure to violence at some of the highest rates in the United States.

(8) Childhood exposure to violence has immediate and long term effects, including increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system.

(9) Violence against children and crimes associated with dating violence and domestic violence increase the number of instances of trauma in Tribal communities, which—

(A) affects health outcomes;

(B) reduces educational attainment;

(C) hinders economic growth; and

(D) undermines public safety.

(10) Domestic violence calls are among the most dangerous calls that law enforcement receives, and the Federal Bureau of Investigation's Uniform Crime Report shows that police officers, including Tribal police officers, are assaulted when responding to disturbance calls more often than under any other circumstances.

(11) The complicated jurisdictional structure in Indian country—

(A) requires a high degree of commitment and cooperation among Tribal, Federal, and State law enforcement officials; and

(B) when that cooperation breaks down, results in a significant negative impact on the ability to provide public safety to Indian communities.

(12) The Indian Law and Order Commission, established by Congress to review Federal criminal justice policies and practices in Indian country, issued a report in 2013 entitled "A Roadmap for Making Native America Safer" that recommends the restoration of the inherent authority of Tribal courts.

(13) Restoring and enhancing local, Tribal capacity to address violent crimes provides for greater local control, safety, accountability, and transparency.

(14) Tribal communities should be able to protect themselves from dating violence, domestic violence, child violence, and violence committed against members of the Tribal justice system.

SEC. 3. PROTECTION OF NATIVE CHILDREN AND TRIBAL COMMUNITIES.

Section 204 of Public Law 90–284 (25 U.S.C. 1304) is amended—

(1) in the section heading, by striking "**DOMESTIC VIOLENCE**" and inserting "**DOMESTIC VIOLENCE, CHILD VIOLENCE, AND VIOLENCE AGAINST LAW ENFORCEMENT OFFICERS**";

(2) in subsection (a)—

(A) in paragraph (1), by striking "means violence" and inserting "means covered conduct";

(B) in paragraph (2)—

(i) by striking "means violence" and inserting "means covered conduct"; and

(ii) by striking "where the violence occurs" and inserting "where the covered conduct occurs";

(C) in paragraph (4), by striking "domestic violence" and inserting "tribal";

(D) in paragraph (6)—

(i) in the paragraph heading, by striking "DOMESTIC VIOLENCE" and inserting "TRIBAL"; and

(ii) by striking "domestic violence" and inserting "tribal";

(E) by redesignating paragraphs (6) and (7) as paragraphs (12) and (13), respectively;

(F) by redesignating paragraphs (1) through (5) as paragraphs (6) through (10), respectively;

(G) by inserting before paragraph (6) (as redesignated by subparagraph (F)) the following:

"(1) CAREGIVER.—The term 'caregiver' means—

"(A) the parent, guardian, or legal custodian of the child;

"(B) the spouse or intimate partner of a parent, guardian, or legal custodian of the child;

"(C) any relative of the child, including a parent, grandparent, great-grandparent, stepparent, brother, sister, stepbrother, stepsister, half-brother, or half-sister;

"(D) a person who resides or has resided regularly or intermittently in the same dwelling as the child;

"(E) a person who provides or has provided care for the child in or out of the home of the child;

"(F) any person who exercises or has exercised temporary or permanent control over the child; or

"(G) any person who temporarily or permanently supervises or has supervised the child.

"(2) CHILD.—The term 'child' means a person who has not attained the lesser of—

"(A) the age of 18; or

"(B) except in the case of sexual abuse, the age specified by the child protection law of the participating tribe that has jurisdiction over the Indian country where the child resides.

"(3) CHILD VIOLENCE.—The term 'child violence' means covered conduct committed against a child by a caregiver of the child.

"(4) COVERED CONDUCT.—The term 'covered conduct' means conduct that—

"(A) involves the use, attempted use, or threatened use of physical force against the person or property of another; and

"(B) violates the criminal law of the Indian tribe that has jurisdiction over the Indian country where the conduct occurs.

"(5) COVERED INDIVIDUAL.—The term 'covered individual' means an officer or employee of an

Indian tribe, or an individual authorized to act for or on behalf of an Indian tribe or serving an Indian tribe, who is—

"(A) authorized under law to—

"(i) engage in or supervise the prevention, detection, investigation, arrest, pretrial detention, prosecution, or adjudication of an offense or the sentencing, including the probation, parole, incarceration, or rehabilitation, of an individual; or

"(ii) serve as a probation or pretrial services officer; and

"(B) carrying out an activity described in paragraph (11)(C).''; and

(H) by inserting after paragraph (10) (as redesignated by subparagraph (F)) the following:

"(11) RELATED CONDUCT.—The term 'related conduct' means a violation of the criminal law of an Indian tribe that is committed—

"(A) against a covered individual;

"(B) by a person—

"(i) who is subject to special tribal criminal jurisdiction; and

"(ii) has committed criminal conduct that falls into one or more of the categories described in paragraphs (1) and (2) of subsection (c); and

"(C) in the course of resisting or interfering with the prevention, detection, investigation, arrest, pretrial detention, prosecution, adjudication, or sentencing, including the probation, parole, incarceration, or rehabilitation, of that person relating to that criminal conduct.";

(3) in subsection (b)—

(A) by striking "domestic violence" each place it appears and inserting "tribal"; and

(B) in paragraph (4)(B)(iii), in the matter preceding subclause (I), by striking ", or dating partner" and inserting ", dating partner, or caregiver";

(4) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "domestic violence" and inserting "tribal";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "AND DATING VIOLENCE" and insert-

ing ", DATING VIOLENCE, AND CHILD VIOLENCE"; and

(ii) by striking "or dating violence" and inserting ", dating violence, or child violence"; and

(C) by adding at the end the following:

"(3) RELATED CONDUCT.—An act of related conduct that occurs in the Indian country of the participating tribe.";

(5) in subsection (d), by striking "domestic violence" each place it appears and inserting "tribal";

(6) in subsection (f)—

(A) by striking "special domestic violence" each place it appears and inserting "special tribal";

(B) in paragraph (2), by striking "prosecutes" and all that follows through the semicolon at the end and inserting the following: "prosecutes—

"(A) a crime of domestic violence;

"(B) a crime of dating violence;

"(C) a crime of child violence;

"(D) a criminal violation of a protection order; or

"(E) a crime of related conduct;"; and

(C) in paragraph (4), by inserting "child violence, related conduct," after "dating violence,"; and

(7) in subsection (h), by striking "2014 through 2018" and inserting "2020 through 2024".

SEC. 4. INCREASED INTERAGENCY COORDINATION.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Health and Human Services (referred to in this section as the "Secretaries") shall coordinate with the Attorney General to ensure, to the maximum extent practicable, that Federal programs to support Tribal justice systems and to support provision of victim services for Indians are working effectively together to serve the needs of Indian tribes and Indians (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(b) COORDINATION OF FEDERAL INDIAN FACILITIES WITH NATIONAL DOMESTIC VIOLENCE HOTLINE GRANTEES.—The Secretaries shall ensure that information for contacting any toll-free telephone hotline operated by recipients of a grant authorized by section 313 of the Family Violence Protective Services Act (42 U.S.C. 10413), is posted and readily visible in each publicly accessible Federal facility utilized by—

(1) the Indian Health Services;

(2) the Bureau of Indian Affairs; or

(3) the Bureau of Indian Education.

(c) COORDINATION ON TRAINING FEDERAL INDIAN PROGRAM EMPLOYEES TO RECOGNIZE AND RESPOND TO DOMESTIC VIOLENCE.—The Secretaries (acting through the Assistant Secretary for Indian Affairs, the Director of the Bureau of Indian Education, and the Director of the Indian Health Service) shall coordinate with the Director of the Office on Violence Against Women of the Department of Justice and the Associate Commissioner for the Family and Youth Services Bureau of the Department of Health and Human Services to ensure that training materials on recognizing and responding to domestic violence are available to Tribal and Federal employees of—

(1) the Indian Health Services;

(2) the Bureau of Indian Affairs; and

(3) the Bureau of Indian Education.

SEC. 5. REPORT.

(a) IN GENERAL.—The Secretary of the Interior (acting through the Assistant Secretary for Indian Affairs) and the Secretary of Health and Human Services (acting through the Director of the Indian Health Service) shall jointly submit a report to—

(1) the Committee on Indian Affairs of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) CONTENTS OF THE REPORT.—The report required under subsection (a) shall include a description of the degree of effectiveness of—

(1) Federal programs that are intended to build the capacity of criminal justice systems of Indian tribes to investigate and prosecute offenses relating to dating violence, domestic violence, child violence, and related conduct (as defined in section 204 of Public Law 90–284 (25 U.S.C. 1304), as amended by section 3(2));

(2) the required coordination activities required under section 4, including compliance with the posting of domestic violence victim service access information required under section 4(b); and

(3) the interagency employee training material development required under section 4(c).

(c) TIMING.—The Secretary of the Interior and the Secretary of Health and Human Services shall submit the report required under subsection (a) by not later than 4 years after the date of enactment of this Act.

○

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Daniel E. Tso, Delegate
Navajo Nation Council

From : Mariana Kahn for
Ron Haven, Attorney
Office of Legislative Counsel

Date : August 6, 2020

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITEES; SUPPORTING UNITED STATES SENATE BILL 290, THE "NATIVE YOUTH AND TRIBAL OFFICER PROTECTION ACT"

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 20-272-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0292-20__ **SPONSOR: Daniel E. Tso**

TITLE: An Action Relating To Health, Education And Human Services, Law And Order And Naabik'íyáti' Committees; Supporting United States Senate Bill 290, The "Native Youth And Tribal Officer Protection Act"

***Date posted*: November 24, 2020 at 7:33PM**

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0292-20

SPONSOR: Honorable Daniel E. Tso

TITLE: An Action Relating To Health, Education And Human Services, Law And Order And Naabik'íyáti' Committees; Supporting United States Senate Bill 290, The "Native Youth And Tribal Officer Protection Act"

Posted: November 24, 2020 at 7:33 PM

5 DAY Comment Period Ended: November 29, 2020

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

Legislative Tracking Secretary
Office of Legislative Services

11/30/20 7:30 AM
Date/Time

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0292-20

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'IYATI' COMMITTEES; SUPPORTING UNITED STATES SENATE BILL 290, THE "NATIVE YOUTH AND TRIBAL OFFICER PROTECTION ACT"

Sponsor: Honorable Daniel E. Tso

(Eligible for Committee Action November 30, 2020)

Has had under consideration and report the same with the recommendation that Legislation 0292-20 pass with no amendment and no directive; and therefore referred the same to the **LAW AND ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL**

Respectfully Submitted,

Carl Roessel Slater, Vice-Chairperson
Health, Education and Human Services Committee

December 02, 2020 - Main Motion
Motion by: Honorable Edison J. Wauneka
Seconded by: Honorable Pernell Halona
Vote: 5 in favor; 0 Opposed; Vice-Chairperson Not Voting
Yeas: Paul Begay, Jr.; Pernell Halona; Charlaine Tso; Daniel E. Tso; Edison J. Wauneka
Nays: none
Not Voting: all present
Absent (excused): all present

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Special Meeting
December 02, 2020

Roll Call
Vote Tally Sheet

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0292-20

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'IYATI' COMMITTEES; SUPPORTING UNITED STATES SENATE BILL 290, THE "NATIVE YOUTH AND TRIBAL OFFICER PROTECTION ACT"

Sponsor: Honorable Daniel E. Tso

(Eligible for Committee Action November 30, 2020)

December 02, 2020 - Main Motion
Motion by: Honorable Edison J. Wauneka
Seconded by: Honorable Pernell Halona
Vote: 5 in favor; 0 Opposed; Vice-Chairperson Not Voting
Yeas: Paul Begay, Jr.; Pernell Halona; Charlaine Tso; Daniel E. Tso; Edison J. Wauneka
Nays: none
Not Voting: all present
Absent (excused): all present

Carl Roessel Slater, Vice-Chairman
Health, Education and Human Services Committee

Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee

LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL

SECOND YEAR 2020
COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0292-20: An Action Relating to Health, Education and Human Services, Law and Order and Naabik'iyati' Committees: Supporting United States Senate Bill 290, The "Native Youth and Tribal Officer Protection Act" – *Sponsor: Honorable Daniel E. Tso*

Has had it under consideration and reports the same with the recommendation that it DO PASS with no amendments

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,

Eugenia Charles-Newton, Chairwoman
Law and Order Committee
24th Navajo Nation Council

Date: January 19, 2021

Main Motion: Honorable Otto Tso
Second : Honorable Eugene Tso
Vote : 3-0-2 (Chairwoman not voting)

LAW AND ORDER COMMITTEE
Special Meeting
January 19, 2021

Legislation No. 0292-20: An Action Relating to Health, Education and Human Services, Law and Order and Naabik'iyati' Committees: Supporting United States Senate Bill 290, The "Native Youth and Tribal Officer Protection Act" – *Sponsor: Honorable Daniel E. Tso*

VOTE TALLY SHEET:

Motion: Otto Tso Second: Eugene Tso Vote: 3-0-2

Yea: Vince James/Otto Tso/Eugene Tso
Nay: None
Not Voting: Eugenia Charles-Newton
Excused:
Absent: Edmund Yazzie

Eugenia Charles-Newton, Chairwoman
Law and Order Committee

Laureen Spencer, Legislative Advisor
Office of Legislative Services