LEGISLATIVE SUMMARY SHEET
Tracking No. 0278-19

DATE: September 5, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING UNITED STATES SENATE BILL 1853 TITLED "BRIDGING AGENCY DATA GAPS AND ENSURING SAFETY FOR NATIVE COMMUNITIES ACT" OR "BADGES FOR NATIVE COMMUNITIES ACT"

PURPOSE: The purpose of this resolution is to support United States Senate Bill 1853 Titled "Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act" or "BADGES for Native Communities 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: _____
Website Posting Time/Date: 5:48 PM 9-19-19
Posting End Date: 9-24-19
Eligible for Action: 9-25-19

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

_____

Primary Sponsor

TRACKING NO. 0278-19

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING UNITED STATES SENATE BILL 1853 TITLED "BRIDGING AGENCY DATA GAPS AND ENSURING SAFETY FOR NATIVE COMMUNITIES ACT: OR "BADGES FOR NATIVE COMMUNITIES ACT"

WHEREAS:

A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' Committee to monitor all federal and state programs and activities. 2 N.N.C. §§ 700 (A) and 701 (A)(7).

B. The Navajo Nation has a government-to-government relationship with the federal government.

C. Senate Bill 1853, attached as **Exhibit A**, seeks to addresses critical public safety needs in Indian Country by addressing federal inefficiencies that hurt Bureau of Indian Affairs law enforcement recruitment and retention, increasing the effectiveness of federal missing persons resources, and giving Tribes and States resources to coordinate responses to the Missing and Murdered Indigenous Women (MMIW) crisis.

D. According to a press release, attached as **Exhibit B**, from Senator Tom Udall's office, Senate Bill 1853 was introduced by U.S. Senators Tom Udall (D-N.M.), vice

chairman of the Senate Committee on Indian Affairs, Jon Tester (D-Mont.), Lisa Murkowski (R-Alaska), Catherine Cortez Masto (D-Nev.), Martha McSally (R-Ariz.), and Tina Smith (D-Minn.), all members of the Senate Committee on Indian Affairs.

THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby supports United States Senate Bill 1853 titled "Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act" or "BADGES for Native Communities Act" attached hereto as **Exhibit A**.

B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their designees, to advocate the Navajo Nation's support of United States Senate Bill 1853.

AUTHENTICATED
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II

116TH CONGRESS
1ST SESSION

S. 1853

To require Federal law enforcement agencies to report on cases of missing or murdered Indians, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. UDALL (for himself, Ms. CORTEZ MASTO, Mr. TESTER, Ms. MURKOWSKI, Ms. MCSALLY, 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 require Federal law enforcement agencies to report on cases of missing or murdered Indians, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act" or the "BADGES for Native Communities Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BRIDGING AGENCY DATA GAPS

Sec. 101. Federal law enforcement database reporting requirements.
Sec. 102. National Missing and Unidentified Persons System Tribal liaison.
Sec. 103. Law enforcement data sharing with Indian tribes.
Sec. 104. Report on Indian country law enforcement personnel resources and need.

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

Sec. 201. Demonstration program on Bureau of Indian Affairs law enforcement employment background checks.
Sec. 202. Missing and murdered response coordination grant program.
Sec. 203. GAO study on Federal law enforcement agency evidence collection, handling, and processing.
Sec. 204. Bureau of Indian Affairs and Tribal law enforcement officer counseling resources interdepartmental coordination.

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Justice Services.

(2) FEDERAL LAW ENFORCEMENT AGENCY.—The term "Federal law enforcement agency" means the Bureau of Indian Affairs direct-service police, the Federal Bureau of Investigation, and any other Federal law enforcement agency that—

(A) has jurisdiction over crimes in Indian country; or

(B) investigates missing persons cases of interest to Indian tribes, murder cases of interest to Indian tribes, or unidentified remains cases of interest to Indian tribes.

(3) INDIAN.—The term "Indian" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) INDIAN COUNTRY.—The term "Indian country" has the meaning given the term in section 1151 of title 18, United States Code.

(5) INDIAN LAND.—The term "Indian land" has the meaning given the term "Indian lands" in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(7) MANSLAUGHTER.—The term "manslaughter" has the meaning given the term in section 1112 of title 18, United States Code.

(8) MISSING.—The term "missing" has the meaning determined by the applicable Federal law enforcement agency.

(9) MISSING PERSONS CASE OF INTEREST TO INDIAN TRIBES.—The term "missing persons case of interest to Indian tribes" means a case involving—

(A) a missing Indian; or

(B) a missing person whose last known location is believed to be on, in, or near Indian land.

(10) MURDER.—The term "murder" has the meaning given the term in section 1111 of title 18, United States Code.

(11) MURDER CASE OF INTEREST TO INDIAN TRIBES.—The term "murder case of interest to Indian tribes" means a case involving—

(A) a murdered Indian; or

(B) a person murdered on, in, or near Indian land.

(12) MURDERED.—The term "murdered", with respect to a person, means the person was the victim of—

(A) murder; or

(B) manslaughter.

(13) NATIONAL CRIME INFORMATION DATABASES.—The term "national crime information databases" has the meaning given the term in section 534(f)(3) of title 28, United States Code.

(14) RELEVANT TRIBAL STAKEHOLDER.—The term "relevant Tribal stakeholder" means, as applicable—

(A) an Indian tribe;

(B) a tribal organization; and

(C) a national or regional organization that—

(i) represents a substantial Indian constituency; and

(ii) has expertise in the fields of—

(I) human trafficking;

(II) violence against women and children; or

(III) Tribal justice systems.

(15) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(16) TRIBAL JUSTICE OFFICIAL.—The term "tribal justice official" has the meaning given the term in section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801).

(17) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(18) UNIDENTIFIED REMAINS CASE OF INTEREST TO INDIAN TRIBES.—The term "unidentified remains case of interest to Indian tribes" means a case involving—

(A) unidentified Indian remains; or

(B) unidentified remains found on, in, or near Indian land.

TITLE I—BRIDGING AGENCY DATA GAPS

SEC. 101. FEDERAL LAW ENFORCEMENT DATABASE REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 151(a) of the Sex Offender Registration and Notification Act (34 U.S.C. 20961(a)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) the National Missing and Unidentified Persons System, to be used by a person accessing the System only within the scope of the work of the person in assisting or supporting law enforcement efforts to solve missing, unidentified, and unclaimed person cases across the United States; and".

(b) SHARING OF INFORMATION.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall, in a manner that maintains the integrity

of confidential, private, and law enforcement sensitive information, provide for information on missing persons and unidentified remains contained in national crime information databases to be transmitted to, entered in, and otherwise shared with the National Missing and Unidentified Persons System.

(c) TEMPORARY REPORTING REQUIREMENTS.—Until such time as the data sharing procedures required under subsection (b) are in effect, each Federal law enforcement agency shall enter into the National Missing and Unidentified Persons System each missing persons case of interest to Indian tribes and each unidentified remains case of interest to Indian tribes reported to or investigated by the Federal law enforcement agency.

(d) COORDINATION WITH NAMUS TRIBAL LIAISON.—The Director and the Director of the Federal Bureau of Investigation shall each appoint a liaison to coordinate with the 1 or more Tribal liaisons appointed under section (4)(a) to ensure that—

(1) all missing persons cases of interest to Indian tribes and all unidentified remains cases of interest to Indian tribes are fully captured in the National Missing and Unidentified Persons System; and

(2) Indian tribes are aware of, and able to access, information in the National Missing and Unidentified Persons System.

SEC. 102. NATIONAL MISSING AND UNIDENTIFIED PERSONS SYSTEM TRIBAL LIAISON.

(a) APPOINTMENT.—The Attorney General, acting through the Director of the National Institute of Justice, shall appoint 1 or more Tribal liaisons for the National Missing and Unidentified Persons System.

(b) DUTIES.—The duties of a Tribal liaison appointed under subsection (a) shall include—

(1) coordinating the reporting of information relating to missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes;

(2) consulting and coordinating with relevant Tribal stakeholders to address the reporting, documentation, and tracking of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes;

(3) developing working relationships, and maintaining communication, with relevant Tribal stakeholders;

(4) providing technical assistance and training to relevant Tribal stakeholders, victim service advo-

cates, medical examiners, and tribal justice officials regarding—

(A) the gathering and reporting of information to the National Missing and Unidentified Persons System; and

(B) working with non-Tribal law enforcement agencies to ensure all missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes are reported to the National Missing and Unidentified Persons System;

(5) coordinating with the Office of Tribal Justice and the Office of Justice Services, as necessary; and

(6) conducting other training, information gathering, and outreach activities to improve resolution of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes.

(c) REPORTING AND TRANSPARENCY.—

(1) ANNUAL REPORTS TO CONGRESS.—During the 3-year-period beginning on the date of enactment of this Act, the Attorney General, acting through the Director of the National Institute of Justice, shall submit to the Committees on Indian

Affairs and the Judiciary of the Senate and the Committees on Natural Resources and the Judiciary of the House of Representatives an annual report—

(A) describing the activities and accomplishments of the 1 or more Tribal liaisons appointed under subsection (a) during the 1-year period preceding the date of the report; and

(B) summarizing—

(i) the number of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes listed in the National Missing and Unidentified Persons System;

(ii) the percentage of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes closed during the 1-year period preceding the date of the report; and

(iii) the reasons for those closures.

(2) PUBLIC TRANSPARENCY.—Annually, the Attorney General, acting through the Director of the National Institute of Justice, shall publish on a website publicly accessible information—

(A) describing the activities and accomplishments of the 1 or more Tribal liaisons ap-

pointed under subsection (a) during the 1-year period preceding the date of the publication; and

(B) summarizing—

(i) the number of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes listed in the National Missing and Unidentified Persons System;

(ii) the percentage of missing persons cases of interest to Indian tribes and unidentified remains cases of interest to Indian tribes closed during the 1-year period preceding the date of the report; and

(iii) the reasons for those closures.

SEC. 103. LAW ENFORCEMENT DATA SHARING WITH INDIAN TRIBES.

(a) ACCESS TO NATIONAL CRIME INFORMATION DATABASES BY TRIBES.—Section 233(b) of the Tribal Law and Order Act of 2010 (34 U.S.C. 41107) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Attorney General shall ensure that—

"(A) tribal law enforcement officials that meet applicable Federal or State requirements shall be permitted access to national crime information databases;

"(B) technical assistance and training is provided to Bureau of Indian Affairs and tribal law enforcement agencies to gain access to, and the ability to use and input information into, the National Crime Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code; and

"(C) the Federal Bureau of Investigation coordinates with the Office of Justice Services to ensure tribal law enforcement agencies are assigned appropriate credentials or ORI numbers for uniform crime reporting purposes."; and

(2) in paragraph (3), by striking "with criminal jurisdiction over Indian country".

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 534(d) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking "The Attorney General" and inserting the following:

"(1) IN GENERAL.—The Attorney General"; and

(3) by adding at the end the following:

"(2) TRIBAL ACCESS PROGRAM.—

"(A) IN GENERAL.—The Attorney General shall establish a program, to be known as the 'Tribal Access Program', to enhance the ability of tribal governments to access and enter information into Federal criminal information databases under this section.

"(B) AUTHORIZATION OF APPROPRIATIONS.—

"(i) IN GENERAL.—There is authorized to be appropriated to carry out the Tribal Access Program under subparagraph (A) $3,000,000 for each of fiscal years 2020 through 2024, to remain available until expended.

"(ii) ADDITIONAL FUNDING.—The Attorney General may use to carry out the Tribal Access Program under subparagraph (A) any balances remaining for the account under the heading 'VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS' under the heading 'STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES OFFICE ON VIOLENCE AGAINST WOMEN' of the Department of Justice from appropriations for full fiscal years prior to the date of enactment of the Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act.

"(3) INFORMATION SHARING.—To the extent otherwise permitted by law, any report issued as a result of the analysis of information entered into Federal criminal information databases or obtained from Federal criminal databases, including for the purpose of conducting background checks, shall be shared with each Indian tribe of jurisdiction.".

SEC. 104. REPORT ON INDIAN COUNTRY LAW ENFORCEMENT PERSONNEL RESOURCES AND NEED.

(a) DEFINITION OF DOJ LAW ENFORCEMENT AGENCY.—In this section, the term "DOJ law enforcement agency" means each of—

(1) the Federal Bureau of Investigation;

(2) the Drug Enforcement Administration;

(3) the United States Marshals Service;

(4) the Bureau of Alcohol, Tobacco, Firearms and Explosives; and

(5) the Offices of the United States Attorneys.

(b) REPORT.—Each fiscal year, the Attorney General shall submit to the appropriate committees of Congress a report describing for that fiscal year—

(1) the number of full-time employees of each DOJ law enforcement agency that are assigned to work on criminal investigations and prosecutions in Indian country;

(2) an estimate of the average caseload of—

(A) the full-time employees described in paragraph (1); compared to

(B) the other full-time employees at the respective DOJ law enforcement agency that are assigned to work on criminal investigations and prosecutions; and

(3) an explanation for any differences in the average caseloads identified under subparagraphs (A) and (B) of paragraph (2).

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

SEC. 201. DEMONSTRATION PROGRAM ON BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT EMPLOYMENT BACKGROUND CHECKS.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program for the purpose of conducting or adjudicating, in coordination with the Director of the Bureau of Indian Affairs, personnel background investigations for applicants for law enforcement positions in the Bureau of Indian Affairs.

(2) BACKGROUND INVESTIGATIONS AND SECURITY CLEARANCE DETERMINATIONS.—

(A) BIA INVESTIGATIONS.—As part of the demonstration program established under paragraph (1), the Secretary may carry out a background investigation, security clearance determination, or both a background investigation and a security clearance determination for an applicant for a law enforcement position in the Bureau of Indian Affairs.

(B) USE OF PREVIOUS INVESTIGATIONS AND DETERMINATIONS.—

(i) IN GENERAL.—Subject to clause (ii), as part of the demonstration program established under paragraph (1), the Secretary, in adjudicating background investigations for applicants for law enforcement positions in the Bureau of Indian Affairs, shall consider previous background investigations for an applicant, security clearance determinations for an applicant, or both background investigations and security clearance determinations for an applicant, as the case may be, that have been conducted by a State or local government, Indian tribe, tribal organization, or the Bureau of Indian Affairs, within the 5-year period preceding the application for employment with the Bureau of Indian Affairs.

(ii) QUALITY.—The Secretary shall only consider previous background investigations and security clearance determinations for an applicant that have been conducted by a State or local government, In-

dian tribe, or tribal organization if the Secretary can verify that those previous investigations and determinations, as the case may be, are of a comparable quality and thoroughness to investigations and determinations carried out by the Bureau of Indian Affairs, the Office of Personnel Management, or another Federal agency.

(iii) ADDITIONAL INVESTIGATION.—If, as described in clause (i), the Secretary considers an existing background investigation, security clearance determination, or both, as the case may be, for an applicant that has been carried out by a State or local government, Indian tribe, tribal organization, or the Bureau of Indian Affairs, the Secretary—

(I) may carry out additional investigation and examination of the applicant if the Secretary determines that such additional information is needed in order to make an appropriate determination as to the character and trustworthiness of the applicant before final adjudication can be

made and a security clearance can be issued; and

(II) shall not initiate a new background investigation process with the National Background Investigations Bureau or other Federal agency unless that new background investigation process covers a period of time that was not covered by a previous background investigation process.

(iv) AGREEMENTS.—The Secretary may enter into a Memorandum of Agreement with a State or local government, Indian tribe, or tribal organization to develop steps to expedite the process of receiving and obtaining access to background investigation and security clearance determinations for use in the demonstration program.

(3) SUNSET.—The demonstration program established under this section shall terminate 5 years after the date of the commencement of the program.

(b) SUFFICIENCY.—Notwithstanding any other provision of law, a background investigation conducted or adjudicated by the Secretary pursuant to the demonstration

program authorized in subsection (a) that results in the granting of a security clearance to an applicant for a law enforcement position in the Bureau of Indian Affairs shall be sufficient to meet the applicable requirements of the Office of Personnel Management or other Federal agency for such investigations.

(c) ANNUAL REPORT.—The Secretary shall submit an annual report to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives on the demonstration program established under subsection (a), which shall include a description of—

(1) the demonstration program and any relevant annual changes or updates to the program;

(2) the number of background investigations carried out under the program;

(3) the costs, including any cost savings, associated with the investigation and adjudication process under the program;

(4) the processing times for the investigation and adjudication processes under the program;

(5) any Memoranda of Agreement entered into with State or local government, Indian tribe, or tribal organization; and

(6) any other information that the Secretary determines to be relevant.

(d) GAO STUDY AND REPORT.—

(1) INITIAL REPORT.—Not later than 18 months after the date on which the demonstration program commences under this section, the Comptroller General of the United States shall prepare and submit to Congress an initial report on such demonstration program.

(2) FINAL REPORT.—Not later than 18 months after the date on which the demonstration program terminates under subsection (a)(3), the Comptroller General of the United States shall prepare and submit to Congress a final report on such demonstration program.

(3) TRIBAL INPUT.—In preparing the reports under this subsection, the Comptroller General of the United States shall obtain input from Indian tribes regarding the demonstration program under this section.

SEC. 202. MISSING AND MURDERED RESPONSE COORDINATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Attorney General shall establish within the Office of Justice Programs a grant program under which the Attorney General

shall make grants to eligible entities described in subsection (b) to carry out eligible activities described in subsection (c).

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—To be eligible to receive a grant under the grant program established under subsection (a) an entity shall be—

(A) a relevant Tribal stakeholder;

(B) subject to paragraph (2), a State, in consortium with a relevant Tribal stakeholder;

(C) a consortium of 2 or more relevant Tribal stakeholders; or

(D) subject to paragraph (2), a consortium of 2 or more States and 1 or more relevant Tribal stakeholders.

(2) STATE ELIGIBILITY.—To be eligible under subparagraph (B) or (D) of paragraph (1), a State shall demonstrate to the satisfaction of the Attorney General that the State—

(A) reports missing persons cases in the State to the national crime information databases; or

(B) if not, has a plan to do so using a grant received under the grant program established under subsection (a).

(c) ELIGIBLE ACTIVITIES.—An eligible entity receiving a grant under the grant program established under subsection (a) may use the grant—

(1) to establish a statewide or regional center to document and track missing persons cases of interest to Indian tribes and murder cases of interest to Indian tribes;

(2) to establish a State or regional commission to respond to, and to improve coordination between Federal law enforcement agencies, and Tribal, State, and local law enforcement agencies of the investigation of, missing persons cases of interest to Indian tribes and murder cases of interest to Indian tribes; and

(3) to document, develop, and disseminate resources for use by Federal law enforcement agencies and Tribal, State, and local law enforcement agencies for the coordination of the investigation of missing persons cases of interest to Indian tribes and murder cases of interest to Indian tribes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $1,000,000 for each of fiscal years 2020 through 2024.

SEC. 203. GAO STUDY ON FEDERAL LAW ENFORCEMENT AGENCY EVIDENCE COLLECTION, HANDLING, AND PROCESSING.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study—

(1) on the evidence collection, handling, and processing procedures and practices of the Office of Justice Services and the Federal Bureau of Investigation in exercising jurisdiction over crimes involving Indians or committed in Indian country;

(2) on any barriers to evidence collection, handling, and processing by the agencies referred to in paragraph (1);

(3) on the views of law enforcement officials at the agencies referred to in paragraph (1) and their counterparts within the Offices of the United States Attorneys concerning any relationship between—

(A) the barriers identified under paragraph (2); and

(B) United States Attorneys declination rates due to insufficient evidence; and

(4) that includes a survey of barriers to evidence collection, handling, and processing faced by State and local law enforcement agencies that exercise jurisdiction over Indian country under the Act

of August 15, 1953 (67 Stat. 588, chapter 505), and the amendments made by that Act.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. 204. BUREAU OF INDIAN AFFAIRS AND TRIBAL LAW ENFORCEMENT OFFICER COUNSELING RESOURCES INTERDEPARTMENTAL COORDINATION.

The Secretary of Health and Human Services, acting through the Director of the Indian Health Service and the Administrator of the Substance Abuse and Mental Health Services Administration, and the Attorney General shall coordinate with the Director to ensure that Federal training materials and resources for establishing and maintaining mental health wellness programs are available to Tribal and Bureau of Indian Affairs law enforcement officers experiencing occupational stress.

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JUNE 13, 2019

Udall Leads Bipartisan Group of Indian Affairs Committee Senators in Introducing Legislation to Address Law Enforcement, Public Safety Needs in Native Communities

Improves law enforcement recruitment, Tribal access to federal criminal databases, and coordination between federal, state, Tribal, and local law enforcement agencies

WASHINGTON – Today, **U.S. Senators Tom Udall (D-N.M.),** vice chairman of the Senate Committee on Indian Affairs, **Jon Tester (D-Mont.), Lisa Murkowski (R-Alaska), Catherine Cortez Masto (D-Nev.), Martha McSally (R-Ariz.), and Tina Smith (D-Minn.), all members of the Senate Committee on Indian Affairs,** introduced the *Bridging Agency Data Gaps & Ensuring Safety* (BADGES) *for Native Communities Act.*

This bipartisan bill addresses critical public safety needs in Indian Country by addressing federal inefficiencies that hurt Bureau of Indian Affairs law enforcement recruitment and retention, increasing the effectiveness of federal missing persons resources, and giving Tribes and States resources to coordinate responses to the Missing and Murdered Indigenous Women (MMIW) crisis.

"For too long, poor coordination, limited data, and an unacceptable lack of federal resources have erected enormous barriers to justice all across Indian Country," **said Udall.** "When public safety programs are underresourced, crimes are underreported

and cases go unsolved. Our bill addresses these barriers head on by increasing the efficiency of federal law enforcement programs and providing Tribes and states with the tools they need to ensure that Native communities are safe and strong."

"We've got to do everything we can to end the crisis of violence in our tribal communities and bring its perpetrators to justice. This bipartisan legislation will help do that by improving communication and coordination between agencies, bolstering tribal law enforcement, and empowering tribes to address public safety in Indian Country," **said Tester.**

"All too often, violent crimes in Native communities go unreported, and many tribal law enforcement do not have enough support to protect their jurisdictions. It's unacceptable that Nevada's tribal communities lack access to federal resources that allow Native people to keep their family, friends and neighbors safe. This legislation marks an important step in improving tribal and federal coordination so that we can protect and strengthen Native communities in Nevada, and throughout the country," **said Cortez Masto.**

"Native American communities, particularly indigenous women, face much higher rates of violence versus the national average. Alarmingly, law enforcement officials in Indian Country often lack access to the data and resources necessary to prosecute and prevent these crimes. We must do more to ensure public safety in our Native communities. This is why I am proud to work with my colleagues on the Senate Indian Affairs Committee on legislation to give tribal law enforcement the tools they need by expanding access to federal criminal data bases, streamlining recruitment and retention procedures, and supporting best practices for investigating and prosecuting cases in Indian country," **said McSally.**

"The safety of all Minnesotans—including people on tribal lands—is critical to communities being able to thrive," **said Smith.** "I'm glad to see this bill has bipartisan support because we need to take steps—in red counties, blue counties, and

everywhere in between—to address the missing and murdered indigenous women crisis, and to increase resources to help keep Native communities safe."

The *BADGES for Native Communities Act*, which will receive a legislative hearing next week in the Senate Committee on Indian Affairs, is supported by a number of Native organizations and Tribes.

"The All Pueblo Council of Governors is pleased to see the enhanced access to data sharing and tribal law enforcement support in the BADGES for Native Communities Act," **said Paul Torres, Chairman of the All Pueblo Council of Governors.** "For too long, barriers to accessing national crime information have hindered the ability of tribal communities to protect their members. The BADGES Act shines a light on this chronic problem and offers concrete, carefully crafted solutions to advance public safety and interagency law enforcement coordination on cases of interest to tribal nations. The end result will be improved responses to crime and safer tribal communities."

"The DOJ Tribal Access Program is a valuable tool for the Pueblo of Acoma Law Enforcement Services in accessing essential data so that we can better serve and protect our community. Extension of the TAP under the BADGES for Native Communities Act will help ensure that more tribal nations are able to benefit from this exceptional program. Together with other strong provisions in the bill–such as the proposed five-year demonstration program for an in-house BIA background check system–we believe the BADGES Act will contribute to greater public safety across Indian Country. We look forward to exploring ways in which the tools developed under this Act could be used to advance important related issues like tribally-conducted background checks and tribal law enforcement training," **said Governor Brian Vallo, Pueblo of Acoma.**

"The BADGES Act takes common sense steps to fill gaps in Indian Country criminal data collection and addresses shortfalls in staffing of justice officials on Indian lands that will improve emergency response times," **said Butch Blazer, President of the**

Mescalero Apache Tribe. "The bill improves procedures for federal law enforcement to file and share criminal information, with a focus on the crisis of missing and murdered Native people. By codifying the DOJ TAP program, the bill will ensure that our tribal officers retain access to information that is critical to their safety and to the secure management of our SORNA and foster care programs. We give our strong support for this important bill, and urge Congress to advance the measure as soon as possible."

"On the Navajo Nation, disastrous outcomes occur from failed communications across multiple jurisdictions when coordinating efforts to address reports of missing or murdered indigenous persons on the Navajo Nation. Through this bill, we hope to solve the problems with federal data and reports involving missing Indian people as well as tribal access to that data," **Navajo Nation President Jonathan Nez said.** "We express our great appreciation that this bill will address critical public safety needs in Indian Country by bridging agency data gaps and ensuring safety for native communities."

"The Navajo Nation now spans four states and over a dozen counties. With dozens of law enforcement agency partners, responding to cases of Missing and Murdered Diné Relatives requires improved coordination between law enforcement agencies and enhanced data sharing and input in federal databases," **said Seth Damon, Speaker of the 24th Navajo Nation Council.** "I thank Senator Udall for seeking to address an issue that is all too common across Indian Country."

"The Navajo Nation, like other indigenous nations in the U.S., have grappled with the issue of data collection and analysis. I applaud the efforts of this bill to aid tribes in addressing crime and social issues," **said Delegate Amber Kanazbah Crotty.** "As any expert may tell you, data is integral to how we view and understand social problems, strategize, and create long-term solutions. As we continue working to bring our Missing and Murdered Diné Relatives home, I appreciate Senator Udall for taking a step forward to aid indigenous communities. In addition, I would call on the federal government to grant tribes access to how federal agents investigate missing

and murdered cases, and to increase transparency through providing us that critical information."

"As a former tribal prosecutor, I am all too familiar with the shortcomings among existing resources for handling missing and murdered persons cases," **said Delegate Eugenia Charles Newton, Chair of the Law and Order Committee.** "It is critical that the federal government fulfill its obligations to deliver justice for Native Americans by implementing appropriate tools, proven solutions, and innovative programming. By streamlining data sharing processes, strengthening existing resources, and developing new programming, the BADGE Act will empower federal, state, Tribal, and non-profit organizations to design better protocols for addressing the crisis of Missing and Murdered Indigenous women. Safe communities are the cornerstone of development, and I am confident this bill will begin to provide a clear understanding of all the issues regarding public safety in Indian Country."

As vice chairman of the Senate Committee on Indian Affairs, Udall has led a number of initiatives to improve public safety in Indian Country. Last Congress, Udall helped secure passage of the *Ashlynne Mike AMBER Alert in Indian Country Act* and convened hearings and listening sessions to hear from Tribes about Indian Country's *Violence Against Women Act* (VAWA), MMIW, and public safety priorities. In January, Udall introduced the *Native Youth and Tribal Officer Protection Act*, a bipartisan bill to address violence against Native women, children, and Tribal law enforcement. Last month, Udall led a day of action to highlight the important role VAWA reauthorization must play to address the MMIW crisis and increase public safety in Native communities.

Udall was also a leader in the 2013 effort to amend VAWA to restore Tribal jurisdiction over domestic violence crimes committed on reservations, which was instrumental to ensuring that Native women enjoy the same protection from domestic abuse as all other women in the United States.

The full text of the bill is available HERE.

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Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Amber Kanazbah Crotty
24th Navajo Nation Council

FROM: KLowell
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: September 5, 2019

SUBJECT: **AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING UNITED STATES SENATE BILL 1853 TITLED "BRIDGING AGENCY DATA GAPS AND ENSURING SAFETY FOR NATIVE COMMUNITIES ACT" OR "BADGES FOR NATIVE COMMUNITIES ACT**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, 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. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0278-19 **SPONSOR:** Amber Kanazbah Crotty

TITLE: An Action Relating To NAABIK'IYATI' Committee; Supporting United States Senate Bill 1853 titled "Bridging Agency Data GAPS And Ensuring Safety For Native Communities Act: Or "Badges for Native Communities Act"

***Date posted*: September 19, 2019 at 5:48 PM**

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.*