

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.

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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'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'iyáti' 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

1 chairman of the Senate Committee on Indian Affairs, Jon Tester (D-Mont.), Lisa
2 Murkowski (R-Alaska), Catherine Cortez Masto (D-Nev.), Martha McSally (R-Ariz.),
3 and Tina Smith (D-Minn.), all members of the Senate Committee on Indian Affairs.
4

5 **THEREFORE, BE IT RESOLVED:**

- 6 A. The Navajo Nation hereby supports United States Senate Bill 1853 titled “Bridging
7 Agency Data Gaps and Ensuring Safety for Native Communities Act” or “BADGES
8 for Native Communities Act” attached hereto as **Exhibit A**.
- 9 B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
10 President of the Navajo Nation, and their designees, to advocate the Navajo Nation’s
11 support of United States Senate Bill 1853.
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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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Bridging Agency Data Gaps and Ensuring Safety for
6 Native Communities Act” or the “BADGES for Native
7 Communities Act”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 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.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) DIRECTOR.—The term “Director” means
4 the Director of the Office of Justice Services.

5 (2) FEDERAL LAW ENFORCEMENT AGENCY.—
6 The term “Federal law enforcement agency” means
7 the Bureau of Indian Affairs direct-service police,
8 the Federal Bureau of Investigation, and any other
9 Federal law enforcement agency that—

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

12 (B) investigates missing persons cases of
13 interest to Indian tribes, murder cases of inter-
14 est to Indian tribes, or unidentified remains
15 cases of interest to Indian tribes.

1 (3) INDIAN.—The term “Indian” has the mean-
2 ing given the term in section 4 of the Indian Self-
3 Determination and Education Assistance Act (25
4 U.S.C. 5304).

5 (4) INDIAN COUNTRY.—The term “Indian coun-
6 try” has the meaning given the term in section 1151
7 of title 18, United States Code.

8 (5) INDIAN LAND.—The term “Indian land”
9 has the meaning given the term “Indian lands” in
10 section 3 of the Native American Business Develop-
11 ment, Trade Promotion, and Tourism Act of 2000
12 (25 U.S.C. 4302).

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

17 (7) MANSLAUGHTER.—The term “man-
18 slaughter” has the meaning given the term in sec-
19 tion 1112 of title 18, United States Code.

20 (8) MISSING.—The term “missing” has the
21 meaning determined by the applicable Federal law
22 enforcement agency.

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

1 (A) a missing Indian; or

2 (B) a missing person whose last known lo-
3 cation is believed to be on, in, or near Indian
4 land.

5 (10) MURDER.—The term “murder” has the
6 meaning given the term in section 1111 of title 18,
7 United States Code.

8 (11) MURDER CASE OF INTEREST TO INDIAN
9 TRIBES.—The term “murder case of interest to In-
10 dian tribes” means a case involving—

11 (A) a murdered Indian; or

12 (B) a person murdered on, in, or near In-
13 dian land.

14 (12) MURDERED.—The term “murdered”, with
15 respect to a person, means the person was the victim
16 of—

17 (A) murder; or

18 (B) manslaughter.

19 (13) NATIONAL CRIME INFORMATION DATA-
20 BASES.—The term “national crime information
21 databases” has the meaning given the term in sec-
22 tion 534(f)(3) of title 28, United States Code.

23 (14) RELEVANT TRIBAL STAKEHOLDER.—The
24 term “relevant Tribal stakeholder” means, as appli-
25 cable—

- 1 (A) an Indian tribe;
2 (B) a tribal organization; and
3 (C) a national or regional organization
4 that—

5 (i) represents a substantial Indian
6 constituency; and

7 (ii) has expertise in the fields of—

8 (I) human trafficking;

9 (II) violence against women and
10 children; or

11 (III) Tribal justice systems.

12 (15) SECRETARY.—The term “Secretary”
13 means the Secretary of the Interior.

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

18 (17) TRIBAL ORGANIZATION.—The term “tribal
19 organization” has the meaning given the term in
20 section 4 of the Indian Self-Determination and Edu-
21 cation Assistance Act (25 U.S.C. 5304).

22 (18) UNIDENTIFIED REMAINS CASE OF INTER-
23 EST TO INDIAN TRIBES.—The term “unidentified re-
24 mains case of interest to Indian tribes” means a
25 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 RE- PORTING REQUIREMENTS.

(a) IN GENERAL.—Section 151(a) of the Sex Of-
fender 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 para-
graph (3); and

(3) by inserting after paragraph (1) the fol-
lowing:

“(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

1 of confidential, private, and law enforcement sensitive in-
2 formation, provide for information on missing persons and
3 unidentified remains contained in national crime informa-
4 tion databases to be transmitted to, entered in, and other-
5 wise shared with the National Missing and Unidentified
6 Persons System.

7 (c) TEMPORARY REPORTING REQUIREMENTS.—Until
8 such time as the data sharing procedures required under
9 subsection (b) are in effect, each Federal law enforcement
10 agency shall enter into the National Missing and Unidenti-
11 fied Persons System each missing persons case of interest
12 to Indian tribes and each unidentified remains case of in-
13 terest to Indian tribes reported to or investigated by the
14 Federal law enforcement agency.

15 (d) COORDINATION WITH NAMUS TRIBAL LIAI-
16 SON.—The Director and the Director of the Federal Bu-
17 reau of Investigation shall each appoint a liaison to coordi-
18 nate with the 1 or more Tribal liaisons appointed under
19 section (4)(a) to ensure that—

20 (1) all missing persons cases of interest to In-
21 dian tribes and all unidentified remains cases of in-
22 terest to Indian tribes are fully captured in the Na-
23 tional Missing and Unidentified Persons System;
24 and

1 (2) Indian tribes are aware of, and able to ac-
2 cess, information in the National Missing and Un-
3 identified Persons System.

4 **SEC. 102. NATIONAL MISSING AND UNIDENTIFIED PERSONS**
5 **SYSTEM TRIBAL LIAISON.**

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

10 (b) DUTIES.—The duties of a Tribal liaison ap-
11 pointed under subsection (a) shall include—

12 (1) coordinating the reporting of information
13 relating to missing persons cases of interest to In-
14 dian tribes and unidentified remains cases of inter-
15 est to Indian tribes;

16 (2) consulting and coordinating with relevant
17 Tribal stakeholders to address the reporting, docu-
18 mentation, and tracking of missing persons cases of
19 interest to Indian tribes and unidentified remains
20 cases of interest to Indian tribes;

21 (3) developing working relationships, and main-
22 taining communication, with relevant Tribal stake-
23 holders;

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

1 cates, medical examiners, and tribal justice officials
2 regarding—

3 (A) the gathering and reporting of infor-
4 mation to the National Missing and Unidenti-
5 fied Persons System; and

6 (B) working with non-Tribal law enforce-
7 ment agencies to ensure all missing persons
8 cases of interest to Indian tribes and unidenti-
9 fied remains cases of interest to Indian tribes
10 are reported to the National Missing and Un-
11 identified Persons System;

12 (5) coordinating with the Office of Tribal Jus-
13 tice and the Office of Justice Services, as necessary;
14 and

15 (6) conducting other training, information gath-
16 ering, and outreach activities to improve resolution
17 of missing persons cases of interest to Indian tribes
18 and unidentified remains cases of interest to Indian
19 tribes.

20 (c) REPORTING AND TRANSPARENCY.—

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

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

4 (A) describing the activities and accom-
5 plishments of the 1 or more Tribal liaisons ap-
6 pointed under subsection (a) during the 1-year
7 period preceding the date of the report; and

8 (B) summarizing—

9 (i) the number of missing persons
10 cases of interest to Indian tribes and un-
11 identified remains cases of interest to In-
12 dian tribes listed in the National Missing
13 and Unidentified Persons System;

14 (ii) the percentage of missing persons
15 cases of interest to Indian tribes and un-
16 identified remains cases of interest to In-
17 dian tribes closed during the 1-year period
18 preceding the date of the report; and

19 (iii) the reasons for those closures.

20 (2) PUBLIC TRANSPARENCY.—Annually, the At-
21 torney General, acting through the Director of the
22 National Institute of Justice, shall publish on a
23 website publicly accessible information—

24 (A) describing the activities and accom-
25 plishments of the 1 or more Tribal liaisons ap-

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

4 (B) summarizing—

5 (i) the number of missing persons
6 cases of interest to Indian tribes and un-
7 identified remains cases of interest to In-
8 dian tribes listed in the National Missing
9 and Unidentified Persons System;

10 (ii) the percentage of missing persons
11 cases of interest to Indian tribes and un-
12 identified remains cases of interest to In-
13 dian tribes closed during the 1-year period
14 preceding the date of the report; and

15 (iii) the reasons for those closures.

16 **SEC. 103. LAW ENFORCEMENT DATA SHARING WITH INDIAN**
17 **TRIBES.**

18 (a) **ACCESS TO NATIONAL CRIME INFORMATION**
19 **DATABASES BY TRIBES.**—Section 233(b) of the Tribal
20 Law and Order Act of 2010 (34 U.S.C. 41107) is amend-
21 ed—

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

24 “(1) **IN GENERAL.**—The Attorney General shall
25 ensure that—

1 “(A) tribal law enforcement officials that
2 meet applicable Federal or State requirements
3 shall be permitted access to national crime in-
4 formation databases;

5 “(B) technical assistance and training is
6 provided to Bureau of Indian Affairs and tribal
7 law enforcement agencies to gain access to, and
8 the ability to use and input information into,
9 the National Crime Information Center and
10 other national crime information databases pur-
11 suant to section 534 of title 28, United States
12 Code; and

13 “(C) the Federal Bureau of Investigation
14 coordinates with the Office of Justice Services
15 to ensure tribal law enforcement agencies are
16 assigned appropriate credentials or ORI num-
17 bers for uniform crime reporting purposes.”;
18 and

19 (2) in paragraph (3), by striking “with criminal
20 jurisdiction over Indian country”.

21 (b) ACQUISITION, PRESERVATION, AND EXCHANGE
22 OF IDENTIFICATION RECORDS AND INFORMATION.—Sec-
23 tion 534(d) of title 28, United States Code, is amended—

1 (1) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and indent-
3 ing appropriately;

4 (2) in the matter preceding subparagraph (A)
5 (as so redesignated), by striking “The Attorney Gen-
6 eral” and inserting the following:

7 “(1) IN GENERAL.—The Attorney General”;
8 and

9 (3) by adding at the end the following:

10 “(2) TRIBAL ACCESS PROGRAM.—

11 “(A) IN GENERAL.—The Attorney General
12 shall establish a program, to be known as the
13 ‘Tribal Access Program’, to enhance the ability
14 of tribal governments to access and enter infor-
15 mation into Federal criminal information data-
16 bases under this section.

17 “(B) AUTHORIZATION OF APPROPRIA-
18 TIONS.—

19 “(i) IN GENERAL.—There is author-
20 ized to be appropriated to carry out the
21 Tribal Access Program under subpara-
22 graph (A) \$3,000,000 for each of fiscal
23 years 2020 through 2024, to remain avail-
24 able until expended.

1 “(ii) ADDITIONAL FUNDING.—The At-
2 torney General may use to carry out the
3 Tribal Access Program under subpara-
4 graph (A) any balances remaining for the
5 account under the heading ‘VIOLENCE
6 AGAINST WOMEN PREVENTION AND PROS-
7 ECUTION PROGRAMS’ under the heading
8 ‘STATE AND LOCAL LAW ENFORCEMENT
9 ACTIVITIES OFFICE ON VIOLENCE
10 AGAINST WOMEN’ of the Department of
11 Justice from appropriations for full fiscal
12 years prior to the date of enactment of the
13 Bridging Agency Data Gaps and Ensuring
14 Safety for Native Communities Act.

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

1 **SEC. 104. REPORT ON INDIAN COUNTRY LAW ENFORCE-**
2 **MENT PERSONNEL RESOURCES AND NEED.**

3 (a) DEFINITION OF DOJ LAW ENFORCEMENT AGEN-
4 CY.—In this section, the term “DOJ law enforcement
5 agency” means each of—

- 6 (1) the Federal Bureau of Investigation;
- 7 (2) the Drug Enforcement Administration;
- 8 (3) the United States Marshals Service;
- 9 (4) the Bureau of Alcohol, Tobacco, Firearms
10 and Explosives; and
- 11 (5) the Offices of the United States Attorneys.

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

- 15 (1) the number of full-time employees of each
16 DOJ law enforcement agency that are assigned to
17 work on criminal investigations and prosecutions in
18 Indian country;
- 19 (2) an estimate of the average caseload of—
 - 20 (A) the full-time employees described in
21 paragraph (1); compared to
 - 22 (B) the other full-time employees at the re-
23 spective DOJ law enforcement agency that are
24 assigned to work on criminal investigations and
25 prosecutions; and

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

4 **TITLE II—ENSURING SAFETY**
 5 **FOR NATIVE COMMUNITIES**

6 **SEC. 201. DEMONSTRATION PROGRAM ON BUREAU OF IN-**
 7 **DIAN AFFAIRS LAW ENFORCEMENT EMPLOY-**
 8 **MENT BACKGROUND CHECKS.**

9 (a) ESTABLISHMENT OF PROGRAM.—

10 (1) IN GENERAL.—The Secretary shall establish
 11 a demonstration program for the purpose of con-
 12 ducting or adjudicating, in coordination with the Di-
 13 rector of the Bureau of Indian Affairs, personnel
 14 background investigations for applicants for law en-
 15 forcement positions in the Bureau of Indian Affairs.

16 (2) BACKGROUND INVESTIGATIONS AND SECU-
 17 RITY CLEARANCE DETERMINATIONS.—

18 (A) BIA INVESTIGATIONS.—As part of the
 19 demonstration program established under para-
 20 graph (1), the Secretary may carry out a back-
 21 ground investigation, security clearance deter-
 22 mination, or both a background investigation
 23 and a security clearance determination for an
 24 applicant for a law enforcement position in the
 25 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-

1 dian tribe, or tribal organization if the Sec-
2 retary can verify that those previous inves-
3 tigations and determinations, as the case
4 may be, are of a comparable quality and
5 thoroughness to investigations and deter-
6 minations carried out by the Bureau of In-
7 dian Affairs, the Office of Personnel Man-
8 agement, or another Federal agency.

9 (iii) ADDITIONAL INVESTIGATION.—If,
10 as described in clause (i), the Secretary
11 considers an existing background investiga-
12 tion, security clearance determination, or
13 both, as the case may be, for an applicant
14 that has been carried out by a State or
15 local government, Indian tribe, tribal orga-
16 nization, or the Bureau of Indian Affairs,
17 the Secretary—

18 (I) may carry out additional in-
19 vestigation and examination of the ap-
20 plicant if the Secretary determines
21 that such additional information is
22 needed in order to make an appro-
23 priate determination as to the char-
24 acter and trustworthiness of the appli-
25 cant before final adjudication can be

1 made and a security clearance can be
2 issued; and

3 (II) shall not initiate a new back-
4 ground investigation process with the
5 National Background Investigations
6 Bureau or other Federal agency un-
7 less that new background investiga-
8 tion process covers a period of time
9 that was not covered by a previous
10 background investigation process.

11 (iv) AGREEMENTS.—The Secretary
12 may enter into a Memorandum of Agree-
13 ment with a State or local government, In-
14 dian tribe, or tribal organization to develop
15 steps to expedite the process of receiving
16 and obtaining access to background inves-
17 tigation and security clearance determina-
18 tions for use in the demonstration pro-
19 gram.

20 (3) SUNSET.—The demonstration program es-
21 tablished under this section shall terminate 5 years
22 after the date of the commencement of the program.

23 (b) SUFFICIENCY.—Notwithstanding any other provi-
24 sion of law, a background investigation conducted or adju-
25 dicated by the Secretary pursuant to the demonstration

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

7 (c) ANNUAL REPORT.—The Secretary shall submit
8 an annual report to the Committee on Indian Affairs of
9 the Senate and the Committee on Natural Resources of
10 the House of Representatives on the demonstration pro-
11 gram established under subsection (a), which shall include
12 a description of—

13 (1) the demonstration program and any rel-
14 evant annual changes or updates to the program;

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

17 (3) the costs, including any cost savings, associ-
18 ated with the investigation and adjudication process
19 under the program;

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

22 (5) any Memoranda of Agreement entered into
23 with State or local government, Indian tribe, or trib-
24 al organization; and

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

3 (d) GAO STUDY AND REPORT.—

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

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

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

21 **SEC. 202. MISSING AND MURDERED RESPONSE COORDINA-**
22 **TION GRANT PROGRAM.**

23 (a) ESTABLISHMENT OF PROGRAM.—The Attorney
24 General shall establish within the Office of Justice Pro-
25 grams a grant program under which the Attorney General

1 shall make grants to eligible entities described in sub-
 2 section (b) to carry out eligible activities described in sub-
 3 section (c).

4 (b) ELIGIBLE ENTITIES.—

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

8 (A) a relevant Tribal stakeholder;

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

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

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

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

20 (A) reports missing persons cases in the
 21 State to the national crime information data-
 22 bases; or

23 (B) if not, has a plan to do so using a
 24 grant received under the grant program estab-
 25 lished under subsection (a).

1 (c) ELIGIBLE ACTIVITIES.—An eligible entity receiv-
2 ing a grant under the grant program established under
3 subsection (a) may use the grant—

4 (1) to establish a statewide or regional center to
5 document and track missing persons cases of inter-
6 est to Indian tribes and murder cases of interest to
7 Indian tribes;

8 (2) to establish a State or regional commission
9 to respond to, and to improve coordination between
10 Federal law enforcement agencies, and Tribal, State,
11 and local law enforcement agencies of the investiga-
12 tion of, missing persons cases of interest to Indian
13 tribes and murder cases of interest to Indian tribes;
14 and

15 (3) to document, develop, and disseminate re-
16 sources for use by Federal law enforcement agencies
17 and Tribal, State, and local law enforcement agen-
18 cies for the coordination of the investigation of miss-
19 ing persons cases of interest to Indian tribes and
20 murder cases of interest to Indian tribes.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out the program
23 \$1,000,000 for each of fiscal years 2020 through 2024.

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

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

6 (1) on the evidence collection, handling, and
7 processing procedures and practices of the Office of
8 Justice Services and the Federal Bureau of Inves-
9 tigation in exercising jurisdiction over crimes involv-
10 ing Indians or committed in Indian country;

11 (2) on any barriers to evidence collection, han-
12 dling, and processing by the agencies referred to in
13 paragraph (1);

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

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

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

22 (4) that includes a survey of barriers to evi-
23 dence collection, handling, and processing faced by
24 State and local law enforcement agencies that exer-
25 cise jurisdiction over Indian country under the Act

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

3 (b) REPORT.—Not later than 18 months after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 describing the results of the study conducted under sub-
7 section (a).

8 **SEC. 204. BUREAU OF INDIAN AFFAIRS AND TRIBAL LAW**
9 **ENFORCEMENT OFFICER COUNSELING RE-**
10 **SOURCES INTERDEPARTMENTAL COORDINA-**
11 **TION.**

12 The Secretary of Health and Human Services, acting
13 through the Director of the Indian Health Service and the
14 Administrator of the Substance Abuse and Mental Health
15 Services Administration, and the Attorney General shall
16 coordinate with the Director to ensure that Federal train-
17 ing materials and resources for establishing and maintain-
18 ing mental health wellness programs are available to Trib-
19 al and Bureau of Indian Affairs law enforcement officers
20 experiencing occupational stress.

○



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. Alarming, 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

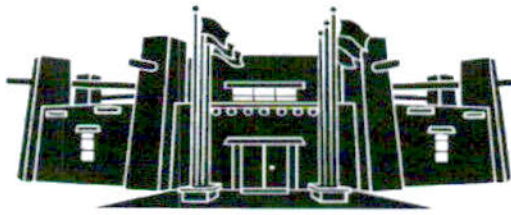
and murdered cases, and to increase transparency through providing us that critical information.”

“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 *Ashlynnne 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](#).



MEMORANDUM

TO: Honorable Amber Kanazbah Crotty
24th Navajo Nation Council

FROM: K. Lowell
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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0278-19

SPONSOR: Honorable Amber Kanazbah Crotty


TITLE: An Action Relating To Naabik'iyáti' 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"

Posted: September 19, 2019 at 5:48 PM

5 DAY Comment Period Ended: September 24, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



Legislative Tracking Secretary
Office of Legislative Services

9/25/19 8:48am
Date/Time