

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES;
SUPPORTING AND RECOMMENDING THE PASSAGE OF S.2785, A BILL
INTRODUCED TO THE UNITED STATES SENATE ENTITLED "TRIBAL YOUTH
AND COMMUNITY PROTECTION ACT OF 2016"

WHEREAS:

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation Council standing committee and as such empowered LOC to review and recommend resolutions regarding coordination between the Navajo Nation and the federal government. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(1)(a), 601 (B)(13) (2015); see also CO-45-12.
- B. The LOC of the Navajo Nation Council has oversight over the Navajo Nation Division of Public Safety. 2 N.N.C. 601(C)(1) (2015).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate all federal programs and to assist and coordinate all requests for information, appearances and testimony relating to federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(4), 701(A)(6) (2015); see also CO-45-12.
- D. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- E. On April 12, 2016, the Tribal Youth and Community Protection Act of 2016 (S.2785) - sponsored by Senator Jon Tester (for himself and Mr. Franken) - was introduced to the United States Senate. See generally S. 2785, 114th Cong. § 2 (2016), attached as Exhibit "A"; See also <https://www.govtrack.us/congress/bills/114/s2785> (last visited Apr. 15, 2016).

F. S. 2785, is a bill introduced to protect Native children and promote public safety in Indian Country. S. 2785, 114th Cong. § 2 (2016).

G. Congress finds that children in Indian Country should be protected from violence; tribal communities should be able to protect themselves from offenders bringing illegal drugs onto Indian reservations; violence against children and crimes associated with illegal drugs increase the number of instances of trauma within tribal communities which: (A) affects health outcomes; (B) reduces educational attainment; (C) hinders economic growth; and undermines public safety. S. 2785, 114th Cong. § 2 (2016).

H. Congress established the Indian Law and Order Commission to advise the federal government on how to improve criminal justice in Indian Country and upon their reported recommendation, S. 2785 has been introduced. S. 2785, 114th Cong. § 2 (2016).

I. The Indian Law and Order Commission recommends the restoration of the inherent authority of tribal courts and recognizes the inherent authority of Indian tribes to protect Native children from violence and tribal communities from illegal drugs, and will reduce instances of trauma experienced by Indians. S. 2785, 114th Cong. § 2 (2016).

J. The Navajo Nation would tremendously benefit from the passage of S. 2785, by protecting Navajo children within the Navajo Nation from violence.

NOW THEREFORE, BE IT RESOLVED:

The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to advocate and recommend the passage of S. 2785, a bill introduced to the United States Senate entitled, "Tribal Youth and Community Protection Act of 2016, and to also seek additional funding to support this act."

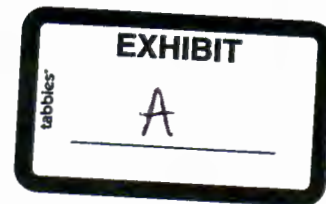
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 12 in favor, 0 oppose, this 12th day of May, 2016.

A handwritten signature in dark ink, appearing to read 'LoRenzo Bates', with a large, stylized flourish at the end.

LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Jonathan Perry
Second: Honorable Jonathan Hale



II

114TH CONGRESS
2D SESSION

S. 2785

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

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2016

Mr. TESTER (for himself and Mr. FRANKEN) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

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

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.**

4 This Act may be cited as the "Tribal Youth and Com-
5 munity Protection Act of 2016".

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) children in Indian country should be pro-
9 tected from violence;

1 (2) tribal communities should be able to protect
2 themselves from offenders bringing illegal drugs onto
3 Indian reservations;

4 (3) violence against children and crime associ-
5 ated with illegal drugs increase the number of in-
6 stances of trauma in tribal communities, which—

7 (A) affects health outcomes;

8 (B) reduces educational attainment;

9 (C) hinders economic growth; and

10 (D) undermines public safety;

11 (4) Congress established the Indian Law and
12 Order Commission to advise the Federal Govern-
13 ment on how to improve criminal justice in Indian
14 country;

15 (5) the Indian Law and Order Commission
16 issued a report entitled “A Roadmap for Making
17 Native America Safer”—

18 (A) which recommends the restoration of
19 the inherent authority of tribal courts; and

20 (B) on which the Committee on Indian Af-
21 fairs of the Senate, on February 12, 2014, held
22 an oversight hearing and received testimony;
23 and

24 (6) recognition of the inherent authority of In-
25 dian tribes to protect Native children from violence,

1 and tribal communities from illegal drugs, will re-
2 duce instances of trauma experienced by Indians.

3 **SEC. 3. EXTENSION OF AUTHORIZATIONS.**

4 (a) INDIAN ALCOHOL AND SUBSTANCE ABUSE PRE-
5 VENTION AND TREATMENT GRANTS.—Section 4206 of the
6 Indian Alcohol and Substance Abuse Prevention and
7 Treatment Act of 1986 (25 U.S.C. 2412) is amended—

8 (1) by striking “appropriate,,” each place it ap-
9 pears and inserting “appropriate,”;

10 (2) in subsection (c)(1)(A)(iv), by striking “In-
11 dians as provided under section 4228, and” and in-
12 serting “Indians; and”;

13 (3) in subsection (d)(2), by striking “2011
14 through 2015” and inserting “2016 through 2020”;
15 and

16 (4) in subsection (f)(3), by striking “2011
17 through 2015” and inserting “2016 through 2020”.

18 (b) BUREAU OF INDIAN AFFAIRS LAW ENFORCE-
19 MENT AND JUDICIAL TRAINING.—Section 4218(b) of the
20 Indian Alcohol and Substance Abuse Prevention and
21 Treatment Act of 1986 (25 U.S.C. 2451(b)) is amended
22 by striking “2011 through 2015” and inserting “2016
23 through 2020”.

1 **SEC. 4. PROTECTION OF NATIVE CHILDREN AND TRIBAL**
2 **COMMUNITIES.**

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

5 (1) in the section heading, by striking “**VIO-**
6 **LENCE**” and inserting “**AND CHILD VIOLENCE**
7 **AND DRUG OFFENSES**”;

8 (2) in subsection (a)—

9 (A) in paragraph (1), by striking “means
10 violence” and inserting “includes felony or mis-
11 demeanor violations of the criminal law of the
12 Indian tribe that has jurisdiction over the In-
13 dian country where the violations occur that
14 are”;

15 (B) in paragraph (2)—

16 (i) by striking “means violence” and
17 inserting “includes felony or misdemeanor
18 violations of the criminal law of the Indian
19 tribe that has jurisdiction over the Indian
20 country where the violations occur that
21 are”; and

22 (ii) by striking “an Indian tribe that
23 has jurisdiction over the Indian country
24 where the violence occurs” and inserting
25 “the Indian tribe”;

1 (C) in paragraph (4), by striking “domes-
 2 tic violence” and inserting “tribal”;

3 (D) in paragraph (6)—

4 (i) in the paragraph heading, by strik-
 5 ing “DOMESTIC VIOLENCE” and inserting
 6 “TRIBAL”; and

7 (ii) by striking “domestic violence”
 8 and inserting “tribal”;

9 (E) by redesignating—

10 (i) paragraphs (3) through (7) as
 11 paragraphs (7) through (11), respectively;
 12 and

13 (ii) paragraphs (1) and (2) as para-
 14 graphs (4) and (5), respectively;

15 (F) by inserting before paragraph (4) (as
 16 so redesignated) the following:

17 “(1) CAREGIVER.—The term ‘caregiver’
 18 means—

19 “(A) the parent, guardian, or legal custo-
 20 dian of the child;

21 “(B) any relative of the child, including a
 22 parent, grandparent, great-grandparent, step-
 23 parent, brother, sister, stepbrother, stepsister,
 24 half-brother, or half-sister;

1 “(C) a person who resides or has resided
2 regularly or intermittently in the same dwelling
3 as the child;

4 “(D) a person who provides or has pro-
5 vided care for the child in or out of the home
6 of the child;

7 “(E) any person who exercises or has exer-
8 cised temporary or permanent control over the
9 child; or

10 “(F) any person who temporarily or per-
11 manently supervises or has supervised the child.

12 “(2) CHILD.—The term ‘child’ means a person
13 who has not attained the lesser of—

14 “(A) the age of 18; or

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

19 “(3) CHILD VIOLENCE.—The term ‘child vio-
20 lence’ includes felony or misdemeanor violations of
21 the criminal law of the Indian tribe that has juris-
22 diction over the Indian country where the violations
23 occur that are committed against a child by a care-
24 giver or a person that would be subject to special
25 tribal criminal jurisdiction if the crime was com-

1 mitted against the parent, legal custodian, or guard-
2 ian of the child under the child protection, domestic,
3 or family violence law of the Indian tribe.”;

4 (G) by inserting before paragraph (7) (as
5 so redesignated) the following:

6 “(6) DRUG OFFENSE.—The term ‘drug offense’
7 includes drug-related felony or misdemeanor viola-
8 tions of the criminal law of the Indian tribe that has
9 jurisdiction over the Indian country where the viola-
10 tions occur.”; and

11 (H) by adding at the end the following:

12 “(12) RELATED CONDUCT.—The term ‘related
13 conduct’ means conduct committed by the defendant
14 that occurs in connection with the exercise of special
15 tribal criminal jurisdiction that is a violation of the
16 criminal laws or contempt authority of the tribal
17 court of the Indian tribe that has jurisdiction over
18 the Indian country where the underlying offense oc-
19 curred.”;

20 (3) in subsection (b)—

21 (A) by striking “domestic violence” each
22 place it appears and inserting “tribal”; and

23 (B) in paragraph (4)—

(i) in subparagraph (A)(i) (as so amended), by inserting “(other than a drug offense)” before “if neither”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i) (as so amended), by inserting “for a crime of domestic violence or dating violence or a violation of a protection order” before “only if”; and

(II) in clause (iii), 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 inserting “, 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:

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

4 “(4) DRUG OFFENSES.—A drug offense that
5 occurs in the Indian country of the participating
6 tribe.”;

7 (5) in subsection (d), by striking “domestic vio-
8 lence” each place it appears and inserting “tribal”;

9 (6) in subsection (f)—

10 (A) by striking “special domestic violence”
11 each place it appears and inserting “special
12 tribal”;

13 (B) in paragraph (2), by striking “pros-
14 ecutes” and all that follows through the semi-
15 colon at the end and inserting the following:
16 “prosecutes—

17 “(A) a crime of domestic violence;

18 “(B) a crime of dating violence;

19 “(C) a crime of child violence;

20 “(D) a drug offense;

21 “(E) a criminal violation of a protection
22 order; or

23 “(F) a crime of related conduct;” and

1 (C) in paragraph (4), by inserting “child
2 violence, related conduct,” after “dating vio-
3 lence,”; and
4 (7) in subsection (h)—
5 (A) by striking “\$5,000,000” and inserting
6 “\$10,000,000”; and
7 (B) by striking “2014 through 2018” and
8 inserting “2016 through 2020”.

9 **SEC. 5. REPORT.**

10 Not later than 4 years after the date of enactment
11 of this Act, the Assistant Secretary for Indian Affairs
12 shall submit to the Committee on Indian Affairs of the
13 Senate and the Committee on Natural Resources of the
14 House of Representatives a report describing the degree
15 of effectiveness of Federal programs that are intended to
16 build the capacity of criminal justice systems of Indian
17 tribes to investigate and prosecute offenses relating to ille-
18 gal drugs.

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