

LEGISLATIVE SUMMARY SHEET

Tracking No. 0292-20

DATE: August 6, 2020

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

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

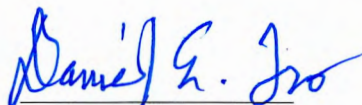
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 11-29-20
Eligible for Action: 11-30-20

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

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0292-20

AN ACTION

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

WHEREAS:

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

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

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

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

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

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

9
10 **NOW THEREFORE BE IT RESOLVED:**

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



116TH CONGRESS
1ST SESSION

S. 290

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

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

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

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 “Native Youth and
5 Tribal Officer Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) American Indians and Alaska Natives are
9 2.5 times more likely to experience violent crimes

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

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

7 (3) According to a 2010 Government Account-
8 ability Office report, United States Attorneys de-
9 clined to prosecute nearly 52 percent of violent
10 crimes that occur in Indian country.

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

14 (5) According to the Centers for Disease Con-
15 trol and Prevention, homicide is the third leading
16 cause of death among American Indian and Alaska
17 Native women between 10 and 24 years of age and
18 the fifth leading cause of death for American Indian
19 and Alaska Native women between 25 and 34 years
20 of age.

21 (6) On some reservations, American Indian
22 women are murdered at more than 10 times the na-
23 tional average.

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

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

5 (8) Childhood exposure to violence has imme-
6 diate and long term effects, including increased rates
7 of altered neurological development, poor physical
8 and mental health, poor school performance, sub-
9 stance abuse, and overrepresentation in the juvenile
10 justice system.

11 (9) Violence against children and crimes associ-
12 ated with dating violence and domestic violence in-
13 crease the number of instances of trauma in Tribal
14 communities, which—

15 (A) affects health outcomes;

16 (B) reduces educational attainment;

17 (C) hinders economic growth; and

18 (D) undermines public safety.

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

1 (11) The complicated jurisdictional structure in
2 Indian country—

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

6 (B) when that cooperation breaks down,
7 results in a significant negative impact on the
8 ability to provide public safety to Indian com-
9 munities.

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

17 (13) Restoring and enhancing local, Tribal ca-
18 pacity to address violent crimes provides for greater
19 local control, safety, accountability, and trans-
20 parency.

21 (14) Tribal communities should be able to pro-
22 tect themselves from dating violence, domestic vio-
23 lence, child violence, and violence committed against
24 members of the Tribal justice system.

1 **SEC. 3. 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 “**DO-**
6 **MESTIC VIOLENCE**” and inserting “**DOMESTIC**
7 **VIOLENCE, CHILD VIOLENCE, AND VIOLENCE**
8 **AGAINST LAW ENFORCEMENT OFFICERS**”;

9 (2) in subsection (a)—

10 (A) in paragraph (1), by striking “means
11 violence” and inserting “means covered con-
12 duct”;

13 (B) in paragraph (2)—

14 (i) by striking “means violence” and
15 inserting “means covered conduct”; and

16 (ii) by striking “where the violence oc-
17 curs” and inserting “where the covered
18 conduct occurs”;

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

21 (D) in paragraph (6)—

22 (i) in the paragraph heading, by strik-
23 ing “DOMESTIC VIOLENCE” and inserting
24 “TRIBAL”; and

25 (ii) by striking “domestic violence”
26 and inserting “tribal”;

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

3 (F) by redesignating paragraphs (1)
4 through (5) as paragraphs (6) through (10), re-
5 spectively;

6 (G) by inserting before paragraph (6) (as
7 redesignated by subparagraph (F)) the fol-
8 lowing:

9 “(1) CAREGIVER.—The term ‘caregiver’
10 means—

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

13 “(B) the spouse or intimate partner of a
14 parent, guardian, or legal custodian of the
15 child;

16 “(C) any relative of the child, including a
17 parent, grandparent, great-grandparent, step-
18 parent, brother, sister, stepbrother, stepsister,
19 half-brother, or half-sister;

20 “(D) a person who resides or has resided
21 regularly or intermittently in the same dwelling
22 as the child;

23 “(E) a person who provides or has pro-
24 vided care for the child in or out of the home
25 of the child;

1 “(F) any person who exercises or has exer-
2 cised temporary or permanent control over the
3 child; or

4 “(G) any person who temporarily or per-
5 manently supervises or has supervised the child.

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

8 “(A) the age of 18; or

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

13 “(3) CHILD VIOLENCE.—The term ‘child vio-
14 lence’ means covered conduct committed against a
15 child by a caregiver of the child.

16 “(4) COVERED CONDUCT.—The term ‘covered
17 conduct’ means conduct that—

18 “(A) involves the use, attempted use, or
19 threatened use of physical force against the per-
20 son or property of another; and

21 “(B) violates the criminal law of the In-
22 dian tribe that has jurisdiction over the Indian
23 country where the conduct occurs.

24 “(5) COVERED INDIVIDUAL.—The term ‘cov-
25 ered individual’ means an officer or employee of an

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

4 “(A) authorized under law to—

5 “(i) engage in or supervise the preven-
 6 tion, detection, investigation, arrest, pre-
 7 trial detention, prosecution, or adjudication
 8 of an offense or the sentencing, including
 9 the probation, parole, incarceration, or re-
 10 habilitation, of an individual; or

11 “(ii) serve as a probation or pretrial
 12 services officer; and

13 “(B) carrying out an activity described in
 14 paragraph (11)(C).”; and

15 (H) by inserting after paragraph (10) (as
 16 redesignated by subparagraph (F)) the fol-
 17 lowing:

18 “(11) RELATED CONDUCT.—The term ‘related
 19 conduct’ means a violation of the criminal law of an
 20 Indian tribe that is committed—

21 “(A) against a covered individual;

22 “(B) by a person—

23 “(i) who is subject to special tribal
 24 criminal jurisdiction; and

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

“(C) in the course of resisting or interfering with the prevention, detection, investigation, arrest, pretrial detention, prosecution, adjudication, or sentencing, including the probation, parole, incarceration, or rehabilitation, of that person relating to that criminal conduct.”; (3) in subsection (b)—

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

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

(4) in subsection (c)—

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

(B) in paragraph (1)—

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

1 ing “, DATING VIOLENCE, AND CHILD VIO-
2 LENCE”; and

3 (ii) by striking “or dating violence”
4 and inserting “, dating violence, or child
5 violence”; and

6 (C) by adding at the end the following:

7 “(3) RELATED CONDUCT.—An act of related
8 conduct that occurs in the Indian country of the
9 participating tribe.”;

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

12 (6) in subsection (f)—

13 (A) by striking “special domestic violence”
14 each place it appears and inserting “special
15 tribal”;

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

20 “(A) a crime of domestic violence;

21 “(B) a crime of dating violence;

22 “(C) a crime of child violence;

23 “(D) a criminal violation of a protection
24 order; or

25 “(E) 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), by striking “2014
5 through 2018” and inserting “2020 through 2024”.

6 **SEC. 4. INCREASED INTERAGENCY COORDINATION.**

7 (a) IN GENERAL.—The Secretary of the Interior and
8 the Secretary of Health and Human Services (referred to
9 in this section as the “Secretaries”) shall coordinate with
10 the Attorney General to ensure, to the maximum extent
11 practicable, that Federal programs to support Tribal jus-
12 tice systems and to support provision of victim services
13 for Indians are working effectively together to serve the
14 needs of Indian tribes and Indians (as such terms are de-
15 fined in section 4 of the Indian Self-Determination and
16 Education Assistance Act (25 U.S.C. 5304)).

17 (b) COORDINATION OF FEDERAL INDIAN FACILITIES
18 WITH NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT-
19 EES.—The Secretaries shall ensure that information for
20 contacting any toll-free telephone hotline operated by re-
21 cipients of a grant authorized by section 313 of the Family
22 Violence Protective Services Act (42 U.S.C. 10413), is
23 posted and readily visible in each publicly accessible Fed-
24 eral facility utilized by—

25 (1) the Indian Health Services;

1 (2) the Bureau of Indian Affairs; or

2 (3) the Bureau of Indian Education.

3 (c) COORDINATION ON TRAINING FEDERAL INDIAN
4 PROGRAM EMPLOYEES TO RECOGNIZE AND RESPOND TO
5 DOMESTIC VIOLENCE.—The Secretaries (acting through
6 the Assistant Secretary for Indian Affairs, the Director
7 of the Bureau of Indian Education, and the Director of
8 the Indian Health Service) shall coordinate with the Direc-
9 tor of the Office on Violence Against Women of the De-
10 partment of Justice and the Associate Commissioner for
11 the Family and Youth Services Bureau of the Department
12 of Health and Human Services to ensure that training ma-
13 terials on recognizing and responding to domestic violence
14 are available to Tribal and Federal employees of—

15 (1) the Indian Health Services;

16 (2) the Bureau of Indian Affairs; and

17 (3) the Bureau of Indian Education.

18 **SEC. 5. REPORT.**

19 (a) IN GENERAL.—The Secretary of the Interior
20 (acting through the Assistant Secretary for Indian Af-
21 fairs) and the Secretary of Health and Human Services
22 (acting through the Director of the Indian Health Service)
23 shall jointly submit a report to—

24 (1) the Committee on Indian Affairs of the Sen-
25 ate; and

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

3 (b) CONTENTS OF THE REPORT.—The report re-
4 quired under subsection (a) shall include a description of
5 the degree of effectiveness of—

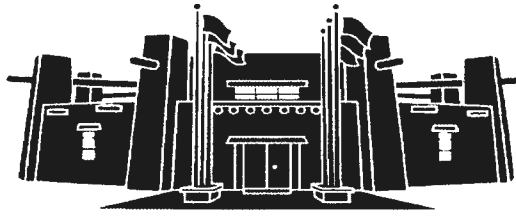
6 (1) Federal programs that are intended to build
7 the capacity of criminal justice systems of Indian
8 tribes to investigate and prosecute offenses relating
9 to dating violence, domestic violence, child violence,
10 and related conduct (as defined in section 204 of
11 Public Law 90–284 (25 U.S.C.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

13 (2) the required coordination activities required
14 under section 4, including compliance with the post-
15 ing of domestic violence victim service access infor-
16 mation required under section 4(b); and

17 (3) the interagency employee training material
18 development required under section 4(e).

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

○



MEMORANDUM

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

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

Date : August 6, 2020

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

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

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

OLC # 20-272-1