

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO AN EMERGENCY SITUATION FOR THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE NAVAJO NATION'S RECOMMENDATIONS TO THE JUDICIARY AND NATURAL RESOURCES COMMITTEES RESPECTIVELY OF THE UNITED STATES CONGRESS REGARDING THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2018

SECTION ONE. AUTHORITY

- A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. Among other duties and responsibilities, the Committee is charged with coordinating all testimony before Congressional committees. 2 N.N.C. § 701(A)(8).
- B. The Navajo Nation has a government-to-government relationship with the Federal Government.

SECTION TWO. FINDINGS

- A. The Violence Against Women Act (VAWA) expired on September 30, 2018 and may be funded, as of the most recent actions of Congress, through December 21, 2018.
- B. The Navajo Nation has been a vocal and effective advocate on behalf of Tribes everywhere for the protections and requirements of the Violence Against Women Act and its reauthorization.
- C. On November 18, 2018, the Navajo Nation President, joined by Navajo Council Delegate and Sexual Assault Prevention Sub-Committee Chair Amber Kanazbah Crotty, on behalf of the Navajo Nation, sent a letter of support for the reauthorization of the VAWA to the Chairs and Ranking Members of the House Judiciary Committee and the House Natural Resources Committee. See **Exhibit A**.
- D. The importance of the VAWA to all tribes and the limited amount of time to influence Congressional action and communicate the official position of the Navajo Nation as approved by the Naabik'íyáti' Committee necessitates this resolution going directly to the Naabik'íyáti' Committee

rather than through the Health, Education, and Human Service Committee.

- E. The Navajo Nation Naabik'iyáti' Committee finds it to be in the best interest of the Navajo People to endorse the recommendations as communicated to the respective Committees of the Congress. See **Exhibit A**.

**SECTION THREE. RESOLVED**

The Naabik'iyáti' Committee of the Navajo Nation Council hereby supports the recommendations of the Office of the President found in **Exhibit A** and presented to the House Judiciary and House Natural Resources Committees and urges the reauthorization of the Violence Against Women Act with the amendments as recommended.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23<sup>rd</sup> 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 13 in Favor, and 00 Opposed, on this 27<sup>th</sup> day of December 2018.



LoRenzo C. Bates, Chairman  
Naabik'iyáti' Committee

Motioned: Honorable Herman M. Daniels  
Second : Honorable Olin Kieyoomia

Chairman LoRenzo C. Bates not voting



November 16, 2018

Chairman Robert Goodlatte  
House Judiciary Committee  
2138 Rayburn Bldg.  
Washington, DC 20515

Ranking Member Jerrold Nadler  
House Judiciary Committee  
2138 Rayburn Bldg.  
Washington, DC 20515

Chairman Doug LaMalfa  
House Natural Resources Committee  
Subcommittee on Indian and Alaska Native Affairs  
1324 Longworth Bldg.  
Washington, DC 20515

Ranking Member Ruben Gallego  
House Natural Resources Committee  
Subcommittee on Indian and Alaska Native Affairs  
1324 Longworth Bldg.  
Washington, DC 20515

**Re: Navajo Nation Support for the Violence Against Women Reauthorization Act of 2018**

Dear Chairman Goodlatte, Ranking Member Nadler, Chairman LaMalfa, and Ranking Member Gallego:

We write on behalf of the Navajo Nation to support the reauthorization of the Violence Against Women Act of 2018 (H.R. 6545). As you are well aware, VAWA expired on September 30 and is currently funded through December 7. We call on bipartisan support to pass the reauthorization of VAWA to continue to invest in our communities' response to domestic violence, sexual assault, dating violence and stalking and bolster preventative services for the most vulnerable people in the population.

The Navajo Nation is the largest land-based Tribe in the United States that spans over 27,000 square-miles across three states (Arizona, New Mexico, and Utah) with over 350,000 enrolled members. Today, the Nation suffers from unemployment rates at about 42-percent and one-third of our households have annual income levels dipping below \$15,000. These alarming statistics help illustrate why the Federal Bureau of Investigation (FBI) reported that Navajo Nation has one of the most violent crimes in Indian Country with 2,524 violent crimes; 2,311 aggravated assaults; and 160 rapes reported to law enforcement in 2017.<sup>1</sup> Thus, violent crimes and crimes against women such as rape is comparable to major metropolitan areas such as Detroit and San Diego, proportionate to population.<sup>2</sup> This information is extremely concerning because it illustrates the battle that the Navajo Nation is currently engaging in to combat domestic violence and violent crimes across the reservation, but also demonstrates a need to ensure protections for children and law enforcement, as well. In order to address these issues through VAWA, please see the comments below to take into consideration for its reauthorization.

### **Title III—Services, Protection and Justice for Young Victims of Violence**

<sup>1</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-11/table-11-state-cuts/arizona.xls>

<sup>2</sup> Laurel Morales, "Navajo Nation, Feds Take on Overwhelming Violent Crimes" Fronteras: The Changing America Desk (March 01, 2013). Accessed at: <http://kjzz.org/content/6821/navajo-nation-feds-take-overwhelming-violent-crime>

The Navajo Nation strongly supports the funding increase to \$150 million under the reauthorization for the Rape Prevention & Education Program (RPE) to guide the implementation of state sexual violence prevention efforts and programs. However, the requirement that at least 80% of this funding is allocated directly to state programs as a formula grant for community-based and culturally-specific prevention activities will not be fruitful to the main objective of VAWA. The Navajo Nation requests that this funding be directly allocated to tribal governments. This will provide the ability for the Navajo Nation to produce its own community-based and culturally tailored prevention activities in a self-determined manner like states. Many Tribes, like Navajo, already possess the capacity to carry out this function to more appropriately develop community-based cultural tools. Formula grants that are directly distributed to Tribes encourages both the development of comprehensive prevention strategies for the citizens in our tribal colleges and will provide Indian Country with the resources to compile accurate data for future efforts to combat these social ills.

Under Section 303, the Navajo Nation would greatly benefit from the campus grant programs for our higher education facilities for preventative programs. Unlike other Tribes, the Navajo Nation has two higher education institutions on the reservation: Diné College and the Navajo Technical University. The main campus of Diné College is located in Tsaile, Arizona. It also has a branch campus located in Shiprock, New Mexico; and four regional sites in both New Mexico and Arizona. Diné College is the first tribally-controlled community college in the United States and enrolls 1,465 students. Navajo Technical University (NTU) is our other higher education institution located in Crownpoint, New Mexico and serves 1,772 students with satellite campuses located in Chinle, AZ; Teec Nos Pos, AZ; and Kirtland, NM.<sup>3</sup> These schools would greatly benefit from funding and training for school-based personnel to address victims of violence.

#### **Title IV—Violence Reduction Practices**

Under Section 401, VAWA appropriates funds administered by the CDC for research on prevention and intervention programs to reduce violence against young adults. While the Navajo Nation applauds the efforts to preserve dedicated funding for these goals for fiscal years 2019-2023, the Navajo Nation requests a portion of these funds are specifically set aside to target research in Indian Country/tribal communities. Again, the rates of violent crimes on Navajo Nation exceed the national average per capita. Funding for research and comprehensive data analysis specifically geared towards Indian Country is drastically needed to develop targeted preventative services and programs to reduce the reoccurrence of domestic violence.

#### **Title V—Strengthening the Healthcare System’s Response**

Under Section 502, the bill preserves funding for the Secretary of Health and Human Services for training to improve early childhood programs to address responses to domestic violence, dating violence, sexual assault, and stalking. Additionally, it also preserves funding to support rural health providers and underserved communities. The Navajo Nation urges that these monies are made available through the Indian Health Services (IHS) so Tribes have the opportunity to receive them and administer the funding in a way that is appropriate for the specific community at hand. This is important because domestic violence and intimate partner violence on the Nation is caused by alcohol and substance abuse. This funding would be better used to address these specific issues within the Navajo Nation through tribal partnerships that understand the unique barriers, financial restraints, and cultural considerations of our people.

#### **Title VI—Safe Homes for Victims**

Section 603 deals with federal funding for housing for homeless women and children victims when they leave their homes. Victim support on the Navajo Nation is critical since there is a general need for more

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<sup>3</sup> <http://www.navajotech.edu/about/campus-facilites>

shelters on the reservation due to the burden imposed on families when they have to go to an off-reservation shelter that could be hours away.

The Navajo Nation is proactive in preventing violence against our women and children through educational programs offered to our citizens, like the Strengthening Families Program offered by the Navajo Nation Department of Family Services. Here, Navajo victims can seek help from shelters like “Tohdenasshai Shelter Home” in Kayenta, Arizona and “Home for Women and Children” in Shiprock, New Mexico. This program, and others like it, provides support for women and families enduring domestic violence or sexual abuse.

Our overall goal is to provide victim-centered and trauma-informed services to survivors. Although prosecution is important, we must be mindful of the survivors healing process and support their path to wellness. As Diné (Navajo), when traumatic events happen, the individual’s balance to harmony and wellness must be restored, so focus on victim-centered programming is of the utmost importance.

#### **Title VII—Economic Security for Victims**

Under Section 704, the Controller General is directed to do a GAO study of the effects of domestic violence, dating violence, sexual assault and/or stalking on survivors’ ability to maintain enrollment in higher education institutions and financial independence from their abusers. The Navajo Nation requests that it would be beneficial to include the GAO study a measurement of the unique effects of these issues in tribal communities as it relates to generational trauma and the ongoing effect of abuse on multiple generations. A GAO study that encompasses these issues would help create targeted solutions to address the rampant issue in Indian Country.

#### **Title IX—Safety for Indian Women**

The Navajo Nation applauds efforts to include these provisions to address missing and murdered Native women. We have been proactive in advocating for Tribes to be eligible for grants to aid in the AMBER Alert system since the tragic passing of 11-year-old Ashlynn Mike.<sup>4</sup> We strongly support the implementation of language that increases protections for both our children and tribal officers that suffer from domestic violence. Navajo officers face dangers when responding to domestic violence calls. Tragically, we lose officers in the line of duty like Navajo Officer Houston Largo, 27, who was killed in the line of duty responding to a domestic violence call. Due to lack of staffing on the Nation, a single officer can be responsible for covering several square miles alone. The Nation’s 27,000 square-mile size, larger than 11 states, can result in the lack of back-up for these officers, which can be several hours away.

The Navajo Nation deployed the Tribal Access Program (TAP) in November 2017 and we urge that language be added to Section 907 to create funding for training from the U.S. Department of Justice for its full implementation. Currently, there are 47 Tribes that participate in TAP and are in the beginning phase of program implementation.<sup>5</sup> There is still programmatic work that must be completed with tribal courts to understand the uses on the community level. Funding for training programs to educate tribal courts on TAP would be highly beneficial for its full implementation moving forward.

#### **Title XI—Incarcerated Women**

The Navajo Nation finds this section of the bill most problematic for Indian Country. On reservations, the Bureau of Indian Affairs (BIA) has oversight of all correctional facilities in Indian Country regardless of whether they are run by the BIA or by the Tribe pursuant to a 638-contract.

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<sup>4</sup> <https://www.nhnews.com/news/2018/apr/17/ashlynn-mike-amber-alert-indian-country-act-signed/>

<sup>5</sup> <https://www.justice.gov/tribal/tribal-access-program-tap>

Currently, the *BLA has no correctional health care budget and does not provide health care personnel or services in detention facilities in Indian Country*. Due to this complete absence of medical staff and lack of care, tribal officers must transfer inmates to local IHS facilities or 638 healthcare providers for medical services. Additionally, due to Medicaid restrictions, Tribes cannot bill for these health services.<sup>6</sup> However, the federal government provides health care in Bureau of Prisons (BOP) and Immigration and Customs Enforcement (ICE) facilities through the use of Public Health Service Commissioned Corps Offices, *however none of these personnel are working in BLA jails and IHS has no correctional health care budget for incarcerated women in Indian Country*.

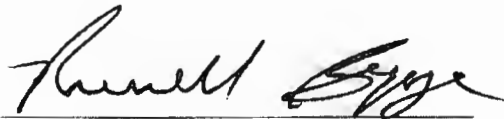
The Navajo Nation strongly urges action to be taken to correct this unjustified wrong and provide health care services for incarcerated Native women. Without access to health care services in Indian Country, our incarcerated women have no access to gynecological services inside the correctional facilities. Generally, incarcerated women have to put in a health request to be taken to another location to see a doctor at an IHS facility. The reauthorization bill requests trauma services, parenting classes, segregation for pregnant and post-partum women, and regulations governing strip-searches, yet Indian Country has no health care at all.

The Navajo Nation urges the addition of provisions requiring tribal correctional health care for our incarcerated Native women, who often times are victims of domestic violence and sexual assault.

We thank you for your consideration of these additions in the reauthorization. The Navajo Nation fully supports VAWA to protect our Native women, children, and law enforcement officers. We thank you for your continued effort to eliminate domestic violence, sexual assault, and dating violence in Indian Country.

Respectfully,

**THE NAVAJO NATION**



Russell Begaye, *President*



Amber Crotty, *Council Delegate*  
23<sup>rd</sup> Navajo Nation Council

cc: The Honorable John Hoeven, Chairman of the U.S. Senate Committee on Indian Affairs  
The Honorable Tom Udall, Vice Chairman of the U.S. Senate Committee on Indian Affairs

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<sup>6</sup> Today, IHS is funded at approximately 40 percent of the need and the average per capita spending for an IHS patient is only \$3,688 compared to the national average of \$9,523.<sup>6</sup> Due to this chronic underfunding, Congress sought to address the lack of IHS funding by amending the Social Security Act (SSA) in 1976 and authorized the IHS and tribal facilities to bill Medicaid for services provided to Medicaid-eligible AI/AN to supplement inadequate funding.

**NAVAJO NATION**

RCS# 1171

Naa'bik'iyati Committee

12/27/2018

03:34:38 PM

**Amd# to Amd#**

**PASSED**

MOT Daniels

Legislation 0397-18 Supporting

SEC Kieyoomia

the NN recommendation to the  
Judiciary and Natural Resources.

**Yea : 13**

**Nay : 0**

**Excused : 0**

**Not Voting : 11**

**Yea : 13**

Begay, K  
Bennett  
Chee  
Daniels

Filfred  
Hale  
Jack

Kieyoomia  
Perry  
Shepherd

Tso  
Yazzie  
Yellowhair

**Nay : 0**

**Excused : 0**

**Not Voting : 11**

Bates  
Begay, NM  
BeGaye, N

Brown  
Crotty  
Damon

Pete  
Phelps  
Slim

Smith  
Tsosie