

Union Calendar No. 409

116TH CONGRESS
2D SESSION

H. R. 2438

[Report No. 116–509, Part I]

To increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians.

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2019

Ms. HAALAND (for herself, Ms. DAVIDS of Kansas, Mr. COLE, Mr. MULLIN, Ms. GABBARD, Mr. KILMER, Ms. MOORE, Ms. BASS, Mr. COOK, Mr. GALLEG0, Mr. RUIZ, Mr. CASE, Mr. GRIJALVA, Mr. KIND, Mrs. CAROLYN B. MALONEY of New York, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 16, 2020

Additional sponsors: Mr. HASTINGS, Mr. HECK, Mr. KILDEE, Ms. KENDRA S. HORN of Oklahoma, Ms. SEWELL of Alabama, Ms. NORTON, Ms. DELBENE, Mr. FITZPATRICK, Mrs. BUSTOS, Mr. LARSEN of Washington, Ms. KUSTER of New Hampshire, Mr. YOUNG, Mr. O'HALLERAN, Ms. BONAMICI, Ms. PINGREE, Mr. AGUILAR, Mr. DEFazio, Mr. LUJÁN, Mrs. LAWRENCE, Ms. LEE of California, Ms. UNDERWOOD, Mr. KHANNA, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Mr. DESAULNIER, Mr. BLUMENAUER, Mr. JOYCE of Ohio, Ms. SPEIER, Ms. TORRES SMALL of New Mexico, Mrs. AXNE, Mr. CLAY, Mr. CROW, Ms. MUCARSEL-POWELL, Mr. STAUBER, Mr. MOULTON, Mr. STANTON, Mr. TED LIEU of California, Ms. SCANLON, Ms. GARCIA of Texas, Ms. JACKSON LEE, Mr. CARTWRIGHT, Ms. MCCOLLUM, Mr. NEWHOUSE, Ms. BROWNLEY of California, and Ms. BLUNT ROCHESTER

SEPTEMBER 16, 2020

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

SEPTEMBER 16, 2020

Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 1, 2019]

A BILL

To increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians.

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 “Not Invisible Act of*
5 *2020”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act—*

8 (1) *the term “Commission” means the Depart-*
9 *ment of the Interior and the Department of Justice*
10 *Joint Commission on Reducing Violent Crime*
11 *Against Indians under section 4;*

12 (2) *the term “human trafficking” means act or*
13 *practice described in paragraph (9) or paragraph*
14 *(10) of section 103 of the Trafficking Victims Protec-*
15 *tion Act of 2000 (22 U.S.C. 7102);*

16 (3) *the term “Indian” means a member of an*
17 *Indian tribe;*

18 (4) *the terms “Indian lands” and “Indian tribe”*
19 *have the meanings given the terms in section 3 of the*
20 *Native American Business Development, Trade Pro-*
21 *motion, and Tourism Act of 2000 (25 U.S.C. 4302);*
22 *and*

23 (5) *the terms “urban centers” and “urban In-*
24 *dian organization” have the meanings given the terms*

1 *in section 4 of the Indian Health Care Improvement*
2 *Act (25 U.S.C. 1603).*

3 **SEC. 3. COORDINATOR OF FEDERAL EFFORTS TO COMBAT**
4 **VIOLENCE AGAINST NATIVE PEOPLE.**

5 *(a) COORDINATOR DESIGNATION.—The Secretary of*
6 *the Interior shall designate an official within the Office of*
7 *Justice Services in the Bureau of Indian Affairs who*
8 *shall—*

9 *(1) coordinate prevention efforts, grants, and*
10 *programs related to the murder of, trafficking of, and*
11 *missing Indians across Federal agencies, including—*

12 *(A) the Bureau of Indian Affairs; and*

13 *(B) the Department of Justice, including—*

14 *(i) the Office of Justice Programs;*

15 *(ii) the Office on Violence Against*
16 *Women;*

17 *(iii) the Office of Community Oriented*
18 *Policing Services;*

19 *(iv) the Federal Bureau of Investiga-*
20 *tion; and*

21 *(v) the Office of Tribal Justice;*

22 *(2) ensure prevention efforts, grants, and pro-*
23 *grams of Federal agencies related to the murder of,*
24 *trafficking of, and missing Indians consider the*
25 *unique challenges of combating crime, violence, and*

1 *human trafficking of Indians and on Indian lands*
2 *faced by Tribal communities, urban centers, the Bu-*
3 *reau of Indian Affairs, Tribal law enforcement, Fed-*
4 *eral law enforcement, and State and local law en-*
5 *forcement;*

6 *(3) work in cooperation with outside organiza-*
7 *tions with expertise in working with Indian tribes*
8 *and Indian Tribes to provide victim centered and cul-*
9 *turally relevant training to tribal law enforcement,*
10 *Indian Health Service health care providers, urban*
11 *Indian organizations, Tribal community members*
12 *and businesses, on how to effectively identify, respond*
13 *to and report instances of missing persons, murder,*
14 *and trafficking within Indian lands and of Indians;*
15 *and*

16 *(4) report directly to the Secretary of the Inte-*
17 *rior.*

18 *(b) REPORT.—The official designated in subsection (a)*
19 *shall submit to the Committee on Indian Affairs and the*
20 *Committee on the Judiciary of the Senate and the Com-*
21 *mittee on Natural Resources and the Committee on the Ju-*
22 *diciary of the House of Representatives a report to provide*
23 *information on Federal coordination efforts accomplished*
24 *over the previous year that includes—*

1 (1) *a summary of all coordination activities un-*
 2 *dertaken in compliance with this section;*

3 (2) *a summary of all trainings completed under*
 4 *subsection (a)(3); and*

5 (3) *recommendations for improving coordination*
 6 *across Federal agencies and of relevant Federal pro-*
 7 *grams.*

8 **SEC. 4. ESTABLISHMENT OF THE DEPARTMENT OF INTE-**
 9 **RIOR AND THE DEPARTMENT OF JUSTICE**
 10 **JOINT COMMISSION ON REDUCING VIOLENT**
 11 **CRIME AGAINST INDIANS.**

12 (a) *ESTABLISHMENT.*—*Not later than 120 days after*
 13 *the date of enactment of this Act, the Secretary of the Inte-*
 14 *rior, in coordination with the Attorney General, shall estab-*
 15 *lish and appoint all members of a joint commission on vio-*
 16 *lent crime on Indian lands and against Indians.*

17 (b) *MEMBERSHIP.*—

18 (1) *COMPOSITION.*—

19 (A) *IN GENERAL.*—*The Commission shall be*
 20 *composed of members who represent diverse expe-*
 21 *riences and backgrounds that provide balanced*
 22 *points of view with regard to the duties of the*
 23 *Commission.*

24 (B) *DIVERSITY.*—*To the greatest extent*
 25 *practicable, the Secretary of the Interior shall*

1 *ensure the Commission includes Tribal represent-*
2 *atives from diverse geographic areas and of di-*
3 *verse sizes.*

4 (2) *APPOINTMENT.—The Secretary of the Inte-*
5 *rior, in coordination with the Attorney General, shall*
6 *appoint the members to the Commission, including*
7 *representatives from—*

8 *(A) tribal law enforcement;*

9 *(B) the Office of Justice Services of the Bu-*
10 *reau of Indian Affairs;*

11 *(C) State and local law enforcement in close*
12 *proximity to Indian lands, with a letter of rec-*
13 *ommendation from a local Indian Tribe;*

14 *(D) the Victim Services Division of the Fed-*
15 *eral Bureau of Investigation;*

16 *(E) the Department of Justice’s Human*
17 *Trafficking Prosecution Unit;*

18 *(F) the Office of Violence Against Women of*
19 *the Department of Justice;*

20 *(G) the Office of Victims of Crime of the De-*
21 *partment of Justice;*

22 *(H) a United States attorney’s office with*
23 *experience in cases related to missing persons,*
24 *murder, or trafficking of Indians or on Indian*
25 *land;*

1 (I) the Administration for Native Ameri-
2 cans of the Office of the Administration for Chil-
3 dren & Families of the Department of Health
4 and Human Services;

5 (J) the Substance Abuse and Mental Health
6 Services Administration of the Department of
7 Health and Human Services;

8 (K) a Tribal judge with experience in cases
9 related to missing persons, murder, or traf-
10 ficking;

11 (L) not fewer than 3 Indian Tribes from di-
12 verse geographic areas, including 1 Indian tribe
13 located in Alaska, selected from nominations sub-
14 mitted by the Indian Tribe;

15 (M) not fewer than 2 health care and men-
16 tal health practitioners and counselors and pro-
17 viders with experience in working with Indian
18 survivors of trafficking and sexual assault, with
19 a letter of recommendation from a local tribal
20 chair or tribal law enforcement officer;

21 (N) not fewer than 3 national, regional, or
22 urban Indian organizations focused on violence
23 against women and children on Indian lands or
24 against Indians;

1 (O) at least 2 Indian survivors of human
2 trafficking;

3 (P) at least 2 family members of missing
4 Indian people;

5 (Q) at least 2 family members of murdered
6 Indian people;

7 (R) the National Institute of Justice; and

8 (S) the Indian Health Service.

9 (3) PERIODS OF APPOINTMENT.—Members shall
10 be appointed for the duration of the Commission.

11 (4) VACANCIES.—A vacancy in the Commission
12 shall be filled in the manner in which the original
13 appointment was made and shall not affect the pow-
14 ers or duties of the Commission.

15 (5) COMPENSATION.—Commission members shall
16 serve without compensation.

17 (6) TRAVEL EXPENSES.—The Secretary of the
18 Interior, in coordination with the Attorney General,
19 shall consider the provision of travel expenses, includ-
20 ing per diem, to Commission members when appro-
21 priate.

22 (c) DUTIES.—

23 (1) IN GENERAL.—The Commission may hold
24 such hearings, meet and act at times and places, take
25 such testimony, and receive such evidence as the Com-

1 *mission considers to be advisable to carry out the du-*
2 *ties of the Commission under this section.*

3 (2) *RECOMMENDATIONS FOR THE DEPARTMENT*
4 *OF INTERIOR AND DEPARTMENT OF JUSTICE.—*

5 (A) *IN GENERAL.—The Commission shall*
6 *develop recommendations to the Secretary of the*
7 *Interior and Attorney General on actions the*
8 *Federal Government can take to help combat vio-*
9 *lent crime against Indians and within Indian*
10 *lands, including the development and implemen-*
11 *tation of recommendations for—*

12 (i) *identifying, reporting, and respond-*
13 *ing to instances of missing persons, murder,*
14 *and human trafficking on Indian lands and*
15 *of Indians;*

16 (ii) *legislative and administrative*
17 *changes necessary to use programs, prop-*
18 *erties, or other resources funded or operated*
19 *by the Department of the Interior and De-*
20 *partment of Justice to combat the crisis of*
21 *missing or murdered Indians and human*
22 *trafficking on Indian lands and of Indians;*

23 (iii) *tracking and reporting data on*
24 *instances of missing persons, murder, and*

1 *human trafficking on Indian lands and of*
2 *Indians;*

3 *(iv) addressing staff shortages and*
4 *open positions within relevant law enforce-*
5 *ment agencies, including issues related to*
6 *the hiring and retention of law enforcement*
7 *officers;*

8 *(v) coordinating tribal, State, and*
9 *Federal resources to increase prosecution of*
10 *murder and human trafficking offenses on*
11 *Indian lands and of Indians; and*

12 *(vi) increasing information sharing*
13 *with tribal governments on violent crime*
14 *investigations and prosecutions in Indian*
15 *lands that were terminated or declined.*

16 *(B) SUBMISSION.—Not later than 18*
17 *months after the enactment of this Act, the Com-*
18 *mission shall make publicly available and sub-*
19 *mit all recommendations developed under this*
20 *paragraph to—*

21 *(i) the Secretary of the Interior;*

22 *(ii) the Attorney General;*

23 *(iii) the Committee on the Judiciary of*
24 *the Senate;*

1 (iv) the Committee on Indian Affairs
2 of the Senate;

3 (v) the Committee on Natural Re-
4 sources of the House of Representatives; and

5 (vi) the Committee on the Judiciary of
6 the House of Representatives.

7 (C) SECRETARIAL RESPONSE.—Not later
8 than 90 days after the date on which the Sec-
9 retary of the Interior and the Attorney General
10 receive the recommendations under paragraph
11 (2), the Secretary and the Attorney General shall
12 each make publicly available and submit a writ-
13 ten response to the recommendations to—

14 (i) the Commission;

15 (ii) the Committee on the Judiciary of
16 the Senate;

17 (iii) the Committee on Indian Affairs
18 of the Senate;

19 (iv) the Committee on Natural Re-
20 sources of the House of Representatives; and

21 (v) the Committee on the Judiciary of
22 the House of Representatives.

23 (d) FACA EXEMPTION.—The Commission shall be ex-
24 empt from the Federal Advisory Committee Act (5 U.S.C.
25 App.).

1 (e) *SUNSET.*—*The Commission shall terminate on the*
2 *date that is 2 years after the date of enactment of this Act.*

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