

116TH CONGRESS
2D SESSION

S. 982

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Not Invisible Act of
3 2019”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

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

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

14 (3) the term “Indian” means a member of an
15 Indian tribe;

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

21 (5) the terms “urban centers” and “urban In-
22 dian organization” have the meanings given the
23 terms in section 4 of the Indian Health Care Im-
24 provement Act (25 U.S.C. 1603).

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

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

7 (1) coordinate prevention efforts, grants, and
8 programs related to the murder of, trafficking of,
9 and missing Indians across Federal agencies, includ-
10 ing—

11 (A) the Bureau of Indian Affairs; and

12 (B) the Department of Justice, includ-
13 ing—

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
26 human trafficking of Indians and on Indian lands

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

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

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

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

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

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

3 (3) recommendations for improving coordina-
4 tion across Federal agencies and of relevant Federal
5 programs.

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

10 (a) ESTABLISHMENT.—Not later than 120 days after
11 the date of enactment of this Act, the Secretary of the
12 Interior, in coordination with the Attorney General, shall
13 establish and appoint all members of a joint commission
14 on violent crime on Indian lands and against Indians.

15 (b) MEMBERSHIP.—

16 (1) COMPOSITION.—

17 (A) IN GENERAL.—The Commission shall
18 be composed of members who represent diverse
19 experiences and backgrounds that provide bal-
20 anced points of view with regard to the duties
21 of the Commission.

22 (B) DIVERSITY.—To the greatest extent
23 practicable, the Secretary of the Interior shall
24 ensure the Commission includes Tribal rep-

1 representatives from diverse geographic areas and
2 of diverse sizes.

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

7 (A) tribal law enforcement;

8 (B) the Office of Justice Services of the
9 Bureau of Indian Affairs;

10 (C) State and local law enforcement in
11 close proximity to Indian lands, with a letter of
12 recommendation from a local Indian Tribe;

13 (D) the Victim Services Division of the
14 Federal Bureau of Investigation;

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

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

19 (G) the Office of Victims of Crime of the
20 Department of Justice;

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

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

5 (J) the Substance Abuse and Mental
6 Health Services Administration of the Depart-
7 ment of 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
12 diverse geographic areas, including 1 Indian
13 tribe located in Alaska, selected from nomina-
14 tions submitted 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
10 shall be appointed for the duration of the Commis-
11 sion.

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

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

18 (6) TRAVEL EXPENSES.—The Secretary of the
19 Interior, in coordination with the Attorney General,
20 shall consider the provision of travel expenses, in-
21 cluding per diem, to Commission members when ap-
22 propriate.

23 (c) DUTIES.—

24 (1) IN GENERAL.—The Commission may hold
25 such hearings, meet and act at times and places,

1 take such testimony, and receive such evidence as
2 the Commission considers to be advisable to carry
3 out the duties of the Commission under this section.

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

6 (A) IN GENERAL.—The Commission shall
7 develop recommendations to the Secretary of
8 the Interior and Attorney General on actions
9 the Federal Government can take to help com-
10 bat violent crime against Indians and within In-
11 dian lands, including the development and im-
12 plementation of recommendations for—

13 (i) identifying, reporting, and re-
14 sponding to instances of missing persons,
15 murder, and human trafficking on Indian
16 lands and of Indians;

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

1 (iii) tracking and reporting data on
2 instances of missing persons, murder, and
3 human trafficking on Indian lands and of
4 Indians;

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

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

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

18 (B) SUBMISSION.—Not later than 18
19 months after the enactment of this Act, the
20 Commission shall make publicly available and
21 submit all recommendations developed under
22 this paragraph to—

23 (i) the Secretary of the Interior;

24 (ii) the Attorney General;

1 (iii) the Committee on the Judiciary
2 of the Senate;

3 (iv) the Committee on Indian Affairs
4 of the Senate;

5 (v) the Committee on Natural Re-
6 sources of the House of Representatives;
7 and

8 (vi) the Committee on the Judiciary of
9 the House of Representatives.

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

17 (i) the Commission;

18 (ii) the Committee on the Judiciary of
19 the Senate;

20 (iii) the Committee on Indian Affairs
21 of the Senate;

22 (iv) the Committee on Natural Re-
23 sources of the House of Representatives;
24 and

1 (v) the Committee on the Judiciary of
2 the House of Representatives.

3 (d) FACA EXEMPTION.—The Commission shall be
4 exempt from the Federal Advisory Committee Act (5
5 U.S.C. App.).

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

Passed the Senate March 11, 2020.

Attest:

Secretary.

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