

116TH CONGRESS
1ST SESSION

H. R. 2438

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

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 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the National Institute of Justice reports
2 more than 80 percent of American Indian and Alas-
3 ka Native men and women have experienced violence
4 in their lifetimes and more than 34 percent have ex-
5 perienced violence in the last year;

6 (2) the National Institute of Justice also esti-
7 mates that 56 percent of American Indian and Alas-
8 ka Native women experience sexual violence in their
9 lifetimes;

10 (3) murder is the third leading cause of death
11 among American Indian and Alaska Native women;

12 (4) populations that experience chronic unem-
13 ployment, homelessness, substance abuse, severe
14 poverty, and high rates of sexual violence and other
15 crimes are at a higher risk of trafficking;

16 (5) American Indian and Alaska Native women
17 and girls disproportionately experience the above
18 risk factors;

19 (6) historical trauma has increased the vulner-
20 ability of American Indians and Alaska Natives to
21 trafficking and other forms of violent crime;

22 (7) the Department of Justice has identified
23 combating human trafficking as a priority; and

24 (8) reliable data on the prevalence of missing
25 Native people, murdered Native people, and human

1 trafficking within Indian lands and of American In-
2 dians and Alaska Natives is not available.

3 **SEC. 3. DEFINITIONS.**

4 In this Act—

5 (1) the term “Committee” means the Depart-
6 ment of the Interior and the Department of Justice
7 Joint Advisory Committee on Reducing Violent
8 Crime Against Native People established under sec-
9 tion 5;

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; and

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).

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

23 The Secretary of the Interior shall designate an offi-
24 cial within the Office of Justice Services in the Bureau
25 of Indian Affairs who shall—

1 (1) coordinate prevention efforts, grants, and
2 programs across offices within the Bureau of Indian
3 Affairs and with the Department of Justice related
4 to the murder of, trafficking of, and missing Indi-
5 ans, including the Office of Justice Programs, the
6 Office on Violence Against Women, the Office of
7 Community Oriented Policing Services, the Office of
8 Tribal Justice, and other agencies of the Federal
9 Government;

10 (2) in coordinating efforts, take into account
11 the unique challenges of combating crime, violence,
12 and human trafficking faced by tribal communities,
13 tribal law enforcement, Federal law enforcement,
14 and State and local law enforcement;

15 (3) work in cooperation with outside organiza-
16 tions with expertise in working with Indian tribes to
17 provide victim centered and culturally relevant train-
18 ing to tribal law enforcement, Indian Health Service
19 health care providers, tribal community members
20 and businesses, on how to effectively identify, re-
21 spond to and report instances of violent crime within
22 Indian lands and of Indians; and

23 (4) report directly to the Secretary of the Inte-
24 rior.

1 **SEC. 5. ESTABLISHMENT OF THE DEPARTMENT OF THE IN-**
2 **TERIOR AND THE DEPARTMENT OF JUSTICE**
3 **JOINT ADVISORY COMMITTEE ON REDUCING**
4 **VIOLENT CRIME AGAINST NATIVE PEOPLE.**

5 (a) ESTABLISHMENT.—Not later than 120 days after
6 the date of enactment of this Act, the Secretary of the
7 Interior, in coordination with the Attorney General, shall
8 establish and appoint all members of an advisory com-
9 mittee on violent crime within Indian lands and of Indians.

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—The Committee shall be
12 composed of members whose diverse experience and
13 backgrounds enable them to provide balanced points
14 of view with regard to the duties of the Committee.

15 (2) SELECTION.—The Secretary of the Interior,
16 in coordination with the Attorney General, shall ap-
17 point the members to the Committee, including rep-
18 resentatives from—

19 (A) tribal law enforcement;

20 (B) the Office of Justice Services of the
21 Bureau of Indian Affairs;

22 (C) State and local law enforcement in
23 close proximity to Indian lands, with a letter of
24 recommendation from a local tribal chair or
25 tribal law enforcement officer;

1 (D) the Federal Bureau of Investigation's
2 victim services division;

3 (E) the Department of Justice's Human
4 Trafficking Prosecution Unit;

5 (F) the Office of Native American Pro-
6 grams of the Department of Housing and
7 Urban Development;

8 (G) the Family Violence Prevention and
9 Services Program of the Department of Health
10 and Human Services;

11 (H) a Federal public defender within In-
12 dian lands with a letter of recommendation
13 from a local tribal chair or tribal law enforce-
14 ment officer;

15 (I) a tribal judge with experience in cases
16 related to missing persons, murder, trafficking,
17 or related cases;

18 (J) not fewer than 3 elected leaders of fed-
19 erally recognized Indian tribes, including 1
20 elected leader from a federally recognized In-
21 dian tribe located in Alaska;

22 (K) health care and mental health practi-
23 tioners and counselors and providers with expe-
24 rience in working with Indian survivors of traf-
25 ficking and sexual assault, with a letter of rec-

1 commendation from a local tribal chair or tribal
2 law enforcement officer;

3 (L) Indian advocacy organizations whose
4 primary clients are Indians, focused on violence
5 against women and children specifically in In-
6 dian lands;

7 (M) at least 1 Indian survivor of human
8 trafficking;

9 (N) at least 1 family member of a missing
10 Indian person;

11 (O) at least 1 family member of a mur-
12 dered Indian person;

13 (P) the National Institute of Justice; and

14 (Q) the Indian Health Service.

15 (3) PERIODS OF APPOINTMENT.—Members
16 shall be appointed for the life of the Committee.

17 (4) VACANCIES.—A vacancy in the Committee
18 shall be filled in the manner in which the original
19 appointment was made and shall not affect the pow-
20 ers or duties of the Committee.

21 (5) COMPENSATION.—Committee members shall
22 serve without compensation.

23 (6) TRAVEL EXPENSES.—The Secretary of the
24 Interior, in coordination with the Attorney General,
25 shall consider the provision of travel expenses, in-

cluding per diem, to Committee members when appropriate.

(c) DUTIES.—

(1) RECOMMENDATIONS FOR THE DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF JUSTICE.—

Not later than 18 months after the date of enactment of this Act, the Committee shall make recommendations to the Secretary of the Interior and Attorney General on actions the departments can take to help combat violent crime against Indians and within Indian lands, including the development and implementation of—

(A) successful strategies for identifying, reporting, and responding to instances of missing persons, murder, and human trafficking in Indian lands and of Indians;

(B) recommendations for legislative and administrative changes necessary to use programs, properties, or other resources funded or operated by the Department of the Interior and Department of Justice to combat the crisis of missing and murdered Indian people and human trafficking in Indian lands and of Indians;

1 (C) recommendations for tracking and re-
2 porting data on instances of missing persons,
3 murder, and human trafficking in Indian lands
4 and of Indians;

5 (D) recommendations for addressing staff
6 shortages and open positions within relevant
7 law enforcement agencies, including issues re-
8 lated to the hiring and retention of law enforce-
9 ment officers; and

10 (E) recommendations for coordinating trib-
11 al, State, and Federal resources to increase
12 prosecution of violent crime, including murder
13 and human trafficking offenses and increase in-
14 formation sharing with tribal governments on
15 violent crime investigations and prosecutions in
16 Indian lands that were terminated or declined.

17 (2) BEST PRACTICES AND RECOMMENDA-
18 TIONS.—

19 (A) IN GENERAL.—The Committee shall
20 develop recommended best practices for Indian
21 tribes and Federal, State, and local law enforce-
22 ment officials in close proximity to Indian lands
23 to follow—

24 (i) in combatting violent crime, includ-
25 ing missing persons, murder, and human

1 trafficking within Indian lands and of Indi-
2 ans; and

3 (ii) to address any gaps in services for
4 Indian victims of violent crime.

5 (B) DEVELOPMENT.—The best practices
6 shall be based on multidisciplinary and cul-
7 turally relevant research, evidence-based models
8 and programs and should consider the societal,
9 economic, and other factors that contribute to
10 violent crime within Indian lands and of Indi-
11 ans.

12 (C) CONTENT.—The best practices shall be
13 user-friendly, culturally responsive in form and
14 delivery, and include the following:

15 (i) Sample training materials.

16 (ii) Sample guidelines and rec-
17 ommendations, including—

18 (I) strategies to collect, docu-
19 ment, and share information across
20 systems and agencies;

21 (II) strategies to help agencies
22 better understand the types of violent
23 crime, the prevalence of violent crime
24 in Indian lands and of Indians, and

1 the degree of victim and family inter-
2 action with multiple systems; and

3 (III) strategies to improve coordi-
4 nation between law enforcement, vic-
5 tim service providers, victim advo-
6 cates, and Indian communities to uti-
7 lize their positions and resources in
8 educating critical stakeholder groups
9 and assisting victims and families.

10 (D) SECRETARIAL RESPONSE.—The Attor-
11 ney General and the Secretary of the Interior
12 shall submit a written response to the rec-
13 ommendations developed by the Committee to—

14 (i) the Committee;

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;
21 and

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

24 (d) REPORTS.—Not later than 2 years after the date
25 of enactment of this Act, the Committee shall—

1 (1) submit a report on the action of the Com-
2 mittee described in subsection (c) that includes the
3 responses of the Department of the Interior and the
4 Department of Justice to the recommendations of
5 the Committee to—

6 (A) the Committee on Indian Affairs of the
7 Senate;

8 (B) the Committee on Natural Resources
9 of the House of Representatives;

10 (C) the Committee on the Judiciary of the
11 Senate; and

12 (D) the Committee on the Judiciary of the
13 House of Representatives; and

14 (2) make the report under paragraph (1) pub-
15 licly available both in a hard copy and online.

16 (e) FACA EXEMPTION.—The Committee shall be ex-
17 empt from the Federal Advisory Committee Act (5 U.S.C.
18 App.).

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