

116TH CONGRESS  
1ST SESSION

# H. R. 2438

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

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## 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. GALLEGRO, 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

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## 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           ommendation 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-

1 including per diem, to Committee members when ap-  
2 propriate.

3 (c) DUTIES.—

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

6 Not later than 18 months after the date of enact-  
7 ment of this Act, the Committee shall make rec-  
8 ommendations to the Secretary of the Interior and  
9 Attorney General on actions the departments can  
10 take to help combat violent crime against Indians  
11 and within Indian lands, including the development  
12 and implementation of—

13 (A) successful strategies for identifying, re-  
14 porting, and responding to instances of missing  
15 persons, murder, and human trafficking in In-  
16 dian lands and of Indians;

17 (B) recommendations for legislative and  
18 administrative changes necessary to use pro-  
19 grams, properties, or other resources funded or  
20 operated by the Department of the Interior and  
21 Department of Justice to combat the crisis of  
22 missing and murdered Indian people and  
23 human trafficking in Indian lands and of Indi-  
24 ans;



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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