

Calendar No. 417

116TH CONGRESS
2D SESSION

S. 982

[Report No. 116–214]

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

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2019

Ms. CORTEZ MASTO (for herself, Ms. MURKOWSKI, Mr. TESTER, Ms. SMITH, Mr. MORAN, Mr. SULLIVAN, Mr. DAINES, Ms. ROSEN, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

FEBRUARY 11, 2020

Reported by Mr. HOEVEN, with an amendment

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

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the National Institute of Justice reports
4 more than 80 percent of American Indian and Alas-
5 ka Native men and women have experienced violence
6 in their lifetimes and more than 34 percent have ex-
7perienced violence in the last year;

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

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

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

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

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

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

1 (8) reliable data on the prevalence of missing
 2 Native people, murdered Native people, and human
 3 trafficking within Indian lands and of American In-
 4 dians and Alaska Natives is not available.

5 **SEC. 3. DEFINITIONS.**

6 In this Act—

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

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 Pro-
 15 tection Act of 2000 (22 U.S.C. 7102);

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

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

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

3 The Secretary of the Interior shall designate an offi-
4 cial within the Office of Justice Services in the Bureau
5 of Indian Affairs who shall—

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

15 (2) in coordinating efforts, take into account
16 the unique challenges of combating crime, violence,
17 and human trafficking faced by tribal communities,
18 tribal law enforcement, Federal law enforcement,
19 and State and local law enforcement;

20 (3) work in cooperation with outside organiza-
21 tions with expertise in working with Indian tribes to
22 provide victim centered and culturally relevant train-
23 ing to tribal law enforcement, Indian Health Service
24 health care providers, tribal community members
25 and businesses, on how to effectively identify, re-

1 spond to and report instances of violent crime within
2 Indian lands and of Indians; and

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

5 **SEC. 5. ESTABLISHMENT OF THE DEPARTMENT OF INTE-**
6 **RIOR AND THE DEPARTMENT OF JUSTICE**
7 **JOINT ADVISORY COMMITTEE ON REDUCING**
8 **VIOLENT CRIME AGAINST NATIVE PEOPLE.**

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

14 (b) **MEMBERSHIP.**—

15 (1) **COMPOSITION.**—The Committee shall be
16 composed of members whose diverse experience and
17 backgrounds enable them to provide balanced points
18 of view with regard to the duties of the Committee.

19 (2) **SELECTION.**—The Secretary of the Interior,
20 in coordination with the Attorney General, shall ap-
21 point the members to the Committee, including rep-
22 resentatives from—

23 (A) tribal law enforcement;

24 (B) the Office of Justice Services of the
25 Bureau of Indian Affairs;

1 (C) State and local law enforcement in
2 close proximity to Indian lands; with a letter of
3 recommendation from a local tribal chair or
4 tribal law enforcement officer;

5 (D) the Federal Bureau of Investigation's
6 victim services division;

7 (E) the Department of Justice's Human
8 Trafficking Prosecution Unit;

9 (F) the Office of Native American Pro-
10 grams of the Department of Housing and
11 Urban Development;

12 (G) the Family Violence Prevention and
13 Services Program of the Department of Health
14 and Human Services;

15 (H) a Federal public defender within In-
16 dian lands with a letter of recommendation
17 from a local tribal chair or tribal law enforce-
18 ment officer;

19 (I) a tribal judge with experience in cases
20 related to missing persons; murder; trafficking;
21 or related cases;

22 (J) not fewer than 3 elected leaders of fed-
23 erally recognized Indian tribes; including 1
24 elected leader from a federally recognized In-
25 dian tribe located in Alaska;

1 ~~(K)~~ health care and mental health practi-
 2 tioners and counselors and providers with expe-
 3 rience in working with Indian survivors of traf-
 4 ficking and sexual assault, with a letter of rec-
 5 ommendation from a local tribal chair or tribal
 6 law enforcement officer;

7 ~~(L)~~ Indian advocacy organizations whose
 8 primary clients are Indians, focused on violence
 9 against women and children specifically in In-
 10 dian lands;

11 ~~(M)~~ at least 1 Indian survivor of human
 12 trafficking;

13 ~~(N)~~ at least 1 family member of a missing
 14 Indian person;

15 ~~(O)~~ at least 1 family member of a mur-
 16 dered Indian person;

17 ~~(P)~~ the National Institute of Justice; and

18 ~~(Q)~~ the Indian Health Service.

19 ~~(3)~~ PERIODS OF APPOINTMENT.—Members
 20 shall be appointed for the life of the Committee.

21 ~~(4)~~ VACANCIES.—A vacancy in the Committee
 22 shall be filled in the manner in which the original
 23 appointment was made and shall not affect the pow-
 24 ers or duties of the Committee.

1 ~~(5) COMPENSATION.—~~Committee members shall
2 serve without compensation.

3 ~~(6) TRAVEL EXPENSES.—~~The Secretary of the
4 Interior, in coordination with the Attorney General,
5 shall consider the provision of travel expenses, in-
6 cluding per diem, to Committee members when ap-
7 propriate.

8 ~~(c) DUTIES.—~~

9 ~~(1) RECOMMENDATIONS FOR THE DEPARTMENT~~
10 ~~OF INTERIOR AND DEPARTMENT OF JUSTICE.—~~Not
11 later than 18 months after the date of enactment of
12 this Act, the Committee shall make recommenda-
13 tions to the Secretary of the Interior and Attorney
14 General on actions the departments can take to help
15 combat violent crime against Indians and within In-
16 dian lands, including the development and imple-
17 mentation of—

18 ~~(A)~~ successful strategies for identifying, re-
19 porting, and responding to instances of missing
20 persons, murder, and human trafficking in In-
21 dian lands and of Indians;

22 ~~(B)~~ recommendations for legislative and
23 administrative changes necessary to use pro-
24 grams, properties, or other resources funded or
25 operated by the Department of the Interior and

1 Department of Justice to combat the crisis of
2 missing and murdered Indian people and
3 human trafficking in Indian lands and of Indi-
4 ans;

5 (C) recommendations for tracking and re-
6 porting data on instances of missing persons;
7 murder, and human trafficking in Indian lands
8 and of Indians;

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

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

21 (2) BEST PRACTICES AND RECOMMENDA-
22 TIONS.—

23 (A) IN GENERAL.—The Committee shall
24 develop recommended best practices for Indian
25 tribes and Federal, State, and local law enforce-

ment officials in close proximity to Indian lands
to follow—

(i) in combatting violent crime, including missing persons, murder, and human trafficking within Indian lands and of Indians; and

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

(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary and culturally relevant research, evidence-based models and programs and should consider the societal, economic, and other factors that contribute to violent crime within Indian lands and of Indians.

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

(i) Sample training materials;

(ii) Sample guidelines and recommendations, including—

(I) strategies to collect, document, and share information across systems and agencies;

1 (II) strategies to help agencies
 2 better understand the types of violent
 3 crime; the prevalence of violent crime
 4 in Indian lands and of Indians; and
 5 the degree of victim and family inter-
 6 action with multiple systems; and

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

14 (D) SECRETARIAL RESPONSE.—The Attor-
 15 ney General and the Secretary of the Interior
 16 shall submit a written response to the rec-
 17 ommendations developed by the Committee to—

- 18 (i) the Committee;
- 19 (ii) the Committee on the Judiciary of
- 20 the Senate;
- 21 (iii) the Committee on Indian Affairs
- 22 of the Senate;
- 23 (iv) the Committee on Natural Re-
- 24 sources of the House of Representatives;
- 25 and

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

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

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

10 (A) the Committee on Indian Affairs of the
11 Senate;

12 (B) the Committee on Natural Resources
13 of the House of Representatives;

14 (C) the Committee on the Judiciary of the
15 Senate; and

16 (D) the Committee on the Judiciary of the
17 House of Representatives; and

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

20 (e) ~~FACA EXEMPTION.~~—The Committee shall be ex-
21 empt from the Federal Advisory Committee Act (5 U.S.C.
22 App.).

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Not Invisible Act of*
25 *2019”.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act—*

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

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

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

13 (4) *the terms “Indian lands” and “Indian tribe”*
 14 *have the meanings given the terms in section 3 of the*
 15 *Native American Business Development, Trade Pro-*
 16 *motion, and Tourism Act of 2000 (25 U.S.C. 4302);*
 17 *and*

18 (5) *the terms “urban centers” and “urban In-*
 19 *Indian organization” have the meanings given the terms*
 20 *in section 4 of the Indian Health Care Improvement*
 21 *Act (25 U.S.C. 1603).*

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

24 (a) *COORDINATOR DESIGNATION.—The Secretary of*
 25 *the Interior shall designate an official within the Office of*

1 *Justice Services in the Bureau of Indian Affairs who*
2 *shall—*

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

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

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

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

9 (ii) *the Office on Violence Against*
10 *Women;*

11 (iii) *the Office of Community Oriented*
12 *Policing Services;*

13 (iv) *the Federal Bureau of Investiga-*
14 *tion; and*

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

16 (2) *ensure prevention efforts, grants, and pro-*
17 *grams of Federal agencies related to the murder of,*
18 *trafficking of, and missing Indians consider the*
19 *unique challenges of combating crime, violence, and*
20 *human trafficking of Indians and on Indian lands*
21 *faced by Tribal communities, urban centers, the Bu-*
22 *reau of Indian Affairs, Tribal law enforcement, Fed-*
23 *eral law enforcement, and State and local law en-*
24 *forcement;*

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

11 (4) *report directly to the Secretary of the Inte-*
12 *rior.*

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

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

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

1 (3) *recommendations for improving coordination*
 2 *across Federal agencies and of relevant Federal pro-*
 3 *grams.*

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

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

13 (b) *MEMBERSHIP.*—

14 (1) *COMPOSITION.*—

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

20 (B) *DIVERSITY.*—*To the greatest extent*
 21 *practicable, the Secretary of the Interior shall*
 22 *ensure the Commission includes Tribal represent-*
 23 *atives from diverse geographic areas and of di-*
 24 *verse sizes.*

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

5 *(A) tribal law enforcement;*

6 *(B) the Office of Justice Services of the Bu-*
7 *reau of Indian Affairs;*

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

11 *(D) the Victim Services Division of the Fed-*
12 *eral Bureau of Investigation;*

13 *(E) the Department of Justice’s Human*
14 *Trafficking Prosecution Unit;*

15 *(F) the Office of Violence Against Women of*
16 *the Department of Justice;*

17 *(G) the Office of Victims of Crime of the De-*
18 *partment of Justice;*

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

23 *(I) the Administration for Native Ameri-*
24 *cans of the Office of the Administration for Chil-*

1 *dren & Families of the Department of Health*
2 *and Human Services;*

3 *(J) the Substance Abuse and Mental Health*
4 *Services Administration of the Department of*
5 *Health and Human Services;*

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

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

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

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

23 *(O) at least 2 Indian survivors of human*
24 *trafficking;*

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

3 (Q) at least 2 family members of murdered
4 Indian people;

5 (R) the National Institute of Justice; and

6 (S) the Indian Health Service.

7 (3) *PERIODS OF APPOINTMENT.*—Members shall
8 be appointed for the duration of the Commission.

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

13 (5) *COMPENSATION.*—Commission members shall
14 serve without compensation.

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

20 (c) *DUTIES.*—

21 (1) *IN GENERAL.*—The Commission may hold
22 such hearings, meet and act at times and places, take
23 such testimony, and receive such evidence as the Com-
24 mission considers to be advisable to carry out the du-
25 ties of the Commission under this section.

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

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

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

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

21 (iii) *tracking and reporting data on*
22 *instances of missing persons, murder, and*
23 *human trafficking on Indian lands and of*
24 *Indians;*

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

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

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

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

19 (i) the Secretary of the Interior;

20 (ii) the Attorney General;

21 (iii) the Committee on the Judiciary of
22 the Senate;

23 (iv) the Committee on Indian Affairs
24 of the Senate;

1 (v) the Committee on Natural Re-
2 sources of the House of Representatives; and

3 (vi) the Committee on the Judiciary of
4 the House of Representatives.

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

12 (i) the Commission;

13 (ii) the Committee on the Judiciary of
14 the Senate;

15 (iii) the Committee on Indian Affairs
16 of the Senate;

17 (iv) the Committee on Natural Re-
18 sources of the House of Representatives; and

19 (v) the Committee on the Judiciary of
20 the House of Representatives.

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

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

Calendar No. 417

116TH CONGRESS
2D Session

S. 982

[Report No. 116-214]

A BILL

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

FEBRUARY 11, 2020

Reported with an amendment