S. 982

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, and Mr. Tester) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Institute of Justice reports more than 80 percent of American Indian and Alaska Native men and women have experienced violence
in their lifetimes and more than 34 percent have experienced violence in the last year;

(2) the National Institute of Justice also estimates that 56 percent of American Indian and Alaska Native women experience sexual violence in their lifetimes;

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

(4) populations that experience chronic unemployment, homelessness, substance abuse, severe poverty, and high rates of sexual violence and other crimes are at a higher risk of trafficking;

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

(6) historical trauma has increased the vulnerability of American Indians and Alaska Natives to trafficking and other forms of violent crime;

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

(8) reliable data on the prevalence of missing Native people, murdered Native people, and human trafficking within Indian lands and of American Indians and Alaska Natives is not available.
SEC. 3. DEFINITIONS.

In this Act—

(1) the term “Committee” means the Department of the Interior and the Department of Justice Joint Advisory Committee on Reducing Violent Crime Against Native People established under section 5;

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

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

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

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

The Secretary of the Interior shall designate an official within the Office of Justice Services in the Bureau of Indian Affairs who shall—

(1) coordinate prevention efforts, grants, and programs across offices within the Bureau of Indian Affairs and with the Department of Justice related
to the murder of, trafficking of, and missing Indians, including the Office of Justice Programs, the Office on Violence Against Women, the Office of Community Oriented Policing Services, the Office of Tribal Justice, and other agencies of the Federal Government;

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

(3) work in cooperation with outside organizations with expertise in working with Indian tribes to provide victim centered and culturally relevant training to tribal law enforcement, Indian Health Service health care providers, tribal community members and businesses, on how to effectively identify, respond to and report instances of violent crime within Indian lands and of Indians; and

(4) report directly to the Secretary of the Interior.
JOINT ADVISORY COMMITTEE ON REDUCING VIOLENT CRIME AGAINST NATIVE PEOPLE.

(a) Establishment.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, in coordination with the Attorney General, shall establish and appoint all members of an advisory committee on violent crime within Indian lands and of Indians.

(b) Membership.—

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

(2) Selection.—The Secretary of the Interior, in coordination with the Attorney General, shall appoint the members to the Committee, including representatives from—

(A) tribal law enforcement;

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

(C) State and local law enforcement in close proximity to Indian lands, with a letter of recommendation from a local tribal chair or tribal law enforcement officer;
(D) the Federal Bureau of Investigation’s victim services division;

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

(F) the Office of Native American Programs of the Department of Housing and Urban Development;

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

(H) a Federal public defender within Indian lands with a letter of recommendation from a local tribal chair or tribal law enforcement officer;

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

(J) not fewer than 3 elected leaders of federally recognized Indian tribes, including 1 elected leader from a federally recognized Indian tribe located in Alaska;

(K) health care and mental health practitioners and counselors and providers with experience in working with Indian survivors of trafficking and sexual assault, with a letter of rec-
ommendation from a local tribal chair or tribal
law enforcement officer;

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

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

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

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

(P) the National Institute of Justice; and

(Q) the Indian Health Service.

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

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

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

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

(c) Duties.—

(1) Recommendations for the Department
of Interior and Department of Justice.—Not
later than 18 months after the date of enactment of
this Act, the Committee shall make recommenda-
tions to the Secretary of the Interior and Attorney
General on actions the departments can take to help
combat violent crime against Indians and within In-
dian lands, including the development and imple-
mentation of—

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

(B) recommendations for legislative and
administrative changes necessary to use pro-
grams, 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 Indi-
ans;
(C) recommendations for tracking and reporting data on instances of missing persons, murder, and human trafficking in Indian lands and of Indians;

(D) recommendations for addressing staff shortages and open positions within relevant law enforcement agencies, including issues related to the hiring and retention of law enforcement officers; and

(E) recommendations for coordinating tribal, State, and Federal resources to increase prosecution of violent crime, including murder and human trafficking offenses and increase information sharing with tribal governments on violent crime investigations and prosecutions in Indian lands that were terminated or declined.

(2) BEST PRACTICES AND RECOMMENDATIONS.—

(A) IN GENERAL.—The Committee shall develop recommended best practices for Indian tribes and Federal, State, and local law enforcement 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;

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

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

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

(i) the Committee;

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

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

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

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

(d) REPORTS.—Not later than 2 years after the date
of enactment of this Act, the Committee shall—
(1) submit a report on the action of the Committee described in subsection (e) that includes the responses of the Department of the Interior and the Department of Justice to the recommendations of the Committee to—

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

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

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

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

(2) make the report under paragraph (1) publicly available both in a hard copy and online.

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