

115TH CONGRESS
2D SESSION

S. 3280

To increase intergovernmental coordination to identify and combat human trafficking within Indian lands and of Indians.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2018

Ms. CORTEZ MASTO (for herself, Ms. MURKOWSKI, and Ms. HEITKAMP) 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 human trafficking 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 “End Trafficking of
5 Native Americans Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the National Institute of Justice reports
9 more than 80 percent of American Indian and Alas-

1 ka Native men and women have experienced violence
2 in their lifetimes and more than 34 percent have ex-
3 perience violence in the last year;

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

8 (3) populations that experience chronic unem-
9 ployment, homelessness, substance abuse, severe
10 poverty, and high rates of sexual violence and other
11 crimes are at a higher risk of trafficking;

12 (4) American Indian and Alaska Native women
13 and girls disproportionately experience the above
14 risk factors;

15 (5) historical trauma has increased the vulner-
16 ability of American Indians and Alaska Natives to
17 trafficking;

18 (6) the Department of Justice has identified
19 combating human trafficking as a priority;

20 (7) the Federal Strategic Action Plan on Serv-
21 ices for Victims of Human Trafficking in the United
22 States identifies American Indians and Alaska Na-
23 tives as vulnerable populations;

1 (8) reliable data on the prevalence of human
2 trafficking within Indian lands and of Indians is not
3 available;

4 (9) according to the Government Accountability
5 Office, from fiscal years 2013 through 2016, there
6 were only 14 Federal investigations and 2 Federal
7 prosecutions of human trafficking offenses within
8 Indian lands; and

9 (10) the Government Accountability Office
10 found that nearly half of tribal law enforcement
11 agencies surveyed believe human trafficking is occur-
12 ring on tribal land in their jurisdictions beyond what
13 had been brought to their attention.

14 **SEC. 3. DEFINITIONS.**

15 In this Act—

16 (1) the term “Committee” means the Depart-
17 ment of the Interior and the Department of Justice
18 Joint Advisory Committee on Human Trafficking es-
19 tablished under section 5;

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

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

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

6 **SEC. 4. HUMAN TRAFFICKING PREVENTION COORDINATOR.**

7 The Secretary of the Interior shall designate an offi-
8 cial within the Office of Justice Services in the Bureau
9 of Indian Affairs who shall—

10 (1) coordinate human trafficking prevention ef-
11 forts, grants, and programs across offices within the
12 Bureau of Indian Affairs and with the Department
13 of Justice, including the Office of Justice Programs,
14 the Office on Violence Against Women, the Office of
15 Community Oriented Policing Services, the Office of
16 Tribal Justice, and other agencies of the Federal
17 Government;

18 (2) in coordinating efforts, take into account
19 the unique challenges of combating human traf-
20 ficking faced by tribal communities, tribal law en-
21 forcement, Federal law enforcement, and State and
22 local law enforcement;

23 (3) work in cooperation with the Department of
24 Homeland Security’s Blue Campaign and outside or-
25 ganizations with expertise in working with Indian

1 tribes to provide victim centered and culturally rel-
 2 evant training to tribal law enforcement, Indian
 3 Health Service health care providers, tribal commu-
 4 nity members and businesses, on how to effectively
 5 identify, respond to and report instances of human
 6 trafficking within Indian lands and of Indians; and

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

9 **SEC. 5. ESTABLISHMENT OF THE DEPARTMENT OF INTE-**
 10 **RIOR AND THE DEPARTMENT OF JUSTICE**
 11 **JOINT ADVISORY COMMITTEE ON HUMAN**
 12 **TRAFFICKING.**

13 (a) ESTABLISHMENT.—Not later than 120 days after
 14 the date of enactment of this Act, the Secretary of the
 15 Interior, in coordination with the Attorney General, shall
 16 establish and appoint all members of an advisory com-
 17 mittee on human trafficking within Indian lands and of
 18 Indians.

19 (b) MEMBERSHIP.—

20 (1) COMPOSITION.—The Committee shall be
 21 composed of not more than 15 members whose di-
 22 verse experience and backgrounds enable them to
 23 provide balanced points of view with regard to the
 24 duties of the Committee.

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

5 (A) tribal law enforcement;

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

8 (C) State and local law enforcement in
9 close proximity to Indian lands, with a letter of
10 recommendation from a local tribal chair or
11 tribal law enforcement officer;

12 (D) the Federal Bureau of Investigation’s
13 victim services division;

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

16 (F) the Office of Native American Pro-
17 grams of the Department of Housing and
18 Urban Development;

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

22 (H) a Federal public defender within In-
23 dian lands with a letter of recommendation
24 from a local tribal chair or tribal law enforce-
25 ment officer;

1 (I) the National American Indian Court
 2 Judges Association;

3 (J) an elected leader of a federally recog-
 4 nized Indian tribe;

5 (K) an elected leader of a Federally recog-
 6 nized Indian tribe located in Alaska;

7 (L) a representative the Indian business
 8 community with a letter from a local tribal
 9 chair or tribal law enforcement officer;

10 (M) mental health counselors and pro-
 11 viders with experience in working with Indian
 12 survivors of trafficking and sexual assault, with
 13 a letter of recommendation from a local tribal
 14 chair or tribal law enforcement officer;

15 (N) Indian advocacy organizations whose
 16 primary clients are Indians, focused on traf-
 17 ficking and violence against women and chil-
 18 dren specifically in Indian lands; and

19 (O) at least 1 Indian survivor of human
 20 trafficking.

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

23 (4) VACANCIES.—A vacancy in the Committee
 24 shall be filled in the manner in which the original

1 appointment was made and shall not affect the pow-
2 ers or duties of the Committee.

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

5 (6) TRAVEL EXPENSES.—The Secretary of the
6 Interior and the Attorney General shall consider the
7 provision of travel expenses, including per diem, to
8 Committee members when appropriate.

9 (c) DUTIES.—

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

19 (A) successful strategies for identifying
20 and reporting instances of human trafficking in
21 Indian 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

Department of Justice to combat human trafficking;

(C) recommendations for tracking and reporting data on human trafficking in Indian lands and of Indians; and

(D) recommendations for coordinating tribal, State, and Federal resources to increase prosecution of human trafficking offenses and increase information sharing with tribal governments on human trafficking 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 human trafficking within Indian lands and of Indians; and

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

(B) DEVELOPMENT.—The best practices shall be based on multidisciplinary and cul-

1 turally relevant research, evidence-based models
2 and programs.

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

6 (i) Sample training materials.

7 (ii) Strategies to identify victims.

8 (iii) Sample guidelines and rec-
9 ommendations, including—

10 (I) strategies to collect, docu-
11 ment, and share information across
12 systems and agencies;

13 (II) strategies to help agencies
14 better understand the types of traf-
15 ficking involved, the prevalence of
16 trafficking in Indian lands and of In-
17 dians, and the degree of victim inter-
18 action with multiple systems; and

19 (III) strategies to improve coordi-
20 nation between law enforcement, vic-
21 tim service providers, victim advo-
22 cates, and Indian communities to uti-
23 lize their positions and resources in
24 educating critical stakeholder groups
25 and assisting victims.

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

5 (i) the Committee;

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

8 (iii) the Committee on Indian Affairs
9 of the Senate; and

10 (iv) the Committee on the Judiciary of
11 the House of Representatives.

12 (E) STUDY.—The Committee shall rec-
13 ommend whether a Federal study is needed on
14 the prevalence of human trafficking within In-
15 dian lands and of Indians and the range of and
16 access to victim services for human trafficking.

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

19 (1) submit a report on the action of the Com-
20 mittee described in subsection (c) that includes the
21 responses of the Department of the Interior and the
22 Department of Justice to the recommendations of
23 the Committee to—

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

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

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

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

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

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

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