

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 982

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. CORTEZ MASTO (for herself and Ms. MURKOWSKI)

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Not Invisible Act of
5 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Commission” means the Department
9 of the Interior and the Department of Justice
10 Joint Commission on Reducing Violent Crime
11 Against Indians under section 4;

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

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

7 (4) the terms “Indian lands” and “Indian
8 tribe” have the meanings given the terms in section
9 3 of the Native American Business Development,
10 Trade Promotion, and Tourism Act of 2000 (25
11 U.S.C. 4302); and

12 (5) the terms “urban centers” and “urban In-
13 dian organization” have the meanings given the
14 terms in section 4 of the Indian Health Care Im-
15 provement Act (25 U.S.C. 1603).

16 **SEC. 3. COORDINATOR OF FEDERAL EFFORTS TO COMBAT**
17 **VIOLENCE AGAINST NATIVE PEOPLE.**

18 (a) **COORDINATOR DESIGNATION.**—The Secretary of
19 the Interior shall designate an official within the Office
20 of Justice Services in the Bureau of Indian Affairs who
21 shall—

22 (1) coordinate prevention efforts, grants, and
23 programs related to the murder of, trafficking of,
24 and missing Indians across Federal agencies, includ-
25 ing—

1 (A) the Bureau of Indian Affairs; and

2 (B) the Department of Justice, includ-

3 ing—

4 (i) the Office of Justice Programs;

5 (ii) the Office on Violence Against

6 Women;

7 (iii) the Office of Community Oriented

8 Policing Services;

9 (iv) the Federal Bureau of Investiga-

10 tion; and

11 (v) the Office of Tribal Justice;

12 (2) ensure prevention efforts, grants, and pro-

13 grams of Federal agencies related to the murder of,

14 trafficking of, and missing Indians consider the

15 unique challenges of combating crime, violence, and

16 human trafficking of Indians and on Indian lands

17 faced by Tribal communities, urban centers, the Bu-

18 reau of Indian Affairs, Tribal law enforcement, Fed-

19 eral law enforcement, and State and local law en-

20 forcement;

21 (3) work in cooperation with outside organiza-

22 tions with expertise in working with Indian tribes

23 and Indian Tribes to provide victim centered and

24 culturally relevant training to tribal law enforce-

25 ment, Indian Health Service health care providers,

1 urban Indian organizations, Tribal community mem-
2 bers and businesses, on how to effectively identify,
3 respond to and report instances of missing persons,
4 murder, and trafficking within Indian lands and of
5 Indians; and

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

8 (b) REPORT.—The official designated in subsection
9 (a) shall submit to the Committee on Indian Affairs and
10 the Committee on the Judiciary of the Senate and the
11 Committee on Natural Resources and the Committee on
12 the Judiciary of the House of Representatives a report to
13 provide information on Federal coordination efforts ac-
14 complished over the previous year that includes—

15 (1) a summary of all coordination activities un-
16 dertaken in compliance with this section;

17 (2) a summary of all trainings completed under
18 subsection (a)(3); and

19 (3) recommendations for improving coordina-
20 tion across Federal agencies and of relevant Federal
21 programs.

1 **SEC. 4. ESTABLISHMENT OF THE DEPARTMENT OF INTE-**
2 **RIOR AND THE DEPARTMENT OF JUSTICE**
3 **JOINT COMMISSION ON REDUCING VIOLENT**
4 **CRIME AGAINST INDIANS.**

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 a joint commission
9 on violent crime on Indian lands and against Indians.

10 (b) **MEMBERSHIP.**—

11 (1) **COMPOSITION.**—

12 (A) **IN GENERAL.**—The Commission shall
13 be composed of members who represent diverse
14 experiences and backgrounds that provide bal-
15 anced points of view with regard to the duties
16 of the Commission.

17 (B) **DIVERSITY.**—To the greatest extent
18 practicable, the Secretary of the Interior shall
19 ensure the Commission includes Tribal rep-
20 resentatives from diverse geographic areas and
21 of diverse sizes.

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

26 (A) tribal law enforcement;

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

3 (C) State and local law enforcement in
4 close proximity to Indian lands, with a letter of
5 recommendation from a local Indian Tribe;

6 (D) the Victim Services Division of the
7 Federal Bureau of Investigation;

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

10 (F) the Office of Violence Against Women
11 of the Department of Justice;

12 (G) the Office of Victims of Crime of the
13 Department of Justice;

14 (H) a United States attorney's office with
15 experience in cases related to missing persons,
16 murder, or trafficking of Indians or on Indian
17 land;

18 (I) the Administration for Native Ameri-
19 cans of the Office of the Administration for
20 Children & Families of the Department of
21 Health and Human Services;

22 (J) the Substance Abuse and Mental
23 Health Services Administration of the Depart-
24 ment of Health and Human Services;

1 (K) a Tribal judge with experience in cases
2 related to missing persons, murder, or traf-
3 ficking;

4 (L) not fewer than 3 Indian Tribes from
5 diverse geographic areas, including 1 Indian
6 tribe located in Alaska, selected from nomina-
7 tions submitted by the Indian Tribe;

8 (M) not fewer than 2 health care and men-
9 tal health practitioners and counselors and pro-
10 viders with experience in working with Indian
11 survivors of trafficking and sexual assault, with
12 a letter of recommendation from a local tribal
13 chair or tribal law enforcement officer;

14 (N) not fewer than 3 national, regional, or
15 urban Indian organizations focused on violence
16 against women and children on Indian lands or
17 against Indians;

18 (O) at least 2 Indian survivors of human
19 trafficking;

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

22 (Q) at least 2 family members of murdered
23 Indian people;

24 (R) the National Institute of Justice; and

25 (S) the Indian Health Service.

1 (3) PERIODS OF APPOINTMENT.—Members
2 shall be appointed for the duration of the Commis-
3 sion.

4 (4) VACANCIES.—A vacancy in the Commission
5 shall be filled in the manner in which the original
6 appointment was made and shall not affect the pow-
7 ers or duties of the Commission.

8 (5) COMPENSATION.—Commission members
9 shall serve without compensation.

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

15 (c) DUTIES.—

16 (1) IN GENERAL.—The Commission may hold
17 such hearings, meet and act at times and places,
18 take such testimony, and receive such evidence as
19 the Commission considers to be advisable to carry
20 out the duties of the Commission under this section.

21 (2) RECOMMENDATIONS FOR THE DEPARTMENT
22 OF INTERIOR AND DEPARTMENT OF JUSTICE.—

23 (A) IN GENERAL.—The Commission shall
24 develop recommendations to the Secretary of
25 the Interior and Attorney General on actions

1 the Federal Government can take to help com-
2 bat violent crime against Indians and within In-
3 dian lands, including the development and im-
4 plementation of recommendations for—

5 (i) identifying, reporting, and re-
6 sponding to instances of missing persons,
7 murder, and human trafficking on Indian
8 lands and of Indians;

9 (ii) legislative and administrative
10 changes necessary to use programs, prop-
11 erties, or other resources funded or oper-
12 ated by the Department of the Interior and
13 Department of Justice to combat the crisis
14 of missing or murdered Indians and
15 human trafficking on Indian lands and of
16 Indians;

17 (iii) tracking and reporting data on
18 instances of missing persons, murder, and
19 human trafficking on Indian lands and of
20 Indians;

21 (iv) addressing staff shortages and
22 open positions within relevant law enforce-
23 ment agencies, including issues related to
24 the hiring and retention of law enforce-
25 ment officers;

1 (v) coordinating tribal, State, and
2 Federal resources to increase prosecution
3 of murder and human trafficking offenses
4 on Indian lands and of Indians; and

5 (vi) increasing information sharing
6 with tribal governments on violent crime
7 investigations and prosecutions in Indian
8 lands that were terminated or declined.

9 (B) SUBMISSION.—Not later than 18
10 months after the enactment of this Act, the
11 Commission shall make publicly available and
12 submit all recommendations developed under
13 this paragraph to—

14 (i) the Secretary of the Interior;

15 (ii) the Attorney General;

16 (iii) the Committee on the Judiciary
17 of the Senate;

18 (iv) the Committee on Indian Affairs
19 of the Senate;

20 (v) the Committee on Natural Re-
21 sources of the House of Representatives;
22 and

23 (vi) the Committee on the Judiciary of
24 the House of Representatives.

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

8 (i) the Commission;
9 (ii) the Committee on the Judiciary of
10 the Senate;

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

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

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

18 (d) FACA EXEMPTION.—The Commission shall be
19 exempt from the Federal Advisory Committee Act (5
20 U.S.C. App.).

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