

Calendar No. 476

116TH CONGRESS
2D SESSION

S. 1853

[Report No. 116–230]

To require Federal law enforcement agencies to report on cases of missing
or murdered Indians, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

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

JUNE 4, 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 require Federal law enforcement agencies to report on
cases of missing or murdered Indians, and for other
purposes.

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; TABLE OF CONTENTS.**

4 ~~(a) SHORT TITLE.—This Act may be cited as the~~
5 ~~“Bridging Agency Data Gaps and Ensuring Safety for~~

1 Native Communities Act” or the “BADGES for Native
2 Communities Act”.

3 (b) TABLE OF CONTENTS.—The table of contents for
4 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BRIDGING AGENCY DATA GAPS

Sec. 101. Federal law enforcement database reporting requirements.

Sec. 102. National Missing and Unidentified Persons System Tribal liaison.

Sec. 103. Law enforcement data sharing with Indian tribes.

Sec. 104. Report on Indian country law enforcement personnel resources and
need.

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

Sec. 201. Demonstration program on Bureau of Indian Affairs law enforcement
employment background checks.

Sec. 202. Missing and murdered response coordination grant program.

Sec. 203. GAO study on Federal law enforcement agency evidence collection,
handling, and processing.

Sec. 204. Bureau of Indian Affairs and Tribal law enforcement officer coun-
seling resources interdepartmental coordination.

5 SEC. 2. DEFINITIONS.

6 In this Act:

7 (1) DIRECTOR.—The term “Director” means
8 the Director of the Office of Justice Services.

9 (2) FEDERAL LAW ENFORCEMENT AGENCY.—
10 The term “Federal law enforcement agency” means
11 the Bureau of Indian Affairs direct-service police;
12 the Federal Bureau of Investigation, and any other
13 Federal law enforcement agency that—

14 (A) has jurisdiction over crimes in Indian
15 country; or

1 ~~(B)~~ investigates missing persons cases of
 2 interest to Indian tribes; murder cases of inter-
 3 est to Indian tribes; or unidentified remains
 4 cases of interest to Indian tribes.

5 ~~(3)~~ INDIAN.—The term “Indian” has the mean-
 6 ing given the term in section 4 of the Indian Self-
 7 Determination and Education Assistance Act (25
 8 U.S.C. 5304).

9 ~~(4)~~ INDIAN COUNTRY.—The term “Indian coun-
 10 try” has the meaning given the term in section 1151
 11 of title 18, United States Code.

12 ~~(5)~~ INDIAN LAND.—The term “Indian land”
 13 has the meaning given the term “Indian lands” in
 14 section 3 of the Native American Business Develop-
 15 ment, Trade Promotion, and Tourism Act of 2000
 16 (25 U.S.C. 4302).

17 ~~(6)~~ INDIAN TRIBE.—The term “Indian tribe”
 18 has the meaning given the term in section 4 of the
 19 Indian Self-Determination and Education Assistance
 20 Act (25 U.S.C. 5304).

21 ~~(7)~~ MANSLAUGHTER.—The term “man-
 22 slaughter” has the meaning given the term in sec-
 23 tion 1112 of title 18, United States Code.

1 (8) MISSING.—The term “missing” has the
 2 meaning determined by the applicable Federal law
 3 enforcement agency.

4 (9) MISSING PERSONS CASE OF INTEREST TO
 5 INDIAN TRIBES.—The term “missing persons case of
 6 interest to Indian tribes” means a case involving—

7 (A) a missing Indian; or

8 (B) a missing person whose last known lo-
 9 cation is believed to be on, in, or near Indian
 10 land.

11 (10) MURDER.—The term “murder” has the
 12 meaning given the term in section 1111 of title 18,
 13 United States Code.

14 (11) MURDER CASE OF INTEREST TO INDIAN
 15 TRIBES.—The term “murder case of interest to In-
 16 dian tribes” means a case involving—

17 (A) a murdered Indian; or

18 (B) a person murdered on, in, or near In-
 19 dian land.

20 (12) MURDERED.—The term “murdered”, with
 21 respect to a person, means the person was the victim
 22 of—

23 (A) murder; or

24 (B) manslaughter.

1 ~~(13)~~ NATIONAL CRIME INFORMATION DATA-
 2 BASES.—The term “national crime information
 3 databases” has the meaning given the term in sec-
 4 tion ~~534(f)(3)~~ of title 28, United States Code.

5 ~~(14)~~ RELEVANT TRIBAL STAKEHOLDER.—The
 6 term “relevant Tribal stakeholder” means, as appli-
 7 cable—

8 ~~(A)~~ an Indian tribe;

9 ~~(B)~~ a tribal organization; and

10 ~~(C)~~ a national or regional organization
 11 that—

12 ~~(i)~~ represents a substantial Indian
 13 constituency; and

14 ~~(ii)~~ has expertise in the fields of—

15 ~~(I)~~ human trafficking;

16 ~~(II)~~ violence against women and
 17 children; or

18 ~~(III)~~ Tribal justice systems.

19 ~~(15)~~ SECRETARY.—The term “Secretary”
 20 means the Secretary of the Interior.

21 ~~(16)~~ TRIBAL JUSTICE OFFICIAL.—The term
 22 “tribal justice official” has the meaning given the
 23 term in section 2 of the Indian Law Enforcement
 24 Reform Act (~~25~~ U.S.C. 2801).

(17) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(18) UNIDENTIFIED REMAINS CASE OF INTEREST TO INDIAN TRIBES.—The term “unidentified remains case of interest to Indian tribes” means a case involving—

(A) unidentified Indian remains; or

(B) unidentified remains found on, in, or near Indian land.

TITLE I—BRIDGING AGENCY DATA GAPS

SEC. 101. FEDERAL LAW ENFORCEMENT DATABASE REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 151(a) of the Sex Offender Registration and Notification Act (34 U.S.C. 20961(a)) is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

1 “(2) the National Missing and Unidentified
 2 Persons System, to be used by a person accessing
 3 the System only within the scope of the work of the
 4 person in assisting or supporting law enforcement
 5 efforts to solve missing, unidentified, and unclaimed
 6 person cases across the United States; and”.

7 (b) SHARING OF INFORMATION.—Not later than 2
 8 years after the date of enactment of this Act, the Attorney
 9 General shall, in a manner that maintains the integrity
 10 of confidential, private, and law enforcement sensitive in-
 11 formation, provide for information on missing persons and
 12 unidentified remains contained in national crime informa-
 13 tion databases to be transmitted to, entered in, and other-
 14 wise shared with the National Missing and Unidentified
 15 Persons System.

16 (c) TEMPORARY REPORTING REQUIREMENTS.—Until
 17 such time as the data sharing procedures required under
 18 subsection (b) are in effect, each Federal law enforcement
 19 agency shall enter into the National Missing and Unidenti-
 20 fied Persons System each missing persons case of interest
 21 to Indian tribes and each unidentified remains case of in-
 22 terest to Indian tribes reported to or investigated by the
 23 Federal law enforcement agency.

24 (d) COORDINATION WITH NAMUS TRIBAL LIAI-
 25 SON.—The Director and the Director of the Federal Bu-

1 reau of Investigation shall each appoint a liaison to coordi-
 2 nate with the 1 or more Tribal liaisons appointed under
 3 section (4)(a) to ensure that—

4 (1) all missing persons cases of interest to In-
 5 dian tribes and all unidentified remains cases of in-
 6 terest to Indian tribes are fully captured in the Na-
 7 tional Missing and Unidentified Persons System;
 8 and

9 (2) Indian tribes are aware of, and able to ac-
 10 cess, information in the National Missing and Un-
 11 identified Persons System.

12 **SEC. 102. NATIONAL MISSING AND UNIDENTIFIED PERSONS**
 13 **SYSTEM TRIBAL LIAISON.**

14 (a) **APPOINTMENT.**—The Attorney General, acting
 15 through the Director of the National Institute of Justice,
 16 shall appoint 1 or more Tribal liaisons for the National
 17 Missing and Unidentified Persons System.

18 (b) **DUTIES.**—The duties of a Tribal liaison ap-
 19 pointed under subsection (a) shall include—

20 (1) coordinating the reporting of information
 21 relating to missing persons cases of interest to In-
 22 dian tribes and unidentified remains cases of inter-
 23 est to Indian tribes;

24 (2) consulting and coordinating with relevant
 25 Tribal stakeholders to address the reporting, docu-

1 mentation, and tracking of missing persons cases of
2 interest to Indian tribes and unidentified remains
3 cases of interest to Indian tribes;

4 (3) developing working relationships, and main-
5 taining communication, with relevant Tribal stake-
6 holders;

7 (4) providing technical assistance and training
8 to relevant Tribal stakeholders, victim service advo-
9 cates, medical examiners, and tribal justice officials
10 regarding—

11 (A) the gathering and reporting of infor-
12 mation to the National Missing and Unidenti-
13 fied Persons System; and

14 (B) working with non-Tribal law enforce-
15 ment agencies to ensure all missing persons
16 cases of interest to Indian tribes and unidenti-
17 fied remains cases of interest to Indian tribes
18 are reported to the National Missing and Un-
19 identified Persons System;

20 (5) coordinating with the Office of Tribal Jus-
21 tice and the Office of Justice Services, as necessary;
22 and

23 (6) conducting other training, information gath-
24 ering, and outreach activities to improve resolution
25 of missing persons cases of interest to Indian tribes

1 and unidentified remains cases of interest to Indian
2 tribes.

3 ~~(c) REPORTING AND TRANSPARENCY.—~~

4 ~~(1) ANNUAL REPORTS TO CONGRESS.—~~During
5 the ~~3~~-year-period beginning on the date of enact-
6 ment of this Act, the Attorney General, acting
7 through the Director of the National Institute of
8 Justice, shall submit to the Committees on Indian
9 Affairs and the Judiciary of the Senate and the
10 Committees on Natural Resources and the Judiciary
11 of the House of Representatives an annual report—

12 ~~(A)~~ describing the activities and accom-
13 plishments of the 1 or more Tribal liaisons ap-
14 pointed under subsection (a) during the 1-year
15 period preceding the date of the report; and

16 ~~(B)~~ summarizing—

17 ~~(i)~~ the number of missing persons
18 cases of interest to Indian tribes and un-
19 identified remains cases of interest to In-
20 dian tribes listed in the National Missing
21 and Unidentified Persons System;

22 ~~(ii)~~ the percentage of missing persons
23 cases of interest to Indian tribes and un-
24 identified remains cases of interest to In-

1 dian tribes closed during the 1-year period
2 preceding the date of the report; and

3 (iii) the reasons for those closures.

4 (2) PUBLIC TRANSPARENCY.—Annually, the At-
5 torney General, acting through the Director of the
6 National Institute of Justice, shall publish on a
7 website publicly accessible information—

8 (A) describing the activities and accom-
9 plishments of the 1 or more Tribal liaisons ap-
10 pointed under subsection (a) during the 1-year
11 period preceding the date of the publication;
12 and

13 (B) summarizing—

14 (i) the number of missing persons
15 cases of interest to Indian tribes and un-
16 identified remains cases of interest to In-
17 dian tribes listed in the National Missing
18 and Unidentified Persons System;

19 (ii) the percentage of missing persons
20 cases of interest to Indian tribes and un-
21 identified remains cases of interest to In-
22 dian tribes closed during the 1-year period
23 preceding the date of the report; and

24 (iii) the reasons for those closures.

1 **SEC. 103. LAW ENFORCEMENT DATA SHARING WITH INDIAN**
 2 **TRIBES.**

3 (a) ACCESS TO NATIONAL CRIME INFORMATION
 4 DATABASES BY TRIBES.—Section 233(b) of the Tribal
 5 Law and Order Act of 2010 (34 U.S.C. 41107) is amend-
 6 ed—

7 (1) by striking paragraph (1) and inserting the
 8 following:

9 “(1) IN GENERAL.—The Attorney General shall
 10 ensure that—

11 “(A) tribal law enforcement officials that
 12 meet applicable Federal or State requirements
 13 shall be permitted access to national crime in-
 14 formation databases;

15 “(B) technical assistance and training is
 16 provided to Bureau of Indian Affairs and tribal
 17 law enforcement agencies to gain access to, and
 18 the ability to use and input information into,
 19 the National Crime Information Center and
 20 other national crime information databases pur-
 21 suant to section 534 of title 28, United States
 22 Code; and

23 “(C) the Federal Bureau of Investigation
 24 coordinates with the Office of Justice Services
 25 to ensure tribal law enforcement agencies are
 26 assigned appropriate credentials or ORI num-

1 bers for uniform crime reporting purposes.”;

2 and

3 (2) in paragraph (3), by striking “with criminal

4 jurisdiction over Indian country”.

5 (b) ACQUISITION, PRESERVATION, AND EXCHANGE

6 OF IDENTIFICATION RECORDS AND INFORMATION.—See

7 tion 534(d) of title 28, United States Code, is amended—

8 (1) by redesignating paragraphs (1) and (2) as

9 subparagraphs (A) and (B), respectively, and indent-

10 ing appropriately;

11 (2) in the matter preceding subparagraph (A)

12 (as so redesignated), by striking “The Attorney Gen-

13 eral” and inserting the following:

14 “(1) IN GENERAL.—The Attorney General”;

15 and

16 (3) by adding at the end the following:

17 “(2) TRIBAL ACCESS PROGRAM.—

18 “(A) IN GENERAL.—The Attorney General

19 shall establish a program, to be known as the

20 ‘Tribal Access Program’, to enhance the ability

21 of tribal governments to access and enter infor-

22 mation into Federal criminal information data-

23 bases under this section.

24 “(B) AUTHORIZATION OF APPROPRIA-

25 TIONS.—

1 “(i) ~~IN GENERAL.~~—There is author-
2 ized to be appropriated to carry out the
3 Tribal Access Program under subpara-
4 graph (A) \$3,000,000 for each of fiscal
5 years 2020 through 2024, to remain avail-
6 able until expended.

7 “(ii) ~~ADDITIONAL FUNDING.~~—The At-
8 torney General may use to carry out the
9 Tribal Access Program under subpara-
10 graph (A) any balances remaining for the
11 account under the heading ‘VIOLENCE
12 AGAINST WOMEN PREVENTION AND PROS-
13 ECUTION PROGRAMS’ under the heading
14 ‘STATE AND LOCAL LAW ENFORCEMENT
15 ACTIVITIES OFFICE ON VIOLENCE
16 AGAINST WOMEN’ of the Department of
17 Justice from appropriations for full fiscal
18 years prior to the date of enactment of the
19 Bridging Agency Data Gaps and Ensuring
20 Safety for Native Communities Act.

21 “(3) ~~INFORMATION SHARING.~~—To the extent
22 otherwise permitted by law, any report issued as a
23 result of the analysis of information entered into
24 Federal criminal information databases or obtained
25 from Federal criminal databases, including for the

1 purpose of conducting background checks, shall be
2 shared with each Indian tribe of jurisdiction.”.

3 **SEC. 104. REPORT ON INDIAN COUNTRY LAW ENFORCE-**
4 **MENT PERSONNEL RESOURCES AND NEED.**

5 (a) DEFINITION OF DOJ LAW ENFORCEMENT AGEN-
6 CY.—In this section, the term “DOJ law enforcement
7 agency” means each of—

- 8 (1) the Federal Bureau of Investigation;
- 9 (2) the Drug Enforcement Administration;
- 10 (3) the United States Marshals Service;
- 11 (4) the Bureau of Alcohol, Tobacco, Firearms
12 and Explosives; and
- 13 (5) the Offices of the United States Attorneys.

14 (b) REPORT.—Each fiscal year, the Attorney General
15 shall submit to the appropriate committees of Congress
16 a report describing for that fiscal year—

- 17 (1) the number of full-time employees of each
18 DOJ law enforcement agency that are assigned to
19 work on criminal investigations and prosecutions in
20 Indian country;
- 21 (2) an estimate of the average caseload of—
 - 22 (A) the full-time employees described in
23 paragraph (1); compared to
 - 24 (B) the other full-time employees at the re-
25 spective DOJ law enforcement agency that are

assigned to work on criminal investigations and prosecutions; and

~~(3) an explanation for any differences in the average caseloads identified under subparagraphs (A) and (B) of paragraph (2).~~

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

SEC. 201. DEMONSTRATION PROGRAM ON BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT EMPLOYMENT BACKGROUND CHECKS.

~~(a) ESTABLISHMENT OF PROGRAM.—~~

~~(1) IN GENERAL.—~~The Secretary shall establish a demonstration program for the purpose of conducting or adjudicating, in coordination with the Director of the Bureau of Indian Affairs, personnel background investigations for applicants for law enforcement positions in the Bureau of Indian Affairs.

~~(2) BACKGROUND INVESTIGATIONS AND SECURITY CLEARANCE DETERMINATIONS.—~~

~~(A) BIA INVESTIGATIONS.—~~As part of the demonstration program established under paragraph (1), the Secretary may carry out a background investigation, security clearance determination, or both a background investigation and a security clearance determination for an

1 applicant for a law enforcement position in the
2 Bureau of Indian Affairs.

3 (B) USE OF PREVIOUS INVESTIGATIONS
4 AND DETERMINATIONS.—

5 (i) IN GENERAL.—Subject to clause
6 (ii), as part of the demonstration program
7 established under paragraph (1), the Sec-
8 retary, in adjudicating background inves-
9 tigations for applicants for law enforce-
10 ment positions in the Bureau of Indian Af-
11 fairs, shall consider previous background
12 investigations for an applicant, security
13 clearance determinations for an applicant,
14 or both background investigations and se-
15 curity clearance determinations for an ap-
16 plicant, as the case may be, that have been
17 conducted by a State or local government,
18 Indian tribe, tribal organization, or the
19 Bureau of Indian Affairs, within the 5-year
20 period preceding the application for em-
21 ployment with the Bureau of Indian Af-
22 fairs.

23 (ii) QUALITY.—The Secretary shall
24 only consider previous background inves-
25 tigations and security clearance determina-

tions for an applicant that have been conducted by a State or local government, Indian tribe, or tribal organization if the Secretary can verify that those previous investigations and determinations, as the case may be, are of a comparable quality and thoroughness to investigations and determinations carried out by the Bureau of Indian Affairs, the Office of Personnel Management, or another Federal agency.

(iii) ADDITIONAL INVESTIGATION.—If, as described in clause (i), the Secretary considers an existing background investigation, security clearance determination, or both, as the case may be, for an applicant that has been carried out by a State or local government, Indian tribe, tribal organization, or the Bureau of Indian Affairs, the Secretary—

(I) may carry out additional investigation and examination of the applicant if the Secretary determines that such additional information is needed in order to make an appropriate determination as to the char-

1 acter and trustworthiness of the appli-
2 cant before final adjudication can be
3 made and a security clearance can be
4 issued; and

5 (H) shall not initiate a new back-
6 ground investigation process with the
7 National Background Investigations
8 Bureau or other Federal agency un-
9 less that new background investiga-
10 tion process covers a period of time
11 that was not covered by a previous
12 background investigation process.

13 (iv) AGREEMENTS.—The Secretary
14 may enter into a Memorandum of Agree-
15 ment with a State or local government, In-
16 dian tribe, or tribal organization to develop
17 steps to expedite the process of receiving
18 and obtaining access to background inves-
19 tigation and security clearance determina-
20 tions for use in the demonstration pro-
21 gram.

22 (3) SUNSET.—The demonstration program es-
23 tablished under this section shall terminate 5 years
24 after the date of the commencement of the program.

1 (b) SUFFICIENCY.—Notwithstanding any other provi-
2 sion of law, a background investigation conducted or adju-
3 dicated by the Secretary pursuant to the demonstration
4 program authorized in subsection (a) that results in the
5 granting of a security clearance to an applicant for a law
6 enforcement position in the Bureau of Indian Affairs shall
7 be sufficient to meet the applicable requirements of the
8 Office of Personnel Management or other Federal agency
9 for such investigations.

10 (c) ANNUAL REPORT.—The Secretary shall submit
11 an annual report to the Committee on Indian Affairs of
12 the Senate and the Committee on Natural Resources of
13 the House of Representatives on the demonstration pro-
14 gram established under subsection (a), which shall include
15 a description of—

16 (1) the demonstration program and any rel-
17 evant annual changes or updates to the program;

18 (2) the number of background investigations
19 carried out under the program;

20 (3) the costs, including any cost savings, associ-
21 ated with the investigation and adjudication process
22 under the program;

23 (4) the processing times for the investigation
24 and adjudication processes under the program;

1 (5) any Memoranda of Agreement entered into
2 with State or local government, Indian tribe, or trib-
3 al organization; and

4 (6) any other information that the Secretary
5 determines to be relevant.

6 (d) GAO STUDY AND REPORT.—

7 (1) INITIAL REPORT.—Not later than 18
8 months after the date on which the demonstration
9 program commences under this section, the Comp-
10 troller General of the United States shall prepare
11 and submit to Congress an initial report on such
12 demonstration program.

13 (2) FINAL REPORT.—Not later than 18 months
14 after the date on which the demonstration program
15 terminates under subsection (a)(3), the Comptroller
16 General of the United States shall prepare and sub-
17 mit to Congress a final report on such demonstra-
18 tion program.

19 (3) TRIBAL INPUT.—In preparing the reports
20 under this subsection, the Comptroller General of
21 the United States shall obtain input from Indian
22 tribes regarding the demonstration program under
23 this section.

1 **SEC. 202. MISSING AND MURDERED RESPONSE COORDINA-**
 2 **TION GRANT PROGRAM.**

3 (a) **ESTABLISHMENT OF PROGRAM.**—The Attorney
 4 General shall establish within the Office of Justice Pro-
 5 grams a grant program under which the Attorney General
 6 shall make grants to eligible entities described in sub-
 7 section (b) to carry out eligible activities described in sub-
 8 section (c).

9 (b) **ELIGIBLE ENTITIES.**—

10 (1) **IN GENERAL.**—To be eligible to receive a
 11 grant under the grant program established under
 12 subsection (a) an entity shall be—

13 (A) a relevant Tribal stakeholder;

14 (B) subject to paragraph (2), a State, in
 15 consortium with a relevant Tribal stakeholder;

16 (C) a consortium of 2 or more relevant
 17 Tribal stakeholders; or

18 (D) subject to paragraph (2), a consortium
 19 of 2 or more States and 1 or more relevant
 20 Tribal stakeholders.

21 (2) **STATE ELIGIBILITY.**—To be eligible under
 22 subparagraph (B) or (D) of paragraph (1), a State
 23 shall demonstrate to the satisfaction of the Attorney
 24 General that the State—

1 (A) reports missing persons cases in the
2 State to the national crime information data-
3 bases; or

4 (B) if not, has a plan to do so using a
5 grant received under the grant program estab-
6 lished under subsection (a).

7 (c) **ELIGIBLE ACTIVITIES.**—An eligible entity receiv-
8 ing a grant under the grant program established under
9 subsection (a) may use the grant—

10 (1) to establish a statewide or regional center to
11 document and track missing persons cases of inter-
12 est to Indian tribes and murder cases of interest to
13 Indian tribes;

14 (2) to establish a State or regional commission
15 to respond to, and to improve coordination between
16 Federal law enforcement agencies, and Tribal, State,
17 and local law enforcement agencies of the investiga-
18 tion of, missing persons cases of interest to Indian
19 tribes and murder cases of interest to Indian tribes;
20 and

21 (3) to document, develop, and disseminate re-
22 sources for use by Federal law enforcement agencies
23 and Tribal, State, and local law enforcement agen-
24 cies for the coordination of the investigation of miss-

1 ing persons cases of interest to Indian tribes and
2 murder cases of interest to Indian tribes.

3 (d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is
4 authorized to be appropriated to carry out the program
5 \$1,000,000 for each of fiscal years 2020 through 2024.

6 **SEC. 203. GAO STUDY ON FEDERAL LAW ENFORCEMENT**
7 **AGENCY EVIDENCE COLLECTION, HANDLING,**
8 **AND PROCESSING.**

9 (a) ~~IN GENERAL.~~—The Comptroller General of the
10 United States shall conduct a study—

11 (1) on the evidence collection, handling, and
12 processing procedures and practices of the Office of
13 Justice Services and the Federal Bureau of Inves-
14 tigation in exercising jurisdiction over crimes involv-
15 ing Indians or committed in Indian country;

16 (2) on any barriers to evidence collection, han-
17 dling, and processing by the agencies referred to in
18 paragraph (1);

19 (3) on the views of law enforcement officials at
20 the agencies referred to in paragraph (1) and their
21 counterparts within the Offices of the United States
22 Attorneys concerning any relationship between—

23 (A) the barriers identified under paragraph
24 (2); and

1 (B) United States Attorneys declination
2 rates due to insufficient evidence; and

3 (4) that includes a survey of barriers to evi-
4 dence collection, handling, and processing faced by
5 State and local law enforcement agencies that exer-
6 cise jurisdiction over Indian country under the Act
7 of August 15, 1953 (67 Stat. 588, chapter 505),
8 and the amendments made by that Act.

9 (b) REPORT.—Not later than 18 months after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall submit to Congress a report
12 describing the results of the study conducted under sub-
13 section (a).

14 **SEC. 204. BUREAU OF INDIAN AFFAIRS AND TRIBAL LAW**
15 **ENFORCEMENT OFFICER COUNSELING RE-**
16 **SOURCES INTERDEPARTMENTAL COORDINA-**
17 **TION.**

18 The Secretary of Health and Human Services, acting
19 through the Director of the Indian Health Service and the
20 Administrator of the Substance Abuse and Mental Health
21 Services Administration, and the Attorney General shall
22 coordinate with the Director to ensure that Federal train-
23 ing materials and resources for establishing and maintain-
24 ing mental health wellness programs are available to Trib-

1 al and Bureau of Indian Affairs law enforcement officers
 2 experiencing occupational stress.

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Bridging Agency Data Gaps and Ensuring Safety for Na-*
 6 *tive Communities Act” or the “BADGES for Native Com-*
 7 *munities Act”.*

8 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 9 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BRIDGING AGENCY DATA GAPS

Sec. 101. Federal law enforcement database reporting requirements.

Sec. 102. National Missing and Unidentified Persons System Tribal facilitator.

Sec. 103. Law enforcement data sharing with Indian tribes.

*Sec. 104. Report on Indian country law enforcement personnel resources and
 need.*

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

*Sec. 201. Demonstration program on Bureau of Indian Affairs law enforcement
 employment background checks.*

Sec. 202. Missing and murdered response coordination grant program.

*Sec. 203. GAO study on Federal law enforcement agency evidence collection, han-
 dling, and processing.*

*Sec. 204. Bureau of Indian Affairs and Tribal law enforcement officer counseling
 resources interdepartmental coordination.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

12 (1) *DEATH INVESTIGATION.*—*The term “death*
 13 *investigation” has the meaning determined by the At-*
 14 *torney General.*

1 (2) *DEATH INVESTIGATION OF INTEREST TO IN-*
 2 *DIAN TRIBES.*—*The term “death investigation of in-*
 3 *terest to Indian tribes” means a case involving—*

4 (A) *a death investigation into the death of*
 5 *an Indian; or*

6 (B) *a death investigation of a person found*
 7 *on, in, or adjacent to Indian land.*

8 (3) *DIRECTOR.*—*The term “Director” means the*
 9 *Director of the Office of Justice Services.*

10 (4) *FEDERAL LAW ENFORCEMENT AGENCY.*—*The*
 11 *term “Federal law enforcement agency” means the*
 12 *Bureau of Indian Affairs direct-service police, the*
 13 *Federal Bureau of Investigation, and any other Fed-*
 14 *eral law enforcement agency that—*

15 (A) *has jurisdiction over crimes in Indian*
 16 *country; or*

17 (B) *investigates missing persons cases of in-*
 18 *terest to Indian tribes, death investigations of in-*
 19 *terest to Indian tribes, unclaimed remains cases*
 20 *of interest to Indian tribes, or unidentified re-*
 21 *mains cases of interest to Indian tribes.*

22 (5) *INDIAN.*—*The term “Indian” has the mean-*
 23 *ing given the term in section 4 of the Indian Self-De-*
 24 *termination and Education Assistance Act (25 U.S.C.*
 25 *5304).*

1 (6) *INDIAN COUNTRY.*—*The term “Indian coun-*
 2 *try” has the meaning given the term in section 1151*
 3 *of title 18, United States Code.*

4 (7) *INDIAN LAND.*—*The term “Indian land” has*
 5 *the meaning given the term “Indian lands” in section*
 6 *3 of the Native American Business Development,*
 7 *Trade Promotion, and Tourism Act of 2000 (25*
 8 *U.S.C. 4302).*

9 (8) *INDIAN TRIBE.*—*The term “Indian tribe” has*
 10 *the meaning given the term in section 4 of the Indian*
 11 *Self-Determination and Education Assistance Act (25*
 12 *U.S.C. 5304).*

13 (9) *MISSING.*—*The term “missing” has the*
 14 *meaning determined by the Attorney General.*

15 (10) *MISSING PERSONS CASE OF INTEREST TO*
 16 *INDIAN TRIBES.*—*The term “missing persons case of*
 17 *interest to Indian tribes” means a case involving—*

18 (A) *a missing Indian; or*

19 (B) *a missing person whose last known lo-*
 20 *cation is believed to be on, in, or adjacent to In-*
 21 *dian land.*

22 (11) *NATIONAL CRIME INFORMATION DATA-*
 23 *BASES.*—*The term “national crime information data-*
 24 *bases” has the meaning given the term in section*
 25 *534(f)(3) of title 28, United States Code.*

1 (12) *RELEVANT TRIBAL ORGANIZATION.*—*The*
 2 *term “relevant Tribal organization” means, as appli-*
 3 *cable—*

4 *(A) a tribal organization; and*

5 *(B) a national or regional organization*
 6 *that—*

7 *(i) represents a substantial Indian con-*
 8 *stituency; and*

9 *(ii) has expertise in the fields of—*

10 *(I) human trafficking of Indians;*

11 *(II) human trafficking on Indian*
 12 *land;*

13 *(III) violence against Indian*
 14 *women and children; or*

15 *(IV) tribal justice systems.*

16 (13) *SECRETARY.*—*The term “Secretary” means*
 17 *the Secretary of the Interior.*

18 (14) *TRIBAL JUSTICE OFFICIAL.*—*The term*
 19 *“tribal justice official” has the meaning given the*
 20 *term in section 2 of the Indian Law Enforcement Re-*
 21 *form Act (25 U.S.C. 2801).*

22 (15) *TRIBAL ORGANIZATION.*—*The term “tribal*
 23 *organization” has the meaning given the term in sec-*
 24 *tion 4 of the Indian Self-Determination and Edu-*
 25 *cation Assistance Act (25 U.S.C. 5304).*

1 (16) *UNCLAIMED REMAINS CASE OF INTEREST*
 2 *TO INDIAN TRIBES.*—*The term “unclaimed remains*
 3 *case of interest to Indian tribes” means a case involv-*
 4 *ing—*

5 *(A) unclaimed Indian remains; or*

6 *(B) unclaimed remains found on, in, or ad-*
 7 *jacent to Indian land.*

8 (17) *UNIDENTIFIED REMAINS CASE OF INTEREST*
 9 *TO INDIAN TRIBES.*—*The term “unidentified remains*
 10 *case of interest to Indian tribes” means a case involv-*
 11 *ing—*

12 *(A) unidentified Indian remains; or*

13 *(B) unidentified remains found on, in, or*
 14 *adjacent to Indian land.*

15 ***TITLE I—BRIDGING AGENCY***
 16 ***DATA GAPS***

17 ***SEC. 101. FEDERAL LAW ENFORCEMENT DATABASE RE-***
 18 ***PORTING REQUIREMENTS.***

19 (a) *IN GENERAL.*—*Section 151 of the Sex Offender*
 20 *Registration and Notification Act (34 U.S.C. 20961) is*
 21 *amended—*

22 (1) *by redesignating subsection (b) as subsection*
 23 *(c); and*

24 (2) *by inserting after subsection (a) the fol-*
 25 *lowing:*

1 “(b) *ACCESS BY NAMUS.*—Notwithstanding any other
 2 *provision of law, not later than 2 years after the date of*
 3 *enactment of the BADGES for Native Communities Act, the*
 4 *Attorney General shall ensure access, as appropriate, to the*
 5 *national crime information databases (as defined in section*
 6 *534(f)(3) of title 28, United States Code) by the National*
 7 *Missing and Unidentified Persons System, to be used by*
 8 *a person accessing the System only within the scope of the*
 9 *work of the person in assisting or supporting law enforce-*
 10 *ment efforts to solve missing, unidentified, and unclaimed*
 11 *person cases across the United States; and”.*

12 (b) *SHARING OF INFORMATION.*—Not later than 2
 13 *years after the date of enactment of this Act, the Attorney*
 14 *General shall, in a manner that maintains the integrity*
 15 *of confidential, private, and law enforcement sensitive in-*
 16 *formation and with the permission of the local law enforce-*
 17 *ment agency that originated the case, provide for informa-*
 18 *tion on missing persons, unclaimed remains, and unidenti-*
 19 *fied remains contained in national crime information data-*
 20 *bases to be transmitted to, entered in, and otherwise shared*
 21 *with the National Missing and Unidentified Persons Sys-*
 22 *tem.*

23 (c) *TEMPORARY REPORTING REQUIREMENTS.*—Until
 24 *such time as the data sharing procedures required under*
 25 *subsection (b) are in effect, each Federal law enforcement*

1 agency, as appropriate, shall enter into the National Miss-
 2 ing and Unidentified Persons System each missing persons
 3 case of interest to Indian tribes, each unclaimed remains
 4 case of interest to Indian tribes, and each unidentified re-
 5 mains case of interest to Indian tribes investigated by the
 6 Federal law enforcement agency.

7 (d) COORDINATION WITH NAMUS TRIBAL
 8 FACILITATOR.—The Director and the Director of the Fed-
 9 eral Bureau of Investigation shall each appoint a liaison
 10 to coordinate with the 1 or more Tribal facilitators ap-
 11 pointed under section 102(a)—

12 (1) to ensure that—

13 (A) missing persons cases of interest to In-
 14 dian tribes, unclaimed remains cases of interest
 15 to Indian tribes, and unidentified remains cases
 16 of interest to Indian tribes investigated by a
 17 Federal law enforcement agency are fully cap-
 18 tured in the National Missing and Unidentified
 19 Persons System; and

20 (B) Indian tribes are aware of, and able to
 21 access, information in the National Missing and
 22 Unidentified Persons System; and

23 (2) to conduct outreach to State and local law
 24 enforcement agencies that exercise jurisdiction over
 25 Indian country under the Act of August 15, 1953 (67

1 *Stat. 588, chapter 505), and the amendments made*
 2 *by that Act, to increase the input of information con-*
 3 *cerning missing persons cases of interest to Indian*
 4 *tribes, unclaimed remains cases of interest to Indian*
 5 *tribes, and unidentified remains cases of interest to*
 6 *Indian tribes in the National Missing and Unidenti-*
 7 *fied Persons System.*

8 **SEC. 102. NATIONAL MISSING AND UNIDENTIFIED PERSONS**
 9 **SYSTEM TRIBAL FACILITATOR.**

10 (a) *APPOINTMENT.*—*The Attorney General, acting*
 11 *through the Director of the National Institute of Justice,*
 12 *shall appoint 1 or more Tribal facilitators for the National*
 13 *Missing and Unidentified Persons System.*

14 (b) *DUTIES.*—*The duties of a Tribal facilitator ap-*
 15 *pointed under subsection (a) shall include—*

16 (1) *coordinating the reporting of information re-*
 17 *lating to missing persons cases of interest to Indian*
 18 *tribes, unclaimed remains cases of interest to Indian*
 19 *tribes, and unidentified remains cases of interest to*
 20 *Indian tribes;*

21 (2) *consulting and coordinating with Indian*
 22 *tribes and relevant Tribal organizations to address*
 23 *the reporting, documentation, and tracking of missing*
 24 *persons cases of interest to Indian tribes, unclaimed*

1 *remains cases of Interest to Indian tribes, and un-*
2 *identified remains cases of interest to Indian tribes;*

3 *(3) developing working relationships, and main-*
4 *taining communication, with Indian tribes and rel-*
5 *evant Tribal organizations;*

6 *(4) providing technical assistance and training*
7 *to Indian tribes and relevant Tribal organizations,*
8 *victim service advocates, medical examiners, coroners,*
9 *and tribal justice officials regarding—*

10 *(A) the gathering and reporting of informa-*
11 *tion to the National Missing and Unidentified*
12 *Persons System; and*

13 *(B) working with non-Tribal law enforce-*
14 *ment agencies to ensure missing persons cases of*
15 *interest to Indian tribes, unclaimed remains*
16 *cases of interest to Indian tribes, and unidenti-*
17 *fied remains cases of interest to Indian tribes are*
18 *reported to the National Missing and Unidenti-*
19 *fied Persons System;*

20 *(5) coordinating with the Office of Tribal Jus-*
21 *tice, the Office of Justice Services, the Executive Of-*
22 *fice for United States Attorneys, and the National In-*
23 *dian Country Training Initiative, as necessary; and*

24 *(6) conducting other training, information gath-*
25 *ering, and outreach activities to improve resolution of*

1 *missing persons cases of interest to Indian tribes, un-*
 2 *claimed remains cases of interest to Indian tribes,*
 3 *and unidentified remains cases of interest to Indian*
 4 *tribes.*

5 (c) *REPORTING AND TRANSPARENCY.*—

6 (1) *ANNUAL REPORTS TO CONGRESS.*—*During*
 7 *the 3-year-period beginning on the date of enactment*
 8 *of this Act, the Attorney General, acting through the*
 9 *Director of the National Institute of Justice, shall*
 10 *submit to the Committees on Indian Affairs and the*
 11 *Judiciary of the Senate and the Committees on Nat-*
 12 *ural Resources and the Judiciary of the House of*
 13 *Representatives an annual report—*

14 (A) *describing the activities and accom-*
 15 *plishments of the 1 or more Tribal facilitators*
 16 *appointed under subsection (a) during the 1-year*
 17 *period preceding the date of the report; and*

18 (B) *summarizing—*

19 (i) *the number of missing persons cases*
 20 *of interest to Indian tribes, unclaimed re-*
 21 *mains cases of interest to Indian tribes, and*
 22 *unidentified remains cases of interest to In-*
 23 *Indian tribes that the Tribal facilitator can*
 24 *identify in the National Missing and Un-*
 25 *identified Persons System; and*

1 (ii) the percentage of missing persons
 2 cases of interest to Indian tribes, unclaimed
 3 remains cases of interest to Indian tribes,
 4 and unidentified remains cases of interest
 5 to Indian tribes closed during the 1-year pe-
 6 riod preceding the date of the report that
 7 the Tribal facilitator can identify in the
 8 National Missing and Unidentified Persons
 9 System.

10 (2) *PUBLIC TRANSPARENCY.*—Annually, the At-
 11 torney General, acting through the Director of the Na-
 12 tional Institute of Justice, shall publish on a website
 13 publicly accessible information—

14 (A) describing the activities and accom-
 15 plishments of the 1 or more Tribal facilitators
 16 appointed under subsection (a) during the 1-year
 17 period preceding the date of the publication; and

18 (B) summarizing—

19 (i) the number of missing persons cases
 20 of interest to Indian tribes, unclaimed re-
 21 mains cases of interest to Indian tribes, and
 22 unidentified remains cases of interest to In-
 23 dian tribes that the Tribal facilitator can
 24 identify in the National Missing and Un-
 25 identified Persons System;

(ii) the percentage of missing persons cases of interest to Indian tribes, unclaimed remains cases of interest to Indian tribes, and unidentified remains cases of interest to Indian tribes closed during the 1-year period preceding the date of the report that the Tribal facilitator can identify in the National Missing and Unidentified Persons System.

SEC. 103. LAW ENFORCEMENT DATA SHARING WITH INDIAN TRIBES.

(a) ACCESS TO NATIONAL CRIME INFORMATION DATABASES BY TRIBES.—Section 233(b) of the Tribal Law and Order Act of 2010 (34 U.S.C. 41107) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Attorney General shall ensure that—

“(A) tribal law enforcement officials that meet applicable Federal or State requirements shall be permitted access to national crime information databases;

“(B) technical assistance and training is provided to Bureau of Indian Affairs and tribal law enforcement agencies to gain access to, and

the ability to use and input information into,
the National Crime Information Center and
other national crime information databases pur-
suant to section 534 of title 28, United States
Code; and

“(C) as appropriate, the Federal Bureau of
Investigation ensures tribal law enforcement
agencies and tribal justice systems are assigned
appropriate credentials or ORI numbers for uni-
form crime reporting purposes.”; and

(2) in paragraph (3), by striking “with criminal
jurisdiction over Indian country”.

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF
IDENTIFICATION RECORDS AND INFORMATION.—Section
534(d) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as
subparagraphs (A) and (B), respectively, and indent-
ing appropriately;

(2) in the matter preceding subparagraph (A)
(as so redesignated), by striking “The Attorney Gen-
eral” and inserting the following:

“(1) IN GENERAL.—The Attorney General”; and

(3) by adding at the end the following:

“(2) TRIBAL CIVIL AND CRIMINAL INFORMATION
ACCESS PROGRAM.—

1 “(A) *IN GENERAL.*—*The Attorney General*
 2 *shall establish a program, to be known as the*
 3 *‘Tribal Civil and Criminal Information Access*
 4 *Program’, to enhance the ability of tribal govern-*
 5 *ments to access, enter information into, and ob-*
 6 *tain information from Federal criminal infor-*
 7 *mation databases under this section.*

8 “(B) *AUTHORIZATION OF APPROPRIA-*
 9 *TIONS.*—

10 “(i) *IN GENERAL.*—*There are author-*
 11 *ized to be appropriated to carry out the*
 12 *Tribal Civil and Criminal Information Ac-*
 13 *cess Program under subparagraph (A)—*

14 “(I) *\$5,000,000 for each of fiscal*
 15 *years 2021 and 2022, to remain avail-*
 16 *able until expended; and*

17 “(II) *\$7,000,000 for each fiscal*
 18 *years 2023 through 2025, to remain*
 19 *available until expended.*

20 “(ii) *ADDITIONAL FUNDING.*—

21 “(I) *IN GENERAL.*—*The Attorney*
 22 *General may use to carry out the Trib-*
 23 *al Civil and Criminal Information Ac-*
 24 *cess Program under subparagraph (A)*
 25 *any balances remaining for the ac-*

1 *count under the heading ‘VIOLENCE*
 2 *AGAINST WOMEN PREVENTION AND*
 3 *PROSECUTION PROGRAMS’ under the*
 4 *heading ‘OFFICE ON VIOLENCE*
 5 *AGAINST WOMEN’ under the heading*
 6 *‘STATE AND LOCAL LAW ENFORCE-*
 7 *MENT ACTIVITIES’ of the Department of*
 8 *Justice from appropriations for full*
 9 *fiscal years prior to the date of enact-*
 10 *ment of the BADGES for Native Com-*
 11 *munities Act that were made available*
 12 *to carry out section 905(b)(1) of the*
 13 *Violence Against Women and Depart-*
 14 *ment of Justice Reauthorization Act of*
 15 *2005 (34 U.S.C. 20903(b)(1)).*

16 “(II) *TRANSFERS.*—*The Attorney*
 17 *General may transfer some or all of the*
 18 *balances described in subclause (I) to*
 19 *any appropriations account of the De-*
 20 *partment of Justice as needed to sup-*
 21 *port the Tribal Civil and Criminal In-*
 22 *formation Access Program.*

23 “(3) *INFORMATION SHARING.*—*To the extent oth-*
 24 *erwise permitted by law, any report issued as a result*
 25 *of the analysis of information entered into Federal*

1 *criminal information databases or obtained from Fed-*
 2 *eral criminal databases shall be shared with each In-*
 3 *dian tribe of jurisdiction, as appropriate.”.*

4 *(c) IDENTIFICATION RECORDS.—The second undesig-*
 5 *nated paragraph in the matter under the heading “SALA-*
 6 *RIES AND EXPENSES” under the heading “FEDERAL BU-*
 7 *REAU OF INVESTIGATION” under title II of the Departments*
 8 *of State, Justice, and Commerce, the Judiciary, and Re-*
 9 *lated Agencies Appropriation Act, 1973 (34 U.S.C. 41101)*
 10 *is amended—*

11 *(1) by inserting “or Tribal” after “if authorized*
 12 *by State”; and*

13 *(2) by inserting “, Tribal,” before “and local*
 14 *governments”.*

15 **SEC. 104. REPORT ON INDIAN COUNTRY LAW ENFORCE-**
 16 **MENT PERSONNEL RESOURCES AND NEED.**

17 *(a) DEPARTMENT OF THE INTERIOR OFFICE OF JUS-*
 18 *TICE SERVICES.—Section 3(c)(16) of the Indian Law En-*
 19 *forcement Reform Act (25 U.S.C. 2802(c)(16)) is amended*
 20 *by striking subparagraph (C) and inserting the following:*

21 *“(C) a list of the unmet—*

22 *“(i) staffing needs of law enforcement,*
 23 *corrections, and court personnel, including*
 24 *criminal investigators, medical examiners,*
 25 *coroners, forensic technicians, indigent de-*

1 *fense staff, and prosecution staff, at tribal*
 2 *and Bureau of Indian Affairs justice agen-*
 3 *cies;*

4 *“(ii) replacement and repair needs of*
 5 *tribal and Bureau of Indian Affairs correc-*
 6 *tions facilities;*

7 *“(iii) infrastructure and capital needs*
 8 *for tribal police and court facilities, includ-*
 9 *ing evidence storage and processing; and*

10 *“(iv) public safety and emergency com-*
 11 *munications and technology needs; and”.*

12 *(b) DEPARTMENT OF JUSTICE.—*

13 *(1) DEFINITION OF DEPARTMENT OF JUSTICE*
 14 *LAW ENFORCEMENT AGENCY.—In this subsection, the*
 15 *term “Department of Justice law enforcement agency”*
 16 *means each of—*

17 *(A) the Federal Bureau of Investigation;*

18 *(B) the Drug Enforcement Administration;*

19 *(C) the United States Marshals Service;*

20 *(D) the Bureau of Alcohol, Tobacco, Fire-*
 21 *arms and Explosives; and*

22 *(E) the Offices of the United States Attor-*
 23 *neys.*

24 *(2) ANNUAL REPORT.—Each fiscal year, the At-*
 25 *torney General shall submit to the appropriate com-*

1 *mittees of Congress a report describing for that fiscal*
 2 *year—*

3 *(A) the number of full-time employees of*
 4 *each Department of Justice law enforcement*
 5 *agency that are assigned to work on criminal in-*
 6 *vestigations and prosecutions in Indian country;*
 7 *and*

8 *(B) the percentage of time the full-employees*
 9 *spend specifically working in Indian country.*

10 *(3) GAO STUDY AND REPORT.—*

11 *(A) IN GENERAL.—Not later than 18*
 12 *months after the date on which the first annual*
 13 *report is submitted under paragraph (2), the*
 14 *Comptroller General of the United States shall*
 15 *conduct a study that examines any identified*
 16 *unmet staffing needs for Department of Justice*
 17 *law enforcement agencies tasked with work on*
 18 *criminal investigations and prosecutions in In-*
 19 *dian country.*

20 *(B) REPORT.—On completion of the study*
 21 *under subparagraph (A), the Comptroller Gen-*
 22 *eral of the United States shall submit to Con-*
 23 *gress a report that describes the results of the*
 24 *study, including, as appropriate, proposals for*
 25 *methods by which the Department of Justice can*

1 *better measure the unmet staffing needs for De-*
 2 *partment of Justice law enforcement agencies*
 3 *tasked with work on criminal investigations and*
 4 *prosecutions in Indian country.*

5 ***TITLE II—ENSURING SAFETY***
 6 ***FOR NATIVE COMMUNITIES***

7 ***SEC. 201. DEMONSTRATION PROGRAM ON BUREAU OF IN-***
 8 ***DIAN AFFAIRS LAW ENFORCEMENT EMPLOY-***
 9 ***MENT BACKGROUND CHECKS.***

10 *(a) ESTABLISHMENT OF PROGRAM.—*

11 *(1) IN GENERAL.—The Secretary shall establish*
 12 *a demonstration program for the purpose of con-*
 13 *ducting or adjudicating, in coordination with the Di-*
 14 *rector of the Bureau of Indian Affairs, personnel*
 15 *background investigations for applicants for law en-*
 16 *forcement positions in the Bureau of Indian Affairs.*

17 *(2) BACKGROUND INVESTIGATIONS AND SECU-*
 18 *RITY CLEARANCE DETERMINATIONS.—*

19 *(A) BIA INVESTIGATIONS.—As part of the*
 20 *demonstration program established under para-*
 21 *graph (1), the Secretary may carry out a back-*
 22 *ground investigation, security clearance deter-*
 23 *mination, or both a background investigation*
 24 *and a security clearance determination for an*

1 *applicant for a law enforcement position in the*
2 *Bureau of Indian Affairs.*

3 *(B) USE OF PREVIOUS INVESTIGATIONS AND*
4 *DETERMINATIONS.—*

5 *(i) IN GENERAL.—Subject to clause*
6 *(ii), as part of the demonstration program*
7 *established under paragraph (1), the Sec-*
8 *retary, in adjudicating background inves-*
9 *tigations for applicants for law enforcement*
10 *positions in the Bureau of Indian Affairs,*
11 *shall consider previous background inves-*
12 *tigations for an applicant, security clear-*
13 *ance determinations for an applicant, or*
14 *both background investigations and security*
15 *clearance determinations for an applicant,*
16 *as the case may be, that have been con-*
17 *ducted by a State or local government, In-*
18 *dian tribe, tribal organization, or the Bu-*
19 *reau of Indian Affairs, within the 5-year*
20 *period preceding the application for em-*
21 *ployment with the Bureau of Indian Af-*
22 *fairs.*

23 *(ii) QUALITY.—The Secretary shall*
24 *only consider previous background inves-*
25 *tigations and security clearance determina-*

tions for an applicant that have been conducted by a State or local government, Indian tribe, or tribal organization if the Secretary can verify that those previous investigations and determinations, as the case may be, are of a comparable quality and thoroughness to investigations and determinations carried out by the Bureau of Indian Affairs, the Office of Personnel Management, or another Federal agency.

(iii) *ADDITIONAL INVESTIGATION.*—If, as described in clause (i), the Secretary considers an existing background investigation, security clearance determination, or both, as the case may be, for an applicant that has been carried out by a State or local government, Indian tribe, tribal organization, or the Bureau of Indian Affairs, the Secretary—

(I) may carry out additional investigation and examination of the applicant if the Secretary determines that such additional information is needed in order to make an appropriate determination as to the character and trust-

1 *worthiness of the applicant before final*
 2 *adjudication can be made and a secu-*
 3 *rity clearance can be issued; and*

4 *(II) shall not initiate a new back-*
 5 *ground investigation process with the*
 6 *National Background Investigations*
 7 *Bureau or other Federal agency unless*
 8 *that new background investigation*
 9 *process covers a period of time that*
 10 *was not covered by a previous back-*
 11 *ground investigation process.*

12 *(iv) AGREEMENTS.—The Secretary*
 13 *may enter into a Memorandum of Agree-*
 14 *ment with a State or local government, In-*
 15 *dian tribe, or tribal organization to develop*
 16 *steps to expedite the process of receiving and*
 17 *obtaining access to background investiga-*
 18 *tion and security clearance determinations*
 19 *for use in the demonstration program.*

20 *(3) SUNSET.—The demonstration program estab-*
 21 *lished under this section shall terminate 5 years after*
 22 *the date of the commencement of the program.*

23 *(b) SUFFICIENCY.—Notwithstanding any other provi-*
 24 *sion of law, a background investigation conducted or adju-*
 25 *icated by the Secretary pursuant to the demonstration pro-*

1 *gram authorized in subsection (a) that results in the grant-*
 2 *ing of a security clearance to an applicant for a law en-*
 3 *forcement position in the Bureau of Indian Affairs shall*
 4 *be sufficient to meet the applicable requirements of the Of-*
 5 *fice of Personnel Management or other Federal agency for*
 6 *such investigations.*

7 *(c) ANNUAL REPORT.—The Secretary shall submit an*
 8 *annual report to the Committee on Indian Affairs of the*
 9 *Senate and the Committee on Natural Resources of the*
 10 *House of Representatives on the demonstration program es-*
 11 *tablished under subsection (a), which shall include a de-*
 12 *scription of—*

13 *(1) the demonstration program and any relevant*
 14 *annual changes or updates to the program;*

15 *(2) the number of background investigations car-*
 16 *ried out under the program;*

17 *(3) the costs, including any cost savings, associ-*
 18 *ated with the investigation and adjudication process*
 19 *under the program;*

20 *(4) the processing times for the investigation and*
 21 *adjudication processes under the program;*

22 *(5) any Memoranda of Agreement entered into*
 23 *with State or local government, Indian tribe, or tribal*
 24 *organization; and*

1 (6) *any other information that the Secretary de-*
 2 *termines to be relevant.*

3 (d) *GAO STUDY AND REPORT.—*

4 (1) *INITIAL REPORT.—Not later than 18 months*
 5 *after the date on which the demonstration program*
 6 *commences under this section, the Comptroller Gen-*
 7 *eral of the United States shall prepare and submit to*
 8 *Congress an initial report on such demonstration pro-*
 9 *gram.*

10 (2) *FINAL REPORT.—Not later than 18 months*
 11 *after the date on which the demonstration program*
 12 *terminates under subsection (a)(3), the Comptroller*
 13 *General of the United States shall prepare and sub-*
 14 *mit to Congress a final report on such demonstration*
 15 *program.*

16 (3) *TRIBAL INPUT.—In preparing the reports*
 17 *under this subsection, the Comptroller General of the*
 18 *United States shall obtain input from Indian tribes*
 19 *regarding the demonstration program under this sec-*
 20 *tion.*

21 **SEC. 202. MISSING AND MURDERED RESPONSE COORDINA-**
 22 **TION GRANT PROGRAM.**

23 (a) *ESTABLISHMENT OF PROGRAM.—The Attorney*
 24 *General shall establish within the Office of Justice Pro-*
 25 *grams a grant program under which the Attorney General*

1 *shall make grants to eligible entities described in subsection*
 2 *(b) to carry out eligible activities described in subsection*
 3 *(c).*

4 *(b) ELIGIBLE ENTITIES.—*

5 *(1) IN GENERAL.—To be eligible to receive a*
 6 *grant under the grant program established under sub-*
 7 *section (a) an entity shall be—*

8 *(A) an Indian tribe;*

9 *(B) a relevant Tribal organization;*

10 *(C) subject to paragraph (2), a State, in*
 11 *consortium with 1 or more Indian tribes or rel-*
 12 *evant Tribal organizations;*

13 *(D) a consortium of 2 or more Indian tribes*
 14 *or relevant Tribal organizations; or*

15 *(E) subject to paragraph (2), a consortium*
 16 *of 2 or more States and 1 or more Indian tribes*
 17 *or relevant Tribal organizations.*

18 *(2) STATE ELIGIBILITY.—To be eligible under*
 19 *subparagraph (C) or (E) of paragraph (1), a State*
 20 *shall demonstrate to the satisfaction of the Attorney*
 21 *General that the State—*

22 *(A)(i) reports missing persons cases in the*
 23 *State to the national crime information data-*
 24 *bases; or*

1 (ii) if not, has a plan to do so using a
 2 grant received under the grant program estab-
 3 lished under subsection (a); and

4 (B) if data sharing between the State and
 5 the Indian tribes and relevant Tribal organiza-
 6 tions with which the State is in consortium is
 7 part of the intended use of the grant received
 8 under the grant program established under sub-
 9 section (a), has entered into a memorandum of
 10 understanding with each applicable Indian tribe
 11 and relevant Tribal organization.

12 (c) *ELIGIBLE ACTIVITIES.*—An eligible entity receiv-
 13 ing a grant under the grant program established under sub-
 14 section (a) may use the grant—

15 (1) to establish a statewide or regional center—

16 (A) to document and track missing persons
 17 cases of interest to Indian tribes and death in-
 18 vestigations of interest to Indian tribes; and

19 (B) to input information regarding missing
 20 persons cases of interest to Indian tribes, un-
 21 claimed remains cases of interest to Indian
 22 tribes, and unidentified remains cases of interest
 23 to Indian tribes into the National Missing and
 24 Unidentified Persons System;

1 (2) *to establish a State or regional commission*
 2 *to respond to, and to improve coordination between*
 3 *Federal law enforcement agencies, and Tribal, State,*
 4 *and local law enforcement agencies of the investiga-*
 5 *tion of, missing persons cases of interest to Indian*
 6 *tribes and death investigations of interest to Indian*
 7 *tribes; and*

8 (3) *to document, develop, and disseminate re-*
 9 *sources for the coordination and improvement of the*
 10 *investigation of missing persons cases of interest to*
 11 *Indian tribes and death investigations of interest to*
 12 *Indian tribes.*

13 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 14 *authorized to be appropriated to carry out the program*
 15 *\$1,000,000 for each of fiscal years 2020 through 2024.*

16 **SEC. 203. GAO STUDY ON FEDERAL LAW ENFORCEMENT**
 17 **AGENCY EVIDENCE COLLECTION, HANDLING,**
 18 **AND PROCESSING.**

19 (a) *IN GENERAL.—The Comptroller General of the*
 20 *United States shall conduct a study—*

21 (1) *on the evidence collection, handling, and*
 22 *processing procedures and practices of the Office of*
 23 *Justice Services and the Federal Bureau of Investiga-*
 24 *tion in exercising jurisdiction over crimes involving*
 25 *Indians or committed in Indian country;*

1 (2) *on any barriers to evidence collection, han-*
 2 *dling, and processing by the agencies referred to in*
 3 *paragraph (1);*

4 (3) *on the views of law enforcement officials at*
 5 *the agencies referred to in paragraph (1) and their*
 6 *counterparts within the Offices of the United States*
 7 *Attorneys concerning any relationship between—*

8 (A) *the barriers identified under paragraph*
 9 (2); *and*

10 (B) *United States Attorneys declination*
 11 *rates due to insufficient evidence; and*

12 (4) *that includes a survey of barriers to evidence*
 13 *collection, handling, and processing faced by—*

14 (A) *Tribal law enforcement agencies; and*

15 (B) *State and local law enforcement agen-*
 16 *cies that exercise jurisdiction over Indian coun-*
 17 *try under the Act of August 15, 1953 (67 Stat.*
 18 *588, chapter 505), and the amendments made by*
 19 *that Act.*

20 (b) *REPORT.—Not later than 18 months after the date*
 21 *of enactment of this Act, the Comptroller General of the*
 22 *United States shall submit to Congress a report describing*
 23 *the results of the study conducted under subsection (a).*

1 **SEC. 204. BUREAU OF INDIAN AFFAIRS AND TRIBAL LAW EN-**
 2 **FORCEMENT OFFICER COUNSELING RE-**
 3 **SOURCES INTERDEPARTMENTAL COORDINA-**
 4 **TION.**

5 *The Secretary of Health and Human Services and the*
 6 *Attorney General shall coordinate with the Director—*

7 *(1) to ensure that Federal training materials*
 8 *and culturally appropriate mental health and*
 9 *wellness programs are locally or regionally available*
 10 *to law enforcement officers working for the Bureau of*
 11 *Indian Affairs or an Indian tribe who are experi-*
 12 *encing occupational stress; and*

13 *(2) to determine whether law enforcement agen-*
 14 *cies operated by the Bureau of Indian Affairs and In-*
 15 *dian tribes are eligible to receive services under—*

16 *(A) the Law Enforcement Assistance Pro-*
 17 *gram of Federal Occupational Health of the De-*
 18 *partment of Health and Human Services; or*

19 *(B) any other law enforcement assistance*
 20 *program targeted to meet the needs of law en-*
 21 *forcement officers working for law enforcement*
 22 *agencies operated by the Federal Government or*
 23 *an Indian tribe.*

Calendar No. 476

116TH CONGRESS
2D Session

S. 1853

[Report No. 116-230]

A BILL

To require Federal law enforcement agencies to report on cases of missing or murdered Indians, and for other purposes.

JUNE 4, 2020

Reported with an amendment