

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2438
OFFERED BY Mr. Nadler

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Not Invisible Act of
3 2020”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act—

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

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

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

16 (4) the terms “Indian lands” and “Indian
17 tribe” have the meanings given the terms in section
18 3 of the Native American Business Development,

1 Trade Promotion, and Tourism Act of 2000 (25
2 U.S.C. 4302); and

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

7 **SEC. 3. COORDINATOR OF FEDERAL EFFORTS TO COMBAT**
8 **VIOLENCE AGAINST NATIVE PEOPLE.**

9 (a) **COORDINATOR DESIGNATION.**—The Secretary of
10 the Interior shall designate an official within the Office
11 of Justice Services in the Bureau of Indian Affairs who
12 shall—

13 (1) coordinate prevention efforts, grants, and
14 programs related to the murder of, trafficking of,
15 and missing Indians across Federal agencies, includ-
16 ing—

17 (A) the Bureau of Indian Affairs; and

18 (B) the Department of Justice, includ-
19 ing—

20 (i) the Office of Justice Programs;

21 (ii) the Office on Violence Against
22 Women;

23 (iii) the Office of Community Oriented
24 Policing Services;

1 (iv) the Federal Bureau of Investiga-
2 tion; and

3 (v) the Office of Tribal Justice;

4 (2) ensure prevention efforts, grants, and pro-
5 grams of Federal agencies related to the murder of,
6 trafficking of, and missing Indians consider the
7 unique challenges of combating crime, violence, and
8 human trafficking of Indians and on Indian lands
9 faced by Tribal communities, urban centers, the Bu-
10 reau of Indian Affairs, Tribal law enforcement, Fed-
11 eral law enforcement, and State and local law en-
12 forcement;

13 (3) work in cooperation with outside organiza-
14 tions with expertise in working with Indian tribes
15 and Indian Tribes to provide victim centered and
16 culturally relevant training to tribal law enforce-
17 ment, Indian Health Service health care providers,
18 urban Indian organizations, Tribal community mem-
19 bers and businesses, on how to effectively identify,
20 respond to and report instances of missing persons,
21 murder, and trafficking within Indian lands and of
22 Indians; and

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

1 (b) REPORT.—The official designated in subsection
2 (a) shall submit to the Committee on Indian Affairs and
3 the Committee on the Judiciary of the Senate and the
4 Committee on Natural Resources and the Committee on
5 the Judiciary of the House of Representatives a report to
6 provide information on Federal coordination efforts ac-
7 complished over the previous year that includes—

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

10 (2) a summary of all trainings completed under
11 subsection (a)(3); and

12 (3) recommendations for improving coordina-
13 tion across Federal agencies and of relevant Federal
14 programs.

15 **SEC. 4. ESTABLISHMENT OF THE DEPARTMENT OF INTE-**
16 **RIOR AND THE DEPARTMENT OF JUSTICE**
17 **JOINT COMMISSION ON REDUCING VIOLENT**
18 **CRIME AGAINST INDIANS.**

19 (a) ESTABLISHMENT.—Not later than 120 days after
20 the date of enactment of this Act, the Secretary of the
21 Interior, in coordination with the Attorney General, shall
22 establish and appoint all members of a joint commission
23 on violent crime on Indian lands and against Indians.

24 (b) MEMBERSHIP.—

25 (1) COMPOSITION.—

1 (A) IN GENERAL.—The Commission shall
2 be composed of members who represent diverse
3 experiences and backgrounds that provide bal-
4 anced points of view with regard to the duties
5 of the Commission.

6 (B) DIVERSITY.—To the greatest extent
7 practicable, the Secretary of the Interior shall
8 ensure the Commission includes Tribal rep-
9 resentatives from diverse geographic areas and
10 of diverse sizes.

11 (2) APPOINTMENT.—The Secretary of the Inte-
12 rior, in coordination with the Attorney General, shall
13 appoint the members to the Commission, including
14 representatives from—

15 (A) tribal law enforcement;

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

18 (C) State and local law enforcement in
19 close proximity to Indian lands, with a letter of
20 recommendation from a local Indian Tribe;

21 (D) the Victim Services Division of the
22 Federal Bureau of Investigation;

23 (E) the Department of Justice's Human
24 Trafficking Prosecution Unit;

1 (F) the Office of Violence Against Women
2 of the Department of Justice;

3 (G) the Office of Victims of Crime of the
4 Department of Justice;

5 (H) a United States attorney's office with
6 experience in cases related to missing persons,
7 murder, or trafficking of Indians or on Indian
8 land;

9 (I) the Administration for Native Ameri-
10 cans of the Office of the Administration for
11 Children & Families of the Department of
12 Health and Human Services;

13 (J) the Substance Abuse and Mental
14 Health Services Administration of the Depart-
15 ment of Health and Human Services;

16 (K) a Tribal judge with experience in cases
17 related to missing persons, murder, or traf-
18 ficking;

19 (L) not fewer than 3 Indian Tribes from
20 diverse geographic areas, including 1 Indian
21 tribe located in Alaska, selected from nomina-
22 tions submitted by the Indian Tribe;

23 (M) not fewer than 2 health care and men-
24 tal health practitioners and counselors and pro-
25 viders with experience in working with Indian

1 survivors of trafficking and sexual assault, with
2 a letter of recommendation from a local tribal
3 chair or tribal law enforcement officer;

4 (N) not fewer than 3 national, regional, or
5 urban Indian organizations focused on violence
6 against women and children on Indian lands or
7 against Indians;

8 (O) at least 2 Indian survivors of human
9 trafficking;

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

12 (Q) at least 2 family members of murdered
13 Indian people;

14 (R) the National Institute of Justice; and

15 (S) the Indian Health Service.

16 (3) PERIODS OF APPOINTMENT.—Members
17 shall be appointed for the duration of the Commis-
18 sion.

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

23 (5) COMPENSATION.—Commission members
24 shall serve without compensation.

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

6 (c) DUTIES.—

7 (1) IN GENERAL.—The Commission may hold
8 such hearings, meet and act at times and places,
9 take such testimony, and receive such evidence as
10 the Commission considers to be advisable to carry
11 out the duties of the Commission under this section.

12 (2) RECOMMENDATIONS FOR THE DEPARTMENT
13 OF INTERIOR AND DEPARTMENT OF JUSTICE.—

14 (A) IN GENERAL.—The Commission shall
15 develop recommendations to the Secretary of
16 the Interior and Attorney General on actions
17 the Federal Government can take to help com-
18 bat violent crime against Indians and within In-
19 dian lands, including the development and im-
20 plementation of recommendations for—

21 (i) identifying, reporting, and re-
22 sponding to instances of missing persons,
23 murder, and human trafficking on Indian
24 lands and of Indians;

1 (ii) legislative and administrative
2 changes necessary to use programs, prop-
3 erties, or other resources funded or oper-
4 ated by the Department of the Interior and
5 Department of Justice to combat the crisis
6 of missing or murdered Indians and
7 human trafficking on Indian lands and of
8 Indians;

9 (iii) tracking and reporting data on
10 instances of missing persons, murder, and
11 human trafficking on Indian lands and of
12 Indians;

13 (iv) addressing staff shortages and
14 open positions within relevant law enforce-
15 ment agencies, including issues related to
16 the hiring and retention of law enforce-
17 ment officers;

18 (v) coordinating tribal, State, and
19 Federal resources to increase prosecution
20 of murder and human trafficking offenses
21 on Indian lands and of Indians; and

22 (vi) increasing information sharing
23 with tribal governments on violent crime
24 investigations and prosecutions in Indian
25 lands that were terminated or declined.

1 (B) SUBMISSION.—Not later than 18
2 months after the enactment of this Act, the
3 Commission shall make publicly available and
4 submit all recommendations developed under
5 this paragraph to—

6 (i) the Secretary of the Interior;
7 (ii) the Attorney General;
8 (iii) the Committee on the Judiciary
9 of the Senate;

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

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

15 (vi) the Committee on the Judiciary of
16 the House of Representatives.

17 (C) SECRETARIAL RESPONSE.—Not later
18 than 90 days after the date on which the Sec-
19 retary of the Interior and the Attorney General
20 receive the recommendations under paragraph
21 (2), the Secretary and the Attorney General
22 shall each make publicly available and submit a
23 written response to the recommendations to—

24 (i) the Commission;

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

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

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

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

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

13 (e) **SUNSET.**—The Commission shall terminate on
14 the date that is 2 years after the date of enactment of
15 this Act.

