

# Calendar No. 476

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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]

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## 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).

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

5           (18) UNIDENTIFIED REMAINS CASE OF INTER-  
6           EST TO INDIAN TRIBES.—The term “unidentified re-  
7           mains case of interest to Indian tribes” means a  
8           case involving—

9                   (A) unidentified Indian remains; or

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

## 12           **TITLE I—BRIDGING AGENCY** 13           **DATA GAPS**

### 14           **SEC. 101. FEDERAL LAW ENFORCEMENT DATABASE RE-** 15           **PORTING REQUIREMENTS.**

16           (a) IN GENERAL.—Section 151(a) of the Sex Of-  
17           fender Registration and Notification Act (34 U.S.C.  
18           20961(a)) is amended—

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

21                   (2) by redesignating paragraph (2) as para-  
22                   graph (3); and

23                   (3) by inserting after paragraph (1) the fol-  
24                   lowing:

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.—Sec-  
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

1 assigned to work on criminal investigations and  
 2 prosecutions; and

3 ~~(3) an explanation for any differences in the av-~~  
 4 ~~erage caseloads identified under subparagraphs (A)~~  
 5 ~~and (B) of paragraph (2).~~

## 6 **TITLE II—ENSURING SAFETY** 7 **FOR NATIVE COMMUNITIES**

### 8 **SEC. 201. DEMONSTRATION PROGRAM ON BUREAU OF IN-** 9 **DIAN AFFAIRS LAW ENFORCEMENT EMPLOY-** 10 **MENT BACKGROUND CHECKS.**

11 (a) ESTABLISHMENT OF PROGRAM.—

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

18 ~~(2) BACKGROUND INVESTIGATIONS AND SECUR-~~  
 19 ~~ITY CLEARANCE DETERMINATIONS.—~~

20 (A) BIA INVESTIGATIONS.—As part of the  
 21 demonstration program established under para-  
 22 graph (1), the Secretary may carry out a back-  
 23 ground investigation, security clearance deter-  
 24 mination, or both a background investigation  
 25 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-

1 tions for an applicant that have been con-  
2 ducted by a State or local government, In-  
3 dian tribe, or tribal organization if the Sec-  
4 retary can verify that those previous inves-  
5 tigations and determinations, as the case  
6 may be, are of a comparable quality and  
7 thoroughness to investigations and deter-  
8 minations carried out by the Bureau of In-  
9 dian Affairs, the Office of Personnel Man-  
10 agement, or another Federal agency.

11 (iii) ADDITIONAL INVESTIGATION.—If,  
12 as described in clause (i), the Secretary  
13 considers an existing background investiga-  
14 tion, security clearance determination, or  
15 both, as the case may be, for an applicant  
16 that has been carried out by a State or  
17 local government, Indian tribe, tribal orga-  
18 nization, or the Bureau of Indian Affairs,  
19 the Secretary—

20 (I) may carry out additional in-  
21 vestigation and examination of the ap-  
22 plicant if the Secretary determines  
23 that such additional information is  
24 needed in order to make an appro-  
25 priate 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                   (II) 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       (i) *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       (ii) *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;

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

12           (a) *ACCESS TO NATIONAL CRIME INFORMATION DATA-*  
 13 *BASES BY TRIBES.*—Section 233(b) of the Tribal Law and  
 14 *Order Act of 2010 (34 U.S.C. 41107) is amended—*

15                   (1) *by striking paragraph (1) and inserting the*  
 16 *following:*

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

19                           “(A) *tribal law enforcement officials that*  
 20 *meet applicable Federal or State requirements*  
 21 *shall be permitted access to national crime infor-*  
 22 *mation databases;*

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

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

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

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

13           (b) *ACQUISITION, PRESERVATION, AND EXCHANGE OF*  
14           *IDENTIFICATION RECORDS AND INFORMATION.—Section*  
15           *534(d) of title 28, United States Code, is amended—*

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

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

22                           “(1) *IN GENERAL.—The Attorney General*”; and  
23                           (3) *by adding at the end the following:*

24                           “(2) *TRIBAL CIVIL AND CRIMINAL INFORMATION*  
25           *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 *Indian 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                  *Indian 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-*

1            *tions for an applicant that have been con-*  
2            *ducted by a State or local government, In-*  
3            *Indian tribe, or tribal organization if the Sec-*  
4            *retary can verify that those previous inves-*  
5            *tigations and determinations, as the case*  
6            *may be, are of a comparable quality and*  
7            *thoroughness to investigations and deter-*  
8            *minations carried out by the Bureau of In-*  
9            *Indian Affairs, the Office of Personnel Man-*  
10           *agement, or another Federal agency.*

11            *(iii) ADDITIONAL INVESTIGATION.—If,*  
12            *as described in clause (i), the Secretary con-*  
13            *siders an existing background investigation,*  
14            *security clearance determination, or both, as*  
15            *the case may be, for an applicant that has*  
16            *been carried out by a State or local govern-*  
17            *ment, Indian tribe, tribal organization, or*  
18            *the Bureau of Indian Affairs, the Sec-*  
19            *retary—*

20            *(I) may carry out additional in-*  
21            *vestigation and examination of the ap-*  
22            *plicant if the Secretary determines that*  
23            *such additional information is needed*  
24            *in order to make an appropriate deter-*  
25            *mination 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                   *Indian 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                   *dicated 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 *Indian 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

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1853**

[Report No. 116-230]

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## **A BILL**

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

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JUNE 4, 2020

Reported with an amendment