

119TH CONGRESS
1ST SESSION

S. 390

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

FEBRUARY 4, 2025

Ms. CORTEZ MASTO (for herself, Mr. HOEVEN, Mr. GALLEGOS, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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
6 Native Communities Act” or the “BADGES for Native
7 Communities 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. National Missing and Unidentified Persons System Tribal facilitator.

Sec. 102. 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 or 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 counseling resources interdepartmental coordination.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEATH INVESTIGATION.—The term “death
4 investigation” has the meaning determined by the
5 Attorney General.

6 (2) DEATH INVESTIGATION OF INTEREST TO
7 INDIAN TRIBES.—The term “death investigation of
8 interest to Indian Tribes” means a case involving—

9 (A) a death investigation into the death of
10 an Indian; or

11 (B) a death investigation of a person found
12 on, in, or adjacent to Indian land or a Village.

13 (3) DIRECTOR.—The term “Director” means
14 the Deputy Bureau Director of the Office of Justice
15 Services of the Bureau of Indian Affairs.

16 (4) FEDERAL LAW ENFORCEMENT AGENCY.—
17 The term “Federal law enforcement agency” means

1 the Office of Justice Services of the Bureau of In-
2 dian Affairs, the Federal Bureau of Investigation,
3 and any other Federal law enforcement agency
4 that—

5 (A) has jurisdiction over crimes in Indian
6 country; or

7 (B) investigates missing persons cases of
8 interest to Indian Tribes, death investigations
9 of interest to Indian Tribes, unclaimed human
10 remains cases of interest to Indian Tribes, or
11 unidentified remains cases of interest to Indian
12 Tribes.

13 (5) INDIAN.—The term “Indian” has the mean-
14 ing given the term in section 4 of the Indian Self-
15 Determination and Education Assistance Act (25
16 U.S.C. 5304).

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

20 (7) INDIAN LAND.—The term “Indian land”
21 has the meaning given the term “Indian lands” in
22 section 3 of the Native American Business Develop-
23 ment, Trade Promotion, and Tourism Act of 2000
24 (25 U.S.C. 4302).

1 (8) INDIAN TRIBE.—The term “Indian Tribe”
 2 has the meaning given the term in section 4 of the
 3 Indian Self-Determination and Education Assistance
 4 Act (25 U.S.C. 5304).

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

8 (A) a missing Indian; or

9 (B) a missing person whose last known lo-
 10 cation is believed to be on, in, or adjacent to In-
 11 dian land or a Village.

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

16 (11) RELEVANT TRIBAL ORGANIZATION.—The
 17 term “relevant Tribal organization” means, as appli-
 18 cable—

19 (A) a Tribal organization or an urban In-
 20 dian organization; and

21 (B) a national or regional organization
 22 that—

23 (i) represents a substantial Indian
 24 constituency; and

25 (ii) has expertise in the fields of—

- 1 (I) human trafficking of Indians;
2 (II) human trafficking on Indian
3 land or in a Village;
4 (III) violence against Indians;
5 (IV) missing or murdered Indige-
6 nous persons; or
7 (V) Tribal justice systems.

8 (12) SECRETARY.—The term “Secretary”
9 means the Secretary of the Interior.

10 (13) SEXUAL VIOLENCE CASE OF INTEREST TO
11 INDIAN TRIBES.—The term “sexual violence case of
12 interest to Indian Tribes” means a case involving an
13 allegation of sexual violence (as defined in section
14 204(a) of Public Law 90–284 (25 U.S.C. 1304(a))).

15 (14) TRIBAL JUSTICE OFFICIAL.—The term
16 “Tribal justice official” has the meaning given the
17 term “tribal justice official” in section 2 of the In-
18 dian Law Enforcement Reform Act (25 U.S.C.
19 2801).

20 (15) TRIBAL ORGANIZATION.—The term “Trib-
21 al organization” has the meaning given the term in
22 section 4 of the Indian Self-Determination and Edu-
23 cation Assistance Act (25 U.S.C. 5304).

24 (16) UNCLAIMED HUMAN REMAINS CASE OF IN-
25 TEREST TO INDIAN TRIBES.—The term “unclaimed

1 human remains case of interest to Indian Tribes”
 2 means a case involving—

3 (A) unclaimed Indian remains identified by
 4 Federal, Tribal, State, or local law enforcement;
 5 or

6 (B) unclaimed human remains found on,
 7 in, or adjacent to Indian land or a Village.

8 (17) UNIDENTIFIED REMAINS CASE OF INTER-
 9 EST TO INDIAN TRIBES.—The term “unidentified re-
 10 mains case of interest to Indian Tribes” means a
 11 case involving—

12 (A) unidentified Indian remains; or

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

15 (18) URBAN INDIAN ORGANIZATION.—The term
 16 “urban Indian organization” has the meaning given
 17 the term in section 4 of the Indian Health Care Im-
 18 provement Act (25 U.S.C. 1603).

19 (19) VILLAGE.—The term “Village” means the
 20 Alaska Native Village Statistical Area covering all or
 21 any portion of a Native village (as defined in section
 22 3 of the Alaska Native Claims Settlement Act (43
 23 U.S.C. 1602)), as depicted on the applicable Tribal
 24 Statistical Area Program Verification Map of the
 25 Bureau of the Census.

1 **TITLE I—BRIDGING AGENCY**
2 **DATA GAPS**

3 **SEC. 101. NATIONAL MISSING AND UNIDENTIFIED PERSONS**
4 **SYSTEM TRIBAL FACILITATOR.**

5 (a) APPOINTMENT.—The Attorney General shall ap-
6 point 1 or more Tribal facilitators for the National Miss-
7 ing and Unidentified Persons System.

8 (b) DUTIES.—The duties of a Tribal facilitator ap-
9 pointed under subsection (a) shall include—

10 (1) coordinating the reporting of information
11 relating to missing persons cases of interest to In-
12 dian Tribes, unclaimed human remains cases of in-
13 terest to Indian Tribes, and unidentified remains
14 cases of interest to Indian Tribes;

15 (2) consulting and coordinating with Indian
16 Tribes and relevant Tribal organizations to address
17 the reporting, documentation, and tracking of miss-
18 ing persons cases of interest to Indian Tribes, un-
19 claimed human remains cases of Interest to Indian
20 Tribes, and unidentified remains cases of interest to
21 Indian Tribes;

22 (3) developing working relationships, and main-
23 taining communication, with Indian Tribes and rel-
24 evant Tribal organizations;

1 (4) providing technical assistance and training
2 to Indian Tribes and relevant Tribal organizations,
3 victim service advocates, medical examiners, coro-
4 ners, and Tribal justice officials regarding—

5 (A) the gathering and reporting of infor-
6 mation to the National Missing and Unidenti-
7 fied Persons System; and

8 (B) working with non-Tribal law enforce-
9 ment agencies to encourage missing persons
10 cases of interest to Indian Tribes, unclaimed
11 human remains cases of interest to Indian
12 Tribes, and unidentified remains cases of inter-
13 est to Indian Tribes are reported to the Na-
14 tional Missing and Unidentified Persons Sys-
15 tem;

16 (5) coordinating with the Office of Tribal Jus-
17 tice, the Office of Justice Services of the Bureau of
18 Indian Affairs, the Executive Office for United
19 States Attorneys, the Federal Bureau of Investiga-
20 tion, State law enforcement agencies, and the Na-
21 tional Indian Country Training Initiative, as nec-
22 essary; 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 unclaimed human remains cases of interest to Indian
2 Tribes, and unidentified remains cases of interest to
3 Indian Tribes.

4 (c) REPORTING AND TRANSPARENCY.—

5 (1) ANNUAL REPORTS TO CONGRESS.—During
6 the 3-year-period beginning on the date of enact-
7 ment of this Act, the Attorney General, acting
8 through the Director of the National Institute of
9 Justice, shall submit to the Committees on Indian
10 Affairs, the Judiciary, and Appropriations of the
11 Senate and the Committees on Natural Resources,
12 the Judiciary, and Appropriations of the House of
13 Representatives an annual report describing the ac-
14 tivities and accomplishments of the Tribal
15 facilitators appointed under subsection (a) during
16 the 1-year period preceding the date of the report.

17 (2) PUBLIC TRANSPARENCY.—Annually, the At-
18 torney General, acting through the Director of the
19 National Institute of Justice, shall publish on a
20 website publicly accessible information describing the
21 activities and accomplishments of the Tribal
22 facilitators appointed under subsection (a) during
23 the 1-year period preceding the date of the publica-
24 tion.

1 **SEC. 102. REPORT ON INDIAN COUNTRY LAW ENFORCE-**
2 **MENT PERSONNEL RESOURCES AND NEED.**

3 (a) OFFICE OF JUSTICE SERVICES OF THE BUREAU
4 OF INDIAN AFFAIRS.—Section 3(c)(16) of the Indian Law
5 Enforcement Reform Act (25 U.S.C. 2802(c)(16)) is
6 amended by striking subparagraph (C) and inserting the
7 following:

8 “(C) a list of the unmet—

9 “(i) staffing needs of law enforcement,
10 corrections, and court personnel, including
11 criminal investigators, medical examiners,
12 coroners, forensic technicians, indigent de-
13 fense staff, crime victim services staff, and
14 prosecution staff, at Tribal and Bureau
15 justice agencies, including the Missing and
16 Murdered Unit of the Office of Justice
17 Services of the Bureau;

18 “(ii) replacement and repair needs of
19 Tribal and Bureau corrections facilities;

20 “(iii) infrastructure and capital needs
21 for Tribal police and court facilities, in-
22 cluding evidence storage and processing;
23 and

24 “(iv) public safety and emergency
25 communications and technology needs, in-

1 cluding equipment and internet capacity
 2 needs; and”.

3 (b) DEPARTMENT OF JUSTICE.—

4 (1) DEFINITION OF DEPARTMENT OF JUSTICE
 5 LAW ENFORCEMENT AGENCY.—In this subsection,
 6 the term “Department of Justice law enforcement
 7 agency” means each of—

8 (A) the Federal Bureau of Investigation;

9 (B) the Drug Enforcement Administration;

10 (C) the United States Marshals Service;

11 (D) the Bureau of Alcohol, Tobacco, Fire-
 12 arms and Explosives; and

13 (E) the Offices of the United States Attor-
 14 neys.

15 (2) ANNUAL REPORT.—Each fiscal year, the
 16 Attorney General shall submit to the Committees on
 17 Indian Affairs, the Judiciary, and Appropriations of
 18 the Senate and the Committees on Natural Re-
 19 sources, the Judiciary, and Appropriations of the
 20 House of Representatives a report for that fiscal
 21 year that includes—

22 (A) the number of full-time employees of
 23 each Department of Justice law enforcement
 24 agency that are assigned to work on criminal

1 investigations and prosecutions in Indian coun-
2 try;

3 (B) the percentage of time the full-time
4 employees, as identified under subparagraph
5 (A), spend specifically working in Indian coun-
6 try;

7 (C) the turnover rate during the 5-year pe-
8 riod preceding the report of full-time employees
9 assigned to work on criminal investigations and
10 prosecutions in Indian country;

11 (D) the average years of experience at the
12 Department of Justice of full-time employees
13 assigned to work on criminal investigations and
14 prosecutions in Indian country;

15 (E) the number of vacant positions with
16 responsibilities for criminal investigations and
17 prosecutions in Indian country;

18 (F) an identification of expertise and skills
19 necessary to achieve the strategic goals of the
20 Department of Justice relating to public safety
21 in Indian country;

22 (G) an estimate of the number of employ-
23 ees needed with specific skills and competencies
24 to fulfill responsibilities assigned for criminal

1 investigations and prosecutions in Indian coun-
2 try; and

3 (H) a list of measures identified to indicate
4 whether and how the Department of Justice
5 plans to execute its hiring, retention, and train-
6 ing strategies.

7 (3) GAO STUDY AND REPORT.—

8 (A) STUDY.—

9 (i) IN GENERAL.—Not later than 18
10 months after the date on which the first
11 annual report is submitted under para-
12 graph (2), the Comptroller General of the
13 United States shall conduct a review of
14 unmet staffing identified by the Depart-
15 ment of Justice law enforcement agencies
16 tasked with work on criminal investigations
17 and prosecutions in Indian country.

18 (ii) REQUIREMENT.—In conducting
19 the study required under clause (i), the
20 Comptroller General of the United States
21 shall take into account the results of the
22 most recent report, as of the date of enact-
23 ment of this Act, relating to Indian coun-
24 try investigations and prosecutions pre-
25 pared by the Attorney General pursuant to

section 10(b) of the Indian Law Enforcement Reform Act (25 U.S.C. 2809(b)).

(B) REPORT.—On completion of the review under subparagraph (A), the Comptroller General of the United States shall submit to the Committees on Indian Affairs, the Judiciary, and Appropriations of the Senate and the Committees on Natural Resources, the Judiciary, and Appropriations of the House of Representatives a report that describes the results of the study, including, as appropriate, proposals for methods by which the Department of Justice can better measure its unmet staffing and other needs for Department of Justice law enforcement agencies tasked with work on criminal investigations and prosecutions in Indian country.

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

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

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a demonstration program for the purpose of con-

ducting or adjudicating, in coordination with the Director, 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 applicant for a law enforcement position in the Bureau of Indian Affairs.

(B) AGREEMENTS.—The Secretary may enter into a memorandum of agreement with a State or local government, Indian Tribe, or Tribal organization to develop steps to expedite the process of receiving and obtaining access to information pertinent to background investigation and security clearance determinations for use in the demonstration program.

(3) SUNSET.—The demonstration program established under paragraph (1) shall terminate 5

1 years after the date of the commencement of the
2 demonstration program.

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

12 (c) REPORT.—Not later than 3 years after the date
13 on which the demonstration program is established under
14 subsection (a)(1), the Secretary shall submit to the Com-
15 mittees on Indian Affairs, the Judiciary, and Appropria-
16 tions of the Senate and the Committees on Natural Re-
17 sources, the Judiciary, and Appropriations of the House
18 of Representatives a report on the demonstration pro-
19 gram, which shall include a description of—

20 (1) the demonstration program and any rec-
21 ommended changes or updates to the demonstration
22 program, including whether the demonstration pro-
23 gram should be reauthorized;

24 (2) the number of background investigations
25 carried out under the demonstration program;

1 (3) the costs, including any cost savings, associ-
 2 ated with the investigation and adjudication process
 3 under the demonstration program;

4 (4) the processing times for the investigation
 5 and adjudication processes under the demonstration
 6 program; and

7 (5) any other information that the Secretary
 8 determines to be relevant.

9 **SEC. 202. MISSING OR MURDERED RESPONSE COORDINA-**
 10 **TION GRANT PROGRAM.**

11 (a) ESTABLISHMENT OF GRANT PROGRAM.—The At-
 12 torney General shall establish within the Office of Justice
 13 Programs a grant program under which the Attorney Gen-
 14 eral shall make grants to eligible entities described in sub-
 15 section (b) to carry out eligible activities described in sub-
 16 section (c).

17 (b) ELIGIBLE ENTITIES.—

18 (1) IN GENERAL.—To be eligible to receive a
 19 grant under the grant program established under
 20 subsection (a) an entity shall be—

21 (A) an Indian Tribe;

22 (B) a relevant Tribal organization;

23 (C) subject to paragraph (2), a State, in
 24 consortium with—

25 (i) 1 or more Indian Tribes; and

1 (ii) relevant Tribal organizations, if
 2 any;

3 (D) a consortium of 2 or more Indian
 4 Tribes or relevant Tribal organizations; or

5 (E) subject to paragraph (2), a consortium
 6 of 2 or more States in consortium with—

7 (i) 1 or more Indian Tribes; and

8 (ii) relevant Tribal organizations, if
 9 any.

10 (2) STATE ELIGIBILITY.—To be eligible under
 11 subparagraph (C) or (E) of paragraph (1), a State
 12 shall demonstrate to the satisfaction of the Attorney
 13 General that the State—

14 (A)(i) reports missing persons cases in the
 15 State to the national crime information data-
 16 bases; or

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

20 (B) if data sharing between the State and
 21 the Indian Tribes and relevant Tribal organiza-
 22 tions with which the State is in consortium is
 23 part of the intended use of the grant received
 24 under the grant program established under sub-
 25 section (a), has entered into a memorandum of

1 understanding with each applicable Indian
2 Tribe and relevant Tribal organization.

3 (c) ELIGIBLE ACTIVITIES.—An eligible entity receiv-
4 ing a grant under the grant program established under
5 subsection (a) may use the grant—

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

7 (A) to document and track—

8 (i) missing persons cases of interest to
9 Indian Tribes;

10 (ii) sexual violence cases of interest to
11 Indian Tribes; and

12 (iii) death investigations of interest to
13 Indian Tribes; and

14 (B) to input information regarding missing
15 persons cases of interest to Indian Tribes, un-
16 claimed human remains cases of interest to In-
17 dian Tribes, and unidentified remains cases of
18 interest to Indian Tribes into the National
19 Missing and Unidentified Persons System and
20 the Missing Persons File in the National Crime
21 Information Center;

22 (2) to establish a State or regional commission
23 to respond to, and to improve coordination between
24 Federal law enforcement agencies, and Tribal, State,
25 and local law enforcement agencies of the investiga-

tion of, missing persons cases of interest to Indian Tribes, sexual violence cases of interest to Indian Tribes, and death investigations of interest to Indian Tribes; and

(3) to document, develop, and disseminate resources for the coordination and improvement of the investigation of missing persons cases of interest to Indian Tribes, sexual violence cases of interest to Indian Tribes, and death investigations of interest to Indian Tribes, including to develop local or statewide rapid notification or communication systems for alerts and other information relating to those cases.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the grant program established under subsection (a)(1) \$1,000,000 for each of fiscal years 2026 through 2030.

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

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

(1) on the evidence collection, handling, response times, and processing procedures and practices of the Office of Justice Services of the Bureau of Indian Affairs and the Federal Bureau of Inves-

1 tigation in exercising jurisdiction over crimes involv-
2 ing Indians or committed in Indian country;

3 (2) on barriers to evidence collection, handling,
4 response times, and processing identified by the
5 agencies referred to in paragraph (1);

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

10 (A) the barriers identified under paragraph
11 (2); and

12 (B) United States Attorneys declination
13 rates due to insufficient evidence; and

14 (4) that includes a description of barriers to
15 evidence collection, handling, response times, and
16 processing identified and faced by—

17 (A) Tribal law enforcement agencies; and

18 (B) State and local law enforcement agen-
19 cies that exercise jurisdiction over Indian coun-
20 try.

21 (b) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Comptroller General
23 of the United States shall submit to the Committees on
24 Indian Affairs, the Judiciary, and Appropriations of the
25 Senate and the Committees on Natural Resources, the Ju-

1 diciary, and Appropriations of the House of Representa-
 2 tives a report describing the results of the study conducted
 3 under subsection (a).

4 **SEC. 204. BUREAU OF INDIAN AFFAIRS AND TRIBAL LAW**
 5 **ENFORCEMENT OFFICER COUNSELING RE-**
 6 **SOURCES INTERDEPARTMENTAL COORDINA-**
 7 **TION.**

8 The Secretary of Health and Human Services and the
 9 Attorney General shall coordinate with the Director—

10 (1) to ensure that Federal training materials
 11 and culturally appropriate mental health and
 12 wellness programs are locally or regionally available
 13 to law enforcement officers working for the Office of
 14 Justice Services of the Bureau of Indian Affairs or
 15 an Indian Tribe; and

16 (2) to determine whether law enforcement agen-
 17 cies operated by the Office of Justice Services of the
 18 Bureau of Indian Affairs and Indian Tribes are eli-
 19 gible to receive services under—

20 (A) the Law Enforcement Assistance Pro-
 21 gram of Federal Occupational Health of the
 22 Department of Health and Human Services; or

23 (B) any other law enforcement assistance
 24 program targeted to meet the needs of law en-
 25 forcement officers working for law enforcement

- 1 agencies operated by the Federal Government
- 2 or an Indian Tribe.

