

Calendar No. 138

119TH CONGRESS }
1st Session }

SENATE

{ REPORT
119–53

BRIDGING AGENCY DATA GAPS AND ENSURING SAFETY (BADGES) FOR NATIVE COMMUNITIES ACT

JULY 31, 2025.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 390]

The Committee on Indian Affairs, to which was referred the bill (S. 390), to require Federal law enforcement agencies to report on cases of missing or murdered Indians, and for other purposes, having considered the same, reports favorably thereon without amendment, and recommends that the bill do pass.

PURPOSE

The purpose of S. 390 is to improve public safety and justice in Indian country by improving data collection and sharing between Tribal, federal, state and local law enforcement agencies, addressing barriers to investigating missing and murdered Indigenous persons, and addressing federal inefficiencies in background checks to expedite and streamline the hiring process of Bureau of Indian Affairs (BIA) and Tribal law enforcement agencies to help with recruitment and retention in Indian Country.

BACKGROUND AND NEED

At least 240 Tribes directly operate their own police departments to provide public safety services to their communities,¹ while others rely on federally-operated BIA police departments or state and local law enforcement agencies (LEAs) pursuant to P.L. 83–280.²

¹ *Tribal Law Enforcement*, BUREAU OF JUSTICE STATISTICS, <https://bjs.ojp.gov/topics/tribal-crime-and-justice/tribal-law-enforcement> (last visited Oct. 18, 2024).

² Commonly referred to as “Public Law 280,” this law transferred federal criminal and civil jurisdiction over federal Indian lands to the state governments of California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska (mandatory states), with certain exemptions for three

Continued

This complicated law enforcement network makes collecting and sharing criminal justice data in Indian country challenging. For example, criminal case information is fragmented and compartmentalized between different LEA data systems, particularly federal LEA systems such as the National Crime Information Center (NCIC), which is operated by the Federal Bureau of Investigation (FBI), and the National Missing and Unidentified Persons System (NamUs), which is operated by the National Institute of Justice (NIJ).³ While the databases are not prohibited from communicating with one another for cases of missing adults and children following enactment of *Help Find the Missing Act* (“Billy’s Law”)⁴ in 2022, participation in these two reporting systems is optional, creating data gaps and access issues for federal, Tribal, state and local LEAs.⁵ Further, only Tribes participating in the Tribal Access Program have access to these systems.⁶ As such, LEAs may be unable to access missing persons case information pertaining to Tribal members, for cases occurring on Tribal lands, or for cases of interest to Tribes.

Hiring law enforcement officers requires thorough background checks and security clearances, which can be slow and cumbersome, especially when the BIA must rely on the Office of Personnel Management to conduct the required background checks for federal employment.⁷ The lengthy and complex hiring processes for federal law enforcement can discourage applicants and can leave law enforcement positions unfilled for months or years. Improving the hiring processes by streamlining the background check process would help as part of a multi-faceted approach to increase recruitment and retention of law enforcement across Indian country. S. 390 authorizes the BIA, through its Office of Justice Services (OJS), to carry out a demonstration program to conduct background investigations and security clearance determinations for BIA law enforcement positions. Currently, BIA OJS is authorized under the Tribal Law and Order Act⁸ to conduct background checks for only Tribal law enforcement and corrections officers upon request from a Tribe with a 638 self-determination contract or self-governance compact under the Indian Self-Determination and Education Assistance Act (ISDEAA).

Reservations, and allowed other states to acquire jurisdiction at their option. States that opted in include Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, Utah, and Washington.

³For example, Congress passed the *Fix NICS Act* as part of the *Consolidated Appropriations Act, 2018* to require state and Tribal government to report to the federal criminal background check database. 34 U.S.C. § 40901(b)(1). Prior to that, Congress enacted the *National Child Search Assistance Act of 1990* which requires state, local, and federal law enforcement agencies to immediately input information about abducted children into the FBI’s National Crime Information Center. 34 U.S.C. § 41307.

⁴*Help Find the Missing Act*, Pub. L. No. 117–348, § 2, 136 Stat. 6115 (2022) (“Billy’s Law”).

⁵While Billy’s Law requires data sharing, it does not address the legal entanglements of sharing law enforcement-sensitive data and technology, data validation, and data ownership challenges. NOT INVISIBLE ACT COMM’N, NOT ONE MORE: FINDINGS AND RECOMMENDATIONS (2023).

⁶There are currently 149 Tribes and over 460 tribal government agencies participating in TAP. *Tribal Access Program (TAP)*, U.S. DEPARTMENT OF JUSTICE, <https://www.justice.gov/tribal/tribal-access-program-tap> (last accessed on Jun. 10, 2025).

⁷25 CFR 63.16.

⁸Tribal Law and Order Act of 2010, Pub. L. No. 111–211, tit. II, § 231(a)(4)(A), 124 Stat. 2261, 2273 (2010) (codified at 25 U.S.C. § 2802(e)(4)(A) (2022)).

SUMMARY

S. 390 directs the Department of Justice (DOJ) to appoint Tribal facilitators to assist with NamUS navigation and outreach; updates the federal reporting requirement under the annual unmet staffing needs report to Congress required by the Indian Law Enforcement Reform Act, as amended by the Tribal Law and Order Act of 2010 (TLOA); authorizes a five-year demonstration program allowing the BIA to conduct its own background checks for BIA law enforcement officers; creates a \$5 million five-year grant program at the DOJ to enhance responses to missing persons cases, sexual violence cases, and death investigations of interest to Tribes; requires the Government Accountability Office (GAO) to conduct a review of unmet staffing identified by DOJ law enforcement agencies tasked with work on Indian Country cases and a study on evidence collection, handling, and processing practices pertaining to criminal cases in Indian Country; and improves interagency coordination and availability of federal training resources and mental health and wellness programs to BIA and Tribal law enforcement officers.

COMMITTEE RECOMMENDATION

The Senate Committee on Indian Affairs in an open business meeting on March 5, 2025, by a majority voice vote of a quorum present, recommends that the Senate pass S. 390.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title; Table of Contents

This section sets forth the short title as the “Bridging Agency Data Gaps and Ensuring Safety (BADGES) for Native Communities Act,” and sets forth the table of contents.

Section 2—Definitions

This section sets forth the definitions used in the bill.

TITLE I—BRIDGING AGENCY DATA GAPS

Section 101—National Missing and Unidentified Persons System Tribal facilitator

Section 101(a) directs the Attorney General to appoint one or more Tribal facilitators for the National Missing and Unidentified Persons System (NamUs).

Section 101(b) outlines core duties of Tribal facilitators, including:

- coordinating the reporting of information relating to missing and murdered persons cases of interest to Tribes;
- consulting and coordinating with Tribes and relevant Tribal organizations to address reporting and data collection on cases of interest to Tribes;
- developing relationships and maintaining communication with relevant Tribal organizations;
- providing technical assistance and training to Tribes, relevant Tribal organizations, and others regarding NamUS and working with non-Tribal law enforcement to report cases to NamUS;

- coordinating with the Office of Tribal Justice, Office of Justice Services of the BIA, the Executive Office for U.S. Attorneys, the FBI, state LEAs, and the National Indian Country Training Initiative; and
- conducting other training and information gathering to improve the resolution of missing persons cases of interest to Tribes.

Section 101(c) requires the Attorney General, acting through the Director of the National Institute of Justice, to submit to Congress an annual report and publish online publicly accessible information describing the activities and accomplishments of Tribal facilitators for the 3-year period following the date of enactment of this bill, and specifies the contents of such annual reports and online publications.

Section 102—Report on Indian country law enforcement personnel resources and need

Section 102(a) amends the Indian Law Enforcement Reform Act to expand the information required in the BIA’s annual report (TLOA report) to Congress to include:

- unmet staffing needs of criminal investigators, medical examiners, coroners, forensic technicians, indigent defense staff, crime victim services staff, and prosecution staff at Tribal and BIA agencies, including the Missing and Murdered Unit of the Office of Justice Services of the BIA;
- replacement and infrastructure needs of Tribal and BIA corrections facilities;
- infrastructure and capital needs for Tribal police and court facilities (including evidence storage and processing); and
- public safety and emergency communications and technology needs (including equipment and internet capacity).

Section 102(b) defines the term “Department of Justice law enforcement agency” to include the FBI, DEA, U.S. Marshals Service, Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Offices of the United States Attorneys and directs the Attorney General to submit to Congress a report each fiscal year detailing:

- the number and percentage of full-time employees at each DOJ agency assigned to work on criminal investigations and prosecutions in Indian Country;
- the turnover rate during the 5-year period preceding the report of these full time-employees;
- the average years of experience of these full-time employees;
- the number of vacant positions with responsibilities for criminal investigations and prosecutions;
- an identification of expertise and skills necessary to achieve DOJ’s goals relating to public safety in Indian Country;
- an estimate of the number of employees needed with specific skills; and
- a list of measures identified to indicate whether and how DOJ plans to execute its hiring, retention, and training strategies.

This section also requires the GAO to conduct and submit to Congress a review of unmet staffing needs of DOJ law enforcement

agencies tasked with criminal investigations and prosecutions in Indian Country within 18 months of submission of the Attorney General's report to Congress.

TITLE II—ENSURING SAFETY FOR NATIVE COMMUNITIES

Section 201—Demonstration Program on Bureau of Indian Affairs Law Enforcement Employment Background Checks

Section 201(a)–(b) directs the Secretary to establish a five-year demonstration program at the BIA to conduct its own background checks for law enforcement officer applicants and ensures such background checks performed by the BIA meet the requirements of the Office of Personnel Management (OPM) or another federal agency.

Section 201(c) requires the Secretary of the Interior to submit a report to Congress on the demonstration program within three years of the date on which the program is established, detailing recommendations for the program and whether the program should be reauthorized, the number of background checks, costs, processing times, and agreements with non-federal entities.

Section 202—Missing or Murdered Response Coordination Grant Program

Section 202(a)–(d) establishes a grant program and describes eligible activities to support states, Tribes, and Tribal organizations, to coordinate efforts related to missing and murdered persons cases and sexual violence cases; and authorizes \$1 million for each of fiscal years 2026 through 2030 for the grant program.

Section 203—GAO Study on Federal Law Enforcement Agency Evidence Collection, Handling, and Processing

Section 203(a)–(b) requires the GAO to report to Congress, within 18 months of enactment of the Act, on BIA and FBI federal law enforcement evidence collection, handling, response times, and processing practices pertaining to criminal cases involving Tribal members in Indian Country.

Section 204—Bureau of Indian Affairs and Tribal Law Enforcement Officer Counseling Resources Interdepartmental Coordination

This section requires the Secretary of Health and Human Services (HHS) and the Attorney General to coordinate with the BIA Office of Justice Services to ensure training and culturally appropriate mental health and wellness programs are locally and regionally available and to determine the eligibility of BIA and Tribal LEAs to receive services under HHS and other federal law enforcement assistance programs.

LEGISLATIVE HISTORY

S. 390 was introduced by Senators Cortez Masto and Hoeven with Senators Gallego and Rounds as original cosponsors on February 4, 2025.

An identical companion bill, H.R. 1010, was introduced by Representatives Leger Fernandez (D–NM), Newhouse (R–WA), and Sharice (D–KS) in the House of Representatives on February 5, 2025. The House referred the bill to the Judiciary Committee, to

the Committee on Energy and Commerce, to the Committee on Natural Resources, and to the Oversight and Government Reform Committee.

In the 118th Congress, a similar bill, S. 465, was introduced by Senators Cortez Masto and Hoeven on February 16, 2024. Senator Rounds later joined as a cosponsor. The Committee held a hearing on S. 465 on May 1, 2024 (S. Hrg. 118–406). The Committee, in an open business meeting on September 25, 2024, by a majority voice vote of a quorum present, ordered S. 465, favorably reported, with an amendment in the nature of a substitute, by voice vote (S. Rept. 118–244). The Senate passed S. 465, as amended, by voice vote on December 16, 2024.

A companion bill, H.R. 1292, was introduced by Representatives Gallego (D–AZ), Davids (D–KS), and Newhouse (R–WA) in the House of Representatives on March 1, 2023. Representatives Kilmer (D–WA), Cole (R–OK), and Molinaro (R–NY) later joined as cosponsors. On March 1, 2023, the House referred the bill to the Judiciary Committee, to the Committee on Energy and Commerce, to the Committee on Natural Resources, and to the Oversight and Accountability Committee. On March 10, 2023, the bill was further referred to the House Energy and Commerce Subcommittee on Health. On March 22, 2023, the bill was further referred to the House Natural Resources Subcommittee on Indian and Insular Affairs.

COST AND BUDGETARY CONSIDERATIONS

The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 390 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov, and printed in the Congressional Record.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 390, as reported, will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE TESTIMONY AND COMMUNICATIONS

The testimony provided by the U.S. Department of the Interior from the May 1, 2024 hearing on S.465 follows:

Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Bryan Newland, and I am the Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony on S. 465, “Bridging Agency Data Gaps and Ensuring Safety (BADGES) for Native Communities Act” . . .

S. 465, Bridging Agency Data Gaps and Ensuring Safety (BADGES) for Native Communities Act

Section 102 would amend the annual reporting requirements concerning unmet BIA and Tribal staffing needs

under the Indian Law Enforcement Reform Act, as amended by the Tribal Law and Order Act (25 U.S.C. § 2802(c)(16)(C)), to include criminal investigators, medical examiners, coroners, and forensic investigators. Section 102 would also add infrastructure and capital needs for Tribal police and court facilities, including evidence storage and processing, to the required data for the annual report.

Section 201 would establish a five-year demonstration program that allows the Secretary, in coordination with the Director of BIA, to conduct or adjudicate personnel background investigations and security clearances for BIA law enforcement officers (LEOs). The BIA OJS currently assists Indian Tribes in conducting background investigations for Tribal LEOs and welcomes the demonstration program as it would assist BIA in eliminating one of the biggest obstacles to recruitment—the lengthy background investigation process—and result in the expedited hiring of qualified LEOs. The Department strongly supports this provision.

Section 204, titled “BIA and Tribal Law Enforcement Officer Counseling Resources Interdepartmental Coordination,” would require the Secretary of Health and Human Services, the Attorney General, and the Director of BIA OJS to ensure that Federal training materials and mental health wellness programs are available for Indian Country LEOs. These much-needed resources would help ensure that BIA and Tribal LEOs have access to the mental health resources they need when they experience occupational stress.

The Department supports the goals of S. 465 as they align with important Administration priorities of improving public safety and justice in Indian Country. The Department defers to the Department of Justice on provisions pertaining to its programs . . .

Conclusion

Chairman Schatz, Vice Chairman Murkowski, and members of the Committee, thank you for the opportunity to provide the Department’s views.

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.

