

118TH CONGRESS
2D SESSION

S. 465

AN ACT

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Bridging Agency Data Gaps and Ensuring Safety for
 4 Native Communities Act” or the “BADGES for Native
 5 Communities Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 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 coun-
 seling resources interdepartmental coordination.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

10 (1) DEATH INVESTIGATION.—The term “death
 11 investigation” has the meaning determined by the
 12 Attorney General.

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

16 (A) a death investigation into the death of
 17 an Indian; or

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

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

6 (4) FEDERAL LAW ENFORCEMENT AGENCY.—
7 The term “Federal law enforcement agency” means
8 the Office of Justice Services of the Bureau of In-
9 dian Affairs, the Federal Bureau of Investigation,
10 and any other Federal law enforcement agency
11 that—

12 (A) has jurisdiction over crimes in Indian
13 country; or

14 (B) investigates missing persons cases of
15 interest to Indian Tribes, death investigations
16 of interest to Indian Tribes, unclaimed human
17 remains cases of interest to Indian Tribes, or
18 unidentified remains cases of interest to Indian
19 Tribes.

20 (5) INDIAN.—The term “Indian” has the mean-
21 ing given the term in section 4 of the Indian Self-
22 Determination and Education Assistance Act (25
23 U.S.C. 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”
5 has the meaning given the term “Indian lands” in
6 section 3 of the Native American Business Develop-
7 ment, Trade Promotion, and Tourism Act of 2000
8 (25 U.S.C. 4302).

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

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

16 (A) a missing Indian; or

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

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

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

4 (A) a Tribal organization or an urban In-
5 dian organization; and

6 (B) a national or regional organization
7 that—

8 (i) represents a substantial Indian
9 constituency; and

10 (ii) has expertise in the fields of—

11 (I) human trafficking of Indians;

12 (II) human trafficking on Indian
13 land or in a Village;

14 (III) violence against Indians;

15 (IV) missing or murdered Indige-
16 nous persons; or

17 (V) Tribal justice systems.

18 (12) SECRETARY.—The term “Secretary”
19 means the Secretary of the Interior.

20 (13) SEXUAL VIOLENCE CASE OF INTEREST TO
21 INDIAN TRIBES.—The term “sexual violence case of
22 interest to Indian Tribes” means a case involving an
23 allegation of sexual violence (as defined in section
24 204(a) of Public Law 90–284 (25 U.S.C. 1304(a))).

1 (14) TRIBAL JUSTICE OFFICIAL.—The term
2 “Tribal justice official” has the meaning given the
3 term “tribal justice official” in section 2 of the In-
4 dian Law Enforcement Reform Act (25 U.S.C.
5 2801).

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

10 (16) UNCLAIMED HUMAN REMAINS CASE OF IN-
11 TEREST TO INDIAN TRIBES.—The term “unclaimed
12 human remains case of interest to Indian Tribes”
13 means a case involving—

14 (A) unclaimed Indian remains identified by
15 Federal, Tribal, State, or local law enforcement;
16 or

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

19 (17) UNIDENTIFIED REMAINS CASE OF INTER-
20 EST TO INDIAN TRIBES.—The term “unidentified re-
21 mains case of interest to Indian Tribes” means a
22 case involving—

23 (A) unidentified Indian remains; or

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

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

5 (19) VILLAGE.—The term “Village” means the
6 Alaska Native Village Statistical Area covering all or
7 any portion of a Native village (as defined in section
8 3 of the Alaska Native Claims Settlement Act (43
9 U.S.C. 1602)), as depicted on the applicable Tribal
10 Statistical Area Program Verification Map of the
11 Bureau of the Census.

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

14 **SEC. 101. NATIONAL MISSING AND UNIDENTIFIED PERSONS** 15 **SYSTEM TRIBAL FACILITATOR.**

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

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

21 (1) coordinating the reporting of information
22 relating to missing persons cases of interest to In-
23 dian Tribes, unclaimed human remains cases of in-
24 terest to Indian Tribes, and unidentified remains
25 cases of interest to Indian Tribes;

1 (2) consulting and coordinating with Indian
2 Tribes and relevant Tribal organizations to address
3 the reporting, documentation, and tracking of miss-
4 ing persons cases of interest to Indian Tribes, un-
5 claimed human remains cases of Interest to Indian
6 Tribes, and unidentified remains cases of interest to
7 Indian Tribes;

8 (3) developing working relationships, and main-
9 taining communication, with Indian Tribes and rel-
10 evant Tribal organizations;

11 (4) providing technical assistance and training
12 to Indian Tribes and relevant Tribal organizations,
13 victim service advocates, medical examiners, coro-
14 ners, and Tribal justice officials regarding—

15 (A) the gathering and reporting of infor-
16 mation to the National Missing and Unidenti-
17 fied Persons System; and

18 (B) working with non-Tribal law enforce-
19 ment agencies to encourage missing persons
20 cases of interest to Indian Tribes, unclaimed
21 human remains cases of interest to Indian
22 Tribes, and unidentified remains cases of inter-
23 est to Indian Tribes are reported to the Na-
24 tional Missing and Unidentified Persons Sys-
25 tem;

1 (5) coordinating with the Office of Tribal Jus-
2 tice, the Office of Justice Services of the Bureau of
3 Indian Affairs, the Executive Office for United
4 States Attorneys, the Federal Bureau of Investiga-
5 tion, State law enforcement agencies, and the Na-
6 tional Indian Country Training Initiative, as nec-
7 essary; and

8 (6) conducting other training, information gath-
9 ering, and outreach activities to improve resolution
10 of missing persons cases of interest to Indian Tribes,
11 unclaimed human remains cases of interest to Indian
12 Tribes, and unidentified remains cases of interest to
13 Indian Tribes.

14 (c) REPORTING AND TRANSPARENCY.—

15 (1) ANNUAL REPORTS TO CONGRESS.—During
16 the 3-year-period beginning on the date of enact-
17 ment of this Act, the Attorney General, acting
18 through the Director of the National Institute of
19 Justice, shall submit to the Committees on Indian
20 Affairs, the Judiciary, and Appropriations of the
21 Senate and the Committees on Natural Resources,
22 the Judiciary, and Appropriations of the House of
23 Representatives an annual report describing the ac-
24 tivities and accomplishments of the Tribal

1 facilitators appointed under subsection (a) during
 2 the 1-year period preceding the date of the report.

3 (2) PUBLIC TRANSPARENCY.—Annually, the At-
 4 torney General, acting through the Director of the
 5 National Institute of Justice, shall publish on a
 6 website publicly accessible information describing the
 7 activities and accomplishments of the Tribal
 8 facilitators appointed under subsection (a) during
 9 the 1-year period preceding the date of the publica-
 10 tion.

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

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

18 “(C) a list of the unmet—

19 “(i) staffing needs of law enforcement,
 20 corrections, and court personnel, including
 21 criminal investigators, medical examiners,
 22 coroners, forensic technicians, indigent de-
 23 fense staff, crime victim services staff, and
 24 prosecution staff, at Tribal and Bureau
 25 justice agencies, including the Missing and

1 Murders Unit of the Office of Justice
2 Services of the Bureau;

3 “(ii) replacement and repair needs of
4 Tribal and Bureau corrections facilities;

5 “(iii) infrastructure and capital needs
6 for Tribal police and court facilities, in-
7 cluding evidence storage and processing;
8 and

9 “(iv) public safety and emergency
10 communications and technology needs, in-
11 cluding equipment and internet capacity
12 needs; and”.

13 (b) DEPARTMENT OF JUSTICE.—

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

- 18 (A) the Federal Bureau of Investigation;
19 (B) the Drug Enforcement Administration;
20 (C) the United States Marshals Service;
21 (D) the Bureau of Alcohol, Tobacco, Fire-
22 arms and Explosives; and
23 (E) the Offices of the United States Attor-
24 neys.

1 (2) ANNUAL REPORT.—Each fiscal year, the
2 Attorney General shall submit to the Committees on
3 Indian Affairs, the Judiciary, and Appropriations of
4 the Senate and the Committees on Natural Re-
5 sources, the Judiciary, and Appropriations of the
6 House of Representatives a report for that fiscal
7 year that includes—

8 (A) the number of full-time employees of
9 each Department of Justice law enforcement
10 agency that are assigned to work on criminal
11 investigations and prosecutions in Indian coun-
12 try;

13 (B) the percentage of time the full-time
14 employees, as identified under subparagraph
15 (A), spend specifically working in Indian coun-
16 try;

17 (C) the turnover rate during the 5-year pe-
18 riod preceding the report of full-time employees
19 assigned to work on criminal investigations and
20 prosecutions in Indian country;

21 (D) the average years of experience at the
22 Department of Justice of full-time employees
23 assigned to work on criminal investigations and
24 prosecutions in Indian country;

1 (E) the number of vacant positions with
2 responsibilities for criminal investigations and
3 prosecutions in Indian country;

4 (F) an identification of expertise and skills
5 necessary to achieve the strategic goals of the
6 Department of Justice relating to public safety
7 in Indian country;

8 (G) an estimate of the number of employ-
9 ees needed with specific skills and competencies
10 to fulfill responsibilities assigned for criminal
11 investigations and prosecutions in Indian coun-
12 try; and

13 (H) a list of measures identified to indicate
14 whether and how the Department of Justice
15 plans to execute its hiring, retention, and train-
16 ing strategies.

17 (3) GAO STUDY AND REPORT.—

18 (A) STUDY.—

19 (i) IN GENERAL.—Not later than 18
20 months after the date on which the first
21 annual report is submitted under para-
22 graph (2), the Comptroller General of the
23 United States shall conduct a review of
24 unmet staffing identified by the Depart-
25 ment of Justice law enforcement agencies

1 tasked with work on criminal investigations
2 and prosecutions in Indian country.

3 (ii) REQUIREMENT.—In conducting
4 the study required under clause (i), the
5 Comptroller General of the United States
6 shall take into account the results of the
7 most recent report, as of the date of enact-
8 ment of this Act, relating to Indian coun-
9 try investigations and prosecutions pre-
10 pared by the Attorney General pursuant to
11 section 10(b) of the Indian Law Enforce-
12 ment Reform Act (25 U.S.C. 2809(b)).

13 (B) REPORT.—On completion of the review
14 under subparagraph (A), the Comptroller Gen-
15 eral of the United States shall submit to the
16 Committees on Indian Affairs, the Judiciary,
17 and Appropriations of the Senate and the Com-
18 mittees on Natural Resources, the Judiciary,
19 and Appropriations of the House of Representa-
20 tives a report that describes the results of the
21 study, including, as appropriate, proposals for
22 methods by which the Department of Justice
23 can better measure its unmet staffing and other
24 needs for Department of Justice law enforce-

1 ment agencies tasked with work on criminal in-
2 vestigations and prosecutions in Indian country.

3 **TITLE II—ENSURING SAFETY**
4 **FOR NATIVE COMMUNITIES**

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

8 (a) ESTABLISHMENT OF DEMONSTRATION PRO-
9 GRAM.—

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

16 (2) BACKGROUND INVESTIGATIONS AND SECUR-
17 ITY CLEARANCE DETERMINATIONS.—

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

1 (B) AGREEMENTS.—The Secretary may
2 enter into a memorandum of agreement with a
3 State or local government, Indian Tribe, or
4 Tribal organization to develop steps to expedite
5 the process of receiving and obtaining access to
6 information pertinent to background investiga-
7 tion and security clearance determinations for
8 use in the demonstration program.

9 (3) SUNSET.—The demonstration program es-
10 tablished under paragraph (1) shall terminate 5
11 years after the date of the commencement of the
12 demonstration program.

13 (b) SUFFICIENCY.—Notwithstanding any other provi-
14 sion of law, a background investigation conducted or adju-
15 dicated by the Secretary pursuant to the demonstration
16 program established under subsection (a)(1) that results
17 in the granting of a security clearance to an applicant for
18 a law enforcement position in the Bureau of Indian Affairs
19 shall be sufficient to meet the applicable requirements of
20 the Office of Personnel Management or other Federal
21 agency for such investigations.

22 (c) REPORT.—Not later than 3 years after the date
23 on which the demonstration program is established under
24 subsection (a)(1), the Secretary shall submit to the Com-
25 mittees on Indian Affairs, the Judiciary, and Appropria-

1 tions of the Senate and the Committees on Natural Re-
2 sources, the Judiciary, and Appropriations of the House
3 of Representatives a report on the demonstration pro-
4 gram, which shall include a description of—

5 (1) the demonstration program and any rec-
6 ommended changes or updates to the demonstration
7 program, including whether the demonstration pro-
8 gram should be reauthorized;

9 (2) the number of background investigations
10 carried out under the demonstration program;

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

14 (4) the processing times for the investigation
15 and adjudication processes under the demonstration
16 program; and

17 (5) any other information that the Secretary
18 determines to be relevant.

19 **SEC. 202. MISSING OR MURDERED RESPONSE COORDINA-**
20 **TION GRANT PROGRAM.**

21 (a) **ESTABLISHMENT OF GRANT PROGRAM.**—The At-
22 torney General shall establish within the Office of Justice
23 Programs a grant program under which the Attorney Gen-
24 eral shall make grants to eligible entities described in sub-

1 section (b) to carry out eligible activities described in sub-
2 section (c).

3 (b) ELIGIBLE ENTITIES.—

4 (1) IN GENERAL.—To be eligible to receive a
5 grant under the grant program established under
6 subsection (a) an entity shall be—

7 (A) an Indian Tribe;

8 (B) a relevant Tribal organization;

9 (C) subject to paragraph (2), a State, in
10 consortium with—

11 (i) 1 or more Indian Tribes; and

12 (ii) relevant Tribal organizations, if
13 any;

14 (D) a consortium of 2 or more Indian
15 Tribes or relevant Tribal organizations; or

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

18 (i) 1 or more Indian Tribes; and

19 (ii) relevant Tribal organizations, if
20 any.

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

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

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

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

15 (c) ELIGIBLE ACTIVITIES.—An eligible entity receiv-
16 ing a grant under the grant program established under
17 subsection (a) may use the grant—

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

19 (A) to document and track—

20 (i) missing persons cases of interest to
21 Indian Tribes;

22 (ii) sexual violence cases of interest to
23 Indian Tribes; and

24 (iii) death investigations of interest to
25 Indian Tribes; and

1 (B) to input information regarding missing
2 persons cases of interest to Indian Tribes, un-
3 claimed human remains cases of interest to In-
4 dian Tribes, and unidentified remains cases of
5 interest to Indian Tribes into the National
6 Missing and Unidentified Persons System and
7 the Missing Persons File in the National Crime
8 Information Center;

9 (2) to establish a State or regional commission
10 to respond to, and to improve coordination between
11 Federal law enforcement agencies, and Tribal, State,
12 and local law enforcement agencies of the investiga-
13 tion of, missing persons cases of interest to Indian
14 Tribes, sexual violence cases of interest to Indian
15 Tribes, and death investigations of interest to Indian
16 Tribes; and

17 (3) to document, develop, and disseminate re-
18 sources for the coordination and improvement of the
19 investigation of missing persons cases of interest to
20 Indian Tribes, sexual violence cases of interest to In-
21 dian Tribes, and death investigations of interest to
22 Indian Tribes, including to develop local or statewide
23 rapid notification or communication systems for
24 alerts and other information relating to those cases.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out the grant pro-
3 gram established under subsection (a)(1) \$1,000,000 for
4 each of fiscal years 2025 through 2029.

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

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

10 (1) on the evidence collection, handling, re-
11 sponse times, and processing procedures and prac-
12 tices of the Office of Justice Services of the Bureau
13 of Indian Affairs 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 barriers to evidence collection, handling,
17 response times, and processing identified by the
18 agencies referred to in 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 description of barriers to
4 evidence collection, handling, response times, and
5 processing identified and faced by—

6 (A) Tribal law enforcement agencies; and

7 (B) State and local law enforcement agen-
8 cies that exercise jurisdiction over Indian coun-
9 try.

10 (b) REPORT.—Not later than 18 months after the
11 date of enactment of this Act, the Comptroller General
12 of the United States shall submit to the Committees on
13 Indian Affairs, the Judiciary, and Appropriations of the
14 Senate and the Committees on Natural Resources, the Ju-
15 diciary, and Appropriations of the House of Representa-
16 tives a report describing the results of the study conducted
17 under subsection (a).

18 **SEC. 204. BUREAU OF INDIAN AFFAIRS AND TRIBAL LAW**
19 **ENFORCEMENT OFFICER COUNSELING RE-**
20 **SOURCES INTERDEPARTMENTAL COORDINA-**
21 **TION.**

22 The Secretary of Health and Human Services and the
23 Attorney General shall coordinate with the Director—

24 (1) to ensure that Federal training materials
25 and culturally appropriate mental health and

1 wellness programs are locally or regionally available
2 to law enforcement officers working for the Office of
3 Justice Services of the Bureau of Indian Affairs or
4 an Indian Tribe; and

5 (2) to determine whether law enforcement agen-
6 cies operated by the Office of Justice Services of the
7 Bureau of Indian Affairs and Indian Tribes are eli-
8 gible to receive services under—

9 (A) the Law Enforcement Assistance Pro-
10 gram of Federal Occupational Health of the
11 Department of Health and Human Services; or

12 (B) any other law enforcement assistance
13 program targeted to meet the needs of law en-
14 forcement officers working for law enforcement
15 agencies operated by the Federal Government
16 or an Indian Tribe.

Passed the Senate December 16, 2024.

Attest:

Secretary.

118TH CONGRESS
2^D SESSION

S. 465

AN ACT

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