

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2733
OFFERED BY Mr. Nadler

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as “Savanna’s Act”.

3 SEC. 2. PURPOSES.

4 The purposes of this Act are—

5 (1) to clarify the responsibilities of Federal,
6 State, Tribal, and local law enforcement agencies
7 with respect to responding to cases of missing or
8 murdered Indians;

9 (2) to increase coordination and communication
10 among Federal, State, Tribal, and local law enforce-
11 ment agencies, including medical examiner and cor-
12 oner offices;

13 (3) to empower Tribal governments with the re-
14 sources and information necessary to effectively re-
15 spond to cases of missing or murdered Indians; and

16 (4) to increase the collection of data related to
17 missing or murdered Indian men, women, and chil-
18 dren, regardless of where they reside, and the shar-

1 ing of information among Federal, State, and Tribal
2 officials responsible for responding to and inves-
3 tigating cases of missing or murdered Indians.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **CONFER.**—The term “confer” has the
7 meaning given the term in section 514 of the Indian
8 Health Care Improvement Act (25 U.S.C. 1660d).

9 (2) **DATABASES.**—The term “databases”
10 means—

11 (A) the National Crime Information Center
12 database;

13 (B) the Combined DNA Index System;

14 (C) the Next Generation Identification
15 System; and

16 (D) any other database relevant to re-
17 sponding to cases of missing or murdered Indi-
18 ans, including that under the Violent Criminal
19 Apprehension Program and the National Miss-
20 ing and Unidentified Persons System.

21 (3) **INDIAN.**—The term “Indian” means a
22 member of an Indian Tribe.

23 (4) **INDIAN COUNTRY.**—The term “Indian coun-
24 try” has the meaning given the term in section 1151
25 of title 18, United States Code.

1 (5) INDIAN LAND.—The term “Indian land”
2 means Indian lands, as defined in section 3 of the
3 Native American Business Development, Trade Pro-
4 motion, and Tourism Act of 2000 (25 U.S.C. 4302).

5 (6) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given the term “Indian tribe” in
7 section 4 of the Indian Self-Determination and Edu-
8 cation Assistance Act (25 U.S.C. 5304).

9 (7) LAW ENFORCEMENT AGENCY.—The term
10 “law enforcement agency” means a Tribal, Federal,
11 State, or local law enforcement agency.

12 **SEC. 4. IMPROVING TRIBAL ACCESS TO DATABASES.**

13 (a) TRIBAL ENROLLMENT INFORMATION.—The At-
14 torney General shall provide training to law enforcement
15 agencies regarding how to record the Tribal enrollment in-
16 formation or affiliation, as appropriate, of a victim in Fed-
17 eral databases.

18 (b) CONSULTATION.—

19 (1) CONSULTATION.—Not later than 180 days
20 after the date of enactment of this Act, the Attorney
21 General, in cooperation with the Secretary of the In-
22 terior, shall complete a formal consultation with In-
23 dian Tribes on how to further improve Tribal data
24 relevance and access to databases.

1 (2) INITIAL CONFER.—Not later than 180 days
2 after the date of enactment of this Act, the Attorney
3 General, in coordination with the Secretary of the
4 Interior, shall confer with Tribal organizations and
5 urban Indian organizations on how to further im-
6 prove American Indian and Alaska Native data rel-
7 evance and access to databases.

8 (3) ANNUAL CONSULTATION.—Section 903(b)
9 of the Violence Against Women and Department of
10 Justice Reauthorization Act of 2005 (34 U.S.C.
11 20126(b)) is amended—

12 (A) by striking paragraph (2) and insert-
13 ing the following:

14 “(2) enhancing the safety of Indian women
15 from domestic violence, dating violence, sexual as-
16 sult, homicide, stalking, and sex trafficking;”;

17 (B) in paragraph (3), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(4) improving access to local, regional, State,
21 and Federal crime information databases and crimi-
22 nal justice information systems.”.

23 (c) NOTIFICATION.—Not later than 180 days after
24 the date of enactment of this Act, the Attorney General
25 shall—

1 (1) develop and implement a dissemination
2 strategy to educate the public of the National Miss-
3 ing and Unidentified Persons System; and

4 (2) conduct specific outreach to Indian Tribes,
5 Tribal organizations, and urban Indian organiza-
6 tions regarding the ability to publicly enter informa-
7 tion, through the National Missing and Unidentified
8 Persons System or other non-law enforcement sen-
9 sitive portal, regarding missing persons, which may
10 include family members and other known acquaint-
11 ances.

12 **SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISS-**
13 **ING OR MURDERED INDIANS.**

14 (a) **IN GENERAL.**—Not later than 60 days after the
15 date on which the consultation described in section 4(b)(1)
16 is completed, the Attorney General shall direct United
17 States attorneys to develop regionally appropriate guide-
18 lines to respond to cases of missing or murdered Indians
19 that shall include—

20 (1) guidelines on inter-jurisdictional cooperation
21 among law enforcement agencies at the Tribal, Fed-
22 eral, State, and local levels, including inter-jurisdic-
23 tional enforcement of protection orders and detailing
24 specific responsibilities of each law enforcement
25 agency;

1 (2) best practices in conducting searches for
2 missing persons on and off Indian land;

3 (3) standards on the collection, reporting, and
4 analysis of data and information on missing persons
5 and unidentified human remains, and information on
6 culturally appropriate identification and handling of
7 human remains identified as Indian, including guid-
8 ance stating that all appropriate information related
9 to missing or murdered Indians be entered in a
10 timely manner into applicable databases;

11 (4) guidance on which law enforcement agency
12 is responsible for inputting information into appro-
13 priate databases under paragraph (3) if the Tribal
14 law enforcement agency does not have access to
15 those appropriate databases;

16 (5) guidelines on improving law enforcement
17 agency response rates and follow-up responses to
18 cases of missing or murdered Indians; and

19 (6) guidelines on ensuring access to culturally
20 appropriate victim services for victims and their
21 families.

22 (b) CONSULTATION.—United States attorneys shall
23 develop the guidelines required under subsection (a) in
24 consultation with Indian Tribes and other relevant part-
25 ners, including—

- 1 (1) the Department of Justice;
- 2 (2) the Federal Bureau of Investigation;
- 3 (3) the Department of the Interior;
- 4 (4) the Bureau of Indian Affairs;
- 5 (5) Tribal, State, and local law enforcement
- 6 agencies;
- 7 (6) medical examiners;
- 8 (7) coroners;
- 9 (8) Tribal, State, and local organizations that
- 10 provide victim services; and
- 11 (9) national, regional, or urban Indian organi-
- 12 zations with relevant expertise.

13 (c) COMPLIANCE.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the United States
16 attorneys shall implement, by incorporating into of-
17 fice policies and procedures, the guidelines developed
18 under subsection (a).

19 (2) MODIFICATION.—Each Federal law enforce-
20 ment agency shall modify the guidelines, policies,
21 and protocols of the agency to incorporate the guide-
22 lines developed under subsection (a).

23 (3) DETERMINATION.—Not later than the end
24 of each fiscal year beginning after the date the
25 guidelines are established under this section and in-

1 incorporated under this subsection, upon the request
2 of a Tribal, State, or local law enforcement agency,
3 the Attorney General shall determine whether the
4 Tribal, State, or local law enforcement agency seek-
5 ing recognition of compliance has incorporated
6 guidelines into their respective guidelines, policies,
7 and protocols.

8 (d) ACCOUNTABILITY.—Not later than 30 days after
9 compliance determinations are made each fiscal year in
10 accordance with subsection (c)(3), the Attorney General
11 shall—

12 (1) disclose and publish, including on the
13 website of the Department of Justice, the name of
14 each Tribal, State, or local law enforcement agency
15 that the Attorney General has determined has incor-
16 porated guidelines in accordance with subsection
17 (c)(3);

18 (2) disclose and publish, including on the
19 website of the Department of Justice, the name of
20 each Tribal, State, or local law enforcement agency
21 that has requested a determination in accordance
22 with subsection (c)(3) that is pending;

23 (3) collect the guidelines into a resource of ex-
24 amples and best practices that can be used by other

1 law enforcement agencies seeking to create and im-
2 plement such guidelines.

3 (e) TRAINING AND TECHNICAL ASSISTANCE.—The
4 Attorney General shall use the National Indian Country
5 Training Initiative to provide training and technical as-
6 sistance to Indian Tribes and law enforcement agencies
7 on—

8 (1) implementing the guidelines developed
9 under subsection (a) or developing and implementing
10 locally specific guidelines or protocols for responding
11 to cases of missing or murdered Indians; and

12 (2) using the National Missing and Unidenti-
13 fied Persons System and accessing program services
14 that will assist Indian Tribes with responding to
15 cases of missing or murdered Indians.

16 (f) GUIDELINES FROM INDIAN TRIBES.—

17 (1) IN GENERAL.—Indian Tribes may submit
18 their own guidelines to respond to cases of missing
19 or murdered Indians to the Attorney General.

20 (2) PUBLICATION.—Upon receipt of any guide-
21 lines from an Indian Tribe, the Attorney General
22 shall publish the guidelines on the website of the De-
23 partment of Justice in 1 centralized location to
24 make the guidelines available as a resource to any
25 Federal agency, State, or Tribal government.

1 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

2 (a) ANNUAL REPORTING.—Beginning in the first fis-
3 cal year after the date of enactment of this Act, the Attor-
4 ney General shall include in its annual Indian Country In-
5 vestigations and Prosecutions report to Congress informa-
6 tion that—

7 (1) includes known statistics on missing Indians
8 in the United States, available to the Department of
9 Justice, including—

10 (A) age;

11 (B) gender;

12 (C) Tribal enrollment information or affili-
13 ation, if available;

14 (D) the current number of open cases per
15 State;

16 (E) the total number of closed cases per
17 State each calendar year, from the most recent
18 10 calendar years; and

19 (F) other relevant information the Attor-
20 ney General determines is appropriate;

21 (2) includes known statistics on murdered Indi-
22 ans in the United States, available to the Depart-
23 ment of Justice, including—

24 (A) age;

25 (B) gender;

1 (C) Tribal enrollment information or affili-
2 ation, if available;

3 (D) the current number of open cases per
4 State;

5 (E) the total number of closed cases per
6 State each calendar year, from the most recent
7 10 calendar years; and

8 (F) other relevant information the Attor-
9 ney General determines is appropriate;

10 (3) maintains victim privacy to the greatest ex-
11 tent possible by excluding information that can be
12 used on its own or with other information to iden-
13 tify, contact, or locate a single person, or to identify
14 an individual in context; and

15 (4) includes—

16 (A) an explanation of why the statistics de-
17 scribed in paragraph (1) may not be com-
18 prehensive; and

19 (B) recommendations on how data collec-
20 tion on missing or murdered Indians may be
21 improved.

22 (b) COMPLIANCE.—

23 (1) IN GENERAL.—Beginning in the first fiscal
24 year after the date of enactment of this Act, and an-
25 nually thereafter, for the purpose of compiling accu-

1 rate data for the annual report required under sub-
2 section (a), the Attorney General shall request all
3 Tribal, State, and local law enforcement agencies to
4 submit to the Department of Justice, to the fullest
5 extent possible, all relevant information pertaining to
6 missing or murdered Indians collected by the Tribal,
7 State, and local law enforcement agency, and in a
8 format provided by the Department of Justice that
9 ensures the streamlining of data reporting.

10 (2) DISCLOSURE.—The Attorney General shall
11 disclose and publish annually, including on the
12 website of the Department of Justice, the name of
13 each Tribal, State, or local law enforcement agency
14 that the Attorney General has determined has sub-
15 mitted the information requested under paragraph
16 (1) for the fiscal year in which the report was pub-
17 lished.

18 (c) INCLUSION OF GENDER IN MISSING AND UN-
19 IDENTIFIED PERSONS STATISTICS.—Beginning in the
20 first calendar year after the date of enactment of this Act,
21 and annually thereafter, the Federal Bureau of Investiga-
22 tion shall include gender in its annual statistics on missing
23 and unidentified persons published on its public website.

1 **SEC. 7. IMPLEMENTATION AND INCENTIVE.**

2 (a) GRANT AUTHORITY.—Section 2101(b) of the Om-
3 nibus Crime Control and Safe Streets Act of 1968 (34
4 U.S.C. 10461(b)) is amended by adding at the end the
5 following:

6 “(23) To develop, strengthen, and implement
7 policies, protocols, and training for law enforcement
8 regarding cases of missing or murdered Indians, as
9 described in section 5 of Savanna’s Act.

10 “(24) To compile and annually report data to
11 the Attorney General related to missing or murdered
12 Indians, as described in section 6 of Savanna’s
13 Act.”.

14 (b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—
15 Section 2015(a) of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—

17 (1) in paragraph (9), by striking “and” at the
18 end;

19 (2) in paragraph (10), by striking the period at
20 the end and inserting a semicolon; and

21 (3) by adding at the end the following:

22 “(11) develop, strengthen, and implement poli-
23 cies, protocols, and training for law enforcement re-
24 garding cases of missing or murdered Indians, as de-
25 scribed in section 5 of Savanna’s Act; and

1 “(12) compile and annually report data to the
2 Attorney General related to missing or murdered In-
3 dians, as described in section 6 of Savanna’s Act.”.

