To direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2019

Mrs. Torres of California (for herself, Ms. Haaland, Mr. Newhouse, Mr. Gallego, Ms. Davids of Kansas, Mr. Gianforte, Mr. Cole, Mr. Armstrong, Ms. McCollum, Mr. Mullin, Mr. Young, Ms. Kuster of New Hampshire, Ms. Bass, Mrs. Carolyn B. Maloney of New York, Ms. Bonamici, Ms. Moore, Mr. Ruiz, Ms. DelBene, Mr. Stanton, Mr. Cook, and Ms. Sewell of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) On some reservations, Indian women are murdered at more than 10 times the national average.

(2) American Indians and Alaska Natives are 2.5 times as likely to experience violent crimes—and at least 2 times more likely to experience rape or sexual assault crimes—compared to all other races, according to the National Congress of American Indians.

(3) More than 4 in 5 American Indian and Alaska Native women, or 84.3 percent, have experienced violence in their lifetime, according to the National Institute of Justice.

(4) More than 4 in 5 American Indian and Alaska Native men, or 81.6 percent, have experienced violence in their lifetime, according to the National Institute of Justice.

(5) According to the Centers for Disease Control and Prevention, homicide is the third leading cause of death among American Indian and Alaska Native women and girls between 10 and 24 years of age and the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age.
(6) Investigation into cases of missing and murdered Indian women is made difficult for Tribal law enforcement agencies due to a lack of resources, such as—

(A) necessary training, equipment, or funding;

(B) a lack of interagency cooperation; and

(C) a lack of appropriate laws in place.

(7) The complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities;

(B) has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among Tribal, Federal, and State law enforcement officials.

(8) In states with restrictive land settlement acts such as Maine and Alaska, “Indian country” is limited, resources for local tribal responses either nonexistent or insufficient to meet the needs, and jurisdiction is unnecessarily complicated and increases the already high levels of victimization of American Indian and Alaska Native women. According to the
Indian Law and Order Commission Report, Alaska

Native women are over-represented in the domestic violence victim population by 250 percent; they comprise 19 percent of the state population, but are 47 percent of reported rape victims. These issues are further complicated as the Indian Law and Order Commission Report noted that at least 30 percent of villages lack any law enforcement at all.

(b) PURPOSES.—The purposes of this Act are—

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

(2) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies, including medical examiner and coroner offices;

(3) to empower Tribal governments with the resources and information necessary to effectively respond to cases of missing and murdered Indians, including Tribes located in any State known as a “PL–280 State”; and

(4) to increase the collection of data related to missing and murdered Indian men, women, and children and the sharing of information among Federal,
State, and Tribal officials responsible for responding to and investigating cases of missing and murdered Indians by clarifying and correcting limitation in the Federal database.

SEC. 3. IMPROVING TRIBAL ACCESS TO DATABASES.

(a) Tribal Enrollment Information.—The Attorney General shall provide training to law enforcement agencies regarding how to record the Tribal enrollment information or affiliation, as appropriate, of a victim in Federal databases.

(b) Consultation.—

(1) Initial Consultation.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in cooperation with the Secretary of the Interior, shall complete a formal consultation with Indian Tribes on how to further improve Tribal data relevance and access to databases.

(2) Annual Consultation.—Section 903(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20126) is amended—

(A) by striking paragraph (2) and inserting the following:

“(2) enhancing the safety of Indian women from domestic violence, dating violence, obstruction
of justice, sexual assault, homicide, stalking, and sex trafficking;”;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.”.

(e) Notification.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(1) develop and implement a dissemination strategy to notify the public of the National Missing and Unidentified Persons System; and

(2) conduct specific outreach to Indian Tribes regarding the ability to publicly enter information, through the National Missing and Unidentified Persons System or other non-law enforcement sensitive portal, regarding missing persons, which may include family members and other known acquaintances.

SEC. 4. GUIDELINES FOR RESPONDING TO CASES OF MISSING AND MURDERED INDIANS.

(a) In General.—Not later than 60 days after the date on which the consultation described in section
902(c)(1) is completed, the Attorney General shall direct United States attorneys to develop regionally appropriate guidelines to respond to cases of missing and murdered Indians that shall include—

(1) guidelines on inter-jurisdictional cooperation among law enforcement agencies at the Tribal, Federal, State, and local levels, including inter-jurisdictional enforcement of protection orders and detailing specific responsibilities of each law enforcement agency;

(2) best practices in conducting searches for missing persons on Indian lands;

(3) standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and information on culturally appropriate identification and handling of human remains identified as Indian, including guidance stating that all appropriate information related to missing and murdered Indians be entered in a timely manner into applicable databases;

(4) guidance on which law enforcement agency is responsible for inputting information into appropriate databases under paragraph (3) if the Tribal law enforcement agency does not have access to those appropriate databases;
(5) guidelines on improving law enforcement agency response rates and follow-up responses to cases of missing and murdered Indians on and off Indian lands;

(6) guidelines on ensuring access to culturally appropriate victim services for victims and their families; and

(7) guidelines on improving law enforcement agency communication with families of victims to ensure timely notification and dissemination of appropriate information in the cases of missing and murdered Indians on and off Tribal lands.

(b) CONSULTATION.—United States attorney shall develop the guidelines required under subsection (a) in consultation with Indian Tribes and other partners, including—

(1) the Department of Justice;
(2) the Federal Bureau of Investigation;
(3) the Department of the Interior;
(4) the Bureau of Indian Affairs;
(5) Tribal, State, and local law enforcement agencies;
(6) medical examiners;
(7) coroners;
(8) Tribal, State, and local organizations that provide victim services; and

(9) national or regional tribal organizations with relevant expertise.

(c) COMPLIANCE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the United States attorneys shall incorporate the guidelines developed under subsection (a) into existing policies and procedures, and implement such guidelines.

(2) MODIFICATION.—Each Federal law enforcement agency shall modify the guidelines, policies, and protocols of the agency to incorporate the guidelines developed under subsection (a).

(3) DETERMINATION.—Not later than the end of each fiscal year beginning after the date the guidelines are established under this section and incorporated under this subsection, the Attorney General shall determine whether each Tribal, State, and local law enforcement agency has incorporated guidelines into their respective guidelines, policies, and protocols, and any barriers the agency reported in collecting and providing the information.

(4) ACCOUNTABILITY.—Not later than 30 days after compliance determinations are made each fiscal
year in accordance with paragraph (3), the Attorney General shall—

(A) disclose and publish, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has incorporated guidelines in accordance with paragraph (3);

(B) if a law enforcement agency described in subparagraph (A) subsequently receives a determination of compliance in accordance with paragraph (3), the Attorney General shall—

(i) immediately correct the applicable record; and

(ii) not later than 3 days after the determination, add the record to the website of the Department of Justice and any other location where the record was published; and

(C) collect guidelines of each agency into a resource of examples and best practices that can be used by other law enforcement agencies seeking to create and implement such guidelines.

(d) TRAINING AND TECHNICAL ASSISTANCE.—
(1) IN GENERAL.—The Attorney General shall use the National Indian Country Training Initiative to provide training and technical assistance to Indian Tribes and law enforcement agencies on—

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

(B) using the National Missing and Unidentified Persons System and accessing program services that will assist Indian Tribes with responding to cases of missing and murdered Indians.

(2) EXCEPTION.—the Attorney General may provide the training described in paragraph (1) through local state law enforcement academies if—

(A) the Attorney General determines that the such academies will provide trainings that meet the same standards and utilize the curriculum as trainings provided by the National Indian Country Training Initiative; and

(B) that relevant state, tribal, and local law enforcement agencies have consented to the training being provided by such academies,
rather than the National Indian Country Training Initiative.

SEC. 5. IMPLEMENTATION AND INCENTIVES.

(a) IMPLEMENTATION.—

(1) GRANTS TO IMPROVE THE CRIMINAL JUSTICE RESPONSE.—Section 2101(b) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(b)), as amended by this Act, is further amended by adding at the end the following:

“(26) To develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing and murdered Indians, as described in section 4 of Savanna’s Act.

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

(2) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015(a) of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—

(A) in paragraph (9), by striking “and” at the end;
(B) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(11) to develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing and murdered Indians, as described in section 4 of Savanna’s Act; and

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

(b) INCENTIVES.—

(1) GUIDELINES.—For law enforcement agencies that the Attorney General determines to have incorporated guidelines in accordance with section 4, the Attorney General shall increase the amount provided to that government through the grants under parts T and U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 and by no more than five percent for two years following the finding of compliance.

(2) DATA REPORTING.—For law enforcement agencies that the Attorney General has determined submitted the information requested under paragraph (1) for the fiscal year in which the report was
published, the Attorney General shall increase the
amount provided to that government through grants
under parts T and U of title I of the Omnibus
Crime Control and Safe Streets Act of 1968 by no
more than five percent over the previous year for not
more than 2 fiscal years after the determination
under this paragraph.

SEC. 6. ADDITIONAL ANNUAL REPORTING REQUIREMENTS.

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

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

(A) age;

(B) gender;

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

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

(E) the total number of closed cases per
State each calendar year, from the most recent
10 calendar years; and
(F) other relevant information the Attorney General determines is appropriate;

(2) includes known statistics on murdered Indians in the United States, available to the Department of Justice, including—

(A) age;

(B) gender;

(C) Tribal enrollment information or affiliation, if available;

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

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

(F) other relevant information the Attorney General determines is appropriate;

(3) maintains victim privacy to the greatest extent possible by excluding information that can be used on its own or with other information to identify, contact, or locate a single person, or to identify an individual in context; and

(4) includes—

(A) an explanation of why the statistics described in paragraph (1) may not be comprehensive; and
(B) recommendations on how data collection on missing and murdered Indians may be improved, including by addressing cross-jurisdictional barriers at the State, local, and tribal law enforcement level.

(b) Compliance.—

(1) In general.—Beginning in the first fiscal year after the date of enactment of this Act, and annually thereafter, for the purpose of compiling accurate data for the annual report required under subsection (a), the Attorney General shall request all Tribal, State, and local law enforcement agencies to submit to the Department of Justice, to the fullest extent possible, all relevant information collected by the agency, as determined by the Attorney General in consultation with Indian Tribes.

(2) Disclosure.—The Attorney General shall disclose and publish annually, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has submitted the information requested under paragraph (1) for the fiscal year in which the report was published.
(c) Inclusion of Gender in Missing and Unidentified Persons Statistics.—Beginning in the first calendar year after the date of enactment of this Act, and annually thereafter, the Federal Bureau of Investigation shall include gender in its annual statistics on missing and unidentified persons published on its public website.

SEC. 7. DEFINITIONS.

In this Act:

(1) DATABASES.—The term "databases" means—

(A) the National Crime Information Center database;

(B) the Combined DNA Index System;

(C) the Next Generation Identification System; and

(D) any other database relevant to responding to cases of missing and murdered Indians, including that under the Violent Criminal Apprehension Program and the National Missing and Unidentified Persons System.

(2) INDIAN.—The term "Indian" means a member of an Indian Tribe.

(3) INDIAN COUNTRY.—The term "Indian country" has the meaning given the term in section 1151 of title 18, United States Code.
(4) **INDIAN LAND.**—The term “Indian land” means Indian lands, as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302).

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

(6) **LAW ENFORCEMENT AGENCY.**—The term “law enforcement agency” means a Tribal, Federal, State, or local law enforcement agency.