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H. R. 2733

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. GALLEG0, 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.

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.**

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

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) On some reservations, Indian women are
4 murdered at more than 10 times the national aver-
5 age.

6 (2) American Indians and Alaska Natives are
7 2.5 times as likely to experience violent crimes—and
8 at least 2 times more likely to experience rape or
9 sexual assault crimes—compared to all other races,
10 according to the National Congress of American In-
11 dians.

12 (3) More than 4 in 5 American Indian and
13 Alaska Native women, or 84.3 percent, have experi-
14 enced violence in their lifetime, according to the Na-
15 tional Institute of Justice.

16 (4) More than 4 in 5 American Indian and
17 Alaska Native men, or 81.6 percent, have experi-
18 enced violence in their lifetime, according to the Na-
19 tional Institute of Justice.

20 (5) According to the Centers for Disease Con-
21 trol and Prevention, homicide is the third leading
22 cause of death among American Indian and Alaska
23 Native women and girls between 10 and 24 years of
24 age and the fifth leading cause of death for Amer-
25 ican Indian and Alaska Native women between 25
26 and 34 years of age.

1 (6) Investigation into cases of missing and mur-
2 dered Indian women is made difficult for Tribal law
3 enforcement agencies due to a lack of resources,
4 such as—

5 (A) necessary training, equipment, or
6 funding;

7 (B) a lack of interagency cooperation; and

8 (C) a lack of appropriate laws in place.

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

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

14 (B) has been increasingly exploited by
15 criminals; and

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

19 (8) In states with restrictive land settlement
20 acts such as Maine and Alaska, “Indian country” is
21 limited, resources for local tribal responses either
22 nonexistent or insufficient to meet the needs, and ju-
23 risdiction is unnecessarily complicated and increases
24 the already high levels of victimization of American
25 Indian and Alaska Native women. According to the

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

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

10 (1) to clarify the responsibilities of Federal,
11 State, Tribal, and local governments and law en-
12 forcement agencies with respect to responding to
13 cases of missing and murdered Indians;

14 (2) to increase coordination and communication
15 among Federal, State, Tribal, and local law enforce-
16 ment agencies, including medical examiner and cor-
17 oner offices;

18 (3) to empower Tribal governments with the re-
19 sources and information necessary to effectively re-
20 spond to cases of missing and murdered Indians, in-
21 cluding Tribes located in any State known as a
22 “PL–280 State”; and

23 (4) to increase the collection of data related to
24 missing and murdered Indian men, women, and chil-
25 dren and the sharing of information among Federal,

1 State, and Tribal officials responsible for responding
2 to and investigating cases of missing and murdered
3 Indians by clarifying and correcting limitation in the
4 Federal database.

5 **SEC. 3. IMPROVING TRIBAL ACCESS TO DATABASES.**

6 (a) TRIBAL ENROLLMENT INFORMATION.—The At-
7 torney General shall provide training to law enforcement
8 agencies regarding how to record the Tribal enrollment in-
9 formation or affiliation, as appropriate, of a victim in Fed-
10 eral databases.

11 (b) CONSULTATION.—

12 (1) INITIAL CONSULTATION.—Not later than
13 180 days after the date of enactment of this Act, the
14 Attorney General, in cooperation with the Secretary
15 of the Interior, shall complete a formal consultation
16 with Indian Tribes on how to further improve Tribal
17 data relevance and access to databases.

18 (2) ANNUAL CONSULTATION.—Section 903(b)
19 of the Violence Against Women and Department of
20 Justice Reauthorization Act of 2005 (34 U.S.C.
21 20126) is amended—

22 (A) by striking paragraph (2) and insert-
23 ing the following:

24 “(2) enhancing the safety of Indian women
25 from domestic violence, dating violence, obstruction

1 of justice, sexual assault, homicide, stalking, and sex
2 trafficking;”;

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

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

6 “(4) improving access to local, regional, State,
7 and Federal crime information databases and crimi-
8 nal justice information systems.”.

9 (c) NOTIFICATION.—Not later than 180 days after
10 the date of enactment of this Act, the Attorney General
11 shall—

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

15 (2) conduct specific outreach to Indian Tribes
16 regarding the ability to publicly enter information,
17 through the National Missing and Unidentified Per-
18 sons System or other non-law enforcement sensitive
19 portal, regarding missing persons, which may in-
20 clude family members and other known acquaint-
21 ances.

22 **SEC. 4. GUIDELINES FOR RESPONDING TO CASES OF MISS-**
23 **ING AND MURDERED INDIANS.**

24 (a) IN GENERAL.—Not later than 60 days after the
25 date on which the consultation described in section

1 902(c)(1) is completed, the Attorney General shall direct
2 United States attorneys to develop regionally appropriate
3 guidelines to respond to cases of missing and murdered
4 Indians that shall include—

5 (1) guidelines on inter-jurisdictional cooperation
6 among law enforcement agencies at the Tribal, Fed-
7 eral, State, and local levels, including inter-jurisdic-
8 tional enforcement of protection orders and detailing
9 specific responsibilities of each law enforcement
10 agency;

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

13 (3) standards on the collection, reporting, and
14 analysis of data and information on missing persons
15 and unidentified human remains, and information on
16 culturally appropriate identification and handling of
17 human remains identified as Indian, including guid-
18 ance stating that all appropriate information related
19 to missing and murdered Indians be entered in a
20 timely manner into applicable databases;

21 (4) guidance on which law enforcement agency
22 is responsible for inputting information into appro-
23 priate databases under paragraph (3) if the Tribal
24 law enforcement agency does not have access to
25 those appropriate databases;

1 (5) guidelines on improving law enforcement
2 agency response rates and follow-up responses to
3 cases of missing and murdered Indians on and off
4 Indian lands;

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

8 (7) guidelines on improving law enforcement
9 agency communication with families of victims to en-
10 sure timely notification and dissemination of appro-
11 priate information in the cases of missing and mur-
12 dered Indians on and off Tribal lands.

13 (b) CONSULTATION.—United States attorney shall
14 develop the guidelines required under subsection (a) in
15 consultation with Indian Tribes and other partners, in-
16 cluding—

17 (1) the Department of Justice;

18 (2) the Federal Bureau of Investigation;

19 (3) the Department of the Interior;

20 (4) the Bureau of Indian Affairs;

21 (5) Tribal, State, and local law enforcement
22 agencies;

23 (6) medical examiners;

24 (7) coroners;

1 (8) Tribal, State, and local organizations that
2 provide victim services; and

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

5 (c) COMPLIANCE.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the United States
8 attorneys shall incorporate the guidelines developed
9 under subsection (a) into existing policies and proce-
10 dures, and implement such guidelines.

11 (2) MODIFICATION.—Each Federal law enforce-
12 ment agency shall modify the guidelines, policies,
13 and protocols of the agency to incorporate the guide-
14 lines developed under subsection (a).

15 (3) DETERMINATION.—Not later than the end
16 of each fiscal year beginning after the date the
17 guidelines are established under this section and in-
18 corporated under this subsection, the Attorney Gen-
19 eral shall determine whether each Tribal, State, and
20 local law enforcement agency has incorporated
21 guidelines into their respective guidelines, policies,
22 and protocols, and any barriers the agency reported
23 in collecting and providing the information.

24 (4) ACCOUNTABILITY.—Not later than 30 days
25 after compliance determinations are made each fiscal

1 year in accordance with paragraph (3), the Attorney
2 General shall—

3 (A) disclose and publish, including on the
4 website of the Department of Justice, the name
5 of each Tribal, State, or local law enforcement
6 agency that the Attorney General has deter-
7 mined has incorporated guidelines in accord-
8 ance with paragraph (3);

9 (B) if a law enforcement agency described
10 in subparagraph (A) subsequently receives a de-
11 termination of compliance in accordance with
12 paragraph (3), the Attorney General shall—

13 (i) immediately correct the applicable
14 record; and

15 (ii) not later than 3 days after the de-
16 termination, add the record to the website
17 of the Department of Justice and any
18 other location where the record was pub-
19 lished; and

20 (C) collect guidelines of each agency into a
21 resource of examples and best practices that
22 can be used by other law enforcement agencies
23 seeking to create and implement such guide-
24 lines.

25 (d) TRAINING AND TECHNICAL ASSISTANCE.—

1 (1) IN GENERAL.—The Attorney General shall
2 use the National Indian Country Training Initiative
3 to provide training and technical assistance to In-
4 dian Tribes and law enforcement agencies on—

5 (A) implementing the guidelines developed
6 under subsection (a) or developing and imple-
7 menting locally specific guidelines or protocols
8 for responding to cases of missing and mur-
9 dered Indians; and

10 (B) using the National Missing and Un-
11 identified Persons System and accessing pro-
12 gram services that will assist Indian Tribes
13 with responding to cases of missing and mur-
14 dered Indians.

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

18 (A) the Attorney General determines that
19 the such academies will provide trainings that
20 meet the same standards and utilize the cur-
21 riculum as trainings provided by the National
22 Indian Country Training Initiative; and

23 (B) that relevant state, tribal, and local
24 law enforcement agencies have consented to the
25 training being provided by such academies,

1 rather than the National Indian Country Train-
2 ing Initiative.

3 **SEC. 5. IMPLEMENTATION AND INCENTIVES.**

4 (a) IMPLEMENTATION.—

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

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

15 “(27) To compile and annually report data to
16 the Attorney General related to missing and mur-
17 dered Indians, as described in section 6 of Savanna’s
18 Act.”.

19 (2) GRANTS TO INDIAN TRIBAL GOVERN-
20 MENTS.—Section 2015(a) of part T of title I of the
21 Omnibus Crime Control and Safe Streets Act of
22 1968 (34 U.S.C. 10452(a)) is amended—

23 (A) in paragraph (9), by striking “and” at
24 the end;

1 (B) in paragraph (10), by striking the pe-
2 riod at the end and inserting a semicolon; and

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

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

8 “(12) to compile and annually report data to
9 the Attorney General related to missing and mur-
10 dered Indians, as described in section 6 of Savanna’s
11 Act.”.

12 (b) INCENTIVES.—

13 (1) GUIDELINES.—For law enforcement agen-
14 cies that the Attorney General determines to have
15 incorporated guidelines in accordance with section 4,
16 the Attorney General shall increase the amount pro-
17 vided to that government through the grants under
18 parts T and U of title I of the Omnibus Crime Con-
19 trol and Safe Streets Act of 1968 and by no more
20 than five percent for two years following the finding
21 of compliance.

22 (2) DATA REPORTING.—For law enforcement
23 agencies that the Attorney General has determined
24 submitted the information requested under para-
25 graph (1) for the fiscal year in which the report was

1 published, the Attorney General shall increase the
2 amount provided to that government through grants
3 under parts T and U of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 by no
5 more than five percent over the previous year for not
6 more than 2 fiscal years after the determination
7 under this paragraph.

8 **SEC. 6. ADDITIONAL ANNUAL REPORTING REQUIREMENTS.**

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

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

17 (A) age;

18 (B) gender;

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

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

23 (E) the total number of closed cases per
24 State each calendar year, from the most recent
25 10 calendar years; and

1 (F) other relevant information the Attor-
2 ney General determines is appropriate;

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

6 (A) age;

7 (B) gender;

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

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

12 (E) the total number of closed cases per
13 State each calendar year, from the most recent
14 10 calendar years; and

15 (F) other relevant information the Attor-
16 ney General determines is appropriate;

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

22 (4) includes—

23 (A) an explanation of why the statistics de-
24 scribed in paragraph (1) may not be com-
25 prehensive; and

1 (B) recommendations on how data collec-
2 tion on missing and murdered Indians may be
3 improved, including by addressing cross-juris-
4 dictional barriers at the State, local, and tribal
5 law enforcement level.

6 (b) COMPLIANCE.—

7 (1) IN GENERAL.—Beginning in the first fiscal
8 year after the date of enactment of this Act, and an-
9 nually thereafter, for the purpose of compiling accu-
10 rate data for the annual report required under sub-
11 section (a), the Attorney General shall request all
12 Tribal, State, and local law enforcement agencies to
13 submit to the Department of Justice, to the fullest
14 extent possible, all relevant information collected by
15 the agency, as determined by the Attorney General
16 in consultation with Indian Tribes.

17 (2) DISCLOSURE.—The Attorney General shall
18 disclose and publish annually, including on the
19 website of the Department of Justice, the name of
20 each Tribal, State, or local law enforcement agency
21 that the Attorney General has determined has sub-
22 mitted the information requested under paragraph
23 (1) for the fiscal year in which the report was pub-
24 lished.

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

7 **SEC. 7. DEFINITIONS.**

8 In this Act:

9 (1) 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 and murdered In-
18 dians, including that under the Violent Criminal
19 Apprehension Program and the National Miss-
20 ing and Unidentified Persons System.

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

23 (3) 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 (4) 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 (5) 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 (6) LAW ENFORCEMENT AGENCY.—The term
10 “law enforcement agency” means a Tribal, Federal,
11 State, or local law enforcement agency.

○