

Union Calendar No. 408

116TH CONGRESS
2D SESSION

H. R. 2733

[Report No. 116–508, Part I]

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

SEPTEMBER 16, 2020

Additional sponsors: Mr. MCNERNEY, Mr. DEFazio, Mr. KILMER, Mr. LAMALFA, Mr. JOHNSON of South Dakota, Mrs. RADEWAGEN, Mr. STEWART, Ms. TORRES SMALL of New Mexico, Mr. CALVERT, Mr. BACON, Mr. O'HALLERAN, Mr. LUJÁN, Mr. GONZALEZ of Ohio, Ms. HERRERA BEUTLER, Ms. BLUNT ROCHESTER, Mr. FULCHER, Mr. COX of California, Mr. PETERSON, Mr. SIMPSON, Mr. STAUBER, Mr. PAYNE, Mr. PALLONE, Mr. HECK, Mr. CROW, Ms. MUCARSEL-POWELL, Mr. TED LIEU of California, Ms. SCANLON, Ms. GARCIA of Texas, Ms. JACKSON LEE, Ms. ADAMS, Ms. OCASIO-CORTEZ, Mr. TRONE, Ms. ROYBAL-ALLARD, Ms. BROWNLEY of California, Mr. LEVIN of Michigan, Mr. KIND, Ms. OMAR, Ms. SCHRIER, Mr. COOPER, and Ms. TLAIB

SEPTEMBER 16, 2020

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 16, 2020

Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 14, 2019]

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”.*

5 **SEC. 2. PURPOSES.**

6 *The purposes of this Act are—*

7 *(1) to clarify the responsibilities of Federal,*
8 *State, Tribal, and local law enforcement agencies*
9 *with respect to responding to cases of missing or mur-*
10 *dered Indians;*

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

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

18 *(4) to increase the collection of data related to*
19 *missing or murdered Indian men, women, and chil-*
20 *dren, regardless of where they reside, and the sharing*
21 *of information among Federal, State, and Tribal offi-*
22 *cial responsible for responding to and investigating*
23 *cases of missing or murdered Indians.*

24 **SEC. 3. DEFINITIONS.**

25 *In this Act:*

1 (1) *CONFER.*—The term “confer” has the mean-
2 ing given the term in section 514 of the Indian
3 Health Care Improvement Act (25 U.S.C. 1660d).

4 (2) *DATABASES.*—The term “databases”
5 means—

6 (A) the National Crime Information Center
7 database;

8 (B) the Combined DNA Index System;

9 (C) the Next Generation Identification Sys-
10 tem; and

11 (D) any other database relevant to respond-
12 ing to cases of missing or murdered Indians, in-
13 cluding that under the Violent Criminal Appre-
14 hension Program and the National Missing and
15 Unidentified Persons System.

16 (3) *INDIAN.*—The term “Indian” means a mem-
17 ber of an Indian Tribe.

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

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

1 (6) *INDIAN TRIBE*.—*The term “Indian Tribe”*
 2 *has the meaning given the term “Indian tribe” in sec-*
 3 *tion 4 of the Indian Self-Determination and Edu-*
 4 *cation Assistance Act (25 U.S.C. 5304).*

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

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

9 (a) *TRIBAL ENROLLMENT INFORMATION*.—*The Attor-*
 10 *ney General shall provide training to law enforcement agen-*
 11 *cies regarding how to record the Tribal enrollment informa-*
 12 *tion or affiliation, as appropriate, of a victim in Federal*
 13 *databases.*

14 (b) *CONSULTATION*.—

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

21 (2) *INITIAL CONFER*.—*Not later than 180 days*
 22 *after the date of enactment of this Act, the Attorney*
 23 *General, in coordination with the Secretary of the In-*
 24 *terior, shall confer with Tribal organizations and*
 25 *urban Indian organizations on how to further im-*

1 *prove American Indian and Alaska Native data rel-*
 2 *evance and access to databases.*

3 (3) *ANNUAL CONSULTATION.*—*Section 903(b) of*
 4 *the Violence Against Women and Department of Jus-*
 5 *tice Reauthorization Act of 2005 (34 U.S.C. 20126(b))*
 6 *is amended—*

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

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

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

14 (C) *by adding at the end the following:*

15 “(4) *improving access to local, regional, State,*
 16 *and Federal crime information databases and crimi-*
 17 *nal justice information systems.”.*

18 (c) *NOTIFICATION.*—*Not later than 180 days after the*
 19 *date of enactment of this Act, the Attorney General shall—*

20 (1) *develop and implement a dissemination*
 21 *strategy to educate the public of the National Missing*
 22 *and Unidentified Persons System; and*

23 (2) *conduct specific outreach to Indian Tribes,*
 24 *Tribal organizations, and urban Indian organiza-*
 25 *tions regarding the ability to publicly enter informa-*

6 SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISS-
7 ING OR MURDERED INDIANS.

8 (a) *IN GENERAL.*—Not later than 60 days after the
9 date on which the consultation described in section 4(b)(1)
10 is completed, the Attorney General shall direct United
11 States attorneys to develop regionally appropriate guide-
12 lines to respond to cases of missing or murdered Indians
13 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;*

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

(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

1 *human remains identified as Indian, including guid-*
2 *ance stating that all appropriate information related*
3 *to missing or murdered Indians be entered in a time-*
4 *ly manner into applicable databases;*

5 *(4) guidance on which law enforcement agency is*
6 *responsible for inputting information into appro-*
7 *priate databases under paragraph (3) if the Tribal*
8 *law enforcement agency does not have access to those*
9 *appropriate databases;*

10 *(5) guidelines on improving law enforcement*
11 *agency response rates and follow-up responses to cases*
12 *of missing or murdered Indians; and*

13 *(6) guidelines on ensuring access to culturally*
14 *appropriate victim services for victims and their fam-*
15 *ilies.*

16 *(b) CONSULTATION.—United States attorneys shall de-*
17 *velop the guidelines required under subsection (a) in con-*
18 *sultation with Indian Tribes and other relevant partners,*
19 *including—*

20 *(1) the Department of Justice;*

21 *(2) the Federal Bureau of Investigation;*

22 *(3) the Department of the Interior;*

23 *(4) the Bureau of Indian Affairs;*

24 *(5) Tribal, State, and local law enforcement*
25 *agencies;*

1 (6) *medical examiners;*

2 (7) *coroners;*

3 (8) *Tribal, State, and local organizations that*
4 *provide victim services; and*

5 (9) *national, regional, or urban Indian organi-*
6 *zations with relevant expertise.*

7 (c) *COMPLIANCE.—*

8 (1) *IN GENERAL.—Not later than 1 year after*
9 *the date of enactment of this Act, the United States*
10 *attorneys shall implement, by incorporating into of-*
11 *fice policies and procedures, the guidelines developed*
12 *under subsection (a).*

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

17 (3) *DETERMINATION.—Not later than the end of*
18 *each fiscal year beginning after the date the guide-*
19 *lines are established under this section and incor-*
20 *porated under this subsection, upon the request of a*
21 *Tribal, State, or local law enforcement agency, the At-*
22 *torney General shall determine whether the Tribal,*
23 *State, or local law enforcement agency seeking rec-*
24 *ognition of compliance has incorporated guidelines*

1 into their respective guidelines, policies, and proto-
2 cols.

3 (d) *ACCOUNTABILITY*.—Not later than 30 days after
4 compliance determinations are made each fiscal year in ac-
5 cordance with subsection (c)(3), the Attorney General
6 shall—

7 (1) disclose and publish, including on the website
8 of the Department of Justice, the name of each Tribal,
9 State, or local law enforcement agency that the Attor-
10 ney General has determined has incorporated guide-
11 lines in accordance with subsection (c)(3);

12 (2) disclose and publish, including on the website
13 of the Department of Justice, the name of each Tribal,
14 State, or local law enforcement agency that has re-
15 quested a determination in accordance with sub-
16 section (c)(3) that is pending;

17 (3) collect the guidelines into a resource of exam-
18 ples and best practices that can be used by other law
19 enforcement agencies seeking to create and implement
20 such guidelines.

21 (e) *TRAINING AND TECHNICAL ASSISTANCE*.—The At-
22 torney General shall use the National Indian Country
23 Training Initiative to provide training and technical as-
24 sistance to Indian Tribes and law enforcement agencies
25 on—

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

5 (2) *using the National Missing and Unidentified*
6 *Persons System and accessing program services that*
7 *will assist Indian Tribes with responding to cases of*
8 *missing or murdered Indians.*

9 (f) **GUIDELINES FROM INDIAN TRIBES.—**

10 (1) **IN GENERAL.**—*Indian Tribes may submit*
11 *their own guidelines to respond to cases of missing or*
12 *murdered Indians to the Attorney General.*

13 (2) **PUBLICATION.**—*Upon receipt of any guide-*
14 *lines from an Indian Tribe, the Attorney General*
15 *shall publish the guidelines on the website of the De-*
16 *partment of Justice in 1 centralized location to make*
17 *the guidelines available as a resource to any Federal*
18 *agency, State, or Tribal government.*

19 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

20 (a) **ANNUAL REPORTING.**—*Beginning in the first fis-*
21 *cal year after the date of enactment of this Act, the Attorney*
22 *General shall include in its annual Indian Country Inves-*
23 *tigations and Prosecutions report to Congress information*
24 *that—*

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

4 (A) *age;*

5 (B) *gender;*

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

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

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

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

15 (2) *includes known statistics on murdered Indi-*
16 *ans in the United States, available to the Department*
17 *of Justice, including—*

18 (A) *age;*

19 (B) *gender;*

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

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

1 (E) the total number of closed cases per
 2 State each calendar year, from the most recent
 3 10 calendar years; and

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

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

11 (4) includes—

12 (A) an explanation of why the statistics de-
 13 scribed in paragraph (1) may not be comprehen-
 14 sive; and

15 (B) recommendations on how data collec-
 16 tion on missing or murdered Indians may be
 17 improved.

18 (b) COMPLIANCE.—

19 (1) IN GENERAL.—Beginning in the first fiscal
 20 year after the date of enactment of this Act, and an-
 21 nually thereafter, for the purpose of compiling accu-
 22 rate data for the annual report required under sub-
 23 section (a), the Attorney General shall request all
 24 Tribal, State, and local law enforcement agencies to
 25 submit to the Department of Justice, to the fullest ex-

1 *tent possible, all relevant information pertaining to*
 2 *missing or murdered Indians collected by the Tribal,*
 3 *State, and local law enforcement agency, and in a*
 4 *format provided by the Department of Justice that*
 5 *ensures the streamlining of data reporting.*

6 (2) *DISCLOSURE.—The Attorney General shall*
 7 *disclose and publish annually, including on the*
 8 *website of the Department of Justice, the name of each*
 9 *Tribal, State, or local law enforcement agency that*
 10 *the Attorney General has determined has submitted*
 11 *the information requested under paragraph (1) for the*
 12 *fiscal year in which the report was published.*

13 (c) *INCLUSION OF GENDER IN MISSING AND UNIDEN-*
 14 *TIFIED PERSONS STATISTICS.—Beginning in the first cal-*
 15 *endar year after the date of enactment of this Act, and an-*
 16 *nually thereafter, the Federal Bureau of Investigation shall*
 17 *include gender in its annual statistics on missing and un-*
 18 *identified persons published on its public website.*

19 **SEC. 7. IMPLEMENTATION AND INCENTIVE.**

20 (a) *GRANT AUTHORITY.—Section 2101(b) of the Om-*
 21 *nibus Crime Control and Safe Streets Act of 1968 (34*
 22 *U.S.C. 10461(b)) is amended by adding at the end the fol-*
 23 *lowing:*

24 “(23) *To develop, strengthen, and implement*
 25 *policies, protocols, and training for law enforcement*

1 *regarding cases of missing or murdered Indians, as*
2 *described in section 5 of Savanna’s Act.*

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

6 (b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Sec-
7 tion 2015(a) of the Omnibus Crime Control and Safe
8 Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—

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

11 (2) *in paragraph (10), by striking the period at*
12 *the end and inserting a semicolon; and*

13 (3) *by adding at the end the following:*

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

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

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