

115TH CONGRESS
1ST SESSION

S. 1942

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 SENATE OF THE UNITED STATES

OCTOBER 5, 2017

Ms. HEITKAMP (for herself, Mr. TESTER, Mr. FRANKEN, Mr. HEINRICH, Mr. MERKLEY, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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. FINDINGS AND PURPOSES.**

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

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

4 (2) American Indians and Alaska Natives are
5 2.5 times as likely to experience violent crimes—and
6 at least 2 times more likely to experience rape or
7 sexual assault crimes—compared to all other races.

8 (3) More than 4 in 5 American Indian and
9 Alaska Native women, or 84.3 percent, have experi-
10 enced violence in their lifetime.

11 (4) According to the Centers for Disease Con-
12 trol and Prevention, homicide is the third leading
13 cause of death among American Indian and Alaska
14 Native women between 10 and 24 years of age and
15 the fifth leading cause of death for American Indian
16 and Alaska Native women between 25 and 34 years
17 of age.

18 (5) According to a 2010 Government Account-
19 ability Office report, United States Attorneys de-
20 clined to prosecute nearly 52 percent of violent
21 crimes that occur in Indian country.

22 (6) Investigation into cases of missing and mur-
23 dered Indian women is made difficult for Tribal law
24 enforcement agencies due to a lack of resources,
25 such as—

1 (A) necessary training, equipment, or
2 funding;

3 (B) a lack of interagency cooperation; and

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

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

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

10 (B) has been increasingly exploited by
11 criminals; and

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

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

16 (1) to clarify the responsibilities of Federal,
17 State, Tribal, and local governments with respect to
18 responding to cases of missing and murdered Indi-
19 ans;

20 (2) to increase coordination and communication
21 among Federal, State, Tribal, and local law enforce-
22 ment agencies;

23 (3) to empower Tribal governments with the re-
24 sources and information necessary to effectively re-

1 spond to cases of missing and murdered Indians;
2 and

3 (4) to increase the collection of data related to
4 missing and murdered Indian women and the shar-
5 ing of information among Federal, State, and Tribal
6 officials responsible for responding to and inves-
7 tigating cases of missing and murdered Indians.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **FEDERAL DATABASES.**—The term “Federal
11 databases” means—

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

14 (B) the Combined DNA Index System;

15 (C) the Integrated Automated Fingerprint
16 Identification System;

17 (D) the Violent Criminal Apprehension
18 Program;

19 (E) the National Missing and Unidentified
20 Persons System; and

21 (F) other Federal databases relevant to re-
22 sponding to cases of missing and murdered In-
23 dians.

24 (2) **INDIAN.**—The term “Indian” means a
25 member of an Indian Tribe.

1 (3) 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 (4) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

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

11 **SEC. 4. IMPROVING TRIBAL ACCESS TO FEDERAL CRIME**
12 **INFORMATION DATABASES.**

13 (a) TRIBAL ENROLLMENT INFORMATION.—Not later
14 than 30 days after the date of enactment of this Act, the
15 Attorney General shall update the online data entry for-
16 mat for Federal databases to include a new data field for
17 users to input the victim’s Tribal enrollment information
18 or affiliation, as appropriate.

19 (b) CONSULTATION.—

20 (1) INITIAL CONSULTATION.—Not later than
21 120 days after the date of enactment of this Act, the
22 Attorney General, in cooperation with the Secretary
23 of the Interior, shall complete a formal consultation
24 with Indian Tribes on how to further improve Tribal
25 data relevance and access to Federal databases,

1 which shall also inform the development of law en-
2 forcement and justice protocols under section 5(a).

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

7 (A) by striking paragraph (2) and insert-
8 ing the following:

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

12 (B) in paragraph (3), by striking the pe-
13 riod 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) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Attorney General shall pre-
20 pare and submit a report to the Committee on Indian Af-
21 fairs and the Committee on the Judiciary of the Senate
22 and the Committee on Natural Resources and the Com-
23 mittee on the Judiciary of the House of Representatives
24 that includes—

1 (1) the results of the formal consultation de-
2 scribed in subsection (b)(1);

3 (2) a description of the outstanding barriers In-
4 dian Tribes face in acquiring full access to Federal
5 databases and related national crime information
6 systems; and

7 (3) the plan of action of the Department of
8 Justice to—

9 (A) implement suggestions received from
10 Indian Tribes through the consultation process;
11 and

12 (B) resolve the outstanding barriers de-
13 scribed under paragraph (2).

14 **SEC. 5. STANDARDIZED PROTOCOLS FOR RESPONDING TO**
15 **CASES OF MISSING AND MURDERED INDIANS.**

16 (a) STANDARDIZED PROTOCOLS FOR MISSING AND
17 MURDERED INDIANS.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the consultation process described in section 4(b)(1),
20 the Attorney General, in cooperation with the Sec-
21 retary of the Interior and in consultation with In-
22 dian Tribes, shall—

23 (A) review existing (as of the date of the
24 review) law enforcement and justice protocols

1 appropriate to missing and murdered Indians;
2 and

3 (B) recommend such existing protocols, re-
4 vise such existing protocols, or develop new pro-
5 tocols, as necessary, to establish protocols to
6 serve as guidelines for law enforcement agencies
7 with respect to missing and murdered Indians.

8 (2) PUBLIC AVAILABILITY.—The Attorney Gen-
9 eral shall make the protocols under paragraph (1)
10 publicly available and shall distribute them to law
11 enforcement agencies.

12 (b) REQUIREMENTS.—The standardized protocols
13 under subsection (a) shall include the following:

14 (1) Guidance on inter-jurisdictional cooperation
15 among law enforcement agencies at the Tribal, Fed-
16 eral, State, and local levels.

17 (2) Standards on the collection, reporting, and
18 analysis of data and information on missing persons
19 and unidentified human remains appropriate to Indi-
20 ans, including standards on entering information to
21 Federal databases on missing persons within a cer-
22 tain timeframe after receiving the missing persons
23 report.

1 (3) Guidance on improving law enforcement re-
2 sponse rates and follow-up to cases of missing and
3 murdered Indians.

4 (4) Methods to ensure access to victim services
5 for Indian victims and their families.

6 (c) DIRECTIONS TO UNITED STATES ATTORNEYS.—

7 (1) DIRECTIONS.—Not later than 240 days
8 after the date of enactment of this Act, the Attorney
9 General shall direct United States attorneys with ju-
10 risdiction to prosecute crimes in Indian country
11 under sections 1152 and 1153 of title 18, United
12 States Code, to develop written standard protocols to
13 investigate cases of missing and murdered Indians
14 that—

15 (A) are guided by the standardized proto-
16 cols under subsection (a);

17 (B) are developed in consultation with In-
18 dian Tribes and other Federal partners, includ-
19 ing—

20 (i) the Federal Bureau of Investiga-
21 tion;

22 (ii) the Department of the Interior;

23 (iii) the Bureau of Indian Affairs; and

24 (iv) the Indian Health Service;

1 (C) detail specific responsibilities of each
2 Federal partner; and

3 (D) shall be implemented not later than 60
4 days after the direction is issued.

5 (2) ADDITIONAL DIRECTIONS.—Not later than
6 240 days after the date of enactment of this Act, the
7 Attorney General shall direct United States attor-
8 neys with jurisdiction to prosecute crimes in Indian
9 Country from an authority other than section 1152
10 or 1153 of title 18, United States Code, to discuss
11 the Federal response to cases of missing and mur-
12 dered Indians with their Tribal partners and Federal
13 partners as appropriate during annual consultations.

14 (d) TRAINING AND TECHNICAL ASSISTANCE.—The
15 Attorney General shall provide Indian Tribes and law en-
16 forcement agencies with training and technical assistance
17 relating to the development and implementation of the law
18 enforcement and justice protocols of the Indian Tribes and
19 agencies, respectively, in accordance with the standardized
20 protocols under subsection (a).

21 (e) COMPLIANCE.—Not later than 18 months after
22 the date of enactment of this Act, Federal law enforce-
23 ment agencies with jurisdiction to investigate and pros-
24 ecute crimes relating to missing and murdered Indians
25 shall modify the law enforcement and justice protocols of

1 the agency to satisfactorily comply with the standardized
2 protocols under subsection (a).

3 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

4 (a) Beginning in the first fiscal year after the date
5 of enactment of this Act, and annually thereafter, the At-
6 torney General and the Secretary of the Interior shall
7 jointly prepare and submit a report, to the Committee on
8 Indian Affairs and the Committee on the Judiciary of the
9 Senate and the Committee on Natural Resources and the
10 Committee on the Judiciary of the House of Representa-
11 tives, that—

12 (1) includes known statistics on missing and
13 murdered Indian women in the United States;

14 (2) provides recommendations regarding how to
15 improve data collection on missing and murdered In-
16 dian women; and

17 (3) includes information relevant to the imple-
18 mentation of the standardized protocols developed
19 under section 5(a).

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