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S. 227

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

JANUARY 25 (legislative day, JANUARY 24), 2019

Ms. MURKOWSKI (for herself, Ms. CORTEZ MASTO, Ms. CANTWELL, Mr. SULLIVAN, Mr. COONS, Mr. CRAMER, Mr. UDALL, Mr. TESTER, Mr. HEINRICH, Mr. TILLIS, Mr. MERKLEY, and Mr. HOEVEN) 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 according to the National Congress of American In-
9 dians.

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

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

18 (5) According to the Centers for Disease Con-
19 trol and Prevention, homicide is the third leading
20 cause of death among American Indian and Alaska
21 Native women between 10 and 24 years of age and
22 the fifth leading cause of death for American Indian
23 and Alaska Native women between 25 and 34 years
24 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 (b) PURPOSES.—The purposes of this Act are—

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

24 (2) to increase coordination and communication
25 among Federal, State, Tribal, and local law enforce-

1 ment agencies, including medical examiner and cor-
2 oner offices;

3 (3) to empower Tribal governments with the re-
4 sources and information necessary to effectively re-
5 spond to cases of missing and murdered Indians;
6 and

7 (4) to increase the collection of data related to
8 missing and murdered Indian men and women and
9 the sharing of information among Federal, State,
10 and Tribal officials responsible for responding to
11 and investigating cases of missing and murdered In-
12 dians.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **DATABASES.**—The term “databases”
16 means—

17 (A) the National Crime Information Center
18 database;

19 (B) the Combined DNA Index System;

20 (C) the Next Generation Identification
21 System; and

22 (D) any other database relevant to re-
23 sponding to cases of missing and murdered In-
24 dians, including that under the Violent Criminal

1 Apprehension Program and the National Miss-
2 ing and Unidentified Persons System.

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

5 (3) INDIAN COUNTRY.—The term “Indian coun-
6 try” has the meaning given the term in section 1151
7 of title 18, United States Code.

8 (4) INDIAN LAND.—The term “Indian land”
9 means—

10 (A) Indian lands, as defined in section 3 of
11 the Native American Business Development,
12 Trade Promotion, and Tourism Act of 2000 (25
13 U.S.C. 4302); and

14 (B) land owned by a Regional Corporation
15 or Village Corporation, as such terms are de-
16 fined in section 3 of the Alaska Native Claims
17 Settlement Act (43 U.S.C. 1602).

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

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

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

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

7 (b) CONSULTATION.—

8 (1) CONSULTATION.—Not later than 180 days
9 after the date of enactment of this Act, the Attorney
10 General, in cooperation with the Secretary of the In-
11 terior, shall complete a formal consultation with In-
12 dian Tribes on how to further improve Tribal data
13 relevance and access to databases.

14 (2) ANNUAL CONSULTATION.—Section 903(b)
15 of the Violence Against Women and Department of
16 Justice Reauthorization Act of 2005 (34 U.S.C.
17 20126) is amended—

18 (A) by striking paragraph (2) and insert-
19 ing the following:

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

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

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

1 “(4) improving access to local, regional, State,
2 and Federal crime information databases and crimi-
3 nal justice information systems.”.

4 (c) NOTIFICATION.—Not later than 180 days after
5 the date of enactment of this Act, the Attorney General
6 shall—

7 (1) develop and implement a dissemination
8 strategy to notify United States citizens of the Na-
9 tional Missing and Unidentified Persons System;
10 and

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

18 **SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISS-**
19 **ING AND MURDERED INDIANS.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date on which the consultation described in section 4(b)(1)
22 is completed, the Attorney General shall direct United
23 States attorneys with jurisdiction to prosecute crimes in
24 Indian country under sections 1152 and 1153 of title 18,
25 United States Code, or any other provision of law, as part

1 of the annual consultations on sexual violence by United
2 States attorneys with Indian Tribes and Federal partners,
3 to develop guidelines to respond to cases of missing and
4 murdered 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 land;

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; and

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

7 (b) CONSULTATION.—United States attorneys shall
8 develop the guidelines required under subsection (a) in
9 consultation with Indian Tribes and other Federal part-
10 ners, including—

11 (1) the Department of Justice;

12 (2) the Federal Bureau of Investigation;

13 (3) the Bureau of Indian Affairs;

14 (4) Tribal, State, and local law enforcement
15 agencies;

16 (5) medical examiners;

17 (6) coroners; and

18 (7) Tribal, State, and local organizations that
19 provide victim services.

20 (c) COMPLIANCE.—

21 (1) IN GENERAL.—Not later than 60 days after
22 the next sexual violence response annual consultation
23 occurs in each region after the date of enactment of
24 this Act, the United States attorneys shall modify
25 the sexual violence response guidelines to incorporate

1 the guidelines developed under subsection (a) and
2 implement such modified guidelines.

3 (2) MODIFICATION.—Each Federal law enforce-
4 ment agency shall modify the guidelines, policies,
5 and protocols of the agency to incorporate the guide-
6 lines developed under subsection (a).

7 (3) DETERMINATION.—Not later than the end
8 of each fiscal year beginning after the date the
9 guidelines are established under this section and in-
10 corporated under this subsection, the Attorney Gen-
11 eral shall determine whether each Tribal, State, and
12 local law enforcement agency has incorporated
13 guidelines into their respective guidelines, policies,
14 and protocols.

15 (4) PREFERENCE.—For each of fiscal years
16 2019 through 2023, for the fiscal year in which a
17 grant was solicited, the Attorney General shall give
18 affirmative preference to all National Institute of
19 Justice and Office for Victims of Crime discre-
20 tionary grant applications of a Tribal, State, or local
21 law enforcement agency, or applications submitted
22 on behalf of such law enforcement agencies by a
23 local, State, or Tribal government, if the Attorney
24 General has determined under paragraph (3) that
25 the agency has incorporated the guidelines.

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

5 (1) disclose and publish, including on the
6 website of the Department of Justice, the name of
7 each Tribal, State, or local law enforcement agency
8 that the Attorney General has determined has not
9 incorporated guidelines in accordance with sub-
10 section (c)(3); and

11 (2) if a law enforcement agency described in
12 paragraph (1) subsequently receives a determination
13 of compliance, the Attorney General shall—

14 (A) immediately correct the applicable
15 record; and

16 (B) not later than 3 days after the deter-
17 mination, remove the record from the website of
18 the Department of Justice and any other loca-
19 tion where the record was published.

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

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

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

9 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

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

15 (1) includes known statistics on missing Indians
16 in the United States, available to the Department of
17 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 Attor-
5 ney General determines is appropriate;

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

9 (A) age;

10 (B) gender;

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

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

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

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

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

25 (4) includes—

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

4 (B) recommendations on how data collec-
5 tion on missing and murdered Indians may be
6 improved.

7 (b) COMPLIANCE.—

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

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 not
22 submitted the information requested under para-
23 graph (1) for the fiscal year in which the report was
24 published.

1 (3) PREFERENCE.—For each of fiscal years
2 2019 through 2023, for the fiscal year in which a
3 grant was solicited, the Attorney General shall give
4 affirmative preference to all Department of Justice
5 discretionary grant applications of a Tribal, State,
6 or local law enforcement agency, or applications sub-
7 mitted on behalf of such law enforcement agencies
8 by a local, State, or Tribal government, that would
9 aid in the implementation of the guidelines devel-
10 oped under section 5 or help address the issue of
11 missing and murdered Indians, if the Attorney Gen-
12 eral has determined the agency has submitted the
13 information requested under paragraph (1) for the
14 fiscal year in which the report was published.

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

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