

Calendar No. 407116TH CONGRESS
2D SESSION**S. 227****[Report No. 116–206]**

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, Mr. HOEVEN, Mrs. CAPITO, Mr. DAINES, Mr. WYDEN, Mrs. GILLIBRAND, Ms. SMITH, Mrs. MURRAY, Ms. KLOBUCHAR, Ms. ROSEN, Ms. HARRIS, Mr. SCHATZ, Ms. MCSALLY, Ms. SINEMA, Ms. BALDWIN, Mr. RISCH, Mr. CRAPO, Ms. WARREN, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JANUARY 15, 2020

Reported by Mr. HOEVEN, with an amendment

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

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:

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

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

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

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

24 (5) According to the Centers for Disease Con-
 25 trol and Prevention, homicide is the third leading

1 cause of death among American Indian and Alaska
 2 Native women between 10 and 24 years of age and
 3 the fifth leading cause of death for American Indian
 4 and Alaska Native women between 25 and 34 years
 5 of age.

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

10 (A) necessary training, equipment, or
 11 funding;

12 (B) a lack of interagency cooperation; and

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

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

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

19 (B) has been increasingly exploited by
 20 criminals; and

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

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

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

5 (2) to increase coordination and communication
6 among Federal, State, Tribal, and local law enforce-
7 ment agencies, including medical examiner and cor-
8 oner offices;

9 (3) to empower Tribal governments with the re-
10 sources and information necessary to effectively re-
11 spond to cases of missing and murdered Indians;
12 and

13 (4) to increase the collection of data related to
14 missing and murdered Indian men and women and
15 the sharing of information among Federal, State,
16 and Tribal officials responsible for responding to
17 and investigating cases of missing and murdered In-
18 dians.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **DATABASES.**—The term “databases”
22 means—

23 (A) the National Crime Information Center
24 database;

25 (B) the Combined DNA Index System;

1 (C) the Next Generation Identification
2 System; and

3 (D) any other database relevant to re-
4 sponding to cases of missing and murdered In-
5 dians, including that under the Violent Criminal
6 Apprehension Program and the National Miss-
7 ing and Unidentified Persons System.

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

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

13 (4) INDIAN LAND.—The term “Indian land”
14 means—

15 (A) Indian lands, as defined in section 3 of
16 the Native American Business Development,
17 Trade Promotion, and Tourism Act of 2000 (25
18 U.S.C. 4302); and

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

23 (5) INDIAN TRIBE.—The term “Indian Tribe”
24 has the meaning given the term “Indian tribe” in

1 section 4 of the Indian Self-Determination and Edu-
 2 cation Assistance Act (25 U.S.C. 5304).

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

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

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

12 ~~(b) CONSULTATION.—~~

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

19 ~~(2) ANNUAL CONSULTATION.—Section 903(b)~~
 20 ~~of the Violence Against Women and Department of~~
 21 ~~Justice Reauthorization Act of 2005 (34 U.S.C.~~
 22 ~~20126) is amended—~~

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

1 ~~“(2) enhancing the safety of Indian women~~
 2 ~~from domestic violence, dating violence, sexual as-~~
 3 ~~sault, homicide, stalking, and sex trafficking.”;~~

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

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

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

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

13 (1) develop and implement a dissemination
 14 strategy to notify United States citizens of the Na-
 15 tional Missing and Unidentified Persons System;
 16 and

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

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

3 (a) IN GENERAL.—Not later than 180 days after the
 4 date on which the consultation described in section 4(b)(1)
 5 is completed, the Attorney General shall direct United
 6 States attorneys with jurisdiction to prosecute crimes in
 7 Indian country under sections 1152 and 1153 of title 18,
 8 United States Code, or any other provision of law, as part
 9 of the annual consultations on sexual violence by United
 10 States attorneys with Indian Tribes and Federal partners,
 11 to develop guidelines to respond to cases of missing and
 12 murdered Indians that shall include—

13 (1) guidelines on inter-jurisdictional cooperation
 14 among law enforcement agencies at the Tribal, Fed-
 15 eral, State, and local levels, including inter-jurisdic-
 16 tional enforcement of protection orders and detailing
 17 specific responsibilities of each law enforcement
 18 agency;

19 (2) best practices in conducting searches for
 20 missing persons on Indian land;

21 (3) standards on the collection, reporting, and
 22 analysis of data and information on missing persons
 23 and unidentified human remains, and information on
 24 culturally appropriate identification and handling of
 25 human remains identified as Indian, including guid-
 26 ance stating that all appropriate information related

1 to missing and murdered Indians be entered in a
 2 timely manner into applicable databases;

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

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

11 (6) guidelines on ensuring access to culturally
 12 appropriate victim services for victims and their
 13 families.

14 (b) CONSULTATION.—United States attorneys shall
 15 develop the guidelines required under subsection (a) in
 16 consultation with Indian Tribes and other Federal part-
 17 ners, including—

18 (1) the Department of Justice;

19 (2) the Federal Bureau of Investigation;

20 (3) the Bureau of Indian Affairs;

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

23 (5) medical examiners;

24 (6) coroners; and

1 (7) Tribal, State, and local organizations that
2 provide victim services.

3 (c) COMPLIANCE.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the next sexual violence response annual consultation
6 occurs in each region after the date of enactment of
7 this Act, the United States attorneys shall modify
8 the sexual violence response guidelines to incorporate
9 the guidelines developed under subsection (a) and
10 implement such modified 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.

23 (4) PREFERENCE.—For each of fiscal years
24 2019 through 2023, for the fiscal year in which a
25 grant was solicited, the Attorney General shall give

1 affirmative preference to all National Institute of
 2 Justice and Office for Victims of Crime discre-
 3 tionary grant applications of a Tribal, State, or local
 4 law enforcement agency, or applications submitted
 5 on behalf of such law enforcement agencies by a
 6 local, State, or Tribal government, if the Attorney
 7 General has determined under paragraph (3) that
 8 the agency has incorporated the guidelines.

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

13 (1) disclose and publish, including on the
 14 website of the Department of Justice, the name of
 15 each Tribal, State, or local law enforcement agency
 16 that the Attorney General has determined has not
 17 incorporated guidelines in accordance with sub-
 18 section (c)(3); and

19 (2) if a law enforcement agency described in
 20 paragraph (1) subsequently receives a determination
 21 of compliance, the Attorney General shall—

22 (A) immediately correct the applicable
 23 record; and

24 (B) not later than 3 days after the deter-
 25 mination, remove the record from the website of

1 the Department of Justice and any other loca-
2 tion where the record was published.

3 ~~(c) TRAINING AND TECHNICAL ASSISTANCE.—~~The
4 Attorney General shall use the National Indian Country
5 Training Initiative to provide training and technical as-
6 sistance to Indian Tribes and law enforcement agencies
7 on—

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

12 ~~(2) using the National Missing and Unidenti-~~
13 ~~fied Persons System and accessing program services~~
14 ~~that will assist Indian Tribes with responding to~~
15 ~~cases of missing and murdered Indians.~~

16 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

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

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

25 ~~(A) age;~~

- 1 ~~(B)~~ gender;
- 2 ~~(C)~~ Tribal enrollment information or affili-
- 3 ~~ation~~, if available;
- 4 ~~(D)~~ the current number of open cases per
- 5 ~~State~~;
- 6 ~~(E)~~ the total number of closed cases per
- 7 ~~State each calendar year, from the most recent~~
- 8 ~~10 calendar years; and~~
- 9 ~~(F)~~ other relevant information the Attor-
- 10 ~~ney General determines is appropriate;~~
- 11 ~~(2)~~ includes known statistics on murdered Indi-
- 12 ~~ans in the United States, available to the Depart-~~
- 13 ~~ment of Justice, including—~~
- 14 ~~(A)~~ age;
- 15 ~~(B)~~ gender;
- 16 ~~(C)~~ Tribal enrollment information or affili-
- 17 ~~ation~~, if available;
- 18 ~~(D)~~ the current number of open cases per
- 19 ~~State~~;
- 20 ~~(E)~~ the total number of closed cases per
- 21 ~~State each calendar year, from the most recent~~
- 22 ~~10 calendar years; and~~
- 23 ~~(F)~~ other relevant information the Attor-
- 24 ~~ney General determines is appropriate;~~

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

6 ~~(4)~~ includes—

7 ~~(A)~~ an explanation of why the statistics de-
 8 scribed in paragraph ~~(1)~~ may not be com-
 9 prehensive; and

10 ~~(B)~~ recommendations on how data collec-
 11 tion on missing and murdered Indians may be
 12 improved.

13 ~~(b) COMPLIANCE.—~~

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

23 ~~(2) DISCLOSURE.—~~The Attorney General shall
 24 disclose and publish annually, including on the
 25 website of the Department of Justice, the name of

1 each Tribal, State, or local law enforcement agency
2 that the Attorney General has determined has not
3 submitted the information requested under para-
4 graph (1) for the fiscal year in which the report was
5 published.

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

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

1 **SECTION 1. SHORT TITLE.**

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

3 **SEC. 2. PURPOSES.**

4 *The purposes of this Act are—*

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

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

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

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

22 **SEC. 3. DEFINITIONS.**

23 *In this Act:*

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

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

3 *(A) the National Crime Information Center*
 4 *database;*

5 *(B) the Combined DNA Index System;*

6 *(C) the Next Generation Identification Sys-*
 7 *tem; and*

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

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

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

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

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

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

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

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

10 (b) *CONSULTATION.*—

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

17 (2) *INITIAL CONFER.*—*Not later than 180 days*
 18 *after the date of enactment of this Act, the Attorney*
 19 *General, in coordination with the Secretary of the In-*
 20 *terior, shall confer with Tribal organizations and*
 21 *urban Indian organizations on how to further im-*
 22 *prove American Indian and Alaska Native data rel-*
 23 *evance and access to databases.*

24 (3) *ANNUAL CONSULTATION.*—*Section 903(b) of*
 25 *the Violence Against Women and Department of Jus-*

1 *tice Reauthorization Act of 2005 (34 U.S.C. 20126)*
 2 *is amended—*

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

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

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

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

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

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

16 *(1) develop and implement a dissemination*
 17 *strategy to educate the public of the National Missing*
 18 *and Unidentified Persons System; and*

19 *(2) conduct specific outreach to Indian Tribes,*
 20 *Tribal organizations, and urban Indian organiza-*
 21 *tions regarding the ability to publicly enter informa-*
 22 *tion, through the National Missing and Unidentified*
 23 *Persons System or other non-law enforcement sen-*
 24 *sitive portal, regarding missing persons, which may*

1 *include family members and other known acquaint-*
 2 *ances.*

3 **SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISS-**
 4 **ING OR MURDERED INDIANS.**

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

11 *(1) guidelines on inter-jurisdictional cooperation*
 12 *among law enforcement agencies at the Tribal, Fed-*
 13 *eral, State, and local levels, including inter-jurisdic-*
 14 *tional enforcement of protection orders and detailing*
 15 *specific responsibilities of each law enforcement agen-*
 16 *cy;*

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

19 *(3) standards on the collection, reporting, and*
 20 *analysis of data and information on missing persons*
 21 *and unidentified human remains, and information on*
 22 *culturally appropriate identification and handling of*
 23 *human remains identified as Indian, including guid-*
 24 *ance stating that all appropriate information related*

1 *to missing or murdered Indians be entered in a time-*
2 *ly manner into applicable databases;*

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

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

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

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

18 *(1) the Department of Justice;*

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

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

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

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

24 *(6) medical examiners;*

25 *(7) coroners;*

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

3 (9) *national, regional, or urban Indian organi-*
4 *zations 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 implement, by incorporating into of-*
9 *fice policies and procedures, the guidelines developed*
10 *under subsection (a).*

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

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

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

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

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

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

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

24 (1) implementing the guidelines developed under
 25 subsection (a) or developing and implementing locally

1 *specific guidelines or protocols for responding to cases*
 2 *of missing or murdered Indians; and*

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

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

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

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

17 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

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

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

1 (A) *age;*

2 (B) *gender;*

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

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

7 (E) *the total number of closed cases per*
8 *State each calendar year, from the most recent*
9 *10 calendar years; and*

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

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

15 (A) *age;*

16 (B) *gender;*

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

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

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

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

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

6 (4) includes—

7 (A) an explanation of why the statistics de-
 8 scribed in paragraph (1) may not be comprehen-
 9 sive; and

10 (B) recommendations on how data collec-
 11 tion on missing or murdered Indians may be
 12 improved.

13 (b) COMPLIANCE.—

14 (1) IN GENERAL.—Beginning in the first fiscal
 15 year after the date of enactment of this Act, and an-
 16 nually thereafter, for the purpose of compiling accu-
 17 rate data for the annual report required under sub-
 18 section (a), the Attorney General shall request all
 19 Tribal, State, and local law enforcement agencies to
 20 submit to the Department of Justice, to the fullest ex-
 21 tent possible, all relevant information pertaining to
 22 missing or murdered Indians collected by the Tribal,
 23 State, and local law enforcement agency, and in a
 24 format provided by the Department of Justice that
 25 ensures the streamlining of data reporting.

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

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

14 **SEC. 7. IMPLEMENTATION AND INCENTIVE.**

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

19 “(23) *To develop, strengthen, and implement*
 20 *policies, protocols, and training for law enforcement*
 21 *regarding cases of missing or murdered Indians, as*
 22 *described in section 5 of Savanna’s Act.*

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

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

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

6 (2) in paragraph (10), by striking the period at
7 the end and inserting a semicolon; and

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

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

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

Calendar No. 407

116TH CONGRESS
2D Session

S. 227

[Report No. 116–206]

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.

JANUARY 15, 2020

Reported with an amendment