

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. MURKOWSKI (for herself and Ms. CORTEZ MASTO)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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
10 murdered Indians;

1 (2) to increase coordination and communication
2 among Federal, State, Tribal, and local law enforce-
3 ment agencies, including medical examiner and cor-
4 oner offices;

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

8 (4) to increase the collection of data related to
9 missing or murdered Indian men, women, and chil-
10 dren, regardless of where they reside, and the shar-
11 ing of information among Federal, State, and Tribal
12 officials responsible for responding to and inves-
13 tigating cases of missing or murdered Indians.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) **CONFER.**—The term “confer” has the
17 meaning given the term in section 514 of the Indian
18 Health Care Improvement Act (25 U.S.C. 1660d).

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

21 (A) the National Crime Information Center
22 database;

23 (B) the Combined DNA Index System;

24 (C) the Next Generation Identification
25 System; and

1 (D) any other database relevant to re-
2 sponding to cases of missing or murdered Indi-
3 ans, including that under the Violent Criminal
4 Apprehension Program and the National Miss-
5 ing and Unidentified Persons System.

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

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

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

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

19 (7) LAW ENFORCEMENT AGENCY.—The term
20 “law enforcement agency” means a Tribal, Federal,
21 State, or local law enforcement agency.

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

23 (a) TRIBAL ENROLLMENT INFORMATION.—The At-
24 torney General shall provide training to law enforcement
25 agencies regarding how to record the Tribal enrollment in-

1 formation or affiliation, as appropriate, of a victim in Fed-
2 eral databases.

3 (b) CONSULTATION.—

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

10 (2) INITIAL CONFER.—Not later than 180 days
11 after the date of enactment of this Act, the Attorney
12 General, in coordination with the Secretary of the
13 Interior, shall confer with Tribal organizations and
14 urban Indian organizations on how to further im-
15 prove American Indian and Alaska Native data rel-
16 evance and access to databases.

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

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

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

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

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

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

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

10 (1) develop and implement a dissemination
11 strategy to educate the public of the National Miss-
12 ing and Unidentified Persons System; and

13 (2) conduct specific outreach to Indian Tribes,
14 Tribal organizations, and urban Indian organiza-
15 tions regarding the ability to publicly enter informa-
16 tion, through the National Missing and Unidentified
17 Persons System or other non-law enforcement sen-
18 sitive portal, regarding missing persons, which may
19 include family members and other known acquaint-
20 ances.

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

23 (a) IN GENERAL.—Not later than 60 days after the
24 date on which the consultation described in section 4(b)(1)
25 is completed, the Attorney General shall direct United

1 States attorneys to develop regionally appropriate guide-
2 lines to respond to cases of missing or murdered Indians
3 that shall include—

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

10 (2) best practices in conducting searches for
11 missing persons on and off Indian land;

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

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

1 (5) guidelines on improving law enforcement
2 agency response rates and follow-up responses to
3 cases of missing or 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 relevant part-
10 ners, including—

11 (1) the Department of Justice;

12 (2) the Federal Bureau of Investigation;

13 (3) the Department of the Interior;

14 (4) the Bureau of Indian Affairs;

15 (5) Tribal, State, and local law enforcement
16 agencies;

17 (6) medical examiners;

18 (7) coroners;

19 (8) Tribal, State, and local organizations that
20 provide victim services; and

21 (9) national, regional, or urban Indian organi-
22 zations with relevant expertise.

23 (c) COMPLIANCE.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the United States

1 attorneys shall implement, by incorporating into of-
2 fice policies and procedures, the guidelines developed
3 under subsection (a).

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

8 (3) DETERMINATION.—Not later than the end
9 of each fiscal year beginning after the date the
10 guidelines are established under this section and in-
11 corporated under this subsection, upon the request
12 of a Tribal, State, or local law enforcement agency,
13 the Attorney General shall determine whether the
14 Tribal, State, or local law enforcement agency seek-
15 ing recognition of compliance has incorporated
16 guidelines into their respective guidelines, policies,
17 and protocols.

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

22 (1) disclose and publish, including on the
23 website of the Department of Justice, the name of
24 each Tribal, State, or local law enforcement agency
25 that the Attorney General has determined has incor-

1 porated guidelines in accordance with subsection
2 (c)(3);

3 (2) disclose and publish, including on the
4 website of the Department of Justice, the name of
5 each Tribal, State, or local law enforcement agency
6 that has requested a determination in accordance
7 with subsection (c)(3) that is pending;

8 (3) collect the guidelines into a resource of ex-
9 amples and best practices that can be used by other
10 law enforcement agencies seeking to create and im-
11 plement such guidelines.

12 (e) TRAINING AND TECHNICAL ASSISTANCE.—The
13 Attorney General shall use the National Indian Country
14 Training Initiative to provide training and technical as-
15 sistance to Indian Tribes and law enforcement agencies
16 on—

17 (1) implementing the guidelines developed
18 under subsection (a) or developing and implementing
19 locally specific guidelines or protocols for responding
20 to cases of missing or murdered Indians; and

21 (2) using the National Missing and Unidenti-
22 fied Persons System and accessing program services
23 that will assist Indian Tribes with responding to
24 cases of missing or murdered Indians.

25 (f) GUIDELINES FROM INDIAN TRIBES.—

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

4 (2) PUBLICATION.—Upon receipt of any guide-
5 lines from an Indian Tribe, the Attorney General
6 shall publish the guidelines on the website of the De-
7 partment of Justice in 1 centralized location to
8 make the guidelines available as a resource to any
9 Federal agency, State, or Tribal government.

10 **SEC. 6. ANNUAL REPORTING REQUIREMENTS.**

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

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

19 (A) age;

20 (B) gender;

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

23 (D) the current number of open cases per
24 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 or 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 pertaining to
16 missing or murdered Indians collected by the Tribal,
17 State, and local law enforcement agency, and in a
18 format provided by the Department of Justice that
19 ensures the streamlining of data reporting.

20 (2) DISCLOSURE.—The Attorney General shall
21 disclose and publish annually, including on the
22 website of the Department of Justice, the name of
23 each Tribal, State, or local law enforcement agency
24 that the Attorney General has determined has sub-
25 mitted the information requested under paragraph

1 (1) for the fiscal year in which the report was pub-
2 lished.

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

9 **SEC. 7. IMPLEMENTATION AND INCENTIVE.**

10 (a) GRANT AUTHORITY.—Section 2101(b) of the Om-
11 nibus Crime Control and Safe Streets Act of 1968 (34
12 U.S.C. 10461(b)) is amended by adding at the end the
13 following:

14 “(23) To develop, strengthen, and implement
15 policies, protocols, and training for law enforcement
16 regarding cases of missing or murdered Indians, as
17 described in section 5 of Savanna’s Act.

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

22 (b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—
23 Section 2015 of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—

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

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

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

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

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