

United States Senate

May 2, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Attorney General Garland and Secretary Haaland:

We write to express our concerns regarding the implementation of the Not Invisible Act and Savanna's Act. These laws directly impact Native American communities across the United States. For far too long, the loved ones of missing and murdered Indigenous people went without answers, access to resources, or justice. Congress acted to rectify this nation-wide problem with legislation, and we request an update on the implementation of the provisions outlined in the Not Invisible Act and Savanna's Act. While we appreciate the briefing that your departments recently provided to our staff, we remained concerned by the lack of progress shown and our constituents deserve to know the status of your work.

As you recall, the Not Invisible Act requires a commission be established comprised of law enforcement, tribal leaders, federal partners, service providers, and survivors, who will ensure that the Department of Interior (DOI) and the Department of Justice (DOJ) work together to protect Native people and address the epidemic of missing persons, murder, and trafficking of American Indians and Alaska Natives. Savanna's Act, named in honor of Savanna LaFontaine-Greywind, requires federal law enforcement to create standard guidelines on responding to these crimes and increase data collection on them.

Both of these laws outlined specific time frames and deadlines for implementation; however, it is unclear which provisions have been undertaken and it appears that almost every deadline has been missed. The Not Invisible commission, for example, should have begun its work more than a year ago, yet its members have not even been named. Similarly, under Savanna's Act, the creation of regionally appropriate response guidelines to cases of missing or murdered Native people should have already be implemented by U.S. Attorneys, yet Tribes on the ground have not received progress updates with any concrete information.

We are grateful that the administration has continued to engage on the issue of public safety in Indian Country, including through President Biden's Executive Order on Improving Public

Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People, as well as the creation of a new Missing and Murdered Unit within the Bureau of Indian Affairs Office of Justice Services. These are important steps forward in combatting this crisis, but more must be done.

Native American men, women, and children are continuing to face intolerable levels of violence. It is essential that the tools Congress has provided the administration are put in place as soon as possible to protect our communities. In order for us to better serve our constituents, we respectfully request answers to the following questions be provided to our offices by May 16, 2022:

1. What steps are the departments taking to ensure implementation of the Not Invisible Act and Savanna's Act so requirements outlined in the legislation are completed in a timely manner?

Not Invisible Act

2. What actions has the coordinator designated in Section 3 taken to further their mission of increasing cooperation across federal agencies?
3. When can Congress expect the coordinator's report from Section 3(b) to be submitted?
4. What is the delay in forming the Joint Commission and when will Joint Commission members be named?
5. Will the Joint Commission operate within a plan to complete its designated tasks as outlined in Section 4 in a timely manner?
6. Will Congressional action be needed in order to avoid terminating the commission in October 2022, as required by Section 4(e), so that the Commission can complete its work?

Savanna's Act

7. Has DOJ provided training to law enforcement agencies on proper recording of tribal enrollment information or affiliation of victims in federal databases, as required in Section 4(a)?
8. Has consultation and conference been undertaken with Tribes and Tribal organizations about data relevance and access to databases, as outlined in Section 4(b)?
9. Has DOJ implemented a strategy to educate the public about National Missing and Unidentified Persons System, in accordance with Section 4(c)(1)?
10. Under Section 4(c)(2), has DOJ conducted outreach to Tribes, Tribal organizations, and urban Indian organizations regarding their ability to provide information to national databases regarding missing persons?
11. What is the status of the development by U.S. Attorneys of regionally appropriate guidelines to respond to cases of missing and murdered Native Americans in accordance with Section 5?
 - a. Have consultations required under section 5(b) begun?
 - b. Have any U.S. Attorneys implemented the guidelines by incorporating them into their office policies and procedures, as required in Section 5(c)?
 - c. Has DOJ taken any steps to prepare for the public accountability requirements related to implementation of the guidelines, as required in Section 5(d)?

12. Will the forthcoming annual Indian Country Investigations and Prosecutions report to Congress include the statistics required in Section 6(a)?
13. Has DOJ requested data from Tribal, state, and local law enforcement agencies as required in Section 6(b)?
14. In accordance with Section 6(c), has gender been included in the FBI's annual statistics on missing and unidentified persons published on its public website?

Following your answers to these questions, we respectfully request that both Departments work together to provide Congress with weekly update calls with our staffs on of the implementation of the Acts. We request these updates in order to ensure that progress continues being made, as well as to provide our constituents with the most up-to-date information. Thank you for your attention to this matter. We look forward to working with you to address these concerns as soon as possible.

Sincerely,


Catherine Cortez Masto
United States Senator


Jon Tester
United States Senator


Lisa Murkowski
Vice Chairman