

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.”.