

SAVANNA'S ACT

SEPTEMBER 16, 2020.—Ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
 submitted the following

R E P O R T

[To accompany H.R. 2733]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2733) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. PURPOSES.

The purposes of this Act are—

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

(2) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies, including medical examiner and coroner offices;

(3) to empower Tribal governments with the resources and information necessary to effectively respond to cases of missing or murdered Indians; and

(4) to increase the collection of data related to missing or murdered Indian men, women, and children, regardless of where they reside, and the sharing of information among Federal, State, and Tribal officials responsible for responding to and investigating cases of missing or murdered Indians.

SEC. 3. DEFINITIONS.

In this Act:

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

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

(A) the National Crime Information Center database;

(B) the Combined DNA Index System;

(C) the Next Generation Identification System; and

(D) any other database relevant to responding to cases of missing or murdered Indians, including that under the Violent Criminal Apprehension Program and the National Missing and Unidentified Persons System.

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

(4) **INDIAN COUNTRY.**—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

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

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

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

SEC. 4. IMPROVING TRIBAL ACCESS TO DATABASES.

(a) **TRIBAL ENROLLMENT INFORMATION.**—The Attorney General shall provide training to law enforcement agencies regarding how to record the Tribal enrollment information or affiliation, as appropriate, of a victim in Federal databases.

(b) **CONSULTATION.**—

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

(2) **INITIAL CONFER.**—Not later than 180 days after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall confer with Tribal organizations and urban Indian organizations on how to further improve American Indian and Alaska Native data relevance and access to databases.

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

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

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

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

(C) by adding at the end the following:

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

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

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

(2) conduct specific outreach to Indian Tribes, Tribal organizations, and urban Indian organizations regarding the ability to publicly enter information, through the National Missing and Unidentified Persons System or other non-law enforcement sensitive portal, regarding missing persons, which may include family members and other known acquaintances.

SEC. 5. GUIDELINES FOR RESPONDING TO CASES OF MISSING OR MURDERED INDIANS.

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

(1) guidelines on inter-jurisdictional cooperation among law enforcement agencies at the Tribal, Federal, State, and local levels, including inter-jurisdictional enforcement of protection orders and detailing specific responsibilities of each law enforcement agency;

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

(3) standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and information on culturally appropriate identification and handling of human remains identified as Indian, including guidance stating that all appropriate information related to missing or murdered Indians be entered in a timely manner into applicable databases;

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

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

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

(b) **CONSULTATION.**—United States attorneys shall develop the guidelines required under subsection (a) in consultation with Indian Tribes and other relevant partners, including—

(1) the Department of Justice;

(2) the Federal Bureau of Investigation;

(3) the Department of the Interior;

(4) the Bureau of Indian Affairs;

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

(6) medical examiners;

(7) coroners;

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

(9) national, regional, or urban Indian organizations with relevant expertise.

(c) **COMPLIANCE.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the United States attorneys shall implement, by incorporating into office policies and procedures, the guidelines developed under subsection (a).

(2) **MODIFICATION.**—Each Federal law enforcement agency shall modify the guidelines, policies, and protocols of the agency to incorporate the guidelines developed under subsection (a).

(3) **DETERMINATION.**—Not later than the end of each fiscal year beginning after the date the guidelines are established under this section and incorporated under this subsection, upon the request of a Tribal, State, or local law enforcement agency, the Attorney General shall determine whether the Tribal, State, or local law enforcement agency seeking recognition of compliance has incorporated guidelines into their respective guidelines, policies, and protocols.

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

(1) disclose and publish, including on the website of the Department of Justice, the name of each Tribal, State, or local law enforcement agency that the Attorney General has determined has incorporated guidelines in accordance with subsection (c)(3);

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

(3) collect the guidelines into a resource of examples and best practices that can be used by other law enforcement agencies seeking to create and implement such guidelines.

(e) **TRAINING AND TECHNICAL ASSISTANCE.**—The Attorney General shall use the National Indian Country Training Initiative to provide training and technical assistance to Indian Tribes and law enforcement agencies on—

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

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

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

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

(2) **PUBLICATION.**—Upon receipt of any guidelines from an Indian Tribe, the Attorney General shall publish the guidelines on the website of the Department of Justice in 1 centralized location to make the guidelines available as a resource to any Federal agency, State, or Tribal government.

SEC. 6. ANNUAL REPORTING REQUIREMENTS.

(a) **ANNUAL REPORTING.**—Beginning in the first fiscal year after the date of enactment of this Act, the Attorney General shall include in its annual Indian Country Investigations and Prosecutions report to Congress information that—

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

- (A) age;
- (B) gender;
- (C) Tribal enrollment information or affiliation, if available;
- (D) the current number of open cases per State;
- (E) the total number of closed cases per State each calendar year, from the most recent 10 calendar years; and
- (F) other relevant information the Attorney General determines is appropriate;

(2) includes known statistics on murdered Indians in the United States, available to the Department of Justice, including—

- (A) age;
- (B) gender;
- (C) Tribal enrollment information or affiliation, if available;
- (D) the current number of open cases per State;
- (E) the total number of closed cases per State each calendar year, from the most recent 10 calendar years; and
- (F) other relevant information the Attorney General determines is appropriate;

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

(4) includes—

- (A) an explanation of why the statistics described in paragraph (1) may not be comprehensive; and
- (B) recommendations on how data collection on missing or murdered Indians may be improved.

(b) **COMPLIANCE.**—

(1) **IN GENERAL.**—Beginning in the first fiscal year after the date of enactment of this Act, and annually thereafter, for the purpose of compiling accurate data for the annual report required under subsection (a), the Attorney General shall request all Tribal, State, and local law enforcement agencies to submit to the Department of Justice, to the fullest extent possible, all relevant information pertaining to missing or murdered Indians collected by the Tribal, State, and local law enforcement agency, and in a format provided by the Department of Justice that ensures the streamlining of data reporting.

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

(c) **INCLUSION OF GENDER IN MISSING AND UNIDENTIFIED PERSONS STATISTICS.**—Beginning in the first calendar year after the date of enactment of this Act, and annually thereafter, the Federal Bureau of Investigation shall include gender in its annual statistics on missing and unidentified persons published on its public website.

SEC. 7. IMPLEMENTATION AND INCENTIVE.

(a) **GRANT AUTHORITY.**—Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(b)) is amended by adding at the end the following:

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

- “(24) To compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna’s Act.”.
- (b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10452(a)) is amended—
- (1) in paragraph (9), by striking “and” at the end;
 - (2) in paragraph (10), by striking the period at the end and inserting a semicolon; and
 - (3) by adding at the end the following:
 - “(11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna’s Act; and
 - “(12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna’s Act.”

Purpose and Summary

H.R. 2733, Savanna’s Act, would bolster the federal government’s response to the crisis of missing and murdered Native American women by improving tribal access to crime information databases; developing law enforcement guidelines for responding to missing and murdered Native Americans and Alaska Natives; and increasing data collection on these crimes.

The Amendment in the Nature of a Substitute (ANS) for H.R. 2733 requires data collection on missing and murdered American Indians and Alaska Natives, and the development of recommendations on how to improve such data collection, to be included in an annual report to Congress. It would also require law enforcement training on how to record the tribal enrollment information of victims in federal databases and would mandate that the Attorney General consult with tribes on how to improve relevance and access to federal databases. Savanna’s Act would mandate the creation of standardized, regionally appropriate guidelines for responding to cases of missing or murdered American Indians and Alaska Natives, in consultation with tribes, to include guidance on inter-jurisdictional cooperation among tribes and federal, state, and local law enforcement.

Savanna’s Act would ensure that resources are available for cases of missing and murdered Native Americans throughout the country, and not just those within Indian Country.¹ Notably, these provisions would also ensure that law enforcement agencies have the resources they need to implement the guidelines and data reporting requirements of the bill.

Background and Need for the Legislation

Savanna’s Act is named in honor of Savanna LaFontaine-Greywind, a member of the Spirit Lake Tribe, who vanished from her apartment in Fargo, North Dakota while eight months pregnant.² Eight days after she disappeared, her body was found wrapped in plastic in the Red River.³ The baby, who had been cut of Savanna before she died, survived.⁴ Savanna’s tragic death

¹The term “Indian Country” is defined in federal law at 18 U.S.C. §1151.

²See U.S. Senate Comm. on Indian Affairs, Report to Accompany S. 227, 116th Congress (Jan. 15, 2020).

³See *id.*

⁴See Kyle Swenson, *Fargo Woman Lured Pregnant Neighbor to Her Apartment, Killed Her, and Took Her Unborn Baby*, Wash. Post (Dec. 12, 2017), <https://www.washingtonpost.com/news/morning-mix/wp/2017/12/12/fargo-woman-lured-pregnant-neighbor-to-her-apartment-killed-her-and-took-her-unborn-baby/>.

gained national attention and galvanized the community. Sadly, hers was one of many cases of missing or murdered Native women.

Legislation is needed to address the paucity of data and information on missing Native Americans in the United States. The limited data available shows violence against Native Americans is higher than against other racial and ethnic categories.⁵ In some tribal communities, Native American women experience murder rates that are more than ten times the national average.⁶ Native American women are also two times more likely than other groups to experience rape or sexual assault and two-and-a-half times more likely than others to experience violent crimes in their lifetimes.⁷

The crisis of missing and murdered Native Americans has drawn so much national attention that the Trump Administration recently created a task force, under an initiative it calls “Operation Lady Justice,” to coordinate the efforts of the Department of Interior (including the Bureau of Indian Affairs (BIA)), the Department of Justice (DOJ), and other federal agencies, such as the Department of Health and Human Services.⁸ The task force held its first meeting in January 2020 and is slated to work with tribal leaders to develop new protocols on how to handle new and unsolved cases of missing and murdered persons in Indian Country, including Alaska Native villages; re-examine how law enforcement agencies collect data on these cases; and create a team to revisit cold cases.⁹

Hearings

On July 16, 2019, the Subcommittee on Crime, Terrorism, and Homeland Security held a hearing titled, “Women and Girls in the Criminal Justice System,” which helped develop the substance of Savanna’s Act.

Committee Consideration

On March 11, 2020, the Committee met in open session and ordered the bill, H.R. 2733, favorably reported, an amendment in the nature of a substitute, by a voice vote, a quorum being present.

Committee Votes

No record votes occurred during the Committee’s consideration of H.R. 2733.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

⁵ André B. Rosay, Nat’l Inst. of Justice, U.S. Dep’t of Justice, *Violence Against American Indian and Alaska Native Women and Men 2010 Findings from the National Intimate Partner and Sexual Violence Survey* (May 2016).

⁶ Indian Law Resource Center, *Ending Violence Against Native Women*, <https://indianlaw.org/issue/ending-violence-against-native-women> (last visited Jul. 10, 2020).

⁷ See Rosay, *supra* note 5.

⁸ Stephanie Ebbs, *Trump Administration Launches Task Force on Missing, Murdered Indigenous Peoples: ‘Operation Lady Justice,’* ABC News (Jan. 2020), <https://abcnews.go.com/Politics/trump-administration-launches-task-force-missing-murdered-indigenous/story?id=68617962>.

⁹ *Id.*

representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office (CBO). The Committee has requested but not received from the Director of the CBO a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee reports that the Director of the Congressional Budget Office, under section 402 of the Congressional Budget Act of 1974, provided no report or analysis with respect to the bill, H.R. 2733.

Duplication of Federal Programs

No provision of H.R. 2733 establishes or reauthorizes a program of the Federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2733 would facilitate law enforcement's ability to improve data collection and develop guidelines and best practices pertaining to instances of missing and murdered Native Americans and Alaska Natives, in order to improve the response to these crimes by Federal, State, Tribal, and local law enforcement.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2733 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Section 1. Short Title. Section 1 of the bill contains the title, "Savanna's Act."

Sec. 2. Purpose. The bill intends to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agencies with respect to responding to cases of missing or murdered Indians; increase coordination and communication among law enforcement agencies including medical examiner and coroner offices; empower tribal governments with the resources and information necessary to respond to cases of missing or murdered Indians; and increase the collection of data related to missing and murdered Indians, and the sharing of information among Federal, State, and Tribal officials responsible for investigating these cases.

Sec. 3. Definitions. This section provides definitions for use throughout the bill, including specifying the databases that are covered by the legislation, defining “Indian Country,” “Indian land,” and “Indian tribe” to comport with the definitions in other parts of the federal code, and defining law enforcement agencies broadly, to incorporate Tribal, Federal, State, or local law enforcement.

Sec. 4. Improving tribal access to databases. This section requires the Attorney General to provide training to law enforcement agencies regarding how to record the tribal enrollment information or affiliation of victims in Federal databases; in cooperation with the Secretary of the Interior, complete a formal consultation with Indian Tribes and confer with Tribal organizations and urban Indian organizations, within 180 days of the enactment of the Act, on how to improve Tribal data relevance and access to databases; incorporate additional topics into annual consultations with Indian Tribes required by the Violence Against Women Act; and develop and implement a strategy to educate the public about the National Missing and Unidentified Persons System (NamUs); and conduct outreach to Indian Tribes, tribal organizations, and urban Indian organizations, on the ability to publicly enter information regarding missing persons through NamUs or other non-law-enforcement-sensitive portals.

Sec. 5. Guidelines for responding to cases of missing and murdered Indians. Sections 5(a) and 5(b) require the Attorney General to direct United States Attorneys to develop, in consultation with Indian Tribes and relevant partners, regionally appropriate guidelines to respond to cases of murdered and missing Indians, including: guidelines on inter-jurisdictional cooperation among law enforcement agencies (LEAs) at the Tribal, Federal, State, and local levels; best practices in conducting searches for missing persons on and off Indian land; standards on the collection, reporting, and analysis of data and information on missing persons and unidentified human remains, and culturally appropriate identification and handling of human remains identified as Indian, including guidance that all appropriate information related to missing or murdered Indians be entered in a timely manner into applicable databases; guidance on which LEA is responsible for inputting information into databases, guidelines on improving LEA response rates and follow-up to cases of missing and murdered Indians; and guidelines on ensuring access to culturally appropriate victim services.

Section 5(c) requires U.S. Attorneys to incorporate the guidelines developed under section 5(a) into their office policies and procedures and requires each Federal LEA to modify its existing guidelines, policies, and protocols to also incorporate the guidelines developed under section 5(a). Section 5(c) also requires the Attorney

General to determine whether those LEAs that request recognition of compliance have incorporated the guidelines into their respective guidelines, policies, and protocols.

Section 5(d) directs the Attorney General to disclose and publish each fiscal year a list of LEAs that have been determined under section 5(c) to have incorporated the guidelines, or that are pending compliance. Section 5(d) also directs the Attorney General to collect the implemented guidelines as a resource for best practices that can be used by other LEAs.

Section 5(e) makes available training and technical assistance to Indian Tribes and LEAs through the National Indian Country Training Initiative, to implement the guidelines or develop and implement locally-specific guidelines or protocols for responding to cases of missing or murdered Indians and using NamUs for that purpose. This section also allows Indian Tribes to submit their own guidelines to respond to cases of missing or murdered Indians to the Attorney General. The Attorney General would collect and publish these guidelines in one centralized location as a resource for any Federal agency, State, or Tribal government.

Sec. 6. Annual reporting requirements. This section requires the Attorney General to collect and make public (in a manner that maintains victim privacy to the greatest extent possible) annual data on missing and murdered Indians in the United States, in DOJ's Indian Country Investigations and Prosecutions report to Congress, including recommendations on how data collection might be improved. Additionally, this section requires the Attorney General to include known statistics on missing and murdered Indians by gender, age, tribal enrollment information, number of open cases per state, total number of closed cases, and other relevant information the Attorney General deems appropriate. Section 6 also requires the Attorney General to explain why statistics pertaining to missing Indians may not be comprehensive.

Section 6(b) directs the Attorney General to request all Tribal, State, and local LEAs to submit to DOJ all relevant information pertaining to missing or murdered Indians they have collected and to disclose and publish annually, including on the DOJ website, the name of each LEA that submitted such information.

Section 6(c) requires the FBI to include gender in the annual statistics on missing and unidentified persons it publishes annual on its public website.

Sec. 7. Implementation and incentive. This section adds two new purpose areas to two DOJ grant programs, specifically allowing grantees to use funds to implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, and to compile and report data to the Attorney General.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

SECTION 903 OF THE VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

SEC. 903. CONSULTATION

(a) **IN GENERAL.**—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491), and the Violence Against Women Reauthorization Act of 2013.

(b) **RECOMMENDATIONS.**—During consultations under subsection (a), the Secretary of Health and Human Services, the Secretary of the Interior, and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

[(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and]

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, homicide, stalking, and sex trafficking;

(3) strengthening the Federal response to such violent crimes[.]; and

(4) improving access to local, regional, State, and Federal crime information databases and criminal justice information systems.

(c) **ANNUAL REPORT.**—The Attorney General shall submit to Congress an annual report on the annual consultations required under subsection (a) that—

(1) contains the recommendations made under subsection (b) by Indian tribes during the year covered by the report;

(2) describes actions taken during the year covered by the report to respond to recommendations made under subsection (b) during the year or a previous year; and

(3) describes how the Attorney General will work in coordination and collaboration with Indian tribes, the Secretary of Health and Human Services, and the Secretary of the Interior to address the recommendations made under subsection (b).

(d) **NOTICE.**—Not later than 120 days before the date of a consultation under subsection (a), the Attorney General shall notify tribal leaders of the date, time, and location of the consultation.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

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TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

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SEC. 2015. GRANTS TO INDIAN TRIBAL GOVERNMENTS.

(a) GRANTS.—The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments to—

(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, sex trafficking, and stalking crimes against Indian women;

(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, sex trafficking, and stalking;

(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, sexual assault, sex trafficking, and stalking;

(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children;

(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, sex trafficking, or stalking to locate and secure permanent housing and integrate into a community;

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, sex trafficking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims;

(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of youth and children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing parent or the caretaker of the youth or child; **[and]**

(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking**[.]**;

(11) develop, strengthen, and implement policies, protocols, and training for law enforcement regarding cases of missing or murdered Indians, as described in section 5 of Savanna's Act; and

(12) compile and annually report data to the Attorney General related to missing or murdered Indians, as described in section 6 of Savanna's Act.

(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a non-profit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.

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PART U—GRANTS TO ENCOURAGE ARREST POLICIES

SEC. 2101. GRANTS.

(a) PURPOSE.—The purpose of this part is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law.

(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible grantees for the following purposes:

(1) To implement proarrest programs and policies in police departments, including policies for protection order violations and enforcement of protection orders across State and tribal lines.

(2) To develop policies, educational programs, protection order registries, data collection systems, and training in police departments to improve tracking of cases and classification of complaints involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.

(4) To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.

(5) To strengthen legal advocacy service programs and other victim services for victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.

(6) To educate Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel in

criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence dating violence, sexual assault, and stalking against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from victim service providers, staff from population specific organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

(12) To develop, enhance, and maintain protection order registries.

(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.

(14) To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

(15) To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of applications for nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(16) To develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate treatment of victims.

(17) To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

(18) To develop, implement, or enhance Sexual Assault Response Teams or similar coordinated community responses to sexual assault.

(19) To develop and strengthen policies, protocols, and training for law enforcement officers and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

(20) To provide human immunodeficiency virus testing programs, counseling, and prophylaxis for victims of sexual assault.

(21) To identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs, including policies and protocols for notifying and involving victims.

(22) To develop multidisciplinary high-risk teams focusing on reducing domestic violence and dating violence homicides by—

(A) using evidence-based indicators to assess the risk of homicide and link high-risk victims to immediate crisis intervention services;

(B) identifying and managing high-risk offenders; and

(C) providing ongoing victim advocacy and referrals to comprehensive services including legal, housing, health care, and economic assistance.

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

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

(c) ELIGIBILITY.—Eligible grantees are—

(1) States, Indian tribal governments State and local courts (including juvenile courts), or units of local government that—

(A) except for a court, certify that their laws or official policies—

(i) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(ii) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(B) except for a court, demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(C) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense;

(D) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction;

(E) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

(i) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of, trial of, or sentencing for such an offense; and

(ii) the refusal of a victim to submit to an examination described in clause (i) shall not prevent the investigation of, trial of, or sentencing for the offense; and

(2) a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a State, Indian tribal government, or unit of local government that certifies that the State, Indian tribal government, or unit of local government meets the requirements under paragraph (1).

(d) **SPEEDY NOTICE TO VICTIMS.**—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

(1) certifies that it has a law, policy, or regulation that requires—

(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after

the date on which the information or indictment is presented and the defendant is in custody or has been served with the information or indictment;

(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

(2) gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years.

(e) ALLOTMENT FOR INDIAN TRIBES.—

(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015.

(2) APPLICABILITY OF PART.—The requirements of this part shall not apply to funds allocated for the program described in paragraph (1).

(f) ALLOCATION FOR TRIBAL COALITIONS.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 5 percent shall be available for grants under section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg).

(g) ALLOCATION FOR SEXUAL ASSAULT.—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

* * * * *

Committee Correspondence

JERROLD NADLER, New York
CHAIRMAN

DOUG COLLINS, Georgia
RANKING MINORITY MEMBER

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515-6216
One Hundred Sixteenth Congress

February 21, 2020

The Honorable Raúl M. Grijalva
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

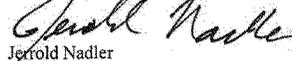
Dear Chairman Grijalva:

I am writing to you concerning H.R. 2733, the "Savanna's Act."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Natural Resources. I acknowledge that your Committee will not formally consider H.R. 2733 and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in H.R. 2733 which fall within your Committee's Rule X jurisdiction.

I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,


Jerrold Nadler
Chairman

c: The Honorable Douglas Collins, Ranking Member, Committee on the Judiciary
The Honorable Thomas J. Wickham, Jr., Parliamentarian
The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

February 24, 2020

The Honorable Jerrold Nadler
Chair
Committee on the Judiciary
U.S. House of Representatives
2141 Rayburn House Office Building
Washington, D.C. 20515

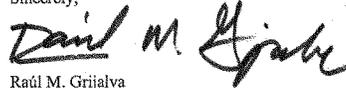
Dear Chair Nadler,

In recognition of the goal of expediting consideration of H.R. 2733, "Savanna's Act," the Committee on Natural Resources agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Natural Resources.

The Committee on Natural Resources takes this action with the mutual understanding that, in doing so, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. Our Committee also reserves the right to seek appointment of conferees to any House-Senate conference involving this or similar legislation.

Thank you for agreeing to include our exchange of letters in the *Congressional Record*. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member, Committee on Natural Resources
The Honorable Doug Collins, Ranking Member, Committee on the Judiciary
The Honorable Thomas J. Wickham Jr., Parliamentarian

