

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the prosecution of, and response to,
crimes in Indian country.

IN THE SENATE OF THE UNITED STATES—111th Cong., 2d Sess.

H. R. 725

To protect Indian arts and crafts through the improvement
of applicable criminal proceedings, 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 intended to be proposed by Mr. DORGAN

Viz:

1 At the end, add the following:

2 **DIVISION B—TRIBAL LAW AND** 3 **ORDER**

4 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Tribal Law and Order Act of 2010”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this division is as follows:

DIVISION B—TRIBAL LAW AND ORDER

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings; purposes.
- Sec. 3. Definitions.

2

- Sec. 4. Severability.
- Sec. 5. Jurisdiction of the State of Alaska.
- Sec. 6. Effect.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

- Sec. 101. Office of Justice Services responsibilities.
- Sec. 102. Disposition reports.
- Sec. 103. Prosecution of crimes in Indian country.
- Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

- Sec. 201. State criminal jurisdiction and resources.
- Sec. 202. State, tribal, and local law enforcement cooperation.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES
AND TRIBAL GOVERNMENTS

- Sec. 301. Tribal police officers.
- Sec. 302. Drug enforcement in Indian country.
- Sec. 303. Access to national criminal information databases.
- Sec. 304. Tribal court sentencing authority.
- Sec. 305. Indian Law and Order Commission.
- Sec. 306. Exemption for tribal display materials.

TITLE IV—TRIBAL JUSTICE SYSTEMS

- Sec. 401. Indian alcohol and substance abuse.
- Sec. 402. Indian tribal justice; technical and legal assistance.
- Sec. 403. Tribal resources grant program.
- Sec. 404. Tribal jails program.
- Sec. 405. Tribal probation office liaison program.
- Sec. 406. Tribal youth program.
- Sec. 407. Improving public safety presence in rural Alaska.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND
INFORMATION SHARING

- Sec. 501. Tracking of crimes committed in Indian country.
- Sec. 502. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT
PROSECUTION AND PREVENTION

- Sec. 601. Prisoner release and reentry.
- Sec. 602. Domestic and sexual violence offense training.
- Sec. 603. Testimony by Federal employees.
- Sec. 604. Coordination of Federal agencies.
- Sec. 605. Sexual assault protocol.
- Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

1 (1) the United States has distinct legal, treaty,
2 and trust obligations to provide for the public safety
3 of Indian country;

4 (2) Congress and the President have acknowl-
5 edged that—

6 (A) tribal law enforcement officers are
7 often the first responders to crimes on Indian
8 reservations; and

9 (B) tribal justice systems are often the
10 most appropriate institutions for maintaining
11 law and order in Indian country;

12 (3) less than 3,000 tribal and Federal law en-
13 forcement officers patrol more than 56,000,000
14 acres of Indian country, which reflects less than 1/2
15 of the law enforcement presence in comparable rural
16 communities nationwide;

17 (4) the complicated jurisdictional scheme that
18 exists in Indian country—

19 (A) has a significant negative impact on
20 the ability to provide public safety to Indian
21 communities;

22 (B) has been increasingly exploited by
23 criminals; and

1 (C) requires a high degree of commitment
2 and cooperation among tribal, Federal, and
3 State law enforcement officials;

4 (5)(A) domestic and sexual violence against
5 American Indian and Alaska Native women has
6 reached epidemic proportions;

7 (B) 34 percent of American Indian and Alaska
8 Native women will be raped in their lifetimes; and

9 (C) 39 percent of American Indian and Alaska
10 Native women will be subject to domestic violence;

11 (6) Indian tribes have faced significant in-
12 creases in instances of domestic violence, burglary,
13 assault, and child abuse as a direct result of in-
14 creased methamphetamine use on Indian reserva-
15 tions; and

16 (7) crime data is a fundamental tool of law en-
17 forcement, but for decades the Bureau of Indian Af-
18 fairs and the Department of Justice have not been
19 able to coordinate or consistently report crime and
20 prosecution rates in tribal communities.

21 (b) PURPOSES.—The purposes of this division are—

22 (1) to clarify the responsibilities of Federal,
23 State, tribal, and local governments with respect to
24 crimes committed in Indian country;

1 (2) to increase coordination and communication
2 among Federal, State, tribal, and local law enforce-
3 ment agencies;

4 (3) to empower tribal governments with the au-
5 thority, resources, and information necessary to
6 safely and effectively provide public safety in Indian
7 country;

8 (4) to reduce the prevalence of violent crime in
9 Indian country and to combat sexual and domestic
10 violence against American Indian and Alaska Native
11 women;

12 (5) to prevent drug trafficking and reduce rates
13 of alcohol and drug addiction in Indian country; and

14 (6) to increase and standardize the collection of
15 criminal data and the sharing of criminal history in-
16 formation among Federal, State, and tribal officials
17 responsible for responding to and investigating
18 crimes in Indian country.

19 **SEC. 3. DEFINITIONS.**

20 (a) IN GENERAL.—In this division:

21 (1) INDIAN COUNTRY.—The term “Indian coun-
22 try” has the meaning given the term in section 1151
23 of title 18, United States Code.

24 (2) INDIAN TRIBE.—The term “Indian tribe”
25 has the meaning given the term in section 102 of the

1 Federally Recognized Indian Tribe List Act of 1994
2 (25 U.S.C. 479a).

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (4) TRIBAL GOVERNMENT.—The term “tribal
6 government” means the governing body of a feder-
7 ally recognized Indian tribe.

8 (b) INDIAN LAW ENFORCEMENT REFORM ACT.—
9 Section 2 of the Indian Law Enforcement Reform Act (25
10 U.S.C. 2801) is amended by adding at the end the fol-
11 lowing:

12 “(10) The term ‘tribal justice official’ means—

13 “(A) a tribal prosecutor;

14 “(B) a tribal law enforcement officer; or

15 “(C) any other person responsible for in-
16 vestigating or prosecuting an alleged criminal
17 offense in tribal court.”.

18 **SEC. 4. SEVERABILITY.**

19 If any provision of this division, an amendment made
20 by this division, or the application of such a provision or
21 amendment to any individual, entity, or circumstance, is
22 determined by a court of competent jurisdiction to be in-
23 valid, the remaining provisions of this division, the remain-
24 ing amendments made by this division, and the application
25 of those provisions and amendments to individuals, enti-

1 ties, or circumstances other than the affected individual,
2 entity, or circumstance shall not be affected.

3 **SEC. 5. JURISDICTION OF THE STATE OF ALASKA.**

4 Nothing in this Act limits, alters, expands, or dimin-
5 ishes the civil or criminal jurisdiction of the State of Alas-
6 ka, any subdivision of the State of Alaska, or any Indian
7 tribe in that State.

8 **SEC. 6. EFFECT.**

9 Nothing in this Act confers on an Indian tribe crimi-
10 nal jurisdiction over non-Indians.

11 **TITLE I—FEDERAL ACCOUNT-**
12 **ABILITY AND COORDINATION**

13 **SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBIL-**
14 **ITIES.**

15 (a) DEFINITIONS.—Section 2 of the Indian Law En-
16 forcement Reform Act (25 U.S.C. 2801) is amended—

17 (1) by striking paragraph (8);

18 (2) by redesignating paragraphs (1) through
19 (7) as paragraphs (2) through (8), respectively;

20 (3) by redesignating paragraph (9) as para-
21 graph (1) and moving the paragraphs so as to ap-
22 pear in numerical order; and

23 (4) in paragraph (1) (as redesignated by para-
24 graph (3)), by striking “Division of Law Enforce-

1 ment Services” and inserting “Office of Justice
2 Services”.

3 (b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—

4 Section 3 of the Indian Law Enforcement Reform Act (25
5 U.S.C. 2802) is amended—

6 (1) in subsection (b), by striking “(b) There is
7 hereby established within the Bureau a Division of
8 Law Enforcement Services which” and inserting the
9 following:

10 “(b) OFFICE OF JUSTICE SERVICES.—There is estab-
11 lished in the Bureau an office, to be known as the ‘Office
12 of Justice Services’, that”;

13 (2) in subsection (c)—

14 (A) in the matter preceding paragraph (1),
15 by striking “Division of Law Enforcement Serv-
16 ices” and inserting “Office of Justice Services”;

17 (B) in paragraph (8), by striking “and” at
18 the end;

19 (C) in paragraph (9), by striking the pe-
20 riod at the end and inserting a semicolon; and

21 (D) by adding at the end the following:

22 “(10) the development and provision of dispatch
23 and emergency and E-911 services;

24 “(11) communicating with tribal leaders, tribal
25 community and victims’ advocates, tribal justice offi-

1 cials, indigent defense representatives, and residents
2 of Indian country on a regular basis regarding pub-
3 lic safety and justice concerns facing tribal commu-
4 nities;

5 “(12) conducting meaningful and timely con-
6 sultation with tribal leaders and tribal justice offi-
7 cials in the development of regulatory policies and
8 other actions that affect public safety and justice in
9 Indian country;

10 “(13) providing technical assistance and train-
11 ing to tribal law enforcement officials to gain access
12 and input authority to utilize the National Criminal
13 Information Center and other national crime infor-
14 mation databases pursuant to section 534 of title
15 28, United States Code;

16 “(14) in coordination with the Attorney General
17 pursuant to subsection (g) of section 302 of the Om-
18 nibus Crime Control and Safe Streets Act of 1968
19 (42 U.S.C. 3732), collecting, analyzing, and report-
20 ing data regarding Indian country crimes on an an-
21 nual basis;

22 “(15) on an annual basis, sharing with the De-
23 partment of Justice all relevant crime data, includ-
24 ing Uniform Crime Reports, that the Office of Jus-
25 tice Services prepares and receives from tribal law

1 enforcement agencies on a tribe-by-tribe basis to en-
2 sure that individual tribal governments providing
3 data are eligible for programs offered by the Depart-
4 ment of Justice;

5 “(16) submitting to the appropriate committees
6 of Congress, for each fiscal year, a detailed spending
7 report regarding tribal public safety and justice pro-
8 grams that includes—

9 “(A)(i) the number of full-time employees
10 of the Bureau and tribal governments who serve
11 as—

12 “(I) criminal investigators;

13 “(II) uniform police;

14 “(III) police and emergency dis-
15 patchers;

16 “(IV) detention officers;

17 “(V) executive personnel, including
18 special agents in charge, and directors and
19 deputies of various offices in the Office of
20 Justice Services; and

21 “(VI) tribal court judges, prosecutors,
22 public defenders, appointed defense coun-
23 sel, or related staff; and

1 “(ii) the amount of appropriations obli-
2 gated for each category described in clause (i)
3 for each fiscal year;

4 “(B) a list of amounts dedicated to law en-
5 forcement and corrections, vehicles, related
6 transportation costs, equipment, inmate trans-
7 portation costs, inmate transfer costs, replace-
8 ment, improvement, and repair of facilities, per-
9 sonnel transfers, detailees and costs related to
10 their details, emergency events, public safety
11 and justice communications and technology
12 costs, and tribal court personnel, facilities, indi-
13 gent defense, and related program costs;

14 “(C) a list of the unmet staffing needs of
15 law enforcement, corrections, and court per-
16 sonnel (including indigent defense and prosecu-
17 tion staff) at tribal and Bureau of Indian Af-
18 fairs justice agencies, the replacement and re-
19 pair needs of tribal and Bureau corrections fa-
20 cilities, needs for tribal police and court facili-
21 ties, and public safety and emergency commu-
22 nications and technology needs; and

23 “(D) the formula, priority list or other
24 methodology used to determine the method of
25 disbursement of funds for the public safety and

1 justice programs administered by the Office of
2 Justice Services;

3 “(17) submitting to the appropriate committees
4 of Congress, for each fiscal year, a report summa-
5 rizing the technical assistance, training, and other
6 support provided to tribal law enforcement and cor-
7 rections agencies that operate relevant programs
8 pursuant to self-determination contracts or self-gov-
9 ernance compacts with the Secretary; and

10 “(18) promulgating regulations to carry out
11 this Act, and routinely reviewing and updating, as
12 necessary, the regulations contained in subchapter B
13 of title 25, Code of Federal Regulations (or suc-
14 cessor regulations).”;

15 (3) in subsection (d)—

16 (A) in paragraph (1), by striking “Division
17 of Law Enforcement Services” and inserting
18 “Office of Justice Services”; and

19 (B) in paragraph (4)(i), in the first sen-
20 tence, by striking “Division” and inserting “Of-
21 fice of Justice Services”;

22 (4) in subsection (e), by striking “Division of
23 Law Enforcement Services” each place it appears
24 and inserting “Office of Justice Services”; and

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

1 “(f) LONG-TERM PLAN FOR TRIBAL DETENTION
2 PROGRAMS.—Not later than 1 year after the date of en-
3 actment of this subsection, the Secretary, acting through
4 the Bureau, in coordination with the Department of Jus-
5 tice and in consultation with tribal leaders, tribal courts,
6 tribal law enforcement officers, and tribal corrections offi-
7 cials, shall submit to Congress a long-term plan to address
8 incarceration in Indian country, including—

9 “(1) a description of proposed activities for—

10 “(A) the construction, operation, and
11 maintenance of juvenile (in accordance with sec-
12 tion 4220(a)(3) of the Indian Alcohol and Sub-
13 stance Abuse Prevention and Treatment Act of
14 1986 (25 U.S.C. 2453(a)(3)) and adult deten-
15 tion facilities (including regional facilities) in
16 Indian country;

17 “(B) contracting with State and local de-
18 tention centers, upon approval of affected tribal
19 governments; and

20 “(C) alternatives to incarceration, devel-
21 oped in cooperation with tribal court systems;

22 “(2) an assessment and consideration of the
23 construction of Federal detention facilities in Indian
24 country; and

“(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.”.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

8 (1) in paragraph (2)(A), by striking “), or” and
9 inserting “or offenses processed by the Central Vio-
10 lations Bureau); or”; and

11 (2) in paragraph (3)—

12 (A) in subparagraph (B), by striking “,
13 or” at the end and inserting a semicolon;

(B) in subparagraphs (B) and (C), by striking “reasonable grounds” each place it appears and inserting “probable cause”;

17 (C) in subparagraph (C), by adding “or”
18 at the end; and

19 (D) by adding at the end the following:

20 “(D)(i) the offense involves—

21 “(I) a misdemeanor controlled sub-
22 stance offense in violation of—

23 “(aa) the Controlled Substances
24 Act (21 U.S.C. 801 et seq.);

1 “(bb) title IX of the Personal Re-
2 sponsibility and Work Opportunity
3 Reconciliation Act of 1996 (21 U.S.C.
4 862a et seq.); or

5 “(cc) section 731 of the USA
6 PATRIOT Improvement and Reau-
7 thorization Act of 2005 (21 U.S.C.
8 865);

9 “(II) a misdemeanor firearms offense
10 in violation of chapter 44 of title 18,
11 United States Code;

12 “(III) a misdemeanor assault in viola-
13 tion of chapter 7 of title 18, United States
14 Code; or

15 “(IV) a misdemeanor liquor traf-
16 ficking offense in violation of chapter 59 of
17 title 18, United States Code; and

18 “(ii) the employee has probable cause to
19 believe that the individual to be arrested has
20 committed, or is committing, the crime;”.

21 **SEC. 102. DISPOSITION REPORTS.**

22 Section 10 of the Indian Law Enforcement Reform
23 Act (25 U.S.C. 2809) is amended by striking subsections
24 (a) through (d) and inserting the following:

25 “(a) COORDINATION AND DATA COLLECTION.—

1 “(1) INVESTIGATIVE COORDINATION.—Subject
2 to subsection (c), if a law enforcement officer or em-
3 ployee of any Federal department or agency termi-
4 nates an investigation of an alleged violation of Fed-
5 eral criminal law in Indian country without referral
6 for prosecution, the officer or employee shall coordi-
7 nate with the appropriate tribal law enforcement of-
8 ficials regarding the status of the investigation and
9 the use of evidence relevant to the case in a tribal
10 court with authority over the crime alleged.

11 “(2) INVESTIGATION DATA.—The Federal Bu-
12 reau of Investigation shall compile, on an annual
13 basis and by Field Division, information regarding
14 decisions not to refer to an appropriate prosecuting
15 authority cases in which investigations had been
16 opened into an alleged crime in Indian country, in-
17 cluding—

18 “(A) the types of crimes alleged;

19 “(B) the statuses of the accused as Indi-
20 ans or non-Indians;

21 “(C) the statuses of the victims as Indians
22 or non-Indians; and

23 “(D) the reasons for deciding against re-
24 ferring the investigation for prosecution.

1 “(3) PROSECUTORIAL COORDINATION.—Subject
2 to subsection (c), if a United States Attorney de-
3 clines to prosecute, or acts to terminate prosecution
4 of, an alleged violation of Federal criminal law in In-
5 dian country, the United States Attorney shall co-
6 ordinate with the appropriate tribal justice officials
7 regarding the status of the investigation and the use
8 of evidence relevant to the case in a tribal court with
9 authority over the crime alleged.

10 “(4) PROSECUTION DATA.—The United States
11 Attorney shall submit to the Native American Issues
12 Coordinator to compile, on an annual basis and by
13 Federal judicial district, information regarding all
14 declinations of alleged violations of Federal criminal
15 law that occurred in Indian country that were re-
16 ferred for prosecution by law enforcement agencies,
17 including—

18 “(A) the types of crimes alleged;

19 “(B) the statuses of the accused as Indi-
20 ans or non-Indians;

21 “(C) the statuses of the victims as Indians
22 or non-Indians; and

23 “(D) the reasons for deciding to decline or
24 terminate the prosecutions.

1 “(b) ANNUAL REPORTS.—The Attorney General shall
2 submit to Congress annual reports containing, with re-
3 spect to the applicable calendar year, the information com-
4 piled under paragraphs (2) and (4) of subsection (a)—

5 “(1) organized—

6 “(A) in the aggregate; and

7 “(B)(i) for the Federal Bureau of Inves-
8 tigation, by Field Division; and

9 “(ii) for United States Attorneys, by Fed-
10 eral judicial district; and

11 “(2) including any relevant explanatory state-
12 ments.

13 “(c) EFFECT OF SECTION.—

14 “(1) IN GENERAL.—Nothing in this section re-
15 quires any Federal agency or official to transfer or
16 disclose any confidential, privileged, or statutorily
17 protected communication, information, or source to
18 an official of any Indian tribe.

19 “(2) FEDERAL RULES OF CRIMINAL PROCE-
20 DURE.—Nothing in this section affects or limits the
21 requirements of Rule 6 of the Federal Rules of
22 Criminal Procedure.

23 “(3) REGULATIONS.—The Attorney General
24 shall establish, by regulation, standards for the pro-
25 tection of the confidential or privileged communica-

1 tions, information, and sources described in this sec-
2 tion.”.

3 **SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.**

4 (a) APPOINTMENT OF SPECIAL PROSECUTORS.—

5 (1) IN GENERAL.—Section 543 of title 28,
6 United States Code, is amended—

7 (A) in subsection (a), by inserting before
8 the period at the end the following: “, including
9 the appointment of qualified tribal prosecutors
10 and other qualified attorneys to assist in pros-
11 ecuting Federal offenses committed in Indian
12 country”; and

13 (B) by adding at the end the following:

14 “(c) INDIAN COUNTRY.—In this section, the term
15 ‘Indian country’ has the meaning given that term in sec-
16 tion 1151 of title 18.”.

17 (2) SENSE OF CONGRESS REGARDING CON-
18 SULTATION.—It is the sense of Congress that, in ap-
19 pointing attorneys under section 543 of title 28,
20 United States Code, to serve as special prosecutors
21 in Indian country, the Attorney General should con-
22 sult with tribal justice officials of each Indian tribe
23 that would be affected by the appointment.

24 (b) TRIBAL LIAISONS.—

1 (1) IN GENERAL.—The Indian Law Enforce-
2 ment Reform Act (25 U.S.C. 2801 et seq.) is
3 amended by adding at the end the following:

4 **“SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-**
5 **AISONS.**

6 “(a) APPOINTMENT.—The United States Attorney
7 for each district that includes Indian country shall appoint
8 not less than 1 assistant United States Attorney to serve
9 as a tribal liaison for the district.

10 “(b) DUTIES.—The duties of a tribal liaison shall in-
11 clude the following:

12 “(1) Coordinating the prosecution of Federal
13 crimes that occur in Indian country.

14 “(2) Developing multidisciplinary teams to com-
15 bat child abuse and domestic and sexual violence of-
16 fenses against Indians.

17 “(3) Consulting and coordinating with tribal
18 justice officials and victims’ advocates to address
19 any backlog in the prosecution of major crimes in
20 Indian country in the district.

21 “(4) Developing working relationships and
22 maintaining communication with tribal leaders, trib-
23 al community and victims’ advocates, and tribal jus-
24 tice officials to gather information from, and share
25 appropriate information with, tribal justice officials.

1 “(5) Coordinating with tribal prosecutors in
2 cases in which a tribal government has concurrent
3 jurisdiction over an alleged crime, in advance of the
4 expiration of any applicable statute of limitation.

5 “(6) Providing technical assistance and training
6 regarding evidence gathering techniques and strate-
7 gies to address victim and witness protection to trib-
8 al justice officials and other individuals and entities
9 that are instrumental to responding to Indian coun-
10 try crimes.

11 “(7) Conducting training sessions and seminars
12 to certify special law enforcement commissions to
13 tribal justice officials and other individuals and enti-
14 ties responsible for responding to Indian country
15 crimes.

16 “(8) Coordinating with the Office of Tribal Jus-
17 tice, as necessary.

18 “(9) Conducting such other activities to address
19 and prevent violent crime in Indian country as the
20 applicable United States Attorney determines to be
21 appropriate.

22 “(c) EFFECT OF SECTION.—Nothing in this section
23 limits the authority of any United States Attorney to de-
24 termine the duties of a tribal liaison officer to meet the

1 needs of the Indian tribes located within the relevant Fed-
2 eral district.

3 “(d) ENHANCED PROSECUTION OF MINOR
4 CRIMES.—

5 “(1) IN GENERAL.—Each United States Attor-
6 ney serving a district that includes Indian country is
7 authorized and encouraged—

8 “(A) to appoint Special Assistant United
9 States Attorneys pursuant to section 543(a) of
10 title 28, United States Code, to prosecute
11 crimes in Indian country as necessary to im-
12 prove the administration of justice, and particu-
13 larly when—

14 “(i) the crime rate exceeds the na-
15 tional average crime rate; or

16 “(ii) the rate at which criminal of-
17 fenses are declined to be prosecuted ex-
18 ceeds the national average declination rate;

19 “(B) to coordinate with applicable United
20 States district courts regarding scheduling of
21 Indian country matters and holding trials or
22 other proceedings in Indian country, as appro-
23 priate;

1 “(C) to provide to appointed Special As-
2 sistant United States Attorneys appropriate
3 training, supervision, and staff support; and

4 “(D) to provide technical and other assist-
5 ance to tribal governments and tribal court sys-
6 tems to ensure that the goals of this subsection
7 are achieved.

8 “(2) SENSE OF CONGRESS REGARDING CON-
9 SULTATION.—It is the sense of Congress that, in ap-
10 pointing Special Assistant United States Attorneys
11 under this subsection, a United States Attorney
12 should consult with tribal justice officials of each In-
13 dian tribe that would be affected by the appoint-
14 ment.”.

15 (2) SENSE OF CONGRESS REGARDING EVALUA-
16 TIONS OF TRIBAL LIAISONS.—

17 (A) FINDINGS.—Congress finds that—

18 (i) many residents of Indian country
19 rely solely on United States Attorneys of-
20 fices to prosecute felony and misdemeanor
21 crimes occurring on Indian land; and

22 (ii) tribal liaisons have dual obliga-
23 tions of—

24 (I) coordinating prosecutions of
25 Indian country crime; and

1 (II) developing relationships with
2 residents of Indian country and serv-
3 ing as a link between Indian country
4 residents and the Federal justice proc-
5 ess.

6 (B) SENSE OF CONGRESS.—It is the sense
7 of Congress that the Attorney General should—

8 (i) take all appropriate actions to en-
9 courage the aggressive prosecution of all
10 Federal crimes committed in Indian coun-
11 try; and

12 (ii) when appropriate, take into con-
13 sideration the dual responsibilities of tribal
14 liaisons described in subparagraph (A)(ii)
15 in evaluating the performance of the tribal
16 liaisons.

17 **SEC. 104. ADMINISTRATION.**

18 (a) OFFICE OF TRIBAL JUSTICE.—

19 (1) DEFINITIONS.—Section 4 of the Indian
20 Tribal Justice Technical and Legal Assistance Act of
21 2000 (25 U.S.C. 3653) is amended—

22 (A) by redesignating paragraphs (2)
23 through (7) as paragraphs (3) through (8), re-
24 spectively; and

1 (B) by inserting after paragraph (1) the
2 following:

3 “(2) DIRECTOR.—The term ‘Director’ means
4 the Director of the Office of Tribal Justice.”.

5 (2) STATUS.—Title I of the Indian Tribal Jus-
6 tice Technical and Legal Assistance Act of 2000 is
7 amended—

8 (A) by redesignating section 106 (25
9 U.S.C. 3666) as section 107; and

10 (B) by inserting after section 105 (25
11 U.S.C. 3665) the following:

12 **“SEC. 106. OFFICE OF TRIBAL JUSTICE.**

13 “(a) IN GENERAL.—Not later than 90 days after the
14 date of enactment of the Tribal Law and Order Act of
15 2010, the Attorney General shall establish the Office of
16 Tribal Justice as a component of the Department.

17 “(b) PERSONNEL AND FUNDING.—The Attorney
18 General shall provide to the Office of Tribal Justice such
19 personnel and funds as are necessary to establish the Of-
20 fice of Tribal Justice as a component of the Department
21 under subsection (a).

22 “(c) DUTIES.—The Office of Tribal Justice shall—

23 “(1) serve as the program and legal policy advi-
24 sor to the Attorney General with respect to the trea-

1 ty and trust relationship between the United States
2 and Indian tribes;

3 “(2) serve as the point of contact for federally
4 recognized tribal governments and tribal organiza-
5 tions with respect to questions and comments re-
6 garding policies and programs of the Department
7 and issues relating to public safety and justice in In-
8 dian country; and

9 “(3) coordinate with other bureaus, agencies,
10 offices, and divisions within the Department of Jus-
11 tice to ensure that each component has an account-
12 able process to ensure meaningful and timely con-
13 sultation with tribal leaders in the development of
14 regulatory policies and other actions that affect—

15 “(A) the trust responsibility of the United
16 States to Indian tribes;

17 “(B) any tribal treaty provision;

18 “(C) the status of Indian tribes as sov-
19 ereign governments; or

20 “(D) any other tribal interest.”.

21 (b) NATIVE AMERICAN ISSUES COORDINATOR.—The
22 Indian Law Enforcement Reform Act (25 U.S.C. 2801 et
23 seq.) (as amended by section 103(b)) is amended by add-
24 ing at the end the following:

1 **“SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.**

2 “(a) ESTABLISHMENT.—There is established in the
3 Executive Office for United States Attorneys of the De-
4 partment of Justice a position to be known as the ‘Native
5 American Issues Coordinator’.

6 “(b) DUTIES.—The Native American Issues Coordi-
7 nator shall—

8 “(1) coordinate with the United States Attor-
9 neys that have authority to prosecute crimes in In-
10 dian country;

11 “(2) coordinate prosecutions of crimes of na-
12 tional significance in Indian country, as determined
13 by the Attorney General;

14 “(3) coordinate as necessary with other compo-
15 nents of the Department of Justice and any relevant
16 advisory groups to the Attorney General or the Dep-
17 uty Attorney General; and

18 “(4) carry out such other duties as the Attor-
19 ney General may prescribe.”.

20 **TITLE II—STATE ACCOUNT-**
21 **ABILITY AND COORDINATION**

22 **SEC. 201. STATE CRIMINAL JURISDICTION AND RE-**
23 **SOURCES.**

24 (a) CONCURRENT AUTHORITY OF UNITED
25 STATES.—Section 401(a) of the Indian Civil Rights Act
26 of 1968 (25 U.S.C. 1321(a)) is amended—

1 (1) by striking the section designation and
2 heading and all that follows through “The consent
3 of the United States” and inserting the following:

4 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDIC-**
5 **TION.**

6 “(a) CONSENT OF UNITED STATES.—

7 “(1) IN GENERAL.—The consent of the United
8 States”; and

9 (2) by adding at the end the following:

10 “(2) CONCURRENT JURISDICTION.—At the re-
11 quest of an Indian tribe, and after consultation with
12 and consent by the Attorney General, the United
13 States shall accept concurrent jurisdiction to pros-
14 ecute violations of sections 1152 and 1153 of title
15 18, United States Code, within the Indian country
16 of the Indian tribe.”.

17 (b) APPLICABLE LAW.—Section 1162 of title 18,
18 United States Code, is amended by adding at the end the
19 following:

20 “(d) Notwithstanding subsection (c), at the request
21 of an Indian tribe, and after consultation with and consent
22 by the Attorney General—

23 “(1) sections 1152 and 1153 shall apply in the
24 areas of the Indian country of the Indian tribe; and

1 “(2) jurisdiction over those areas shall be con-
2 current among the Federal Government, State gov-
3 ernments, and, where applicable, tribal govern-
4 ments.”.

5 **SEC. 202. STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT**
6 **COOPERATION.**

7 The Attorney General may provide technical and
8 other assistance to State, tribal, and local governments
9 that enter into cooperative agreements, including agree-
10 ments relating to mutual aid, hot pursuit of suspects, and
11 cross-deputization for the purposes of—

- 12 (1) improving law enforcement effectiveness;
13 (2) reducing crime in Indian country and near-
14 by communities; and
15 (3) developing successful cooperative relation-
16 ships that effectively combat crime in Indian country
17 and nearby communities.

18 **TITLE III—EMPOWERING TRIBAL**
19 **LAW ENFORCEMENT AGEN-**
20 **CIES AND TRIBAL GOVERN-**
21 **MENTS**

22 **SEC. 301. TRIBAL POLICE OFFICERS.**

23 (a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT
24 OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of

1 the Indian Law Enforcement Reform Act (25 U.S.C.
2 2802(e)) (as amended by section 101(b)(4)) is amended—

3 (1) in paragraph (1)—

4 (A) by striking “(e)(1) The Secretary” and
5 inserting the following:

6 “(e) STANDARDS OF EDUCATION AND EXPERIENCE
7 AND CLASSIFICATION OF POSITIONS.—

8 “(1) STANDARDS OF EDUCATION AND EXPERI-
9 ENCE.—

10 “(A) IN GENERAL.—The Secretary”; and

11 (B) by adding at the end the following:

12 “(B) REQUIREMENTS FOR TRAINING.—

13 The training standards established under sub-
14 paragraph (A)—

15 “(i) shall be consistent with standards
16 accepted by the Federal Law Enforcement
17 Training Accreditation commission for law
18 enforcement officers attending similar pro-
19 grams; and

20 “(ii) shall include, or be supplemented
21 by, instruction regarding Federal sources
22 of authority and jurisdiction, Federal
23 crimes, Federal rules of criminal proce-
24 dure, and constitutional law to bridge the

1 gap between State training and Federal re-
2 quirements.

3 “(C) TRAINING AT STATE, TRIBAL, AND
4 LOCAL ACADEMIES.—Law enforcement per-
5 sonnel of the Office of Justice Services or an
6 Indian tribe may satisfy the training standards
7 established under subparagraph (A) through
8 training at a State or tribal police academy, a
9 State, regional, local, or tribal college or univer-
10 sity, or other training academy (including any
11 program at a State, regional, local, or tribal col-
12 lege or university) that meets the appropriate
13 Peace Officer Standards of Training.

14 “(D) MAXIMUM AGE REQUIREMENT.—Pur-
15 suant to section 3307(e) of title 5, United
16 States Code, the Secretary may employ as a law
17 enforcement officer under section 4 any indi-
18 vidual under the age of 47, if the individual
19 meets all other applicable hiring requirements
20 for the applicable law enforcement position.”;

21 (2) in paragraph (3), by striking “Agencies”
22 and inserting “agencies”; and

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

24 “(4) BACKGROUND CHECKS FOR TRIBAL JUS-
25 TICE OFFICIALS.—

1 “(A) IN GENERAL.—The Office of Justice
2 Services shall develop standards and deadlines
3 for the provision of background checks to tribal
4 law enforcement and corrections officials.

5 “(B) TIMING.—If a request for a back-
6 ground check is made by an Indian tribe that
7 has contracted or entered into a compact for
8 law enforcement or corrections services with the
9 Bureau of Indian Affairs pursuant to the In-
10 dian Self-Determination and Education Assist-
11 ance Act (25 U.S.C. 450 et seq.), the Office of
12 Justice Services shall complete the check not
13 later than 60 days after the date of receipt of
14 the request, unless an adequate reason for fail-
15 ure to respond by that date is provided to the
16 Indian tribe in writing.”.

17 (b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—
18 Section 5 of the Indian Law Enforcement Reform Act (25
19 U.S.C. 2804) is amended—

20 (1) by striking “(a) The Secretary may enter
21 into an agreement” and inserting the following:

22 “(a) AGREEMENTS.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of the Tribal Law and

1 Order Act of 2010, the Secretary shall establish pro-
2 cedures to enter into memoranda of agreement”;

3 (2) in the second sentence, by striking “The
4 Secretary” and inserting the following:

5 “(2) CERTAIN ACTIVITIES.—The Secretary”;
6 and

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

8 “(3) PROGRAM ENHANCEMENT.—

9 “(A) TRAINING SESSIONS IN INDIAN COUN-
10 TRY.—

11 “(i) IN GENERAL.—The procedures
12 described in paragraph (1) shall include
13 the development of a plan to enhance the
14 certification and provision of special law
15 enforcement commissions to tribal law en-
16 forcement officials, and, subject to sub-
17 section (d), State and local law enforce-
18 ment officials, pursuant to this section.

19 “(ii) INCLUSIONS.—The plan under
20 clause (i) shall include the hosting of re-
21 gional training sessions in Indian country,
22 not less frequently than biannually, to edu-
23 cate and certify candidates for the special
24 law enforcement commissions.

25 “(B) MEMORANDA OF AGREEMENT.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 the Tribal Law and Order Act of 2010, the
4 Secretary, in consultation with Indian
5 tribes and tribal law enforcement agencies,
6 shall develop minimum requirements to be
7 included in special law enforcement com-
8 mission agreements pursuant to this sec-
9 tion.

10 “(ii) SUBSTANCE OF AGREEMENTS.—
11 Each agreement entered into pursuant to
12 this section shall reflect the status of the
13 applicable certified individual as a Federal
14 law enforcement officer under subsection
15 (f), acting within the scope of the duties
16 described in section 3(c).

17 “(iii) AGREEMENT.—Not later than
18 60 days after the date on which the Sec-
19 retary determines that all applicable re-
20 quirements under clause (i) are met, the
21 Secretary shall offer to enter into a special
22 law enforcement commission agreement
23 with the Indian tribe.”.

24 (c) INDIAN LAW ENFORCEMENT FOUNDATION.—The
25 Indian Self-Determination and Education Assistance Act

1 (25 U.S.C. 450 et seq.) is amended by adding at the end
2 the following:

3 **“TITLE VII—INDIAN LAW**
4 **ENFORCEMENT FOUNDATION**

5 **“SEC. 701. DEFINITIONS.**

6 “In this title:

7 “(1) BOARD.—The term ‘Board’ means the
8 Board of Directors of the Foundation.

9 “(2) BUREAU.—The term ‘Bureau’ means the
10 Office of Justice Services of the Bureau of Indian
11 Affairs.

12 “(3) COMMITTEE.—The term ‘Committee’
13 means the Committee for the Establishment of the
14 Indian Law Enforcement Foundation established
15 under section 702(e)(1).

16 “(4) FOUNDATION.—The term ‘Foundation’
17 means the Indian Law Enforcement Foundation es-
18 tablished under section 702.

19 “(5) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of the Interior.

21 **“SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.**

22 “(a) ESTABLISHMENT.—

23 “(1) IN GENERAL.—As soon as practicable
24 after the date of enactment of this title, the Sec-
25 retary shall establish, under the laws of the District

1 of Columbia and in accordance with this title, a
2 foundation, to be known as the ‘Indian Law En-
3 forcement Foundation’.

4 “(2) FUNDING DETERMINATIONS.—No funds,
5 gift, property, or other item of value (including any
6 interest accrued on such an item) acquired by the
7 Foundation shall—

8 “(A) be taken into consideration for pur-
9 poses of determining Federal appropriations re-
10 lating to the provision of public safety or justice
11 services to Indians; or

12 “(B) otherwise limit, diminish, or affect
13 the Federal responsibility for the provision of
14 public safety or justice services to Indians.

15 “(b) NATURE OF CORPORATION.—The Foundation—

16 “(1) shall be a charitable and nonprofit feder-
17 ally chartered corporation; and

18 “(2) shall not be an agency or instrumentality
19 of the United States.

20 “(c) PLACE OF INCORPORATION AND DOMICILE.—

21 The Foundation shall be incorporated and domiciled in the
22 District of Columbia.

23 “(d) DUTIES.—The Foundation shall—

24 “(1) encourage, accept, and administer, in ac-
25 cordance with the terms of each donation, private

1 gifts of real and personal property, and any income
2 from or interest in such gifts, for the benefit of, or
3 in support of, public safety and justice services in
4 American Indian and Alaska Native communities;
5 and

6 “(2) assist the Office of Justice Services of the
7 Bureau of Indian Affairs and Indian tribal govern-
8 ments in funding and conducting activities and pro-
9 viding education to advance and support the provi-
10 sion of public safety and justice services in American
11 Indian and Alaska Native communities.

12 “(e) COMMITTEE FOR THE ESTABLISHMENT OF THE
13 INDIAN LAW ENFORCEMENT FOUNDATION.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish a committee, to be known as the ‘Committee for
16 the Establishment of the Indian Law Enforcement
17 Foundation’, to assist the Secretary in establishing
18 the Foundation.

19 “(2) DUTIES.—Not later than 180 days after
20 the date of enactment of this section, the Committee
21 shall—

22 “(A) carry out such activities as are nec-
23 essary to incorporate the Foundation under the
24 laws of the District of Columbia, including act-
25 ing as incorporators of the Foundation;

1 “(B) ensure that the Foundation qualifies
2 for and maintains the status required to carry
3 out this section, until the date on which the
4 Board is established;

5 “(C) establish the constitution and initial
6 bylaws of the Foundation;

7 “(D) provide for the initial operation of
8 the Foundation, including providing for tem-
9 porary or interim quarters, equipment, and
10 staff; and

11 “(E) appoint the initial members of the
12 Board in accordance with the constitution and
13 initial bylaws of the Foundation.

14 “(f) BOARD OF DIRECTORS.—

15 “(1) IN GENERAL.—The Board of Directors
16 shall be the governing body of the Foundation.

17 “(2) POWERS.—The Board may exercise, or
18 provide for the exercise of, the powers of the Foun-
19 dation.

20 “(3) SELECTION.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the number of members of the
23 Board, the manner of selection of the members
24 (including the filling of vacancies), and the
25 terms of office of the members shall be as pro-

1 vided in the constitution and bylaws of the
2 Foundation.

3 “(B) REQUIREMENTS.—

4 “(i) NUMBER OF MEMBERS.—The
5 Board shall be composed of not less than
6 7 members.

7 “(ii) INITIAL VOTING MEMBERS.—The
8 initial voting members of the Board—

9 “(I) shall be appointed by the
10 Committee not later than 180 days
11 after the date on which the Founda-
12 tion is established; and

13 “(II) shall serve for staggered
14 terms.

15 “(iii) QUALIFICATION.—The members
16 of the Board shall be United States citi-
17 zens with knowledge or experience regard-
18 ing public safety and justice in Indian and
19 Alaska Native communities.

20 “(C) COMPENSATION.—A member of the
21 Board shall not receive compensation for service
22 as a member, but shall be reimbursed for actual
23 and necessary travel and subsistence expenses
24 incurred in the performance of the duties of the
25 Foundation.

1 “(g) OFFICERS.—

2 “(1) IN GENERAL.—The officers of the Founda-
3 tion shall be—

4 “(A) a Secretary, elected from among the
5 members of the Board; and

6 “(B) any other officers provided for in the
7 constitution and bylaws of the Foundation.

8 “(2) CHIEF OPERATING OFFICER.—

9 “(A) SECRETARY.—Subject to subpara-
10 graph (B), the Secretary of the Foundation
11 may serve, at the direction of the Board, as the
12 chief operating officer of the Foundation.

13 “(B) APPOINTMENT.—The Board may ap-
14 point a chief operating officer in lieu of the Sec-
15 retary of the Foundation under subparagraph
16 (A), who shall serve at the direction of the
17 Board.

18 “(3) ELECTION.—The manner of election, term
19 of office, and duties of the officers of the Founda-
20 tion shall be as provided in the constitution and by-
21 laws of the Foundation.

22 “(h) POWERS.—The Foundation—

23 “(1) shall adopt a constitution and bylaws for
24 the management of the property of the Foundation
25 and the regulation of the affairs of the Foundation;

1 “(2) may adopt and alter a corporate seal;

2 “(3) may enter into contracts;

3 “(4) may acquire (through gift or otherwise),
4 own, lease, encumber, and transfer real or personal
5 property as necessary or convenient to carry out the
6 purposes of the Foundation;

7 “(5) may sue and be sued; and

8 “(6) may perform any other act necessary and
9 proper to carry out the purposes of the Foundation.

10 “(i) PRINCIPAL OFFICE.—

11 “(1) IN GENERAL.—The principal office of the
12 Foundation shall be located in the District of Co-
13 lumbia.

14 “(2) ACTIVITIES; OFFICES.—The activities of
15 the Foundation may be conducted, and offices may
16 be maintained, throughout the United States in ac-
17 cordance with the constitution and bylaws of the
18 Foundation.

19 “(j) SERVICE OF PROCESS.—The Foundation shall
20 comply with the law on service of process of each State
21 in which the Foundation is incorporated and of each State
22 in which the Foundation carries on activities.

23 “(k) LIABILITY OF OFFICERS, EMPLOYEES, AND
24 AGENTS.—

1 “(1) IN GENERAL.—The Foundation shall be
2 liable for the acts of the officers, employees, and
3 agents of the Foundation acting within the scope of
4 the authority of the officers, employees, and agents.

5 “(2) PERSONAL LIABILITY.—A member of the
6 Board shall be personally liable only for gross neg-
7 ligence in the performance of the duties of the mem-
8 ber.

9 “(1) RESTRICTIONS.—

10 “(1) LIMITATION ON SPENDING.—Beginning
11 with the fiscal year following the first full fiscal year
12 during which the Foundation is in operation, the ad-
13 ministrative costs of the Foundation shall not exceed
14 the percentage described in paragraph (2) of the
15 sum of—

16 “(A) the amounts transferred to the Foun-
17 dation under subsection (n) during the pre-
18 ceding fiscal year; and

19 “(B) donations received from private
20 sources during the preceding fiscal year.

21 “(2) PERCENTAGES.—The percentages referred
22 to in paragraph (1) are—

23 “(A) for the first 2 fiscal years described
24 in that paragraph, 25 percent;

1 “(B) for the following fiscal year, 20 per-
2 cent; and

3 “(C) for each fiscal year thereafter, 15
4 percent.

5 “(3) APPOINTMENT AND HIRING.—The ap-
6 pointment of officers and employees of the Founda-
7 tion shall be subject to the availability of funds.

8 “(4) STATUS.—A member of the Board or offi-
9 cer, employee, or agent of the Foundation shall not
10 by reason of association with the Foundation be con-
11 sidered to be an officer, employee, or agent of the
12 United States.

13 “(m) AUDITS.—The Foundation shall comply with
14 section 10101 of title 36, United States Code, as if the
15 Foundation were a corporation under part B of subtitle
16 II of that title.

17 “(n) FUNDING.—For each of fiscal years 2011
18 through 2015, out of any unobligated amounts available
19 to the Secretary, the Secretary may use to carry out this
20 section not more than \$500,000.

21 **“SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.**

22 “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-
23 ject to subsection (b), during the 5-year period beginning
24 on the date on which the Foundation is established, the
25 Secretary—

1 “(1) may provide personnel, facilities, and other
2 administrative support services to the Foundation;

3 “(2) may provide funds for initial operating
4 costs and to reimburse the travel expenses of the
5 members of the Board; and

6 “(3) shall require and accept reimbursements
7 from the Foundation for—

8 “(A) services provided under paragraph
9 (1); and

10 “(B) funds provided under paragraph (2).

11 “(b) REIMBURSEMENT.—Reimbursements accepted
12 under subsection (a)(3)—

13 “(1) shall be deposited in the Treasury of the
14 United States to the credit of the applicable appro-
15 priations account; and

16 “(2) shall be chargeable for the cost of pro-
17 viding services described in subsection (a)(1) and
18 travel expenses described in subsection (a)(2).

19 “(c) CONTINUATION OF CERTAIN SERVICES.—The
20 Secretary may continue to provide facilities and necessary
21 support services to the Foundation after the termination
22 of the 5-year period specified in subsection (a) if the facili-
23 ties and services are—

24 “(1) available; and

25 “(2) provided on reimbursable cost basis.”.

1 (d) TECHNICAL AMENDMENTS.—The Indian Self-De-
2 termination and Education Assistance Act is amended—

3 (1) by redesignating title V (25 U.S.C. 458bbb
4 et seq.) as title VIII and moving the title so as to
5 appear at the end of the Act;

6 (2) by redesignating sections 501, 502, and 503
7 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sec-
8 tions 801, 802, and 803, respectively; and

9 (3) in subsection (a)(2) of section 802 and
10 paragraph (2) of section 803 (as redesignated by
11 paragraph (2)), by striking “section 501” and in-
12 serting “section 801”.

13 (e) ACCEPTANCE AND ASSISTANCE.—Section 5 of the
14 Indian Law Enforcement Reform Act (25 U.S.C. 2804)
15 is amended by adding at the end the following:

16 “(g) ACCEPTANCE OF ASSISTANCE.—The Bureau
17 may accept reimbursement, resources, assistance, or fund-
18 ing from—

19 “(1) a Federal, tribal, State, or other govern-
20 ment agency; or

21 “(2) the Indian Law Enforcement Foundation
22 established under section 701(a) of the Indian Self-
23 Determination and Education Assistance Act.”.

1 **SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.**

2 (a) EDUCATION AND RESEARCH PROGRAMS.—Sec-
3 tion 502 of the Controlled Substances Act (21 U.S.C. 872)
4 is amended in subsections (a)(1) and (c), by inserting “
5 tribal,” after “State,” each place it appears.

6 (b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Sec-
7 tion 503 of the Comprehensive Methamphetamine Control
8 Act of 1996 (21 U.S.C. 872a) is amended—

9 (1) in subsection (a), by inserting “tribal,”
10 after “State,”; and

11 (2) in subsection (b)(2), by inserting “, tribal,”
12 after “State”.

13 (c) COOPERATIVE ARRANGEMENTS.—Section 503 of
14 the Controlled Substances Act (21 U.S.C. 873) is amend-
15 ed—

16 (1) in subsection (a)—

17 (A) by inserting “tribal,” after “State,”
18 each place it appears; and

19 (B) in paragraphs (6) and (7), by inserting
20 “, tribal,” after “State” each place it appears;
21 and

22 (2) in subsection (d)(1), by inserting “, tribal,”
23 after “State”.

24 (d) POWERS OF ENFORCEMENT PERSONNEL.—Sec-
25 tion 508(a) of the Controlled Substances Act (21 U.S.C.

1 878(a)) is amended in the matter preceding paragraph (1)
2 by inserting “, tribal,” after “State”.

3 (e) EFFECT OF GRANTS.—Nothing in this section or
4 any amendment made by this section—

5 (1) allows the grant to be made to, or used by,
6 an entity for law enforcement activities that the enti-
7 ty lacks jurisdiction to perform; or

8 (2) has any effect other than to authorize,
9 award, or deny a grant of funds to a federally recog-
10 nized Indian tribe for the purposes described in the
11 relevant grant program.

12 **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**
13 **DATABASES.**

14 (a) ACCESS TO NATIONAL CRIMINAL INFORMATION
15 DATABASES.—Section 534 of title 28, United States Code,
16 is amended—

17 (1) in subsection (a)(4), by inserting “Indian
18 tribes,” after “the States,”;

19 (2) by striking subsection (d) and inserting the
20 following:

21 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The
22 Attorney General shall permit tribal and Bureau of Indian
23 Affairs law enforcement agencies—

24 “(1) to access and enter information into Fed-
25 eral criminal information databases; and

1 “(2) to obtain information from the data-
2 bases.”;

3 (3) by redesignating the second subsection (e)
4 as subsection (f); and

5 (4) in paragraph (2) of subsection (f) (as redes-
6 ignated by paragraph (3)), in the matter preceding
7 subparagraph (A), by inserting “, tribal,” after
8 “Federal”.

9 (b) REQUIREMENT.—

10 (1) IN GENERAL.—The Attorney General shall
11 ensure that tribal law enforcement officials that
12 meet applicable Federal or State requirements be
13 permitted access to national crime information data-
14 bases.

15 (2) SANCTIONS.—For purpose of sanctions for
16 noncompliance with requirements of, or misuse of,
17 national crime information databases and informa-
18 tion obtained from those databases, a tribal law en-
19 forcement agency or official shall be treated as Fed-
20 eral law enforcement agency or official.

21 (3) NCIC.—Each tribal justice official serving
22 an Indian tribe with criminal jurisdiction over In-
23 dian country shall be considered to be an authorized
24 law enforcement official for purposes of access to the

1 National Crime Information Center of the Federal
2 Bureau of Investigation.

3 **SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.**

4 (a) INDIVIDUAL RIGHTS.—Section 202 of the Indian
5 Civil Rights Act of 1968 (25 U.S.C. 1302), is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “No Indian tribe” and inserting the fol-
8 lowing:

9 “(a) IN GENERAL.—No Indian tribe”;

10 (2) in subsection (a) (as designated by para-
11 graph (1))—

12 (A) in paragraph (6) by inserting “(except
13 as provided in subsection (b)) after “assistance
14 of counsel for his defense”; and

15 (B) by striking paragraph (7) and insert-
16 ing the following:

17 “(7)(A) require excessive bail, impose excessive
18 fines, or inflict cruel and unusual punishments;

19 “(B) except as provided in subparagraph (C),
20 impose for conviction of any 1 offense any penalty
21 or punishment greater than imprisonment for a term
22 of 1 year or a fine of \$5,000, or both;

23 “(C) subject to subsection (b), impose for con-
24 viction of any 1 offense any penalty or punishment

1 greater than imprisonment for a term of 3 years or
2 a fine of \$15,000, or both; or

3 “(D) impose on a person in a criminal pro-
4 ceeding a total penalty or punishment greater than
5 imprisonment for a term of 9 years;”; and

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

7 “(b) OFFENSES SUBJECT TO GREATER THAN 1-
8 YEAR IMPRISONMENT OR A FINE GREATER THAN
9 \$5,000.—A tribal court may subject a defendant to a term
10 of imprisonment greater than 1 year but not to exceed
11 3 years for any 1 offense, or a fine greater than \$5,000
12 but not to exceed \$15,000, or both, if the defendant is
13 a person accused of a criminal offense who—

14 “(1) has been previously convicted of the same
15 or a comparable offense by any jurisdiction in the
16 United States; or

17 “(2) is being prosecuted for an offense com-
18 parable to an offense that would be punishable by
19 more than 1 year of imprisonment if prosecuted by
20 the United States or any of the States.

21 “(c) RIGHTS OF DEFENDANTS.—In a criminal pro-
22 ceeding in which an Indian tribe, in exercising powers of
23 self-government, imposes a total term of imprisonment of
24 more than 1 year on a defendant, the Indian tribe shall—

1 “(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

2
3
4 “(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

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11 “(3) require that the judge presiding over the criminal proceeding—

12
13 “(A) has sufficient legal training to preside over criminal proceedings; and

14
15 “(B) is licensed to practice law by any jurisdiction in the United States;

16
17 “(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

18
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22
23 “(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

1 “(d) SENTENCES.—In the case of a defendant sen-
2 tenced in accordance with subsections (b) and (c), a tribal
3 court may require the defendant—

4 “(1) to serve the sentence—

5 “(A) in a tribal correctional center that
6 has been approved by the Bureau of Indian Af-
7 fairs for long-term incarceration, in accordance
8 with guidelines to be developed by the Bureau
9 of Indian Affairs (in consultation with Indian
10 tribes) not later than 180 days after the date
11 of enactment of the Tribal Law and Order Act
12 of 2010;

13 “(B) in the nearest appropriate Federal fa-
14 cility, at the expense of the United States pur-
15 suant to the Bureau of Prisons tribal prisoner
16 pilot program described in section 304(c) of the
17 Tribal Law and Order Act of 2010;

18 “(C) in a State or local government-ap-
19 proved detention or correctional center pursu-
20 ant to an agreement between the Indian tribe
21 and the State or local government; or

22 “(D) in an alternative rehabilitation center
23 of an Indian tribe; or

1 “(2) to serve another alternative form of pun-
2 ishment, as determined by the tribal court judge
3 pursuant to tribal law.

4 “(e) DEFINITION OF OFFENSE.—In this section, the
5 term ‘offense’ means a violation of a criminal law.

6 “(f) EFFECT OF SECTION.—Nothing in this section
7 affects the obligation of the United States, or any State
8 government that has been delegated authority by the
9 United States, to investigate and prosecute any criminal
10 violation in Indian country.”.

11 (b) REPORT.—Not later than 4 years after the date
12 of enactment of this Act, the Attorney General, in coordi-
13 nation with the Secretary of the Interior, shall submit a
14 report to the appropriate committees of Congress that in-
15 cludes—

16 (1) a description of the effectiveness of en-
17 hanced tribal court sentencing authority in curtailing
18 violence and improving the administration of justice
19 on Indian lands; and

20 (2) a recommendation of whether enhanced sen-
21 tencing authority should be discontinued, enhanced,
22 or maintained at the level authorized under this divi-
23 sion.

24 (c) BUREAU OF PRISONS TRIBAL PRISONER PILOT
25 PROGRAM.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of enactment of this division, the Di-
3 rector of the Bureau of Prisons shall establish a
4 pilot program under which the Bureau of Prisons
5 shall accept offenders convicted in tribal court pur-
6 suant to section 202 of the Indian Civil Rights Act
7 of 1968 (25 U.S.C. 1302) (as amended by this sec-
8 tion), subject to the conditions described in para-
9 graph (2).

10 (2) CONDITIONS.—

11 (A) IN GENERAL.—As a condition of par-
12 ticipation in the pilot program described in
13 paragraph (1), the tribal court shall submit to
14 the Attorney General a request for confinement
15 of the offender, for approval by the Attorney
16 General (or a designee) by not later than 30
17 days after the date of submission.

18 (B) LIMITATIONS.—Requests for confine-
19 ment shall be limited to offenders convicted of
20 a violent crime (comparable to the violent
21 crimes described in section 1153(a) of title 18,
22 United States Code) for which the sentence in-
23 cludes a term of imprisonment of 2 or more
24 years.

1 (C) CUSTODY CONDITIONS.—The impris-
2 onment by the Bureau of Prisons shall be sub-
3 ject to the conditions described in section 5003
4 of title 18, United States Code, regarding the
5 custody of State offenders, except that the of-
6 fender shall be placed in the nearest available
7 and appropriate Federal facility, and impris-
8 oned at the expense of the United States.

9 (D) CAP.—The Bureau of Prisons shall
10 confine not more than 100 tribal offenders at
11 any time.

12 (3) RESCINDING REQUESTS.—

13 (A) IN GENERAL.—The applicable tribal
14 government shall retain the authority to rescind
15 the request for confinement of a tribal offender
16 by the Bureau of Prisons under this paragraph
17 at any time during the sentence of the offender.

18 (B) RETURN TO TRIBAL CUSTODY.—On
19 rescission of a request under subparagraph (A),
20 a tribal offender shall be returned to tribal cus-
21 tody.

22 (4) REASSESSMENT.—If tribal court demand
23 for participation in this pilot program exceeds 100
24 tribal offenders, a representative of the Bureau of
25 Prisons shall notify Congress.

1 (5) REPORT.—Not later than 3 years after the
2 date of establishment of the pilot program, the At-
3 torney General shall submit to Congress a report de-
4 scribing the status of the program, including rec-
5 ommendations regarding the future of the program,
6 if any.

7 (6) TERMINATION.—Except as otherwise pro-
8 vided by an Act of Congress, the pilot program
9 under this paragraph shall expire on the date that
10 is 4 years after the date on which the program is
11 established.

12 (d) GRANTS AND CONTRACTS.—Section 1007(b) of
13 the Economic Opportunity Act of 1964 (42 U.S.C.
14 2996f(b)) is amended by striking paragraph (2) and in-
15 serting the following:

16 “(2) to provide legal assistance with respect to
17 any criminal proceeding, except to provide assistance
18 to a person charged with an offense in an Indian
19 tribal court;”.

20 **SEC. 305. INDIAN LAW AND ORDER COMMISSION.**

21 The Indian Law Enforcement Reform Act (25 U.S.C.
22 2801 et seq.) (as amended by section 104(b)) is amended
23 by adding at the end the following:

1 **“SEC. 15. INDIAN LAW AND ORDER COMMISSION.**

2 “(a) ESTABLISHMENT.—There is established a com-
3 mission to be known as the Indian Law and Order Com-
4 mission (referred to in this section as the ‘Commission’).

5 “(b) MEMBERSHIP.—

6 “(1) IN GENERAL.—The Commission shall be
7 composed of 9 members, of whom—

8 “(A) 3 shall be appointed by the President,
9 in consultation with—

10 “(i) the Attorney General; and

11 “(ii) the Secretary;

12 “(B) 2 shall be appointed by the Majority
13 Leader of the Senate, in consultation with the
14 Chairpersons of the Committees on Indian Af-
15 fairs and the Judiciary of the Senate;

16 “(C) 1 shall be appointed by the Minority
17 Leader of the Senate, in consultation with the
18 Vice Chairperson and Ranking Member of the
19 Committees on Indian Affairs and the Judiciary
20 of the Senate;

21 “(D) 2 shall be appointed by the Speaker
22 of the House of Representatives, in consultation
23 with the Chairpersons of the Committees on the
24 Judiciary and Natural Resources of the House
25 of Representatives; and

1 “(E) 1 shall be appointed by the Minority
2 Leader of the House of Representatives, in con-
3 sultation with the Ranking Members of the
4 Committees on the Judiciary and Natural Re-
5 sources of the House of Representatives.

6 “(2) REQUIREMENTS FOR ELIGIBILITY.—Each
7 member of the Commission shall have significant ex-
8 perience and expertise in—

9 “(A) the Indian country criminal justice
10 system; and

11 “(B) matters to be studied by the Commis-
12 sion.

13 “(3) CONSULTATION REQUIRED.—The Presi-
14 dent, the Speaker and Minority Leader of the House
15 of Representatives, and the Majority Leader and Mi-
16 nority Leader of the Senate shall consult before the
17 appointment of members of the Commission under
18 paragraph (1) to achieve, to the maximum extent
19 practicable, fair and equitable representation of var-
20 ious points of view with respect to the matters to be
21 studied by the Commission.

22 “(4) TERM.—Each member shall be appointed
23 for the life of the Commission.

24 “(5) TIME FOR INITIAL APPOINTMENTS.—The
25 appointment of the members of the Commission

1 shall be made not later than 60 days after the date
2 of enactment of this Act.

3 “(6) VACANCIES.—A vacancy in the Commis-
4 sion shall be filled—

5 “(A) in the same manner in which the
6 original appointment was made; and

7 “(B) not later than 60 days after the date
8 on which the vacancy occurred.

9 “(c) OPERATION.—

10 “(1) CHAIRPERSON.—Not later than 15 days
11 after the date on which all members of the Commis-
12 sion have been appointed, the Commission shall se-
13 lect 1 member to serve as Chairperson of the Com-
14 mission.

15 “(2) MEETINGS.—

16 “(A) IN GENERAL.—The Commission shall
17 meet at the call of the Chairperson.

18 “(B) INITIAL MEETING.—The initial meet-
19 ing shall take place not later than 30 days after
20 the date described in paragraph (1).

21 “(3) QUORUM.—A majority of the members of
22 the Commission shall constitute a quorum, but a
23 lesser number of members may hold hearings.

24 “(4) RULES.—The Commission may establish,
25 by majority vote, any rules for the conduct of Com-

1 mission business, in accordance with this Act and
2 other applicable law.

3 “(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE
4 SYSTEM RELATING TO INDIAN COUNTRY.—The Commis-
5 sion shall conduct a comprehensive study of law enforce-
6 ment and criminal justice in tribal communities, includ-
7 ing—

8 “(1) jurisdiction over crimes committed in In-
9 dian country and the impact of that jurisdiction
10 on—

11 “(A) the investigation and prosecution of
12 Indian country crimes; and

13 “(B) residents of Indian land;

14 “(2) the tribal jail and Federal prisons systems
15 and the effect of those systems with respect to—

16 “(A) reducing Indian country crime; and

17 “(B) rehabilitation of offenders;

18 “(3)(A) tribal juvenile justice systems and the
19 Federal juvenile justice system as relating to Indian
20 country; and

21 “(B) the effect of those systems and related
22 programs in preventing juvenile crime, rehabilitating
23 Indian youth in custody, and reducing recidivism
24 among Indian youth;

1 “(4) the impact of the Indian Civil Rights Act
2 of 1968 (25 U.S.C. 1301 et seq.) on—

3 “(A) the authority of Indian tribes;

4 “(B) the rights of defendants subject to
5 tribal government authority; and

6 “(C) the fairness and effectiveness of tribal
7 criminal systems; and

8 “(5) studies of such other subjects as the Com-
9 mission determines relevant to achieve the purposes
10 of the Tribal Law and Order Act of 2010.

11 “(e) RECOMMENDATIONS.—Taking into consider-
12 ation the results of the study under paragraph (1), the
13 Commission shall develop recommendations on necessary
14 modifications and improvements to justice systems at the
15 tribal, Federal, and State levels, including consideration
16 of—

17 “(1) simplifying jurisdiction in Indian country;

18 “(2) improving services and programs—

19 “(A) to prevent juvenile crime on Indian
20 land;

21 “(B) to rehabilitate Indian youth in cus-
22 tody; and

23 “(C) to reduce recidivism among Indian
24 youth;

1 “(3) adjustments to the penal authority of trib-
2 al courts and exploring alternatives to incarceration;

3 “(4) the enhanced use of chapter 43 of title 28,
4 United States Code (commonly known as ‘the Fed-
5 eral Magistrates Act’) in Indian country;

6 “(5) effective means of protecting the rights of
7 victims and defendants in tribal criminal justice sys-
8 tems (including defendants incarcerated for a period
9 of less than 1 year);

10 “(6) changes to the tribal jails and Federal
11 prison systems; and

12 “(7) other issues that, as determined by the
13 Commission, would reduce violent crime in Indian
14 country.

15 “(f) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Commission shall submit to
17 the President and Congress a report that contains—

18 “(1) a detailed statement of the findings and
19 conclusions of the Commission; and

20 “(2) the recommendations of the Commission
21 for such legislative and administrative actions as the
22 Commission considers to be appropriate.

23 “(g) POWERS.—

24 “(1) HEARINGS.—

1 “(A) IN GENERAL.—The Commission may
2 hold such hearings, meet and act at such times
3 and places, take such testimony, and receive
4 such evidence as the Commission considers to
5 be advisable to carry out the duties of the Com-
6 mission under this section.

7 “(B) PUBLIC REQUIREMENT.—The hear-
8 ings of the Commission under this paragraph
9 shall be open to the public.

10 “(2) WITNESS EXPENSES.—

11 “(A) IN GENERAL.—A witness requested
12 to appear before the Commission shall be paid
13 the same fees and allowances as are paid to wit-
14 nesses under section 1821 of title 28, United
15 States Code.

16 “(B) PER DIEM AND MILEAGE.—The fees
17 and allowances for a witness shall be paid from
18 funds made available to the Commission.

19 “(3) INFORMATION FROM FEDERAL, TRIBAL,
20 AND STATE AGENCIES.—

21 “(A) IN GENERAL.—The Commission may
22 secure directly from a Federal agency such in-
23 formation as the Commission considers to be
24 necessary to carry out this section.

1 “(B) TRIBAL AND STATE AGENCIES.—The
2 Commission may request the head of any tribal
3 or State agency to provide to the Commission
4 such information as the Commission considers
5 to be necessary to carry out this section.

6 “(4) POSTAL SERVICES.—The Commission may
7 use the United States mails in the same manner and
8 under the same conditions as other agencies of the
9 Federal Government.

10 “(5) GIFTS.—The Commission may accept, use,
11 and dispose of gifts or donations of services or prop-
12 erty.

13 “(h) COMMISSION PERSONNEL MATTERS.—

14 “(1) TRAVEL EXPENSES.—A member of the
15 Commission shall be allowed travel expenses, includ-
16 ing per diem in lieu of subsistence, at rates author-
17 ized for an employee of an agency under subchapter
18 I of chapter 57 of title 5, United States Code, while
19 away from the home or regular place of business of
20 the member in the performance of the duties of the
21 Commission.

22 “(2) DETAIL OF FEDERAL EMPLOYEES.—On
23 the affirmative vote of $\frac{2}{3}$ of the members of the
24 Commission and the approval of the appropriate
25 Federal agency head, an employee of the Federal

1 Government may be detailed to the Commission
2 without reimbursement, and such detail shall be
3 without interruption or loss of civil service status,
4 benefits, or privileges.

5 “(3) PROCUREMENT OF TEMPORARY AND
6 INTERMITTENT SERVICES.—On request of the Com-
7 mission, the Attorney General shall provide to the
8 Commission, on a reimbursable basis, reasonable
9 and appropriate office space, supplies, and adminis-
10 trative assistance.

11 “(i) CONTRACTS FOR RESEARCH.—

12 “(1) RESEARCHERS AND EXPERTS.—

13 “(A) IN GENERAL.—On an affirmative
14 vote of $\frac{2}{3}$ of the members of the Commission,
15 the Commission may select nongovernmental re-
16 searchers and experts to assist the Commission
17 in carrying out the duties of the Commission
18 under this section.

19 “(B) NATIONAL INSTITUTE OF JUSTICE.—
20 The National Institute of Justice may enter
21 into a contract with the researchers and experts
22 selected by the Commission under subpara-
23 graph (A) to provide funding in exchange for
24 the services of the researchers and experts.

1 “(2) OTHER ORGANIZATIONS.—Nothing in this
2 subsection limits the ability of the Commission to
3 enter into contracts with any other entity or organi-
4 zation to carry out research necessary to carry out
5 the duties of the Commission under this section.

6 “(j) TRIBAL ADVISORY COMMITTEE.—

7 “(1) ESTABLISHMENT.—The Commission shall
8 establish a committee, to be known as the ‘Tribal
9 Advisory Committee’.

10 “(2) MEMBERSHIP.—

11 “(A) COMPOSITION.—The Tribal Advisory
12 Committee shall consist of 2 representatives of
13 Indian tribes from each region of the Bureau of
14 Indian Affairs.

15 “(B) QUALIFICATIONS.—Each member of
16 the Tribal Advisory Committee shall have expe-
17 rience relating to—

18 “(i) justice systems;

19 “(ii) crime prevention; or

20 “(iii) victim services.

21 “(3) DUTIES.—The Tribal Advisory Committee
22 shall—

23 “(A) serve as an advisory body to the
24 Commission; and

1 “(B) provide to the Commission advice and
2 recommendations, submit materials, documents,
3 testimony, and such other information as the
4 Commission determines to be necessary to carry
5 out the duties of the Commission under this
6 section.

7 “(k) FUNDING.—For the fiscal year after the date
8 of enactment of the Tribal Law and Order Act of 2010,
9 out of any unobligated amounts available to the Secretary
10 of the Interior or the Attorney General, the Secretary or
11 the Attorney General may use to carry out this section
12 not more than \$2,000,000.

13 “(l) TERMINATION OF COMMISSION.—The Commis-
14 sion shall terminate 90 days after the date on which the
15 Commission submits the report of the Commission under
16 subsection (f).

17 “(m) NONAPPLICABILITY OF FACA.—The Federal
18 Advisory Committee Act (5 U.S.C. App.) shall not apply
19 to the Commission.”.

20 **SEC. 306. EXEMPTION FOR TRIBAL DISPLAY MATERIALS.**

21 (a) IN GENERAL.—Section 845(a) of title 18, United
22 States Code is amended—

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

1 (2) in paragraph (6), by striking the period at
2 the end and inserting “and”; and

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

4 “(7) the transportation, shipment, receipt, or
5 importation of display fireworks materials for deliv-
6 ery to a federally recognized Indian tribe or tribal
7 agency.”.

8 (b) DEFINITION OF INDIAN TRIBE.—Section 841 of
9 title 18, United States Code is amended by adding at the
10 end the following:

11 “(t) INDIAN TRIBE.—The term ‘Indian tribe’ has the
12 meaning given the term in section 102 of the Federally
13 Recognized Indian Tribe List Act of 1994 (25 U.S.C.
14 479a)).”.

15 (c) TECHNICAL AMENDMENTS.—Section 845 of title
16 18, United States Code is amended—

17 (1) in subsection (a), by striking “subsections”
18 in the first place it appears and inserting “sub-
19 section”; and

20 (2) in subsection (b), by striking “Secretary”
21 each place it appears and inserting “Attorney Gen-
22 eral”.

1 **TITLE IV—TRIBAL JUSTICE**
2 **SYSTEMS**

3 **SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.**

4 (a) CORRECTION OF REFERENCES.—

5 (1) INTER-DEPARTMENTAL MEMORANDUM OF
6 AGREEMENT.—Section 4205 of the Indian Alcohol
7 and Substance Abuse Prevention and Treatment Act
8 of 1986 (25 U.S.C. 2411) is amended—

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph

11 (1)—

12 (I) by striking “Not later than
13 120 days after the date of enactment
14 of this subtitle” and inserting “Not
15 later than 1 year after the date of en-
16 actment of the Tribal Law and Order
17 Act of 2010”; and

18 (II) by inserting “, the Attorney
19 General,” after “Secretary of the In-
20 terior”;

21 (ii) in paragraph (2)(A), by inserting
22 “, Office of Justice Programs, Substance
23 Abuse and Mental Health Services Admin-
24 istration,” after “Bureau of Indian Af-
25 fairs,”;

1 (iii) in paragraph (4), by inserting “,
2 Department of Justice, Substance Abuse
3 and Mental Health Services Administra-
4 tion,” after “Bureau of Indian Affairs”;

5 (iv) in paragraph (5), by inserting “,
6 Department of Justice, Substance Abuse
7 and Mental Health Services Administra-
8 tion,” after “Bureau of Indian Affairs”;

9 (v) in paragraph (7), by inserting “,
10 the Attorney General,” after “Secretary of
11 the Interior”;

12 (B) in subsection (c), by inserting “, the
13 Attorney General,” after “Secretary of the Inte-
14 rior”; and

15 (C) in subsection (d), by striking “the date
16 of enactment of this subtitle” and inserting
17 “the date of enactment of the Tribal Law and
18 Order Act of 2010”.

19 (2) TRIBAL ACTION PLANS.—Section 4206 of
20 the Indian Alcohol and Substance Abuse Prevention
21 and Treatment Act of 1986 (25 U.S.C. 2412) is
22 amended—

23 (A) in subsection (b), in the first sentence,
24 by inserting “, the Office of Justice Programs,
25 the Substance Abuse and Mental Health Serv-

1 ices Administration,” before “and the Indian
2 Health Service service unit”;

3 (B) in subsection (c)(1)(A)(i), by inserting
4 “, the Office of Justice Programs, the Sub-
5 stance Abuse and Mental Health Services Ad-
6 ministration,” before “and the Indian Health
7 Service service unit”;

8 (C) in subsection (d)(2), by striking “fiscal
9 year 1993 and such sums as are necessary for
10 each of the fiscal years 1994, 1995, 1996,
11 1997, 1998, 1999, and 2000” and inserting
12 “the period of fiscal years 2011 through 2015”;

13 (D) in subsection (e), in the first sentence,
14 by inserting “, the Attorney General,” after
15 “the Secretary of the Interior”; and

16 (E) in subsection (f)(3), by striking “fiscal
17 year 1993 and such sums as are necessary for
18 each of the fiscal years 1994, 1995, 1996,
19 1997, 1998, 1999, and 2000” and inserting
20 “fiscal years 2011 through 2015”.

21 (3) DEPARTMENTAL RESPONSIBILITY.—Section
22 4207 of the Indian Alcohol and Substance Abuse
23 Prevention and Treatment Act of 1986 (25 U.S.C.
24 2413) is amended—

1 (A) in subsection (a), by inserting “, the
2 Attorney General” after “Bureau of Indian Af-
3 fairs”;

4 (B) in subsection (b)—

5 (i) by striking paragraph (1) and in-
6 serting the following:

7 “(1) ESTABLISHMENT.—

8 “(A) IN GENERAL.—To improve coordina-
9 tion among the Federal agencies and depart-
10 ments carrying out this subtitle, there is estab-
11 lished within the Substance Abuse and Mental
12 Health Services Administration an office, to be
13 known as the ‘Office of Indian Alcohol and
14 Substance Abuse’ (referred to in this section as
15 the ‘Office’).

16 “(B) DIRECTOR.—The director of the Of-
17 fice shall be appointed by the Administrator of
18 the Substance Abuse and Mental Health Serv-
19 ices Administration—

20 “(i) on a permanent basis; and

21 “(ii) at a grade of not less than GS-
22 15 of the General Schedule.”;

23 (ii) in paragraph (2)—

24 (I) by striking “(2) In addition”
25 and inserting the following:

1 “(2) RESPONSIBILITIES OF OFFICE.—In addi-
2 tion”;

3 (II) by striking subparagraph (A)
4 and inserting the following:

5 “(A) coordinating with other agencies to
6 monitor the performance and compliance of the
7 relevant Federal programs in achieving the
8 goals and purposes of this subtitle and the
9 Memorandum of Agreement entered into under
10 section 4205;”;

11 (III) in subparagraph (B)—

12 (aa) by striking “within the
13 Bureau of Indian Affairs”; and

14 (bb) by striking the period
15 at the end and inserting “; and”;
16 and

(IV) by adding at the end the fol-

lowing:

19 “(C) not later than 1 year after the date
20 of enactment of the Tribal Law and Order Act
21 of 2010, developing, in coordination and con-
22 sultation with tribal governments, a framework
23 for interagency and tribal coordination that—

24 “(i) establish the goals and other de-
25 sired outcomes of this Act;

1 “(ii) prioritizes outcomes that are
2 aligned with the purposes of affected agen-
3 cies;

4 “(iii) provides guidelines for resource
5 and information sharing;

6 “(iv) provides technical assistance to
7 the affected agencies to establish effective
8 and permanent interagency communication
9 and coordination; and

10 “(v) determines whether collaboration
11 is feasible, cost-effective, and within agency
12 capability.”; and

13 (iii) by striking paragraph (3) and in-
14 serting the following:

15 “(3) APPOINTMENT OF EMPLOYEES.—The Ad-
16 ministrator of the Substance Abuse and Mental
17 Health Services Administration shall appoint such
18 employees to work in the Office, and shall provide
19 such funding, services, and equipment, as may be
20 necessary to enable the Office to carry out the re-
21 sponsibilities under this subsection.”; and

22 (C) in subsection (c)—

23 (i) by striking “of Alcohol and Sub-
24 stance Abuse” each place it appears;

1 (ii) in paragraph (1), in the second
2 sentence, by striking “The Assistant Sec-
3 retary of the Interior for Indian Affairs”
4 and inserting “The Administrator of the
5 Substance Abuse and Mental Health Serv-
6 ices Administration”; and

7 (iii) in paragraph (3)—

8 (I) in the matter preceding sub-
9 paragraph (A), by striking “Youth”
10 and inserting “youth”; and

11 (II) by striking “programs of the
12 Bureau of Indian Affairs” and insert-
13 ing “the applicable Federal pro-
14 grams”.

15 (4) REVIEW OF PROGRAMS.—Section 4208a(a)
16 of the Indian Alcohol and Substance Abuse Preven-
17 tion and Treatment Act of 1986 (25 U.S.C.
18 2414a(a)) is amended in the matter preceding para-
19 graph (1) by inserting “, the Attorney General,”
20 after “the Secretary of the Interior”.

21 (5) FEDERAL FACILITIES, PROPERTY, AND
22 EQUIPMENT.—Section 4209 of the Indian Alcohol
23 and Substance Abuse Prevention and Treatment Act
24 of 1986 (25 U.S.C. 2415) is amended—

1 (A) in subsection (a), by inserting “, the
2 Attorney General,” after “the Secretary of the
3 Interior”;

4 (B) in subsection (b)—

5 (i) in the first sentence, by inserting
6 “, the Attorney General,” after “the Sec-
7 retary of the Interior”;

8 (ii) in the second sentence, by insert-
9 ing “, nor the Attorney General,” after
10 “the Secretary of the Interior”; and

11 (iii) in the third sentence, by inserting
12 “, the Department of Justice,” after “the
13 Department of the Interior”; and

14 (C) in subsection (c)(1), by inserting “, the
15 Attorney General,” after “the Secretary of the
16 Interior”.

17 (6) REVIEW.—Section 4211(a) of the Indian
18 Alcohol and Substance Abuse Prevention and Treat-
19 ment Act of 1986 (25 U.S.C. 2431(a)) is amended
20 in the matter preceding paragraph (1) by inserting
21 “, the Attorney General,” after “the Secretary of the
22 Interior”.

23 (b) INDIAN EDUCATION PROGRAMS.—Section 4212
24 of the Indian Alcohol and Substance Abuse Prevention Act

1 of 1986 (25 U.S.C. 2432) is amended by striking sub-
2 section (a) and inserting the following:

3 “(a) SUMMER YOUTH PROGRAMS.—

4 “(1) IN GENERAL.—The head of the Indian Al-
5cohol and Substance Abuse Program, in coordination
6 with the Assistant Secretary for Indian Affairs, shall
7 develop and implement programs in tribal schools
8 and schools funded by the Bureau of Indian Edu-
9 cation (subject to the approval of the local school
10 board or contract school board) to determine the ef-
11 fectiveness of summer youth programs in advancing
12 the purposes and goals of this Act.

13 “(2) COSTS.—The head of the Indian Alcohol
14 and Substance Abuse Program and the Assistant
15 Secretary shall defray all costs associated with the
16 actual operation and support of the summer youth
17 programs in a school from funds appropriated to
18 carry out this subsection.

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 the programs under this subsection \$5,000,000 for
22 each of fiscal years 2011 through 2015.”.

23 (c) EMERGENCY SHELTERS.—Section 4213(e) of the
24 Indian Alcohol and Substance Abuse Prevention and
25 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

1 (1) in paragraph (1), by striking “fiscal year
2 1993 and such sums as may be necessary for each
3 of the fiscal years 1994, 1995, 1996, 1997, 1998,
4 1999, and 2000.” and inserting “each of fiscal years
5 2011 through 2015.”;

6 (2) in paragraph (2), by striking “each of the
7 fiscal years 1994, 1995, 1996, 1997, 1998, 1999,
8 and 2000.” and inserting “each of fiscal years 2011
9 through 2015.”; and

10 (3) by indenting paragraphs (4) and (5) appro-
11 priately.

12 (d) REVIEW OF PROGRAMS.—Section 4215(a) of the
13 Indian Alcohol and Substance Abuse Prevention and
14 Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended
15 by inserting “, the Attorney General,” after “the Sec-
16 retary of the Interior”.

17 (e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE
18 ERADICATION.—Section 4216 of the Indian Alcohol and
19 Substance Abuse Prevention and Treatment Act of 1986
20 (25 U.S.C. 2442) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A), by striking
24 the comma at the end and inserting a
25 semicolon;

1 (ii) in subparagraph (B), by striking
2 “, and” at the end and inserting a semi-
3 colon;

4 (iii) in subparagraph (C), by striking
5 the period at the end and inserting “;
6 and”; and

7 (iv) by adding at the end the fol-
8 lowing:

9 “(D) the Blackfeet Nation of Montana for
10 the investigation and control of illegal narcotics
11 traffic on the Blackfeet Indian Reservation
12 along the border with Canada.”;

13 (B) in paragraph (2), by striking “United
14 States Custom Service” and inserting “United
15 States Customs and Border Protection, the Bu-
16 reau of Immigration and Customs Enforcement,
17 and the Drug Enforcement Administration”;
18 and

19 (C) by striking paragraph (3) and insert-
20 ing the following:

21 “(3) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 this subsection \$2,000,000 for each of fiscal years
24 2011 through 2015.”; and

1 (2) in subsection (b)(2), by striking “for the fis-
2 cal year 1993 and such sums as may be necessary
3 for each of the fiscal years 1994, 1995, 1996, 1997,
4 1998, 1999, and 2000” and “for each of fiscal years
5 2011 through 2015.”.

6 (f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
7 Section 4218 of the Indian Alcohol and Substance Abuse
8 Prevention and Treatment Act of 1986 (25 U.S.C. 2451)
9 is amended—

10 (1) by striking subsection (a) and inserting the
11 following:

12 “(a) TRAINING PROGRAMS.—

13 “(1) IN GENERAL.—The Secretary of the Inte-
14 rior, in coordination with the Attorney General, the
15 Administrator of the Drug Enforcement Administra-
16 tion, and the Director of the Federal Bureau of In-
17 vestigation, shall ensure, through the establishment
18 of a new training program or by supplementing ex-
19 isting training programs, that all Bureau of Indian
20 Affairs and tribal law enforcement and judicial per-
21 sonnel have access to training regarding—

22 “(A) the investigation and prosecution of
23 offenses relating to illegal narcotics; and

24 “(B) alcohol and substance abuse preven-
25 tion and treatment.

“(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.”; and

(2) in subsection (b), by striking “as may be necessary” and all that follows through the end of the subsection and inserting “as are necessary for each of fiscal years 2011 through 2015.”.

11 (g) JUVENILE DETENTION CENTERS.—Section 4220
12 of the Indian Alcohol and Substance Abuse Prevention
13 and Treatment Act of 1986 (25 U.S.C. 2453) is amend-
14 ed—

15 (1) in subsection (a)—

16 (A) by striking “The Secretary” the first
17 place it appears and inserting the following:

18 “(1) IN GENERAL.—The Secretary”;

19 (B) in the second sentence, by striking
20 “The Secretary shall” and inserting the fol-
21 lowing:

22 “(2) CONSTRUCTION AND OPERATION.—The
23 Secretary shall”; and

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

25 “(3) DEVELOPMENT OF PLAN.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this paragraph,
3 the Secretary and the Attorney General, in con-
4 sultation with tribal leaders and tribal justice
5 officials, shall develop a long-term plan for the
6 construction, renovation, and operation of In-
7 dian juvenile detention and treatment centers
8 and alternatives to detention for juvenile of-
9 fenders.

10 “(B) COORDINATION.—The plan under
11 subparagraph (A) shall require the Bureau of
12 Indian Education and the Indian Health Serv-
13 ice to coordinate with tribal and Bureau of In-
14 dian Affairs juvenile detention centers to pro-
15 vide services to those centers.”; and

16 (2) in paragraphs (1) and (2) of subsection
17 (b)—

18 (A) by striking “for fiscal year 1993 and
19 such sums as may be necessary for each of the
20 fiscal years 1994, 1995, 1996, 1997, 1998,
21 1999, and 2000” each place it appears and in-
22 serting “for each of fiscal years 2011 through
23 2015”; and

24 (B) by indenting paragraph (2) appro-
25 priately.

1 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**
2 **ASSISTANCE.**

3 (a) INDIAN TRIBAL JUSTICE.—

4 (1) BASE SUPPORT FUNDING.—Section 103(b)
5 of the Indian Tribal Justice Act (25 U.S.C.
6 3613(b)) is amended by striking paragraph (2) and
7 inserting the following:

8 “(2) the employment of tribal court personnel,
9 including tribal court judges, prosecutors, public de-
10 fenders, appointed defense counsel, guardians ad
11 litem, and court-appointed special advocates for chil-
12 dren and juveniles;”.

13 (2) TRIBAL JUSTICE SYSTEMS.—Section 201 of
14 the Indian Tribal Justice Act (25 U.S.C. 3621) is
15 amended—

16 (A) in subsection (a)—

17 (i) by striking “the provisions of sec-
18 tions 101 and 102 of this Act” and insert-
19 ing “sections 101 and 102”; and

20 (ii) by striking “the fiscal years 2000
21 through 2007” and inserting “fiscal years
22 2011 through 2015”;

23 (B) in subsection (b)—

24 (i) by striking “the provisions of sec-
25 tion 103 of this Act” and inserting “sec-
26 tion 103”; and

1 (ii) by striking “the fiscal years 2000
2 through 2007” and inserting “fiscal years
3 2011 through 2015”;

4 (C) in subsection (c), by striking “the fis-
5 cal years 2000 through 2007” and inserting
6 “fiscal years 2011 through 2015”; and

7 (D) in subsection (d), by striking “the fis-
8 cal years 2000 through 2007” and inserting
9 “fiscal years 2011 through 2015”.

10 (b) TECHNICAL AND LEGAL ASSISTANCE.—

11 (1) TRIBAL CIVIL LEGAL ASSISTANCE
12 GRANTS.—Section 102 of the Indian Tribal Justice
13 Technical and Legal Assistance Act of 2000 (25
14 U.S.C. 3662) is amended by inserting “(including
15 guardians ad litem and court-appointed special advo-
16 cates for children and juveniles)” after “civil legal
17 assistance”.

18 (2) TRIBAL CRIMINAL LEGAL ASSISTANCE
19 GRANTS.—Section 103 of the Indian Tribal Justice
20 Technical and Legal Assistance Act of 2000 (25
21 U.S.C. 3663) is amended by striking “criminal legal
22 assistance to members of Indian tribes and tribal
23 justice systems” and inserting “defense counsel serv-
24 ices to all defendants in tribal court criminal pro-

1 ceedings and prosecution and judicial services for
2 tribal courts”.

3 (3) FUNDING.—The Indian Tribal Justice
4 Technical and Legal Assistance Act of 2000 is
5 amended—

6 (A) in section 107 (as redesignated by sec-
7 tion 104(a)(2)(A)), by striking “2000 through
8 2004” and inserting “2011 through 2015”; and

9 (B) in section 201(d) (25 U.S.C. 3681(d)),
10 by striking “2000 through 2004” and inserting
11 “2011 through 2015”.

12 **SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.**

13 Section 1701 of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

15 (1) in subsection (b)—

16 (A) in each of paragraphs (1) through (4)
17 and (6) through (17), by inserting “to” after
18 the paragraph designation;

19 (B) in paragraph (1), by striking “State
20 and” and inserting “State, tribal, or”;

21 (C) in paragraphs (9) and (10), by insert-
22 ing “, tribal,” after “State” each place it ap-
23 pears;

24 (D) in paragraph (15)—

1 (i) by striking “a State in” and in-
2 serting “a State or Indian tribe in”;

3 (ii) by striking “the State which” and
4 inserting “the State or tribal community
5 that”; and

6 (iii) by striking “a State or” and in-
7 serting “a State, tribal, or”;

8 (E) in paragraph (16), by striking “and”
9 at the end

10 (F) in paragraph (17), by striking the pe-
11 riod at the end and inserting “; and”;

12 (G) by redesignating paragraphs (6)
13 through (17) as paragraphs (5) through (16),
14 respectively; and

15 (H) by adding at the end the following:

16 “(17) to permit tribal governments receiving di-
17 rect law enforcement services from the Bureau of In-
18 dian Affairs to access the program under this sec-
19 tion for use in accordance with paragraphs (1)
20 through (16).”.

21 (2) in subsection (i), by striking “The author-
22 ity” and inserting “Except as provided in subsection
23 (j), the authority”; and

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

25 “(j) GRANTS TO INDIAN TRIBES.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (i) and section 1703, and in acknowledgment of the
3 Federal nexus and distinct Federal responsibility to
4 address and prevent crime in Indian country, the At-
5 torney General shall provide grants under this sec-
6 tion to Indian tribal governments, for fiscal year
7 2011 and any fiscal year thereafter, for such period
8 as the Attorney General determines to be appro-
9 priate to assist the Indian tribal governments in car-
10 rying out the purposes described in subsection (b).

11 “(2) PRIORITY OF FUNDING.—In providing
12 grants to Indian tribal governments under this sub-
13 section, the Attorney General shall take into consid-
14 eration reservation crime rates and tribal law en-
15 forcement staffing needs of each Indian tribal gov-
16 ernment.

17 “(3) FEDERAL SHARE.—Because of the Federal
18 nature and responsibility for providing public safety
19 on Indian land, the Federal share of the cost of any
20 activity carried out using a grant under this sub-
21 section—

22 “(A) shall be 100 percent; and

23 “(B) may be used to cover indirect costs.

24 “(4) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to carry out

1 this subsection \$40,000,000 for each of fiscal years
2 2011 through 2015.

3 “(k) REPORT.—Not later than 180 days after the
4 date of enactment of this subsection, the Attorney General
5 shall submit to Congress a report describing the extent
6 and effectiveness of the Community Oriented Policing
7 (COPS) initiative as applied in Indian country, including
8 particular references to—

9 “(1) the problem of intermittent funding;

10 “(2) the integration of COPS personnel with
11 existing law enforcement authorities; and

12 “(3) an explanation of how the practice of com-
13 munity policing and the broken windows theory can
14 most effectively be applied in remote tribal loca-
15 tions.”.

16 **SEC. 404. TRIBAL JAILS PROGRAM.**

17 (a) IN GENERAL.—Section 20109 of the Violent
18 Crime Control and Law Enforcement Act of 1994 (42
19 U.S.C. 13709) is amended by striking subsection (a) and
20 inserting the following:

21 “(a) RESERVATION OF FUNDS.—Notwithstanding
22 any other provision of this part, of amounts made avail-
23 able to the Attorney General to carry out programs relat-
24 ing to offender incarceration, the Attorney General shall

1 reserve \$35,000,000 for each of fiscal years 2011 through
2 2015 to carry out this section.”.

3 (b) REGIONAL DETENTION CENTERS.—

4 (1) IN GENERAL.—Section 20109 of the Violent
5 Crime Control and Law Enforcement Act of 1994
6 (42 U.S.C. 13709) is amended by striking sub-
7 section (b) and inserting the following:

8 “(b) GRANTS TO INDIAN TRIBES.—

9 “(1) IN GENERAL.—From the amounts reserved
10 under subsection (a), the Attorney General shall pro-
11 vide grants—

12 “(A) to Indian tribes for purposes of—

13 “(i) construction and maintenance of
14 jails on Indian land for the incarceration
15 of offenders subject to tribal jurisdiction;

16 “(ii) entering into contracts with pri-
17 vate entities to increase the efficiency of
18 the construction of tribal jails; and

19 “(iii) developing and implementing al-
20 ternatives to incarceration in tribal jails;

21 “(B) to Indian tribes for the construction
22 of tribal justice centers that combine tribal po-
23 lice, courts, and corrections services to address
24 violations of tribal civil and criminal laws;

1 “(C) to consortia of Indian tribes for pur-
2 poses of constructing and operating regional de-
3 tention centers on Indian land for long-term in-
4 carceration of offenders subject to tribal juris-
5 diction, as the applicable consortium determines
6 to be appropriate.

7 “(2) PRIORITY OF FUNDING.—in providing
8 grants under this subsection, the Attorney General
9 shall take into consideration applicable—

10 “(A) reservation crime rates;

11 “(B) annual tribal court convictions; and

12 “(C) bed space needs.

13 “(3) FEDERAL SHARE.—Because of the Federal
14 nature and responsibility for providing public safety
15 on Indian land, the Federal share of the cost of any
16 activity carried out using a grant under this sub-
17 section shall be 100 percent.”.

18 (2) CONFORMING AMENDMENT.—Section
19 20109(c) of the Violent Crime Control and Law En-
20 forcement Act of 1994 (42 U.S.C. 13709(c)) is
21 amended by inserting “or consortium of Indian
22 tribes, as applicable,” after “Indian tribe”.

23 (3) LONG-TERM PLAN.—Section 20109 of the
24 Violent Crime Control and Law Enforcement Act of

1 1994 (42 U.S.C. 13709) is amended by adding at
2 the end the following:

3 “(d) LONG-TERM PLAN.—Not later than 1 year after
4 the date of enactment of this subsection, the Attorney
5 General, in coordination with the Bureau of Indian Affairs
6 and in consultation with tribal leaders, tribal law enforce-
7 ment officers, and tribal corrections officials, shall submit
8 to Congress a long-term plan to address incarceration in
9 Indian country, including—

10 “(1) a description of proposed activities for—

11 “(A) construction, operation, and mainte-
12 nance of juvenile (in accordance with section
13 4220(a)(3) of the Indian Alcohol and Substance
14 Abuse Prevention and Treatment Act of 1986
15 (25 U.S.C. 2453(a)(3)) and adult detention fa-
16 cilities (including regional facilities) in Indian
17 country;

18 “(B) contracting with State and local de-
19 tention centers, on approval of the affected trib-
20 al governments; and

21 “(C) alternatives to incarceration, devel-
22 oped in cooperation with tribal court systems;

23 “(2) an assessment and consideration of the
24 construction of Federal detention facilities in Indian
25 country; and

1 “(3) any other alternatives as the Attorney
2 General, in coordination with the Bureau of Indian
3 Affairs and in consultation with Indian tribes, deter-
4 mines to be necessary.”.

5 **SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.**

6 Title II of the Indian Tribal Justice Technical and
7 Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.)
8 is amended by adding at the end the following:

9 **“SEC. 203. ASSISTANT PROBATION OFFICERS.**

10 “To the maximum extent practicable, the chief judge
11 or chief probation or pretrial services officer of each judi-
12 cial district, in coordination with the Office of Tribal Jus-
13 tice and the Office of Justice Services, shall—

14 “(1) appoint individuals residing in Indian
15 country to serve as probation or pretrial services of-
16 ficers or assistants for purposes of monitoring and
17 providing services to Federal prisoners residing in
18 Indian country; and

19 “(2) provide substance abuse, mental health,
20 and other related treatment services to offenders re-
21 siding on Indian land.”.

22 **SEC. 406. TRIBAL YOUTH PROGRAM.**

23 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY
24 PREVENTION PROGRAMS.—Section 504 of the Juvenile

1 Justice and Delinquency Prevention Act of 1974 (42
2 U.S.C. 5783) is amended—

3 (1) in subsection (a), by inserting “, or to fed-
4 erally recognized Indian tribe or consortia of feder-
5 ally recognized Indian tribes under subsection (d)”
6 after “subsection (b)”; and

7 (2) by adding at the end the following:

8 “(d) GRANTS FOR TRIBAL DELINQUENCY PREVEN-
9 TION AND RESPONSE PROGRAMS.—

10 “(1) IN GENERAL.—The Administrator shall
11 make grants under this section, on a competitive
12 basis, to eligible Indian tribes or consortia of Indian
13 tribes, as described in paragraph (2)—

14 “(A) to support and enhance—

15 “(i) tribal juvenile delinquency preven-
16 tion services; and

17 “(ii) the ability of Indian tribes to re-
18 spond to, and care for, juvenile offenders;
19 and

20 “(B) to encourage accountability of Indian
21 tribal governments with respect to preventing
22 juvenile delinquency and responding to, and
23 caring for, juvenile offenders.

24 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible
25 to receive a grant under this subsection, an Indian

1 tribe or consortium of Indian tribes shall submit to
2 the Administrator an application in such form and
3 containing such information as the Administrator
4 may require.

5 “(3) CONSIDERATIONS.—In providing grants
6 under this subsection, the Administrator shall take
7 into consideration, with respect to the Indian tribe
8 to be served, the—

9 “(A) juvenile crime rates;

10 “(B) dropout rates; and

11 “(C) number of at-risk youth.

12 “(4) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated \$25,000,000
14 for each of fiscal years 2011 through 2015.”.

15 (b) COORDINATING COUNCIL ON JUVENILE JUSTICE
16 AND DELINQUENCY PREVENTION.—Section 206(a)(2) of
17 the Juvenile Justice and Delinquency Prevention Act of
18 1974 (42 U.S.C. 5616(a)(2)) is amended—

19 (1) in subparagraph (A), by striking “Nine”
20 and inserting “Ten”; and

21 (2) in subparagraph (B), by adding at the end
22 the following:

23 “(iv) One member shall be appointed
24 by the Chairman of the Committee on In-
25 dian Affairs of the Senate, in consultation

1 with the Vice Chairman of that Committee
2 and the Chairman and Ranking Member of
3 the Committee on Natural Resources of
4 the House of Representatives.”.

5 **SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL**
6 **ALASKA.**

7 (a) DEFINITIONS.—In this section:

8 (1) STATE.—

9 (A) IN GENERAL.—The term “State”
10 means the State of Alaska.

11 (B) INCLUSION.—The term “State” in-
12 cludes any political subdivision of the State of
13 Alaska.

14 (2) VILLAGE PUBLIC SAFETY OFFICER.—The
15 term “village public safety officer” means an indi-
16 vidual employed as a village public safety officer
17 under the program established by the State pursu-
18 ant to Alaska Statute 18.65.670.

19 (3) TRIBAL ORGANIZATION.—The term “tribal
20 organization” has the meaning given that term in
21 section 4 of the Indian Self-Determination and Edu-
22 cational Assistance Act (25 U.S.C. 450b(l)).

23 (b) COPS GRANTS.—The State and any Indian tribe
24 or tribal organization in the State that employs a village
25 public safety officer shall be eligible to apply for a grant

1 under section 1701 of the Omnibus Crime Control and
2 Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided
3 that only an Indian tribe or tribal organization may re-
4 ceive a grant under the tribal resources grant program
5 under subsection (j) of that section) on an equal basis with
6 other eligible applicants for funding under that section.

7 (c) STAFFING FOR ADEQUATE FIRE AND EMER-
8 GENCY RESPONSE GRANTS.—The State and any Indian
9 tribe or tribal organization in the State that employs a
10 village public safety officer shall be eligible to apply for
11 a grant under the Staffing for Adequate Fire and Emer-
12 gency Response program under section 34 of the Federal
13 Fire Prevention and Control Act of 1974 (15 U.S.C.
14 2229a) on an equal basis with other eligible applicants for
15 funding under that program.

16 (d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFI-
17 CERS AND TRIBAL LAW ENFORCEMENT POSITIONS
18 FUNDED UNDER COPS PROGRAM.—

19 (1) IN GENERAL.—Any village public safety of-
20 ficer or tribal law enforcement officer in the State
21 shall be eligible to participate in any training pro-
22 gram offered at the Indian Police Academy of the
23 Federal Law Enforcement Training Center.

24 (2) FUNDING.—Funding received pursuant to
25 grants approved under section 1701 of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3796dd) may be used for training of officers
3 at programs described in paragraph (1) or at a po-
4 lice academy in the State certified by the Alaska Po-
5 lice Standards Council.

6 (e) FUNDS FOR COURTS OF LAW ENFORCEMENT OF-
7 FICERS.—Section 112(a) of the Consolidated Appropria-
8 tions Act, 2004 (Public Law 108–199; 118 Stat. 62) is
9 amended—

10 (1) by striking paragraph (1);

11 (2) by redesignating subparagraphs (A) and
12 (B) of paragraph (2) as paragraphs (1) and (2), re-
13 spectively, and indenting appropriately; and

14 (3) by redesignating clauses (i) through (iv) of
15 paragraph (2) (as so redesignated) as subparagraphs
16 (A) through (D), respectively, and indenting appro-
17 priately.

18 **TITLE V—INDIAN COUNTRY**
19 **CRIME DATA COLLECTION**
20 **AND INFORMATION SHARING**

21 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
22 **COUNTRY.**

23 (a) GANG VIOLENCE.—Section 1107 of the Violence
24 Against Women and Department of Justice Reauthoriza-

1 tion Act of 2005 (28 U.S.C. 534 note; Public Law 109–
2 162) is amended—

3 (1) in subsection (a)—

4 (A) by redesignating paragraphs (8)
5 through (12) as paragraphs (9) through (13),
6 respectively;

7 (B) by inserting after paragraph (7) the
8 following:

9 “(8) the Office of Justice Services of the Bu-
10 reau of Indian Affairs;”;

11 (C) in paragraph (9) (as redesignated by
12 subparagraph (A)), by striking “State” and in-
13 serting “tribal, State,”; and

14 (D) in paragraphs (10) through (12) (as
15 redesignated by subparagraph (A)), by inserting
16 “tribal,” before “State,” each place it appears;
17 and

18 (2) in subsection (b), by inserting “tribal,” be-
19 fore “State,” each place it appears.

20 (b) BUREAU OF JUSTICE STATISTICS.—Section 302
21 of the Omnibus Crime Control and Safe Streets Act of
22 1968 (42 U.S.C. 3732) is amended—

23 (1) in subsection (c)—

1 (A) in each of paragraphs (3) through (6),
2 by inserting “tribal,” after “State,” each place
3 it appears;

4 (B) in paragraph (7), by inserting “and in
5 Indian country” after “States”;

6 (C) in paragraph (9), by striking “Federal
7 and State Governments” and inserting “Fed-
8 eral Government and State and tribal govern-
9 ments”;

10 (D) in each of paragraphs (10) and (11),
11 by inserting “, tribal,” after “State” each place
12 it appears;

13 (E) in paragraph (13), by inserting “, In-
14 dian tribes,” after “States”;

15 (F) in paragraph (17)—

16 (i) by striking “State and local” and
17 inserting “State, tribal, and local”; and

18 (ii) by striking “State, and local” and
19 inserting “State, tribal, and local”;

20 (G) in paragraph (18), by striking “State
21 and local” and inserting “State, tribal, and
22 local”;

23 (H) in paragraph (19), by inserting “and
24 tribal” after “State” each place it appears;

1 (I) in paragraph (20), by inserting “, trib-
2 al,” after “State”; and

3 (J) in paragraph (22), by inserting “, trib-
4 al,” after “Federal”;

5 (2) in subsection (d)—

6 (A) by redesignating paragraphs (1)
7 through (6) as subparagraphs (A) through (F),
8 respectively, and indenting the subparagraphs
9 appropriately;

10 (B) by striking “To insure” and inserting
11 the following:

12 “(1) IN GENERAL.—To ensure”; and

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

14 “(2) CONSULTATION WITH INDIAN TRIBES.—

15 The Director, acting jointly with the Assistant Sec-
16 retary for Indian Affairs (acting through the Office
17 of Justice Services) and the Director of the Federal
18 Bureau of Investigation, shall work with Indian
19 tribes and tribal law enforcement agencies to estab-
20 lish and implement such tribal data collection sys-
21 tems as the Director determines to be necessary to
22 achieve the purposes of this section.”;

23 (3) in subsection (e), by striking “subsection
24 (d)(3)” and inserting “subsection (d)(1)(C)”;

25 (4) in subsection (f)—

1 (A) in the subsection heading, by inserting
2 “, Tribal,” after “State”; and

3 (B) by inserting “, tribal,” after “State”;
4 and

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

6 “(g) REPORTS.—Not later than 1 year after the date
7 of enactment of this subsection, and annually thereafter,
8 the Director shall submit to Congress a report describing
9 the data collected and analyzed under this section relating
10 to crimes in Indian country.”.

11 (c) EFFECT OF GRANTS.—Nothing in this section or
12 any amendment made by this section—

13 (1) allows the grant to be made to, or used by,
14 an entity for law enforcement activities that the enti-
15 ty lacks jurisdiction to perform; or

16 (2) has any effect other than to authorize,
17 award, or deny a grant of funds to a federally recog-
18 nized Indian tribe for the purposes described in the
19 relevant grant program.

20 **SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PRO-**
21 **GRAM.**

22 (a) IN GENERAL.—Section 1301(a) of the Omnibus
23 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
24 3796h(a)) is amended by inserting “, tribal,” after
25 “State”.

1 (b) EFFECT OF GRANTS.—Nothing in this section or
2 any amendment made by this section—

3 (1) allows the grant to be made to, or used by,
4 an entity for law enforcement activities that the enti-
5 ty lacks jurisdiction to perform; or

6 (2) has any effect other than to authorize,
7 award, or deny a grant of funds to a federally recog-
8 nized Indian tribe for the purposes described in the
9 relevant grant program.

10 **TITLE VI—DOMESTIC VIOLENCE**
11 **AND SEXUAL ASSAULT PROS-**
12 **ECUTION AND PREVENTION**

13 **SEC. 601. PRISONER RELEASE AND REENTRY.**

14 (a) DUTIES OF BUREAU OF PRISONS.—Section 4042
15 of title 18, United States Code, is amended—

16 (1) in subsection (a)(4), by inserting “, tribal,”
17 after “State”;

18 (2) in subsection (b)(1), in the first sentence,
19 by striking “officer of the State and of the local ju-
20 risdiction” and inserting “officers of each State,
21 tribal, and local jurisdiction”; and

22 (3) in subsection (c)(1)—

23 (A) in subparagraph (A), by striking “offi-
24 cer of the State and of the local jurisdiction”

1 and inserting “officer of each State, tribal, and
2 local jurisdiction”; and

3 (B) in subparagraph (B), by inserting “,
4 tribal,” after “State” each place it appears.

5 (b) AUTHORITY OF INSTITUTE; TIME; RECORDS OF
6 RECIPIENTS; ACCESS; SCOPE OF SECTION.—Section
7 4352(a) of title 18, United States Code, is amended—

8 (1) in paragraphs (1), (3), (4), and (8), by in-
9 serting “tribal,” after “State,” each place it ap-
10 pears;

11 (2) in paragraph (6)—

12 (A) by inserting “and tribal communities,”
13 after “States”; and

14 (B) by inserting “, tribal,” after “State”;
15 and

16 (3) in paragraph (12) by inserting “, tribal,”
17 after “State”.

18 **SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE**
19 **TRAINING.**

20 Section 3(c)(9) of the Indian Law Enforcement Re-
21 form Act (25 U.S.C. 2802(c)(9)) (as amended by section
22 101(a)(2)) is amended by inserting before the semicolon
23 at the end the following: “, including training to properly
24 interview victims of domestic and sexual violence and to
25 collect, preserve, and present evidence to Federal and trib-

1 al prosecutors to increase the conviction rate for domestic
2 and sexual violence offenses for purposes of addressing
3 and preventing domestic and sexual violent offenses”.

4 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.**

5 The Indian Law Enforcement Reform Act (25 U.S.C.
6 2801 et seq.) (as amended by section 305) is amended
7 by adding at the end the following:

8 **“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.**

9 “(a) APPROVAL OF EMPLOYEE TESTIMONY OR DOC-
10 UMENTS.—

11 “(1) IN GENERAL.—The Director of the Office
12 of Justice Services or the Director of the Indian
13 Health Service, as appropriate (referred to in this
14 section as the ‘Director concerned’), shall approve or
15 disapprove, in writing, any request or subpoena from
16 a tribal or State court for a law enforcement officer,
17 sexual assault nurse examiner, or other employee
18 under the supervision of the Director concerned to
19 provide documents or testimony in a deposition,
20 trial, or other similar criminal proceeding regarding
21 information obtained in carrying out the official du-
22 ties of the employee.

23 “(2) DEADLINE.—The court issuing a subpoena
24 under paragraph (1) shall provide to the appropriate
25 Federal employee (or agency in the case of a docu-

1 ment request) notice regarding the request to pro-
2 vide testimony (or release a document) by not less
3 than 30 days before the date on which the testimony
4 will be provided.

5 “(b) APPROVAL.—

6 “(1) IN GENERAL.—The Director concerned
7 shall approve a request or subpoena under sub-
8 section (a) if the request or subpoena does not vio-
9 late the policy of the Department to maintain impar-
10 tiality.

11 “(2) FAILURE TO APPROVE.—If the Director
12 concerned fails to approve or disapprove a request or
13 subpoena for testimony or release of a document by
14 the date that is 30 days after the date of receipt of
15 notice of the request or subpoena, the request or
16 subpoena shall be considered to be approved for pur-
17 poses of this section.”.

18 **SEC. 604. COORDINATION OF FEDERAL AGENCIES.**

19 Any report of the Secretary of Health and Human
20 Services to Congress on the development of Indian victim
21 services and victim advocate training programs shall in-
22 clude any recommendations that the Secretary determines
23 to be necessary to prevent the sex trafficking of Indian
24 women .

1 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

2 The Indian Law Enforcement Reform Act (25 U.S.C.
3 2801 et seq.) (as amended by section 603) is amended
4 by adding at the end the following:

5 **“SEC. 17. POLICIES AND PROTOCOL.**

6 “The Director of the Indian Health Service, in co-
7 ordination with the Director of the Office of Justice Serv-
8 ices and the Director of the Office on Violence Against
9 Women of the Department of Justice, in consultation with
10 Indian Tribes and Tribal Organizations, and in conference
11 with Urban Indian Organizations, shall develop standard-
12 ized sexual assault policies and protocol for the facilities
13 of the Service, based on similar protocol that has been es-
14 tablished by the Department of Justice.”.

15 **SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC**
16 **VIOLENCE RESPONSE CAPABILITIES.**

17 (a) STUDY.—The Comptroller General of the United
18 States shall—

19 (1) conduct a study of the capability of Indian
20 Health Service facilities in remote Indian reserva-
21 tions and Alaska Native villages, including facilities
22 operated pursuant to contracts or compacts under
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 450b et seq.), to collect, main-
25 tain, and secure evidence of sexual assaults and do-

1 mestic violence incidents required for criminal pros-
2 ecution; and

3 (2) develop recommendations for improving
4 those capabilities.

5 (b) REPORT.—Not later than 1 year after the date
6 of enactment of this Act, the Comptroller General shall
7 submit to the Committee on Indian Affairs of the Senate
8 and the Committee on Natural Resources of the House
9 of Representatives a report describing the results of the
10 study under subsection (a), including the recommenda-
11 tions developed under that subsection, if any.