

111TH CONGRESS
1ST SESSION

S. 797

To amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. DORGAN (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. WYDEN, Mr. JOHNSON, Ms. CANTWELL, Ms. MURKOWSKI, Mr. THUNE, Mr. TESTER, Mr. BEGICH, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Tribal Law and Order Act of 2009”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

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

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

- Sec. 101. Office of Justice Services responsibilities.
- Sec. 102. Declination 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. Incentives for 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.

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.

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

- Sec. 501. Tracking of crimes committed in Indian country.
- Sec. 502. Grants to improve tribal data collection systems.
- Sec. 503. 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 violent offense training.
- Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

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

2 (a) FINDINGS.—Congress finds that—

3 (1) the United States has distinct legal, treaty,
4 and trust obligations to provide for the public safety
5 of tribal communities;

6 (2) several States have been delegated or have
7 accepted responsibility to provide for the public safe-
8 ty of tribal communities within the borders of the
9 States;

10 (3) Congress and the President have acknowl-
11 edged that—

12 (A) tribal law enforcement officers are
13 often the first responders to crimes on Indian
14 reservations; and

15 (B) tribal justice systems are ultimately
16 the most appropriate institutions for maintain-
17 ing law and order in tribal communities;

18 (4) less than 3,000 tribal and Federal law en-
19 forcement officers patrol more than 56,000,000
20 acres of Indian country, which reflects less than ½
21 of the law enforcement presence in comparable rural
22 communities nationwide;

23 (5) on many Indian reservations, law enforce-
24 ment officers respond to distress or emergency calls

1 without backup and travel to remote locations with-
2 out adequate radio communication or access to na-
3 tional crime information database systems;

4 (6) the majority of tribal detention facilities
5 were constructed decades before the date of enact-
6 ment of this Act and must be or will soon need to
7 be replaced, creating a multibillion-dollar backlog in
8 facility needs;

9 (7) a number of Indian country offenders face
10 no consequences for minor crimes, and many such
11 offenders are released due to severe overcrowding in
12 existing detention facilities;

13 (8) tribal courts—

14 (A) are the primary arbiters of criminal
15 and civil justice for actions arising in Indian
16 country; but

17 (B) have been historically underfunded;

18 (9) tribal courts have no criminal jurisdiction
19 over non-Indian persons, and the sentencing author-
20 ity of tribal courts is limited to sentences of not
21 more than 1 year of imprisonment for Indian offend-
22 ers, forcing tribal communities to rely solely on the
23 Federal Government and certain State governments
24 for the prosecution of—

1 (A) misdemeanors committed by non-In-
2 dian persons; and

3 (B) all felony crimes in Indian country;

4 (10) a significant percentage of cases referred
5 to Federal agencies for prosecution of crimes alleg-
6 edly occurring in tribal communities are declined to
7 be prosecuted;

8 (11) the complicated jurisdictional scheme that
9 exists in Indian country—

10 (A) has a significant negative impact on
11 the ability to provide public safety to Indian
12 communities; and

13 (B) has been increasingly exploited by
14 criminals;

15 (12) the violent crime rate in Indian country
16 is—

17 (A) nearly twice the national average; and

18 (B) more than 20 times the national aver-
19 age on some Indian reservations;

20 (13)(A) domestic and sexual violence against
21 Indian and Alaska Native women has reached epi-
22 demic proportions;

23 (B) 34 percent of Indian and Alaska Native
24 women will be raped in their lifetimes; and

1 (C) 39 percent of Indian and Alaska Native
2 women will be subject to domestic violence;

3 (14) the lack of police presence and resources
4 in Indian country has resulted in significant delays
5 in responding to victims' calls for assistance, which
6 adversely affects the collection of evidence needed to
7 prosecute crimes, particularly crimes of domestic
8 and sexual violence;

9 (15) alcohol and drug abuse plays a role in
10 more than 80 percent of crimes committed in tribal
11 communities;

12 (16) the rate of methamphetamine addiction in
13 tribal communities is 3 times the national average;

14 (17) the Department of Justice has reported
15 that drug organizations have increasingly targeted
16 Indian country to produce and distribute meth-
17 amphetamine, citing the limited law enforcement
18 presence and jurisdictional confusion as reasons for
19 the increased activity;

20 (18) tribal communities face significant in-
21 creases in instances of domestic violence, burglary,
22 assault, and child abuse as a direct result of in-
23 creased methamphetamine use on Indian reserva-
24 tions;

1 (19)(A) criminal jurisdiction in Indian country
2 is complex, and responsibility for Indian country law
3 enforcement is shared among Federal, tribal, and
4 State authorities; and

5 (B) that complexity requires a high degree of
6 commitment and cooperation from Federal and
7 State officials that can be difficult to establish;

8 (20) agreements for cooperation among cer-
9 tified tribal and State law enforcement officers have
10 proven to improve law enforcement in tribal commu-
11 nities;

12 (21) consistent communication among tribal,
13 Federal, and State law enforcement agencies has
14 proven to increase public safety and justice in tribal
15 and nearby communities; and

16 (22) 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 Act are—

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

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 for the safety of the
7 public in tribal communities;

8 (4) to reduce the prevalence of violent crime in
9 tribal communities and to combat violence against
10 Indian and Alaska Native women;

11 (5) to address and prevent drug trafficking and
12 reduce rates of alcohol and drug addiction in Indian
13 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 tribal communities.

19 **SEC. 3. DEFINITIONS.**

20 (a) IN GENERAL.—In this Act:

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 an Indian
7 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) TRIBAL JUSTICE OFFICIAL.—The term
13 ‘tribal justice official’ means—

14 “(A) a tribal prosecutor;

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

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

19 **TITLE I—FEDERAL ACCOUNT-**
20 **ABILITY AND COORDINATION**

21 **SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBIL-**
22 **ITIES.**

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

25 (1) by striking paragraph (8);

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

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

6 (4) in paragraph (1) (as redesignated by para-
7 graph (3)), by striking “Division of Law Enforce-
8 ment Services” and inserting “Office of Justice
9 Services”.

10 (b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—

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

13 (1) in subsection (b), by striking “(b) There is
14 hereby established within the Bureau a Division of
15 Law Enforcement Services which” and inserting the
16 following:

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

20 (2) in subsection (c)—

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

24 (B) in paragraph (2), by inserting “and,
25 with the consent of the Indian tribe, tribal

1 criminal laws, including testifying in tribal
2 court” before the semicolon at the end;

3 (C) in paragraph (8), by striking “and” at
4 the end;

5 (D) in paragraph (9), by striking the pe-
6 riod at the end and inserting a semicolon; and

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

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

10 “(11) communicating with tribal leaders, tribal
11 community and victims’ advocates, tribal justice offi-
12 cials, and residents of Indian land on a regular basis
13 regarding public safety and justice concerns facing
14 tribal communities;

15 “(12) conducting meaningful and timely con-
16 sultation with tribal leaders and tribal justice offi-
17 cials in the development of regulatory policies and
18 other actions that affect public safety and justice in
19 Indian country;

20 “(13) providing technical assistance and train-
21 ing to tribal law enforcement officials to gain access
22 and input authority to utilize the National Criminal
23 Information Center and other national crime infor-
24 mation databases pursuant to section 534 of title
25 28, United States Code;

1 “(14) in coordination with the Attorney General
2 pursuant to subsection (g) of section 302 of the Om-
3 nibus Crime Control and Safe Streets Act of 1968
4 (42 U.S.C. 3732), collecting, analyzing, and report-
5 ing data regarding Indian country crimes on an an-
6 nual basis;

7 “(15) submitting to the Committee on Indian
8 Affairs of the Senate and the Committee on Natural
9 Resources of the House of Representatives, for each
10 fiscal year, a detailed spending report regarding
11 tribal public safety and justice programs that in-
12 cludes—

13 “(A)(i) the number of full-time employees
14 of the Bureau and tribal government who serve
15 as—

16 “(I) criminal investigators;

17 “(II) uniform police;

18 “(III) police and emergency dis-
19 patchers;

20 “(IV) detention officers;

21 “(V) executive personnel, including
22 special agents in charge, and directors and
23 deputies of various offices in the Office of
24 Justice Services; or

1 “(VI) tribal court judges, prosecutors,
2 public defenders, or related staff; and

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

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

16 “(C) a list of the unmet staffing needs of
17 law enforcement, corrections, and court per-
18 sonnel at tribal and Bureau of Indian Affairs
19 justice agencies, the replacement and repair
20 needs of tribal and Bureau corrections facilities,
21 needs for tribal police and court facilities, and
22 public safety and emergency communications
23 and technology needs; and

24 “(D) the formula, priority list or other
25 methodology used to determine the method of

1 disbursement of funds for the public safety and
2 justice programs administered by the Office of
3 Justice Services;

4 “(16) submitting to the Committee on Indian
5 Affairs of the Senate and the Committee on Natural
6 Resources of the House of Representatives, for each
7 fiscal year, a report summarizing the technical as-
8 sistance, training, and other support provided to
9 tribal law enforcement and corrections agencies that
10 operate relevant programs pursuant to self-deter-
11 mination contracts or self-governance compacts with
12 the Bureau of Indian Affairs; and

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

18 (3) in subsection (d)—

19 (A) in paragraph (1), by striking “Division
20 of Law Enforcement Services” and inserting
21 “Office of Justice Services”;

22 (B) in paragraph (3)—

23 (i) by striking “regulations which
24 shall establish” and inserting “regulations,
25 which shall—

1 “(A) establish”;

2 (ii) by striking “reservation.” and in-
3 sserting “reservation; but”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(B) support the enforcement of tribal
7 laws and investigation of offenses against tribal
8 criminal laws.”; and

9 (C) in paragraph (4)(i), in the first sen-
10 tence, by striking “Division” and inserting “Of-
11 fice of Justice Services”;

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

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

16 “(f) LONG-TERM PLAN FOR TRIBAL DETENTION
17 PROGRAMS.—Not later than 1 year after the date of en-
18 actment of this subsection, the Secretary, acting through
19 the Bureau, in coordination with the Department of Jus-
20 tice and in consultation with tribal leaders, tribal law en-
21 forcement officers, and tribal corrections officials, shall
22 submit to Congress a long-term plan to address incarcer-
23 ation in Indian country, including a description of—

1 “(1) proposed activities for the construction of
2 detention facilities (including regional facilities) on
3 Indian land;

4 “(2) proposed activities for the construction of
5 additional Federal detention facilities on Indian
6 land;

7 “(3) proposed activities for contracting with
8 State and local detention centers, upon approval of
9 affected tribal governments;

10 “(4) proposed activities for alternatives to in-
11 carceration, developed in cooperation with tribal
12 court systems; and

13 “(5) other such alternatives to incarceration as
14 the Secretary, in coordination with the Bureau and
15 in consultation with tribal representatives, deter-
16 mines to be necessary.

17 “(g) LAW ENFORCEMENT PERSONNEL OF BUREAU
18 AND INDIAN TRIBES.—

19 “(1) REPORT.—Not later than 60 days after
20 the date of enactment of this subsection, the Sec-
21 retary shall submit to the Committee on Indian Af-
22 fairs of the Senate and the Committee on Natural
23 Resources of the House of Representatives a report
24 regarding vacancies in law enforcement personnel of
25 Bureau and Indian tribes.

1 “(2) LONG-TERM PLAN.—Not later than 1 year
2 after the date of enactment of this subsection, the
3 Secretary shall submit to the Committee on Indian
4 Affairs of the Senate and the Committee on Natural
5 Resources of the House of Representatives a long-
6 term plan to address law enforcement personnel
7 needs in Indian country.”.

8 (c) LAW ENFORCEMENT AUTHORITY.—Section 4 of
9 the Indian Law Enforcement Reform Act (25 U.S.C.
10 2803) is amended—

11 (1) in paragraph (2)(A), by striking “), or” and
12 inserting “or offenses committed on Federal prop-
13 erty processed by the Central Violations Bureau);
14 or”; and

15 (2) in paragraph (3), by striking subparagraphs
16 (A) through (C) and inserting the following:

17 “(A) the offense is committed in the pres-
18 ence of the employee; or

19 “(B) the offense is a Federal crime and
20 the employee has reasonable grounds to believe
21 that the person to be arrested has committed,
22 or is committing, the crime;”.

1 **SEC. 102. DECLINATION REPORTS.**

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

5 “(a) REPORTS.—

6 “(1) LAW ENFORCEMENT OFFICIALS.—Subject
7 to subsection (d), if a law enforcement officer or em-
8 ployee of any Federal department or agency declines
9 to initiate an investigation of an alleged violation of
10 Federal law in Indian country, or terminates such
11 an investigation without referral for prosecution, the
12 officer or employee shall—

13 “(A) submit to the appropriate tribal jus-
14 tice officials evidence, including related reports,
15 relevant to the case that would advance pros-
16 ecution of the case in a tribal court; and

17 “(B) submit to the Office of Indian Coun-
18 try Crime relevant information regarding all
19 declinations of alleged violations of Federal law
20 in Indian country, including—

21 “(i) the type of crime alleged;

22 “(ii) the status of the accused as an
23 Indian or non-Indian;

24 “(iii) the status of the victim as an
25 Indian; and

1 “(iv) the reason for declining to ini-
2 tiate, open, or terminate the investigation.

3 “(2) UNITED STATES ATTORNEYS.—Subject to
4 subsection (d), if a United States Attorney declines
5 to prosecute, or acts to terminate prosecution of, an
6 alleged violation of Federal law in Indian country,
7 the United States Attorney shall—

8 “(A) submit to the appropriate tribal jus-
9 tice official, sufficiently in advance of the tribal
10 statute of limitations, evidence relevant to the
11 case to permit the tribal prosecutor to pursue
12 the case in tribal court; and

13 “(B) submit to the Office of Indian Coun-
14 try Crime and the appropriate tribal justice of-
15 ficial relevant information regarding all declina-
16 tions of alleged violations of Federal law in In-
17 dian country, including—

18 “(i) the type of crime alleged;

19 “(ii) the status of the accused as an
20 Indian or non-Indian;

21 “(iii) the status of the victim as an
22 Indian; and

23 “(iv) the reason for the determination
24 to decline or terminate the prosecution.

25 “(b) MAINTENANCE OF RECORDS.—

1 “(1) IN GENERAL.—The Director of the Office
2 of Indian Country Crime shall establish and main-
3 tain a compilation of information received under
4 paragraph (1) or (2) of subsection (a) relating to
5 declinations.

6 “(2) AVAILABILITY TO CONGRESS.—Each com-
7 pilation under paragraph (1) shall be made available
8 to Congress on an annual basis.

9 “(c) INCLUSION OF CASE FILES.—A report sub-
10 mitted to the appropriate tribal justice officials under
11 paragraph (1) or (2) of subsection (a) may include the
12 case file, including evidence collected and statements
13 taken that could support an investigation or prosecution
14 by the appropriate tribal justice officials.

15 “(d) EFFECT OF SECTION.—

16 “(1) IN GENERAL.—Nothing in this section re-
17 quires any Federal agency or official to transfer or
18 disclose any confidential or privileged communica-
19 tion, information, or source to an official of any In-
20 dian tribe.

21 “(2) FEDERAL RULES OF CRIMINAL PROCE-
22 DURE.—Rule 6 of the Federal Rules of Criminal
23 Procedure shall apply to this section.

24 “(3) REGULATIONS.—Each Federal agency re-
25 quired to submit a report pursuant to this section

1 shall adopt, by regulation, standards for the protec-
 2 tion of confidential or privileged communications, in-
 3 formation, and sources under paragraph (1).”.

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

5 (a) APPOINTMENT OF SPECIAL PROSECUTORS.—Sec-
 6 tion 543 of title 28, United States Code, is amended—

7 (1) in subsection (a), by inserting before the pe-
 8 riod at the end the following: “, including the ap-
 9 pointment of qualified tribal prosecutors and other
 10 qualified attorneys to assist in prosecuting Federal
 11 offenses committed in Indian country”; and

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

13 “(c) SENSE OF CONGRESS REGARDING CONSULTA-
 14 TION.—It is the sense of Congress that, in appointing at-
 15 torneys under this section to serve as special prosecutors
 16 in Indian country, the Attorney General should consult
 17 with tribal justice officials of each Indian tribe that would
 18 be affected by the appointment.”.

19 (b) TRIBAL LIAISONS.—The Indian Law Enforce-
 20 ment Reform Act (25 U.S.C. 2801 et seq.) is amended
 21 by adding at the end the following:

22 **“SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-
 23 AISONS.**

24 “(a) APPOINTMENT.—Each United States Attorney
 25 the district of which includes Indian country shall appoint

1 not less than 1 assistant United States Attorney to serve
2 as a tribal liaison for the district.

3 “(b) DUTIES.—A tribal liaison shall be responsible
4 for the following activities in the district of the tribal liai-
5 son:

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

8 “(2) Developing multidisciplinary teams to com-
9 bat child abuse and domestic and sexual violence of-
10 fenses against Indians.

11 “(3) Consulting and coordinating with tribal
12 justice officials and victims’ advocates to address
13 any backlog in the prosecution of major crimes in
14 Indian country in the district.

15 “(4) Developing working relationships and
16 maintaining communication with tribal leaders, trib-
17 al community and victims’ advocates, and tribal jus-
18 tice officials to gather information from, and share
19 appropriate information with, tribal justice officials.

20 “(5) Coordinating with tribal prosecutors in
21 cases in which a tribal government has concurrent
22 jurisdiction over an alleged crime, in advance of the
23 expiration of any applicable statute of limitation.

24 “(6) Providing technical assistance and training
25 regarding evidence gathering techniques to tribal

1 justice officials and other individuals and entities
2 that are instrumental to responding to Indian coun-
3 try crimes.

4 “(7) Conducting training sessions and seminars
5 to certify special law enforcement commissions to
6 tribal justice officials and other individuals and enti-
7 ties responsible for responding to Indian country
8 crimes.

9 “(8) Coordinating with the Office of Indian
10 Country Crime, as necessary.

11 “(9) Conducting such other activities to address
12 and prevent violent crime in Indian country as the
13 applicable United States Attorney determines to be
14 appropriate.

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

17 “(1) FINDINGS.—Congress finds that—

18 “(A) many tribal communities rely solely
19 on United States Attorneys offices to prosecute
20 felony and misdemeanor crimes occurring on
21 Indian land; and

22 “(B) tribal liaisons have dual obligations
23 of—

24 “(i) coordinating prosecutions of In-
25 dian country crime; and

1 “(ii) developing relationships with
2 tribal communities and serving as a link
3 between tribal communities and the Fed-
4 eral justice process.

5 “(2) SENSE OF CONGRESS.—It is the sense of
6 Congress that the Attorney General should—

7 “(A) take all appropriate actions to en-
8 courage the aggressive prosecution of all crimes
9 committed in Indian country; and

10 “(B) when appropriate, take into consider-
11 ation the dual responsibilities of tribal liaisons
12 described in paragraph (1)(B) in evaluating the
13 performance of the tribal liaisons.

14 “(d) ENHANCED PROSECUTION OF MINOR
15 CRIMES.—

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

19 “(A) to appoint Special Assistant United
20 States Attorneys pursuant to section 543(a) of
21 title 28, United States Code, to prosecute
22 crimes in Indian country as necessary to im-
23 prove the administration of justice, and particu-
24 larly when—

1 “(i) the crime rate exceeds the na-
2 tional average crime rate; or

3 “(ii) the rate at which criminal of-
4 fenses are declined to be prosecuted ex-
5 ceeds the national average declination rate;

6 “(B) to coordinate with applicable United
7 States magistrate and district courts—

8 “(i) to ensure the provision of docket
9 time for prosecutions of Indian country
10 crimes; and

11 “(ii) to hold trials and other pro-
12 ceedings in Indian country, as appropriate;

13 “(C) to provide to appointed Special As-
14 sistant United States Attorneys appropriate
15 training, supervision, and staff support; and

16 “(D) if an agreement is entered into with
17 a Federal court pursuant to paragraph (2), to
18 provide technical and other assistance to tribal
19 governments and tribal court systems to ensure
20 the success of the program under this sub-
21 section.

22 “(2) SENSE OF CONGRESS REGARDING CON-
23 SULTATION.—It is the sense of Congress that, in ap-
24 pointing Special Assistant United States Attorneys
25 under this subsection, a United States Attorney

1 should consult with tribal justice officials of each In-
 2 dian tribe that would be affected by the appoint-
 3 ment.”.

4 **SEC. 104. ADMINISTRATION.**

5 (a) OFFICE OF TRIBAL JUSTICE.—

6 (1) DEFINITIONS.—Section 4 of the Indian
 7 Tribal Justice Technical and Legal Assistance Act of
 8 2000 (25 U.S.C. 3653) is amended—

9 (A) by redesignating paragraphs (2)
 10 through (7) as paragraphs (3) through (8), re-
 11 spectively; and

12 (B) by inserting after paragraph (1) the
 13 following:

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

16 (2) STATUS.—Title I of the Indian Tribal Jus-
 17 tice Technical and Legal Assistance Act of 2000 is
 18 amended—

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

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

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

24 “(a) IN GENERAL.—Not later than 90 days after the
 25 date of enactment of the Tribal Law and Order Act of

1 2009, the Attorney General shall modify the status of the
2 Office of Tribal Justice as the Attorney General deter-
3 mines to be necessary to establish the Office of Tribal Jus-
4 tice as a permanent division of the Department.

5 “(b) PERSONNEL AND FUNDING.—The Attorney
6 General shall provide to the Office of Tribal Justice such
7 personnel and funds as are necessary to establish the Of-
8 fice of Tribal Justice as a division of the Department
9 under subsection (a).

10 “(c) ADDITIONAL DUTIES.—In addition to the duties
11 of the Office of Tribal Justice in effect on the day before
12 the date of enactment of the Tribal Law and Order Act
13 of 2009, the Office of Tribal Justice shall—

14 “(1) serve as the program and legal policy advi-
15 sor to the Attorney General with respect to the trea-
16 ty and trust relationship between the United States
17 and Indian tribes;

18 “(2) serve as the point of contact for federally
19 recognized tribal governments and tribal organiza-
20 tions with respect to questions and comments re-
21 garding policies and programs of the Department
22 and issues relating to public safety and justice in In-
23 dian country; and

24 “(3) coordinate with other bureaus, agencies,
25 offices, and divisions within the Department of Jus-

1 tice to ensure that each component has an account-
 2 able process to ensure meaningful and timely con-
 3 sultation with tribal leaders in the development of
 4 regulatory policies and other actions that affect—

5 “(A) the trust responsibility of the United
 6 States to Indian tribes;

7 “(B) any tribal treaty provision;

8 “(C) the status of Indian tribes as a sov-
 9 ereign governments; or

10 “(D) any other tribal interest.”.

11 (b) OFFICE OF INDIAN COUNTRY CRIME.—The In-
 12 dian Law Enforcement Reform Act (25 U.S.C. 2801 et
 13 seq.) (as amended by section 103(b)) is amended by add-
 14 ing at the end the following:

15 **“SEC. 12. OFFICE OF INDIAN COUNTRY CRIME.**

16 “(a) ESTABLISHMENT.—There is established in the
 17 criminal division of the Department of Justice an office,
 18 to be known as the ‘Office of Indian Country Crime’.

19 “(b) DUTIES.—The Office of Indian Country Crime
 20 shall—

21 “(1) develop, enforce, and administer the appli-
 22 cation of Federal criminal laws applicable in Indian
 23 country;

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

4 “(3) coordinate prosecutions of crimes of na-
5 tional significance in Indian country, as determined
6 by the Attorney General;

7 “(4) develop and implement criminal enforce-
8 ment policies for United States Attorneys and inves-
9 tigators of Federal crimes regarding cases arising in
10 Indian country; and

11 “(5) submit to the Committee on Indian Affairs
12 of the Senate and the Committee on Natural Re-
13 sources of the House of Representatives annual re-
14 ports describing the prosecution and declination
15 rates of cases involving alleged crimes in Indian
16 country referred to United States Attorneys.

17 “(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

18 “(1) APPOINTMENT.—The Attorney General
19 shall appoint a Deputy Assistant Attorney General
20 for Indian Country Crime.

21 “(2) DUTIES.—The Deputy Assistant Attorney
22 General for Indian Country Crime shall—

23 “(A) serve as the head of the Office of In-
24 dian Country Crime;

1 “(B) serve as a point of contact to United
 2 State Attorneys serving districts including In-
 3 dian country, tribal liaisons, tribal governments,
 4 and other Federal, State, and local law enforce-
 5 ment agencies regarding issues affecting the
 6 prosecution of crime in Indian country; and

7 “(C) carry out such other duties as the At-
 8 torney General may prescribe.”.

9 **TITLE II—STATE ACCOUNT-**
 10 **ABILITY AND COORDINATION**

11 **SEC. 201. STATE CRIMINAL JURISDICTION AND RE-**
 12 **SOURCES.**

13 (a) CONCURRENT AUTHORITY OF UNITED
 14 STATES.—Section 401(a) of Public Law 90–284 (25
 15 U.S.C. 1321(a)) is amended—

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

19 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDIC-**
 20 **TION.**

21 “(a) CONSENT OF UNITED STATES.—

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

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

1 “(2) CONCURRENT JURISDICTION.—At the re-
2 quest of an Indian tribe, and after consultation with
3 the Attorney General, the United States shall main-
4 tain concurrent jurisdiction to prosecute violations of
5 sections 1152 and 1153 of title 18, United States
6 Code, within the Indian country of the Indian
7 tribe.”.

8 (b) APPLICABLE LAW.—Section 1162 of title 18,
9 United States Code, is amended by striking subsection (c)
10 and inserting the following:

11 “(c) APPLICABLE LAW.—At the request of an Indian
12 tribe, and after consultation with the Attorney General—

13 “(1) sections 1152 and 1153 of this title shall
14 remain in effect in the areas of the Indian country
15 of the Indian tribe; and

16 “(2) jurisdiction over those areas shall be con-
17 current among the Federal Government and State
18 and tribal governments.”.

19 **SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL**
20 **LAW ENFORCEMENT COOPERATION.**

21 (a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE
22 PROGRAM.—The Attorney General may provide grants,
23 technical assistance, and other assistance to State, tribal,
24 and local governments that enter into cooperative agree-
25 ments, including agreements relating to mutual aid, hot

1 pursuit of suspects, and cross-deputization for the pur-
2 poses of—

3 (1) improving law enforcement effectiveness;

4 and

5 (2) reducing crime in Indian country and near-
6 by communities.

7 (b) PROGRAM PLANS.—

8 (1) IN GENERAL.—To be eligible to receive as-
9 sistance under this section, a group composed of not
10 less than 1 of each of a tribal government and a
11 State or local government shall jointly develop and
12 submit to the Attorney General a plan for a program
13 to achieve the purpose described in subsection (a).

14 (2) PLAN REQUIREMENTS.—A joint program
15 plan under paragraph (1) shall include a description
16 of—

17 (A) the proposed cooperative tribal and
18 State or local law enforcement program for
19 which funding is sought, including information
20 on the population and each geographic area to
21 be served by the program;

22 (B) the need of the proposed program for
23 funding under this section, the amount of fund-
24 ing requested, and the proposed use of funds,

1 subject to the requirements listed in subsection
2 (e);

3 (C) the unit of government that will ad-
4 minister any assistance received under this sec-
5 tion, and the method by which the assistance
6 will be distributed;

7 (D) the types of law enforcement services
8 to be performed on each applicable Indian res-
9 ervation and the individuals and entities that
10 will perform those services;

11 (E) the individual or group of individuals
12 who will exercise daily supervision and control
13 over law enforcement officers participating in
14 the program;

15 (F) the method by which local and tribal
16 government input with respect to the planning
17 and implementation of the program will be en-
18 sured;

19 (G) the policies of the program regarding
20 mutual aid, hot pursuit of suspects, deputiza-
21 tion, training, and insurance of applicable law
22 enforcement officers;

23 (H) the recordkeeping procedures and
24 types of data to be collected pursuant to the
25 program; and

1 (I) other information that the Attorney
2 General determines to be relevant.

3 (c) PERMISSIBLE USES OF FUNDS.—An eligible enti-
4 ty that receives a grant under this section may use the
5 grant, in accordance with the program plan described in
6 subsection (b)—

7 (1) to hire and train new career tribal, State,
8 or local law enforcement officers, or to make over-
9 time payments for current law enforcement officers,
10 that are or will be dedicated to—

11 (A) policing tribal land and nearby lands;
12 and

13 (B) investigating alleged crimes on those
14 lands;

15 (2) procure equipment, technology, or support
16 systems to be used to investigate crimes and share
17 information between tribal, State, and local law en-
18 forcement agencies; or

19 (3) for any other uses that the Attorney Gen-
20 eral determines will meet the purposes described in
21 subsection (a).

22 (d) FACTORS FOR CONSIDERATION.—In determining
23 whether to approve a joint program plan submitted under
24 subsection (b) and, on approval, the amount of assistance

1 to provide to the program, the Attorney General shall take
2 into consideration the following factors:

3 (1) The size and population of each Indian res-
4 ervation and nearby community proposed to be
5 served by the program.

6 (2) The complexity of the law enforcement
7 problems proposed to be addressed by the program.

8 (3) The range of services proposed to be pro-
9 vided by the program.

10 (4) The proposed improvements the program
11 will make regarding law enforcement cooperation be-
12 yond existing levels of cooperation.

13 (5) The crime rates of the tribal and nearby
14 communities.

15 (6) The available resources of each entity apply-
16 ing for a grant under this section for dedication to
17 public safety in the respective jurisdictions of the en-
18 tities.

19 (e) ANNUAL REPORTS.—To be eligible to renew or
20 extend a grant under this section, a group described in
21 subsection (b)(1) shall submit to the Attorney General, to-
22 gether with the joint program plan under subsection (b),
23 a report describing the law enforcement activities carried
24 out pursuant to the program during the preceding fiscal

1 year, including the success of the activities, including any
2 increase in arrests or prosecutions.

3 (f) REPORTS BY ATTORNEY GENERAL.—Not later
4 than January 15 of each applicable fiscal year, the Attor-
5 ney General shall submit to the Committee on Indian Af-
6 fairs of the Senate and the Committee on Natural Re-
7 sources of the House of Representatives a report describ-
8 ing the law enforcement programs carried out using assist-
9 ance provided under this section during the preceding fis-
10 cal year, including the success of the programs.

11 (g) TECHNICAL ASSISTANCE.—On receipt of a re-
12 quest from a group composed of not less than 1 tribal
13 government and 1 State or local government, the Attorney
14 General shall provide technical assistance to the group to
15 develop successful cooperative relationships that effectively
16 combat crime in Indian country and nearby communities.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section for each of fiscal years
20 2010 through 2014.

1 **TITLE III—EMPOWERING TRIBAL**
 2 **LAW ENFORCEMENT AGEN-**
 3 **CIES AND TRIBAL GOVERN-**
 4 **MENTS**

5 **SEC. 301. TRIBAL POLICE OFFICERS.**

6 (a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT
 7 OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of
 8 the Indian Law Enforcement Reform Act (25 U.S.C.
 9 2802(e)) (as amended by section 101(b)(4)) is amended—

10 (1) in paragraph (1)—

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

13 “(e) STANDARDS OF EDUCATION AND EXPERIENCE
 14 AND CLASSIFICATION OF POSITIONS.—

15 “(1) STANDARDS OF EDUCATION AND EXPERI-
 16 ENCE.—

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

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

19 “(B) TRAINING.—The training standards
 20 established under subparagraph (A) shall per-
 21 mit law enforcement personnel of the Office of
 22 Justice Services or an Indian tribe to obtain
 23 training at a State or tribal police academy, a
 24 local or tribal community college, or another

1 training academy that meets the relevant Peace
2 Officer Standards and Training.”;

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

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

6 “(4) BACKGROUND CHECKS FOR OFFICERS.—

7 The Office of Justice Services shall develop stand-
8 ards and deadlines for the provision of background
9 checks for tribal law enforcement and corrections of-
10 ficials that ensure that a response to a request by
11 an Indian tribe for such a background check shall be
12 provided by not later than 60 days after the date of
13 receipt of the request, unless an adequate reason for
14 failure to respond by that date is provided to the In-
15 dian tribe.”.

16 (b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—

17 Section 5(a) of the Indian Law Enforcement Reform Act
18 (25 U.S.C. 2804(a)) is amended—

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

21 “(a) AGREEMENTS.—

22 “(1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of the Tribal Law and
24 Order Act of 2009, the Secretary shall establish pro-
25 cedures to enter into memoranda of agreement”;

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

3 “(2) CERTAIN ACTIVITIES.—The Secretary”;
4 and

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

6 “(3) PROGRAM ENHANCEMENT.—

7 “(A) TRAINING SESSIONS IN INDIAN COUN-
8 TRY.—

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

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

23 “(B) MEMORANDA OF AGREEMENT.—

24 “(i) IN GENERAL.—Not later than
25 180 days after the date of enactment of

1 the Tribal Law and Order Act of 2009, the
 2 Secretary, in consultation with Indian
 3 tribes and tribal law enforcement agencies,
 4 shall develop minimum requirements to be
 5 included in special law enforcement com-
 6 mission agreements pursuant to this sec-
 7 tion.

8 “(ii) AGREEMENT.—Not later than 60
 9 days after the date on which the Secretary
 10 determines that all applicable requirements
 11 under clause (i) are met, the Secretary
 12 shall offer to enter into a special law en-
 13 forcement commission agreement with the
 14 applicable Indian tribe.”.

15 (c) INDIAN LAW ENFORCEMENT FOUNDATION.—The
 16 Indian Self-Determination and Education Assistance Act
 17 (25 U.S.C. 450 et seq.) is amended by adding at the end
 18 the following:

19 **“TITLE VII—INDIAN LAW**
 20 **ENFORCEMENT FOUNDATION**

21 **“SEC. 701. INDIAN LAW ENFORCEMENT FOUNDATION.**

22 “(a) ESTABLISHMENT.—As soon as practicable after
 23 the date of enactment of this title, the Secretary shall es-
 24 tablish, under the laws of the District of Columbia and
 25 in accordance with this title, a foundation, to be known

1 as the ‘Indian Law Enforcement Foundation’ (referred to
2 in this section as the ‘Foundation’).

3 “(b) DUTIES.—The Foundation shall—

4 “(1) encourage, accept, and administer, in ac-
5 cordance with the terms of each donation, private
6 gifts of real and personal property, and any income
7 from or interest in such gifts, for the benefit of, or
8 in support of, public safety and justice services in
9 American Indian and Alaska Native communities;
10 and

11 “(2) assist the Office of Justice Services of the
12 Bureau of Indian Affairs and Indian tribal govern-
13 ments in funding and conducting activities and pro-
14 viding education to advance and support the provi-
15 sion of public safety and justice services in American
16 Indian and Alaska Native communities.”.

17 (d) ACCEPTANCE AND ASSISTANCE.—Section 5 of the
18 Indian Law Enforcement Reform Act (25 U.S.C. 2804)
19 is amended by adding at the end the following:

20 “(g) ACCEPTANCE OF ASSISTANCE.—The Bureau
21 may accept reimbursement, resources, assistance, or fund-
22 ing from—

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

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

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

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

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

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

14 (2) in subsection (b)(2), by inserting “, tribal,”
15 after “State”.

16 (c) COOPERATIVE ARRANGEMENTS.—Section 503 of
17 the Controlled Substances Act (21 U.S.C. 873) is amend-
18 ed—

19 (1) in subsection (a)—

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

22 (B) in paragraphs (6) and (7), by inserting
23 “, tribal,” after “State” each place it appears;
24 and

1 (4) in paragraph (2) of subsection (f) (as redese-
2 ignated by paragraph (3)), in the matter preceding
3 subparagraph (A), by inserting “, tribal,” after
4 “Federal”.

5 (b) REQUIREMENT.—

6 (1) IN GENERAL.—The Attorney General shall
7 ensure that tribal law enforcement officials that
8 meet applicable Federal or State requirements have
9 access to national crime information databases.

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

16 (3) NCIC.—Each tribal justice official serving
17 an Indian tribe with criminal jurisdiction over In-
18 dian country shall be considered to be an authorized
19 law enforcement official for purposes of access to the
20 National Crime Information Center of the Federal
21 Bureau of Investigation.

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

23 (a) CONSTITUTIONAL RIGHTS.—Section 202 of Pub-
24 lic Law 90–284 (25 U.S.C. 1302) is amended—

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

4 “(a) IN GENERAL.—No Indian tribe”;

5 (2) in paragraph (7) of subsection (a) (as des-
6 ignated by paragraph (1)), by striking “and a fine”
7 and inserting “or a fine”; and

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

9 “(b) TRIBAL COURTS AND PRISONERS.—

10 “(1) IN GENERAL.—Notwithstanding paragraph
11 (7) of subsection (a) and in addition to the limita-
12 tions described in the other paragraphs of that sub-
13 section, no Indian tribe, in exercising any power of
14 self-government involving a criminal trial that sub-
15 jects a defendant to more than 1 year imprisonment
16 for any single offense, may—

17 “(A) deny any person in such a criminal
18 proceeding the assistance of a defense attorney
19 licensed to practice law in any jurisdiction in
20 the United States;

21 “(B) require excessive bail, impose an ex-
22 cessive fine, inflict a cruel or unusual punish-
23 ment, or impose for conviction of a single of-
24 fense any penalty or punishment greater than

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

3 “(C) deny any person in such a criminal
4 proceeding the due process of law.

5 “(2) AUTHORITY.—An Indian tribe exercising
6 authority pursuant to this subsection shall—

7 “(A) require that each judge presiding over
8 an applicable criminal case is licensed to prac-
9 tice law in any jurisdiction in the United
10 States; and

11 “(B) make publicly available the criminal
12 laws (including regulations and interpretive doc-
13 uments) of the Indian tribe.

14 “(3) SENTENCES.—A tribal court acting pursu-
15 ant to paragraph (1) may require a convicted of-
16 fender—

17 “(A) to serve the sentence—

18 “(i) in a tribal correctional center that
19 has been approved by the Bureau of Indian
20 Affairs for long-term incarceration, in ac-
21 cordance with guidelines developed by the
22 Bureau of Indian Affairs, in consultation
23 with Indian tribes;

24 “(ii) in the nearest appropriate Fed-
25 eral facility, at the expense of the United

1 States pursuant to a memorandum of
2 agreement with Bureau of Prisons in ac-
3 cordance with paragraph (4);

4 “(iii) in a State or local government-
5 approved detention or correctional center
6 pursuant to an agreement between the In-
7 dian tribe and the State or local govern-
8 ment; or

9 “(iv) subject to paragraph (1), in an
10 alternative rehabilitation center of an In-
11 dian tribe; or

12 “(B) to serve another alternative form of
13 punishment, as determined by the tribal court
14 judge pursuant to tribal law.

15 “(4) MEMORANDA OF AGREEMENT.—A memo-
16 randum of agreement between an Indian tribe and
17 the Bureau of Prisons under paragraph (2)(A)(ii)—

18 “(A) shall acknowledge that the United
19 States will incur all costs involved, including the
20 costs of transfer, housing, medical care, reha-
21 bilitation, and reentry of transferred prisoners;

22 “(B) shall limit the transfer of prisoners to
23 prisoners convicted in tribal court of violent
24 crimes, crimes involving sexual abuse, and seri-
25 ous drug offenses, as determined by the Bureau

1 of Prisons, in consultation with tribal govern-
2 ments, by regulation;

3 “(C) shall not affect the jurisdiction, power
4 of self-government, or any other authority of an
5 Indian tribe over the territory or members of
6 the Indian tribe;

7 “(D) shall contain such other requirements
8 as the Bureau of Prisons, in consultation with
9 the Bureau of Indian Affairs and tribal govern-
10 ments, may determine, by regulation; and

11 “(E) shall be executed and carried out not
12 later than 180 days after the date on which the
13 applicable Indian tribe first contacts the Bu-
14 reau of Prisons to accept a transfer of a tribal
15 court offender pursuant to this subsection.

16 “(c) EFFECT OF SECTION.—Nothing in this section
17 affects the obligation of the United States, or any State
18 government that has been delegated authority by the
19 United States, to investigate and prosecute any criminal
20 violation in Indian country.”.

21 (b) GRANTS AND CONTRACTS.—Section 1007(b) of
22 the Economic Opportunity Act of 1964 (42 U.S.C.
23 2996f(b)) is amended by striking paragraph (2) and in-
24 serting the following:

1 “(2) to provide legal assistance with respect to
2 any criminal proceeding, except to provide assistance
3 to a person charged with an offense in an Indian
4 tribal court;”.

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

6 (a) **ESTABLISHMENT.**—There is established a com-
7 mission to be known as the Indian Law and Order Com-
8 mission (referred to in this section as the “Commission”).

9 (b) **MEMBERSHIP.**—

10 (1) **IN GENERAL.**—The Commission shall be
11 composed of 9 members, of whom—

12 (A) 3 shall be appointed by the President,
13 in consultation with—

14 (i) the Attorney General; and

15 (ii) the Secretary of the Interior;

16 (B) 2 shall be appointed by the majority
17 leader of the Senate, in consultation with the
18 Chairperson of the Committee on Indian Affairs
19 of the Senate;

20 (C) 1 shall be appointed by the minority
21 leader of the Senate, in consultation with the
22 Vice Chairperson of the Committee on Indian
23 Affairs of the Senate;

24 (D) 2 shall be appointed by the Speaker of
25 the House of Representatives, in consultation

1 with the Chairperson of the Committee on Nat-
2 ural Resources of the House of Representatives;
3 and

4 (E) 1 shall be appointed by the minority
5 leader of the House of Representatives, in con-
6 sultation with the Ranking Member of the Com-
7 mittee on Natural Resources of the House of
8 Representatives.

9 (2) REQUIREMENTS FOR ELIGIBILITY.—Each
10 member of the Commission shall have significant ex-
11 perience and expertise in—

12 (A) the Indian country criminal justice sys-
13 tem; and

14 (B) matters to be studied by the Commis-
15 sion.

16 (3) CONSULTATION REQUIRED.—The President,
17 the Speaker and minority leader of the House of
18 Representatives, and the majority leader and minor-
19 ity leader of the Senate shall consult before the ap-
20 pointment of members of the Commission under
21 paragraph (1) to achieve, to the maximum extent
22 practicable, fair and equitable representation of var-
23 ious points of view with respect to the matters to be
24 studied by the Commission.

1 (4) TERM.—Each member shall be appointed
2 for the life of the Commission.

3 (5) TIME FOR INITIAL APPOINTMENTS.—The
4 appointment of the members of the Commission
5 shall be made not later than 60 days after the date
6 of enactment of this Act.

7 (6) VACANCIES.—A vacancy in the Commission
8 shall be filled—

9 (A) in the same manner in which the origi-
10 nal appointment was made; and

11 (B) not later than 60 days after the date
12 on which the vacancy occurred.

13 (c) OPERATION.—

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

19 (2) MEETINGS.—

20 (A) IN GENERAL.—The Commission shall
21 meet at the call of the Chairperson.

22 (B) INITIAL MEETING.—The initial meet-
23 ing shall take place not later than 30 days after
24 the date described in paragraph (1).

1 (3) QUORUM.—A majority of the members of
2 the Commission shall constitute a quorum, but a
3 lesser number of members may hold hearings.

4 (4) RULES.—The Commission may establish, by
5 majority vote, any rules for the conduct of Commis-
6 sion business, in accordance with this Act and other
7 applicable law.

8 (d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE
9 SYSTEM RELATING TO INDIAN COUNTRY.—The Commis-
10 sion shall conduct a comprehensive study of law enforce-
11 ment and criminal justice in tribal communities, includ-
12 ing—

13 (1) jurisdiction over crimes committed in Indian
14 country and the impact of that jurisdiction on—

15 (A) the investigation and prosecution of
16 Indian country crimes; and

17 (B) residents of Indian land;

18 (2) the tribal jail and Federal prisons systems
19 and the effect of those systems with respect to—

20 (A) reducing Indian country crime; and

21 (B) rehabilitation of offenders;

22 (3)(A) tribal juvenile justice systems and the
23 Federal juvenile justice system as relating to Indian
24 country; and

1 (B) the effect of those systems and related pro-
2 grams in preventing juvenile crime, rehabilitating In-
3 dian youth in custody, and reducing recidivism
4 among Indian youth;

5 (4) the impact of the Indian Civil Rights Act of
6 1968 (25 U.S.C. 1301 et seq.) on—

7 (A) the authority of Indian tribes; and

8 (B) the rights of defendants subject to
9 tribal government authority; and

10 (5) studies of such other subjects as the Com-
11 mission determines relevant to achieve the purposes
12 of the Tribal Law and Order Act of 2009.

13 (e) RECOMMENDATIONS.—Taking into consideration
14 the results of the study under paragraph (1), the Commis-
15 sion shall develop recommendations on necessary modifica-
16 tions and improvements to justice systems at the tribal,
17 Federal, and State levels, including consideration of—

18 (1) simplifying jurisdiction in Indian country;

19 (2) improving services and programs—

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

22 (B) to rehabilitate Indian youth in custody;

23 and

24 (C) to reduce recidivism among Indian
25 youth;

1 (3) enhancing the penal authority of tribal
2 courts and exploring alternatives to incarceration;

3 (4) the establishment of satellite United States
4 magistrate or district courts in Indian country;

5 (5) changes to the tribal jails and Federal pris-
6 on systems; and

7 (6) other issues that, as determined by the
8 Commission, would reduce violent crime in Indian
9 country.

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

13 (1) a detailed statement of the findings and
14 conclusions of the Commission; and

15 (2) the recommendations of the Commission for
16 such legislative and administrative actions as the
17 Commission considers to be appropriate.

18 (g) POWERS.—

19 (1) HEARINGS.—

20 (A) IN GENERAL.—The Commission may
21 hold such hearings, meet and act at such times
22 and places, take such testimony, and receive
23 such evidence as the Commission considers to
24 be advisable to carry out the duties of the Com-
25 mission under this section.

1 (B) PUBLIC REQUIREMENT.—The hearings
2 of the Commission under this paragraph shall
3 be open to the public.

4 (2) WITNESS EXPENSES.—

5 (A) IN GENERAL.—A witness requested to
6 appear before the Commission shall be paid the
7 same fees as are paid to witnesses under section
8 1821 of title 28, United States Code.

9 (B) PER DIEM AND MILEAGE.—The per
10 diem and mileage allowance for a witness shall
11 be paid from funds made available to the Com-
12 mission.

13 (3) INFORMATION FROM FEDERAL, TRIBAL,
14 AND STATE AGENCIES.—

15 (A) IN GENERAL.—The Commission may
16 secure directly from a Federal agency such in-
17 formation as the Commission considers to be
18 necessary to carry out this section.

19 (B) TRIBAL AND STATE AGENCIES.—The
20 Commission may request the head of any tribal
21 or State agency to provide to the Commission
22 such information as the Commission considers
23 to be necessary to carry out this section.

24 (4) POSTAL SERVICES.—The Commission may
25 use the United States mails in the same manner and

1 under the same conditions as other agencies of the
2 Federal Government.

3 (5) GIFTS.—The Commission may accept, use,
4 and dispose of gifts or donations of services or prop-
5 erty.

6 (h) COMMISSION PERSONNEL MATTERS.—

7 (1) TRAVEL EXPENSES.—A member of the
8 Commission shall be allowed travel expenses, includ-
9 ing per diem in lieu of subsistence, at rates author-
10 ized for an employee of an agency under subchapter
11 I of chapter 57 of title 5, United States Code, while
12 away from the home or regular place of business of
13 the member in the performance of the duties of the
14 Commission.

15 (2) DETAIL OF FEDERAL EMPLOYEES.—On the
16 affirmative vote of $\frac{2}{3}$ of the members of the Com-
17 mission and the approval of the appropriate Federal
18 agency head, an employee of the Federal Govern-
19 ment may be detailed to the Commission without re-
20 imbursement, and such detail shall be without inter-
21 ruption or loss of civil service status, benefits, or
22 privileges.

23 (3) PROCUREMENT OF TEMPORARY AND INTER-
24 MITTENT SERVICES.—On request of the Commis-
25 sion, the Attorney General and Secretary shall pro-

1 vide to the Commission reasonable and appropriate
2 office space, supplies, and administrative assistance.

3 (i) CONTRACTS FOR RESEARCH.—

4 (1) RESEARCHERS AND EXPERTS.—

5 (A) IN GENERAL.—On an affirmative vote
6 of $\frac{2}{3}$ of the members of the Commission, the
7 Commission may select nongovernmental re-
8 searchers and experts to assist the Commission
9 in carrying out the duties of the Commission
10 under this section.

11 (B) NATIONAL INSTITUTE OF JUSTICE.—

12 The National Institute of Justice may enter
13 into a contract with the researchers and experts
14 selected by the Commission under subpara-
15 graph (A) to provide funding in exchange for
16 the services of the researchers and experts.

17 (2) OTHER ORGANIZATIONS.—Nothing in this
18 subsection limits the ability of the Commission to
19 enter into contracts with any other entity or organi-
20 zation to carry out research necessary to carry out
21 the duties of the Commission under this section.

22 (j) TRIBAL ADVISORY COMMITTEE.—

23 (1) ESTABLISHMENT.—The Commission shall
24 establish a committee, to be known as the “Tribal
25 Advisory Committee”.

1 (2) MEMBERSHIP.—

2 (A) COMPOSITION.—The Tribal Advisory
3 Committee shall consist of 2 representatives of
4 Indian tribes from each region of the Bureau of
5 Indian Affairs.

6 (B) QUALIFICATIONS.—Each member of
7 the Tribal Advisory Committee shall have expe-
8 rience relating to—

9 (i) justice systems;

10 (ii) crime prevention; or

11 (iii) victim services.

12 (3) DUTIES.—The Tribal Advisory Committee
13 shall—

14 (A) serve as an advisory body to the Com-
15 mission; and

16 (B) provide to the Commission advice and
17 recommendations, submit materials, documents,
18 testimony, and such other information as the
19 Commission determines to be necessary to carry
20 out the duties of the Commission under this
21 section.

22 (k) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as are nec-
24 essary to carry out this section, to remain available until
25 expended.

1 (l) TERMINATION OF COMMISSION.—The Commis-
 2 sion shall terminate 90 days after the date on which the
 3 Commission submits the report of the Commission under
 4 subsection (e)(3).

5 (m) NONAPPLICABILITY OF FACA.—The Federal
 6 Advisory Committee Act (5 U.S.C. App.) shall not apply
 7 to the Commission.

8 **TITLE IV—TRIBAL JUSTICE**
 9 **SYSTEMS**

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

11 (a) CORRECTION OF REFERENCES.—

12 (1) INTER-DEPARTMENTAL MEMORANDUM OF
 13 AGREEMENT.—Section 4205 of the Indian Alcohol
 14 and Substance Abuse Prevention and Treatment Act
 15 of 1986 (25 U.S.C. 2411) is amended—

16 (A) in subsection (a)—

17 (i) in the matter preceding paragraph

18 (1)—

19 (I) by striking “the date of en-
 20 actment of this subtitle” and inserting
 21 “the date of enactment of the Tribal
 22 Law and Order Act of 2009”; and

23 (II) by inserting “, the Attorney
 24 General,” after “Secretary of the In-
 25 terior”;

1 (ii) in paragraph (2)(A), by inserting
2 “, Bureau of Justice Assistance, Substance
3 Abuse and Mental Health Services Admin-
4 istration,” after “Bureau of Indian Af-
5 fairs,”;

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

10 (iv) in paragraph (5), by inserting “,
11 Department of Justice, Substance Abuse
12 and Mental Health Services Administra-
13 tion,” after “Bureau of Indian Affairs”;
14 and

15 (v) in paragraph (7), by inserting “,
16 the Attorney General,” after “Secretary of
17 the Interior”;

18 (B) in subsection (c), by inserting “, the
19 Attorney General,” after “Secretary of the Inte-
20 rior”; and

21 (C) in subsection (d), by striking “the date
22 of enactment of this subtitle” and inserting
23 “the date of enactment of the Tribal Law and
24 Order Act of 2009”.

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

5 (A) in subsection (b), in the first sentence,
6 by inserting “, the Bureau of Justice Assist-
7 ance, the Substance Abuse and Mental Health
8 Services Administration,” before “and the In-
9 dian Health Service service unit”;

10 (B) in subsection (c)(1)(A)(i), by inserting
11 “, the Bureau of Justice Assistance, the Sub-
12 stance Abuse and Mental Health Services Ad-
13 ministration,” before “and the Indian Health
14 Service service unit”;

15 (C) in subsection (d)(2), by striking “fiscal
16 year 1993 and such sums as are necessary for
17 each of the fiscal years 1994, 1995, 1996,
18 1997, 1998, 1999, and 2000” and inserting
19 “the period of fiscal years 2010 through 2014”;

20 (D) in subsection (e), in the first sentence,
21 by inserting “, the Attorney General,” after
22 “the Secretary of the Interior”; and

23 (E) in subsection (f)(3), by striking “fiscal
24 year 1993 and such sums as are necessary for
25 each of the fiscal years 1994, 1995, 1996,

1 1997, 1998, 1999, and 2000” and inserting
2 “the period of fiscal years 2010 through 2014”.

3 (3) DEPARTMENTAL RESPONSIBILITY.—Section
4 4207 of the Indian Alcohol and Substance Abuse
5 Prevention and Treatment Act of 1986 (25 U.S.C.
6 2413) is amended—

7 (A) in subsection (a), by inserting “, the
8 Attorney General” after “Bureau of Indian Af-
9 fairs”;

10 (B) in subsection (b)—

11 (i) by striking paragraph (1) and in-
12 serting the following:

13 “(1) ESTABLISHMENT.—

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

22 “(B) DIRECTOR.—The director of the Of-
23 fice shall be appointed by the Director of the
24 Substance Abuse and Mental Health Services
25 Administration—

- 1 “(i) on a permanent basis; and
2 “(ii) at a grade of not less than GS-
3 15 of the General Schedule.”;
- 4 (ii) in paragraph (2)—
5 (I) by striking “(2) In addition”
6 and inserting the following:
7 “(2) RESPONSIBILITIES OF OFFICE.—In addi-
8 tion”;
- 9 (II) by striking subparagraph (A)
10 and inserting the following:
11 “(A) coordinating with other agencies to
12 monitor the performance and compliance of the
13 relevant Federal programs in achieving the
14 goals and purposes of this subtitle and the
15 Memorandum of Agreement entered into under
16 section 4205;”;
- 17 (III) in subparagraph (B)—
18 (aa) by striking “within the
19 Bureau of Indian Affairs”; and
20 (bb) by striking the period
21 at the end and inserting “; and”;
22 and
23 (IV) by adding at the end the fol-
24 lowing:

1 “(C) not later than 1 year after the date
2 of enactment of the Tribal Law and Order Act
3 of 2009, developing, in coordination and con-
4 sultation with tribal governments, a framework
5 for interagency and tribal coordination that—

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

8 “(ii) prioritizes outcomes that are
9 aligned with the purposes of affected agen-
10 cies;

11 “(iii) provides guidelines for resource
12 and information sharing;

13 “(iv) provides technical assistance to
14 the affected agencies to establish effective
15 and permanent interagency communication
16 and coordination; and

17 “(v) determines whether collaboration
18 is feasible, cost-effective, and within agency
19 capability.”; and

20 (iii) by striking paragraph (3) and in-
21 sserting the following:

22 “(3) APPOINTMENT OF EMPLOYEES.—The Di-
23 rector of the Substance Abuse and Mental Health
24 Services Administration shall appoint such employ-
25 ees to work in the Office, and shall provide such

1 funding, services, and equipment, as may be nec-
2 essary to enable the Office to carry out the respon-
3 sibilities under this subsection.”; and

4 (C) in subsection (c)—

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

7 (ii) in paragraph (1), in the second
8 sentence, by striking “The Assistant Sec-
9 retary of the Interior for Indian Affairs”
10 and inserting “The Director of the Sub-
11 stance Abuse and Mental Health Services
12 Administration”; and

13 (iii) in paragraph (3)—

14 (I) in the matter preceding sub-
15 paragraph (A), by striking “Youth”
16 and inserting “youth”; and

17 (II) by striking “programs of the
18 Bureau of Indian Affairs” and insert-
19 ing “the applicable Federal pro-
20 grams”.

21 (4) REVIEW OF PROGRAMS.—Section 4208a(a)
22 of the Indian Alcohol and Substance Abuse Preven-
23 tion and Treatment Act of 1986 (25 U.S.C.
24 2414a(a)) is amended in the matter preceding para-

1 graph (1) by inserting “, the Attorney General,”
2 after “the Secretary of the Interior”.

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

7 (A) in subsection (a), by inserting “, the
8 Attorney General,” after “the Secretary of the
9 Interior”;

10 (B) in subsection (b)—

11 (i) in the first sentence, by inserting
12 “, the Attorney General,” after “the Sec-
13 retary of the Interior”;

14 (ii) in the second sentence, by insert-
15 ing “, nor the Attorney General,” after
16 “the Secretary of the Interior”; and

17 (iii) in the third sentence, by inserting
18 “, the Department of Justice,” after “the
19 Department of the Interior”; and

20 (C) in subsection (c)(1), by inserting “, the
21 Attorney General,” after “the Secretary of the
22 Interior”.

23 (6) NEWSLETTER.—Section 4210 of the Indian
24 Alcohol and Substance Abuse Prevention and Treat-
25 ment Act of 1986 (25 U.S.C. 2416) is amended—

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

4 (B) in subsection (b), by striking “fiscal
5 year 1993 and such sums as may be necessary
6 for each of the fiscal years 1994, 1995, 1996,
7 1997, 1998, 1999, and 2000” and inserting
8 “the period of fiscal years 2010 through 2014”.

9 (7) REVIEW.—Section 4211(a) of the Indian
10 Alcohol and Substance Abuse Prevention and Treat-
11 ment Act of 1986 (25 U.S.C. 2431(a)) is amended
12 in the matter preceding paragraph (1) by inserting
13 “, the Attorney General,” after “the Secretary of the
14 Interior”.

15 (b) INDIAN EDUCATION PROGRAMS.—Section 4212
16 of the Indian Alcohol and Substance Abuse Prevention Act
17 of 1986 (25 U.S.C. 2432) is amended by striking sub-
18 section (a) and inserting the following:

19 “(a) SUMMER YOUTH PROGRAMS.—

20 “(1) IN GENERAL.—The head of the Indian Al-
21cohol and Substance Abuse Program, in coordination
22with the Assistant Secretary for Indian Affairs, shall
23develop and implement programs in tribal schools
24and schools funded by the Bureau of Indian Edu-
25cation (subject to the approval of the local school

1 board or contract school board) to determine the ef-
2 fectiveness of summer youth programs in advancing
3 the purposes and goals of this Act.

4 “(2) COSTS.—The head of the Indian Alcohol
5 and Substance Abuse Program and the Assistant
6 Secretary shall defray all costs associated with the
7 actual operation and support of the summer youth
8 programs in a school from funds appropriated to
9 carry out this subsection.

10 “(3) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated to carry out
12 the programs under this subsection such sums as
13 are necessary for each of fiscal years 2010 through
14 2014.”.

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

18 (1) in paragraph (1), by striking “as may be
19 necessary” and all that follows through the end of
20 the paragraph and inserting “as are necessary for
21 each of fiscal years 2010 through 2014.”;

22 (2) in paragraph (2), by striking “\$7,000,000”
23 and all that follows through the end of the para-
24 graph and inserting “\$10,000,000 for each of fiscal
25 years 2010 through 2014.”; and

1 (3) by indenting paragraphs (4) and (5) appro-
2 priately.

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

8 (e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE
9 ERADICATION.—Section 4216 of the Indian Alcohol and
10 Substance Abuse Prevention and Treatment Act of 1986
11 (25 U.S.C. 2442) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A), by striking
15 the comma at the end and inserting a
16 semicolon;

17 (ii) in subparagraph (B), by striking
18 “, and” at the end and inserting a semi-
19 colon;

20 (iii) in subparagraph (C), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iv) by adding at the end the fol-
24 lowing:

1 “(D) the Blackfeet Nation of Montana for
2 the investigation and control of illegal narcotics
3 traffic on the Blackfeet Indian Reservation
4 along the border with Canada.”;

5 (B) in paragraph (2), by striking “United
6 States Custom Service” and inserting “United
7 States Customs and Border Protection”; and

8 (C) by striking paragraph (3) and insert-
9 ing the following:

10 “(3) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to carry out
12 this subsection such sums as are necessary for each
13 of fiscal years 2010 through 2014.”; and

14 (2) in subsection (b)(2), by striking “as may be
15 necessary” and all that follows through the end of
16 the paragraph and inserting “as are necessary for
17 each of fiscal years 2010 through 2014.”.

18 (f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—

19 Section 4218 of the Indian Alcohol and Substance Abuse
20 Prevention and Treatment Act of 1986 (25 U.S.C. 2451)
21 is amended—

22 (1) by striking subsection (a) and inserting the
23 following:

24 “(a) TRAINING PROGRAMS.—

1 “(1) IN GENERAL.—The Secretary of the Inte-
2 rior, in coordination with the Attorney General, the
3 Administrator of the Drug Enforcement Administra-
4 tion, and the Director of the Federal Bureau of In-
5 vestigation, shall ensure, through the establishment
6 of a new training program or by supplementing ex-
7 isting training programs, that all Bureau of Indian
8 Affairs and tribal law enforcement and judicial per-
9 sonnel have access to training regarding—

10 “(A) the investigation and prosecution of
11 offenses relating to illegal narcotics; and

12 “(B) alcohol and substance abuse preven-
13 tion and treatment.

14 “(2) YOUTH-RELATED TRAINING.—Any train-
15 ing provided to Bureau of Indian Affairs or tribal
16 law enforcement or judicial personnel under para-
17 graph (1) shall include training in issues relating to
18 youth alcohol and substance abuse prevention and
19 treatment.”; and

20 (2) in subsection (b), by striking “as may be
21 necessary” and all that follows through the end of
22 the subsection and inserting “as are necessary for
23 each of fiscal years 2010 through 2014.”.

24 (g) JUVENILE DETENTION CENTERS.—Section 4220
25 of the Indian Alcohol and Substance Abuse Prevention

1 and Treatment Act of 1986 (25 U.S.C. 2453) is amend-
2 ed—

3 (1) in subsection (a)—

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

6 “(1) IN GENERAL.—The Secretary”;

7 (B) in the second sentence, by striking
8 “The Secretary shall” and inserting the fol-
9 lowing:

10 “(2) CONSTRUCTION AND OPERATION.—The
11 Secretary shall”; and

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

13 “(3) DEVELOPMENT OF PLAN.—

14 “(A) IN GENERAL.—Not later than 180
15 days after the date of enactment of this para-
16 graph, the Secretary, the Director of the Sub-
17 stance Abuse and Mental Health Services Ad-
18 ministration, the Director of the Indian Health
19 Service, and the Attorney General, in consulta-
20 tion with tribal leaders and tribal justice offi-
21 cials, shall develop a long-term plan for the con-
22 struction, renovation, and operation of Indian
23 juvenile detention and treatment centers and al-
24 ternatives to detention for juvenile offenders.

1 “(B) COORDINATION.—The plan under
2 subparagraph (A) shall require the Bureau of
3 Indian Education and the Indian Health Serv-
4 ice to coordinate with tribal and Bureau of In-
5 dian Affairs juvenile detention centers to pro-
6 vide services to those centers.”; and

7 (2) in subsection (b)—

8 (A) by striking “such sums as may be nec-
9 essary for each of the fiscal years 1994, 1995,
10 1996, 1997, 1998, 1999, and 2000” each place
11 it appears and inserting “such sums as are nec-
12 essary for each of fiscal years 2010 through
13 2014”; and

14 (B) by indenting paragraph (2) appro-
15 priately.

16 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**
17 **ASSISTANCE.**

18 (a) INDIAN TRIBAL JUSTICE.—

19 (1) BASE SUPPORT FUNDING.—Section 103(b)
20 of the Indian Tribal Justice Act (25 U.S.C.
21 3613(b)) is amended by striking paragraph (2) and
22 inserting the following:

23 “(2) the employment of tribal court personnel,
24 including tribal court judges, prosecutors, public de-

1 fenders, guardians ad litem, and court-appointed
2 special advocates for children and juveniles;”.

3 (2) TRIBAL JUSTICE SYSTEMS.—Section 201 of
4 the Indian Tribal Justice Act (25 U.S.C. 3621) is
5 amended—

6 (A) in subsection (a)—

7 (i) by striking “the provisions of sec-
8 tions 101 and 102 of this Act” and insert-
9 ing “sections 101 and 102”; and

10 (ii) by striking “the fiscal years 2000
11 through 2007” and inserting “fiscal years
12 2010 through 2014”;

13 (B) in subsection (b)—

14 (i) by striking “the provisions of sec-
15 tion 103 of this Act” and inserting “sec-
16 tion 103”; and

17 (ii) by striking “the fiscal years 2000
18 through 2007” and inserting “fiscal years
19 2010 through 2014”;

20 (C) in subsection (c), by striking “the fis-
21 cal years 2000 through 2007” and inserting
22 “fiscal years 2010 through 2014”; and

23 (D) in subsection (d), by striking “the fis-
24 cal years 2000 through 2007” and inserting
25 “fiscal years 2010 through 2014”.

1 (b) TECHNICAL AND LEGAL ASSISTANCE.—

2 (1) TRIBAL CIVIL LEGAL ASSISTANCE
3 GRANTS.—Section 102 of the Indian Tribal Justice
4 Technical and Legal Assistance Act of 2000 (25
5 U.S.C. 3662) is amended by inserting “(including
6 guardians ad litem and court-appointed special advo-
7 cates for children and juveniles)” after “civil legal
8 assistance”.

9 (2) TRIBAL CRIMINAL LEGAL ASSISTANCE
10 GRANTS.—Section 103 of the Indian Tribal Justice
11 Technical and Legal Assistance Act of 2000 (25
12 U.S.C. 3663) is amended by striking “criminal legal
13 assistance to members of Indian tribes and tribal
14 justice systems” and inserting “criminal legal assist-
15 ance services to all defendants subject to tribal court
16 jurisdiction and judicial services for tribal courts”.

17 (3) FUNDING.—The Indian Tribal Justice
18 Technical and Legal Assistance Act of 2000 is
19 amended—

20 (A) in section 106 (25 U.S.C. 3666), by
21 striking “2000 through 2004” and inserting
22 “2010 through 2014”; and

23 (B) in section 201(d) (25 U.S.C. 3681(d)),
24 by striking “2000 through 2004” and inserting
25 “2010 through 2014”.

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

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

4 (1) in subsection (b)—

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

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

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

13 (D) in paragraph (15)—

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

16 (ii) by striking “the State which” and
17 inserting “the State or tribal community
18 that”; and

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

21 (E) in paragraph (16), by striking “and”
22 at the end;

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

1 (G) by redesignating paragraphs (6)
2 through (17) as paragraphs (5) through (16),
3 respectively; and

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

5 “(17) to permit tribal governments receiving di-
6 rect law enforcement services from the Bureau of In-
7 dian Affairs to access the program under this sec-
8 tion on behalf of the Bureau for use in accordance
9 with paragraphs (1) through (16).”.

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

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

14 “(j) GRANTS TO INDIAN TRIBES.—

15 “(1) IN GENERAL.—Notwithstanding subsection
16 (i) and section 1703, and in acknowledgment of the
17 Federal nexus and distinct Federal responsibility to
18 address and prevent crime in Indian country, the At-
19 torney General shall provide grants under this sec-
20 tion to Indian tribal governments, for fiscal year
21 2010 and any fiscal year thereafter, for such period
22 as the Attorney General determines to be appro-
23 priate to assist the Indian tribal governments in car-
24 rying out the purposes described in subsection (b).

1 “(2) PRIORITY OF FUNDING.—In providing
2 grants to Indian tribal governments under this sub-
3 section, the Attorney General shall take into consid-
4 eration reservation crime rates and tribal law en-
5 forcement staffing needs of each Indian tribal gov-
6 ernment.

7 “(3) FEDERAL SHARE.—Because of the Federal
8 nature and responsibility for providing public safety
9 on Indian land, the Federal share of the cost of any
10 activity carried out using a grant under this sub-
11 section shall be 100 percent.

12 “(4) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated such sums
14 as are necessary to carry out this subsection for
15 each of fiscal years 2010 through 2014.

16 “(k) REPORT.—Not later than 180 days after the
17 date of enactment of this subsection, the Attorney General
18 shall submit to Congress a report describing the extent
19 and effectiveness of the Community Oriented Policing
20 (COPS) initiative as applied in Indian country, including
21 particular references to—

22 “(1) the problem of intermittent funding;

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

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

5 **SEC. 404. TRIBAL JAILS PROGRAM.**

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

10 “(a) RESERVATION OF FUNDS.—Notwithstanding
 11 any other provision of this part, of amounts made avail-
 12 able to the Attorney General to carry out programs relat-
 13 ing to offender incarceration, the Attorney General shall
 14 reserve \$35,000,000 for each of fiscal years 2010 through
 15 2014 to carry out this section.”.

16 (b) REGIONAL DETENTION CENTERS.—

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

21 “(b) GRANTS TO INDIAN TRIBES.—

22 “(1) IN GENERAL.—From the amounts reserved
 23 under subsection (a), the Attorney General shall pro-
 24 vide grants—

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

1 “(i) construction and maintenance of
2 jails on Indian land for the incarceration
3 of offenders subject to tribal jurisdiction;

4 “(ii) entering into contracts with pri-
5 vate entities to increase the efficiency of
6 the construction of tribal jails; and

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

9 “(B) to Indian tribes for the construction
10 of tribal justice centers that combine tribal po-
11 lice, courts, and corrections services to address
12 violations of tribal civil and criminal laws; and

13 “(C) to consortia of Indian tribes for pur-
14 poses of constructing and operating regional de-
15 tention centers on Indian land for long-term in-
16 carceration of offenders subject to tribal juris-
17 diction, as the applicable consortium determines
18 to be appropriate.

19 “(2) PRIORITY OF FUNDING.—In providing
20 grants under this subsection, the Attorney General
21 shall take into consideration applicable—

22 “(A) reservation crime rates;

23 “(B) annual tribal court convictions; and

24 “(C) bed space needs.

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

6 (2) CONFORMING AMENDMENT.—Section
7 20109(c) of the Violent Crime Control and Law En-
8 forcement Act of 1994 (42 U.S.C. 13709(c)) is
9 amended by inserting “or consortium of Indian
10 tribes, as applicable,” after “Indian tribe”.

11 (3) LONG-TERM PLAN.—Section 20109 of the
12 Violent Crime Control and Law Enforcement Act of
13 1994 (42 U.S.C. 13709) is amended by adding at
14 the end the following:

15 “(d) LONG-TERM PLAN.—Not later than 1 year after
16 the date of enactment of this subsection, the Attorney
17 General, in coordination with the Bureau of Indian Affairs
18 and in consultation with tribal leaders, tribal law enforce-
19 ment officers, and tribal corrections officials, shall submit
20 to Congress a long-term plan to address incarceration in
21 Indian country, including a description of—

22 “(1) proposed activities for construction of de-
23 tention facilities (including regional facilities) on In-
24 dian land;

1 “(2) proposed activities for construction of ad-
2 ditional Federal detention facilities on Indian land;

3 “(3) proposed activities for contracting with
4 State and local detention centers, with tribal govern-
5 ment approval;

6 “(4) proposed alternatives to incarceration, de-
7 veloped in cooperation with tribal court systems; and

8 “(5) such other alternatives as the Attorney
9 General, in coordination with the Bureau of Indian
10 Affairs and in consultation with Indian tribes, deter-
11 mines to be necessary.”.

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

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

16 **“SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.**

17 “To the maximum extent practicable, the Director of
18 the Administrative Office of the United States Courts, in
19 coordination with the Office of Tribal Justice and the Di-
20 rector of the Office of Justice Services, shall—

21 “(1) appoint individuals residing in Indian
22 country to serve as assistant parole or probation of-
23 ficers for purposes of monitoring and providing serv-
24 ice to Federal prisoners residing in Indian country;
25 and

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

4 **SEC. 406. TRIBAL YOUTH PROGRAM.**

5 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY
6 PREVENTION PROGRAMS.—

7 (1) IN GENERAL.—Section 504 of the Juvenile
8 Justice and Delinquency Prevention Act of 1974 (42
9 U.S.C. 5783) is amended—

10 (A) in subsection (a), by inserting “, or to
11 Indian tribes under subsection (d)” after “sub-
12 section (b)”;

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

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

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

20 “(A) to support and enhance—

21 “(i) tribal juvenile delinquency preven-
22 tion services; and

23 “(ii) the ability of Indian tribes to re-
24 spond to, and care for, juvenile offenders;
25 and

1 “(B) to encourage accountability of Indian
2 tribal governments with respect to preventing
3 juvenile delinquency and responding to, and
4 caring for, juvenile offenders.

5 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible
6 to receive a grant under this subsection, an Indian
7 tribe or consortium of Indian tribes shall submit to
8 the Administrator an application in such form and
9 containing such information as the Administrator
10 may require.

11 “(3) PRIORITY OF FUNDING.—In providing
12 grants under this subsection, the Administrator shall
13 take into consideration, with respect to the reserva-
14 tion communities to be served—

15 “(A) juvenile crime rates;

16 “(B) dropout rates; and

17 “(C) percentage of at-risk youth.”.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—
19 Section 505 of the Juvenile Justice and Delinquency
20 Prevention Act of 1974 (42 U.S.C. 5784) is amend-
21 ed by striking “fiscal years 2004, 2005, 2006, 2007,
22 and 2008” and inserting “each of fiscal years 2010
23 through 2014”.

24 (b) COORDINATING COUNCIL ON JUVENILE JUSTICE
25 AND DELINQUENCY PREVENTION.—Section 206(a)(2) of

1 the Juvenile Justice and Delinquency Prevention Act of
2 1974 (42 U.S.C. 5616(a)(2)) is amended—

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

5 (2) in subparagraph (B), by adding at the end
6 the following:

7 “(iv) One member shall be appointed
8 by the Chairman of the Committee on In-
9 dian Affairs of the Senate, in consultation
10 with the Vice Chairman of that Com-
11 mittee.”.

12 **TITLE V—INDIAN COUNTRY**
13 **CRIME DATA COLLECTION**
14 **AND INFORMATION SHARING**

15 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
16 **COUNTRY.**

17 (a) GANG VIOLENCE.—Section 1107 of the Violence
18 Against Women and Department of Justice Reauthoriza-
19 tion Act of 2005 (28 U.S.C. 534 note; Public Law 109–
20 162) is amended—

21 (1) in subsection (a)—

22 (A) by redesignating paragraphs (8)
23 through (12) as paragraphs (9) through (13),
24 respectively;

1 (B) by inserting after paragraph (7) the
2 following:

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

5 (C) in paragraph (9) (as redesignated by
6 subparagraph (A)), by striking “State” and in-
7 serting “tribal, State,”; and

8 (D) in paragraphs (10) through (12) (as
9 redesignated by subparagraph (A)), by inserting
10 “tribal,” before “State,” each place it appears;
11 and

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

14 (b) BUREAU OF JUSTICE STATISTICS.—Section 302
15 of the Omnibus Crime Control and Safe Streets Act of
16 1968 (42 U.S.C. 3732) is amended—

17 (1) in subsection (c)—

18 (A) in paragraph (1), by inserting “, In-
19 dian tribes,” after “contracts with”;

20 (B) in each of paragraphs (3) through (6),
21 by inserting “tribal,” after “State,” each place
22 it appears;

23 (C) in paragraph (7), by inserting “and in
24 Indian country” after “States”;

1 (D) in paragraph (9), by striking “Federal
2 and State Governments” and inserting “Fed-
3 eral Government and State and tribal govern-
4 ments”;

5 (E) in each of paragraphs (10) and (11),
6 by inserting “, tribal,” after “State” each place
7 it appears;

8 (F) in paragraph (13), by inserting “, In-
9 dian tribes,” after “States”;

10 (G) in paragraph (17)—

11 (i) by striking “State and local” and
12 inserting “State, tribal, and local”; and

13 (ii) by striking “State, and local” and
14 inserting “State, tribal, and local”;

15 (H) in paragraph (18), by striking “State
16 and local” and inserting “State, tribal, and
17 local”;

18 (I) in paragraph (19), by inserting “and
19 tribal” after “State” each place it appears;

20 (J) in paragraph (20), by inserting “, trib-
21 al,” after “State”; and

22 (K) in paragraph (22), by inserting “, trib-
23 al,” after “Federal”;

24 (2) in subsection (d)—

1 (A) by redesignating paragraphs (1)
2 through (6) as subparagraphs (A) through (F),
3 respectively, and indenting the subparagraphs
4 appropriately;

5 (B) by striking “To insure” and inserting
6 the following:

7 “(1) IN GENERAL.—To ensure”; and

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

9 “(2) CONSULTATION WITH INDIAN TRIBES.—

10 The Director, acting jointly with the Assistant Sec-
11 retary for Indian Affairs (acting through the Direc-
12 tor of the Office of Law Enforcement Services) and
13 the Director of the Federal Bureau of Investigation,
14 shall work with Indian tribes and tribal law enforce-
15 ment agencies to establish and implement such tribal
16 data collection systems as the Director determines to
17 be necessary to achieve the purposes of this sec-
18 tion.”;

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

21 (4) in subsection (f)—

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

24 (B) by inserting “, tribal,” after “State”;

25 and

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

2 “(g) REPORT TO CONGRESS ON CRIMES IN INDIAN
3 COUNTRY.—Not later than 1 year after the date of enact-
4 ment of this subsection, and annually thereafter, the Di-
5 rector shall submit to Congress a report describing the
6 data collected and analyzed under this section relating to
7 crimes in Indian country.”.

8 **SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION**
9 **SYSTEMS.**

10 Section 3 of the Indian Law Enforcement Reform Act
11 (25 U.S.C. 2802) is amended by adding at the end the
12 following:

13 “(f) GRANTS TO IMPROVE TRIBAL DATA COLLEC-
14 TION SYSTEMS.—

15 “(1) GRANT PROGRAM.—The Secretary, acting
16 through the Director of the Office of Justice Serv-
17 ices of the Bureau and in coordination with the At-
18 torney General, shall establish a program under
19 which the Secretary shall provide grants to Indian
20 tribes for activities to ensure uniformity in the col-
21 lection and analysis of data relating to crime in In-
22 dian country.

23 “(2) REGULATIONS.—The Secretary, acting
24 through the Director of the Office of Justice Serv-
25 ices of the Bureau, in consultation with tribal gov-

1 ernments and tribal justice officials, shall promul-
 2 gate such regulations as are necessary to carry out
 3 the grant program under this subsection.”.

4 **SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PRO-**
 5 **GRAM.**

6 Section 1301(a) of the Omnibus Crime Control and
 7 Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amend-
 8 ed by inserting “, tribal,” after “State”.

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

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

13 Section 4042 of title 18, United States Code, is
 14 amended—

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

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

21 (3) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A), by striking
 24 “officer of the State and of the local juris-

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

3 (ii) in subparagraph (B), by inserting
4 “, tribal,” after “State” each place it ap-
5 pears; and

6 (B) in paragraph (2)—

7 (i) by striking “(2) Notice” and in-
8 serting the following:

9 “(2) REQUIREMENTS.—

10 “(A) IN GENERAL.—A notice”;

11 (ii) in the second sentence, by striking
12 “For a person who is released” and insert-
13 ing the following:

14 “(B) RELEASED PERSONS.—For a person
15 who is released”;

16 (iii) in the third sentence, by striking
17 “For a person who is sentenced” and in-
18 serting the following:

19 “(C) PERSONS ON PROBATION.—For a
20 person who is sentenced”;

21 (iv) in the fourth sentence, by striking
22 “Notice concerning” and inserting the fol-
23 lowing:

24 “(D) RELEASED PERSONS REQUIRED TO
25 REGISTER.—

1 “(i) IN GENERAL.—A notice con-
2 cerning”; and

3 (v) in subparagraph (D) (as des-
4 ignated by clause (iv)), by adding at the
5 end the following:

6 “(ii) PERSONS RESIDING IN INDIAN
7 COUNTRY.—For a person described in
8 paragraph (3) the expected place of resi-
9 dence of whom is potentially located in In-
10 dian country, the Director of the Bureau
11 of Prisons or the Director of the Adminis-
12 trative Office of the United States Courts,
13 as appropriate, shall—

14 “(I) make all reasonable and nec-
15 essary efforts to determine whether
16 the residence of the person is located
17 in Indian country; and

18 “(II) ensure that the person is
19 registered with the law enforcement
20 office of each appropriate jurisdiction
21 before release from Federal custody.”.

22 **SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE**
23 **TRAINING.**

24 Section 3(c)(9) of the Indian Law Enforcement Re-
25 form Act (25 U.S.C. 2802(c)(9)) (as amended by section

1 101(a)(2)) is amended by inserting before the semicolon
2 at the end the following: “, including training to properly
3 interview victims of domestic and sexual violence and to
4 collect, preserve, and present evidence to Federal and trib-
5 al prosecutors to increase the conviction rate for domestic
6 and sexual violence offenses for purposes of addressing
7 and preventing domestic and sexual violent offenses”.

8 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
9 **OF RAPE AND SEXUAL ASSAULT.**

10 The Indian Law Enforcement Reform Act (25 U.S.C.
11 2801 et seq.) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
14 **OF RAPE AND SEXUAL ASSAULT.**

15 “(a) APPROVAL OF EMPLOYEE TESTIMONY.—The
16 Director of the Office of Justice Services or the Director
17 of the Indian Health Service, as appropriate (referred to
18 in this section as the ‘Director concerned’), shall approve
19 or disapprove, in writing, any request or subpoena for a
20 law enforcement officer, sexual assault nurse examiner, or
21 other employee under the supervision of the Director con-
22 cerned to provide testimony in a deposition, trial, or other
23 similar proceeding regarding information obtained in car-
24 rying out the official duties of the employee.

1 “(b) REQUIREMENT.—The Director concerned shall
2 approve a request or subpoena under subsection (a) if the
3 request or subpoena does not violate the policy of the De-
4 partment of the Interior to maintain strict impartiality
5 with respect to private causes of action.

6 “(c) TREATMENT.—If the Director concerned fails to
7 approve or disapprove a request or subpoena by the date
8 that is 30 days after the date of receipt of the request
9 or subpoena, the request or subpoena shall be considered
10 to be approved for purposes of this section.”.

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

12 The Indian Law Enforcement Reform Act (25 U.S.C.
13 2801 et seq.) (as amended by section 603) is amended
14 by adding at the end the following:

15 **“SEC. 12. COORDINATION OF FEDERAL AGENCIES.**

16 “(a) IN GENERAL.—The Secretary, in coordination
17 with the Attorney General, Federal and tribal law enforce-
18 ment agencies, the Indian Health Service, and domestic
19 violence or sexual assault victim organizations, shall de-
20 velop appropriate victim services and victim advocate
21 training programs—

22 “(1) to improve domestic violence or sexual
23 abuse responses;

24 “(2) to improve forensic examinations and col-
25 lection;

1 “(3) to identify problems or obstacles in the
2 prosecution of domestic violence or sexual abuse; and

3 “(4) to meet other needs or carry out other ac-
4 tivities required to prevent, treat, and improve pros-
5 ecutions of domestic violence and sexual abuse.

6 “(b) REPORT.—Not later than 2 years after the date
7 of enactment of this section, the Secretary shall submit
8 to the Committee on Indian Affairs of the Senate and the
9 Committee on Natural Resources of the House of Rep-
10 resentatives a report that describes, with respect to the
11 matters described in subsection (a), the improvements
12 made and needed, problems or obstacles identified, and
13 costs necessary to address the problems or obstacles, and
14 any other recommendations that the Secretary determines
15 to be appropriate.”.

16 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

17 Title VIII of the Indian Health Care Improvement
18 Act is amended by inserting after section 802 (25 U.S.C.
19 1672) the following:

20 **“SEC. 803. POLICIES AND PROTOCOL.**

21 “The Director of Service, in coordination with the Di-
22 rector of the Office on Violence Against Women of the
23 Department of Justice, in consultation with Indian Tribes
24 and Tribal Organizations, and in conference with Urban
25 Indian Organizations, shall develop standardized sexual

1 assault policies and protocol for the facilities of the Serv-
2 ice, based on similar protocol that has been established
3 by the Department of Justice.”.

○