

Calendar No. 192111TH CONGRESS
1ST SESSION**S. 797****[Report No. 111-93]**

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, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. BOXER, Mr. CRAPO, Ms. STABENOW, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

OCTOBER 29, 2009

Reported by Mr. DORGAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

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

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

6 (b) **TABLE OF CONTENTS.**—The table of contents of
 7 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

1 of the law enforcement presence in comparable rural
2 communities nationwide;

3 ~~(5) on many Indian reservations, law enforce-~~
4 ~~ment officers respond to distress or emergency calls~~
5 ~~without backup and travel to remote locations with-~~
6 ~~out adequate radio communication or access to na-~~
7 ~~tional crime information database systems;~~

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

13 ~~(7) a number of Indian country offenders face~~
14 ~~no consequences for minor crimes, and many such~~
15 ~~offenders are released due to severe overcrowding in~~
16 ~~existing detention facilities;~~

17 ~~(8) tribal courts—~~

18 ~~(A) are the primary arbiters of criminal~~
19 ~~and civil justice for actions arising in Indian~~
20 ~~country; but~~

21 ~~(B) have been historically underfunded;~~

22 ~~(9) tribal courts have no criminal jurisdiction~~
23 ~~over non-Indian persons, and the sentencing author-~~
24 ~~ity of tribal courts is limited to sentences of not~~
25 ~~more than 1 year of imprisonment for Indian offend-~~

1 ers, forcing tribal communities to rely solely on the
2 Federal Government and certain State governments
3 for the prosecution of—

4 (A) misdemeanors committed by non-Indian
5 persons; and

6 (B) all felony crimes in Indian country;

7 (10) a significant percentage of cases referred
8 to Federal agencies for prosecution of crimes allegedly
9 occurring in tribal communities are declined to
10 be prosecuted;

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

13 (A) has a significant negative impact on
14 the ability to provide public safety to Indian
15 communities; and

16 (B) has been increasingly exploited by
17 criminals;

18 (12) the violent crime rate in Indian country
19 is—

20 (A) nearly twice the national average; and

21 (B) more than 20 times the national average
22 on some Indian reservations;

23 (13)(A) domestic and sexual violence against
24 Indian and Alaska Native women has reached epidemic
25 proportions;

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

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

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

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

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

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

22 (18) tribal communities face significant in-
23 creases in instances of domestic violence, burglary,
24 assault, and child abuse as a direct result of in-

1 increased methamphetamine use on Indian reserva-
2 tions;

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

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

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

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

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

23 ~~(b)~~ PURPOSES.—The purposes of this Act are—

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

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

7 (3) to empower tribal governments with the au-
8 thority, resources, and information necessary to
9 safely and effectively provide for the safety of the
10 public in tribal communities;

11 (4) to reduce the prevalence of violent crime in
12 tribal communities and to combat violence against
13 Indian and Alaska Native women;

14 (5) to address and prevent drug trafficking and
15 reduce rates of alcohol and drug addiction in Indian
16 country; and

17 (6) to increase and standardize the collection of
18 criminal data and the sharing of criminal history in-
19 formation among Federal, State, and tribal officials
20 responsible for responding to and investigating
21 crimes in tribal communities.

22 **SEC. 3. DEFINITIONS.**

23 (a) **IN GENERAL.**—In this Act:

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

4 (2) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given the term in section 102 of the
6 Federally Recognized Indian Tribe List Act of 1994
7 (25 U.S.C. 479a).

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

10 (4) TRIBAL GOVERNMENT.—The term “tribal
11 government” means the governing body of an Indian
12 tribe.

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

17 “(10) TRIBAL JUSTICE OFFICIAL.—The term
18 ‘tribal justice official’ means—

19 “(A) a tribal prosecutor;

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

21 “(C) any other person responsible for in-
22 vestigating or prosecuting an alleged criminal
23 offense in tribal court.”.

1 **TITLE I—FEDERAL ACCOUNT-**
2 **ABILITY AND COORDINATION**

3 **SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBIL-**
4 **ITIES.**

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

7 (1) by striking paragraph (8);

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

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

13 (4) in paragraph (1) (as redesignated by para-
14 graph (3)), by striking “Division of Law Enforce-
15 ment Services” and inserting “Office of Justice
16 Services”.

17 (b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—
18 Section 3 of the Indian Law Enforcement Reform Act (25
19 U.S.C. 2802) is amended—

20 (1) in subsection (b), by striking “(b) There is
21 hereby established within the Bureau a Division of
22 Law Enforcement Services which” and inserting the
23 following:

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

4 (2) in subsection (c)—

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

8 (B) in paragraph (2), by inserting “and,
 9 with the consent of the Indian tribe, tribal
 10 criminal laws, including testifying in tribal
 11 court” before the semicolon at the end;

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

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

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

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

19 “(11) communicating with tribal leaders, tribal
 20 community and victims’ advocates, tribal justice offi-
 21 cials, and residents of Indian land on a regular basis
 22 regarding public safety and justice concerns facing
 23 tribal communities;

24 “(12) conducting meaningful and timely con-
 25 sultation with tribal leaders and tribal justice offi-

1 eials in the development of regulatory policies and
2 other actions that affect public safety and justice in
3 Indian country;

4 “(13) providing technical assistance and train-
5 ing to tribal law enforcement officials to gain access
6 and input authority to utilize the National Criminal
7 Information Center and other national crime infor-
8 mation databases pursuant to section 534 of title
9 28, United States Code;

10 “(14) in coordination with the Attorney General
11 pursuant to subsection (g) of section 302 of the Om-
12 nibus Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3732), collecting, analyzing, and report-
14 ing data regarding Indian country crimes on an an-
15 nual basis;

16 “(15) submitting to the Committee on Indian
17 Affairs of the Senate and the Committee on Natural
18 Resources of the House of Representatives, for each
19 fiscal year, a detailed spending report regarding
20 tribal public safety and justice programs that in-
21 eludes—

22 “(A)(i) the number of full-time employees
23 of the Bureau and tribal government who serve
24 as—

25 “(I) criminal investigators;

1 ~~“(H) uniform police;~~

2 ~~“(III) police and emergency dis-~~
3 ~~patchers;~~

4 ~~“(IV) detention officers;~~

5 ~~“(V) executive personnel, including~~
6 ~~special agents in charge, and directors and~~
7 ~~deputies of various offices in the Office of~~
8 ~~Justice Services; or~~

9 ~~“(VI) tribal court judges, prosecutors,~~
10 ~~public defenders, or related staff; and~~

11 ~~“(ii) the amount of appropriations obli-~~
12 ~~gated for each category described in clause (i)~~
13 ~~for each fiscal year;~~

14 ~~“(B) a list of amounts dedicated to law en-~~
15 ~~forcement and corrections, vehicles, related~~
16 ~~transportation costs, equipment, inmate trans-~~
17 ~~portation costs, inmate transfer costs, replace-~~
18 ~~ment, improvement, and repair of facilities, per-~~
19 ~~sonnel transfers, detailees and costs related to~~
20 ~~their details, emergency events, public safety~~
21 ~~and justice communications and technology~~
22 ~~costs, and tribal court personnel, facilities, and~~
23 ~~related program costs;~~

24 ~~“(C) a list of the unmet staffing needs of~~
25 ~~law enforcement, corrections, and court per-~~

1 sonnel at tribal and Bureau of Indian Affairs
2 justice agencies; the replacement and repair
3 needs of tribal and Bureau corrections facilities;
4 needs for tribal police and court facilities; and
5 public safety and emergency communications
6 and technology needs; and

7 “(D) the formula, priority list or other
8 methodology used to determine the method of
9 disbursement of funds for the public safety and
10 justice programs administered by the Office of
11 Justice Services;

12 “(16) submitting to the Committee on Indian
13 Affairs of the Senate and the Committee on Natural
14 Resources of the House of Representatives, for each
15 fiscal year, a report summarizing the technical as-
16 sistance, training, and other support provided to
17 tribal law enforcement and corrections agencies that
18 operate relevant programs pursuant to self-deter-
19 mination contracts or self-governance compacts with
20 the Bureau of Indian Affairs; and

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

1 (3) in subsection (d)—

2 (A) in paragraph (1), by striking “Division
3 of Law Enforcement Services” and inserting
4 “Office of Justice Services”;

5 (B) in paragraph (3)—

6 (i) by striking “regulations which
7 shall establish” and inserting “regulations,
8 which shall—

9 “(A) establish”;

10 (ii) by striking “reservation.” and in-
11 serting “reservation; but”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(B) support the enforcement of tribal
15 laws and investigation of offenses against tribal
16 criminal laws.”; and

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

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

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

24 “(f) LONG-TERM PLAN FOR TRIBAL DETENTION
25 PROGRAMS.—Not later than 1 year after the date of en-

1 actment of this subsection, the Secretary, acting through
2 the Bureau, in coordination with the Department of Jus-
3 tice and in consultation with tribal leaders, tribal law en-
4 forcement officers, and tribal corrections officials, shall
5 submit to Congress a long-term plan to address incarcer-
6 ation in Indian country, including a description of—

7 “(1) proposed activities for the construction of
8 detention facilities (including regional facilities) on
9 Indian land;

10 “(2) proposed activities for the construction of
11 additional Federal detention facilities on Indian
12 land;

13 “(3) proposed activities for contracting with
14 State and local detention centers, upon approval of
15 affected tribal governments;

16 “(4) proposed activities for alternatives to in-
17 carceration, developed in cooperation with tribal
18 court systems; and

19 “(5) other such alternatives to incarceration as
20 the Secretary, in coordination with the Bureau and
21 in consultation with tribal representatives, deter-
22 mines to be necessary.

23 “(g) LAW ENFORCEMENT PERSONNEL OF BUREAU
24 AND INDIAN TRIBES.—

1 “(1) REPORT.—Not later than 60 days after
2 the date of enactment of this subsection, the Sec-
3 retary shall submit to the Committee on Indian Af-
4 fairs of the Senate and the Committee on Natural
5 Resources of the House of Representatives a report
6 regarding vacancies in law enforcement personnel of
7 Bureau and Indian tribes.

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

15 (c) LAW ENFORCEMENT AUTHORITY.—Section 4 of
16 the Indian Law Enforcement Reform Act (25 U.S.C.
17 2803) is amended—

18 (1) in paragraph (2)(A), by striking “; or” and
19 inserting “or offenses committed on Federal prop-
20 erty processed by the Central Violations Bureau);
21 or”; and

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

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

1 “(B) the offense is a Federal crime and
2 the employee has reasonable grounds to believe
3 that the person to be arrested has committed,
4 or is committing, the crime;”.

5 **SEC. 102. DECLINATION REPORTS.**

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

9 “(a) REPORTS.—

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

17 “(A) submit to the appropriate tribal jus-
18 tice officials evidence, including related reports,
19 relevant to the case that would advance pros-
20 ecution of the case in a tribal court; and

21 “(B) submit to the Office of Indian Coun-
22 try Crime relevant information regarding all
23 declinations of alleged violations of Federal law
24 in Indian country, including—

25 “(i) the type of crime alleged;

1 “(ii) the status of the accused as an
2 Indian or non-Indian;

3 “(iii) the status of the victim as an
4 Indian; and

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

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

12 “(A) submit to the appropriate tribal jus-
13 tice official, sufficiently in advance of the tribal
14 statute of limitations, evidence relevant to the
15 case to permit the tribal prosecutor to pursue
16 the case in tribal court; and

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

22 “(i) the type of crime alleged;

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

1 “(iii) the status of the victim as an
2 Indian; and

3 “(iv) the reason for the determination
4 to decline or terminate the prosecution.

5 “(b) MAINTENANCE OF RECORDS.—

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

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

14 “(e) INCLUSION OF CASE FILES.—A report sub-
15 mitted to the appropriate tribal justice officials under
16 paragraph (1) or (2) of subsection (a) may include the
17 case file, including evidence collected and statements
18 taken that could support an investigation or prosecution
19 by the appropriate tribal justice officials.

20 “(d) EFFECT OF SECTION.—

21 “(1) IN GENERAL.—Nothing in this section re-
22 quires any Federal agency or official to transfer or
23 disclose any confidential or privileged communica-
24 tion, information, or source to an official of any In-
25 dian tribe.

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

4 “(3) REGULATIONS.—Each Federal agency re-
 5 quired to submit a report pursuant to this section
 6 shall adopt, by regulation, standards for the protec-
 7 tion of confidential or privileged communications, in-
 8 formation, and sources under paragraph (1).”.

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

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

12 (1) in subsection (a), by inserting before the pe-
 13 riod at the end the following: “, including the ap-
 14 pointment of qualified tribal prosecutors and other
 15 qualified attorneys to assist in prosecuting Federal
 16 offenses committed in Indian country”; and

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

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

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

4 **“SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-**
5 **AISONS.**

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

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

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

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

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

22 “(4) Developing working relationships and
23 maintaining communication with tribal leaders, trib-
24 al community and victims’ advocates, and tribal jus-

1 tice officials to gather information from, and share
2 appropriate information with, tribal justice officials.

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

7 “(6) Providing technical assistance and training
8 regarding evidence gathering techniques to tribal
9 justice officials and other individuals and entities
10 that are instrumental to responding to Indian coun-
11 try crimes.

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

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

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

23 “(e) SENSE OF CONGRESS REGARDING EVALUA-
24 TIONS OF TRIBAL LIAISONS.—

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

1 “(A) many tribal communities rely solely
2 on United States Attorneys offices to prosecute
3 felony and misdemeanor crimes occurring on
4 Indian land; and

5 “(B) tribal liaisons have dual obligations
6 of—

7 “(i) coordinating prosecutions of In-
8 dian country crime; and

9 “(ii) developing relationships with
10 tribal communities and serving as a link
11 between tribal communities and the Fed-
12 eral justice process.

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

15 “(A) take all appropriate actions to en-
16 courage the aggressive prosecution of all crimes
17 committed in Indian country; and

18 “(B) when appropriate, take into consider-
19 ation the dual responsibilities of tribal liaisons
20 described in paragraph (1)(B) in evaluating the
21 performance of the tribal liaisons.

22 “(d) ENHANCED PROSECUTION OF MINOR
23 CRIMES.—

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

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

10 “(i) the crime rate exceeds the na-
11 tional average crime rate; or

12 “(ii) the rate at which criminal of-
13 fenses are declined to be prosecuted ex-
14 ceeds the national average declination rate;

15 “(B) to coordinate with applicable United
16 States magistrate and district courts—

17 “(i) to ensure the provision of docket
18 time for prosecutions of Indian country
19 crimes; and

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

22 “(C) to provide to appointed Special As-
23 sistant United States Attorneys appropriate
24 training, supervision, and staff support; and

1 “(D) if an agreement is entered into with
2 a Federal court pursuant to paragraph (2), to
3 provide technical and other assistance to tribal
4 governments and tribal court systems to ensure
5 the success of the program under this sub-
6 section.

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

14 **SEC. 104. ADMINISTRATION.**

15 (a) OFFICE OF TRIBAL JUSTICE.—

16 (1) DEFINITIONS.—Section 4 of the Indian
17 Tribal Justice Technical and Legal Assistance Act of
18 2000 (~~25 U.S.C. 3653~~) is amended—

19 (A) by redesignating paragraphs ~~(2)~~
20 through ~~(7)~~ as paragraphs ~~(3)~~ through ~~(8)~~, re-
21 spectively; and

22 (B) by inserting after paragraph ~~(1)~~ the
23 following:

24 “~~(2)~~ DIRECTOR.—The term ‘Director’ means
25 the Director of the Office of Tribal Justice.”.

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

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

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

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

9 “(a) IN GENERAL.—Not later than 90 days after the
 10 date of enactment of the Tribal Law and Order Act of
 11 2009, the Attorney General shall modify the status of the
 12 Office of Tribal Justice as the Attorney General deter-
 13 mines to be necessary to establish the Office of Tribal Jus-
 14 tice as a permanent division of the Department.

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

20 “(c) ADDITIONAL DUTIES.—In addition to the duties
 21 of the Office of Tribal Justice in effect on the day before
 22 the date of enactment of the Tribal Law and Order Act
 23 of 2009, the Office of Tribal Justice shall—

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

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

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

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

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

17 “(B) any tribal treaty provision;

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

20 “(D) any other tribal interest.”

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

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

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

5 “(b) **DUTIES.**—The Office of Indian Country Crime
6 shall—

7 “(1) develop, enforce, and administer the appli-
8 cation of Federal criminal laws applicable in Indian
9 country;

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

13 “(3) coordinate prosecutions of crimes of na-
14 tional significance in Indian country, as determined
15 by the Attorney General;

16 “(4) develop and implement criminal enforce-
17 ment policies for United States Attorneys and inves-
18 tigators of Federal crimes regarding cases arising in
19 Indian country; and

20 “(5) submit to the Committee on Indian Affairs
21 of the Senate and the Committee on Natural Re-
22 sources of the House of Representatives annual re-
23 ports describing the prosecution and declination
24 rates of cases involving alleged crimes in Indian
25 country referred to United States Attorneys.

26 “(c) **DEPUTY ASSISTANT ATTORNEY GENERAL.**—

1 “(1) APPOINTMENT.—The Attorney General
2 shall appoint a Deputy Assistant Attorney General
3 for Indian Country Crime.

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

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

8 “(B) serve as a point of contact to United
9 State Attorneys serving districts including In-
10 dian country, tribal liaisons, tribal governments,
11 and other Federal, State, and local law enforce-
12 ment agencies regarding issues affecting the
13 prosecution of crime in Indian country; and

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

16 **TITLE II—STATE ACCOUNT-**
17 **ABILITY AND COORDINATION**

18 **SEC. 201. STATE CRIMINAL JURISDICTION AND RE-**
19 **SOURCES.**

20 (a) CONCURRENT AUTHORITY OF UNITED
21 STATES.—Section 401(a) of Public Law 90-284 (25
22 U.S.C. 1321(a)) is amended—

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

1 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDIC-**
2 **TION.**

3 **“(a) CONSENT OF UNITED STATES.—**

4 **“(1) IN GENERAL.—**The consent of the United
5 States”;

6 **(2)** by adding at the end the following:

7 **“(2) CONCURRENT JURISDICTION.—**At the re-
8 quest of an Indian tribe, and after consultation with
9 the Attorney General, the United States shall main-
10 tain concurrent jurisdiction to prosecute violations of
11 sections 1152 and 1153 of title 18, United States
12 Code, within the Indian country of the Indian
13 tribe.”.

14 **(b) APPLICABLE LAW.—**Section 1162 of title 18,
15 United States Code, is amended by striking subsection (c)
16 and inserting the following:

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

19 **“(1)** sections 1152 and 1153 of this title shall
20 remain in effect in the areas of the Indian country
21 of the Indian tribe; and

22 **“(2)** jurisdiction over those areas shall be con-
23 current among the Federal Government and State
24 and tribal governments.”.

1 **SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL**
 2 **LAW ENFORCEMENT COOPERATION.**

3 (a) **ESTABLISHMENT OF COOPERATIVE ASSISTANCE**
 4 **PROGRAM.**—The Attorney General may provide grants,
 5 technical assistance, and other assistance to State, tribal,
 6 and local governments that enter into cooperative agree-
 7 ments, including agreements relating to mutual aid, hot
 8 pursuit of suspects, and cross-deputization for the pur-
 9 poses of—

10 (1) improving law enforcement effectiveness;
 11 and

12 (2) reducing crime in Indian country and near-
 13 by communities.

14 (b) **PROGRAM PLANS.**—

15 (1) **IN GENERAL.**—To be eligible to receive as-
 16 sistance under this section, a group composed of not
 17 less than 1 of each of a tribal government and a
 18 State or local government shall jointly develop and
 19 submit to the Attorney General a plan for a program
 20 to achieve the purpose described in subsection (a).

21 (2) **PLAN REQUIREMENTS.**—A joint program
 22 plan under paragraph (1) shall include a description
 23 of—

24 (A) the proposed cooperative tribal and
 25 State or local law enforcement program for
 26 which funding is sought, including information

1 on the population and each geographic area to
2 be served by the program;

3 (B) the need of the proposed program for
4 funding under this section; the amount of fund-
5 ing requested; and the proposed use of funds;
6 subject to the requirements listed in subsection
7 (e);

8 (C) the unit of government that will ad-
9 minister any assistance received under this sec-
10 tion; and the method by which the assistance
11 will be distributed;

12 (D) the types of law enforcement services
13 to be performed on each applicable Indian res-
14 ervation and the individuals and entities that
15 will perform those services;

16 (E) the individual or group of individuals
17 who will exercise daily supervision and control
18 over law enforcement officers participating in
19 the program;

20 (F) the method by which local and tribal
21 government input with respect to the planning
22 and implementation of the program will be en-
23 sured;

24 (G) the policies of the program regarding
25 mutual aid; hot pursuit of suspects; deputiza-

1 tion, training, and insurance of applicable law
2 enforcement officers;

3 (H) the recordkeeping procedures and
4 types of data to be collected pursuant to the
5 program; and

6 (I) other information that the Attorney
7 General determines to be relevant.

8 (e) PERMISSIBLE USES OF FUNDS.—An eligible enti-
9 ty that receives a grant under this section may use the
10 grant, in accordance with the program plan described in
11 subsection (b)—

12 (1) to hire and train new career tribal, State,
13 or local law enforcement officers; or to make over-
14 time payments for current law enforcement officers;
15 that are or will be dedicated to—

16 (A) policing tribal land and nearby lands;
17 and

18 (B) investigating alleged crimes on those
19 lands;

20 (2) procure equipment, technology, or support
21 systems to be used to investigate crimes and share
22 information between tribal, State, and local law en-
23 forcement agencies; or

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

4 (d) FACTORS FOR CONSIDERATION.—In determining
5 whether to approve a joint program plan submitted under
6 subsection (b) and, on approval, the amount of assistance
7 to provide to the program, the Attorney General shall take
8 into consideration the following factors:

9 (1) The size and population of each Indian res-
10 ervation and nearby community proposed to be
11 served by the program.

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

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

16 (4) The proposed improvements the program
17 will make regarding law enforcement cooperation be-
18 yond existing levels of cooperation.

19 (5) The crime rates of the tribal and nearby
20 communities.

21 (6) The available resources of each entity apply-
22 ing for a grant under this section for dedication to
23 public safety in the respective jurisdictions of the en-
24 tities.

1 (e) ANNUAL REPORTS.—To be eligible to renew or
2 extend a grant under this section, a group described in
3 subsection (b)(1) shall submit to the Attorney General, to-
4 gether with the joint program plan under subsection (b),
5 a report describing the law enforcement activities carried
6 out pursuant to the program during the preceding fiscal
7 year, including the success of the activities, including any
8 increase in arrests or prosecutions.

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

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

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as are nec-

1 essary to carry out this section for each of fiscal years
 2 2010 through 2014.

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

7 **SEC. 301. TRIBAL POLICE OFFICERS.**

8 (a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT
 9 OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of
 10 the Indian Law Enforcement Reform Act (25 U.S.C.
 11 2802(e)) (as amended by section 101(b)(4)) is amended—

12 (1) in paragraph (1)—

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

15 “(e) STANDARDS OF EDUCATION AND EXPERIENCE
 16 AND CLASSIFICATION OF POSITIONS.—

17 “(1) STANDARDS OF EDUCATION AND EXPERI-
 18 ENCE.—

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

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

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

1 local or tribal community college, or another
 2 training academy that meets the relevant Peace
 3 Officer Standards and Training.”;

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

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

7 “(4) BACKGROUND CHECKS FOR OFFICERS.—

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

17 (b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—

18 Section 5(a) of the Indian Law Enforcement Reform Act
 19 (25 U.S.C. 2804(a)) is amended—

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

22 “(a) AGREEMENTS.—

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

1 Order Act of 2009, the Secretary shall establish pro-
2 cedures to enter into memoranda of agreement”;

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

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

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

8 “(3) PROGRAM ENHANCEMENT.—

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

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

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

25 “(B) MEMORANDA OF AGREEMENT.—

1 “(i) IN GENERAL.—Not later than
 2 180 days after the date of enactment of
 3 the Tribal Law and Order Act of 2009, the
 4 Secretary, in consultation with Indian
 5 tribes and tribal law enforcement agencies,
 6 shall develop minimum requirements to be
 7 included in special law enforcement com-
 8 mission agreements pursuant to this sec-
 9 tion.

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

17 (e) INDIAN LAW ENFORCEMENT FOUNDATION.—The
 18 Indian Self-Determination and Education Assistance Act
 19 (25 U.S.C. 450 et seq.) is amended by adding at the end
 20 the following:

21 **“TITLE VII—INDIAN LAW**
 22 **ENFORCEMENT FOUNDATION**

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

24 “(a) ESTABLISHMENT.—As soon as practicable after
 25 the date of enactment of this title, the Secretary shall es-

1 tablish, under the laws of the District of Columbia and
2 in accordance with this title, a foundation, to be known
3 as the ‘Indian Law Enforcement Foundation’ (referred to
4 in this section as the ‘Foundation’).

5 “(b) DUTIES.—The Foundation shall—

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

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

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

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

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

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

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

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

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

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

16 (2) in subsection (b)(2), by inserting “, tribal,”
17 after “State”.

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

21 (1) in subsection (a)—

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

1 (B) in paragraphs (6) and (7), by inserting
 2 “, tribal,” after “State” each place it appears;
 3 and
 4 (2) in subsection (d)(1), by inserting “, tribal,”
 5 after “State”.

6 (d) POWERS OF ENFORCEMENT PERSONNEL.—Sec-
 7 tion 508(a) of the Controlled Substances Act (21 U.S.C.
 8 878(a)) is amended in the matter preceding paragraph (1)
 9 by inserting “, tribal,” after “State”.

10 **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**
 11 **DATABASES.**

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

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

17 (2) by striking subsection (d) and inserting the
 18 following:

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

22 “(1) to directly access and enter information
 23 into Federal criminal information databases; and

24 “(2) to directly obtain information from the
 25 databases.”;

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

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

7 (b) REQUIREMENT.—

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

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

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

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

2 (a) CONSTITUTIONAL RIGHTS.—Section 202 of Pub-
 3 lie Law 90–284 (25 U.S.C. 1302) is amended—

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

7 “(a) IN GENERAL.—No Indian tribe”;

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

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

12 “(b) TRIBAL COURTS AND PRISONERS.—

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

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

24 “(B) require excessive bail, impose an ex-
 25 cessive fine, inflict a cruel or unusual punish-
 26 ment, or impose for conviction of a single of-

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

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

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

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

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

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

18 “(A) to serve the sentence—

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

1 “(ii) in the nearest appropriate Fed-
2 eral facility, at the expense of the United
3 States pursuant to a memorandum of
4 agreement with Bureau of Prisons in ac-
5 cordance with paragraph (4);

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

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

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

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

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

24 “(B) shall limit the transfer of prisoners to
25 prisoners convicted in tribal court of violent

1 crimes, crimes involving sexual abuse, and seri-
2 ous drug offenses, as determined by the Bureau
3 of Prisons, in consultation with tribal govern-
4 ments, by regulation;

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

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

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

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

23 (b) GRANTS AND CONTRACTS.—Section 1007(b) of
24 the Economic Opportunity Act of 1964 (42 U.S.C.

1 ~~2996f(b))~~ is amended by striking paragraph (2) and in-
 2 serting the following:

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

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

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

11 (b) **MEMBERSHIP.**—

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

14 (A) 3 shall be appointed by the President,
 15 in consultation with—

16 (i) the Attorney General; and

17 (ii) the Secretary of the Interior;

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

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

1 (D) 2 shall be appointed by the Speaker of
2 the House of Representatives, in consultation
3 with the Chairperson of the Committee on Nat-
4 ural Resources of the House of Representatives;
5 and

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

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

14 (A) the Indian country criminal justice sys-
15 tem; and

16 (B) matters to be studied by the Commis-
17 sion.

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

1 ious points of view with respect to the matters to be
2 studied by the Commission.

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

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

9 (6) VACANCIES.—A vacancy in the Commission
10 shall be filled—

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

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

15 (c) OPERATION.—

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

21 (2) MEETINGS.—

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

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

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

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

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

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

18 (A) the investigation and prosecution of
19 Indian country crimes; and

20 (B) residents of Indian land;

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

23 (A) reducing Indian country crime; and

24 (B) rehabilitation of offenders;

1 (3)(A) tribal juvenile justice systems and the
2 Federal juvenile justice system as relating to Indian
3 country; and

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

8 (4) the impact of the Indian Civil Rights Act of
9 1968 (25 U.S.C. 1301 et seq.) on—

10 (A) the authority of Indian tribes; and

11 (B) the rights of defendants subject to
12 tribal government authority; and

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

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

21 (1) simplifying jurisdiction in Indian country;

22 (2) improving services and programs—

23 (A) to prevent juvenile crime on Indian
24 land;

1 ~~(B)~~ to rehabilitate Indian youth in custody;

2 and

3 ~~(C)~~ to reduce recidivism among Indian

4 youth;

5 ~~(3)~~ enhancing the penal authority of tribal
6 courts and exploring alternatives to incarceration;

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

9 ~~(5)~~ changes to the tribal jails and Federal pris-
10 on systems; and

11 ~~(6)~~ other issues that, as determined by the
12 Commission, would reduce violent crime in Indian
13 country.

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

17 ~~(1)~~ a detailed statement of the findings and
18 conclusions of the Commission; and

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

22 ~~(g)~~ POWERS.—

23 ~~(1)~~ HEARINGS.—

24 ~~(A)~~ IN GENERAL.—The Commission may
25 hold such hearings, meet and act at such times

1 and places, take such testimony, and receive
2 such evidence as the Commission considers to
3 be advisable to carry out the duties of the Com-
4 mission under this section.

5 (B) PUBLIC REQUIREMENT.—The hearings
6 of the Commission under this paragraph shall
7 be open to the public.

8 (2) WITNESS EXPENSES.—

9 (A) IN GENERAL.—A witness requested to
10 appear before the Commission shall be paid the
11 same fees as are paid to witnesses under section
12 1821 of title 28, United States Code.

13 (B) PER DIEM AND MILEAGE.—The per
14 diem and mileage allowance for a witness shall
15 be paid from funds made available to the Com-
16 mission.

17 (3) INFORMATION FROM FEDERAL, TRIBAL,
18 AND STATE AGENCIES.—

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

23 (B) TRIBAL AND STATE AGENCIES.—The
24 Commission may request the head of any tribal
25 or State agency to provide to the Commission

1 such information as the Commission considers
2 to be necessary to carry out this section.

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

7 (5) ~~GIFTS.~~—The Commission may accept, use,
8 and dispose of gifts or donations of services or prop-
9 erty.

10 (h) ~~COMMISSION PERSONNEL MATTERS.~~—

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

19 (2) ~~DETAIL OF FEDERAL EMPLOYEES.~~—On the
20 affirmative vote of $\frac{2}{3}$ of the members of the Com-
21 mission and the approval of the appropriate Federal
22 agency head, an employee of the Federal Govern-
23 ment may be detailed to the Commission without re-
24 imbursement, and such detail shall be without inter-

1 ruption or loss of civil service status, benefits, or
2 privileges.

3 ~~(3) PROCUREMENT OF TEMPORARY AND INTER-~~
4 ~~MITTENT SERVICES.—~~On request of the Commis-
5 sion, the Attorney General and Secretary shall pro-
6 vide to the Commission reasonable and appropriate
7 office space, supplies, and administrative assistance.

8 ~~(i) CONTRACTS FOR RESEARCH.—~~

9 ~~(1) RESEARCHERS AND EXPERTS.—~~

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

16 ~~(B) NATIONAL INSTITUTE OF JUSTICE.—~~

17 The National Institute of Justice may enter
18 into a contract with the researchers and experts
19 selected by the Commission under subpara-
20 graph (A) to provide funding in exchange for
21 the services of the researchers and experts.

22 ~~(2) OTHER ORGANIZATIONS.—~~Nothing in this
23 subsection limits the ability of the Commission to
24 enter into contracts with any other entity or organi-

1 zation to carry out research necessary to carry out
 2 the duties of the Commission under this section.

3 (j) TRIBAL ADVISORY COMMITTEE.—

4 (1) ESTABLISHMENT.—The Commission shall
 5 establish a committee, to be known as the “Tribal
 6 Advisory Committee”.

7 (2) MEMBERSHIP.—

8 (A) COMPOSITION.—The Tribal Advisory
 9 Committee shall consist of 2 representatives of
 10 Indian tribes from each region of the Bureau of
 11 Indian Affairs.

12 (B) QUALIFICATIONS.—Each member of
 13 the Tribal Advisory Committee shall have expe-
 14 rience relating to—

15 (i) justice systems;

16 (ii) crime prevention; or

17 (iii) victim services.

18 (3) DUTIES.—The Tribal Advisory Committee
 19 shall—

20 (A) serve as an advisory body to the Com-
 21 mission; and

22 (B) provide to the Commission advice and
 23 recommendations, submit materials, documents,
 24 testimony, and such other information as the
 25 Commission determines to be necessary to carry

1 out the duties of the Commission under this
2 section:

3 (k) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out this section, to remain available until
6 expended.

7 (l) TERMINATION OF COMMISSION.—The Commis-
8 sion shall terminate 90 days after the date on which the
9 Commission submits the report of the Commission under
10 subsection (c)(3):

11 (m) NONAPPLICABILITY OF FACCA.—The Federal
12 Advisory Committee Act (5 U.S.C. App.) shall not apply
13 to the Commission.

14 **TITLE IV—TRIBAL JUSTICE**
15 **SYSTEMS**

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

17 (a) CORRECTION OF REFERENCES.—

18 (1) INTER-DEPARTMENTAL MEMORANDUM OF
19 AGREEMENT.—Section 4205 of the Indian Alcohol
20 and Substance Abuse Prevention and Treatment Act
21 of 1986 (25 U.S.C. 2411) is amended—

22 (A) in subsection (a)—

23 (i) in the matter preceding paragraph

24 (1)—

- 1 (I) by striking “the date of en-
2 actment of this subtitle” and inserting
3 “the date of enactment of the Tribal
4 Law and Order Act of 2009”; and
- 5 (II) by inserting “, the Attorney
6 General,” after “Secretary of the In-
7 terior”;
- 8 (ii) in paragraph (2)(A), by inserting
9 “, Bureau of Justice Assistance, Substance
10 Abuse and Mental Health Services Admin-
11 istration,” after “Bureau of Indian Af-
12 fairs,”;
- 13 (iii) in paragraph (4), by inserting “,
14 Department of Justice, Substance Abuse
15 and Mental Health Services Administra-
16 tion,” after “Bureau of Indian Affairs”;
- 17 (iv) in paragraph (5), by inserting “,
18 Department of Justice, Substance Abuse
19 and Mental Health Services Administra-
20 tion,” after “Bureau of Indian Affairs”;
21 and
- 22 (v) in paragraph (7), by inserting “,
23 the Attorney General,” after “Secretary of
24 the Interior”;

1 (B) in subsection (c), by inserting “, the
2 Attorney General,” after “Secretary of the Inte-
3 rior”; and

4 (C) in subsection (d), by striking “the date
5 of enactment of this subtitle” and inserting
6 “the date of enactment of the Tribal Law and
7 Order Act of 2009”.

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

12 (A) in subsection (b), in the first sentence,
13 by inserting “, the Bureau of Justice Assist-
14 ance, the Substance Abuse and Mental Health
15 Services Administration,” before “and the In-
16 dian Health Service service unit”;

17 (B) in subsection (c)(1)(A)(i), by inserting
18 “, the Bureau of Justice Assistance, the Sub-
19 stance Abuse and Mental Health Services Ad-
20 ministration,” before “and the Indian Health
21 Service service unit”;

22 (C) in subsection (d)(2), by striking “fiscal
23 year 1993 and such sums as are necessary for
24 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 (D) in subsection (e), in the first sentence,
 4 by inserting “, the Attorney General,” after
 5 “the Secretary of the Interior”; and

6 (E) in subsection (f)(3), by striking “fiscal
 7 year 1993 and such sums as are necessary for
 8 each of the fiscal years 1994, 1995, 1996,
 9 1997, 1998, 1999, and 2000” and inserting
 10 “the period of fiscal years 2010 through 2014”.

11 (3) DEPARTMENTAL RESPONSIBILITY.—Section
 12 4207 of the Indian Alcohol and Substance Abuse
 13 Prevention and Treatment Act of 1986 (25 U.S.C.
 14 2413) is amended—

15 (A) in subsection (a), by inserting “, the
 16 Attorney General” after “Bureau of Indian Af-
 17 fairs”;

18 (B) in subsection (b)—

19 (i) by striking paragraph (1) and in-
 20 serting the following:

21 “(1) ESTABLISHMENT.—

22 “(A) IN GENERAL.—To improve coordina-
 23 tion among the Federal agencies and depart-
 24 ments carrying out this subtitle, there is estab-
 25 lished within the Substance Abuse and Mental

1 Health Services Administration an office, to be
 2 known as the ‘Office of Indian Alcohol and
 3 Substance Abuse’ (referred to in this section as
 4 the ‘Office’).

5 “(B) DIRECTOR.—The director of the Of-
 6 fice shall be appointed by the Director of the
 7 Substance Abuse and Mental Health Services
 8 Administration—

9 “(i) on a permanent basis; and

10 “(ii) at a grade of not less than GS-
 11 15 of the General Schedule.”;

12 (ii) in paragraph (2)—

13 (I) by striking “(2) In addition”
 14 and inserting the following:

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

17 (II) by striking subparagraph (A)
 18 and inserting the following:

19 “(A) coordinating with other agencies to
 20 monitor the performance and compliance of the
 21 relevant Federal programs in achieving the
 22 goals and purposes of this subtitle and the
 23 Memorandum of Agreement entered into under
 24 section 4205”;

25 (III) in subparagraph (B)—

1 (aa) by striking “within the
2 Bureau of Indian Affairs”; and

3 (bb) by striking the period
4 at the end and inserting “; and”;
5 and

6 (IV) by adding at the end the fol-
7 lowing:

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

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

15 “(ii) prioritizes outcomes that are
16 aligned with the purposes of affected agen-
17 cies;

18 “(iii) provides guidelines for resource
19 and information sharing;

20 “(iv) provides technical assistance to
21 the affected agencies to establish effective
22 and permanent interagency communication
23 and coordination; and

1 “(v) determines whether collaboration
2 is feasible, cost-effective, and within agency
3 capability.”; and

4 (iii) by striking paragraph (3) and in-
5 serting the following:

6 “(3) APPOINTMENT OF EMPLOYEES.—The Di-
7 rector of the Substance Abuse and Mental Health
8 Services Administration shall appoint such employ-
9 ees to work in the Office, and shall provide such
10 funding, services, and equipment, as may be nec-
11 essary to enable the Office to carry out the respon-
12 sibilities under this subsection.”; and

13 (C) in subsection (c)—

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

16 (ii) in paragraph (1), in the second
17 sentence, by striking “The Assistant Sec-
18 retary of the Interior for Indian Affairs”
19 and inserting “The Director of the Sub-
20 stance Abuse and Mental Health Services
21 Administration”; and

22 (iii) in paragraph (3)—

23 (I) in the matter preceding sub-
24 paragraph (A), by striking “Youth”
25 and inserting “youth”; and

1 (H) by striking “programs of the
2 Bureau of Indian Affairs” and insert-
3 ing “the applicable Federal pro-
4 grams”.

5 (4) REVIEW OF PROGRAMS.—Section 4208a(a)
6 of the Indian Alcohol and Substance Abuse Preven-
7 tion and Treatment Act of 1986 (25 U.S.C.
8 2414a(a)) is amended in the matter preceding para-
9 graph (1) by inserting “, the Attorney General,”
10 after “the Secretary of the Interior”.

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

15 (A) in subsection (a), by inserting “, the
16 Attorney General,” after “the Secretary of the
17 Interior”;

18 (B) in subsection (b)—

19 (i) in the first sentence, by inserting
20 “, the Attorney General,” after “the Sec-
21 retary of the Interior”;

22 (ii) in the second sentence, by insert-
23 ing “, nor the Attorney General,” after
24 “the Secretary of the Interior”; and

1 (iii) in the third sentence, by inserting
2 “, the Department of Justice,” after “the
3 Department of the Interior”; and

4 (C) in subsection (c)(1), by inserting “, the
5 Attorney General,” after “the Secretary of the
6 Interior”.

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

10 (A) in subsection (a), in the first sentence,
11 by inserting “, the Attorney General,” after
12 “the Secretary of the Interior”; and

13 (B) in subsection (b), by striking “fiscal
14 year 1993 and such sums as may be necessary
15 for each of the fiscal years 1994, 1995, 1996,
16 1997, 1998, 1999, and 2000” and inserting
17 “the period of fiscal years 2010 through 2014”.

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

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

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

3 “(a) SUMMER YOUTH PROGRAMS.—

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

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

19 “(3) AUTHORIZATION OF APPROPRIATIONS.—
20 There are authorized to be appropriated to carry out
21 the programs under this subsection such sums as
22 are necessary for each of fiscal years 2010 through
23 2014.”.

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

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

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

12 (3) by indenting paragraphs (4) and (5) appro-
13 priately.

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

19 (e) **ILLEGAL NARCOTICS TRAFFICKING; SOURCE**
20 **ERADICATION.**—Section 4216 of the Indian Alcohol and
21 Substance Abuse Prevention and Treatment Act of 1986
22 (25 U.S.C. 2442) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A), by striking
2 the comma at the end and inserting a
3 semicolon;

4 (ii) in subparagraph (B), by striking
5 “, and” at the end and inserting a semi-
6 colon;

7 (iii) in subparagraph (C), by striking
8 the period at the end and inserting “,
9 and”; and

10 (iv) by adding at the end the fol-
11 lowing:

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

16 (B) in paragraph (2), by striking “United
17 States Custom Service” and inserting “United
18 States Customs and Border Protection”; and

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

21 “(3) AUTHORIZATION OF APPROPRIATIONS.—

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

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

5 (f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—

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

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

11 “(a) TRAINING PROGRAMS.—

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

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

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

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

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

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

15 (1) in subsection (a)—

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

18 “~~(1) IN GENERAL.—~~The Secretary”;

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

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

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

25 “~~(3) DEVELOPMENT OF PLAN.—~~

1 “(A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this para-
3 graph, the Secretary, the Director of the Sub-
4 stance Abuse and Mental Health Services Ad-
5 ministration, the Director of the Indian Health
6 Service, and the Attorney General, in consulta-
7 tion with tribal leaders and tribal justice offi-
8 cials, shall develop a long-term plan for the con-
9 struction, renovation, and operation of Indian
10 juvenile detention and treatment centers and al-
11 ternatives to detention for juvenile offenders.

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

18 ~~(2) in subsection (b)—~~

19 (A) by striking “such sums as may be nec-
20 essary for each of the fiscal years 1994, 1995,
21 1996, 1997, 1998, 1999, and 2000” each place
22 it appears and inserting “such sums as are nec-
23 essary for each of fiscal years 2010 through
24 2014”; and

1 (B) by indenting paragraph (2) appro-
2 priately.

3 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**
4 **ASSISTANCE.**

5 (a) INDIAN TRIBAL JUSTICE.—

6 (1) BASE SUPPORT FUNDING.—Section 103(b)
7 of the Indian Tribal Justice Act (25 U.S.C.
8 3613(b)) is amended by striking paragraph (2) and
9 inserting the following:

10 “~~(2)~~ the employment of tribal court personnel,
11 including tribal court judges, prosecutors, public de-
12 fenders, guardians ad litem, and court-appointed
13 special advocates for children and juveniles;”.

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

17 (A) in subsection (a)—

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

21 (ii) by striking “the fiscal years 2000
22 through 2007” and inserting “fiscal years
23 2010 through 2014”;

24 (B) in subsection (b)—

1 (i) by striking “the provisions of sec-
 2 tion 103 of this Act” and inserting “sec-
 3 tion 103”; and

4 (ii) by striking “the fiscal years 2000
 5 through 2007” and inserting “fiscal years
 6 2010 through 2014”;

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

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

13 (b) TECHNICAL AND LEGAL ASSISTANCE.—

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

21 (2) TRIBAL CRIMINAL LEGAL ASSISTANCE
 22 GRANTS.—Section 103 of the Indian Tribal Justice
 23 Technical and Legal Assistance Act of 2000 (25
 24 U.S.C. 3663) is amended by striking “criminal legal
 25 assistance to members of Indian tribes and tribal

1 justice systems” and inserting “criminal legal assist-
 2 ance services to all defendants subject to tribal court
 3 jurisdiction and judicial services for tribal courts”.

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

7 (A) in section 106 (25 U.S.C. 3666), by
 8 striking “2000 through 2004” and inserting
 9 “2010 through 2014”; and

10 (B) in section 201(d) (25 U.S.C. 3681(d)),
 11 by striking “2000 through 2004” and inserting
 12 “2010 through 2014”.

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

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

16 (1) in subsection (b)—

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

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

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

25 (D) in paragraph (15)—

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

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

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

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

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

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

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

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

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

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

25 “(j) GRANTS TO INDIAN TRIBES.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (i) and section 1703, and in acknowledgment of the
3 Federal nexus and distinct Federal responsibility to
4 address and prevent crime in Indian country, the At-
5 torney General shall provide grants under this sec-
6 tion to Indian tribal governments, for fiscal year
7 2010 and any fiscal year thereafter, for such period
8 as the Attorney General determines to be appro-
9 priate to assist the Indian tribal governments in ear-
10 rying out the purposes described in subsection (b).

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

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

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated such sums
24 as are necessary to carry out this subsection for
25 each of fiscal years 2010 through 2014.

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

7 “(1) the problem of intermittent funding;

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

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

14 **SEC. 404. TRIBAL JAILS PROGRAM.**

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

19 “(a) RESERVATION OF FUNDS.—Notwithstanding
20 any other provision of this part, of amounts made avail-
21 able to the Attorney General to carry out programs relat-
22 ing to offender incarceration, the Attorney General shall
23 reserve \$35,000,000 for each of fiscal years 2010 through
24 2014 to carry out this section.”.

25 (b) REGIONAL DETENTION CENTERS.—

1 (1) IN GENERAL.—Section 20109 of the Violent
2 Crime Control and Law Enforcement Act of 1994
3 (42 U.S.C. 13709) is amended by striking sub-
4 section (b) and inserting the following:

5 “(b) GRANTS TO INDIAN TRIBES.—

6 “(1) IN GENERAL.—From the amounts reserved
7 under subsection (a), the Attorney General shall pro-
8 vide grants—

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

10 “(i) construction and maintenance of
11 jails on Indian land for the incarceration
12 of offenders subject to tribal jurisdiction;

13 “(ii) entering into contracts with pri-
14 vate entities to increase the efficiency of
15 the construction of tribal jails; and

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

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

22 “(C) to consortia of Indian tribes for pur-
23 poses of constructing and operating regional de-
24 tention centers on Indian land for long-term in-
25 carceration of offenders subject to tribal juris-

1 diction, as the applicable consortium determines
2 to be appropriate.

3 ~~“(2) PRIORITY OF FUNDING.—~~In providing
4 grants under this subsection, the Attorney General
5 shall take into consideration applicable—

6 ~~“(A) reservation crime rates;~~

7 ~~“(B) annual tribal court convictions; and~~

8 ~~“(C) bed space needs.~~

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

14 ~~(2) CONFORMING AMENDMENT.—~~Section
15 20109(e) of the Violent Crime Control and Law En-
16 forcement Act of 1994 (42 U.S.C. 13709(e)) is
17 amended by inserting “or consortium of Indian
18 tribes, as applicable,” after “Indian tribe”.

19 ~~(3) LONG-TERM PLAN.—~~Section 20109 of the
20 Violent Crime Control and Law Enforcement Act of
21 1994 (42 U.S.C. 13709) is amended by adding at
22 the end the following:

23 ~~“(d) LONG-TERM PLAN.—~~Not later than 1 year after
24 the date of enactment of this subsection, the Attorney
25 General, in coordination with the Bureau of Indian Affairs

1 and in consultation with tribal leaders, tribal law enforce-
 2 ment officers, and tribal corrections officials, shall submit
 3 to Congress a long-term plan to address incarceration in
 4 Indian country, including a description of—

5 “(1) proposed activities for construction of de-
 6 tention facilities (including regional facilities) on In-
 7 dian land;

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

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

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

15 “(5) such other alternatives as the Attorney
 16 General, in coordination with the Bureau of Indian
 17 Affairs and in consultation with Indian tribes, deter-
 18 mines to be necessary.”.

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

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

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

24 “To the maximum extent practicable, the Director of
 25 the Administrative Office of the United States Courts, in

1 coordination with the Office of Tribal Justice and the Di-
 2 rector of the Office of Justice Services, shall—

3 “(1) appoint individuals residing in Indian
 4 country to serve as assistant parole or probation of-
 5 ficers for purposes of monitoring and providing serv-
 6 ice to Federal prisoners residing in Indian country;
 7 and

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

11 **SEC. 406. TRIBAL YOUTH PROGRAM.**

12 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY
 13 PREVENTION PROGRAMS.—

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

17 (A) in subsection (a), by inserting “, or to
 18 Indian tribes under subsection (d)” after “sub-
 19 section (b)”;

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

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

23 “(1) IN GENERAL.—The Administrator shall
 24 make grants under this section, on a competitive

1 basis, to eligible Indian tribes or consortia of Indian
 2 tribes, as described in paragraph (2)—

3 “(A) to support and enhance—

4 “(i) tribal juvenile delinquency preven-
 5 tion services; and

6 “(ii) the ability of Indian tribes to re-
 7 spond to, and care for, juvenile offenders;
 8 and

9 “(B) to encourage accountability of Indian
 10 tribal governments with respect to preventing
 11 juvenile delinquency and responding to, and
 12 caring for, juvenile offenders.

13 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible
 14 to receive a grant under this subsection, an Indian
 15 tribe or consortium of Indian tribes shall submit to
 16 the Administrator an application in such form and
 17 containing such information as the Administrator
 18 may require.

19 “(3) PRIORITY OF FUNDING.—In providing
 20 grants under this subsection, the Administrator shall
 21 take into consideration, with respect to the reserva-
 22 tion communities to be served—

23 “(A) juvenile crime rates;

24 “(B) dropout rates; and

25 “(C) percentage of at-risk youth.”

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 Section 505 of the Juvenile Justice and Delinquency
3 Prevention Act of 1974 (42 U.S.C. 5784) is amend-
4 ed by striking “fiscal years 2004, 2005, 2006, 2007,
5 and 2008” and inserting “each of fiscal years 2010
6 through 2014”.

7 (b) COORDINATING COUNCIL ON JUVENILE JUSTICE
8 AND DELINQUENCY PREVENTION.—Section 206(a)(2) of
9 the Juvenile Justice and Delinquency Prevention Act of
10 1974 (42 U.S.C. 5616(a)(2)) is amended—

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

13 (2) in subparagraph (B), by adding at the end
14 the following:

15 “(iv) One member shall be appointed
16 by the Chairman of the Committee on In-
17 dian Affairs of the Senate, in consultation
18 with the Vice Chairman of that Com-
19 mittee.”.

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

4 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
5 **COUNTRY.**

6 (a) **GANG VIOLENCE.**—Section 1107 of the Violence
7 Against Women and Department of Justice Reauthoriza-
8 tion Act of 2005 (28 U.S.C. 534 note; Public Law 109-
9 162) is amended—

10 (1) in subsection (a)—

11 (A) by redesignating paragraphs (8)
12 through (12) as paragraphs (9) through (13),
13 respectively;

14 (B) by inserting after paragraph (7) the
15 following:

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

18 (C) in paragraph (9) (as redesignated by
19 subparagraph (A)), by striking “State” and in-
20 serting “tribal, State;” and

21 (D) in paragraphs (10) through (12) (as
22 redesignated by subparagraph (A)), by inserting
23 “tribal,” before “State,” each place it appears;
24 and

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

3 (b) BUREAU OF JUSTICE STATISTICS.—Section 302
4 of the Omnibus Crime Control and Safe Streets Act of
5 1968 (42 U.S.C. 3732) is amended—

6 (1) in subsection (c)—

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

9 (B) in each of paragraphs (3) through (6),
10 by inserting “tribal,” after “State,” each place
11 it appears;

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

14 (D) in paragraph (9), by striking “Federal
15 and State Governments” and inserting “Fed-
16 eral Government and State and tribal govern-
17 ments”;

18 (E) in each of paragraphs (10) and (11),
19 by inserting “, tribal,” after “State” each place
20 it appears;

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

23 (G) in paragraph (17)—

24 (i) by striking “State and local” and
25 inserting “State, tribal, and local”; and

1 (ii) by striking “State, and local” and
2 inserting “State, tribal, and local”;

3 (H) in paragraph (18), by striking “State
4 and local” and inserting “State, tribal, and
5 local”;

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

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

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

12 (2) in subsection (d)—

13 (A) by redesignating paragraphs (1)
14 through (6) as subparagraphs (A) through (F),
15 respectively, and indenting the subparagraphs
16 appropriately;

17 (B) by striking “To insure” and inserting
18 the following:

19 “(1) IN GENERAL.—To ensure”; and

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

21 “(2) CONSULTATION WITH INDIAN TRIBES.—

22 The Director, acting jointly with the Assistant Sec-
23 retary for Indian Affairs (acting through the Direc-
24 tor of the Office of Law Enforcement Services) and
25 the Director of the Federal Bureau of Investigation;

1 shall work with Indian tribes and tribal law enforce-
 2 ment agencies to establish and implement such tribal
 3 data collection systems as the Director determines to
 4 be necessary to achieve the purposes of this sec-
 5 tion.”;

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

8 (4) in subsection (f)—

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

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

12 and

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

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

20 **SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION**
 21 **SYSTEMS.**

22 Section 3 of the Indian Law Enforcement Reform Act
 23 (25 U.S.C. 2802) is amended by adding at the end the
 24 following:

1 “(f) GRANTS TO IMPROVE TRIBAL DATA COLLEC-
2 TION SYSTEMS.—

3 “(1) GRANT PROGRAM.—The Secretary, acting
4 through the Director of the Office of Justice Serv-
5 ices of the Bureau and in coordination with the At-
6 torney General, shall establish a program under
7 which the Secretary shall provide grants to Indian
8 tribes for activities to ensure uniformity in the col-
9 lection and analysis of data relating to crime in In-
10 dian country.

11 “(2) REGULATIONS.—The Secretary, acting
12 through the Director of the Office of Justice Serv-
13 ices of the Bureau, in consultation with tribal gov-
14 ernments and tribal justice officials, shall promul-
15 gate such regulations as are necessary to carry out
16 the grant program under this subsection.”.

17 **SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PRO-**
18 **GRAM.**

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

1 **TITLE VI—DOMESTIC VIOLENCE**
 2 **AND SEXUAL ASSAULT PROS-**
 3 **ECUTION AND PREVENTION**

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

5 Section 4042 of title 18, United States Code, is
 6 amended—

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

9 (2) in subsection (b)(1), in the first sentence,
 10 by striking “officer of the State and of the local ju-
 11 risdiction” and inserting “officers of each State,
 12 tribal, and local jurisdiction”; and

13 (3) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
 16 “officer of the State and of the local juris-
 17 diction” and inserting “officers of each
 18 State, tribal, and local jurisdiction”; and

19 (ii) in subparagraph (B), by inserting
 20 “, tribal,” after “State” each place it ap-
 21 pears; and

22 (B) in paragraph (2)—

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

25 “(2) REQUIREMENTS.—

1 “(A) IN GENERAL.—A notice”;

2 (ii) in the second sentence, by striking

3 “~~For a person who is released~~” and insert-

4 ing the following:

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

7 (iii) in the third sentence, by striking

8 “~~For a person who is sentenced~~” and in-

9 serting the following:

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

12 (iv) in the fourth sentence, by striking

13 “~~Notice concerning~~” and inserting the fol-

14 lowing:

15 “(D) RELEASED PERSONS REQUIRED TO
16 REGISTER.—

17 “(i) IN GENERAL.—A notice con-
18 cerning”;

19 (v) in subparagraph (D) (as des-

20 ignated by clause (iv)), by adding at the

21 end the following:

22 “(ii) PERSONS RESIDING IN INDIAN
23 COUNTRY.—For a person described in

24 paragraph (3) the expected place of resi-

25 dence of whom is potentially located in In-

1 dian country, the Director of the Bureau
 2 of Prisons or the Director of the Adminis-
 3 trative Office of the United States Courts,
 4 as appropriate, shall—

5 “(I) make all reasonable and nec-
 6 essary efforts to determine whether
 7 the residence of the person is located
 8 in Indian country; and

9 “(II) ensure that the person is
 10 registered with the law enforcement
 11 office of each appropriate jurisdiction
 12 before release from Federal custody.”.

13 **SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE**
 14 **TRAINING.**

15 Section 3(e)(9) of the Indian Law Enforcement Re-
 16 form Act (25 U.S.C. 2802(e)(9)) (as amended by section
 17 101(a)(2)) is amended by inserting before the semicolon
 18 at the end the following: “, including training to properly
 19 interview victims of domestic and sexual violence and to
 20 collect, preserve, and present evidence to Federal and trib-
 21 al prosecutors to increase the conviction rate for domestic
 22 and sexual violence offenses for purposes of addressing
 23 and preventing domestic and sexual violent offenses”.

1 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
2 **OF RAPE AND SEXUAL ASSAULT.**

3 The Indian Law Enforcement Reform Act (25 U.S.C.
4 2801 et seq.) is amended by adding at the end the fol-
5 lowing:

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

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

18 “(b) REQUIREMENT.—The Director concerned shall
19 approve a request or subpoena under subsection (a) if the
20 request or subpoena does not violate the policy of the De-
21 partment of the Interior to maintain strict impartiality
22 with respect to private causes of action.

23 “(c) TREATMENT.—If the Director concerned fails to
24 approve or disapprove a request or subpoena by the date
25 that is 30 days after the date of receipt of the request

1 or subpoena, the request or subpoena shall be considered
2 to be approved for purposes of this section.”.

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

4 The Indian Law Enforcement Reform Act (25 U.S.C.
5 2801 et seq.) (as amended by section 603) is amended
6 by adding at the end the following:

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

8 “(a) IN GENERAL.—The Secretary, in coordination
9 with the Attorney General, Federal and tribal law enforce-
10 ment agencies, the Indian Health Service, and domestic
11 violence or sexual assault victim organizations, shall de-
12 velop appropriate victim services and victim advocate
13 training programs—

14 “(1) to improve domestic violence or sexual
15 abuse responses;

16 “(2) to improve forensic examinations and col-
17 lection;

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

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

23 “(b) REPORT.—Not later than 2 years after the date
24 of enactment of this section, the Secretary shall submit
25 to the Committee on Indian Affairs of the Senate and the

1 Committee on Natural Resources of the House of Rep-
 2 resentatives a report that describes, with respect to the
 3 matters described in subsection (a), the improvements
 4 made and needed, problems or obstacles identified, and
 5 costs necessary to address the problems or obstacles, and
 6 any other recommendations that the Secretary determines
 7 to be appropriate.”.

8 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

9 Title VIII of the Indian Health Care Improvement
 10 Act is amended by inserting after section 802 (25 U.S.C.
 11 1672) the following:

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

13 “The Director of Service, in coordination with the Di-
 14 rector of the Office on Violence Against Women of the
 15 Department of Justice, in consultation with Indian Tribes
 16 and Tribal Organizations, and in conference with Urban
 17 Indian Organizations, shall develop standardized sexual
 18 assault policies and protocol for the facilities of the Serv-
 19 ice, based on similar protocol that has been established
 20 by the Department of Justice.”.

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

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

24 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 25 *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. Disposition reports.

Sec. 103. Prosecution of crimes in Indian country.

Sec. 104. Administration.

Sec. 105. Prescription drug monitoring.

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.

Sec. 407. Improving public safety presence in rural Alaska.

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

Sec. 501. Tracking of crimes committed in Indian country.

Sec. 502. 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.

Sec. 606. Alaska Native village community safety demonstration project.

Sec. 607. Study of IHS sexual assault and domestic violence response capabilities.

1 SEC. 2. FINDINGS; PURPOSES.

2 (a) FINDINGS.—Congress finds that—

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

4 (2) *several States have been delegated or have ac-*
5 *cepted responsibility to provide for the public safety*
6 *of tribal communities within the borders of the States;*

7 (3) *Congress and the President have acknowl-*
8 *edged that—*

9 (A) *tribal law enforcement officers are often*
10 *the first responders to crimes on Indian reserva-*
11 *tions; and*

12 (B) *tribal justice systems are often the most*
13 *appropriate institutions for maintaining law*
14 *and order in tribal communities;*

15 (4) *less than 3,000 tribal and Federal law en-*
16 *forcement officers patrol more than 56,000,000 acres*
17 *of Indian country, which reflects less than 1/2 of the*
18 *law enforcement presence in comparable rural com-*
19 *munities nationwide;*

20 (5) *on many Indian reservations, law enforce-*
21 *ment officers respond to distress or emergency calls*
22 *without backup and travel to remote locations without*
23 *adequate radio communication or access to national*
24 *crime information database systems;*

1 (6) *the majority of tribal detention facilities*
2 *were constructed decades before the date of enactment*
3 *of this Act and face multibillion-dollar unmet facility*
4 *needs;*

5 (7) *a number of Indian country offenders face no*
6 *consequences for minor crimes, and many such offend-*
7 *ers are released due to severe overcrowding in existing*
8 *detention facilities;*

9 (8) *tribal courts—*

10 (A) *are important arbiters of criminal and*
11 *civil justice for actions arising in Indian coun-*
12 *try; but*

13 (B) *have been historically underfunded;*

14 (9) *tribal courts are limited to sentences of not*
15 *more than 1 year of imprisonment for Indian offend-*
16 *ers, forcing tribal communities to rely solely on the*
17 *Federal Government and certain State governments*
18 *for the prosecution of major crimes in Indian coun-*
19 *try;*

20 (10) *during the period of calendar years 2004*
21 *through 2007, Federal officials declined to prosecute*
22 *62 percent of violent crimes alleged to have occurred*
23 *in Indian country;*

24 (11) *the complicated jurisdictional scheme that*
25 *exists in Indian country—*

1 (A) has a significant negative impact on the
2 ability to provide public safety to Indian com-
3 munities; and

4 (B) has been increasingly exploited by
5 criminals;

6 (12) Department of Justice statistics show
7 that—

8 (A) American Indians experience per capita
9 rates of violence more than twice the national
10 average; and

11 (B) rates of violence in every age group are
12 higher among American Indians than that of all
13 races;

14 (13)(A) domestic and sexual violence against
15 American Indian and Alaska Native women has
16 reached epidemic proportions;

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

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

21 (14) the lack of police presence and resources in
22 Indian country has resulted in significant delays in
23 responding to victims' calls for assistance, which ad-
24 versely affects the collection of evidence needed to

1 *prosecute crimes, particularly crimes of domestic and*
2 *sexual violence;*

3 *(15) alcohol and drug abuse plays a role in more*
4 *than 80 percent of crimes committed in tribal com-*
5 *munities;*

6 *(16) the rate of methamphetamine addiction in*
7 *tribal communities is 3 times the national average;*

8 *(17) the Department of Justice has reported that*
9 *drug organizations have increasingly targeted Indian*
10 *country to produce and distribute methamphetamine,*
11 *citing the limited law enforcement presence and juris-*
12 *isdictional confusion as reasons for the increased activ-*
13 *ity;*

14 *(18) tribal communities have faced significant*
15 *increases in instances of domestic violence, burglary,*
16 *assault, and child abuse as a direct result of increased*
17 *methamphetamine use on Indian reservations;*

18 *(19)(A) criminal jurisdiction in Indian country*
19 *is complex, and responsibility for Indian country law*
20 *enforcement is shared among Federal, tribal, and*
21 *State authorities; and*

22 *(B) that complexity requires a high degree of*
23 *commitment and cooperation from Federal and State*
24 *officials;*

1 (20) cooperative law enforcement agreements be-
2 tween tribal, State, and local governments improve
3 public safety in tribal and nearby communities;

4 (21) consistent communication among tribal,
5 Federal, and State law enforcement agencies has
6 proven to improve public safety and justice in tribal
7 and nearby communities; and

8 (22) crime data is a fundamental tool of law en-
9 forcement, but for decades the Bureau of Indian Af-
10 fairs and the Department of Justice have not been
11 able to coordinate or consistently report crime and
12 prosecution rates in tribal communities.

13 (b) *PURPOSES.*—The purposes of this Act are—

14 (1) to clarify the responsibilities of Federal,
15 State, tribal, and local governments with respect to
16 crimes committed in tribal communities;

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

20 (3) to empower tribal governments with the au-
21 thority, resources, and information necessary to safely
22 and effectively provide public safety in tribal commu-
23 nities;

24 (4) to reduce the prevalence of violent crime in
25 tribal communities and to combat sexual and domes-

1 *tic violence against American Indian and Alaska Na-*
2 *tive women;*

3 *(5) to prevent drug trafficking and reduce rates*
4 *of alcohol and drug addiction in Indian country; and*

5 *(6) to increase and standardize the collection of*
6 *criminal data and the sharing of criminal history in-*
7 *formation among Federal, State, and tribal officials*
8 *responsible for responding to and investigating crimes*
9 *in tribal communities.*

10 **SEC. 3. DEFINITIONS.**

11 *(a) IN GENERAL.—In this Act:*

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

15 *(2) INDIAN TRIBE.—The term “Indian tribe” has*
16 *the meaning given the term in section 102 of the Fed-*
17 *erally Recognized Indian Tribe List Act of 1994 (25*
18 *U.S.C. 479a).*

19 *(3) SECRETARY.—The term “Secretary” means*
20 *the Secretary of the Interior.*

21 *(4) TRIBAL GOVERNMENT.—The term “tribal*
22 *government” means the governing body of an Indian*
23 *tribe.*

1 (b) *INDIAN LAW ENFORCEMENT REFORM ACT.*—*Sec-*
 2 *tion 2 of the Indian Law Enforcement Reform Act (25*
 3 *U.S.C. 2801) is amended by adding at the end the following:*

4 “(10) *The term ‘tribal justice official’ means—*
 5 “(A) *a tribal prosecutor;*
 6 “(B) *a tribal law enforcement officer; or*
 7 “(C) *any other person responsible for inves-*
 8 *tigating or prosecuting an alleged criminal of-*
 9 *fense in tribal court.”.*

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

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

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

16 (1) *by striking paragraph (8);*

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

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

22 (4) *in paragraph (1) (as redesignated by para-*
 23 *graph (3)), by striking “Division of Law Enforcement*
 24 *Services” and inserting “Office of Justice Services”.*

1 **(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.**—*Sec-*
2 *tion 3 of the Indian Law Enforcement Reform Act (25*
3 *U.S.C. 2802) is amended—*

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

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

11 *(2) in subsection (c)—*

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

15 *(B) in paragraph (8), by striking “and” at*
16 *the end;*

17 *(C) in paragraph (9), by striking the period*
18 *at the end and inserting a semicolon; and*

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

20 *“(10) the development and provision of dispatch*
21 *and emergency and E-911 services;*

22 *“(11) communicating with tribal leaders, tribal*
23 *community and victims’ advocates, tribal justice offi-*
24 *cial, and residents of Indian land on a regular basis*

1 *regarding public safety and justice concerns facing*
2 *tribal communities;*

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

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

14 “(14) *in coordination with the Attorney General*
15 *pursuant to subsection (g) of section 302 of the Omni-*
16 *bus Crime Control and Safe Streets Act of 1968 (42*
17 *U.S.C. 3732), collecting, analyzing, and reporting*
18 *data regarding Indian country crimes on an annual*
19 *basis;*

20 “(15) *on an annual basis, sharing with the De-*
21 *partment of Justice all relevant crime data, including*
22 *Uniform Crime Reports, that the Office of Justice*
23 *Services prepares and receives from tribal law en-*
24 *forcement agencies on a tribe-by-tribe basis to ensure*
25 *that individual tribal governments providing data are*

1 *eligible for programs offered by the Department of*
2 *Justice;*

3 “(16) *submitting to the Committee on Indian Af-*
4 *fairs of the Senate and the Committee on Natural Re-*
5 *sources of the House of Representatives, for each fiscal*
6 *year, a detailed spending report regarding tribal pub-*
7 *lic safety and justice programs that includes—*

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

11 “(I) *criminal investigators;*

12 “(II) *uniform police;*

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

15 “(IV) *detention officers;*

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

20 “(VI) *tribal court judges, prosecutors,*
21 *public defenders, or related staff; and*

22 “(ii) *the amount of appropriations obli-*
23 *gated for each category described in clause (i) for*
24 *each fiscal year;*

1 “(B) a list of amounts dedicated to law en-
2 forcement and corrections, vehicles, related trans-
3 portation costs, equipment, inmate transpor-
4 tation costs, inmate transfer costs, replacement,
5 improvement, and repair of facilities, personnel
6 transfers, detailees and costs related to their de-
7 tails, emergency events, public safety and justice
8 communications and technology costs, and tribal
9 court personnel, facilities, and related program
10 costs;

11 “(C) a list of the unmet staffing needs of
12 law enforcement, corrections, and court personnel
13 at tribal and Bureau of Indian Affairs justice
14 agencies, the replacement and repair needs of
15 tribal and Bureau corrections facilities, needs for
16 tribal police and court facilities, and public safe-
17 ty and emergency communications and tech-
18 nology needs; and

19 “(D) the formula, priority list or other
20 methodology used to determine the method of dis-
21 bursement of funds for the public safety and jus-
22 tice programs administered by the Office of Jus-
23 tice Services;

24 “(17) submitting to the Committee on Indian Af-
25 fairs of the Senate and the Committee on Natural Re-

1 sources of the House of Representatives, for each fiscal
 2 year, a report summarizing the technical assistance,
 3 training, and other support provided to tribal law en-
 4 forcement and corrections agencies that operate rel-
 5 evant programs pursuant to self-determination con-
 6 tracts or self-governance compacts with the Bureau of
 7 Indian Affairs; and

8 “(18) promulgating regulations to carry out this
 9 Act, and routinely reviewing and updating, as nec-
 10 essary, the regulations contained in subchapter B of
 11 title 25, Code of Federal Regulations (or successor reg-
 12 ulations).”;

13 (3) in subsection (d)—

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

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

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

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

24 “(f) LONG-TERM PLAN FOR TRIBAL DETENTION PRO-
 25 GRAMS.—Not later than 1 year after the date of enactment

1 *of this subsection, the Secretary, acting through the Bureau,*
2 *in coordination with the Department of Justice and in con-*
3 *sultation with tribal leaders, tribal law enforcement officers,*
4 *and tribal corrections officials, shall submit to Congress a*
5 *long-term plan to address incarceration in Indian country,*
6 *including a description of—*

7 “(1) *proposed activities for the construction of*
8 *detention facilities (including regional facilities) on*
9 *Indian land;*

10 “(2) *proposed activities for the construction of*
11 *additional Federal detention facilities on Indian*
12 *land;*

13 “(3) *proposed activities for contracting with*
14 *State and local detention centers, upon approval of*
15 *affected tribal governments;*

16 “(4) *proposed activities for alternatives to incar-*
17 *ceration, developed in cooperation with tribal court*
18 *systems; and*

19 “(5) *other such alternatives to incarceration as*
20 *the Secretary, in coordination with the Bureau and*
21 *in consultation with tribal representatives, determines*
22 *to be necessary.”.*

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

1 (1) in paragraph (2)(A), by striking “), or” and
2 inserting “or offenses processed by the Central Viola-
3 tions Bureau); or”; and

4 (2) in paragraph (3)—

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

7 (B) in subparagraphs (B) and (C), by strik-
8 ing “reasonable grounds” each place it appears
9 and inserting “probable cause”;

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

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

13 “(D)(i) the offense involves—

14 “(I) a misdemeanor controlled sub-
15 stance offense in violation of—

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

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

22 “(cc) section 731 of the USA PA-
23 TRIOT Improvement and Reauthor-
24 ization Act of 2005 (21 U.S.C. 865);

1 “(II) a misdemeanor firearms offense
2 in violation of chapter 44 of title 18, United
3 States Code;

4 “(III) a misdemeanor assault in viola-
5 tion of chapter 7 of title 18, United States
6 Code; or

7 “(IV) a misdemeanor liquor trafficking
8 offense in violation of chapter 59 of title 18,
9 United States Code; and

10 “(ii) the employee has probable cause to be-
11 lieve that the individual to be arrested has com-
12 mitted, or is committing, the crime;”.

13 **SEC. 102. DISPOSITION REPORTS.**

14 Section 10 of the Indian Law Enforcement Reform Act
15 (25 U.S.C. 2809) is amended by striking subsections (a)
16 through (d) and inserting the following:

17 “(a) COORDINATION AND DATA COLLECTION.—

18 “(1) INVESTIGATIVE COORDINATION.—Subject to
19 subsection (c), if a law enforcement officer or em-
20 ployee of any Federal department or agency termi-
21 nates an investigation of an alleged violation of Fed-
22 eral criminal law in Indian country without referral
23 for prosecution, the officer or employee shall coordi-
24 nate with the appropriate tribal law enforcement offi-
25 cials regarding the use of evidence relevant to the case

1 to advance prosecution of the case in a tribal court
2 with concurrent authority over the crime alleged.

3 “(2) *INVESTIGATION DATA.*—*The Federal Bureau*
4 *of Investigation shall compile, on an annual basis*
5 *and by Federal judicial district, information regard-*
6 *ing decisions not to refer to an appropriate pros-*
7 *ecuting authority cases in which investigations had*
8 *been opened into a crime that occurred in Indian*
9 *country, including—*

10 “(A) *the types of crimes alleged;*

11 “(B) *the statuses of the accused as Indians*
12 *or non-Indians;*

13 “(C) *the statuses of the victims as an Indi-*
14 *ans or non-Indians; and*

15 “(D) *the reasons for deciding to terminate*
16 *the investigations.*

17 “(3) *PROSECUTORIAL COORDINATION.*—*Subject*
18 *to subsection (c), if a United States Attorney declines*
19 *to prosecute, or acts to terminate prosecution of, an*
20 *alleged violation of Federal criminal law in Indian*
21 *country, the United States Attorney shall coordinate*
22 *with the appropriate tribal justice officials regarding*
23 *the use of evidence relevant to the case to advance*
24 *prosecution of the case in a tribal court with concur-*
25 *rent authority over the crime alleged.*

1 “(4) *PROSECUTION DATA.*—*Each United States*
2 *Attorney shall submit to the Native American Issues*
3 *Coordinator relevant information regarding all dec-*
4 *linations of alleged violations of Federal criminal law*
5 *that occurred in Indian country and were referred for*
6 *prosecution by law enforcement agencies, including—*

7 “(A) *the types of crimes alleged;*

8 “(B) *the statuses of the accused as Indians*
9 *or non-Indians;*

10 “(C) *the statuses of the victims as Indians*
11 *or non-Indians; and*

12 “(D) *the reasons for deciding to decline or*
13 *terminate the prosecutions.*

14 “(b) *ANNUAL REPORTS.*—

15 “(1) *IN GENERAL.*—*The Attorney General shall*
16 *submit to Congress annual reports containing, with*
17 *respect to the applicable calendar year, the informa-*
18 *tion compiled under paragraphs (2) and (4) of sub-*
19 *section (a)—*

20 “(A) *organized—*

21 “(i) *in the aggregate; and*

22 “(ii) *by Federal judicial district; and*

23 “(B) *including any relevant explanatory*
24 *statements.*

1 “(2) *AVAILABILITY TO CONGRESS.*—*The Attorney*
 2 *General shall submit to Congress an annual report*
 3 *containing the information compiled under para-*
 4 *graph (1), together with relevant explanatory state-*
 5 *ments, if any.*

6 “(c) *EFFECT OF SECTION.*—

7 “(1) *IN GENERAL.*—*Nothing in this section re-*
 8 *quires any Federal agency or official to transfer or*
 9 *disclose any confidential, privileged, or statutorily*
 10 *protected communication, information, or source to*
 11 *an official of any Indian tribe.*

12 “(2) *FEDERAL RULES OF CRIMINAL PROCE-*
 13 *DURE.*—*Rule 6 of the Federal Rules of Criminal Pro-*
 14 *cedure shall apply to this section.*

15 “(3) *REGULATIONS.*—*Each Federal agency re-*
 16 *quired to submit a report pursuant to this section*
 17 *shall adopt, by regulation, standards for the protec-*
 18 *tion of confidential or privileged communications, in-*
 19 *formation, and sources under paragraph (1).”.*

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

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

23 (1) *in subsection (a), by inserting before the pe-*
 24 *riod at the end the following: “, including the ap-*
 25 *pointment of qualified tribal prosecutors and other*

1 *qualified attorneys to assist in prosecuting Federal of-*
 2 *fenses committed in Indian country’; and*

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

4 “(c) *SENSE OF CONGRESS REGARDING CONSULTA-*
 5 *TION.—It is the sense of Congress that, in appointing attor-*
 6 *neys under this section to serve as special prosecutors in*
 7 *Indian country, the Attorney General should consult with*
 8 *tribal justice officials of each Indian tribe that would be*
 9 *affected by the appointment.”.*

10 *(b) TRIBAL LIAISONS.—The Indian Law Enforcement*
 11 *Reform Act (25 U.S.C. 2801 et seq.) is amended by adding*
 12 *at the end the following:*

13 “**SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-**
 14 **AISONS.**”

15 “(a) *APPOINTMENT.—Each United States Attorney the*
 16 *district of which includes Indian country shall appoint not*
 17 *less than 1 assistant United States Attorney to serve as a*
 18 *tribal liaison for the district.*

19 “(b) *DUTIES.—A tribal liaison shall be responsible for*
 20 *the following activities in the district of the tribal liaison:*

21 “(1) *Coordinating the prosecution of Federal*
 22 *crimes that occur in Indian country.*

23 “(2) *Developing multidisciplinary teams to com-*
 24 *bat child abuse and domestic and sexual violence of-*
 25 *fenses against Indians.*

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

5 “(4) Developing working relationships and
6 maintaining communication with tribal leaders, trib-
7 al community and victims’ advocates, and tribal jus-
8 tice officials to gather information from, and share
9 appropriate information with, tribal justice officials.

10 “(5) Coordinating with tribal prosecutors in
11 cases in which a tribal government has concurrent ju-
12 risdiction over an alleged crime, in advance of the ex-
13 piration of any applicable statute of limitation.

14 “(6) Providing technical assistance and training
15 regarding evidence gathering techniques to tribal jus-
16 tice officials and other individuals and entities that
17 are instrumental to responding to Indian country
18 crimes.

19 “(7) Conducting training sessions and seminars
20 to certify special law enforcement commissions to
21 tribal justice officials and other individuals and enti-
22 ties responsible for responding to Indian country
23 crimes.

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

1 “(9) *Conducting such other activities to address*
2 *and prevent violent crime in Indian country as the*
3 *applicable United States Attorney determines to be*
4 *appropriate.*

5 “(c) *EFFECT OF SECTION.—Nothing in this section*
6 *limits the authority of any United States Attorney to deter-*
7 *mine the duties of a tribal liaison officer to meet the needs*
8 *of the Indian tribes located within the relevant Federal dis-*
9 *trict.*

10 “(d) *SENSE OF CONGRESS REGARDING EVALUATIONS*
11 *OF TRIBAL LIAISONS.—*

12 “(1) *FINDINGS.—Congress finds that—*

13 “(A) *many tribal communities rely solely*
14 *on United States Attorneys offices to prosecute*
15 *felony and misdemeanor crimes occurring on In-*
16 *dian land; and*

17 “(B) *tribal liaisons have dual obligations*
18 *of—*

19 “(i) *coordinating prosecutions of In-*
20 *dian country crime; and*

21 “(ii) *developing relationships with*
22 *tribal communities and serving as a link*
23 *between tribal communities and the Federal*
24 *justice process.*

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

3 “(A) *take all appropriate actions to encour-*
4 *age the aggressive prosecution of all Federal*
5 *crimes committed in Indian country; and*

6 “(B) *when appropriate, take into consider-*
7 *ation the dual responsibilities of tribal liaisons*
8 *described in paragraph (1)(B) in evaluating the*
9 *performance of the tribal liaisons.*

10 “(e) *ENHANCED PROSECUTION OF MINOR CRIMES.—*

11 “(1) *IN GENERAL.—Each United States Attorney*
12 *servng a district that includes Indian country is au-*
13 *thorized and encouraged—*

14 “(A) *to appoint Special Assistant United*
15 *States Attorneys pursuant to section 543(a) of*
16 *title 28, United States Code, to prosecute crimes*
17 *in Indian country as necessary to improve the*
18 *administration of justice, and particularly*
19 *when—*

20 “(i) *the crime rate exceeds the national*
21 *average crime rate; or*

22 “(ii) *the rate at which criminal of-*
23 *fenses are declined to be prosecuted exceeds*
24 *the national average declination rate;*

1 “(B) to coordinate with applicable United
2 States magistrate and district courts—

3 “(i) to ensure the provision of docket
4 time for prosecutions of Indian country
5 crimes; and

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

8 “(C) to provide to appointed Special Assist-
9 ant United States Attorneys appropriate train-
10 ing, supervision, and staff support; and

11 “(D) if an agreement is entered into with a
12 Federal court pursuant to paragraph (2), to pro-
13 vide technical and other assistance to tribal gov-
14 ernments and tribal court systems to ensure the
15 success of the program under this subsection.

16 “(2) SENSE OF CONGRESS REGARDING CON-
17 SULTATION.—It is the sense of Congress that, in ap-
18 pointing Special Assistant United States Attorneys
19 under this subsection, a United States Attorney
20 should consult with tribal justice officials of each In-
21 dian tribe that would be affected by the appoint-
22 ment.”.

23 **SEC. 104. ADMINISTRATION.**

24 (a) OFFICE OF TRIBAL JUSTICE.—

1 (1) *DEFINITIONS.*—Section 4 of the Indian Trib-
2 *al Justice Technical and Legal Assistance Act of 2000*
3 *(25 U.S.C. 3653) is amended—*

4 (A) *by redesignating paragraphs (2)*
5 *through (7) as paragraphs (3) through (8), re-*
6 *spectively; and*

7 (B) *by inserting after paragraph (1) the fol-*
8 *lowing:*

9 “(2) *DIRECTOR.*—The term ‘Director’ means the
10 *Director of the Office of Tribal Justice.*”

11 (2) *STATUS.*—Title I of the Indian Tribal Jus-
12 *tice Technical and Legal Assistance Act of 2000 is*
13 *amended—*

14 (A) *by redesignating section 106 (25 U.S.C.*
15 *3666) as section 107; and*

16 (B) *by inserting after section 105 (25*
17 *U.S.C. 3665) the following:*

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

19 “(a) *IN GENERAL.*—Not later than 90 days after the
20 *date of enactment of the Tribal Law and Order Act of 2009,*
21 *the Attorney General shall establish the Office of Tribal Jus-*
22 *tice as a component of the Department.*

23 “(b) *PERSONNEL AND FUNDING.*—The Attorney Gen-
24 *eral shall provide to the Office of Tribal Justice such per-*
25 *sonnel and funds as are necessary to establish the Office*

1 *of Tribal Justice as a component of the Department under*
2 *subsection (a).*

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

4 “(1) *serve as the program and legal policy advisor*
5 *to the Attorney General with respect to the treaty*
6 *and trust relationship between the United States and*
7 *Indian tribes;*

8 “(2) *serve as the point of contact for federally*
9 *recognized tribal governments and tribal organiza-*
10 *tions with respect to questions and comments regard-*
11 *ing policies and programs of the Department and*
12 *issues relating to public safety and justice in Indian*
13 *country; and*

14 “(3) *coordinate with other bureaus, agencies, of-*
15 *fices, and divisions within the Department of Justice*
16 *to ensure that each component has an accountable*
17 *process to ensure meaningful and timely consultation*
18 *with tribal leaders in the development of regulatory*
19 *policies and other actions that affect—*

20 “(A) *the trust responsibility of the United*
21 *States to Indian tribes;*

22 “(B) *any tribal treaty provision;*

23 “(C) *the status of Indian tribes as a sov-*
24 *ereign governments; or*

25 “(D) *any other tribal interest.”*

1 (b) *NATIVE AMERICAN ISSUES COORDINATOR.*—*The*
2 *Indian Law Enforcement Reform Act (25 U.S.C. 2801 et*
3 *seq.) (as amended by section 103(b)) is amended by adding*
4 *at the end the following:*

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

6 “(a) *ESTABLISHMENT.*—*There is established in the Ex-*
7 *ecutive Office for United States Attorneys of the Depart-*
8 *ment of Justice a position to be known as the ‘Native Amer-*
9 *ican Issues Coordinator’.*

10 “(b) *DUTIES.*—*The Native American Issues Coordi-*
11 *nator shall—*

12 “(1) *coordinate with the United States Attorneys*
13 *that have authority to prosecute crimes in Indian*
14 *country;*

15 “(2) *coordinate prosecutions of crimes of na-*
16 *tional significance in Indian country, as determined*
17 *by the Attorney General;*

18 “(3) *submit to the Committee on Indian Affairs*
19 *of the Senate and the Committee on Natural Re-*
20 *sources of the House of Representatives annual reports*
21 *describing the prosecution and declination rates of*
22 *cases involving alleged crimes in Indian country re-*
23 *ferred to United States Attorneys;*

24 “(4) *coordinate as necessary with other compo-*
25 *nents of the Department of Justice and any relevant*

1 *advisory groups to the Attorney General or the Dep-*
2 *uty Attorney General; and*

3 *“(5) carry out such other duties as the Attorney*
4 *General may prescribe.”.*

5 **SEC. 105. PRESCRIPTION DRUG MONITORING.**

6 *(a) MONITORING.—*

7 *(1) ESTABLISHMENT.—The Secretary of Health*
8 *and Human Services, in coordination with the Sec-*
9 *retary of the Interior and the Attorney General, shall*
10 *establish a prescription drug monitoring program, to*
11 *be carried out at health care facilities of the Indian*
12 *Health Service, tribal health care facilities, and*
13 *urban Indian health care facilities.*

14 *(2) REPORT.—Not later than 18 months after the*
15 *date of enactment of this Act, the Secretary of Health*
16 *and Human Services shall submit to the Committee*
17 *on Indian Affairs of the Senate and the Committee on*
18 *Natural Resources of the House of Representatives a*
19 *report that describes—*

20 *(A) the needs of the Indian Health Service,*
21 *tribal health care facilities, and urban Indian*
22 *health care facilities with respect to the prescrip-*
23 *tion drug monitoring program under paragraph*
24 *(1);*

1 (B) the planned development of that pro-
2 gram, including any relevant statutory or ad-
3 ministrative limitations; and

4 (C) the means by which the program could
5 be carried out in coordination with any State
6 prescription drug monitoring program.

7 (b) ABUSE.—

8 (1) IN GENERAL.—The Attorney General, in con-
9 junction with the Secretary of Health and Human
10 Services and the Secretary of the Interior, shall con-
11 duct—

12 (A) an assessment of the capacity of, and
13 support required by, relevant Federal and tribal
14 agencies—

15 (i) to carry out data collection and
16 analysis regarding incidents of prescription
17 drug abuse in Indian communities; and

18 (ii) to exchange among those agencies
19 and Indian health programs information
20 relating to prescription drug abuse in In-
21 dian communities, including statutory and
22 administrative requirements and limita-
23 tions relating to that abuse; and

24 (B) training for Indian health care pro-
25 viders, tribal leaders, law enforcement officers,

1 *and school officials regarding awareness and*
2 *prevention of prescription drug abuse and strate-*
3 *gies for improving agency responses to address-*
4 *ing prescription drug abuse in Indian commu-*
5 *nities.*

6 (2) *REPORT.*—*Not later than 18 months after the*
7 *date of enactment of this Act, the Attorney General*
8 *shall submit to the Committee on Indian Affairs of*
9 *the Senate and the Committee on Natural Resources*
10 *of the House of Representatives a report that de-*
11 *scribes—*

12 *(A) the capacity of Federal and tribal agen-*
13 *cies to carry out data collection and analysis*
14 *and information exchanges as described in para-*
15 *graph (1)(A);*

16 *(B) the training conducted pursuant to*
17 *paragraph (1)(B);*

18 *(C) infrastructure enhancements required to*
19 *carry out the activities described in paragraph*
20 *(1), if any; and*

21 *(D) any statutory or administrative bar-*
22 *riers to carrying out those activities.*

1 **TITLE II—STATE ACCOUNT-**
 2 **ABILITY AND COORDINATION**

3 **SEC. 201. STATE CRIMINAL JURISDICTION AND RE-**
 4 **SOURCES.**

5 (a) *CONCURRENT AUTHORITY OF UNITED STATES.*—
 6 *Section 401(a) of Public Law 90–284 (25 U.S.C. 1321(a))*
 7 *is amended—*

8 (1) *by striking the section designation and head-*
 9 *ing and all that follows through “The consent of the*
 10 *United States” and inserting the following:*

11 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDIC-**
 12 **TION.**

13 *“(a) CONSENT OF UNITED STATES.—*

14 *“(1) IN GENERAL.—The consent of the United*
 15 *States”; and*

16 *(2) by adding at the end the following:*

17 *“(2) CONCURRENT JURISDICTION.—At the re-*
 18 *quest of an Indian tribe, and after consultation with*
 19 *and consent by the Attorney General, the United*
 20 *States shall accept concurrent jurisdiction to pros-*
 21 *ecute violations of sections 1152 and 1153 of title 18,*
 22 *United States Code, within the Indian country of the*
 23 *Indian tribe.”.*

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

4 “(d) *Notwithstanding subsection (c), at the request of*
 5 *an Indian tribe, and after consultation with and consent*
 6 *by the Attorney General—*

7 “(1) *sections 1152 and 1153 shall apply in the*
 8 *areas of the Indian country of the Indian tribe; and*

9 “(2) *jurisdiction over those areas shall be concu-*
 10 *rent among the Federal Government and State and*
 11 *tribal governments.”.*

12 **SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW**
 13 **ENFORCEMENT COOPERATION.**

14 (a) *ESTABLISHMENT OF COOPERATIVE ASSISTANCE*
 15 *PROGRAM*.—*The Attorney General may provide grants,*
 16 *technical assistance, and other assistance to State, tribal,*
 17 *and local governments that enter into cooperative agree-*
 18 *ments, including agreements relating to mutual aid, hot*
 19 *pursuit of suspects, and cross-deputization for the purposes*
 20 *of—*

21 (1) *improving law enforcement effectiveness; and*

22 (2) *reducing crime in Indian country and near-*
 23 *by communities.*

24 (b) *PROGRAM PLANS*.—

1 (1) *IN GENERAL.*—*To be eligible to receive assist-*
2 *ance under this section, a group composed of not less*
3 *than 1 of each of a tribal government and a State or*
4 *local government shall jointly develop and submit to*
5 *the Attorney General a plan for a program to achieve*
6 *the purpose described in subsection (a).*

7 (2) *PLAN REQUIREMENTS.*—*A joint program*
8 *plan under paragraph (1) shall include a description*
9 *of—*

10 (A) *the proposed cooperative tribal and*
11 *State or local law enforcement program for*
12 *which funding is sought, including information*
13 *on the population and each geographic area to be*
14 *served by the program;*

15 (B) *the need of the proposed program for*
16 *funding under this section, the amount of fund-*
17 *ing requested, and the proposed use of funds,*
18 *subject to the requirements listed in subsection*
19 *(c);*

20 (C) *the unit of government that will admin-*
21 *ister any assistance received under this section,*
22 *and the method by which the assistance will be*
23 *distributed;*

24 (D) *the types of law enforcement services to*
25 *be performed on each applicable Indian reserva-*

1 *tion and the individuals and entities that will*
2 *perform those services;*

3 *(E) the individual or group of individuals*
4 *who will exercise daily supervision and control*
5 *over law enforcement officers participating in*
6 *the program;*

7 *(F) the method by which local and tribal*
8 *government input with respect to the planning*
9 *and implementation of the program will be en-*
10 *ured;*

11 *(G) the policies of the program regarding*
12 *mutual aid, hot pursuit of suspects, deputiza-*
13 *tion, training, and insurance of applicable law*
14 *enforcement officers;*

15 *(H) the recordkeeping procedures and types*
16 *of data to be collected pursuant to the program;*
17 *and*

18 *(I) other information that the Attorney*
19 *General determines to be relevant.*

20 *(c) PERMISSIBLE USES OF FUNDS.—An eligible entity*
21 *that receives a grant under this section may use the grant,*
22 *in accordance with the program plan described in sub-*
23 *section (b)—*

24 *(1) to hire and train new career tribal, State, or*
25 *local law enforcement officers, or to make overtime*

1 *payments for current law enforcement officers, that*
2 *are or will be dedicated to—*

3 *(A) policing tribal land and nearby lands;*

4 *and*

5 *(B) investigating alleged crimes on those*
6 *lands;*

7 *(2) procure equipment, technology, or support*
8 *systems to be used to investigate crimes and share in-*
9 *formation between tribal, State, and local law en-*
10 *forcement agencies; or*

11 *(3) for any other uses that the Attorney General*
12 *determines will meet the purposes described in sub-*
13 *section (a).*

14 *(d) FACTORS FOR CONSIDERATION.—In determining*
15 *whether to approve a joint program plan submitted under*
16 *subsection (b) and, on approval, the amount of assistance*
17 *to provide to the program, the Attorney General shall take*
18 *into consideration the following factors:*

19 *(1) The size and population of each Indian res-*
20 *ervation and nearby community proposed to be served*
21 *by the program.*

22 *(2) The complexity of the law enforcement prob-*
23 *lems proposed to be addressed by the program.*

24 *(3) The range of services proposed to be provided*
25 *by the program.*

1 (4) *The proposed improvements the program will*
2 *make regarding law enforcement cooperation beyond*
3 *existing levels of cooperation.*

4 (5) *The crime rates of the tribal and nearby*
5 *communities.*

6 (6) *The available resources of each entity apply-*
7 *ing for a grant under this section for dedication to*
8 *public safety in the respective jurisdictions of the en-*
9 *tities.*

10 (e) *ANNUAL REPORTS.—To be eligible to renew or ex-*
11 *tend a grant under this section, a group described in sub-*
12 *section (b)(1) shall submit to the Attorney General, together*
13 *with the joint program plan under subsection (b), a report*
14 *describing the law enforcement activities carried out pursu-*
15 *ant to the program during the preceding fiscal year, includ-*
16 *ing the success of the activities, including any increase in*
17 *arrests or prosecutions.*

18 (f) *REPORTS BY ATTORNEY GENERAL.—Not later than*
19 *January 15 of each applicable fiscal year, the Attorney*
20 *General shall submit to the Committee on Indian Affairs*
21 *of the Senate and the Committee on Natural Resources of*
22 *the House of Representatives a report describing the law*
23 *enforcement programs carried out using assistance provided*
24 *under this section during the preceding fiscal year, includ-*
25 *ing the success of the programs.*

1 (g) *TECHNICAL ASSISTANCE.*—*On receipt of a request*
 2 *from a group composed of not less than 1 tribal government*
 3 *and 1 State or local government, the Attorney General shall*
 4 *provide technical assistance to the group to develop success-*
 5 *ful cooperative relationships that effectively combat crime*
 6 *in Indian country and nearby communities.*

7 (h) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 8 *authorized to be appropriated such sums as are necessary*
 9 *to carry out this section for each of fiscal years 2010*
 10 *through 2014.*

11 ***TITLE III—EMPOWERING TRIBAL***
 12 ***LAW ENFORCEMENT AGEN-***
 13 ***CIES AND TRIBAL GOVERN-***
 14 ***MENTS***

15 ***SEC. 301. TRIBAL POLICE OFFICERS.***

16 (a) *FLEXIBILITY IN TRAINING LAW ENFORCEMENT OF-*
 17 *FICERS SERVING INDIAN COUNTRY.*—*Section 3(e) of the In-*
 18 *dian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as*
 19 *amended by section 101(b)(4)) is amended—*

20 (1) *in paragraph (1)—*

21 (A) *by striking “(e)(1) The Secretary” and*
 22 *inserting the following:*

23 “*(e) STANDARDS OF EDUCATION AND EXPERIENCE*
 24 *AND CLASSIFICATION OF POSITIONS.*—

1 “(1) *STANDARDS OF EDUCATION AND EXPERI-*
2 *ENCE.—*

3 “(A) *IN GENERAL.—The Secretary*”;
4 *and*
5 “(B) *by adding at the end the following:*

6 “(B) *REQUIREMENTS FOR TRAINING.—The*
7 *training standards established under subpara-*
8 *graph (A)—*

9 “(i) *should comply with standards ac-*
10 *cepted by the Federal Law Enforcement*
11 *Training Accreditation commission for law*
12 *enforcement officers attending similar pro-*
13 *grams; and*

14 “(ii) *shall include, or be supplemented*
15 *by, instruction regarding Federal sources of*
16 *authority and jurisdiction, Federal crimes,*
17 *Federal rules of criminal procedure, and*
18 *constitutional law to bridge the gap between*
19 *State training and Federal requirements.*

20 “(C) *TRAINING AT STATE, TRIBAL, AND*
21 *LOCAL ACADEMIES.—The training standards es-*
22 *tablished under subparagraph (A) shall permit*
23 *law enforcement personnel of the Office of Justice*
24 *Services or an Indian tribe to obtain training at*
25 *a State or tribal police academy, a local or trib-*
 al community college, or other training academy

1 *that meets the appropriate Peace Officer Stand-*
2 *ards of Training.*

3 “(D) *MAXIMUM AGE REQUIREMENT.*—*Pur-*
4 *suant to section 3307(e) of title 5, United States*
5 *Code, the Secretary may employ as a law en-*
6 *forcement officer under section 4 any individual*
7 *under the age of 47, if the individual meets all*
8 *other applicable hiring requirements for the ap-*
9 *licable law enforcement position.”;*

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

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

13 “(4) *BACKGROUND CHECKS FOR TRIBAL JUSTICE*
14 *OFFICIALS.*—*The Office of Justice Services shall de-*
15 *velop standards and deadlines for the provision of*
16 *background checks for tribal law enforcement and cor-*
17 *rections officials that ensure that a response to a re-*
18 *quest by an Indian tribe for such a background check*
19 *shall be provided by not later than 60 days after the*
20 *date of receipt of the request, unless an adequate rea-*
21 *son for failure to respond by that date is provided to*
22 *the Indian tribe.”.*

23 (b) *SPECIAL LAW ENFORCEMENT COMMISSIONS.*—*Sec-*
24 *tion 5 of the Indian Law Enforcement Reform Act (25*
25 *U.S.C. 2804) is amended—*

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

3 “(a) *AGREEMENTS.—*

4 “(1) *IN GENERAL.—Not later than 180 days*
5 *after the date of enactment of the Tribal Law and*
6 *Order Act of 2009, the Secretary shall establish proce-*
7 *dures to enter into memoranda of agreement”;*

8 (2) *in the second sentence, by striking “The Sec-*
9 *retary” and inserting the following:*

10 “(2) *CERTAIN ACTIVITIES.—The Secretary”;* and

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

12 “(3) *PROGRAM ENHANCEMENT.—*

13 “(A) *TRAINING SESSIONS IN INDIAN COUN-*
14 *TRY.—*

15 “(i) *IN GENERAL.—The procedures de-*
16 *scribed in paragraph (1) shall include the*
17 *development of a plan to enhance the certifi-*
18 *cation and provision of special law enforce-*
19 *ment commissions to tribal law enforcement*
20 *officials, and, subject to subsection (d),*
21 *State and local law enforcement officials,*
22 *pursuant to this section.*

23 “(ii) *INCLUSIONS.—The plan under*
24 *clause (i) shall include the hosting of re-*
25 *gional training sessions in Indian country,*

1 *not less frequently than biannually, to edu-*
2 *cate and certify candidates for the special*
3 *law enforcement commissions.*

4 “(B) *MEMORANDA OF AGREEMENT.—*

5 “(i) *IN GENERAL.—Not later than 180*
6 *days after the date of enactment of the Trib-*
7 *al Law and Order Act of 2009, the Sec-*
8 *retary, in consultation with Indian tribes*
9 *and tribal law enforcement agencies, shall*
10 *develop minimum requirements to be in-*
11 *cluded in special law enforcement commis-*
12 *sion agreements pursuant to this section.*

13 “(ii) *SUBSTANCE OF AGREEMENTS.—*
14 *Each agreement entered into pursuant to*
15 *this section shall reflect the status of the ap-*
16 *plicable certified individual as a Federal*
17 *law enforcement officer under subsection (f),*
18 *acting within the scope of the duties de-*
19 *scribed in section 3(c).*

20 “(iii) *AGREEMENT.—Not later than 60*
21 *days after the date on which the Secretary*
22 *determines that all applicable requirements*
23 *under clause (i) are met, the Secretary shall*
24 *offer to enter into a special law enforcement*

1 *commission agreement with the applicable*
 2 *Indian tribe.”.*

3 (c) *INDIAN LAW ENFORCEMENT FOUNDATION.—The*
 4 *Indian Self-Determination and Education Assistance Act*
 5 *(25 U.S.C. 450 et seq.) is amended by adding at the end*
 6 *the following:*

7 **“TITLE VII—INDIAN LAW**
 8 **ENFORCEMENT FOUNDATION**

9 **“SEC. 701. DEFINITIONS.**

10 *“In this title:*

11 *“(1) BOARD.—The term ‘Board’ means the*
 12 *Board of Directors of the Foundation.*

13 *“(2) BUREAU.—The term ‘Bureau’ means the*
 14 *Office of Justice Services of the Bureau of Indian Af-*
 15 *fairs.*

16 *“(3) COMMITTEE.—The term ‘Committee’ means*
 17 *the Committee for the Establishment of the Indian*
 18 *Law Enforcement Foundation established under sec-*
 19 *tion 702(e)(1).*

20 *“(4) FOUNDATION.—The term ‘Foundation’*
 21 *means the Indian Law Enforcement Foundation es-*
 22 *tablished under section 702.*

23 *“(5) SECRETARY.—The term ‘Secretary’ means*
 24 *the Secretary of the Interior.*

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

2 “(a) *ESTABLISHMENT.*—

3 “(1) *IN GENERAL.*—As soon as practicable after
4 the date of enactment of this title, the Secretary shall
5 establish, under the laws of the District of Columbia
6 and in accordance with this title, a foundation, to be
7 known as the ‘Indian Law Enforcement Foundation’.

8 “(2) *FUNDING DETERMINATIONS.*—No funds,
9 gift, property, or other item of value (including any
10 interest accrued on such an item) acquired by the
11 Foundation shall—

12 “(A) be taken into consideration for pur-
13 poses of determining Federal appropriations re-
14 lating to the provision of public safety or justice
15 services to Indians; or

16 “(B) otherwise limit, diminish, or affect the
17 Federal responsibility for the provision of public
18 safety or justice services to Indians.

19 “(b) *NATURE OF CORPORATION.*—The Foundation—

20 “(1) shall be a charitable and nonprofit federally
21 chartered corporation; and

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

24 “(c) *PLACE OF INCORPORATION AND DOMICILE.*—The
25 Foundation shall be incorporated and domiciled in the Dis-
26 trict of Columbia.

1 “(d) *DUTIES.*—*The Foundation shall—*

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

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

14 “(e) *COMMITTEE FOR THE ESTABLISHMENT OF THE*
15 *INDIAN LAW ENFORCEMENT FOUNDATION.—*

16 “(1) *IN GENERAL.*—*The Secretary shall establish*
17 *the a committee, to be known as the ‘Committee for*
18 *the Establishment of the Indian Law Enforcement*
19 *Foundation’, to assist the Secretary in establishing*
20 *the Foundation.*

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

24 “(A) *carry out such activities as are nec-*
25 *essary to incorporate the Foundation under the*

1 *laws of the District of Columbia, including act-*
2 *ing as incorporators of the Foundation;*

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

7 “(C) *establish the constitution and initial*
8 *bylaws of the Foundation;*

9 “(D) *provide for the initial operation of the*
10 *Foundation, including providing for temporary*
11 *or interim quarters, equipment, and staff; and*

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

15 “(f) *BOARD OF DIRECTORS.—*

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

18 “(2) *POWERS.—The Board may exercise, or pro-*
19 *vide for the exercise of, the powers of the Foundation.*

20 “(3) *SELECTION.—*

21 “(A) *IN GENERAL.—Subject to subpara-*
22 *graph (B), the number of members of the Board,*
23 *the manner of selection of the members (includ-*
24 *ing the filling of vacancies), and the terms of of-*

1 *office of the members shall be as provided in the*
2 *constitution and bylaws of the Foundation.*

3 “(B) *REQUIREMENTS.*—

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

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

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

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

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

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

1 “(g) OFFICERS.—

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

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

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

8 “(2) CHIEF OPERATING OFFICER.—

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

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

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

22 “(h) POWERS.—*The Foundation—*

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

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

2 “(3) *may enter into contracts;*

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

7 “(5) *may sue and be sued; and*

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

10 “(i) *PRINCIPAL OFFICE.—*

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

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

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

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

1 “(1) *IN GENERAL.*—*The Foundation shall be lia-*
2 *ble for the acts of the officers, employees, and agents*
3 *of the Foundation acting within the scope of the au-*
4 *thority of the officers, employees, and agents.*

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

9 “(l) *RESTRICTIONS.*—

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

16 “(A) *the amounts transferred to the Foun-*
17 *ation under subsection (n) during the preceding*
18 *fiscal year; and*

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

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

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

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

3 “(C) for each fiscal year thereafter, 15 per-
4 cent.

5 “(3) APPOINTMENT AND HIRING.—The appoint-
6 ment of officers and employees of the Foundation
7 shall be subject to the availability of funds.

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

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

17 “(n) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out subsection (e)(1)
19 \$500,000 for each of the 5 fiscal years of operation of the
20 Foundation.

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

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

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

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

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

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

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

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

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

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

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

24 “(1) available; and

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

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

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

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

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

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

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

19 “(1) *a Federal, tribal, State, or other government*
20 *agency; or*

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

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

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

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

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

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

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

16 (1) in subsection (a)—

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

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

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

24 (d) *POWERS OF ENFORCEMENT PERSONNEL.*—Section
25 508(a) of the Controlled Substances Act (21 U.S.C. 878(a))

1 *is amended in the matter preceding paragraph (1) by in-*
 2 *serting “, tribal,” after “State”.*

3 **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**
 4 **DATABASES.**

5 (a) *ACCESS TO NATIONAL CRIMINAL INFORMATION*
 6 *DATABASES.*—*Section 534 of title 28, United States Code,*
 7 *is amended—*

8 (1) *in subsection (a)(4), by inserting “Indian*
 9 *tribes,” after “the States,”;*

10 (2) *by striking subsection (d) and inserting the*
 11 *following:*

12 “(d) *INDIAN LAW ENFORCEMENT AGENCIES.*—*The At-*
 13 *torney General shall permit tribal and Bureau of Indian*
 14 *Affairs law enforcement agencies—*

15 (1) *to directly access and enter information*
 16 *into Federal criminal information databases; and*

17 (2) *to directly obtain information from the*
 18 *databases.”;*

19 (3) *by redesignating the second subsection (e) as*
 20 *subsection (f); and*

21 (4) *in paragraph (2) of subsection (f) (as red-*
 22 *esignated by paragraph (3)), in the matter preceding*
 23 *subparagraph (A), by inserting “, tribal,” after “Fed-*
 24 *eral”.*

25 (b) *REQUIREMENT.*—

1 (1) *IN GENERAL.*—*The Attorney General shall*
2 *ensure that tribal law enforcement officials that meet*
3 *applicable Federal or State requirements be permitted*
4 *access to national crime information databases.*

5 (2) *SANCTIONS.*—*For purpose of sanctions for*
6 *noncompliance with requirements of, or misuse of, na-*
7 *tional crime information databases and information*
8 *obtained from those databases, a tribal law enforce-*
9 *ment agency or official shall be treated as Federal law*
10 *enforcement agency or official.*

11 (3) *NCIC.*—*Each tribal justice official serving*
12 *an Indian tribe with criminal jurisdiction over In-*
13 *dian country shall be considered to be an authorized*
14 *law enforcement official for purposes of access to the*
15 *National Crime Information Center of the Federal*
16 *Bureau of Investigation.*

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

18 (a) *CONSTITUTIONAL RIGHTS.*—*Section 202 of Public*
19 *Law 90–284 (25 U.S.C. 1302) is amended—*

20 (1) *in the matter preceding paragraph (1), by*
21 *striking “No Indian tribe” and inserting the fol-*
22 *lowing:*

23 “(a) *IN GENERAL.*—*No Indian tribe”;*

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

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

5 “(b) *ENHANCED SENTENCING AUTHORITY.—*

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

13 “(A) *deny any person in such a criminal*
14 *proceeding the assistance of a defense attorney li-*
15 *censed to practice law in any jurisdiction in the*
16 *United States, and shall provide counsel to any*
17 *defendant who is unable to afford defense counsel*
18 *at the expense of the tribal government;*

19 “(B) *require excessive bail, impose an exces-*
20 *sive fine, inflict a cruel or unusual punishment,*
21 *or impose for conviction of any 1 offense any*
22 *penalty or punishment greater than imprison-*
23 *ment for a term of 3 years or a fine of \$15,000,*
24 *or both; or*

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

3 “(2) *AUTHORITY.*—An Indian tribe exercising
4 authority pursuant to this subsection shall—

5 “(A) require that each judge presiding over
6 an applicable criminal case—

7 “(i) have sufficient legal training; and

8 “(ii) be licensed to practice law in any
9 jurisdiction in the United States; and

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

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

16 “(A) to serve the sentence—

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

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

1 *States pursuant to the pilot program de-*
 2 *scribed in paragraph (4);*

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

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

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

14 *“(4) BUREAU OF PRISONS TRIBAL PRISONER*
 15 *PILOT PROGRAM.—*

16 *“(A) IN GENERAL.—Not later than 120*
 17 *days after the date of enactment of the Tribal*
 18 *Law and Order Act of 2009, the Director of the*
 19 *Bureau of Prisons shall establish a pilot pro-*
 20 *gram under which the Bureau of Prisons shall*
 21 *accept offenders convicted in tribal court pursu-*
 22 *ant to this section, subject to the conditions de-*
 23 *scribed in subparagraph (B).*

24 *“(B) CONDITIONS.—The conditions referred*
 25 *to in subparagraph (A) are the following:*

1 “(i) *The tribal court shall submit to*
2 *the Attorney General a request for confine-*
3 *ment of the offender, for approval by the At-*
4 *torney General (or a designee) by not later*
5 *than 30 days after the date of submission.*

6 “(ii) *Requests for confinement shall be*
7 *limited to offenders convicted of a violent*
8 *crime for which the sentence includes a term*
9 *of imprisonment of 2 or more years, as de-*
10 *termined by the Director of the Bureau of*
11 *Prisons, in consultation with the appro-*
12 *priate tribal governments.*

13 “(iii) *The imprisonment by the Bureau*
14 *of Prisons shall be subject to the conditions*
15 *described in section 5003 of title 18, United*
16 *States Code, regarding the custody of State*
17 *offenders, except that the offender shall be*
18 *placed in the nearest available and appro-*
19 *priate Federal facility.*

20 “(iv) *The Bureau of Prisons shall con-*
21 *fine not more than 100 tribal offenders at*
22 *any time.*

23 “(C) *RESCINDING REQUESTS.—*

24 “(i) *IN GENERAL.—The applicable*
25 *tribal government shall retain the authority*

1 to rescind the request for confinement of a
2 tribal offender by the Bureau of Prisons
3 under this paragraph at any time during
4 the sentence of the offender.

5 “(i) *RETURN TO TRIBAL CUSTODY.*—
6 On rescission of a request under clause (i),
7 a tribal offender shall be returned to tribal
8 custody.

9 “(D) *REQUEST FOR REASSESSMENT.*—If
10 tribal court demand for participation in the pro-
11 gram under this paragraph exceeds the limita-
12 tion described in subparagraph (B)(iv), a rep-
13 resentative of the Bureau of Prisons shall submit
14 to Congress a notice requesting reassessment of
15 the program.

16 “(E) *REPORT.*—Not later than 3 years after
17 the date of establishment of the program under
18 this paragraph, the Attorney General shall sub-
19 mit to Congress a report describing the status of
20 the program, including recommendations regard-
21 ing the future of the program, if any.

22 “(F) *TERMINATION.*—Except as otherwise
23 provided by an Act of Congress, the pilot pro-
24 gram under this paragraph shall expire on the

1 *date that is 4 years after the date on which the*
2 *program is established.*

3 “(c) *SEPARATION OF OFFENSES.*—*For purposes of this*
4 *section, 2 or more offenses may be considered to be separate*
5 *offenses for purposes of charging and sentencing if each of-*
6 *fense requires proof of an element that the other offenses*
7 *do not, without regard to—*

8 “(1) *the accusatory pleading; or*

9 “(2) *the proof adduced at trial.*

10 “(d) *EFFECT OF SECTION.*—*Nothing in this section af-*
11 *fects the obligation of the United States, or any State gov-*
12 *ernment that has been delegated authority by the United*
13 *States, to investigate and prosecute any criminal violation*
14 *in Indian country.”.*

15 (b) *GRANTS AND CONTRACTS.*—*Section 1007(b) of the*
16 *Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b))*
17 *is amended by striking paragraph (2) and inserting the fol-*
18 *lowing:*

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

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

2 *The Indian Law Enforcement Reform Act (25 U.S.C.*
3 *2801 et seq.) (as amended by section 104(b)) is amended*
4 *by adding at the end the following:*

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

6 *“(a) ESTABLISHMENT.—There is established a com-*
7 *mission to be known as the Indian Law and Order Commis-*
8 *sion (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;*

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 Af-*
23 *airs of the Senate;*

24 *“(D) 2 shall be appointed by the Speaker of*
25 *the House of Representatives, in consultation*
26 *with the Chairperson of the Committee on Nat-*

1 *ural Resources of the House of Representatives;*
2 *and*

3 “(E) 1 shall be appointed by the Minority
4 Leader of the House of Representatives, in con-
5 sultation with the Ranking Member of the Com-
6 mittee on Natural Resources of the House of Rep-
7 resentatives.

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

11 “(A) *the Indian country criminal justice*
12 *system; and*

13 “(B) *matters to be studied by the Commis-*
14 *sion.*

15 “(3) *CONSULTATION REQUIRED.*—The President,
16 the Speaker and Minority Leader of the House of
17 Representatives, and the Majority Leader and Minor-
18 ity Leader of the Senate shall consult before the ap-
19 pointment of members of the Commission under para-
20 graph (1) to achieve, to the maximum extent prac-
21 ticable, fair and equitable representation of various
22 points of view with respect to the matters to be stud-
23 ied by the Commission.

24 “(4) *TERM.*—Each member shall be appointed
25 for the life of the Commission.

1 “(5) *TIME FOR INITIAL APPOINTMENTS.*—*The*
2 *appointment of the members of the Commission shall*
3 *be made not later than 60 days after the date of en-*
4 *actment of this Act.*

5 “(6) *VACANCIES.*—*A vacancy in the Commission*
6 *shall be filled—*

7 “(A) *in the same manner in which the*
8 *original appointment was made; and*

9 “(B) *not later than 60 days after the date*
10 *on which the vacancy occurred.*

11 “(c) *OPERATION.*—

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

16 “(2) *MEETINGS.*—

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

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

22 “(3) *QUORUM.*—*A majority of the members of*
23 *the Commission shall constitute a quorum, but a less-*
24 *er number of members may hold hearings.*

1 “(4) *RULES.*—*The Commission may establish,*
2 *by majority vote, any rules for the conduct of Com-*
3 *mission business, in accordance with this Act and*
4 *other applicable law.*

5 “(d) *COMPREHENSIVE STUDY OF CRIMINAL JUSTICE*
6 *SYSTEM RELATING TO INDIAN COUNTRY.*—*The Commission*
7 *shall conduct a comprehensive study of law enforcement and*
8 *criminal justice in tribal communities, including—*

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

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

14 “(B) *residents of Indian land;*

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

17 “(A) *reducing Indian country crime; and*

18 “(B) *rehabilitation of offenders;*

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

22 “(B) *the effect of those systems and related pro-*
23 *grams in preventing juvenile crime, rehabilitating In-*
24 *dian youth in custody, and reducing recidivism*
25 *among Indian youth;*

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

3 “(A) *the authority of Indian tribes; and*

4 “(B) *the rights of defendants subject to trib-*
5 *al government authority; and*

6 “(5) *studies of such other subjects as the Com-*
7 *mission determines relevant to achieve the purposes of*
8 *the Tribal Law and Order Act of 2009.*

9 “(e) *RECOMMENDATIONS.—Taking into consideration*
10 *the results of the study under paragraph (1), the Commis-*
11 *sion shall develop recommendations on necessary modifica-*
12 *tions and improvements to justice systems at the tribal,*
13 *Federal, and State levels, including consideration of—*

14 “(1) *simplifying jurisdiction in Indian country;*

15 “(2) *improving services and programs—*

16 “(A) *to prevent juvenile crime on Indian*
17 *land;*

18 “(B) *to rehabilitate Indian youth in cus-*
19 *tody; and*

20 “(C) *to reduce recidivism among Indian*
21 *youth;*

22 “(3) *enhancing the penal authority of tribal*
23 *courts and exploring alternatives to incarceration;*

24 “(4) *the establishment of satellite United States*
25 *magistrate or district courts in Indian country;*

1 “(5) changes to the tribal jails and Federal pris-
2 on systems; and

3 “(6) other issues that, as determined by the Com-
4 mission, would reduce violent crime in Indian coun-
5 try.

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

9 “(1) a detailed statement of the findings and
10 conclusions of the Commission; and

11 “(2) the recommendations of the Commission for
12 such legislative and administrative actions as the
13 Commission considers to be appropriate.

14 “(g) POWERS.—

15 “(1) HEARINGS.—

16 “(A) IN GENERAL.—The Commission may
17 hold such hearings, meet and act at such times
18 and places, take such testimony, and receive such
19 evidence as the Commission considers to be ad-
20 visable to carry out the duties of the Commission
21 under this section.

22 “(B) PUBLIC REQUIREMENT.—The hearings
23 of the Commission under this paragraph shall be
24 open to the public.

25 “(2) WITNESS EXPENSES.—

1 “(A) *IN GENERAL.*—*A witness requested to*
2 *appear before the Commission shall be paid the*
3 *same fees as are paid to witnesses under section*
4 *1821 of title 28, United States Code.*

5 “(B) *PER DIEM AND MILEAGE.*—*The per*
6 *diem and mileage allowance for a witness shall*
7 *be paid from funds made available to the Com-*
8 *mission.*

9 “(3) *INFORMATION FROM FEDERAL, TRIBAL, AND*
10 *STATE AGENCIES.*—

11 “(A) *IN GENERAL.*—*The Commission may*
12 *secure directly from a Federal agency such infor-*
13 *mation as the Commission considers to be nec-*
14 *essary to carry out this section.*

15 “(B) *TRIBAL AND STATE AGENCIES.*—*The*
16 *Commission may request the head of any tribal*
17 *or State agency to provide to the Commission*
18 *such information as the Commission considers to*
19 *be necessary to carry out this section.*

20 “(4) *POSTAL SERVICES.*—*The Commission may*
21 *use the United States mails in the same manner and*
22 *under the same conditions as other agencies of the*
23 *Federal Government.*

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

4 “(h) *COMMISSION PERSONNEL MATTERS.*—

5 “(1) *TRAVEL EXPENSES.*—*A member of the Com-*
6 *mission shall be allowed travel expenses, including*
7 *per diem in lieu of subsistence, at rates authorized for*
8 *an employee of an agency under subchapter I of chap-*
9 *ter 57 of title 5, United States Code, while away from*
10 *the home or regular place of business of the member*
11 *in the performance of the duties of the Commission.*

12 “(2) *DETAIL OF FEDERAL EMPLOYEES.*—*On the*
13 *affirmative vote of $\frac{2}{3}$ of the members of the Commis-*
14 *sion and the approval of the appropriate Federal*
15 *agency head, an employee of the Federal Government*
16 *may be detailed to the Commission without reim-*
17 *bursement, and such detail shall be without interrup-*
18 *tion or loss of civil service status, benefits, or privi-*
19 *leges.*

20 “(3) *PROCUREMENT OF TEMPORARY AND INTER-*
21 *MITTENT SERVICES.*—*On request of the Commission,*
22 *the Attorney General and Secretary shall provide to*
23 *the Commission reasonable and appropriate office*
24 *space, supplies, and administrative assistance.*

25 “(i) *CONTRACTS FOR RESEARCH.*—

1 “(1) *RESEARCHERS AND EXPERTS.*—

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

8 “(B) *NATIONAL INSTITUTE OF JUSTICE.*—
9 *The National Institute of Justice may enter into*
10 *a contract with the researchers and experts se-*
11 *lected by the Commission under subparagraph*
12 *(A) to provide funding in exchange for the serv-*
13 *ices of the researchers and experts.*

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

19 “(j) *TRIBAL ADVISORY COMMITTEE.*—

20 “(1) *ESTABLISHMENT.*—*The Commission shall*
21 *establish a committee, to be known as the ‘Tribal Ad-*
22 *visory Committee’.*

23 “(2) *MEMBERSHIP.*—

1 “(A) *COMPOSITION.*—*The Tribal Advisory*
 2 *Committee shall consist of 2 representatives of*
 3 *Indian tribes from each region of the Bureau.*

4 “(B) *QUALIFICATIONS.*—*Each member of*
 5 *the Tribal Advisory Committee shall have experi-*
 6 *ence relating to—*

7 “(i) *justice systems;*

8 “(ii) *crime prevention; or*

9 “(iii) *victim services.*

10 “(3) *DUTIES.*—*The Tribal Advisory Committee*
 11 *shall—*

12 “(A) *serve as an advisory body to the Com-*
 13 *mission; and*

14 “(B) *provide to the Commission advice and*
 15 *recommendations, submit materials, documents,*
 16 *testimony, and such other information as the*
 17 *Commission determines to be necessary to carry*
 18 *out the duties of the Commission under this sec-*
 19 *tion.*

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

24 “(l) *TERMINATION OF COMMISSION.*—*The Commission*
 25 *shall terminate 90 days after the date on which the Com-*

1 mission submits the report of the Commission under sub-
2 section (c)(3).

3 “(m) *NONAPPLICABILITY OF FACA.*—*The Federal Ad-*
4 *visory Committee Act (5 U.S.C. App.) shall not apply to*
5 *the Commission.*”.

6 **TITLE IV—TRIBAL JUSTICE**
7 **SYSTEMS**

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

9 (a) *CORRECTION OF REFERENCES.*—

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

14 (A) *in subsection (a)—*

15 (i) *in the matter preceding paragraph*

16 (1)—

17 (I) *by striking “the date of enact-*
18 *ment of this subtitle” and inserting*
19 *“the date of enactment of the Tribal*
20 *Law and Order Act of 2009”; and*

21 (II) *by inserting “, the Attorney*
22 *General,” after “Secretary of the Inte-*
23 *rior”;*

24 (ii) *in paragraph (2)(A), by inserting*
25 *“, Bureau of Justice Assistance, Substance*

1 *Abuse and Mental Health Services Adminis-*
2 *tration,” after “Bureau of Indian Affairs,”;*

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

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

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

14 (B) *in subsection (c), by inserting “, the At-*
15 *torney General,” after “Secretary of the Inte-*
16 *rior”;* and

17 (C) *in subsection (d), by striking “the date*
18 *of enactment of this subtitle” and inserting “the*
19 *date of enactment of the Tribal Law and Order*
20 *Act of 2009”.*

21 (2) *TRIBAL ACTION PLANS.*—*Section 4206 of the*
22 *Indian Alcohol and Substance Abuse Prevention and*
23 *Treatment Act of 1986 (25 U.S.C. 2412) is amend-*
24 *ed—*

1 (A) in subsection (b), in the first sentence,
2 by inserting “, the Bureau of Justice Assistance,
3 the Substance Abuse and Mental Health Services
4 Administration,” before “and the Indian Health
5 Service service unit”;

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

11 (C) in subsection (d)(2), by striking “fiscal
12 year 1993 and such sums as are necessary for
13 each of the fiscal years 1994, 1995, 1996, 1997,
14 1998, 1999, and 2000” and inserting “the period
15 of fiscal years 2010 through 2014”;

16 (D) in subsection (e), in the first sentence,
17 by inserting “, the Attorney General,” after “the
18 Secretary of the Interior”; and

19 (E) in subsection (f)(3), by striking “fiscal
20 year 1993 and such sums as are necessary for
21 each of the fiscal years 1994, 1995, 1996, 1997,
22 1998, 1999, and 2000” and inserting “fiscal
23 years 2010 through 2014”.

24 (3) *DEPARTMENTAL RESPONSIBILITY.*—Section
25 4207 of the Indian Alcohol and Substance Abuse Pre-

1 *vention and Treatment Act of 1986 (25 U.S.C. 2413)*
2 *is amended—*

3 *(A) in subsection (a), by inserting “, the At-*
4 *torney General” after “Bureau of Indian Af-*
5 *fairs”;*

6 *(B) in subsection (b)—*

7 *(i) by striking paragraph (1) and in-*
8 *serting the following:*

9 *“(1) ESTABLISHMENT.—*

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

18 *“(B) DIRECTOR.—The director of the Office*
19 *shall be appointed by the Director of the Sub-*
20 *stance Abuse and Mental Health Services Ad-*
21 *ministration—*

22 *“(i) on a permanent basis; and*

23 *“(ii) at a grade of not less than GS-*
24 *15 of the General Schedule.”;*

25 *(ii) in paragraph (2)—*

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

3 “(2) *RESPONSIBILITIES OF OFFICE.—In addi-*
4 *tion*”;

5 (II) by striking subparagraph (A)
6 and inserting the following:

7 “(A) *coordinating with other agencies to*
8 *monitor the performance and compliance of the*
9 *relevant Federal programs in achieving the goals*
10 *and purposes of this subtitle and the Memo-*
11 *randum of Agreement entered into under section*
12 *4205;*”;

13 (III) in subparagraph (B)—

14 (aa) by striking “*within the*
15 *Bureau of Indian Affairs*”; and

16 (bb) by striking the period at
17 the end and inserting “; and”;
18 and

19 (IV) by adding at the end the fol-
20 lowing:

21 “(C) *not later than 1 year after the date of*
22 *enactment of the Tribal Law and Order Act of*
23 *2009, developing, in coordination and consulta-*
24 *tion with tribal governments, a framework for*
25 *interagency and tribal coordination that—*

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

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

6 “(iii) provides guidelines for resource
7 and information sharing;

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

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

15 (iii) by striking paragraph (3) and in-
16 serting the following:

17 “(3) *APPOINTMENT OF EMPLOYEES.*—*The Direc-*
18 *tor of the Substance Abuse and Mental Health Serv-*
19 *ices Administration shall appoint such employees to*
20 *work in the Office, and shall provide such funding,*
21 *services, and equipment, as may be necessary to en-*
22 *able the Office to carry out the responsibilities under*
23 *this subsection.”; and*

24 (C) in subsection (c)—

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

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

9 (iii) in paragraph (3)—

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

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

16 (4) *REVIEW OF PROGRAMS.*—Section 4208a(a) of
17 the Indian Alcohol and Substance Abuse Prevention
18 and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is
19 amended in the matter preceding paragraph (1) by
20 inserting “, the Attorney General,” after “the Sec-
21 retary of the Interior”.

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

1 (A) in subsection (a), by inserting “, the At-
2 torney General,” after “the Secretary of the Inte-
3 rior”;

4 (B) in subsection (b)—

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

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

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

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

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

20 (A) in subsection (a), in the first sentence,
21 by inserting “, the Attorney General,” after “the
22 Secretary of Health and Human Services”; and

23 (B) in subsection (b), by striking “fiscal
24 year 1993 and such sums as may be necessary
25 for each of the fiscal years 1994, 1995, 1996,

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

3 (7) *REVIEW.*—Section 4211(a) of the Indian Al-
4 cohol and Substance Abuse Prevention and Treatment
5 Act of 1986 (25 U.S.C. 2431(a)) is amended in the
6 matter preceding paragraph (1) by inserting “, the
7 Attorney General,” after “the Secretary of the Inte-
8 rior”.

9 (b) *INDIAN EDUCATION PROGRAMS.*—Section 4212 of
10 the Indian Alcohol and Substance Abuse Prevention Act of
11 1986 (25 U.S.C. 2432) is amended by striking subsection
12 (a) and inserting the following:

13 “(a) *SUMMER YOUTH PROGRAMS.*—

14 “(1) *IN GENERAL.*—The head of the Indian Alco-
15 hol and Substance Abuse Program, in coordination
16 with the Assistant Secretary for Indian Affairs, shall
17 develop and implement programs in tribal schools
18 and schools funded by the Bureau of Indian Edu-
19 cation (subject to the approval of the local school
20 board or contract school board) to determine the effec-
21 tiveness of summer youth programs in advancing the
22 purposes and goals of this Act.

23 “(2) *COSTS.*—The head of the Indian Alcohol
24 and Substance Abuse Program and the Assistant Sec-
25 retary shall defray all costs associated with the actual

1 *operation and support of the summer youth programs*
2 *in a school from funds appropriated to carry out this*
3 *subsection.*

4 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*
5 *There are authorized to be appropriated to carry out*
6 *the programs under this subsection such sums as are*
7 *necessary for each of fiscal years 2010 through 2014.”.*

8 (c) *EMERGENCY SHELTERS.—Section 4213(e) of the*
9 *Indian Alcohol and Substance Abuse Prevention and Treat-*
10 *ment Act of 1986 (25 U.S.C. 2433(e)) is amended—*

11 (1) *in paragraph (1), by striking “as may be*
12 *necessary” and all that follows through the end of the*
13 *paragraph and inserting “as are necessary for each of*
14 *fiscal years 2010 through 2014.”;*

15 (2) *in paragraph (2), by striking “\$7,000,000”*
16 *and all that follows through the end of the paragraph*
17 *and inserting “\$10,000,000 for each of fiscal years*
18 *2010 through 2014.”; and*

19 (3) *by indenting paragraphs (4) and (5) appro-*
20 *priately.*

21 (d) *REVIEW OF PROGRAMS.—Section 4215(a) of the*
22 *Indian Alcohol and Substance Abuse Prevention and Treat-*
23 *ment Act of 1986 (25 U.S.C. 2441(a)) is amended by insert-*
24 *ing “, the Attorney General,” after “the Secretary of the*
25 *Interior”.*

1 (e) *ILLEGAL NARCOTICS TRAFFICKING; SOURCE*
2 *ERADICATION.*—*Section 4216 of the Indian Alcohol and*
3 *Substance Abuse Prevention and Treatment Act of 1986 (25*
4 *U.S.C. 2442) is amended—*

5 (1) *in subsection (a)—*

6 (A) *in paragraph (1)—*

7 (i) *in subparagraph (A), by striking*
8 *the comma at the end and inserting a semi-*
9 *colon;*

10 (ii) *in subparagraph (B), by striking*
11 *“, and” at the end and inserting a semi-*
12 *colon;*

13 (iii) *in subparagraph (C), by striking*
14 *the period at the end and inserting “; and”;*
15 *and*

16 (iv) *by adding at the end the following:*

17 “*(D) the Blackfeet Nation of Montana for*
18 *the investigation and control of illegal narcotics*
19 *traffic on the Blackfeet Indian Reservation along*
20 *the border with Canada.”;*

21 (B) *in paragraph (2), by striking “United*
22 *States Custom Service” and inserting “United*
23 *States Customs and Border Protection, the Bu-*
24 *reau of Immigration and Customs Enforcement,*
25 *and the Drug Enforcement Administration”;* *and*

1 (C) by striking paragraph (3) and inserting
2 the following:

3 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
4 *There are authorized to be appropriated to carry out*
5 *this subsection such sums as are necessary for each of*
6 *fiscal years 2010 through 2014.”; and*

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

11 (f) *LAW ENFORCEMENT AND JUDICIAL TRAINING.*—
12 *Section 4218 of the Indian Alcohol and Substance Abuse*
13 *Prevention and Treatment Act of 1986 (25 U.S.C. 2451)*
14 *is amended—*

15 (1) by striking subsection (a) and inserting the
16 following:

17 “(a) *TRAINING PROGRAMS.*—

18 “(1) *IN GENERAL.*—*The Secretary of the Inte-*
19 *rior, in coordination with the Attorney General, the*
20 *Administrator of the Drug Enforcement Administra-*
21 *tion, and the Director of the Federal Bureau of Inves-*
22 *tigation, shall ensure, through the establishment of a*
23 *new training program or by supplementing existing*
24 *training programs, that all Bureau of Indian Affairs*

1 *and tribal law enforcement and judicial personnel*
2 *have access to training regarding—*

3 *“(A) the investigation and prosecution of of-*
4 *fenses relating to illegal narcotics; and*

5 *“(B) alcohol and substance abuse prevention*
6 *and treatment.*

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

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

17 *(g) JUVENILE DETENTION CENTERS.—Section 4220 of*
18 *the Indian Alcohol and Substance Abuse Prevention and*
19 *Treatment Act of 1986 (25 U.S.C. 2453) is amended—*

20 *(1) in subsection (a)—*

21 *(A) by striking “The Secretary” the first*
22 *place it appears and inserting the following:*

23 *“(1) IN GENERAL.—The Secretary”;*

24 *(B) in the second sentence, by striking “The*
25 *Secretary shall” and inserting the following:*

1 “(2) *CONSTRUCTION AND OPERATION.*—*The Sec-*
2 *retary shall*”; and

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

4 “(3) *DEVELOPMENT OF PLAN.*—

5 “(A) *IN GENERAL.*—*Not later than 180*
6 *days after the date of enactment of this para-*
7 *graph, the Secretary and the Attorney General,*
8 *in consultation with tribal leaders and tribal*
9 *justice officials, shall develop a long-term plan*
10 *for the construction, renovation, and operation of*
11 *Indian juvenile detention and treatment centers*
12 *and alternatives to detention for juvenile offend-*
13 *ers.*

14 “(B) *COORDINATION.*—*The plan under sub-*
15 *paragraph (A) shall require the Bureau of In-*
16 *dian Education and the Indian Health Service*
17 *to coordinate with tribal and Bureau of Indian*
18 *Affairs juvenile detention centers to provide serv-*
19 *ices to those centers.*”; and

20 (2) *in subsection (b)*—

21 (A) *by striking “such sums as may be nec-*
22 *essary for each of the fiscal years 1994, 1995,*
23 *1996, 1997, 1998, 1999, and 2000” each place it*
24 *appears and inserting “such sums as are nec-*

1 *essary for each of fiscal years 2010 through*
 2 *2014”;* and

3 *(B) by indenting paragraph (2) appro-*
 4 *priately.*

5 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**
 6 **ASSISTANCE.**

7 *(a) INDIAN TRIBAL JUSTICE.—*

8 *(1) BASE SUPPORT FUNDING.—Section 103(b) of*
 9 *the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is*
 10 *amended by striking paragraph (2) and inserting the*
 11 *following:*

12 *“(2) the employment of tribal court personnel,*
 13 *including tribal court judges, prosecutors, public de-*
 14 *fenders, guardians ad litem, and court-appointed spe-*
 15 *cial advocates for children and juveniles;”.*

16 *(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of*
 17 *the Indian Tribal Justice Act (25 U.S.C. 3621) is*
 18 *amended—*

19 *(A) in subsection (a)—*

20 *(i) by striking “the provisions of sec-*
 21 *tions 101 and 102 of this Act” and insert-*
 22 *ing “sections 101 and 102”; and*

23 *(ii) by striking “the fiscal years 2000*
 24 *through 2007” and inserting “fiscal years*
 25 *2010 through 2014”;*

1 (B) in subsection (b)—

2 (i) by striking “the provisions of sec-
3 tion 103 of this Act” and inserting “section
4 103”; and

5 (ii) by striking “the fiscal years 2000
6 through 2007” and inserting “fiscal years
7 2010 through 2014”;

8 (C) in subsection (c), by striking “the fiscal
9 years 2000 through 2007” and inserting “fiscal
10 years 2010 through 2014”; and

11 (D) in subsection (d), by striking “the fiscal
12 years 2000 through 2007” and inserting “fiscal
13 years 2010 through 2014”.

14 (b) TECHNICAL AND LEGAL ASSISTANCE.—

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

21 (2) TRIBAL CRIMINAL LEGAL ASSISTANCE
22 GRANTS.—Section 103 of the Indian Tribal Justice
23 Technical and Legal Assistance Act of 2000 (25
24 U.S.C. 3663) is amended by striking “criminal legal
25 assistance to members of Indian tribes and tribal jus-

1 *tice systems” and inserting “licensed public defender*
 2 *services to all defendants subject to tribal court juris-*
 3 *isdiction and prosecution and judicial services for trib-*
 4 *al courts”.*

5 (3) *FUNDING.—The Indian Tribal Justice Tech-*
 6 *nical and Legal Assistance Act of 2000 is amended—*

7 (A) *in section 107 (as redesignated by sec-*
 8 *tion 104(a)(2)(A)), by striking “2000 through*
 9 *2004” and inserting “2010 through 2014”; and*

10 (B) *in section 201(d) (25 U.S.C. 3681(d)),*
 11 *by striking “2000 through 2004” and inserting*
 12 *“2010 through 2014”.*

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

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

16 (1) *in subsection (b)—*

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

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

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

25 (D) *in paragraph (15)—*

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

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

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

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

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

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

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

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

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

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

25 “(j) GRANTS TO INDIAN TRIBES.—

1 “(1) *IN GENERAL.*—Notwithstanding subsection
2 *(i)* and section 1703, and in acknowledgment of the
3 *Federal nexus and distinct Federal responsibility to*
4 *address and prevent crime in Indian country, the At-*
5 *torney General shall provide grants under this section*
6 *to Indian tribal governments, for fiscal year 2010*
7 *and any fiscal year thereafter, for such period as the*
8 *Attorney General determines to be appropriate to as-*
9 *assist the Indian tribal governments in carrying out the*
10 *purposes described in subsection (b).*

11 “(2) *PRIORITY OF FUNDING.*—*In providing*
12 *grants to Indian tribal governments under this sub-*
13 *section, the Attorney General shall take into consider-*
14 *ation reservation crime rates and tribal law enforce-*
15 *ment staffing needs of each Indian tribal government.*

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

21 “(A) *shall be 100 percent; and*

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

23 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—
24 *There are authorized to be appropriated such sums as*

1 *are necessary to carry out this subsection for each of*
2 *fiscal years 2010 through 2014.*

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

9 “(1) *the problem of intermittent funding;*

10 “(2) *the integration of COPS personnel with ex-*
11 *isting law enforcement authorities; and*

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

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

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

21 “(a) *RESERVATION OF FUNDS.*—*Notwithstanding any*
22 *other provision of this part, of amounts made available to*
23 *the Attorney General to carry out programs relating to of-*
24 *fender incarceration, the Attorney General shall reserve*

1 \$35,000,000 for each of fiscal years 2010 through 2014 to
2 carry out this section.”.

3 (b) *REGIONAL DETENTION CENTERS.*—

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

8 “(b) *GRANTS TO INDIAN TRIBES.*—

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

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

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

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

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

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

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

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

10 “(A) reservation crime rates;

11 “(B) annual tribal court convictions; and

12 “(C) bed space needs.

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

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

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

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

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

10 “(1) proposed activities for construction of deten-
11 tion facilities (including regional facilities) on Indian
12 land;

13 “(2) proposed activities for construction of addi-
14 tional Federal detention facilities on Indian land;

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

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

20 “(5) such other alternatives as the Attorney Gen-
21 eral, in coordination with the Bureau of Indian Af-
22 fairs and in consultation with Indian tribes, deter-
23 mines to be necessary.”.

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

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

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

6 *“To the maximum extent practicable, the Director of*
 7 *the Administrative Office of the United States Courts, in*
 8 *coordination with the Office of Tribal Justice and the Di-*
 9 *rector of the Office of Justice Services, shall—*

10 *“(1) appoint individuals residing in Indian*
 11 *country to serve as assistant probation officers for*
 12 *purposes of monitoring and providing service to Fed-*
 13 *eral prisoners residing in Indian country; and*

14 *“(2) provide substance abuse, mental health, and*
 15 *other related treatment services to offenders residing*
 16 *on Indian land.”.*

17 **SEC. 406. TRIBAL YOUTH PROGRAM.**

18 *(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY*
 19 *PREVENTION PROGRAMS.—*

20 *(1) IN GENERAL.—Section 504 of the Juvenile*
 21 *Justice and Delinquency Prevention Act of 1974 (42*
 22 *U.S.C. 5783) is amended—*

23 *(A) in subsection (a), by inserting “, or to*
 24 *Indian tribes under subsection (d)” after “sub-*
 25 *section (b)”;* and

26 *(B) by adding at the end the following:*

1 “(d) *GRANTS FOR TRIBAL DELINQUENCY PREVENTION*
2 *AND RESPONSE PROGRAMS.*—

3 “(1) *IN GENERAL.*—*The Administrator shall*
4 *make grants under this section, on a competitive*
5 *basis, to eligible Indian tribes or consortia of Indian*
6 *tribes, as described in paragraph (2)—*

7 “(A) *to support and enhance—*

8 “(i) *tribal juvenile delinquency preven-*
9 *tion services; and*

10 “(ii) *the ability of Indian tribes to re-*
11 *spond to, and care for, juvenile offenders;*
12 *and*

13 “(B) *to encourage accountability of Indian*
14 *tribal governments with respect to preventing ju-*
15 *venile delinquency and responding to, and car-*
16 *ing for, juvenile offenders.*

17 “(2) *ELIGIBLE INDIAN TRIBES.*—*To be eligible to*
18 *receive a grant under this subsection, an Indian tribe*
19 *or consortium of Indian tribes shall submit to the Ad-*
20 *ministrator an application in such form and con-*
21 *taining such information as the Administrator may*
22 *require.*

23 “(3) *PRIORITY OF FUNDING.*—*In providing*
24 *grants under this subsection, the Administrator shall*

1 *take into consideration, with respect to the reservation*
2 *communities to be served—*

3 *“(A) juvenile crime rates;*

4 *“(B) dropout rates; and*

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

6 *(2) AUTHORIZATION OF APPROPRIATIONS.—Sec-*
7 *tion 505 of the Juvenile Justice and Delinquency Pre-*
8 *vention Act of 1974 (42 U.S.C. 5784) is amended by*
9 *striking “fiscal years 2004, 2005, 2006, 2007, and*
10 *2008” and inserting “each of fiscal years 2010*
11 *through 2014”.*

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

16 *(1) in subparagraph (A), by striking “Nine” and*
17 *inserting “Ten”; and*

18 *(2) in subparagraph (B), by adding at the end*
19 *the following:*

20 *“(iv) One member shall be appointed*
21 *by the Chairman of the Committee on In-*
22 *Indian Affairs of the Senate, in consultation*
23 *with the Vice Chairman of that Com-*
24 *mittee.”.*

1 **SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL**
2 **ALASKA.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *STATE.—*

5 (A) *IN GENERAL.—The term “State” means*
6 *the State of Alaska.*

7 (B) *INCLUSION.—The term “State” includes*
8 *any political subdivision of the State of Alaska.*

9 (2) *VILLAGE PUBLIC SAFETY OFFICER.—The*
10 *term “village public safety officer” means an indi-*
11 *vidual employed as a village public safety officer*
12 *under the program established by the State pursuant*
13 *to Alaska Statute 18.65.670.*

14 (b) *COPS GRANTS.—The State and any Indian tribe*
15 *or tribal organization that employs a village public safety*
16 *officer shall be eligible to apply for a grant under section*
17 *1701 of the Omnibus Crime Control and Safe Streets Act*
18 *of 1968 (42 U.S.C. 3796dd) (provided that only an Indian*
19 *tribe or tribal organization may receive a grant under the*
20 *tribal resources grant program under subsection (j) of that*
21 *section) on an equal basis with other eligible applicants for*
22 *funding under that section.*

23 (c) *STAFFING FOR ADEQUATE FIRE AND EMERGENCY*
24 *RESPONSE GRANTS.—The State and any Indian tribe or*
25 *tribal organization that employs a village public safety offi-*
26 *cer shall be eligible to apply for a grant under the Staffing*

1 *for Adequate Fire and Emergency Response program under*
2 *section 34 of the Federal Fire Prevention and Control Act*
3 *of 1974 (15 U.S.C. 2229a) on an equal basis with other*
4 *eligible applicants for funding under that program.*

5 *(d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS*
6 *AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED*
7 *UNDER COPS PROGRAM.—*

8 *(1) IN GENERAL.—Any village public safety offi-*
9 *cer or tribal law enforcement officer in the State shall*
10 *be eligible to participate in any training program of-*
11 *fered at the Indian Police Academy of the Federal*
12 *Law Enforcement Training Center.*

13 *(2) AUTHORIZATION OF APPROPRIATIONS.—*
14 *There are authorized to be appropriated to the Sec-*
15 *retary such sums as are necessary for each of fiscal*
16 *years 2011 through 2015 to provide grants to Indian*
17 *tribes and tribal organizations in the State for the*
18 *training of village public safety officers and tribal*
19 *law enforcement positions funded under the tribal re-*
20 *sources grant program under subsection (j) of section*
21 *1701 of the Omnibus Crime Control and Safe Streets*
22 *Act of 1968 (42 U.S.C. 3796dd) at—*

23 *(A) the Indian Police Academy of the Fed-*
24 *eral Law Enforcement Training Center; or*

1 (B) a police academy in the State certified
2 by the Alaska Police Standards Council.

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

6 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
7 **COUNTRY.**

8 (a) *GANG VIOLENCE.*—Section 1107 of the Violence
9 *Against Women and Department of Justice Reauthorization*
10 *Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is*
11 *amended—*

12 (1) *in subsection (a)—*

13 (A) *by redesignating paragraphs (8)*
14 *through (12) as paragraphs (9) through (13), re-*
15 *spectively;*

16 (B) *by inserting after paragraph (7) the fol-*
17 *lowing:*

18 “(8) *the Office of Justice Services of the Bureau*
19 *of Indian Affairs;*”;

20 (C) *in paragraph (9) (as redesignated by*
21 *subparagraph (A)), by striking “State” and in-*
22 *serting “tribal, State,”; and*

23 (D) *in paragraphs (10) through (12) (as re-*
24 *designated by subparagraph (A)), by inserting*

1 *“tribal,” before “State,” each place it appears;*
2 *and*

3 *(2) in subsection (b), by inserting “tribal,” before*
4 *“State,” each place it appears.*

5 *(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of*
6 *the Omnibus Crime Control and Safe Streets Act of 1968*
7 *(42 U.S.C. 3732) is amended—*

8 *(1) in subsection (c)—*

9 *(A) in each of paragraphs (3) through (6),*
10 *by inserting “tribal,” after “State,” each place it*
11 *appears;*

12 *(B) in paragraph (7), by inserting “and in*
13 *Indian country” after “States”;*

14 *(C) in paragraph (9), by striking “Federal*
15 *and State Governments” and inserting “Federal*
16 *Government and State and tribal governments”;*

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

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

22 *(F) in paragraph (17)—*

23 *(i) by striking “State and local” and*
24 *inserting “State, tribal, and local”; and*

1 (ii) by striking “State, and local” and
2 inserting “State, tribal, and local”;

3 (G) in paragraph (18), by striking “State
4 and local” and inserting “State, tribal, and
5 local”;

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

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

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

12 (2) in subsection (d)—

13 (A) by redesignating paragraphs (1)
14 through (6) as subparagraphs (A) through (F),
15 respectively, and indenting the subparagraphs
16 appropriately;

17 (B) by striking “To insure” and inserting
18 the following:

19 “(1) IN GENERAL.—To ensure”; and

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

21 “(2) CONSULTATION WITH INDIAN TRIBES.—The
22 Director, acting jointly with the Assistant Secretary
23 for Indian Affairs (acting through the Director of the
24 Office of Justice Services) and the Director of the
25 Federal Bureau of Investigation, shall work with In-

1 *dian tribes and tribal law enforcement agencies to es-*
 2 *tablish and implement such tribal data collection sys-*
 3 *tems as the Director determines to be necessary to*
 4 *achieve the purposes of this section.”;*

5 *(3) in subsection (e), by striking “subsection*
 6 *(d)(3)” and inserting “subsection (d)(1)(C)”;*

7 *(4) in subsection (f)—*

8 *(A) in the subsection heading, by inserting*
 9 *“, Tribal,” after “State”; and*

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

11 *and*

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

13 *“(g) REPORT TO CONGRESS ON CRIMES IN INDIAN*
 14 *COUNTRY.—Not later than 1 year after the date of enact-*
 15 *ment of this subsection, and annually thereafter, the Direc-*
 16 *tor shall submit to Congress a report describing the data*
 17 *collected and analyzed under this section relating to crimes*
 18 *in Indian country.”.*

19 **SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION**
 20 **SYSTEMS.**

21 *Section 3 of the Indian Law Enforcement Reform Act*
 22 *(25 U.S.C. 2802) (as amended by section 101(b)(5)) is*
 23 *amended by adding at the end the following:*

24 *“(g) GRANTS TO IMPROVE TRIBAL DATA COLLECTION*
 25 *SYSTEMS.—*

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

3 (2) *in subsection (b)(1), in the first sentence, by*
 4 *striking “officer of the State and of the local jurisdic-*
 5 *tion” and inserting “officers of each State, tribal, and*
 6 *local jurisdiction”;* and

7 (3) *in subsection (c)(1)—*

8 (A) *in subparagraph (A), by striking “offi-*
 9 *cer of the State and of the local jurisdiction” and*
 10 *inserting “officer of each State, tribal, and local*
 11 *jurisdiction”;* and

12 (B) *in subparagraph (B), by inserting “,*
 13 *tribal,” after “State” each place it appears.*

14 (b) *AUTHORITY OF INSTITUTE; TIME; RECORDS OF*
 15 *RECIPIENTS; ACCESS; SCOPE OF SECTION.—Section*
 16 *4352(a) of title 18, United States Code, is amended—*

17 (1) *in paragraphs (1), (3), (4), and (8), by in-*
 18 *serting “tribal,” after “State,” each place it appears;*

19 (2) *in paragraph (6)—*

20 (A) *by inserting “and tribal communities,”*
 21 *after “States”;* and

22 (B) *by inserting “, tribal,” after “State”;*
 23 *and*

24 (3) *in paragraph (12) by inserting “, tribal,”*
 25 *after “State”.*

1 **SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE**
 2 **TRAINING.**

3 *Section 3(c)(9) of the Indian Law Enforcement Reform*
 4 *Act (25 U.S.C. 2802(c)(9)) (as amended by section*
 5 *101(a)(2)) is amended by inserting before the semicolon at*
 6 *the end the following: “, including training to properly*
 7 *interview victims of domestic and sexual violence and to*
 8 *collect, preserve, and present evidence to Federal and tribal*
 9 *prosecutors to increase the conviction rate for domestic and*
 10 *sexual violence offenses for purposes of addressing and pre-*
 11 *venting domestic and sexual violent offenses”.*

12 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
 13 **OF RAPE AND SEXUAL ASSAULT.**

14 *The Indian Law Enforcement Reform Act (25 U.S.C.*
 15 *2801 et seq.) (as amended by section 305) is amended by*
 16 *adding at the end the following:*

17 **“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
 18 **OF RAPE AND SEXUAL ASSAULT.**

19 *“(a) APPROVAL OF EMPLOYEE TESTIMONY.—*

20 *“(1) IN GENERAL.—The Director of the Office of*
 21 *Justice Services or the Director of the Indian Health*
 22 *Service, as appropriate (referred to in this section as*
 23 *the ‘Director concerned’), shall approve or disapprove,*
 24 *in writing, any request or subpoena from a tribal or*
 25 *State court for a law enforcement officer, sexual as-*
 26 *sault nurse examiner, or other employee under the su-*

1 *pervision of the Director concerned to provide testi-*
2 *mony in a deposition, trial, or other similar criminal*
3 *proceeding regarding information obtained in car-*
4 *rying out the official duties of the employee.*

5 “(2) *DEADLINE.*—*The court issuing a subpoena*
6 *under paragraph (1) shall provide to the appropriate*
7 *Federal employee a notice regarding the request to*
8 *provide testimony by not less than 30 days before the*
9 *date on which the testimony will be provided.*

10 “(b) *APPROVAL.*—

11 “(1) *IN GENERAL.*—*The Director concerned shall*
12 *approve a request or subpoena under subsection (a) if*
13 *the request or subpoena does not violate the policy of*
14 *the Department to maintain strict impartiality with*
15 *respect to private causes of action.*

16 “(2) *FAILURE TO APPROVE.*—*If the Director con-*
17 *cerned fails to approve or disapprove a request or*
18 *subpoena by the date that is 30 days after the date*
19 *of receipt of notice of the request or subpoena, the re-*
20 *quest or subpoena shall be considered to be approved*
21 *for purposes of this section.”.*

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

23 *The Indian Law Enforcement Reform Act (25 U.S.C.*
24 *2801 et seq.) (as amended by section 603) is amended by*
25 *adding at the end the following:*

1 **“SEC. 17. COORDINATION OF FEDERAL AGENCIES.**

2 “(a) *IN GENERAL.*—*The Secretary, in coordination*
3 *with the Attorney General, Federal and tribal law enforce-*
4 *ment agencies, the Indian Health Service, and domestic vio-*
5 *lence or sexual assault victim organizations, shall develop*
6 *appropriate victim services and victim advocate training*
7 *programs—*

8 “(1) *to improve domestic violence or sexual abuse*
9 *responses;*

10 “(2) *to improve forensic examinations and col-*
11 *lection;*

12 “(3) *to identify problems or obstacles in the pros-*
13 *ecution of domestic violence or sexual abuse; and*

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

17 “(b) *REPORT.*—*Not later than 2 years after the date*
18 *of enactment of this section, the Secretary shall submit to*
19 *the Committee on Indian Affairs of the Senate and the*
20 *Committee on Natural Resources of the House of Represent-*
21 *atives a report that describes, with respect to the matters*
22 *described in subsection (a), the improvements made and*
23 *needed, problems or obstacles identified, and costs necessary*
24 *to address the problems or obstacles, and any other rec-*
25 *ommendations that the Secretary determines to be appro-*

1 *priate, including recommendations on preventing sex traf-*
 2 *ficking of Indian women.”.*

3 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

4 *Title VIII of the Indian Health Care Improvement Act*
 5 *is amended by inserting after section 802 (25 U.S.C. 1672)*
 6 *the following:*

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

8 *“The Director of the Service, in coordination with the*
 9 *Director of the Office on Violence Against Women of the*
 10 *Department of Justice, in consultation with Indian Tribes*
 11 *and Tribal Organizations, and in conference with Urban*
 12 *Indian Organizations, shall develop standardized sexual as-*
 13 *sault policies and protocol for the facilities of the Service,*
 14 *based on similar protocol that has been established by the*
 15 *Department of Justice.”.*

16 **SEC. 606. ALASKA NATIVE VILLAGE COMMUNITY SAFETY**
 17 **DEMONSTRATION PROJECT.**

18 *(a) DEFINITION OF ALASKA NATIVE VILLAGE.—In this*
 19 *section, the term “Alaska Native village” has the meaning*
 20 *given the term “Native village” in section 3 of the Alaska*
 21 *Native Claims Settlement Act (43 U.S.C. 1602).*

22 *(b) ESTABLISHMENT OF PROJECT.—There is estab-*
 23 *lished in the Office of Justice Programs of the Department*
 24 *of Justice a demonstration project, to be known as the*

1 “Alaska Native Village Community Safety Demonstration
2 Project”.

3 (c) GRANTS TO TRIBES.—

4 (1) IN GENERAL.—The Attorney General shall
5 provide grants to not less than 18, and not more than
6 30, Indian tribes in the State of Alaska for innovative
7 approaches to improve public safety in Alaska Native
8 villages, with emphasis on reducing the rates of sexual
9 assault, domestic violence, and drug- and alcohol-re-
10 lated crimes, including development of tribal ordi-
11 nances, civil enforcement of tribal ordinances against
12 tribal members, tribal court training and development
13 (including therapeutic courts), and cooperative efforts
14 between the Indian tribes and the State of Alaska or
15 the United States to enforce applicable laws.

16 (2) TERM.—The term of a grant provided under
17 paragraph (1) shall be 5 years.

18 (d) REGULATIONS.—Not later than June 1, 2010, the
19 Attorney General, after consultation with Indian tribes in
20 the State of Alaska, shall promulgate regulations to imple-
21 ment this section.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be ap-
24 propriated to carry out this section \$10,000,000 for
25 each of fiscal years 2011 through 2015.

1 (2) *develop recommendations for improving those*
2 *capabilities.*

3 (b) *REPORT.*—*Not later than 1 year after the date of*
4 *enactment of this Act, the Comptroller General shall submit*
5 *to the Committee on Indian Affairs of the Senate and the*
6 *Committee on Natural Resources of the House of Represent-*
7 *atives a report describing the results of the study under sub-*
8 *section (a), including the recommendations developed under*
9 *that subsection, if any.*

Calendar No. 192

111TH CONGRESS
1ST Session

S. 797

[Report No. 111-93]

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.

OCTOBER 29, 2009

Reported with an amendment