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 Representatives of the United States of America in Congress assembled,

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

3. (a) Short Title.—This Act may be cited as the

4. "Tribal Law and Order Act of 2009".

5. (b) Table of Contents.—The table of contents of

6. 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.

   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.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

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

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

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

(B) tribal justice systems are ultimately the most appropriate institutions for maintaining law and order in tribal communities;

(4) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than 1⁄2
of the law enforcement presence in comparable rural
communities nationwide;

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

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

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

(8) tribal courts—

(A) are the primary arbiters of criminal
and civil justice for actions arising in Indian
country, but

(B) have been historically underfunded;

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

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

(B) all felony crimes in Indian country;

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

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

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

(B) has been increasingly exploited by criminals;

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

(A) nearly twice the national average; and

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

(13)(A) domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions;
(B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and

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

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

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

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

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

(18) tribal communities face significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of in-
creased methamphetamine use on Indian reservations;

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

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

(20) agreements for cooperation among certified tribal and State law enforcement officers have proven to improve law enforcement in tribal communities;

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

(22) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this Act are—
(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in tribal communities;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide for the safety of the public in tribal communities;

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

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

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) In General.—In this Act:
(1) **Indian country.** The term "Indian country" has the meaning given the term in section 1151 of title 18, United States Code.

(2) **Indian tribe.** The term "Indian tribe" has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) **Secretary.** The term "Secretary" means the Secretary of the Interior.

(4) **Tribal government.** The term "tribal government" means the governing body of an Indian tribe.

(b) **Indian Law Enforcement Reform Act.**—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

"(10) **Tribal justice official.** The term 'tribal justice official' means—

"(A) a tribal prosecutor;

"(B) a tribal law enforcement officer; or

"(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court."
TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

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

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

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

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

(1) in subsection (b), by striking “(b) There is hereby established within the Bureau a Division of Law Enforcement Services which” and inserting the following:
“(b) Office of Justice Services.—There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that;"

(2) in subsection (c)—

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

(B) in paragraph (2), by inserting “and,

with the consent of the Indian tribe, tribal criminal laws, including testifying in tribal court” before the semicolon at the end;

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

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(10) the development and provision of dispatch

and emergency and E–911 services;

“(11) communicating with tribal leaders, tribal community and victims’ advocates, tribal justice officials, and residents of Indian land on a regular basis regarding public safety and justice concerns facing tribal communities;

“(12) conducting meaningful and timely con-

sultation with tribal leaders and tribal justice offi-
eals in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

“(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 524 of title 28, United States Code;

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

“(15) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

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

“(I) criminal investigators;
"(II) uniform police;

"(III) police and emergency dispatchers;

"(IV) detention officers;

"(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; or

"(VI) tribal court judges, prosecutors, public defenders; or related staff; and

"(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

"(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, and related program costs;

"(C) a list of the unmet staffing needs of law enforcement, corrections, and court per-
sonnel at tribal and Bureau of Indian Affairs
justice agencies, the replacement and repair
needs of tribal and Bureau corrections facilities;
needs for tribal police and court facilities, and
public safety and emergency communications
and technology needs; and

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

"(16) submitting to the Committee on Indian
Affairs of the Senate and the Committee on Natural
Resources of the House of Representatives, for each
fiscal year, a report summarizing the technical as-
\"{}

(17) promulgating regulations to carry out
this Act, and routinely reviewing and updating, as
necessary, the regulations contained in subchapter B
of title 25, Code of Federal Regulations (or suc-
cessor regulations).""
(3) in subsection (d)—

(A) in paragraph (1), by striking "Division of Law Enforcement Services" and inserting "Office of Justice Services";

(B) in paragraph (3)—

(i) by striking "regulations which shall establish" and inserting "regulations, which shall—"

"(A) establish";

(ii) by striking "reservation." and inserting "reservation; but"; and

(iii) by adding at the end the following:

"(B) support the enforcement of tribal laws and investigation of offenses against tribal criminal laws."; and

(C) in paragraph (4)(i), in the first sentence, by striking "Division" and inserting "Office of Justice Services";

(4) in subsection (e), by striking "Division of Law Enforcement Services" each place it appears and inserting "Office of Justice Services"; and

(5) by adding at the end the following:

"(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of en-
actment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

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

"(2) proposed activities for the construction of additional Federal detention facilities on Indian land;

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

"(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

"(5) other such alternatives to incarceration as the Secretary, in coordination with the Bureau and in consultation with tribal representatives, determines to be necessary.

"(g) LAW ENFORCEMENT PERSONNEL OF BUREAU AND INDIAN TRIBES.—
(1) REPORT.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report regarding vacancies in law enforcement personnel of Bureau and Indian tribes.

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

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

(1) in paragraph (2)(A), by striking “), or” and inserting “or offenses committed on Federal property processed by the Central Violations Bureau); or”;

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

(A) the offense is committed in the presence of the employee; or
``(B) the offense is a Federal crime and
the employee has reasonable grounds to believe
that the person to be arrested has committed;
or is committing, the crime;''.

SEC. 102. DECLINATION REPORTS.
Section 10 of the Indian Law Enforcement Reform
Act (25 U.S.C. 2809) is amended by striking subsections
(a) through (d) and inserting the following:
``(a) Reports.—
``(1) Law enforcement officials.—Subject
to subsection (d), if a law enforcement officer or em-
ployee of any Federal department or agency declines
to initiate an investigation of an alleged violation of
Federal law in Indian country, or terminates such
an investigation without referral for prosecution, the
officer or employee shall—
``(A) submit to the appropriate tribal jus-
tice officials evidence, including related reports,
relevant to the case that would advance pros-
ceution of the case in a tribal court; and
``(B) submit to the Office of Indian Coun-
try Crime relevant information regarding all
decisions of alleged violations of Federal law
in Indian country, including—
``(i) the type of crime alleged;
“(ii) the status of the accused as an Indian or non-Indian;

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

“(iv) the reason for declining to initiate, open, or terminate the investigation.

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

“(A) submit to the appropriate tribal justice official, sufficiently in advance of the tribal statute of limitations, evidence relevant to the case to permit the tribal prosecutor to pursue the case in tribal court; and

“(B) submit to the Office of Indian Country Crime and the appropriate tribal justice official relevant information regarding all declinations of alleged violations of Federal law in Indian country, including—

“(i) the type of crime alleged;

“(ii) the status of the accused as an Indian or non-Indian;
"(iii) the status of the victim as an Indian; and

"(iv) the reason for the determination to decline or terminate the prosecution.

"(b) MAINTENANCE OF RECORDS.—

"(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish and maintain a compilation of information received under paragraph (1) or (2) of subsection (a) relating to declinations:

"(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made available to Congress on an annual basis.

"(c) INCLUSION OF CASE FILES.—A report submitted to the appropriate tribal justice officials under paragraph (1) or (2) of subsection (a) may include the case file, including evidence collected and statements taken that could support an investigation or prosecution by the appropriate tribal justice officials.

"(d) EFFECT OF SECTION.—

"(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or source to an official of any Indian tribe.
"(2) Federal Rules of Criminal Procedure.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

"(3) Regulations.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1)."

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) Appointment of Special Prosecutors.—Section 543 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: "including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country"; and

(2) by adding at the end the following:

"(c) Sense of Congress Regarding Consultation.—It is the sense of Congress that, in appointing attorneys under this section to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment."
(b) Tribal Liaisons.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIASIONS.

"(a) Appointment.—Each United States Attorney of the district of which includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

"(b) Duties.—A tribal liaison shall be responsible for the following activities in the district of the tribal liaison:

"(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

"(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

"(3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

"(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal jus-
practice officials to gather information from, and share appropriate information with, tribal justice officials.

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

"(6) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

"(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

"(8) Coordinating with the Office of Indian Country Crime, as necessary.

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

"(c) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIASONs.—

"(1) FINDINGS.—Congress finds that—
many tribal communities rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

(B) tribal liaisons have dual obligations of—

(i) coordinating prosecutions of Indian country crime; and

(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.

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

(A) take all appropriate actions to encourage the aggressive prosecution of all crimes committed in Indian country; and

(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

(d) ENHANCED PROSECUTION OF MINOR CRIMES.—
(1) In general.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

(i) the crime rate exceeds the national average crime rate; or

(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

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

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

(ii) to hold trials and other proceedings in Indian country, as appropriate;

(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and
(D) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.

"(2) Sense of Congress regarding consultation.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

SEC. 104. ADMINISTRATION.

(a) Office of Tribal Justice.—

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

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

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

"(2) Director.—The term ‘Director’ means the Director of the Office of Tribal Justice."
(2) Status.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

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

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

"SEC. 106. OFFICE OF TRIBAL JUSTICE.

`(a) In General.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2009, the Attorney General shall modify the status of the Office of Tribal Justice as the Attorney General determines to be necessary to establish the Office of Tribal Justice as a permanent division of the Department.

`(b) Personnel and Funding.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a division of the Department under subsection (a).

`(c) Additional Duties.—In addition to the duties of the Office of Tribal Justice in effect on the day before the date of enactment of the Tribal Law and Order Act of 2009, the Office of Tribal Justice shall—

`(1) serve as the program and legal policy advisor to the Attorney General with respect to the trea-"
ty and trust relationship between the United States
and Indian tribes;

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

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

‘‘(A) the trust responsibility of the United
States to Indian tribes;

‘‘(B) any tribal treaty provision;

‘‘(C) the status of Indian tribes as a sov-
erign governments; or

‘‘(D) any other tribal interest.’’.

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

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

(b) Duties.—The Office of Indian Country Crime shall—

(1) develop, enforce, and administer the application of Federal criminal laws applicable in Indian country;

(2) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

(3) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

(4) develop and implement criminal enforcement policies for United States Attorneys and investigators of Federal crimes regarding cases arising in Indian country; and

(5) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys.

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

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

(A) serve as the head of the Office of Indian Country Crime;

(B) serve as a point of contact to United State Attorneys serving districts including Indian country, tribal liaisons, tribal governments, and other Federal, State, and local law enforcement agencies regarding issues affecting the prosecution of crime in Indian country; and

(C) carry out such other duties as the Attorney General may prescribe.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

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

(1) by striking the section designation and heading and all that follows through “The consent of the United States” and inserting the following:
"SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

"(a) Consent of United States.—

"(1) In general.—The consent of the United States; and

(2) by adding at the end the following:

"(2) Concurrent jurisdiction.—At the request of an Indian tribe, and after consultation with the Attorney General, the United States shall maintain concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe."

(b) Applicable Law.—Section 1162 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) Applicable Law.—At the request of an Indian tribe, and after consultation with the Attorney General—

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

"(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments."
SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

(a) Establishment of Cooperative Assistance Program.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements; including agreements relating to mutual aid, hot pursuit of suspects; and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) Program Plans.—

(1) In General.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the Attorney General a plan for a program to achieve the purpose described in subsection (a).

(2) Plan Requirements.—A joint program plan under paragraph (1) shall include a description of—

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

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (e);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reservation and the individuals and entities that will perform those services;

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

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

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

(II) the recordkeeping procedures and types of data to be collected pursuant to the program; and

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

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime payments for current law enforcement officers, that are or will be dedicated to—

(A) policing tribal land and nearby lands;

and

(B) investigating alleged crimes on those lands;

(2) procure equipment, technology, or support systems to be used to investigate crimes and share information between tribal, State, and local law enforcement agencies; or
(3) for any other uses that the Attorney General determines will meet the purposes described in subsection (a).

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

(1) The size and population of each Indian reservation and nearby community proposed to be served by the program.

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

(3) The range of services proposed to be provided by the program.

(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

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

(6) The available resources of each entity applying for a grant under this section for dedication to public safety in the respective jurisdictions of the entities.
(o) **ANNUAL REPORTS.**—To be eligible to renew or extend a grant under this section, a group described in subsection (b)(1) shall submit to the Attorney General, together with the joint program plan under subsection (b), a report describing the law enforcement activities carried out pursuant to the program during the preceding fiscal year, including the success of the activities, including any increase in arrests or prosecutions.

(f) **REPORTS BY ATTORNEY GENERAL.**—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.

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

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

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) Flexibility in Training Law Enforcement Officers Serving Indian Country.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking "(c)(1) The Secretary" and inserting the following:

"(e) Standards of Education and Experience and Classification of Positions.—

"(1) Standards of education and experience.—

"(A) In general.—The Secretary’’’; and

(B) by adding at the end the following:

"(B) Training.—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Office of Justice Services or an Indian tribe to obtain training at a State or tribal police academy; a
local or tribal community college, or another training academy that meets the relevant Peace Officer Standards and Training.”;

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

(3) by adding at the end the following:

“(4) BACKGROUND checks FOR OFFICERS.— The Office of Justice Services shall develop standards and deadlines for the provision of background checks for tribal law enforcement and corrections officials that ensure that a response to a request by an Indian tribe for such a background check shall be provided by not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe.”.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—

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

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

“(a) AGREEMENTS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and
Order Act of 2009, the Secretary shall establish pro-
cedures to enter into memoranda of agreement"; (2) in the second sentence, by striking "The Secretary" and inserting the following: "(2) CERTAIN ACTIVITIES.—The Secretary"; and (3) by adding at the end the following: "(3) PROGRAM ENHANCEMENT.—"(A) TRAINING SESSIONS IN INDIAN COUNTRY.—"(i) IN GENERAL.—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforce-
ment officials, pursuant to this section: "(ii) INCLUSIONS.—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to edu-
cate and certify candidates for the special law enforcement commissions: "(B) MEMORANDA OF AGREEMENT.—
“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

“(ii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the applicable Indian tribe.”

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

“TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

SEC. 701. INDIAN LAW ENFORCEMENT FOUNDATION.

“(a) Establishment.—As soon as practicable after the date of enactment of this title, the Secretary shall es-
establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation' (referred to in this section as the 'Foundation').

"(b) DUTIES.—The Foundation shall—

"(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

"(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.’’.

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

"(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—
“(1) a Federal, tribal, State, or other government agency; or

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

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

(a) Education and Research Programs.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting “tribal,” after “State,” each place it appears.

(b) Public-Private Education Program.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

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

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

(c) Cooperative Arrangements.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

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

and

(2) in subsection (d)(1), by inserting "tribal," after "State".

(d) Powers of Enforcement Personnel.—Section 508(a) of the Controlled Substances Act (21 U.S.C. § 878(a)) is amended in the matter preceding paragraph (1) by inserting "tribal," after "State".

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) Access to National Criminal Information Databases.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(1), by inserting "Indian tribes," after "the States,";

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

"(d) Indian Law Enforcement Agencies.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

"(1) to directly access and enter information into Federal criminal information databases; and

"(2) to directly obtain information from the databases.";
(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting "tribal," after "Federal".

(b) REQUIREMENT.—

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

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.
SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) CONSTITUTIONAL RIGHTS.—Section 202 of Public Law 90–284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) In general.—No Indian tribe'';

(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking ''and a fine'' and inserting ''or a fine''; and

(3) by adding at the end the following:

''(b) Tribal Courts and Prisoners.—

''(1) In general.—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

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

''(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of a single off-
fense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

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

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

"(A) require that each judge presiding over an applicable criminal case is licensed to practice law in any jurisdiction in the United States; and

"(B) make publicly available the criminal laws (including regulations and interpretive documents) of the Indian tribe.

(3) SENTENCES. A tribal court acting pursuant to paragraph (1) may require a convicted offender—

"(A) to serve the sentence—

"(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;
“(ii) in the nearest appropriate Federal facility, at the expense of the United States pursuant to a memorandum of agreement with Bureau of Prisons in accordance with paragraph (4);

“(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

“(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

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

“(4) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—

“(A) shall acknowledge that the United States will incur all costs involved, including the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred prisoners; and

“(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of violent
crimes; crimes involving sexual abuse; and serious drug offenses, as determined by the Bureau of Prisons; in consultation with tribal governments, by regulation;

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

"(D) shall contain such other requirements as the Bureau of Prisons, in consultation with the Bureau of Indian Affairs and tribal governments, may determine, by regulation; and

"(E) shall be executed and carried out not later than 180 days after the date on which the applicable Indian tribe first contacts the Bureau of Prisons to accept a transfer of a tribal court offender pursuant to this subsection.

"(c) Effect of Section.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.”.

(b) Grants and Contracts.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C.
is amended by striking paragraph (2) and inserting the following:

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

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

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

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

(i) the Attorney General; and

(ii) the Secretary of the Interior;

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

(C) 4 shall be appointed by the minority leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;
(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairperson of the Committee on Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Natural Resources of the House of Representatives:

(2) Requirements for eligibility.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) Consultation required.—The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of var-
ious points of view with respect to the matters to be studied by the Commission.

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

(5) Time for initial appointments.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) Vacancies.—A vacancy in the Commission shall be filled—

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

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

(e) Operation.—

(1) Chairperson.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) Meetings.—

(A) In general.—The Commission shall meet at the call of the Chairperson.
(B) Initial Meeting.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

(C) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(D) Rules.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(E) Comprehensive Study of Criminal Justice System Relating to Indian Country.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

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

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

(B) residents of Indian land;

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

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;
(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

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

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

(A) the authority of Indian tribes; and

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

(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2009.

(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) improving services and programs—

(A) to prevent juvenile crime on Indian land;
(B) to rehabilitate Indian youth in custody;

and

(C) to reduce recidivism among Indian youth;

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

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

(5) changes to the tribal jails and Federal prison systems; and

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

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

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

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

(g) POWERS.—

(1) HEARINGS.—

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

(B) Public Requirement.—The hearings of the Commission under this paragraph shall be open to the public.

(2) Witness Expenses.—

(A) In General.—A witness requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1824 of title 28, United States Code.

(B) Per Diem and Mileage.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

(3) Information from Federal, Tribal, and State Agencies.—

(A) In General.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) Tribal and State Agencies.—The Commission may request the head of any tribal or State agency to provide to the Commission
such information as the Commission considers
to be necessary to carry out this section.

(4) Postal Services.—The Commission may
use the United States mails in the same manner and
under the same conditions as other agencies of the
Federal Government.

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

(h) Commission Personnel Matters.—

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

(2) Detail of Federal Employees.—On the
affirmative vote of 2/3 of the members of the Com-
mission and the approval of the appropriate Federal
agency head, an employee of the Federal Govern-
ment may be detailed to the Commission without re-
imbursment, and such detail shall be without inter-
ruption or loss of civil service status, benefits, or
privileges.

(3) PROCUREMENT OF TEMPORARY AND INTER-
MITTENT SERVICES.—On request of the Commis-

sion, the Attorney General and Secretary shall pro-
vide to the Commission reasonable and appropriate
office space, supplies, and administrative assistance.

(1) CONTRACTS FOR RESEARCH—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote
of 2/3 of the members of the Commission, the
Commission may select nongovernmental re-
searchers and experts to assist the Commission
in carrying out the duties of the Commission
under this section.

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

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

(j) Tribal Advisory Committee.—

(1) Establishment. — The Commission shall
establish a committee, to be known as the "Tribal
Advisory Committee".

(2) Membership.—

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

(B) Qualifications. — Each member of
the Tribal Advisory Committee shall have expe-
rience relating to—

(i) justice systems;

(ii) crime prevention; or

(iii) victim services.

(3) Duties. — The Tribal Advisory Committee
shall—

(A) serve as an advisory body to the Com-
mision; and

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

(k) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(l) Termination of Commission.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (c)(3).

(m) Nonapplicability of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) Correction of References.—

(1) Inter-Departmental Memorandum of Agreement.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—
(I) by striking "the date of enactment of this subtitle" and inserting "the date of enactment of the Tribal Law and Order Act of 2009"; and

(II) by inserting "the Attorney General," after "Secretary of the Interior";

(ii) in paragraph (2)(A), by inserting "Bureau of Justice Assistance, Substance Abuse and Mental Health Services Administration," after "Bureau of Indian Affairs;"

(iii) in paragraph (4), by inserting "Department of Justice, Substance Abuse and Mental Health Services Administration," after "Bureau of Indian Affairs;"

(iv) in paragraph (5), by inserting "Department of Justice, Substance Abuse and Mental Health Services Administration," after "Bureau of Indian Affairs;" and

(v) in paragraph (7), by inserting "the Attorney General," after "Secretary of the Interior;"
(B) in subsection (c), by inserting "the Attorney General," after "Secretary of the Interior," and

(C) in subsection (d), by striking "the date of enactment of this subtitle" and inserting "the date of enactment of the Tribal Law and Order Act of 2009".

(2) Tribal action plans.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting "the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration," before "and the Indian Health Service service unit";

(B) in subsection (c)(1)(A)(i), by inserting "the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration," before "and the Indian Health Service service unit";

(C) in subsection (d)(2), by striking "fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996,"
“the period of fiscal years 2010 through 2014”; (D) in subsection (c), in the first sentence,
by inserting “; the Attorney General,” after
“the Secretary of the Interior”; and
(E) in subsection (f)(3), by striking “fiscal
year 1993 and such sums as are necessary for
each of the fiscal years 1994, 1995, 1996,
“the period of fiscal years 2010 through 2014”.

(3) DEPARTMENTAL RESPONSIBILITY.—Section
4207 of the Indian Alcohol and Substance Abuse
2413) is amended—
(A) in subsection (a), by inserting “; the
Attorney General” after “Bureau of Indian Af-
fairs”; (B) in subsection (b)—
(i) by striking paragraph (1) and in-
serting the following:
“(1) ESTABLISHMENT.—

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

‘‘(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

‘‘(i) on a permanent basis; and

‘‘(ii) at a grade of not less than GS–15 of the General Schedule.’’;

(ii) in paragraph (2)—

(I) by striking ‘‘(2) In addition’’ and inserting the following:

‘‘(2) RESPONSIBILITIES OF OFFICE.—In addition’’;

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

‘‘(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;’’;

(III) in subparagraph (B)—
(aa) by striking "within the

Bureau of Indian Affairs"; and

(bb) by striking the period

at the end and inserting ";, and";

and

(IV) by adding at the end the fol-

lowing:

"(C) not later than 1 year after the date

of enactment of the Tribal Law and Order Act

of 2009, developing, in coordination and con-

sultation with tribal governments, a framework

for interagency and tribal coordination that—

"(i) establish the goals and other de-

sired outcomes of this Act;

"(ii) prioritizes outcomes that are

aligned with the purposes of affected agen-

cies;

"(iii) provides guidelines for resource

and information sharing;

"(iv) provides technical assistance to

the affected agencies to establish effective

and permanent interagency communication

and coordination; and
“(v) determines whether collaboration
is feasible, cost-effective, and within agency
capability;”; and

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

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

(C) in subsection (c)—

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

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

(iii) in paragraph (3)—

(I) in the matter preceding sub-
paragraph (A), by striking “Youth”
and inserting “youth”; and
(II) by striking "programs of the
Bureau of Indian Affairs" and insert-
ing "the applicable Federal pro-
grams".

(4) REVIEW OF PROGRAMS.—Section 4208a(a)
of the Indian Alcohol and Substance Abuse Preven-
2414a(a)) is amended in the matter preceding para-
graph (1) by inserting "the Attorney General,"
after "the Secretary of the Interior".

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

(A) in subsection (a), by inserting "the
Attorney General," after "the Secretary of the
Interior";

(B) in subsection (b)—

(i) in the first sentence, by inserting
"the Attorney General," after "the Sec-
retary of the Interior";

(ii) in the second sentence, by insert-
ing "nor the Attorney General," after
"the Secretary of the Interior"; and
(iii) in the third sentence, by inserting

"the Department of Justice," after "the Department of the Interior"; and

(C) in subsection (e)(1), by inserting "the Attorney General," after "the Secretary of the Interior".

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

(A) in subsection (a), in the first sentence, by inserting "the Attorney General," after "the Secretary of the Interior"; and

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

(7) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting "the Attorney General," after "the Secretary of the Interior".

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

"(a) Summer Youth Programs.—

"(1) In general.—The head of the Indian Al-
cohol and Substance Abuse Program, in coordination
with the Assistant Secretary for Indian Affairs, shall
develop and implement programs in tribal schools
and schools funded by the Bureau of Indian Edu-
cation (subject to the approval of the local school
board or contract school board) to determine the ef-
fectiveness of summer youth programs in advancing
the purposes and goals of this Act.

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

"(3) Authorization of Appropriations.—
There are authorized to be appropriated to carry out
the programs under this subsection such sums as
are necessary for each of fiscal years 2010 through
2014.".
(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking "as may be necessary" and all that follows through the end of the paragraph and inserting "as are necessary for each of fiscal years 2010 through 2014."

(2) in paragraph (2), by striking "$7,000,000" and all that follows through the end of the paragraph and inserting "$10,000,000 for each of fiscal years 2010 through 2014."

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting "; the Attorney General," after "the Secretary of the Interior."

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

(1) in subsection (a)—

(A) in paragraph (1)—
(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;
(ii) in subparagraph (B), by striking "" and"" at the end and inserting a semicolon;
(iii) in subparagraph (C), by striking the period at the end and inserting "" and"" and
(iv) by adding at the end the following:

""(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada."";

(B) in paragraph (2), by striking ""United States Custom Service"" and inserting ""United States Customs and Border Protection""; and
(C) by striking paragraph (3) and inserting the following:

""(3) Authorization of Appropriations.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2014.""; and
(2) in subsection (b)(2), by striking "as may be necessary" and all that follows through the end of
the paragraph and inserting "as are necessary for each of fiscal years 2010 through 2014."

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
Section 4218 of the Indian Alcohol and Substance Abuse
is amended—

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

"(a) TRAINING PROGRAMS.—

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

"(A) the investigation and prosecution of
offenses relating to illegal narcotics; and

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

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

(g) Juvenile Detention Centers.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

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

“(1) In general.—The Secretary”;

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

“(2) Construction and operation.—The Secretary shall”; and

(C) by adding at the end the following:

“(3) Development of plan.—
“(A) In general.—Not later than 180 days after the date of enactment of this paragraph, the Secretary, the Director of the Substance Abuse and Mental Health Services Administration, the Director of the Indian Health Service, and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

“(B) Coordination.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.”; and

(2) in subsection (b)—

(A) by striking “such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting “such sums as are necessary for each of fiscal years 2010 through 2014”; and
(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

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

"(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, guardians ad litem, and court-appointed special advocates for children and juveniles;"

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

(A) in subsection (a)—

(i) by striking "the provisions of sections 101 and 102 of this Act" and inserting "sections 101 and 102"; and

(ii) by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2010 through 2014";

(B) in subsection (b)—
(i) by striking "the provisions of section 103 of this Act" and inserting "section 103"; and

(ii) by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2010 through 2014";

(C) in subsection (e), by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2010 through 2014"; and

(D) in subsection (d), by striking "the fiscal years 2000 through 2007" and inserting "fiscal years 2010 through 2014".

(b) Technical and Legal Assistance.—

(1) Tribal Civil Legal Assistance Grants.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting "(including guardians ad litem and court-appointed special advocates for children and juveniles)" after "civil legal assistance".

(2) Tribal Criminal Legal Assistance Grants.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking "criminal legal assistance to members of Indian tribes and tribal
justice systems” and inserting “criminal legal assistance services to all defendants subject to tribal court jurisdiction and judicial services for tribal courts”.

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

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

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

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

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

(1) in subsection (b)—

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

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

(C) in paragraphs (9) and (10), by inserting “tribal,” after “State” each place it appears;

(D) in paragraph (15)—
(i) by striking “a State in” and inserting “a State or Indian tribe in”;  
(ii) by striking “the State which” and inserting “the State or tribal community that”; and  
(iii) by striking “a State or” and inserting “a State, tribal, or”;  
(F) in paragraph (16), by striking “and” at the end;  
(F) in paragraph (17), by striking the period at the end and inserting “; and”;  
(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and  
(H) by adding at the end the following:  
“(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section on behalf of the Bureau for use in accordance with paragraphs (1) through (16).”.

(2) in subsection (i), by striking “The authority” and inserting “Except as provided in subsection (j), the authority”; and  
(3) by adding at the end the following:  
“(j) GRANTS TO INDIAN TRIBES.—
(1) In general.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2010 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

(2) Priority of funding.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

(3) Federal share.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.

(4) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2010 through 2014.
(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

(1) the problem of intermittent funding;

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

(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.

SEC. 404. TRIBAL JAILS PROGRAM.

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

(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2010 through 2014 to carry out this section.

(b) REGIONAL DETENTION CENTERS.—
(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

"(b) GRANTS TO INDIAN TRIBES.—

"(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

"(A) to Indian tribes for purposes of—

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

"(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

"(iii) developing and implementing alternatives to incarceration in tribal jails;

"(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws; and

"(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal juris-
diction, as the applicable consortium determines
to be appropriate.

"(2) Priority of funding.—In providing
grants under this subsection, the Attorney General
shall take into consideration applicable—

"(A) reservation crime rates;
"(B) annual tribal court convictions; and
"(C) bed space needs.

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

(2) Conforming Amendment.—Section
20109(e) of the Violent Crime Control and Law En-
forcement Act of 1994 (42 U.S.C. 13709(e)) is
amended by inserting "or consortium of Indian
tribes, as applicable," after "Indian tribe".

(3) Long-Term Plan.—Section 20109 of the
Violent Crime Control and Law Enforcement Act of
1994 (42 U.S.C. 13709) is amended by adding at
the end the following:

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

"(1) proposed activities for construction of de-
tention facilities (including regional facilities) on In-
dian land;

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

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

"(4) proposed alternatives to incarceration, de-
developed in cooperation with tribal court systems; and

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

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and
is amended by adding at the end the following:

"SEC. 203. ASSISTANT PAROLE AND PROBATION OFFICERS.

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

"(1) appoint individuals residing in Indian

country to serve as assistant parole or probation of-
ficers for purposes of monitoring and providing serv-

ice to Federal prisoners residing in Indian country;

and

"(2) provide substance abuse, mental health,

and other related treatment services to offenders re-
siding on Indian land.".

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY

PREVENTION PROGRAMS.—

(1) IN GENERAL.—Section 504 of the Juvenile

Justice and Delinquency Prevention Act of 1974 (42

U.S.C. 5783) is amended—

(A) in subsection (a), by inserting "or to

Indian tribes under subsection (d)" after "sub-

section (b)"); and

(B) by adding at the end the following:

"(d) GRANTS FOR TRIBAL DELINQUENCY PREVEN-

TION AND RESPONSE PROGRAMS.—

"(1) IN GENERAL.—The Administrator shall

make grants under this section; on a competitive
basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

``(A) to support and enhance—

``(i) tribal juvenile delinquency prevention services; and

``(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders;

and

``(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

``(2) Eligible Indian tribes.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

``(3) Priority of funding.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the reservation communities to be served—

``(A) juvenile crime rates;

``(B) dropout rates; and

``(C) percentage of at-risk youth.""
(2) AUTHORIZATION OF APPROPRIATIONS.—


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

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

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

“(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.”.
TITLE V—INDIAN COUNTRY
CRIME DATA COLLECTION
AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN
COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence
Against Women and Department of Justice Reauthoriza-
162) is amended—

(1) in subsection (a)—

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

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

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

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

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

and
(2) in subsection (b), by inserting "tribal," before "State," each place it appears.

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

(1) in subsection (c)—

(A) in paragraph (1), by inserting "Indian tribes," after "contracts with";

(B) in each of paragraphs (3) through (6), by inserting "tribal," after "State," each place it appears;

(C) in paragraph (7), by inserting "and in Indian country" after "States";

(D) in paragraph (9), by striking "Federal and State Governments" and inserting "Federal Government and State and tribal governments";

(E) in each of paragraphs (10) and (11), by inserting "tribal," after "State" each place it appears;

(F) in paragraph (13), by inserting "Indian tribes," after "States";

(G) in paragraph (17)—

(i) by striking "State and local" and inserting "State, tribal, and local"; and
(ii) by striking "State, and local" and inserting "State, tribal, and local";

(H) in paragraph (18), by striking "State and local" and inserting "State, tribal, and local";

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

(J) in paragraph (20), by inserting "; tribal," after "State"; and

(K) in paragraph (22), by inserting "; tribal," after "Federal";

(2) in subsection (d)—

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

(B) by striking "To insure" and inserting the following:

"(1) IN GENERAL.—To ensure"; and

(C) by adding at the end the following:

"(2) CONSULTATION WITH INDIAN TRIBES.— The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement Services) and the Director of the Federal Bureau of Investigation,
shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.''

(3) in subsection (e), by striking "subsection (d)(3)" and inserting "subsection (d)(1)(C)";

(4) in subsection (f)—

(A) in the subsection heading, by inserting "Tribal," after "State"; and

(B) by inserting "tribal," after "State";

and

(5) by adding at the end the following:

"(g) REPORT TO CONGRESS ON CRIMES IN INDIAN COUNTRY.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:
(f) Grants to Improve Tribal Data Collection Systems.—

(1) Grant Program.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

(2) Regulations.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice officials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting "tribal" after "State."
TITLE VI—DOMESTIC VIOLENCE
AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

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

(1) in subsection (a)(4), by inserting "tribal," after "State";

(2) in subsection (b)(1), in the first sentence, by striking "officer of the State and of the local jurisdiction" and inserting "officers of each State, tribal, and local jurisdiction"; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "officer of the State and of the local jurisdiction" and inserting "officers of each State, tribal, and local jurisdiction"; and

(ii) in subparagraph (B), by inserting "tribal," after "State" each place it appears; and

(B) in paragraph (2)—

(i) by striking "(2) Notice" and inserting the following:

"(2) REQUIREMENTS."
“(A) IN GENERAL.—A notice’’;

(ii) in the second sentence, by striking

“For a person who is released’’ and inserting the following:

“(B) RELEASED PERSONS.—For a person who is released’’;

(iii) in the third sentence, by striking

“For a person who is sentenced’’ and inserting the following:

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

(iv) in the fourth sentence, by striking

“Notice concerning’’ and inserting the following:

“(D) RELEASED PERSONS REQUIRED TO REGISTER.—

“(i) IN GENERAL.—A notice concerning’’; and

(v) in subparagraph (D) (as designated by clause (iv)), by adding at the end the following:

“(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in paragraph (3) the expected place of residence of whom is potentially located in In-
dian country, the Director of the Bureau of Prisons or the Director of the Administrative Office of the United States Courts, as appropriate, shall—

"(I) make all reasonable and necessary efforts to determine whether the residence of the person is located in Indian country; and

"(II) ensure that the person is registered with the law enforcement office of each appropriate jurisdiction before release from Federal custody."

SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: ", including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses."
SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES
OF RAPE AND SEXUAL ASSAULT.

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

"SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN CASES
OF RAPE AND SEXUAL ASSAULT.

(a) Approval of Employee Testimony.—The
Director of the Office of Justice Services or the Director
of the Indian Health Service, as appropriate (referred to
in this section as the ‘Director concerned’), shall approve
or disapprove, in writing, any request or subpoena for a
law enforcement officer, sexual assault nurse examiner, or
other employee under the supervision of the Director con-
cerned to provide testimony in a deposition, trial, or other
similar proceeding regarding information obtained in car-
rying out the official duties of the employee.

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

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

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

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

“SEC. 12. COORDINATION OF FEDERAL AGENCIES.

“(a) In general.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

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

“(2) to improve forensic examinations and collection;

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

“(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

“(b) Report.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the
Committee on Natural Resources of the House of Representa-
tives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appropriate.’’

SEC. 605. SEXUAL ASSAULT PROTOCOL.

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

‘‘SEC. 803. POLICIES AND PROTOCOL.

‘‘The Director of Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.’’

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ‘‘Tribal Law and Order Act of 2009’’.

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

Sec. 1. Short title; table of contents.
SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—
(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of tribal communities;

(2) several States have been delegated or have accepted responsibility to provide for the public safety of tribal communities within the borders of the States;

(3) Congress and the President have acknowledged that—

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

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

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

(5) on many Indian reservations, law enforcement officers respond to distress or emergency calls without backup and travel to remote locations without adequate radio communication or access to national crime information database systems;
(6) the majority of tribal detention facilities were constructed decades before the date of enactment of this Act and face multibillion-dollar unmet facility needs;

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

(8) tribal courts—

(A) are important arbiters of criminal and civil justice for actions arising in Indian country; but

(B) have been historically underfunded;

(9) tribal courts are limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government and certain State governments for the prosecution of major crimes in Indian country;

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

(11) the complicated jurisdictional scheme that exists in Indian country—
(A) has a significant negative impact on the
ability to provide public safety to Indian com-
munities; and

(B) has been increasingly exploited by
criminals;

(12) Department of Justice statistics show
that—

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

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

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

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

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

(14) the lack of police presence and resources in
Indian country has resulted in significant delays in
responding to victims’ calls for assistance, which ad-
versely affects the collection of evidence needed to
prosecute crimes, particularly crimes of domestic and sexual violence;

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

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

(17) the Department of Justice has reported that drug organizations have increasingly targeted Indian country to produce and distribute methamphetamine, citing the limited law enforcement presence and jurisdictional confusion as reasons for the increased activity;

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

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

(B) that complexity requires a high degree of commitment and cooperation from Federal and State officials;
(20) cooperative law enforcement agreements between tribal, State, and local governments improve public safety in tribal and nearby communities;

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

(22) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

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

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

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in tribal communities;

(4) to reduce the prevalence of violent crime in tribal communities and to combat sexual and domes-
• to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and
(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in tribal communities.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this Act:

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

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

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

(4) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of an Indian tribe.
(b) Indian Law Enforcement Reform Act.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

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

“(A) a tribal prosecutor;

“(B) a tribal law enforcement officer; or

“(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.”.

Title I—Federal Accountability and Coordination

Sec. 101. Office of Justice Services Responsibilities.

(a) Definitions.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

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

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking “Division of Law Enforcement Services” and inserting “Office of Justice Services”.

S 797 RS
Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

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

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

(2) in subsection (c)—

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

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

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

(D) by adding at the end the following:

“(10) the development and provision of dispatch and emergency and E–911 services;

“(11) communicating with tribal leaders, tribal community and victims’ advocates, tribal justice officials, and residents of Indian land on a regular basis
regarding public safety and justice concerns facing tribal communities;

“(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

“(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

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

“(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are
eligible for programs offered by the Department of Justice;

“(16) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

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

“(I) criminal investigators;

“(II) uniform police;

“(III) police and emergency dispatchers;

“(IV) detention officers;

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

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

“(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;
“(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, and related program costs;

“(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

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

“(17) submitting to the Committee on Indian Affairs of the Senate and the Committee on Natural Re-
sources of the House of Representatives, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Bureau of Indian Affairs; and

“(18) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).”;

(3) in subsection (d)—

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

(B) in paragraph (4)(i), in the first sentence, by striking “Division” and inserting “Office of Justice Services”;

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

(5) by adding at the end the following:

“(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment
of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including a description of—

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

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

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

“(4) proposed activities for alternatives to incarceration, developed in cooperation with tribal court systems; and

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

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—
(1) in paragraph (2)(A), by striking “), or” and inserting “or offenses processed by the Central Violations Bureau); or”; and

(2) in paragraph (3)—

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

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

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

(D) by adding at the end the following:

“(D)(i) the offense involves—

“(I) a misdemeanor controlled substance offense in violation of—

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

“(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.); or

“(cc) section 731 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (21 U.S.C. 865);
“(II) a misdemeanor firearms offense in violation of chapter 44 of title 18, United States Code;

“(III) a misdemeanor assault in violation of chapter 7 of title 18, United States Code; or

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

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

SEC. 102. DISPOSITION REPORTS.

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

“(a) COORDINATION AND DATA COLLECTION.—

“(1) INVESTIGATIVE COORDINATION.—Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the use of evidence relevant to the case...
to advance prosecution of the case in a tribal court with concurrent authority over the crime alleged.

“(2) INVESTIGATION DATA.—The Federal Bureau of Investigation shall compile, on an annual basis and by Federal judicial district, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into a crime that occurred in Indian country, including—

“(A) the types of crimes alleged;

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

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

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

“(3) PROSECUTORIAL COORDINATION.—Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the use of evidence relevant to the case to advance prosecution of the case in a tribal court with concurrent authority over the crime alleged.
“(4) PROSECUTION DATA.—Each United States Attorney shall submit to the Native American Issues Coordinator relevant information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country and were referred for prosecution by law enforcement agencies, including—

“(A) the types of crimes alleged;

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

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

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

“(b) ANNUAL REPORTS.—

“(1) IN GENERAL.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information complied under paragraphs (2) and (4) of subsection (a)—

“(A) organized—

“(i) in the aggregate; and

“(ii) by Federal judicial district; and

“(B) including any relevant explanatory statements.
“(2) AVAILABILITY TO CONGRESS.—The Attorney General shall submit to Congress an annual report containing the information compiled under paragraph (1), together with relevant explanatory statements, if any.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

“(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Rule 6 of the Federal Rules of Criminal Procedure shall apply to this section.

“(3) REGULATIONS.—Each Federal agency required to submit a report pursuant to this section shall adopt, by regulation, standards for the protection of confidential or privileged communications, information, and sources under paragraph (1).”.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—Section 543 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: “, including the appointment of qualified tribal prosecutors and other
qualified attorneys to assist in prosecuting Federal of-
fenses committed in Indian country’’; and

(2) by adding at the end the following:

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

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

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

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

“(b) DUTIES.—A tribal liaison shall be responsible for
the following activities in the district of the tribal liaison:

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

“(2) Developing multidisciplinary teams to com-
bat child abuse and domestic and sexual violence of-
fenses against Indians.
“(3) Consulting and coordinating with tribal justice officials and victims’ advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

“(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims’ advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

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

“(6) Providing technical assistance and training regarding evidence gathering techniques to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

“(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

“(8) Coordinating with the Office of Tribal Justice, as necessary.
“(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

“(c) EFFECT OF SECTION.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(d) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

“(1) FINDINGS.—Congress finds that—

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

“(B) tribal liaisons have dual obligations of—

“(i) coordinating prosecutions of Indian country crime; and

“(ii) developing relationships with tribal communities and serving as a link between tribal communities and the Federal justice process.
“(2) Sense of Congress.—It is the sense of Congress that the Attorney General should—

“(A) take all appropriate actions to encourage the aggressive prosecution of all Federal crimes committed in Indian country; and

“(B) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.

“(e) Enhanced Prosecution of Minor Crimes.—

“(1) In general.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

“(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

“(i) the crime rate exceeds the national average crime rate; or

“(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;
“(B) to coordinate with applicable United States magistrate and district courts—

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

“(ii) to hold trials and other proceedings in Indian country, as appropriate;

“(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

“(D) if an agreement is entered into with a Federal court pursuant to paragraph (2), to provide technical and other assistance to tribal governments and tribal court systems to ensure the success of the program under this subsection.

“(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.”.

SEC. 104. ADMINISTRATION.

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

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

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

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

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

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

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

“SEC. 106. OFFICE OF TRIBAL JUSTICE.

“(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2009, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

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

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

“(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

“(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

“(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

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

“(B) any tribal treaty provision;

“(C) the status of Indian tribes as a sovereign governments; or

“(D) any other tribal interest.”.
(b) NATIVE AMERICAN ISSUES COORDINATOR.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

“SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.

“(a) ESTABLISHMENT.—There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the ‘Native American Issues Coordinator’.

“(b) DUTIES.—The Native American Issues Coordinator shall—

“(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

“(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

“(3) submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives annual reports describing the prosecution and declination rates of cases involving alleged crimes in Indian country referred to United States Attorneys;

“(4) coordinate as necessary with other components of the Department of Justice and any relevant
advisory groups to the Attorney General or the Deputy Attorney General; and

“(5) carry out such other duties as the Attorney General may prescribe.”.

SEC. 105. PRESCRIPTION DRUG MONITORING.

(a) MONITORING.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in coordination with the Secretary of the Interior and the Attorney General, shall establish a prescription drug monitoring program, to be carried out at health care facilities of the Indian Health Service, tribal health care facilities, and urban Indian health care facilities.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the needs of the Indian Health Service, tribal health care facilities, and urban Indian health care facilities with respect to the prescription drug monitoring program under paragraph (1);
(B) the planned development of that program, including any relevant statutory or administrative limitations; and

(C) the means by which the program could be carried out in coordination with any State prescription drug monitoring program.

(b) ABUSE.—

(1) IN GENERAL.—The Attorney General, in conjunction with the Secretary of Health and Human Services and the Secretary of the Interior, shall conduct—

(A) an assessment of the capacity of, and support required by, relevant Federal and tribal agencies—

(i) to carry out data collection and analysis regarding incidents of prescription drug abuse in Indian communities; and

(ii) to exchange among those agencies and Indian health programs information relating to prescription drug abuse in Indian communities, including statutory and administrative requirements and limitations relating to that abuse; and

(B) training for Indian health care providers, tribal leaders, law enforcement officers,
and school officials regarding awareness and
prevention of prescription drug abuse and strate-
gies for improving agency responses to address-
ing prescription drug abuse in Indian commu-
nities.

(2) REPORT.—Not later than 18 months after the
date of enactment of this Act, the Attorney General
shall submit to the Committee on Indian Affairs of
the Senate and the Committee on Natural Resources
of the House of Representatives a report that de-
scribes—

(A) the capacity of Federal and tribal agen-
cies to carry out data collection and analysis
and information exchanges as described in para-
graph (1)(A);

(B) the training conducted pursuant to
paragraph (1)(B);

(C) infrastructure enhancements required to
carry out the activities described in paragraph
(1), if any; and

(D) any statutory or administrative bar-
riers to carrying out those activities.
TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—

Section 401(a) of Public Law 90–284 (25 U.S.C. 1321(a)) is amended—

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

“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

“(a) CONSENT OF UNITED STATES.—

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

(2) by adding at the end the following:

“(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United States shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.”.
(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by adding at the end the following:

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

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

“(2) jurisdiction over those areas shall be concurrent among the Federal Government and State and tribal governments.”.

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

(a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE PROGRAM.—The Attorney General may provide grants, technical assistance, and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness; and

(2) reducing crime in Indian country and nearby communities.

(b) PROGRAM PLANS.—
(1) IN GENERAL.—To be eligible to receive assistance under this section, a group composed of not less than 1 of each of a tribal government and a State or local government shall jointly develop and submit to the Attorney General a plan for a program to achieve the purpose described in subsection (a).

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

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

(B) the need of the proposed program for funding under this section, the amount of funding requested, and the proposed use of funds, subject to the requirements listed in subsection (c);

(C) the unit of government that will administer any assistance received under this section, and the method by which the assistance will be distributed;

(D) the types of law enforcement services to be performed on each applicable Indian reserva-
tion and the individuals and entities that will perform those services;

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

(F) the method by which local and tribal government input with respect to the planning and implementation of the program will be ensured;

(G) the policies of the program regarding mutual aid, hot pursuit of suspects, deputization, training, and insurance of applicable law enforcement officers;

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

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

(c) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this section may use the grant, in accordance with the program plan described in subsection (b)—

(1) to hire and train new career tribal, State, or local law enforcement officers, or to make overtime
payments for current law enforcement officers, that
are or will be dedicated to—

(A) policing tribal land and nearby lands;

and

(B) investigating alleged crimes on those
lands;

(2) procure equipment, technology, or support
systems to be used to investigate crimes and share in-
formation between tribal, State, and local law en-
forcement agencies; or

(3) for any other uses that the Attorney General
determines will meet the purposes described in sub-
section (a).

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

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

(2) The complexity of the law enforcement prob-
lems proposed to be addressed by the program.

(3) The range of services proposed to be provided
by the program.
(4) The proposed improvements the program will make regarding law enforcement cooperation beyond existing levels of cooperation.

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

(6) The available resources of each entity applying for a grant under this section for dedication to public safety in the respective jurisdictions of the entities.

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

(f) **REPORTS BY ATTORNEY GENERAL.**—Not later than January 15 of each applicable fiscal year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the law enforcement programs carried out using assistance provided under this section during the preceding fiscal year, including the success of the programs.
(g) **TECHNICAL ASSISTANCE.**—On receipt of a request from a group composed of not less than 1 tribal government and 1 State or local government, the Attorney General shall provide technical assistance to the group to develop successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2010 through 2014.

**TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS**

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

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

(1) in paragraph (1)—

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

“(e) **STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.**—
“(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

“(A) IN GENERAL.—The Secretary’; and

(B) by adding at the end the following:

“(B) REQUIREMENTS FOR TRAINING.—The training standards established under subparagraph (A)—

“(i) should comply with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

“(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

“(C) TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.—The training standards established under subparagraph (A) shall permit law enforcement personnel of the Office of Justice Services or an Indian tribe to obtain training at a State or tribal police academy, a local or tribal community college, or other training academy
that meets the appropriate Peace Officer Standards of Training.

“(D) Maximum Age Requirement.—Pursuant to section 3307(e) of title 5, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.”;

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

(3) by adding at the end the following:

“(4) Background Checks for Tribal Justice Officials.—The Office of Justice Services shall develop standards and deadlines for the provision of background checks for tribal law enforcement and corrections officials that ensure that a response to a request by an Indian tribe for such a background check shall be provided by not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe.”.

(b) Special Law Enforcement Commissions.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended—
(1) by striking “(a) The Secretary may enter
into an agreement” and inserting the following:
“(a) AGREEMENTS.—
“(1) IN GENERAL.—Not later than 180 days
after the date of enactment of the Tribal Law and
Order Act of 2009, the Secretary shall establish proce-
dures to enter into memoranda of agreement”;
(2) in the second sentence, by striking “The Sec-
retary” and inserting the following:
“(2) CERTAIN ACTIVITIES.—The Secretary”; and
(3) by adding at the end the following:
“(3) PROGRAM ENHANCEMENT.—
“(A) TRAINING SESSIONS IN INDIAN COUN-
TRY.—
“(i) IN GENERAL.—The procedures de-
scribed in paragraph (1) shall include the
development of a plan to enhance the certifi-
cation and provision of special law enforce-
ment commissions to tribal law enforcement
officials, and, subject to subsection (d),
State and local law enforcement officials,
pursuant to this section.
“(ii) INCLUSIONS.—The plan under
clause (i) shall include the hosting of re-
gional training sessions in Indian country,
not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

“(B) MEMORANDA OF AGREEMENT.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2009, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

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

“(iii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement
commission agreement with the applicable Indian tribe.”.

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

“TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

“SEC. 701. DEFINITIONS.

“In this title:

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

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

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

“(4) FOUNDATION.—The term ‘Foundation’ means the Indian Law Enforcement Foundation established under section 702.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.
“SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.

“(a) Establishment.—

“(1) In general.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the ‘Indian Law Enforcement Foundation’.

“(2) Funding determinations.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

“(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

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

“(b) Nature of Corporation.—The Foundation—

“(1) shall be a charitable and nonprofit federally chartered corporation; and

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

“(c) Place of Incorporation and Domicile.—The Foundation shall be incorporated and domiciled in the District of Columbia.
“(d) Duties.—The Foundation shall—

“(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

“(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

“(e) Committee for the Establishment of the Indian Law Enforcement Foundation.—

“(1) In General.—The Secretary shall establish the a committee, to be known as the ‘Committee for the Establishment of the Indian Law Enforcement Foundation’, to assist the Secretary in establishing the Foundation.

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

“(A) carry out such activities as are necessary to incorporate the Foundation under the
laws of the District of Columbia, including acting as incorporators of the Foundation;

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

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

“(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

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

“(f) BOARD OF DIRECTORS.—

“(1) In general.—The Board of Directors shall be the governing body of the Foundation.

“(2) Powers.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

“(3) Selection.—

“(A) In general.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of of-
office of the members shall be as provided in the constitution and bylaws of the Foundation.

“(B) REQUIREMENTS.—

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

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

“(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

“(II) shall serve for staggered terms.

“(iii) QUALIFICATION.—The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

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

“(1) IN GENERAL.—The officers of the Foundation shall be—

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

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

“(2) CHIEF OPERATING OFFICER.—

“(A) SECRETARY.—Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

“(B) APPOINTMENT.—The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

“(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

“(h) POWERS.—The Foundation—

“(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;
“(2) may adopt and alter a corporate seal;

“(3) may enter into contracts;

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

“(5) may sue and be sued; and

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

“(i) Principal Office.—

“(1) In general.—The principal office of the Foundation shall be located in the District of Columbia.

“(2) Activities; offices.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

“(j) Service of Process.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

“(k) Liability of Officers, Employees, and Agents.—
“(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

“(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

“(1) RESTRICTIONS.—

“(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

“(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

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

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

“(A) for the first 2 fiscal years described in that paragraph, 25 percent;
“(B) for the following fiscal year, 20 percent; and
“(C) for each fiscal year thereafter, 15 percent.
“(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.
“(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.
“(m) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.
“(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each of the 5 fiscal years of operation of the Foundation.

“SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.
“(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—
“(1) may provide personnel, facilities, and other administrative support services to the Foundation;

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

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

“(A) services provided under paragraph (1);

and

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

“(b) Reimbursement.—Reimbursements accepted under subsection (a)(3)—

“(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

“(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

“(c) Continuation of Certain Services.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services are—

“(1) available; and

“(2) provided on reimbursable cost basis.”.
(d) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

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

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

(3) in subsection (a)(2) of section 802 and paragraph (2) of section 803 (as redesignated by paragraph (2)), by striking “section 501” and inserting “section 801”.

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

“(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—

“(1) a Federal, tribal, State, or other government agency; or

“(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.”.
SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) Education and Research Programs.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting “tribal,” after “State,” each place it appears.

(b) Public-Private Education Program.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

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

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

(c) Cooperative Arrangements.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

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

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

and

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

(d) Powers of Enforcement Personnel.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a))
is amended in the matter preceding paragraph (1) by insert- 
ing “, tribal,” after “State”.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION

DATABASES.

(a) Access to National Criminal Information Databases.—Section 534 of title 28, United States Code, is amended—

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

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

“(d) Indian Law Enforcement Agencies.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

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

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

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

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting “, tribal,” after “Fed- eral”.

(b) Requirement.—
(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

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

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) CONSTITUTIONAL RIGHTS.—Section 202 of Public Law 90–284 (25 U.S.C. 1302) is amended—

(1) in the matter preceding paragraph (1), by striking “No Indian tribe” and inserting the following:

“(a) IN GENERAL.—No Indian tribe”;
(2) in paragraph (7) of subsection (a) (as designated by paragraph (1)), by striking “and a fine” and inserting “or a fine”; and

(3) by adding at the end the following:

“(b) **Enhanced Sentencing Authority.**—

“(1) **In general.**—Notwithstanding paragraph (7) of subsection (a) and in addition to the limitations described in the other paragraphs of that subsection, no Indian tribe, in exercising any power of self-government involving a criminal trial that subjects a defendant to more than 1 year imprisonment for any single offense, may—

“(A) deny any person in such a criminal proceeding the assistance of a defense attorney licensed to practice law in any jurisdiction in the United States, and shall provide counsel to any defendant who is unable to afford defense counsel at the expense of the tribal government;

“(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual punishment, or impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or
“(C) deny any person in such a criminal proceeding the due process of law.

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

“(A) require that each judge presiding over an applicable criminal case—

“(i) have sufficient legal training; and

“(ii) be licensed to practice law in any jurisdiction in the United States; and

“(B) make publicly available the criminal laws (including regulations and interpretive documents) of the Indian tribe.

“(3) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a convicted offender—

“(A) to serve the sentence—

“(i) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

“(ii) in the nearest appropriate Federal facility, at the expense of the United
States pursuant to the pilot program described in paragraph (4);

“(iii) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

“(iv) subject to paragraph (1), in an alternative rehabilitation center of an Indian tribe; or

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

“(4) BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Tribal Law and Order Act of 2009, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal court pursuant to this section, subject to the conditions described in subparagraph (B).

“(B) CONDITIONS.—The conditions referred to in subparagraph (A) are the following:
“(i) The tribal court shall submit to the Attorney General a request for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

“(ii) Requests for confinement shall be limited to offenders convicted of a violent crime for which the sentence includes a term of imprisonment of 2 or more years, as determined by the Director of the Bureau of Prisons, in consultation with the appropriate tribal governments.

“(iii) The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility.

“(iv) The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

“(C) RESCINDING REQUESTS.—

“(i) In general.—The applicable tribal government shall retain the authority
to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

“(ii) RETURN TO TRIBAL CUSTODY.—On rescission of a request under clause (i), a tribal offender shall be returned to tribal custody.

“(D) REQUEST FOR REASSESSMENT.—If tribal court demand for participation in the program under this paragraph exceeds the limitation described in subparagraph (B)(iv), a representative of the Bureau of Prisons shall submit to Congress a notice requesting reassessment of the program.

“(E) REPORT.—Not later than 3 years after the date of establishment of the program under this paragraph, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

“(F) TERMINATION.—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the
date that is 4 years after the date on which the
program is established.

“(c) SEPARATION OF OFFENSES.—For purposes of this
section, 2 or more offenses may be considered to be separate
offenses for purposes of charging and sentencing if each of-
fense requires proof of an element that the other offenses
do not, without regard to—

“(1) the accusatory pleading; or
“(2) the proof adduced at trial.

“(d) EFFECT OF SECTION.—Nothing in this section af-
fects the obligation of the United States, or any State gov-
ernment that has been delegated authority by the United
States, to investigate and prosecute any criminal violation
in Indian country.”.

(b) GRANTS AND CONTRACTS.—Section 1007(b) of the
Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b))
is amended by striking paragraph (2) and inserting the fol-
lowing:

“(2) to provide legal assistance with respect to
any criminal proceeding, except to provide assistance
to a person charged with an offense in an Indian
tribal court;”.
SEC. 305. INDIAN LAW AND ORDER COMMISSION.

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

“SEC. 15. INDIAN LAW AND ORDER COMMISSION.

“(a) Establishment.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ‘Commission’).

“(b) Membership.—

“(1) In general.—The Commission shall be composed of 9 members, of whom—

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

“(i) the Attorney General; and

“(ii) the Secretary;

“(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairperson of the Committee on Indian Affairs of the Senate;

“(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson of the Committee on Indian Affairs of the Senate;

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

“(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consulta-
tion with the Ranking Member of the Com-
mittee on Natural Resources of the House of Rep-
resentatives.

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

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

“(B) matters to be studied by the Commis-

“(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minor-
ity Leader of the Senate shall consult before the ap-
pointment of members of the Commission under para-
graph (1) to achieve, to the maximum extent prac-
ticable, fair and equitable representation of various points of view with respect to the matters to be stud-
ied by the Commission.

“(4) TERM.—Each member shall be appointed for the life of the Commission.
“(5) **Time for Initial Appointments.**—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

“(6) **Vacancies.**—A vacancy in the Commission shall be filled—

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

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

“(c) **Operation.**—

“(1) **Chairperson.**—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

“(2) **Meetings.**—

“(A) **In general.**—The Commission shall meet at the call of the Chairperson.

“(B) **Initial meeting.**—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

“(3) **Quorum.**—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
“(4) Rules.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

“(d) Comprehensive Study of Criminal Justice System Relating to Indian Country.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

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

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

“(B) residents of Indian land;

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

“(A) reducing Indian country crime; and

“(B) rehabilitation of offenders;

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

“(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;
“(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

“(A) the authority of Indian tribes; and

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

“(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2009.

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

“(1) simplifying jurisdiction in Indian country;

“(2) improving services and programs—

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

“(B) to rehabilitate Indian youth in custody; and

“(C) to reduce recidivism among Indian youth;

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

“(4) the establishment of satellite United States magistrate or district courts in Indian country;
“(5) changes to the tribal jails and Federal prison systems; and

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

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

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

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

“(g) POWERS.—

“(1) HEARINGS.—

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

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

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

“(B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness shall be paid from funds made available to the Commission.

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

“(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

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

“(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.
“(5) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

“(h) Commission Personnel Matters.—

“(1) Travel Expenses.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

“(2) Detail of Federal Employees.—On the affirmative vote of 2/3 of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

“(3) Procurement of Temporary and Intermittent Services.—On request of the Commission, the Attorney General and Secretary shall provide to the Commission reasonable and appropriate office space, supplies, and administrative assistance.

“(i) Contracts for Research.—
“(1) RESEARCHERS AND EXPERTS.—

“(A) IN GENERAL.—On an affirmative vote of 2/3 of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

“(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

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

“(j) TRIBAL ADVISORY COMMITTEE.—

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

“(2) MEMBERSHIP.—
“(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau.

“(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

“(i) justice systems;

“(ii) crime prevention; or

“(iii) victim services.

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

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

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

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

“(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Com-
mission submits the report of the Commission under subsection (c)(3).

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

**TITLE IV—TRIBAL JUSTICE SYSTEMS**

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

(a) **CORRECTION OF REFERENCES.—**

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

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking “the date of enactment of this subtitle” and inserting “the date of enactment of the Tribal Law and Order Act of 2009”; and

(II) by inserting “, the Attorney General,” after “Secretary of the Interior”;

(ii) in paragraph (2)(A), by inserting “, Bureau of Justice Assistance, Substance
Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs;”

(iii) in paragraph (4), by inserting “,

Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(iv) in paragraph (5), by inserting “,

Department of Justice, Substance Abuse and Mental Health Services Administration,” after “Bureau of Indian Affairs”;

(v) in paragraph (7), by inserting “,

the Attorney General,” after “Secretary of the Interior”;

(B) in subsection (c), by inserting “, the Attorney General,” after “Secretary of the Interior”; and

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

(A) in subsection (b), in the first sentence, by inserting “, the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;

(B) in subsection (c)(1)(A)(i), by inserting “, the Bureau of Justice Assistance, the Substance Abuse and Mental Health Services Administration,” before “and the Indian Health Service service unit”;


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


3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Pre-
vention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting “, the Attorney General” after “Bureau of Indian Affairs”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the ‘Office of Indian Alcohol and Substance Abuse’ (referred to in this section as the ‘Office’).

“(B) DIRECTOR.—The director of the Office shall be appointed by the Director of the Substance Abuse and Mental Health Services Administration—

“(i) on a permanent basis; and

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

(ii) in paragraph (2)—
(I) by striking “(2) In addition” and inserting the following:

“(2) RESPONSIBILITIES OF OFFICE.—In addition”;

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

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

(III) in subparagraph (B)—

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

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

(IV) by adding at the end the following:

“(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2009, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—
“(i) establish the goals and other desired outcomes of this Act;

“(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

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

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

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

(iii) by striking paragraph (3) and inserting the following:

“(3) APPOINTMENT OF EMPLOYEES.—The Director of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.”; and

(C) in subsection (c)—
(i) by striking “of Alcohol and Substance Abuse” each place it appears;

(ii) in paragraph (1), in the second sentence, by striking “The Assistant Secretary of the Interior for Indian Affairs” and inserting “The Director of the Substance Abuse and Mental Health Services Administration”; and

(iii) in paragraph (3)—

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

(II) by striking “programs of the Bureau of Indian Affairs” and inserting “the applicable Federal programs”.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the Interior”.

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

(B) in subsection (b)—

(i) in the first sentence, by inserting “, the Attorney General,” after “the Secretary of the Interior”;

(ii) in the second sentence, by inserting “, nor the Attorney General,” after “the Secretary of the Interior”; and

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

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

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

(A) in subsection (a), in the first sentence, by inserting “, the Attorney General,” after “the Secretary of Health and Human Services”; and

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

(7) REVIEW.—Section 4211(a) of the Indian Al-
cohol and Substance Abuse Prevention and Treatment
Act of 1986 (25 U.S.C. 2431(a)) is amended in the
matter preceding paragraph (1) by inserting “, the
Attorney General,” after “the Secretary of the In-
terior”.

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

“(a) SUMMER YOUTH PROGRAMS.—

“(1) IN GENERAL.—The head of the Indian Alco-
hol and Substance Abuse Program, in coordination
with the Assistant Secretary for Indian Affairs, shall
develop and implement programs in tribal schools
and schools funded by the Bureau of Indian Edu-
cation (subject to the approval of the local school
board or contract school board) to determine the effec-
tiveness of summer youth programs in advancing the
purposes and goals of this Act.

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

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

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

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

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

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting “, the Attorney General,” after “the Secretary of the Interior”.
(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

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

(ii) in subparagraph (B), by striking ‘‘, and’’ at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ‘‘; and’’;

and

(iv) by adding at the end the following:

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

(B) in paragraph (2), by striking “United States Custom Service” and inserting “United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration”; and
(C) by striking paragraph (3) and inserting the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2010 through 2014.”; and

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

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

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

“(a) TRAINING PROGRAMS.—

“(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs
and tribal law enforcement and judicial personnel have access to training regarding—

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

“(B) alcohol and substance abuse prevention and treatment.

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

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

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

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

“(1) IN GENERAL.—The Secretary”;

(B) in the second sentence, by striking “The Secretary shall” and inserting the following:
“(2) Construction and Operation.—The Secretary shall”; and

(C) by adding at the end the following:

“(3) Development of Plan.—

“(A) In General.—Not later than 180 days after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

“(B) Coordination.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.”; and

(2) in subsection (b)—

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

(B) by indented paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

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

“(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, guardians ad litem, and court-appointed special advocates for children and juveniles;”.

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

(A) in subsection (a)—

(i) by striking “the provisions of sections 101 and 102 of this Act” and inserting “sections 101 and 102”; and

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

S 797 RS
(B) in subsection (b)—

(i) by striking “the provisions of section 103 of this Act” and inserting “section 103”; and

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

(C) in subsection (c), by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010 through 2014”; and

(D) in subsection (d), by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010 through 2014”.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) Tribal Civil Legal Assistance Grants.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting “(including guardians ad litem and court-appointed special advocates for children and juveniles)” after “civil legal assistance”.

(2) Tribal Criminal Legal Assistance Grants.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking “criminal legal assistance to members of Indian tribes and tribal jus-
tice systems” and inserting “licensed public defender services to all defendants subject to tribal court juris-
diction and prosecution and judicial services for trib-
al courts”.

(3) FUNDING.—The Indian Tribal Justice Tech-
nical and Legal Assistance Act of 2000 is amended—

(A) in section 107 (as redesignated by sec-
section 104(a)(2)(A)), by striking “2000 through
2004” and inserting “2010 through 2014”; and

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

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

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

(1) in subsection (b)—

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

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

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

(D) in paragraph (15)—
185

(i) by striking “a State in” and inserting “a State or Indian tribe in”;

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

(iii) by striking “a State or” and inserting “a State, tribal, or”;

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

(F) in paragraph (17), by striking the period at the end and inserting “; and”;

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

(H) by adding at the end the following:

“(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).”.

(2) in subsection (i), by striking “The authority” and inserting “Except as provided in subsection (j), the authority”; and

(3) by adding at the end the following:

“(j) GRANTS TO INDIAN TRIBES.—
“(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2010 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

“(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

“(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

“(A) shall be 100 percent; and

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

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

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

“(1) the problem of intermittent funding;

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

“(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.”.

SEC. 404. TRIBAL JAILS PROGRAM.

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

“(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve
$35,000,000 for each of fiscal years 2010 through 2014 to carry out this section.”.

(b) **Regional Detention Centers.**—

(1) **In general.**—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

“(b) **Grants to Indian Tribes.**—

“(1) **In general.**—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

“(A) to Indian tribes for purposes of—

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

“(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

“(iii) developing and implementing alternatives to incarceration in tribal jails;

“(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;
“(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

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

“(A) reservation crime rates;

“(B) annual tribal court convictions; and

“(C) bed space needs.

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

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

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

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

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

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

“(3) proposed activities for contracting with State and local detention centers, with tribal government approval;

“(4) proposed alternatives to incarceration, developed in cooperation with tribal court systems; and

“(5) such other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.”.
SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

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

"SEC. 203. ASSISTANT PROBATION OFFICERS.

"To the maximum extent practicable, the Director of the Administrative Office of the United States Courts, in coordination with the Office of Tribal Justice and the Director of the Office of Justice Services, shall—

"(1) appoint individuals residing in Indian country to serve as assistant probation officers for purposes of monitoring and providing service to Federal prisoners residing in Indian country; and

"(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land."

SEC. 406. TRIBAL YOUTH PROGRAM.

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

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

(A) in subsection (a), by inserting "or to Indian tribes under subsection (d)" after "subsection (b)"; and

(B) by adding at the end the following:
“(d) Grants for Tribal Delinquency Prevention and Response Programs.—

“(1) In general.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

“(A) to support and enhance—

“(i) tribal juvenile delinquency prevention services; and

“(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

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

“(2) Eligible Indian tribes.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

“(3) Priority of funding.—In providing grants under this subsection, the Administrator shall
take into consideration, with respect to the reservation communities to be served—

“(A) juvenile crime rates;
“(B) dropout rates; and
“(C) percentage of at-risk youth.”.


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

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

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

“(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee.”.
SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.

(a) DEFINITIONS.—In this section:

(1) STATE.—

(A) In general.—The term “State” means the State of Alaska.

(B) Inclusion.—The term “State” includes any political subdivision of the State of Alaska.

(2) VILLAGE PUBLIC SAFETY OFFICER.—The term “village public safety officer” means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.

(b) COPS GRANTS.—The State and any Indian tribe or tribal organization that employs a village public safety officer shall be eligible to apply for a grant under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only an Indian tribe or tribal organization may receive a grant under the tribal resources grant program under subsection (j) of that section) on an equal basis with other eligible applicants for funding under that section.

(c) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.—The State and any Indian tribe or tribal organization that employs a village public safety officer shall be eligible to apply for a grant under the Staffing

(d) Training for Village Public Safety Officers and Tribal Law Enforcement Positions Funded under COPS Program.—

(1) In general.—Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) Authorization of appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary for each of fiscal years 2011 through 2015 to provide grants to Indian tribes and tribal organizations in the State for the training of village public safety officers and tribal law enforcement positions funded under the tribal resources grant program under subsection (j) of section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) at—

(A) the Indian Police Academy of the Federal Law Enforcement Training Center; or
(B) a police academy in the State certified by the Alaska Police Standards Council.

TITLE V—INDIAN COUNTRY
CRIME DATA COLLECTION
AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

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

(1) in subsection (a)—

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

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

“(8) the Office of Justice Services of the Bureau of Indian Affairs;”;

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking “State” and inserting “tribal, State,”; and

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

(2) in subsection (b), by inserting “tribal,” before “State,” each place it appears.

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

(1) in subsection (c)—

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

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

(C) in paragraph (9), by striking “Federal and State Governments” and inserting “Federal Government and State and tribal governments”;

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

(E) in paragraph (13), by inserting “, Indian tribes,” after “States”;

(F) in paragraph (17)—

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

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

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

(I) in paragraph (20), by inserting “, tribal,” after “State”; and 

(J) in paragraph (22), by inserting “, tribal,” after “Federal”; 

(2) in subsection (d)— 

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

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

“(1) IN GENERAL.—To ensure”; and 

(C) by adding at the end the following: 

“(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Director of the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with In-
sian tribes and tribal law enforcement agencies to es-
establish and implement such tribal data collection sys-
tems as the Director determines to be necessary to
achieve the purposes of this section.”;

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

(4) in subsection (f)—

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

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

and

(5) by adding at the end the following:

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

SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION
SYSTEMS.

Section 3 of the Indian Law Enforcement Reform Act
(25 U.S.C. 2802) (as amended by section 101(b)(5)) is
amended by adding at the end the following:

“(g) GRANTS TO IMPROVE TRIBAL DATA COLLECTION
SYSTEMS.—
“(1) Grant Program.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau and in coordination with the Attorney General, shall establish a program under which the Secretary shall provide grants to Indian tribes for activities to ensure uniformity in the collection and analysis of data relating to crime in Indian country.

“(2) Regulations.—The Secretary, acting through the Director of the Office of Justice Services of the Bureau, in consultation with tribal governments and tribal justice officials, shall promulgate such regulations as are necessary to carry out the grant program under this subsection.”.

SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

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

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

(a) Duties of Bureau of Prisons.—Section 4042 of title 18, United States Code, is amended—
(1) in subsection (a)(4), by inserting ‘‘tribal,’’ after ‘‘State’’;

(2) in subsection (b)(1), in the first sentence, by striking ‘‘officer of the State and of the local jurisdiction’’ and inserting ‘‘officers of each State, tribal, and local jurisdiction’’; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ‘‘officer of the State and of the local jurisdiction’’ and inserting ‘‘officer of each State, tribal, and local jurisdiction’’; and

(B) in subparagraph (B), by inserting ‘‘tribal,’’ after ‘‘State’’ each place it appears.

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

(1) in paragraphs (1), (3), (4), and (8), by inserting ‘‘tribal,’’ after ‘‘State,’’ each place it appears;

(2) in paragraph (6)—

(A) by inserting ‘‘and tribal communities,’’ after ‘‘States’’; and

(B) by inserting ‘‘tribal,’’ after ‘‘State’’;

and

(3) in paragraph (12) by inserting ‘‘tribal,’’ after ‘‘State’’.
SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE

TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: “, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses”.

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

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

“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES IN CASES OF RAPE AND SEXUAL ASSAULT.

“(a) APPROVAL OF EMPLOYEE TESTIMONY.—

“(1) IN GENERAL.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the ‘Director concerned’), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the su-
pervision of the Director concerned to provide testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

“(2) DEADLINE.—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee a notice regarding the request to provide testimony by not less than 30 days before the date on which the testimony will be provided.

“(b) APPROVAL.—

“(1) IN GENERAL.—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain strict impartiality with respect to private causes of action.

“(2) FAILURE TO APPROVE.—If the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.”.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:
“SEC. 17. COORDINATION OF FEDERAL AGENCIES.

“(a) In General.—The Secretary, in coordination with the Attorney General, Federal and tribal law enforcement agencies, the Indian Health Service, and domestic violence or sexual assault victim organizations, shall develop appropriate victim services and victim advocate training programs—

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

“(2) to improve forensic examinations and collection;

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

“(4) to meet other needs or carry out other activities required to prevent, treat, and improve prosecutions of domestic violence and sexual abuse.

“(b) Report.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes, with respect to the matters described in subsection (a), the improvements made and needed, problems or obstacles identified, and costs necessary to address the problems or obstacles, and any other recommendations that the Secretary determines to be appro-
appropriate, including recommendations on preventing sex trafficking of Indian women.”.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

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

“SEC. 803. POLICIES AND PROTOCOL.

“The Director of the Service, in coordination with the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.”.

SEC. 606. ALASKA NATIVE VILLAGE COMMUNITY SAFETY DEMONSTRATION PROJECT.

(a) Definition of Alaska Native Village.—In this section, the term “Alaska Native village” has the meaning given the term “Native village” in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(b) Establishment of Project.—There is established in the Office of Justice Programs of the Department of Justice a demonstration project, to be known as the
“Alaska Native Village Community Safety Demonstration Project”.

(c) Grants to Tribes.—

(1) In general.—The Attorney General shall provide grants to not less than 18, and not more than 30, Indian tribes in the State of Alaska for innovative approaches to improve public safety in Alaska Native villages, with emphasis on reducing the rates of sexual assault, domestic violence, and drug- and alcohol-related crimes, including development of tribal ordinances, civil enforcement of tribal ordinances against tribal members, tribal court training and development (including therapeutic courts), and cooperative efforts between the Indian tribes and the State of Alaska or the United States to enforce applicable laws.

(2) Term.—The term of a grant provided under paragraph (1) shall be 5 years.

(d) Regulations.—Not later than June 1, 2010, the Attorney General, after consultation with Indian tribes in the State of Alaska, shall promulgate regulations to implement this section.

(e) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2011 through 2015.
(2) **Administrative Expenses.**—The Attorney General may use not more than 10 percent of the amounts appropriated pursuant to paragraph (1) to pay the administrative expenses of the demonstration project under this section.

(f) **Effect of Section.**—Nothing in this section expands, diminishes, alters, or limits the jurisdiction of the United States, the State of Alaska, any political subdivision of the State, or any Indian tribe in the State.

(g) **Repeal.**—Section 112(a)(1) of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 62), is repealed.

**Sec. 607. Study of IHS Sexual Assault and Domestic Violence Response Capabilities.**

(a) **Study.**—The Comptroller General of the United States shall—

(1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and
(2) develop recommendations for improving those capabilities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.
A BILL

To amend the Indian Law Enforcement Reform Act of 1996 to improve the jurisdiction, and for other purposes.

OCTOBER 29, 2009

Reported with an amendment