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2 Title: To amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the
3 Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime
4 Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in
5 Indian country, and for other purposes.
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8 Be it enacted by the Senate and House of Representatives of the United States of America in
9 Congress assembled,

10 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

11 (a) Short Title.—This Act may be cited as the “Tribal Law and Order Act of 2009”.

12 (b) Table of Contents.—The table of contents of this Act is as follows:

13 Sec.1.Short title; table of contents.

14 Sec.2.Findings; purposes.

15 Sec.3.Definitions.

16 TITLE I—FEDERAL ACCOUNTABILITY AND 17 COORDINATION

18 Sec.101.Office of Justice Services responsibilities.

19 Sec.102.Declination reports.

20 Sec.103.Prosecution of crimes in Indian country.

21 Sec.104.Administration.

22 TITLE II—STATE ACCOUNTABILITY AND 23 COORDINATION

24 Sec.201.State criminal jurisdiction and resources.

25 Sec.202.Incentives for State, tribal, and local law enforcement cooperation.

26 TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT 27 AGENCIES AND TRIBAL GOVERNMENTS

28 Sec.301.Tribal police officers.

29 Sec.302.Drug enforcement in Indian country.

30 Sec.303.Access to national criminal information databases.

31 Sec.304.Tribal court sentencing authority.

32 Sec.305.Indian law and order commission.

33 TITLE IV—TRIBAL JUSTICE SYSTEMS

- 1 Sec.401.Indian alcohol and substance abuse.
- 2 Sec.402.Indian tribal justice; technical and legal assistance.
- 3 Sec.403.Tribal resources grant program.
- 4 Sec.404.Tribal jails program.
- 5 Sec.405.Tribal probation office liaison program.
- 6 Sec.406.Tribal youth program.

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

- 9 Sec.501.Tracking of crimes committed in Indian country.
- 10 Sec.502.Grants to improve tribal data collection systems.
- 11 Sec.503.Criminal history record improvement program.

12 **TITLE VI—DOMESTIC VIOLENCE AND SEXUAL**
13 **ASSAULT PROSECUTION AND PREVENTION**

- 14 Sec.601.Prisoner release and reentry.
- 15 Sec.602.Domestic and sexual violent offense training.
- 16 Sec.603.Testimony by Federal employees in cases of rape and sexual assault.
- 17 Sec.604.Coordination of Federal agencies.
- 18 Sec.605.Sexual assault protocol.

19 **SEC. 2. FINDINGS; PURPOSES.**

20 (a) Findings.—Congress finds that—

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

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

25 (3) Congress and the President have acknowledged that—

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

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

30 (4) less than 3,000 tribal and Federal law enforcement officers patrol more than
31 56,000,000 acres of Indian country, which reflects less than \1/2\ of the law enforcement
32 presence in comparable rural communities nationwide;

33 (5) on many Indian reservations, law enforcement officers respond to distress or
34 emergency calls without backup and travel to remote locations without adequate radio

1 communication or access to national crime information database systems;

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

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

8 (8) tribal courts—

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

11 (B) have been historically underfunded;

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

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

17 (B) all felony crimes in Indian country;

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

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

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

23 (B) has been increasingly exploited by criminals;

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

25 (A) nearly twice the national average; and

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

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

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

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

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

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

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

1 average;

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

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

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

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

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

14 (21) consistent communication between tribal, federal, and state law enforcement
15 agencies has proven to increase public safety and justice in tribal and nearby communities;
16 and

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

20 (b) Purposes.—The purposes of this Act are—

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

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

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

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

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

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

34 SEC. 3. DEFINITIONS.

35 (a) In General.—In this Act:

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

38 (2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section

1 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

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

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

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

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

8 “(A) a tribal prosecutor;

9 “(B) a tribal law enforcement officer;

10 “(C) a tribal victim’s assistance coordinator; or

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

13 **TITLE I—FEDERAL ACCOUNTABILITY AND**
14 **COORDINATION**

15 **SEC. 101. OFFICE OF JUSTICE SERVICES**
16 **RESPONSIBILITIES.**

17 (a) Technical correction.—In the Indian Law Enforcement Reform Act, 25 U.S.C. § 2801-
18 2810, strike “Division of Law Enforcement Services” each place that it appears and insert
19 “Office of Justice Services”;

20 (b) Additional Responsibilities of Office.—Section 3 of the Indian Law Enforcement Reform
21 Act (25 U.S.C. 2802) is amended—

22 (1) in subsection (c)—

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

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

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

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

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

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

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

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

4 “(15) submitting to the Senate Committee on Indian Affairs and the House Committee on
5 Natural Resources, for each fiscal year, a detailed Spending Report of tribal public safety
6 and justice programs. Such Report shall include—

7 “(A) the number of full time Bureau and tribal government employees that serve
8 as—

9 “(i) criminal investigators;

10 “(ii) uniform police;

11 “(iii) police and emergency dispatchers;

12 “(iv) detention officers;

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

15 “(vi) tribal court judges, prosecutors, public defenders, and related staff.

16 The Report should include the amount of appropriations committed to each category of
17 employee listed above.

18 “(B) a listing of amounts dedicated to law enforcement and corrections vehicles,
19 related transportation costs, equipment, inmate transportation costs, inmate transfer
20 costs, replacement, improvement and repair of facilities, personnel transfers, detailees
21 and costs related to their details, emergency events, public safety and justice
22 communications and technology costs, and tribal courts personnel, facilities, and
23 related program costs;

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

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

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

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

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

40 “(d) Long-Term Plan for Tribal Detention Programs.—Not later than 1 year after the date of

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

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

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

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

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

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

15 (b) Law Enforcement Authority.—Section 4 of the Indian Law Enforcement Reform Act (25
16 U.S.C. 2803) is amended—

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

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

21 “(A) the offense is committed in the presence of the employee; or

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

24 SEC. 102. DECLINATION REPORTS.

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

27 “(a) Reports.—

28 “(1) LAW ENFORCEMENT OFFICIALS.—Subject to subsection (d), if a law enforcement
29 officer or employee of any Federal department or agency declines to initiate an
30 investigation of an alleged violation of Federal law in Indian country, or terminates such an
31 investigation without referral for prosecution, the officer or employee shall—

32 “(A) submit to the appropriate tribal justice officials evidence, including related
33 reports, relevant to the case that would further prosecution in tribal court; and

34 “(B) submit to the Office of Indian Country Crime relevant information regarding all
35 declinations of alleged violations of Federal law in Indian country, including—

36 “(i) the type of crime alleged;

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

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

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

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

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

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

11 “(i) the type of crime alleged;

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

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

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

15 “(b) Maintenance of Records.—

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

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

21 “(c) Inclusion of Case Files.—A report submitted to the appropriate tribal justice officials
22 under paragraph (1) or (2) of subsection (a) may include the case file, including evidence
23 collected and statements taken that could support an investigation or prosecution by the
24 appropriate tribal justice officials.

25 “(d) Effect of Section.—

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

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

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

34 SEC. 103. PROSECUTION OF CRIMES IN INDIAN 35 COUNTRY.

36 (a) Appointment of Special Prosecutors.—Section 543(a) of title 28, United States Code, is
37 amended by inserting before the period at the end the following: “, including the appointment of
38 qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses

1 committed in Indian country”.

2 Note: When considering the appointment of a special prosecutor to serve Indian country, the
3 United States Attorney is encouraged to consult with tribal justice officials from the Indian Tribe
4 or Tribes that would be impacted by the appointment.

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

7 “SEC. 11. ASSISTANT UNITED STATES ATTORNEY
8 TRIBAL LIAISONS.

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

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

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

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

17 “(3) Consulting and coordinating with tribal justice officials to address any backlog in the
18 of prosecution of major crimes in Indian country in the District.

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

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

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

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

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

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

34 “(c) Sense of Congress Regarding Evaluations of Tribal Liaisons.—

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

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

38 “(B) tribal liaisons have dual obligations of—

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

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

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

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

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

11 “(d) Enhanced Prosecution of Minor Crimes.—Each United States Attorney serving a district
12 that includes Indian country is authorized and encouraged—

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

16 “(A) the crime rate exceeds the national average crime rate; or

17 “(B) the rate at which criminal offenses are declined to be prosecuted exceeds the
18 national average declination rate;

19 Note: Prior to appointing a Special Assistant United States Attorney pursuant to this section, the
20 United States Attorney is encouraged to consult with tribal justice officials from Indian Tribe or
21 Tribes that would be impacted by the appointment;

22 “(2) to coordinate with applicable United States magistrate and district courts—

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

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

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

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

31 SEC. 104. ADMINISTRATION.

32 (a) Office of Tribal Justice.—

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

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

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

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

3 (2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of
4 2000 is amended—

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

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

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

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

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

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

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

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

23 “(3) coordinate with other bureaus, agencies, offices, and divisions within the Department
24 of Justice to ensure that each component has an accountable process to ensure meaningful
25 and timely consultation with tribal leaders in the development of regulatory policies and
26 other actions affecting the trust responsibility, tribal treaty provisions, the status of Tribes as
27 governments, or other tribal interests.”.

28 (b) Office of Indian Country Crime.—The Indian Law Enforcement Reform Act (25 U.S.C.
29 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

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

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

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

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

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

38 “(3) coordinate prosecutions of crimes of national significance in Indian country, as

1 determined by the Attorney General;

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

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

7 “(c) Deputy Assistant Attorney General.—

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

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

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

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

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

17 **TITLE II—STATE ACCOUNTABILITY AND**
18 **COORDINATION**

19 **SEC. 201. STATE CRIMINAL JURISDICTION AND**
20 **RESOURCES.**

21 (a) Concurrent Authority of United States.—Section 401(a) of Public Law 90–284 (25 U.S.C.
22 1321(a)) is amended—

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

25 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL**
26 **JURISDICTION.**

27 “(a) Consent of United States.—

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

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

30 “(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after
31 consultation with the Attorney General, the United States shall maintain concurrent
32 jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States
33 Code, within the Indian country of the Indian tribe.”.

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

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

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

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

7 SEC. 202. INCENTIVES FOR STATE, TRIBAL, AND 8 LOCAL LAW ENFORCEMENT COOPERATION.

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

13 (1) improving law enforcement effectiveness; and

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

15 (b) Program Plans.—

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

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

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

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

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

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

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

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

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

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

1 program; and

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

3 (c) Permissible Uses of Funds.—An eligible entity that receives a grant under this section may
4 use the grant, in accordance with the program plan described in subsection (b)—

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

7 (A) policing tribal land and nearby lands; and

8 (B) investigating alleged crimes on those lands;

9 (2) procure equipment, technology, or support systems to be used to investigate crimes
10 and share information between tribal, State, and local law enforcement agencies; or

11 (3) for any other uses that the Attorney General determines will meet the purposes
12 described in subsection (a).

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

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

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

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

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

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

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

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

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

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

1 (h) Authorization of Appropriations.—There are authorized to be appropriated such sums as
2 are necessary to carry out this section for each of fiscal years 2010 through 2014.

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

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

6 (a) Flexibility in Training Law Enforcement Officers Serving Indian Country.—Section 3(e)
7 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) is amended—

8 (1) in paragraph (1)—

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

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

11 “(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

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

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

14 “(B) TRAINING.—The training standards established under subparagraph (A) shall
15 permit law enforcement personnel of the Division of Law Enforcement Services or an
16 Indian tribe to obtain training at a State or tribal police academy, a local or tribal
17 community college, or another training academy that meets the National Peace Officer
18 Standards of Training.”;

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

20 (3) by adding a new paragraph (4)—

21 “(4) Background checks for tribal law enforcement and corrections officials.—The Office of
22 Justice Services shall develop standards and timelines for facilitating background checks for
23 tribal justice officials. In no case shall a tribal request for a background check take longer than
24 60 days unless adequate reason and explanation is provided to the requesting Tribe.”

25 (b) Special Law Enforcement Commissions.—Section 5 of the Indian Law Enforcement
26 Reform Act (25 U.S.C. 2804) is amended by striking the section heading and all that follows
27 through subsection (e) and inserting the following:

28 **“SEC. 5. SPECIAL LAW ENFORCEMENT COMMISSIONS.**

29 “(a) Agreements.—

30 “(1) ENCOURAGED IMPLEMENTATION OF AGREEMENTS.—The Secretary is authorized and
31 encouraged to enter into agreements for the use (with or without reimbursement) of
32 personnel and facilities of Federal, tribal, State, or other government agencies to assist in
33 the enforcement or administration in Indian country of Federal law or the laws of an Indian
34 tribe that authorizes the Secretary to enforce tribal law.

35 “(2) CERTAIN ACTIVITIES.—Pursuant to an agreement described in paragraph (1), the
36 Secretary shall authorize the law enforcement officers of any applicable government agency
37 to carry out any activity authorized under section 4.

1 “(3) REQUIREMENT.—An agreement under paragraph (1) shall be in accordance with any
2 applicable agreement between the Secretary and the Attorney General.

3 “(b) Program Enhancement.—

4 “(1) TRAINING SESSIONS IN INDIAN COUNTRY.—

5 (A) IN GENERAL.—The Secretary (or a designee) and the Attorney General (or a
6 designee) shall develop a plan to enhance the certification and provision of special
7 law enforcement commissions to tribal law enforcement officials and, subject to
8 paragraph (d), State and local law enforcement officials pursuant to this section.

9 (B) INCLUSIONS.—The plan under subparagraph (A) shall include the hosting of regional
10 training sessions in Indian country, not less frequently than biannually, to educate and
11 certify candidates for the special commissions.

12 “(2) MEMORANDA OF AGREEMENT.—

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

17 “(B) AGREEMENT.—Not later than 60 days after the date on which the Secretary
18 determines that all applicable requirements under subparagraph (A) are met, the
19 Secretary shall offer to enter into a special law enforcement commission agreement
20 with the applicable Indian tribe.

21 “(c) Limitation on Use of Certain Personnel.—

22 “(1) CONSULTATION.—The Secretary shall consult with each affected Indian tribe before
23 entering into any agreement under subsection (a) with a non-Federal agency that will
24 provide personnel for use in any area under the jurisdiction of the Indian tribes.

25 “(2) PROHIBITION.—The Secretary shall not use the personnel of a non-Federal agency
26 under this section in an area of Indian country if the Indian tribe with jurisdiction over that
27 area has adopted a resolution objecting to the use of personnel of the non-Federal agency.

28 “(d) Coordination by Federal Agencies.—Notwithstanding section 1535 of title 31, United
29 States Code, the head of a Federal agency with law enforcement personnel or facilities shall
30 coordinate and, as needed, enter into agreements (with or without reimbursement) with the
31 Secretary under subsection (a).

32 “(e) Encouragement of Other Federal Agency Heads.—Congress encourages the head of each
33 Federal agency with law enforcement personnel or facilities to enter into agreements (with or
34 without reimbursement) with an Indian tribe relating to—

35 “(1) the law enforcement authority of the Indian tribe;

36 “(2) the administration of Federal or tribal criminal law; and

37 “(3) the conduct of investigations, the sharing of information and training techniques, and
38 the provisions of other related technical assistance to prevent and prosecute violations of
39 Federal or tribal criminal law in Indian country.”.

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

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

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

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

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

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

11 (1) in subsection (a)—

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

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

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

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

19 **SEC. 303. ACCESS TO NATIONAL CRIMINAL**
20 **INFORMATION DATABASES.**

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

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

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

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

27 “(1) to directly access and enter information into Federal criminal information databases;
28 and

29 “(2) to directly obtain information from the databases.”; and

30 (3) in subsection (f)(2), in the matter preceding subparagraph (A), by inserting “, tribal,”
31 after “Federal”.

32 (b) Authorized law enforcement agency.—Eligible tribal justice officials of a federally
33 recognized Indian tribe exercising criminal authority over Indian country shall be deemed an
34 authorized law enforcement agency for purposes of being granted access to the National Crime
35 Information Center.

36 (c) Requirement.—

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

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

8 SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

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

10 (1) in the matter preceding paragraph (1), by striking “No Indian tribe” and inserting the
11 following:

12 “(a) In General.—No Indian tribe”;

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

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

16 “(b) Tribal Courts and Prisoners.—

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

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

23 “(B) require excessive bail, impose an excessive fine, inflict a cruel or unusual
24 punishment, or impose for conviction of a single offense any penalty or punishment
25 greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

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

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

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

30 (B) publish its criminal laws or make such laws and documents interpreting those laws
31 publicly available.

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

34 “(A) to serve the sentence—

35 “(i) in a tribal correctional center that has been approved by the Bureau of
36 Indian Affairs for long-term incarceration, in accordance with guidelines
37 developed by the Bureau of Indian Affairs, in consultation with Indian tribes;

38 “(ii) in the nearest appropriate Federal facility, at the expense of the United

1 States pursuant to a memorandum of agreement with Bureau of Prisons in
2 accordance with paragraph (4);

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

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

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

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

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

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

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

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

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

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

30 (3) 42 U.S.C. 2996f(b)(2) is amended by replacing the current language with the following:

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

34 SEC. 305. INDIAN LAW AND ORDER COMMISSION.

35 (a) Establishment.—There is established a commission to be known as the Indian Law and
36 Order Commission (referred to in this section as the “Commission”).

37 (b) Membership.—

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

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

2 (i) the Attorney General; and

3 (ii) the Secretary of the Interior;

4 (B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with
5 the Chairperson of the Committee on Indian Affairs of the Senate;

6 (C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with
7 the Vice Chairperson of the Committee on Indian Affairs of the Senate;

8 (D) 2 shall be appointed by the Speaker of the House of Representatives, in
9 consultation with the Chairperson of the Committee on Natural Resources of the House
10 of Representatives; and

11 (E) 1 shall be appointed by the Minority Leader of the House of Representatives, in
12 consultation with the Ranking Member of the Committee on Natural Resources of the
13 House of Representatives.

14 (2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have
15 significant experience and expertise in—

16 (A) the Indian country criminal justice system; and

17 (B) matters to be studied by the Commission.

18 (3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the
19 House of Representatives, and the Majority Leader and Minority Leader of the Senate shall
20 consult before the appointment of members of the Commission under paragraph (1) to
21 achieve, to the maximum extent practicable, fair and equitable representation of various
22 points of view with respect to the matters to be studied by the Commission.

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

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

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

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

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

29 (c) Operation.—

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

33 (2) MEETINGS.—

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

35 (B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days
36 after the date described in paragraph (1).

37 (3) QUORUM.—A majority of the members of the Commission shall constitute a quorum,

1 but a lesser number of members may hold hearings.

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

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

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

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

10 (B) residents of Indian land;

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

13 (A) reducing Indian country crime; and

14 (B) rehabilitation of offenders;

15 (3) tribal juvenile justice systems and the federal juvenile justice system as it relates to
16 Indian country and the effect of those systems and related programs in preventing juvenile crime,
17 rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

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

19 (A) the authority of Indian tribes; and

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

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

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

27 (1) simplifying jurisdiction in Indian country;

28 (2) improving services and programs to prevent juvenile crime on Indian lands,
29 rehabilitating youth in custody, and reducing recidivism among Indian youth;

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

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

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

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

37 (f) Report.—Not later than 2 years after the date of enactment of this Act, the Commission

1 shall submit to the President and Congress a report that contains—

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

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

5 (g) Powers.—

6 (1) HEARINGS.—

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

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

12 (2) WITNESS EXPENSES.—

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

16 (B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness
17 shall be paid from funds made available to the Commission.

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

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

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

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

26 (5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of
27 services or property.

28 (h) Commission Personnel Matters.—

29 (1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses,
30 including per diem in lieu of subsistence, at rates authorized for an employee of an agency
31 under subchapter I of chapter 57 of title 5, United States Code, while away from the home
32 or regular place of business of the member in the performance of the duties of the
33 Commission.

34 (2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of $\frac{2}{3}$ of the members of
35 the Commission and the approval of the appropriate Federal agency head, an employee of
36 the Federal Government may be detailed to the Commission without reimbursement, and
37 such detail shall be without interruption or loss of civil service status, benefits, or privileges.

38 (3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the
39 Commission, the Attorney General and Secretary shall provide to the Commission

1 reasonable and appropriate office space, supplies, and administrative assistance.

2 (i) Contracts for Research.—

3 (1) RESEARCHERS AND EXPERTS.—

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

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

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

14
15 (j) TRIBAL ADVISORY COMMITTEE.—

16 (1) ESTABLISHMENT.—The Commission shall establish Tribal Advisory Committee”.

17 (2) MEMBERSHIP.—

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

20 (B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience
21 relating to—

22 (i) justice systems;

23 (ii) crime prevention; or

24 (iii) victim services.

25 (3) DUTIES.—The Tribal Advisory Committee shall—

26 (A) serve as an advisory body to the Commission; and

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

30 (k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums
31 as are necessary to carry out this section, to remain available until expended.

32 (l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on
33 which the Commission submits the report of the Commission under subsection (c)(3).

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

3 TITLE IV—TRIBAL JUSTICE SYSTEMS

4 SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

5 (a) Correction of References.—

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

9 (A) in subsection (a)—

10 (i) in the matter preceding paragraph (1)—

11 (I) by striking “the date of enactment of this subtitle” and inserting “the
12 date of enactment of the Tribal Law and Order Act of 2009”; and

13 (II) by inserting “, the Attorney General,” after “Secretary of the Interior”;

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

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

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

21 (v) in paragraph (7), by inserting “, the Attorney General,” after “Secretary of
22 the Interior”;

23 (B) in subsection (c), by inserting “, the Attorney General,” after “Secretary of the
24 Interior”; and

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

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

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

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

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

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

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

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

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

10 (B) in subsection (b)—

11 (i) by striking paragraph (1) and inserting the following:

12 “(1) ESTABLISHMENT.—

13 “(A) IN GENERAL.—To improve coordination among the Federal agencies and
14 departments carrying out this subtitle, there is established within the Substance Abuse
15 and Mental Health Services Administration an office, to be known as the ‘Office of
16 Indian Alcohol and Substance Abuse’ (referred to in this section as the ‘Office’).

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

19 “(i) on a permanent basis; and

20 “(ii) at a grade of not less than GS–15 of the General Schedule.”;

21 (ii) in paragraph (2)—

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

23 “(2) RESPONSIBILITIES OF OFFICE.—In addition”;

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

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

28 (III) in subparagraph (B)—

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

30 (bb) by striking the period at the end and inserting “; and”; and

31 (IV) by adding at the end the following:

32 “(C) not later than 1 year after the date of enactment of the Tribal Law and Order
33 Act of 2009, developing, in coordination and consultation with tribal governments, a
34 framework for interagency and tribal coordination that—

35 “(i) establish the goals and other desired outcomes of this Act;

36 “(ii) prioritizes outcomes that are aligned with the purposes of affected
37 agencies;

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

2 “(iv) provides technical assistance to the affected agencies to establish effective
3 and permanent interagency communication and coordination; and

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

6 (iii) by striking paragraph (3) and inserting the following:

7 “(3) APPOINTMENT OF EMPLOYEES.—The Director of the Substance Abuse and Mental
8 Health Services Administration shall appoint such employees to work in the Office, and
9 shall provide such funding, services, and equipment, as may be necessary to enable the
10 Office to carry out the responsibilities under this subsection.”; and

11 (C) in subsection (c)—

12 (i) by striking “of Alcohol and Substance Abuse” each place it appears;

13 (ii) in paragraph (1), in the second sentence, by striking “The Assistant
14 Secretary of the Interior for Indian Affairs” and inserting “The Director of the
15 Substance Abuse and Mental Health Services Administration”; and

16 (iii) in paragraph (3)—

17 (I) in the matter preceding subparagraph (A), by striking “Youth” and
18 inserting “youth”; and

19 (II) by striking “programs of the Bureau of Indian Affairs” and inserting
20 “the applicable Federal programs”.

21 (4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance
22 Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter
23 preceding paragraph (1) by inserting “, the Attorney General,” after “the Secretary of the
24 Interior”.

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

28 (A) in subsection (a), by inserting “, the Attorney General,” after “the Secretary of
29 the Interior”;

30 (B) in subsection (b)—

31 (i) in the first sentence, by inserting “, the Attorney General,” after “the
32 Secretary of the Interior”;

33 (ii) in the second sentence, by inserting “, nor the Attorney General,” after “the
34 Secretary of the Interior”; and

35 (iii) in the third sentence, by inserting “, the Department of Justice,” after “the
36 Department of the Interior”; and

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

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

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

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

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

11 (b) Indian Education Programs.—Section 4212 of the Indian Alcohol and Substance Abuse
12 Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the
13 following:

14 “(a) Summer Youth Programs.—

15 “(1) IN GENERAL.—The Office of Indian Alcohol and Substance Abuse in coordination
16 with the Assistant Secretary for Indian Affairs shall develop and implement programs in
17 tribal schools and schools funded by the Bureau of Indian Education (subject to the
18 approval of the local school board or contract school board) to determine the effectiveness
19 of summer youth programs in advancing the purposes and goals of this Act.

20 “(2) COSTS.—The Office of Indian Alcohol and Substance Abuse and the Assistant
21 Secretary shall defray all costs associated with the actual operation and support of summer
22 youth programs in a school from funds appropriated to carry out this subsection.

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

26 (c) Emergency Shelters.—Section 4213(e) of the Indian Alcohol and Substance Abuse
27 Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

28 (1) in paragraph (1), by striking “as may be necessary” and all that follows through the
29 end of the paragraph and inserting “as are necessary for each of fiscal years 2010 through
30 2014.”;

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

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

34 (d) Review of Programs.—Section 4215(a) of the Indian Alcohol and Substance Abuse
35 Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting “, the
36 Attorney General,” after “the Secretary of the Interior”.

37 (e) Illegal Narcotics Trafficking; Source Eradication.—Section 4216 of the Indian Alcohol and
38 Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

39 (1) in subsection (a)—

40 (A) in paragraph (1)—

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

3 (ii) in subparagraph (B), by striking “, and” at the end and inserting a
4 semicolon;

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

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

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

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

12 (C) by striking paragraph (3) and inserting the following:

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

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

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

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

22 “(a) Training Programs.—

23 “(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney
24 General, the Administrator of the Drug Enforcement Administration, and the Director of the
25 Federal Bureau of Investigation, shall ensure, through the establishment of a new training
26 program or by supplementing existing training programs, that all Bureau of Indian Affairs
27 and tribal law enforcement and judicial personnel have access to training regarding—

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

29 “(B) alcohol and substance abuse prevention and treatment.

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

33 (2) in subsection (b), by striking “as may be necessary” and all that follows through the
34 end of the subsection and inserting “as are necessary for each of fiscal years 2010 through
35 2014.”.

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

38 (1) in paragraph (a) by inserting “(1)” after the word “Plan”, and by inserting the
39 following:

1 “(2) Within 180 days of enactment of this Act, the Secretary and the Attorney General in
2 consultation with tribal leaders and tribal justice officials shall develop a long term plan for
3 the construction, renovation, and operation of Indian juvenile detention and treatment
4 centers and alternatives to detention for juvenile offenders.

5 “(3) The plan described in paragraph (2) shall require the Bureau of Indian Education and
6 the Indian Health Service to coordinate with tribal and BIA juvenile detention centers to
7 provide services to such facilities.”;

8 (2) in paragraph (b) by striking “such sums as may be necessary for each of the fiscal
9 years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting
10 “such sums as are necessary for each of fiscal years 2010 through 2014”; and

11 (4) by indenting paragraph (2) appropriately.

12 SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND 13 LEGAL ASSISTANCE.

14 (a) Indian Tribal Justice.—

15 (1) The Indian Tribal Justice Act (25 U.S.C. § 3613(b)(2)) is amended by inserting after
16 “judicial personnel” the following:

17 “, including tribal court judges, prosecutors, public defenders, guardian ad litem and court
18 appointed special advocates for children and juveniles;”

19 (2) Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—
20 in subsection (a)—

21 (A) by striking “the provisions of sections 101 and 102 of this Act” and inserting
22 “sections 101 and 102”; and

23 (B) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010
24 through 2014”;

25 (3) in subsection (b)—

26 (A) by striking “the provisions of section 103 of this Act” and inserting “section
27 103”; and

28 (B) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2010
29 through 2014”;

30 (4) in subsection (c), by striking “the fiscal years 2000 through 2007” and inserting
31 “fiscal years 2010 through 2014”; and

32 (5) in subsection (d), by striking “the fiscal years 2000 through 2007” and inserting
33 “fiscal years 2010 through 2014”.

34 (b) Technical and Legal Assistance.—The Indian Tribal Justice Technical and Legal
35 Assistance Act of 2000 is amended—

36 (1) in 25 U.S.C. 3662 by adding after the phrase “civil legal assistance to members of
37 Indian tribes and tribal justice systems” the following:

1 “, including guardian ad litem and court appointed special advocates for children and
2 juveniles”;

3 (2) in 25 U.S.C. 3663 by deleting the phrase “criminal legal services to members of
4 Indian tribes and tribal justice systems” and inserting “licensed public defender services to
5 all defendants subject to tribal court jurisdiction, prosecution services and judicial services
6 for tribal courts”;

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

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

11 SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

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

14 (1) in subsection (b)—

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

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

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

20 (D) in paragraph (15)—

21 (i) by striking “a State in” and inserting “a State or Indian tribe in”;

22 (ii) by striking “the State which” and inserting “the State or tribal community
23 that”; and

24 (iii) by striking “a State or” and inserting “a State, tribal, or”;

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

26 (F) in paragraph (17), by striking the period at the end and inserting “; and”;

27 (G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16),
28 respectively; and

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

30 “(17) to permit tribal governments receiving direct law enforcement services from the
31 Bureau of Indian Affairs to access the program under this section on behalf of the Bureau
32 for use in accordance with paragraphs (1) through (16).”.

33 (2) in subsection (i), by striking “The authority” and inserting “Except as provided in
34 subsection (j), the authority”; and

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

36 “(j) Grants to Indian Tribes.—

1 “(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in
2 acknowledgment of the Federal nexus and distinct Federal responsibility to address and
3 prevent crime in Indian country, the Attorney General shall provide grants under this
4 section to Indian tribal governments, for fiscal year 2010 and any fiscal year thereafter, for
5 such period as the Attorney General determines to be appropriate to assist the Indian tribal
6 governments in carrying out the purposes described in subsection (b).

7 “(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this
8 subsection, the Attorney General shall take into consideration reservation crime rates and
9 tribal law enforcement staffing needs of each Indian tribal government.

10 “(3) Match.—Because of the federal nature and responsibility for providing public safety
11 on Indian lands, no matching funds shall be required for any grant or subgrant made under
12 this Act to an Indian tribe.

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

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

20 “(1) the problem of intermittent funding;

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

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

24 25 SEC. 404. TRIBAL JAILS PROGRAM.

26 (a) In General.—Section 20109 of the Violent Crime Control and Law Enforcement Act of
27 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

28 “(a) Reservation of Funds.—Notwithstanding any other provision of this part, of amounts
29 made available to the Attorney General to carry out programs relating to offender incarceration,
30 the Attorney General shall reserve \$35,000,000 for each of fiscal years 2010 through 2014 to
31 carry out this section.”.

32 (b) Regional Detention Centers.—

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

36 “(b) Grants to Indian Tribes.—

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

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

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

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

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

6 “(B) to Indian tribes for the construction of tribal justice centers that combine tribal
7 police, courts, and corrections services to address violations of civil and criminal
8 subject to the jurisdiction of the Indian tribe; and

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

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

14 “(A) reservation crime rates;

15 “(B) annual tribal court convictions; and

16 “(C) bed space needs.”

17 “(3) Match.—Because of the federal nature and responsibility for providing public safety
18 on Indian lands, no matching funds shall be required for any grant or subgrant made under
19 this Act to an Indian tribe.”

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

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

25 “(d) Long-Term Plan.—Not later than 1 year after the date of enactment of this subsection, the
26 Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with
27 tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to
28 Congress a long-term plan to address incarceration in Indian country, including a description
29 of—

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

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

34 “(3) proposed activities for contracting with State and local detention centers, with tribal
35 government approval;

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

38 “(5) such other alternatives as the Attorney General, in coordination with the Bureau of
39 Indian Affairs and in consultation with Indian Tribes, determines to be necessary.”

1 **SEC. 405. TRIBAL PROBATION OFFICE LIAISON**
2 **PROGRAM.**

3 Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C.
4 3681 et seq.) is amended by adding at the end the following:

5 **“SEC. 203. ASSISTANT PAROLE AND PROBATION**
6 **OFFICERS.**

7 “To the maximum extent practicable, the Director of the Administrative Office of the United
8 States Courts, in coordination with the Office of Tribal Justice and the Director of the Office of
9 Justice Services, shall appoint individuals residing in Indian country to serve as assistant parole
10 or probation officers for purposes of monitoring and providing service to Federal prisoners
11 residing in Indian country. In addition, the Director, in coordination with the Office of Tribal
12 Justice and the Director of the Office of Justice Services, shall provide substance abuse, mental
13 health, and other related treatment services to offenders residing on Indian lands.”.

14 **SEC. 406. TRIBAL YOUTH PROGRAM.**

15 (a) Incentive Grants for Local Delinquency Prevention Programs.—

16 (1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of
17 1974 (42 U.S.C. 5783) is amended—

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

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

21 “(d) Grants for Tribal Delinquency Prevention and Response Programs.—

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

25 “(A) to support and enhance tribal juvenile delinquency prevention and the ability of
26 Indian tribes to respond to and care for juvenile offenders; and

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

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

32 “(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator
33 shall take into consideration, with respect to the reservation communities to be served—

34 “(A) juvenile crime rates;

35 “(B) dropout rates; and

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

1 (2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and
2 Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking “fiscal years
3 2004, 2005, 2006, 2007, and 2008” and inserting “each of fiscal years 2010 through 2014”.

4 (b) Coordinating Council on Juvenile Justice and Delinquency Prevention.—Section 206(a)(2)
5 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is
6 amended—

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

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

9 “(iv) One member shall be appointed by the Chairman of the Committee on
10 Indian Affairs of the Senate in consultation with the Vice Chairman.”.

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

13 **SEC. 501. TRACKING OF CRIMES COMMITTED IN**
14 **INDIAN COUNTRY.**

15 (a) Gang Violence.—Section 1107 of the Violence Against Women and Department of Justice
16 Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

17 (1) in subsection (a)—

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

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

21 “(8) the Office of Justice Services of the Bureau of Indian Affairs;”;

22 (C) in paragraph (9) (as redesignated by subparagraph (A)), by striking “State” and
23 inserting “tribal, State,”; and

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

26 (2) in subsection (b), by inserting “tribal,” before “State,” each place it appears.

27 (b) Bureau of Justice Statistics.—Section 302 of the Omnibus Crime Control and Safe Streets
28 Act of 1968 (42 U.S.C. 3732) is amended—

29 (1) in subsection (c)—

30 (A) in paragraph (1), by inserting “, Indian tribes,” after “contracts with”;

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

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

34 (D) in paragraph (9), by striking “Federal and State Governments” and inserting
35 “Federal Government and State and tribal governments”;

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

3 (F) in paragraph (13), by inserting “, Indian tribes,” after “States”;

4 (G) in paragraph (17)—

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

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

7 (H) in paragraph (18), by striking “State and local” and inserting “State, tribal, and
8 local”;

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

10 (J) in paragraph (20), by inserting “, tribal,” after “State”; and

11 (K) in paragraph (22), by inserting “, tribal,” after “Federal”;

12 (2) in subsection (d)—

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

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

16 “(1) IN GENERAL.—To ensure”; and

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

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

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

25 (4) in subsection (f)—

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

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

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

29 “(g) Report to Congress on Crimes in Indian Country.—Not later than 1 year after the date of
30 enactment of this subsection, and annually thereafter, the Director shall submit to Congress a
31 report describing the data collected and analyzed under this section relating to crimes in Indian
32 country.”.

33 SEC. 502. GRANTS TO IMPROVE TRIBAL DATA 34 COLLECTION SYSTEMS.

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

1 “(f) Grants to Improve Tribal Data Collection Systems.—

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

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

10 SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT 11 PROGRAM.

12 Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.
13 3796h(a)) is amended by inserting “, tribal,” after “State”.

14 TITLE VI—DOMESTIC VIOLENCE AND SEXUAL 15 ASSAULT PROSECUTION AND PREVENTION

16 SEC. 601. PRISONER RELEASE AND REENTRY.

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

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

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

21 (3) in subsection (c)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A), by striking “officer of the State and of the local
24 jurisdiction” and inserting “officers of each State, tribal, and local jurisdiction”;
25 and

26 (ii) in subparagraph (B), by inserting “, tribal,” after “State” each place it
27 appears; and

28 (B) in paragraph (2)—

29 (i) by striking “(2) Notice” and inserting the following:

30 “(2) REQUIREMENTS.—

31 “(A) IN GENERAL.—A notice”;

32 (ii) in the second sentence, by striking “For a person who is released” and
33 inserting the following:

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

35 (iii) in the third sentence, by striking “For a person who is sentenced” and

1 inserting the following:

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

3 (iv) in the fourth sentence, by striking “Notice concerning” and inserting the
4 following:

5 “(D) RELEASED PERSONS REQUIRED TO REGISTER.—

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

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

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

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

15 “(II) ensure that the person is registered with the law enforcement office of
16 each appropriate jurisdiction before release from federal custody.”.

17 SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE 18 TRAINING.

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

25 SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN 26 CASES OF RAPE AND SEXUAL ASSAULT.

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

29 “SEC. 11. TESTIMONY BY FEDERAL EMPLOYEES IN 30 CASES OF RAPE AND SEXUAL ASSAULT.

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

37 “(b) Requirement.—The Director concerned shall approve a request or subpoena under

1 subsection (a) if the request or subpoena does not violate the policy of the Department of the
2 Interior to maintain strict impartiality with respect to private causes of action.

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

6 SEC. 604. COORDINATION OF FEDERAL AGENCIES.

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

9 “SEC. 12. COORDINATION OF FEDERAL AGENCIES.

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

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

15 “(2) to improve forensic examinations and collection;

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

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

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

26 SEC. 605. SEXUAL ASSAULT PROTOCOL.

27 Title VIII of the Indian Health Care Improvement Act is amended by inserting after section
28 802 (25 U.S.C. 1672) the following:

29 “SEC. 803. POLICIES AND PROTOCOL.

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