

1     **TITLE IX—SAFETY FOR INDIAN**  
2                     **WOMEN**  
3             **Subtitle A—Tools to Enhance**  
4             **Public Safety for Indian Tribes**

5     **SEC. 901. FINDINGS AND PURPOSES.**

6             (a) FINDINGS.—Congress finds that—

7                     (1) American Indians and Alaska Natives are—

8                             (A) 2.5 times as likely to experience violent  
9                     crimes; and

10                     (B) at least 2 times more likely to experi-  
11                     ence rape or sexual assault crimes;

12                     (2) more than 4 in 5 American Indian and  
13             Alaska Native women have experienced violence in  
14             their lifetime;

15                     (3) the vast majority of American Indian and  
16             Alaska Native victims of violence—96 percent of  
17             women victims and 89 percent of male victims—have  
18             experienced sexual violence by a non-Indian pepe-  
19             trator at least once in their lifetime;

20                     (4) Indian Tribes exercising special domestic vi-  
21             olence criminal jurisdiction over non-Indians pursu-  
22             ant to section 204 of Public Law 90–284 (25 U.S.C.  
23             1304) (commonly known as the “Indian Civil Rights

1 Act of 1968”), restored by section 904 of the Vio-  
2 lence Against Women Reauthorization Act of 2013  
3 (Public Law 113–4; 127 Stat. 120), have reported  
4 significant success holding violent offenders account-  
5 able for crimes of domestic violence, dating violence,  
6 and civil protection order violations;

7 (5) Tribal prosecutors for Indian Tribes exer-  
8 cising special domestic violence criminal jurisdiction  
9 report that the majority of domestic violence cases  
10 involve children either as witnesses or victims, and  
11 the Department of Justice reports that American In-  
12 dian and Alaska Native children suffer exposure to  
13 violence at one of the highest rates in the United  
14 States;

15 (6) childhood exposure to violence can have im-  
16 mediate and long-term effects, including increased  
17 rates of altered neurological development, poor phys-  
18 ical and mental health, poor school performance,  
19 substance abuse, and overrepresentation in the juve-  
20 nile justice system;

21 (7) according to the Centers for Disease Con-  
22 trol and Prevention, homicide is—

23 (A) the third leading cause of death among  
24 American Indian and Alaska Native women be-  
25 tween 10 and 24 years of age; and

1 (B) the fifth leading cause of death for  
2 American Indian and Alaska Native women be-  
3 tween 25 and 34 years of age;

4 (8) in some areas of the United States, Native  
5 American women are murdered at rates more than  
6 10 times the national average;

7 (9) according to a 2017 report by the Depart-  
8 ment of Justice, 66 percent of criminal prosecutions  
9 for crimes in Indian country that United States At-  
10 torneys declined to prosecute involved assault, mur-  
11 der, or sexual assault;

12 (10) investigation into cases of missing or mur-  
13 dered Indigenous women is made difficult for Tribal  
14 law enforcement agencies due to a lack of resources,  
15 including a lack of—

16 (A) necessary personnel, training, equip-  
17 ment, or funding;

18 (B) interagency cooperation;

19 (C) appropriate laws in place; and

20 (D) access to Federal enforcement data-  
21 bases;

22 (11) domestic violence calls are among the most  
23 dangerous calls that law enforcement receives;

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

1 (A) has a significant impact on public safe-  
2 ty in Indian communities;

3 (B) according to Tribal justice officials,  
4 has been increasingly exploited by criminals;  
5 and

6 (C) requires a high degree of commitment  
7 and cooperation among Tribal, Federal, and  
8 State law enforcement officials;

9 (13) restoring and enhancing Tribal capacity to  
10 address violence against women provides for greater  
11 local control, safety, accountability, and trans-  
12 parency;

13 (14) Indian Tribes with restrictive settlement  
14 Acts, such as Indian Tribes in the State of Maine,  
15 and Indian Tribes located in States with concurrent  
16 authority to prosecute crimes in Indian country  
17 under the amendments made by the Act of August  
18 15, 1953 (67 Stat. 590, chapter 506), face unique  
19 public safety challenges; and

20 (15) Native Hawaiians experience a dispropor-  
21 tionately high rate of human trafficking, with 64  
22 percent of human trafficking victims in the State of  
23 Hawai'i identifying as at least part Native Hawai-  
24 ian.

25 (b) PURPOSES.—The purposes of this subtitle are—

1           (1) to clarify the responsibilities of Federal,  
2           State, Tribal, and local law enforcement agencies  
3           with respect to responding to cases of domestic vio-  
4           lence, dating violence, stalking, sex trafficking, sex-  
5           ual violence, crimes against children, and assault  
6           against Tribal law enforcement officers;

7           (2) to increase coordination and communication  
8           among Federal, State, Tribal, and local law enforce-  
9           ment agencies;

10          (3) to empower Tribal governments and Native  
11          American communities, including urban Indian com-  
12          munities and Native Hawaiian communities, with  
13          the resources and information necessary to effec-  
14          tively respond to cases of domestic violence, dating  
15          violence, stalking, sex trafficking, sexual violence,  
16          and missing and murdered Native Americans; and

17          (4) to increase the collection of data related to  
18          missing and murdered Native Americans and the  
19          sharing of information among Federal, State, Tribal,  
20          and local officials responsible for responding to and  
21          investigating crimes impacting Indian Tribes and  
22          Native American communities, including urban In-  
23          dian communities and Native Hawaiian commu-  
24          nities, especially crimes relating to cases of missing  
25          and murdered Native Americans.

1 **SEC. 902. TRIBAL ACCESS PROGRAM.**

2 (a) ACCESS TO NATIONAL CRIME INFORMATION  
3 DATABASES BY INDIAN TRIBES.—Section 233(b) of the  
4 Tribal Law and Order Act of 2010 (34 U.S.C. 41107(b))  
5 is amended—

6 (1) by striking paragraph (1) and inserting the  
7 following:

8 “(1) IN GENERAL.—The Attorney General shall  
9 ensure that—

10 “(A) tribal law enforcement officials that  
11 meet applicable Federal or State requirements  
12 shall be permitted access to national crime in-  
13 formation databases; and

14 “(B) technical assistance and training is  
15 provided to Bureau of Indian Affairs and tribal  
16 law enforcement agencies to gain access to, and  
17 the ability to use and input information into,  
18 the National Crime Information Center and  
19 other national crime information databases pur-  
20 suant to section 534 of title 28, United States  
21 Code.”; and

22 (2) in paragraph (3), by striking “with criminal  
23 jurisdiction over Indian country”.

24 (b) ACQUISITION, PRESERVATION, AND EXCHANGE  
25 OF IDENTIFICATION RECORDS AND INFORMATION.—Sec-  
26 tion 534(d) of title 28, United States Code, is amended—

1           (1) by redesignating paragraphs (1) and (2) as  
2           subparagraphs (A) and (B), respectively, and indent-  
3           ing appropriately;

4           (2) in the matter preceding subparagraph (A)  
5           (as so redesignated) by striking “The Attorney Gen-  
6           eral” and inserting the following:

7           “(1) IN GENERAL.—The Attorney General”;  
8           and

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

10          “(2) TRIBAL ACCESS PROGRAM.—

11                 “(A) IN GENERAL.—The Attorney General  
12                 shall establish a program, to be known as the  
13                 ‘Tribal Access Program’, to enhance the ability  
14                 of tribal governments and their designated  
15                 agencies to access, enter information into, and  
16                 obtain information from Federal criminal infor-  
17                 mation databases under this section.

18                 “(B) AUTHORIZATION OF APPROPRIA-  
19                 TIONS.—There is authorized to be appropriated  
20                 to carry out the Tribal Access Program under  
21                 subparagraph (A) \$6,000,000 for each of fiscal  
22                 years 2022 through 2026, to remain available  
23                 until expended.

24                 “(3) INFORMATION SHARING.—To the extent  
25                 otherwise permitted by law, any report issued as a

1 result of the analysis of information entered into  
2 Federal criminal information databases or obtained  
3 from Federal criminal databases shall be shared  
4 with each Indian tribe of jurisdiction, including In-  
5 dian tribes located in the State of Maine.”.

6 (c) IDENTIFICATION RECORDS.—The second para-  
7 graph of the matter under the heading “SALARIES AND  
8 EXPENSES” under the heading “FEDERAL BUREAU OF IN-  
9 VESTIGATION” of the Department of Justice Appropria-  
10 tion Act, 1973 (34 U.S.C. 41101) is amended—

11 (1) by inserting “or Tribal” after “if authorized  
12 by State”; and

13 (2) by inserting “, Tribal,” before “and local  
14 governments”.

15 **SEC. 903. BUREAU OF PRISONS TRIBAL PRISONER PRO-**  
16 **GRAM.**

17 Section 234(c) of the Tribal Law and Order Act of  
18 2010 (25 U.S.C. 1302 note; Public Law 111–211) is  
19 amended—

20 (1) in the subsection heading, by striking  
21 “PILOT”;

22 (2) by striking “pilot” each place it appears;

23 (3) in paragraph (1), by striking “Not later  
24 than 120 days after the date of enactment of this  
25 title” and inserting “Not later than 120 days after

1 the date of enactment of the Violence Against  
2 Women Act Reauthorization Act of 2021”;

3 (4) in paragraph (2)(B), by striking “2 or more  
4 years” and inserting “1 or more years”; and

5 (5) by striking paragraphs (5) and (6).

6 **SEC. 904. TRIBAL JURISDICTION OVER COVERED CRIMES.**

7 Section 204 of Public Law 90–284 (25 U.S.C. 1304)  
8 (commonly known as the “Indian Civil Rights Act of  
9 1968”) is amended—

10 (1) in the section heading, by striking  
11 “**CRIMES OF DOMESTIC VIOLENCE**” and insert-  
12 ing “**COVERED CRIMES**”;

13 (2) by striking “special domestic violence crimi-  
14 nal jurisdiction” each place it appears and inserting  
15 “special Tribal criminal jurisdiction”;

16 (3) in subsection (a)—

17 (A) by redesignating paragraphs (1), (2),  
18 (3), (4), (5), (6), and (7) as paragraphs (6),  
19 (7), (8), (10), (11), (14), and (15), respectively;

20 (B) by inserting before paragraph (6) (as  
21 so redesignated) the following:

22 “(1) **ASSAULT OF TRIBAL JUSTICE PER-**  
23 **SONNEL.**—The term ‘assault of Tribal justice per-  
24 sonnel’ means any violation of the criminal law of  
25 the Indian tribe that has jurisdiction over the Indian

1 country where the violation occurs that involves the  
2 use, attempted use, or threatened use of physical  
3 force against an individual authorized to act for, or  
4 on behalf of, that Indian tribe or serving that Indian  
5 tribe during, or because of, the performance or du-  
6 ties of that individual in—

7 “(A) preventing, detecting, investigating,  
8 making arrests relating to, making apprehen-  
9 sions for, or prosecuting a covered crime;

10 “(B) adjudicating, participating in the ad-  
11 judication of, or supporting the adjudication of  
12 a covered crime;

13 “(C) detaining, providing supervision for,  
14 or providing services for persons charged with  
15 a covered crime; or

16 “(D) incarcerating, supervising, providing  
17 treatment for, providing rehabilitation services  
18 for, or providing reentry services for persons  
19 convicted of a covered crime.

20 “(2) CHILD.—The term ‘child’ means a person  
21 who has not attained the lesser of—

22 “(A) the age of 18; and

23 “(B) except in the case of sexual abuse,  
24 the age specified by the criminal law of the In-

1           dian tribe that has jurisdiction over the Indian  
2           country where the violation occurs.

3           “(3) CHILD VIOLENCE.—The term ‘child vio-  
4           lence’ means the use, threatened use, or attempted  
5           use of violence against a child proscribed by the  
6           criminal law of the Indian tribe that has jurisdiction  
7           over the Indian country where the violation occurs.

8           “(4) COERCION; COMMERCIAL SEX ACT.—The  
9           terms ‘coercion’ and ‘commercial sex act’ have the  
10          meanings given the terms in section 1591(e) of title  
11          18, United States Code.

12          “(5) COVERED CRIME.—The term ‘covered  
13          crime’ means—

14                 “(A) assault of Tribal justice personnel;

15                 “(B) child violence;

16                 “(C) dating violence;

17                 “(D) domestic violence;

18                 “(E) obstruction of justice;

19                 “(F) sexual violence;

20                 “(G) sex trafficking;

21                 “(H) stalking; and

22                 “(I) a violation of a protection order.”;

23                 (C) in paragraph (6) (as so redesignated),

24                 by striking “violence committed” and inserting

25                 “any violation of the criminal law of the Indian

1           tribe that has jurisdiction over the Indian coun-  
2           try where the violation occurs that is com-  
3           mitted”;

4                   (D) by striking paragraph (7) (as so redesi-  
5           gnated) and inserting the following:

6           “(7) DOMESTIC VIOLENCE.—The term ‘domes-  
7           tic violence’ means any violation of the criminal law  
8           of the Indian tribe that has jurisdiction over the In-  
9           dian country where the violation occurs that is com-  
10          mitted by—

11                   “(A) a current or former spouse or inti-  
12           mate partner of the victim;

13                   “(B) a person with whom the victim shares  
14           a child in common;

15                   “(C) a person who is cohabitating with or  
16           who has cohabitated with the victim as a spouse  
17           or intimate partner; or

18                   “(D) a person similarly situated to a  
19           spouse of the victim under the domestic- or  
20           family-violence laws of the Indian tribe that has  
21           jurisdiction over the Indian country where the  
22           violation occurs.”;

23                   (E) by inserting after paragraph (8) (as so  
24           redesignated) the following:

1           “(9) OBSTRUCTION OF JUSTICE.—The term  
2           ‘obstruction of justice’ means any violation of the  
3           criminal law of the Indian tribe that has jurisdiction  
4           over the Indian country where the violation occurs  
5           that involves interfering with the administration or  
6           due process of the laws of the Indian tribe, including  
7           any Tribal criminal proceeding or investigation of a  
8           crime.”;

9           (F) by inserting after paragraph (11) (as  
10           so redesignated) the following:

11           “(12) SEX TRAFFICKING.—The term ‘sex traf-  
12           ficking’ means conduct within the meaning of sec-  
13           tion 1591(a) of title 18, United States Code.

14           “(13) SEXUAL VIOLENCE.—The term ‘sexual vi-  
15           olence’ means any nonconsensual sexual act or con-  
16           tact proscribed by the criminal law of the Indian  
17           tribe that has jurisdiction over the Indian country  
18           where the violation occurs, including in any case in  
19           which the victim lacks the capacity to consent to the  
20           act.”;

21           (G) in paragraph (14) (as so redesign-  
22           ated), in the paragraph heading, by striking  
23           “SPECIAL DOMESTIC VIOLENCE CRIMINAL JU-  
24           RISDICTION” and inserting “SPECIAL TRIBAL  
25           CRIMINAL JURISDICTION”; and

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

2 “(16) STALKING.—The term ‘stalking’ means  
3 engaging in a course of conduct directed at a spe-  
4 cific person proscribed by the criminal law of the In-  
5 dian tribe that has jurisdiction over the Indian coun-  
6 try where the violation occurs that would cause a  
7 reasonable person—

8 “(A) to fear for the person’s safety or the  
9 safety of others; or

10 “(B) to suffer substantial emotional dis-  
11 tress.

12 “(17) VIOLATION OF A PROTECTION ORDER.—  
13 The term ‘violation of a protection order’ means an  
14 act that—

15 “(A) occurs in the Indian country of a par-  
16 ticipating tribe; and

17 “(B) violates a provision of a protection  
18 order that—

19 “(i) prohibits or provides protection  
20 against violent or threatening acts or har-  
21 assment against, sexual violence against,  
22 contact or communication with, or physical  
23 proximity to, another person;

24 “(ii) was issued against the defend-  
25 ant;

1 “(iii) is enforceable by the partici-  
2 pating tribe; and

3 “(iv) is consistent with section  
4 2265(b) of title 18, United States Code.”;

5 (4) in subsection (b)(1), by inserting after “the  
6 powers of self-government of a participating tribe”  
7 the following: “, including any participating tribes in  
8 the State of Maine,”;

9 (5) in subsection (b)(4)—

10 (A) in the paragraph heading, by striking  
11 “EXCEPTIONS” and inserting “EXCEPTION IF  
12 VICTIM AND DEFENDANT ARE BOTH NON-INDI-  
13 ANS”;

14 (B) in subparagraph (A)(i), by inserting “,  
15 other than obstruction of justice or assault of  
16 Tribal justice personnel,” after “over an alleged  
17 offense”;

18 (C) by striking subparagraph (B);

19 (D) in subparagraph (A)—

20 (i) by striking the subparagraph des-  
21 ignation and heading and all that follows  
22 through “A participating” in clause (i) and  
23 inserting the following:

24 “(A) IN GENERAL.—A participating”; and

1 (ii) by redesignating clause (ii) as  
2 subparagraph (B) and indenting appro-  
3 priately; and

4 (E) in subparagraph (B) (as so redesi-  
5 gnated), by striking “subparagraph” and insert-  
6 ing “paragraph”;

7 (6) by striking subsection (e) and inserting the  
8 following:

9 “(c) CRIMINAL CONDUCT.—A participating tribe may  
10 exercise special Tribal criminal jurisdiction over a defend-  
11 ant for a covered crime that occurs in the Indian country  
12 of the participating tribe.”; and

13 (7) by striking subsections (f), (g), and (h) and  
14 inserting the following:

15 “(f) REIMBURSEMENT AND GRANTS TO TRIBAL GOV-  
16 ERNMENTS.—

17 “(1) REIMBURSEMENT.—

18 “(A) IN GENERAL.—The Attorney General  
19 may reimburse Tribal government authorities  
20 (or an authorized designee of a Tribal govern-  
21 ment) for expenses incurred in exercising spe-  
22 cial Tribal criminal jurisdiction.

23 “(B) ELIGIBLE EXPENSES.—Eligible ex-  
24 penses for reimbursement under subparagraph

1 (A) shall include expenses and costs incurred  
2 in, relating to, or associated with—

3 “(i) investigating, making arrests re-  
4 lating to, making apprehensions for, or  
5 prosecuting covered crimes (including costs  
6 involving the purchasing, collecting, and  
7 processing of sexual assault forensic mate-  
8 rials);

9 “(ii) detaining, providing supervision  
10 of, or providing services for persons  
11 charged with covered crimes (including  
12 costs associated with providing health  
13 care);

14 “(iii) providing indigent defense serv-  
15 ices for 1 or more persons charged with 1  
16 or more covered crimes; and

17 “(iv) incarcerating, supervising, or  
18 providing treatment, rehabilitation, or re-  
19 entry services for 1 or more persons  
20 charged with 1 or more covered crimes.

21 “(C) PROCEDURE.—

22 “(i) IN GENERAL.—Reimbursements  
23 authorized under subparagraph (A) shall  
24 be in accordance with rules promulgated by  
25 the Attorney General, after consultation

1 with Indian tribes, and within 1 year after  
2 the date of enactment of the Violence  
3 Against Women Act Reauthorization Act  
4 of 2021.

5 “(ii) MAXIMUM REIMBURSEMENT.—  
6 The rules promulgated by the Attorney  
7 General under clause (i)—

8 “(I) shall set a maximum allow-  
9 able reimbursement to any Tribal gov-  
10 ernment (or an authorized designee of  
11 any Tribal government) in a 1-year  
12 period; and

13 “(II) may allow the Attorney  
14 General—

15 “(aa) to establish conditions  
16 under which a Tribal government  
17 (or an authorized designee of a  
18 Tribal government) may seek a  
19 waiver to the maximum allowable  
20 reimbursement requirement es-  
21 tablished under subclause (I);  
22 and

23 “(bb) to waive the maximum  
24 allowable reimbursement require-  
25 ments established under sub-

1 clause (I) for a Tribal govern-  
2 ment (or an authorized designee  
3 of a Tribal government) if the  
4 conditions established by the At-  
5 torney General under item (aa)  
6 are met by that Tribal govern-  
7 ment (or authorized designee).

8 “(iii) TIMELINESS OF REIMBURSE-  
9 MENTS.—To the maximum extent prac-  
10 ticable, the Attorney General shall—

11 “(I) not later than 90 days after  
12 the date on which the Attorney Gen-  
13 eral receives a qualifying reimburse-  
14 ment request from a Tribal govern-  
15 ment (or an authorized designee of a  
16 Tribal government)—

17 “(aa) reimburse the Tribal  
18 government (or authorized des-  
19 ignee); or

20 “(bb) notify the Tribal gov-  
21 ernment (or authorized designee)  
22 of the reason by which the Attor-  
23 ney General was unable to issue  
24 the reimbursement; and

1                   “(II) not later than 30 days after  
2                   the date on which a Tribal govern-  
3                   ment (or an authorized designee of a  
4                   Tribal government) reaches the an-  
5                   nual maximum allowable reimburse-  
6                   ment for the Tribal government (or  
7                   an authorized designee) established by  
8                   the Attorney General under clause  
9                   (ii)(I), notify the Tribal government  
10                  (or authorized designee) that the  
11                  Tribal government has reached its an-  
12                  nual maximum allowable reimburse-  
13                  ment.

14                  “(D) ELIGIBILITY FOR PARTICIPATING  
15                  TRIBES IN ALASKA.—A Tribal government (or  
16                  an authorized designee of a Tribal Government)  
17                  of an Indian tribe designated as a participating  
18                  Tribe under subtitle B of title IX of the Vio-  
19                  lence Against Women Act Reauthorization Act  
20                  of 2021 shall be eligible for reimbursement, in  
21                  accordance with this paragraph, of expenses in-  
22                  curred in exercising special Tribal criminal ju-  
23                  risdiction under that subtitle.

24                  “(2) GRANTS.—The Attorney General may  
25                  award grants to Tribal governments (or authorized

1 designees of Tribal governments), including a Tribal  
2 government (or an authorized designee of a Tribal  
3 government) of an Indian tribe designated as a par-  
4 ticipating Tribe under subtitle B of title IX of the  
5 Violence Against Women Act Reauthorization Act of  
6 2021—

7 “(A) to strengthen Tribal criminal justice  
8 systems to assist Indian tribes in exercising  
9 special Tribal criminal jurisdiction, including  
10 for—

11 “(i) law enforcement (including the  
12 capacity of law enforcement, court per-  
13 sonnel, or other non-law enforcement enti-  
14 ties that have no Federal or State arrest  
15 authority agencies but have been des-  
16 ignated by an Indian tribe as responsible  
17 for maintaining public safety within the  
18 territorial jurisdiction of the Indian tribe,  
19 to enter information into and obtain infor-  
20 mation from national crime information  
21 databases);

22 “(ii) prosecution;

23 “(iii) trial and appellate courts (in-  
24 cluding facilities maintenance, renovation,  
25 and rehabilitation);

1 “(iv) supervision systems;

2 “(v) detention and corrections (includ-  
3 ing facilities maintenance, renovation, and  
4 rehabilitation);

5 “(vi) treatment, rehabilitation, and re-  
6 entry programs and services;

7 “(vii) culturally appropriate services  
8 and assistance for victims and their fami-  
9 lies; and

10 “(viii) criminal codes and rules of  
11 criminal procedure, appellate procedure,  
12 and evidence;

13 “(B) to provide indigent criminal defend-  
14 ants with licensed defense counsel, at no cost to  
15 the defendant, in criminal proceedings in which  
16 a participating tribe prosecutes covered crimes;

17 “(C) to ensure that, in criminal pro-  
18 ceedings in which a participating tribe exercises  
19 special Tribal criminal jurisdiction, jurors are  
20 summoned, selected, and instructed in a man-  
21 ner consistent with all applicable requirements;  
22 and

23 “(D) to accord victims of covered crimes  
24 rights that are similar to the rights of a crime  
25 victim described in section 3771(a) of title 18,

1 United States Code, consistent with Tribal law  
2 and custom.

3 “(g) SUPPLEMENT, NOT SUPPLANT.—Amounts  
4 made available under this section shall supplement and  
5 not supplant any other Federal, State, or local government  
6 amounts made available to carry out activities described  
7 in this section.

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There is authorized to be  
10 appropriated \$25,000,000 for each of fiscal years  
11 2022 through 2026—

12 “(A) to carry out subsection (f); and

13 “(B) to provide training, technical assist-  
14 ance, data collection, and evaluation of the  
15 criminal justice systems of participating tribes.

16 “(2) LIMITATIONS.—Of the total amount made  
17 available under paragraph (1) for each fiscal year,  
18 not more than 40 percent shall be used for reim-  
19 bursements under subsection (f)(1).”.

20 **Subtitle B—Alaska Tribal Public**  
21 **Safety Empowerment**

22 **SEC. 911. FINDINGS; PURPOSES.**

23 (a) FINDINGS.—Congress finds that—

24 (1) according to the report of the Indian Law  
25 and Order Commission established by section 15 of

1 the Indian Law Enforcement Reform Act (25 U.S.C.  
2 2812), Alaska Native women—

3 (A) are overrepresented in the domestic vi-  
4 olence victim population by 250 percent;

5 (B) in the State of Alaska, comprise—

6 (i) 19 percent of the population of the  
7 State; but

8 (ii) 47 percent of reported rape vic-  
9 tims in the State; and

10 (C) as compared to the populations of  
11 other Indian Tribes, suffer the highest rates of  
12 domestic and sexual violence;

13 (2) most Alaska Native villages are located in  
14 remote areas that—

15 (A) are often inaccessible by road; and

16 (B) have no local law enforcement pres-  
17 ence;

18 (3) the Commission referred to in paragraph  
19 (1)—

20 (A) determined that the Alaska Depart-  
21 ment of Public Safety—

22 (i) has primary responsibility for law  
23 enforcement in rural Alaska; but

24 (ii) provides only 1 to 1.4 field officers  
25 per 1,000,000 acres; and

1 (B) recommended that “devolving author-  
2 ity to Alaska Native communities is essential  
3 for addressing local crime. Their governments  
4 are best positioned to effectively arrest, pros-  
5 ecute, and punish, and they should have the au-  
6 thority to do so-or to work out voluntary agree-  
7 ments with each other, and with local govern-  
8 ments and the State on mutually beneficial  
9 terms”; and

10 (4) the unique legal relationship of the United  
11 States to Indian Tribes creates a Federal trust re-  
12 sponsibility to assist Tribal governments in safe-  
13 guarding the lives of Indian women.

14 (b) PURPOSES.—The purposes of this subtitle are—

15 (1) to increase coordination and communication  
16 among Federal, State, Tribal, and local law enforce-  
17 ment agencies; and

18 (2) to empower Indian Tribes to effectively re-  
19 spond to cases of domestic violence, dating violence,  
20 stalking, sex trafficking, sexual violence, and missing  
21 and murdered Alaska Natives through the exercise  
22 of special Tribal criminal jurisdiction.

23 **SEC. 912. DEFINITIONS.**

24 In this subtitle:

1           (1) ASSAULT OF TRIBAL JUSTICE PERSONNEL;  
2 COVERED CRIME; OBSTRUCTION OF JUSTICE; PRO-  
3 TECTION ORDER; VIOLATION OF A PROTECTION  
4 ORDER.—

5           (A) IN GENERAL.—The terms “assault of  
6 Tribal justice personnel”, “covered crime”, “ob-  
7 struction of justice”, “protection order”, and  
8 “violation of a protection order” have the mean-  
9 ings given the terms in section 204(a) of Public  
10 Law 90–284 (25 U.S.C. 1304(a)) (commonly  
11 known as the “Indian Civil Rights Act of  
12 1968”).

13           (B) APPLICATION.—For purposes of the  
14 application of the definitions of “assault of  
15 Tribal justice personnel”, “obstruction of jus-  
16 tice”, and “violation of a protection order”, and  
17 for purposes of the application of the defined  
18 terms contained in the definition of “covered  
19 crime”, under section 204(a) of Public Law 90–  
20 284 (25 U.S.C. 1304(a)) (commonly known as  
21 the “Indian Civil Rights Act of 1968”) to the  
22 pilot program, the Attorney General shall mod-  
23 ify any reference to “Indian country” to mean  
24 the Village of a participating Tribe.

1           (2) INDIAN; INDIAN COURT; INDIAN TRIBE;  
2           POWERS OF SELF-GOVERNMENT.—The terms “In-  
3           dian”, “Indian court”, “Indian tribe”, and “powers  
4           of self-government” have the meanings given the  
5           terms in section 201 of Public Law 90–284 (25  
6           U.S.C. 1301) (commonly known as the “Indian Civil  
7           Rights Act of 1968”).

8           (3) PARTICIPATING TRIBE.— The term “par-  
9           ticipating Tribe” means an Indian tribe that is des-  
10          ignated under section 913(d)(1) as a participating  
11          Tribe to exercise special Tribal criminal jurisdiction.

12          (4) PILOT PROGRAM.—The term “pilot pro-  
13          gram” means the pilot program established by sec-  
14          tion 913(d)(1).

15          (5) SPECIAL TRIBAL CRIMINAL JURISDIC-  
16          TION.—The term “special Tribal criminal jurisdic-  
17          tion” means the criminal jurisdiction that a partici-  
18          pating Tribe may exercise under this subtitle but  
19          could not otherwise exercise.

20          (6) STATE.—The term “State” means the State  
21          of Alaska.

22          (7) VILLAGE.—The term “Village” means the  
23          Alaska Native Village Statistical Area covering all or  
24          any portion of a Native village (as defined in section  
25          3 of the Alaska Native Claims Settlement Act (43

1 U.S.C. 1602)), as depicted on the applicable Tribal  
2 Statistical Area Program Verification map of the  
3 Bureau of the Census.

4 **SEC. 913. TRIBAL JURISDICTION IN ALASKA.**

5 (a) IN GENERAL.—Subject to title II of Public Law  
6 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the  
7 “Indian Civil Rights Act of 1968”), Congress recognizes  
8 and affirms the inherent authority of any Indian tribe oc-  
9 cupying a Village in the State to exercise criminal and civil  
10 jurisdiction over all Indians present in the Village.

11 (b) TRIBAL CIVIL JURISDICTION TO ENFORCE PRO-  
12 TECTION ORDERS.—

13 (1) IN GENERAL.—A court of any Indian tribe  
14 in the State shall have full civil jurisdiction to issue  
15 and enforce protection orders involving any person  
16 in matters—

17 (A) arising within the Village of the Indian  
18 tribe; or

19 (B) otherwise within the authority of the  
20 Indian tribe.

21 (2) INCLUSIONS.—The full civil jurisdiction to  
22 issue and enforce protection orders under paragraph  
23 (1) includes the authority to enforce protection or-  
24 ders through—

25 (A) civil contempt proceedings;

1 (B) exclusion of violators from the Village  
2 of the Indian tribe; and

3 (C) other appropriate mechanisms.

4 (c) SPECIAL TRIBAL CRIMINAL JURISDICTION.—

5 (1) IN GENERAL.—Notwithstanding any other  
6 provision of law, in addition to all powers of self-gov-  
7 ernment recognized and affirmed under subsection  
8 (a), the powers of self-government of a participating  
9 Tribe include the inherent power of the participating  
10 Tribe, which is hereby recognized and affirmed, to  
11 exercise special Tribal criminal jurisdiction over a  
12 defendant for a covered crime that occurs in the Vil-  
13 lage of the participating Tribe.

14 (2) CONCURRENT JURISDICTION.—The exercise  
15 of special Tribal criminal jurisdiction by a partici-  
16 pating Tribe shall be concurrent with the jurisdic-  
17 tion of the United States, the State, or both.

18 (3) EXCEPTION IF VICTIM AND DEFENDANT  
19 ARE BOTH NON-INDIANS.—

20 (A) IN GENERAL.—A participating Tribe  
21 may not exercise special Tribal criminal jurisdic-  
22 tion over an alleged offense of a covered  
23 crime, other than obstruction of justice or as-  
24 sault of Tribal justice personnel, if neither the  
25 defendant nor the alleged victim is an Indian.

1 (B) DEFINITION OF VICTIM.—In this para-  
2 graph and with respect to a criminal proceeding  
3 in which a participating Tribe exercises special  
4 Tribal criminal jurisdiction based on a violation  
5 of a protection order, the term “victim” means  
6 a person specifically protected by the protection  
7 order that the defendant allegedly violated.

8 (d) PILOT PROGRAM FOR SPECIAL TRIBAL CRIMINAL  
9 JURISDICTION OVER PERSONS WHO ARE NOT INDI-  
10 ANS.—

11 (1) ESTABLISHMENT.—Subject to title II of  
12 Public Law 90–284 (25 U.S.C. 1301 et seq.) (com-  
13 monly known as the “Indian Civil Rights Act of  
14 1968”), there is established a pilot program under  
15 which the Attorney General, subject to paragraph  
16 (5), shall designate not more than 5 Indian tribes  
17 per calendar year as participating Tribes to exercise  
18 the special Tribal criminal jurisdiction described in  
19 paragraph (6) over all persons present in the Village  
20 of the Indian tribe.

21 (2) PROCEDURE.—At any time during the 1-  
22 year period beginning on the date of enactment of  
23 this Act, and annually thereafter, an Indian tribe  
24 may request the Attorney General to designate the

1 Indian tribe as a participating Tribe under para-  
2 graph (1).

3 (3) DESIGNATION OF PARTICIPATING TRIBES.—

4 (A) IN GENERAL.—The Attorney General,  
5 in consultation with the Secretary of the Inte-  
6 rior and affected Indian tribes, shall establish a  
7 process to designate Indian tribes to participate  
8 in the pilot program, which process shall—

9 (i) require that preference shall be  
10 given to Indian tribes occupying Villages—

11 (I) the populations of which are  
12 predominantly Indian; or

13 (II) that lack a permanent State  
14 law enforcement physical presence;

15 (ii) require that for each Indian tribe  
16 requesting to be designated as a partici-  
17 pating Tribe, the Attorney General makes  
18 a determination that the criminal justice  
19 system of the Indian tribe has adequate  
20 safeguards in place to protect defendants'  
21 rights, consistent with section 204(d) of  
22 Public Law 90–284 (25 U.S.C. 1304(d))  
23 (commonly known as the “Indian Civil  
24 Rights Act of 1968”); and

1 (iii) be subject to such other criteria  
2 as the Attorney General considers to be  
3 appropriate to achieve the purposes of this  
4 subtitle.

5 (B) DESIGNATION.—The Attorney General  
6 shall designate Indian tribes to participate in  
7 the pilot program under paragraph (1) using  
8 the process established under subparagraph  
9 (A).

10 (4) INTERTRIBAL PARTICIPATION.—

11 (A) IN GENERAL.—2 or more participating  
12 Tribes (or the Tribal organization (as defined  
13 in section 4 of the Indian Self-Determination  
14 and Education Assistance Act (25 U.S.C.  
15 5304)) of the participating Tribe, if the Tribal  
16 organization is exercising delegated authority  
17 from the participating Tribe)—

18 (i) may elect to participate jointly in  
19 the pilot program by providing shared re-  
20 sources to carry out the purposes of the  
21 pilot program; and

22 (ii) on making an election pursuant to  
23 clause (i), shall be considered to be a single  
24 participating Tribe for purposes of the

1 maximum number of participating Tribes  
2 under paragraphs (1) and (5).

3 (B) ADDITIONAL PARTICIPATING  
4 TRIBES.—

5 (i) IN GENERAL.—Additional partici-  
6 pating Tribes may elect to join an estab-  
7 lished intertribal partnership under sub-  
8 paragraph (A) at any time after the inter-  
9 tribal partnership is established.

10 (ii) APPLICATION.—An intertribal  
11 partnership that additional participating  
12 Tribes elect to join pursuant to clause (i)  
13 shall be considered to be a single partici-  
14 pating Tribe for purposes of the maximum  
15 number of participating Tribes under para-  
16 graphs (1) and (5).

17 (5) MAXIMUM NUMBER OF PARTICIPATING  
18 TRIBES.—

19 (A) IN GENERAL.—Except as provided in  
20 subparagraph (B), the Attorney General may  
21 designate not more than 30 Indian tribes to  
22 participate in the pilot program.

23 (B) EXCEPTION.—The limitation under  
24 subparagraph (A) shall not apply if the Attor-  
25 ney General submits to the Committee on In-

1           dian Affairs of the Senate and the Committee  
2           on Natural Resources of the House of Rep-  
3           resentatives, and publishes in the Federal Reg-  
4           ister, a written notice of the intention to des-  
5           ignate additional Indian tribes as participating  
6           Tribes, including the rationale for the designa-  
7           tion, by not later than the date that is 180 days  
8           before the date of designation.

9           (6) DESCRIPTION OF JURISDICTION.—Congress  
10          recognizes and affirms that an Indian tribe selected  
11          to participate in the pilot program as a participating  
12          Tribe may exercise, subject to paragraph (7), special  
13          Tribal criminal jurisdiction with respect to covered  
14          crimes.

15          (7) RIGHTS OF DEFENDANTS.—In exercising  
16          special Tribal criminal jurisdiction under the pilot  
17          program, a participating Tribe shall provide to each  
18          defendant all rights described in section 204(d) of  
19          Public Law 90–284 (25 U.S.C. 1304(d)) (commonly  
20          known as the “Indian Civil Rights Act of 1968”).

21          (e) SENTENCES.—In a criminal proceeding in which  
22          an Indian court of a participating Tribe, in exercising spe-  
23          cial Tribal criminal jurisdiction with respect to a covered  
24          crime, imposes a sentence of imprisonment of more than  
25          1 year on a defendant pursuant to section 202(b) of Public

1 Law 90–284 (25 U.S.C. 1302(b)) (commonly known as  
2 the “Indian Civil Rights Act of 1968”), the Indian court  
3 may require the defendant—

4 (1) to serve a sentence—

5 (A) in a Tribal correctional center that has  
6 been approved by the Bureau of Indian Affairs  
7 for long-term incarceration, in accordance with  
8 guidelines set by the Bureau of Indian Affairs;

9 (B) at the expense of the United States, in  
10 the nearest appropriate Federal facility pursu-  
11 ant to the Bureau of Prisons Tribal Prisoner  
12 Program established under section 234(e)(1) of  
13 the Tribal Law and Order Act of 2010 (25  
14 U.S.C. 1302 note; Public Law 111–211); or

15 (C) at the expense of the participating  
16 Tribe and, subject to section 204(f)(1) of Public  
17 Law 90–284 (25 U.S.C. 1304(f)(1)) (commonly  
18 known as the “Indian Civil Rights Act of  
19 1968”), reimbursable by the Attorney General,  
20 in a detention or correctional center approved  
21 by the State or a local government of the State  
22 pursuant to a memorandum of agreement be-  
23 tween the participating Tribe and the State or  
24 local government of the State; or

1           (2) to serve another alternative form of punish-  
2           ment, as determined by the Indian court pursuant to  
3           Tribal law.

4           (f) MEMORANDA OF AGREEMENT.—The Attorney  
5           General and the Secretary of the Interior may enter into  
6           such memoranda of agreement with participating Tribes  
7           and the State as are necessary and appropriate—

8           (1) to coordinate respective law enforcement ac-  
9           tivities;

10          (2) to share equipment and other resources;

11          (3) to establish cross-deputization arrange-  
12          ments;

13          (4) to coordinate appropriate training activities;  
14          and

15          (5) to address any other matters that will facili-  
16          tate the successful implementation of the pilot pro-  
17          gram, including intergovernmental agreements re-  
18          garding—

19                 (A) the incarceration of convicted persons;  
20                 and

21                 (B) cooperation in the investigation and  
22                 prosecution of crimes.

23          (g) ALASKA TRIBAL PUBLIC SAFETY ADVISORY COM-  
24          MITTEE.—

1           (1) ESTABLISHMENT.—Not later than 1 year  
2 after the date of enactment of this Act, the Attorney  
3 General, in consultation with the Secretary of the  
4 Interior, affected Indian tribes, and the State, shall  
5 establish a committee, to be known as the “Alaska  
6 Tribal Public Safety Advisory Committee” (referred  
7 to in this subsection as the “Committee”).

8           (2) MEMBERSHIP.—The Committee shall con-  
9 sist of 1 or more representatives from—

10           (A) participating Tribes and Indian tribes  
11 aspiring to participate in the pilot program;

12           (B) Federal, Tribal, State, and local law  
13 enforcement; and

14           (C) Tribal nonprofit organizations pro-  
15 viding victim services.

16           (3) DUTIES.—The Committee shall focus on—

17           (A) improving the justice systems, crime  
18 prevention, and victim services of Indian tribes  
19 and the State; and

20           (B) increasing coordination and commu-  
21 nication among Federal, Tribal, State, and local  
22 law enforcement agencies.

23           (4) TRAVEL EXPENSES.—A member of the  
24 Committee shall be allowed travel expenses, includ-  
25 ing per diem in lieu of subsistence, at rates author-

1        ized for employees of agencies under subchapter I of  
2        chapter 57 of title 5, United States Code, while  
3        away from their homes or regular places of business  
4        in the performance of services for the Committee.

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

8            (6) AUTHORIZATION OF APPROPRIATIONS.—  
9        There are authorized to be appropriated to carry out  
10       this subsection such sums as may be necessary for  
11       the period of fiscal years 2022 through 2026, to re-  
12       main available until expended.

13        (h) REPORT TO CONGRESS.—Not later than 5 years  
14       after the date of enactment of this Act, the Attorney Gen-  
15       eral, in consultation with the Secretary of the Interior and  
16       affected Indian tribes, shall submit to Congress a report  
17       describing the results of the pilot program, including an  
18       explanation of any modifications to law necessary to facili-  
19       tate improved law enforcement in Villages.

20        (i) APPLICABILITY.—Nothing in this subtitle—

21            (1) limits, alters, expands, or diminishes the  
22        civil or criminal jurisdiction of the United States,  
23        the State, any subdivision of the State, or any In-  
24        dian tribe in the State;

- 1           (2) creates or eliminates any Federal or State  
2 criminal jurisdiction over a Village; or
- 3           (3) affects the authority of the United States or  
4 any authority delegated by the United States to the  
5 State to investigate and prosecute a criminal viola-  
6 tion in a Village.