

110TH CONGRESS
2D SESSION

S. 3320

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

IN THE SENATE OF THE UNITED STATES

JULY 23, 2008

Mr. DORGAN (for himself, Ms. MURKOWSKI, Mr. BIDEN, Mr. DOMENICI, Mr. BAUCUS, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. KYL, Mr. JOHNSON, Mr. SMITH, Ms. CANTWELL, Mr. THUNE, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

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

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Tribal Law and Order Act of 2008”.

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

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

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

- Sec. 101. Office of Justice Services responsibilities.
- Sec. 102. Declination reports.
- Sec. 103. Prosecution of crimes in Indian country.
- Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

- Sec. 201. State criminal jurisdiction and resources.
- Sec. 202. Incentives for State, tribal, and local law enforcement cooperation.

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

- Sec. 301. Tribal police officers.
- Sec. 302. Drug enforcement in Indian country.
- Sec. 303. Access to national criminal information databases.
- Sec. 304. Tribal court sentencing authority.
- Sec. 305. Indian law and order commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

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

TITLE V—INDIAN COUNTRY CRIME DATA

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

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

- Sec. 601. Prisoner release and reentry.
- Sec. 602. Domestic and sexual violent offense training.
- Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

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

2 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

13 (8) tribal courts—

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

17 (B) have been historically underfunded;

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

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

3 (B) all felony crimes in Indian country;

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

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

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

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

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

17 (A) nearly twice the national average; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) to increase coordination and communication
22 among Federal, State, tribal, and local law enforce-
23 ment agencies;

24 (3) to empower tribal governments with the au-
25 thority, resources, and information necessary to

1 safely and effectively provide for the safety of the
2 public in tribal communities;

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

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

9 (6) to increase and standardize the collection of
10 criminal data and the sharing of criminal history in-
11 formation among Federal, State, and tribal officials
12 responsible for responding to and investigating
13 crimes in tribal communities.

14 **SEC. 3. DEFINITIONS.**

15 (a) IN GENERAL.—In this Act:

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

19 (2) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given the term in section 102 of the
21 Federally Recognized Indian Tribe List Act of 1994
22 (25 U.S.C. 479a).

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

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

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

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

10 “(A) a tribal prosecutor;

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

12 “(C) any other person responsible for in-
13 vestigating or prosecuting an alleged criminal
14 offense in tribal court.”.

15 **TITLE I—FEDERAL ACCOUNT-**
16 **ABILITY AND COORDINATION**

17 **SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBIL-**
18 **ITIES.**

19 (a) ADDITIONAL RESPONSIBILITIES OF DIVISION.—
20 Section 3 of the Indian Law Enforcement Reform Act (25
21 U.S.C. 2802) is amended—

22 (1) in subsection (c)—

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

1 (B) in paragraph (9), by striking the pe-
2 riod at the end and inserting a semicolon; and

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

4 “(10) communicating with tribal leaders, tribal
5 community advocates, tribal justice officials, and
6 residents of Indian land on a regular basis regarding
7 public safety and justice concerns facing tribal com-
8 munities;

9 “(11) conducting meaningful and timely con-
10 sultation with tribal leaders and tribal justice offi-
11 cials in the development of regulatory policies and
12 other actions that affect public safety and justice in
13 Indian country;

14 “(12) providing technical assistance and train-
15 ing to tribal law enforcement officials to gain access
16 and input authority to utilize the National Criminal
17 Information Center and other national crime infor-
18 mation databases pursuant to section 534 of title
19 28, United States Code;

20 “(13) in coordination with the Attorney General
21 pursuant to subsection (g) of section 302 of the Om-
22 nibus Crime Control and Safe Streets Act of 1968
23 (42 U.S.C. 3732), collecting, analyzing, and report-
24 ing data regarding Indian country crimes on an an-
25 nual basis;

1 “(14) submitting to the Committee on Indian
2 Affairs of the Senate and the Committee on Natural
3 Resources of the House of Representatives, for each
4 fiscal year, a detailed spending report regarding
5 tribal public safety and justice programs that in-
6 cludes—

7 “(A) the number of employees and
8 amounts spent by category, including a break-
9 down by position of direct Bureau and tribal
10 government employees, for each of—

11 “(i) criminal investigators;

12 “(ii) uniform police;

13 “(iii) dispatchers;

14 “(iv) detention officers; and

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

19 “(B) an itemized list of spending by the
20 Secretary on law enforcement and corrections
21 personnel, vehicles, related transportation costs,
22 equipment, inmate transportation costs, inmate
23 transfer costs, improvement and repair of facili-
24 ties, personnel transfers, detailees and costs re-
25 lated to their details, emergency events, public

1 safety and justice communications and tech-
2 nology costs, and other public safety and jus-
3 tice-related expenses;

4 “(C) a list of, and relevant details regard-
5 ing, the unmet staffing needs of law enforce-
6 ment and corrections personnel at tribal and
7 Bureau of Indian Affairs police departments
8 and corrections facilities, the backlog in correc-
9 tions facilities, public safety and justice commu-
10 nications and technology needs, and other pub-
11 lic safety and justice-related needs; and

12 “(D) the formula, priority list or other
13 methodology used to determine the method of
14 disbursement of funds for the public safety and
15 justice programs of the Office of Justice Serv-
16 ices;

17 “(15) submitting to Congress, for each fiscal
18 year, a report summarizing the technical assistance,
19 training, and other support provided to tribal law
20 enforcement and corrections agencies that operate
21 relevant programs pursuant to self-determination
22 contracts or self-governance compacts with the Bu-
23 reau of Indian Affairs; and

24 “(16) promulgating regulations to carry out
25 this Act, and routinely reviewing and updating, as

1 necessary, the regulations contained in subchapter B
2 of title 25, Code of Federal Regulations (or suc-
3 cessor regulations).”; and

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

5 “(d) LONG-TERM PLAN FOR TRIBAL DETENTION
6 PROGRAMS.—Not later than 1 year after the date of en-
7 actment of this subsection, the Secretary, acting through
8 the Bureau, in coordination with the Department of Jus-
9 tice and in consultation with tribal leaders, tribal law en-
10 forcement officers, and tribal corrections officials, shall
11 submit to Congress a long-term plan to address incarcer-
12 ation in Indian country, including a description of—

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

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

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

22 “(4) proposed activities for alternatives to in-
23 carceration, developed in cooperation with tribal
24 court systems; and

1 “(5) other such alternatives to incarceration as
2 the Secretary, in coordination with the Bureau and
3 in consultation with tribal representatives, deter-
4 mines to be necessary.”.

5 (b) LAW ENFORCEMENT AUTHORITY.—Section 4 of
6 the Indian Law Enforcement Reform Act (25 U.S.C.
7 2803) is amended—

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

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

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

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

20 **SEC. 102. DECLINATION REPORTS.**

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

24 “(a) REPORTS.—

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

8 “(A) submit to the appropriate tribal jus-
9 tice officials a report describing each reason
10 why a case was not opened or an investigation
11 was declined or terminated; and

12 “(B) submit to the Office of Indian Coun-
13 try Crime relevant information regarding all
14 declinations of alleged violations of Federal law
15 in Indian country, including—

16 “(i) the type of crime alleged;

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

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

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

23 “(2) UNITED STATES ATTORNEYS.—Subject to
24 subsection (d), if a United States Attorney declines
25 to prosecute, or acts to terminate prosecution of, an

1 alleged violation of Federal law in Indian country re-
2 ferred for prosecution by a law enforcement officer
3 or employee of a Federal department or agency or
4 other law enforcement officer authorized to enforce
5 Federal law, the United States Attorney shall—

6 “(A) coordinate and communicate with the
7 appropriate tribal justice official, sufficiently in
8 advance of the tribal statute of limitations, rea-
9 sonable details regarding the case to permit the
10 tribal prosecutor to pursue the case in tribal
11 court; and

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

17 “(i) the type of crime alleged;

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

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

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

24 “(b) MAINTENANCE OF RECORDS.—

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

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

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

15 “(d) EFFECT OF SECTION.—

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

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

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

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

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

5 (a) APPOINTMENT OF SPECIAL PROSECUTORS.—Sec-
 6 tion 543(a) of title 28, United States Code, is amended
 7 by inserting before the period at the end the following:
 8 “, including the appointment of qualified tribal prosecu-
 9 tors and other qualified attorneys to assist in prosecuting
 10 Federal offenses committed in Indian country”.

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

14 **“SEC. 11. ASSISTANT UNITED STATES ATTORNEY TRIBAL LI-**
 15 **AISONS.**

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

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

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

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

4 “(3) Developing working relationships and
5 maintaining communication with tribal leaders, trib-
6 al community advocates, and tribal justice officials
7 to gather information from, and share appropriate
8 information with, tribal justice officials.

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

13 “(5) Providing technical assistance and training
14 regarding evidence gathering techniques to tribal
15 justice officials and other individuals and entities
16 that are instrumental to responding to Indian coun-
17 try crimes.

18 “(6) Conducting training sessions and seminars
19 to certify special law enforcement commissions to
20 tribal justice officials and other individuals and enti-
21 ties responsible for responding to Indian country
22 crimes.

23 “(7) Coordinating with the Office of Indian
24 Country Crime, as necessary.

1 “(8) Conducting such other activities to address
2 and prevent violent crime in Indian country as the
3 applicable United States Attorney determines to be
4 appropriate.

5 “(c) SENSE OF CONGRESS REGARDING EVALUA-
6 TIONS OF TRIBAL LIAISONS.—

7 “(1) FINDINGS.—Congress finds that—

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

12 “(B) tribal liaisons have dual obligations
13 of—

14 “(i) coordinating prosecutions of In-
15 dian country crime; and

16 “(ii) developing relationships with
17 tribal communities and serving as a link
18 between tribal communities and the Fed-
19 eral justice process.

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

22 “(A) take all appropriate actions to en-
23 courage the aggressive prosecution of all crimes
24 committed in Indian country; and

1 “(B) when appropriate, take into consider-
2 ation the dual responsibilities of tribal liaisons
3 described in paragraph (1)(B) in evaluating the
4 performance of the tribal liaisons.

5 “(d) ENHANCED PROSECUTION OF MINOR
6 CRIMES.—Each United States Attorney serving a district
7 that includes Indian country is authorized and encour-
8 aged—

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

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

16 “(B) the rate at which criminal offenses
17 are declined to be prosecuted exceeds the na-
18 tional average rate;

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

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

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

1 “(3) to provide to appointed Special Assistant
2 United States Attorneys appropriate training, super-
3 vision, and staff support; and

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

9 **SEC. 104. ADMINISTRATION.**

10 (a) OFFICE OF TRIBAL JUSTICE.—

11 (1) DEFINITIONS.—Section 4 of the Indian
12 Tribal Justice Technical and Legal Assistance Act of
13 2000 (25 U.S.C. 3653) is amended—

14 (A) by redesignating paragraphs (2)
15 through (7) as paragraphs (3) through (8), re-
16 spectively; and

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

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

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

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

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

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

4 “(a) IN GENERAL.—Not later than 90 days after the
5 date of enactment of the Tribal Law and Order Act of
6 2008, the Attorney General shall modify the status of the
7 Office of Tribal Justice as the Attorney General deter-
8 mines to be necessary to establish the Office of Tribal Jus-
9 tice as a permanent division of the Department.

10 “(b) PERSONNEL AND FUNDING.—The Attorney
11 General shall provide to the Office of Tribal Justice such
12 personnel and funds as are necessary to establish the Of-
13 fice of Tribal Justice as a division of the Department
14 under subsection (a).

15 “(c) ADDITIONAL DUTIES.—In addition to the duties
16 of the Office of Tribal Justice in effect on the day before
17 the date of enactment of the Tribal Law and Order Act
18 of 2008, the Office of Tribal Justice shall—

19 “(1) serve as the program and legal policy advi-
20 sor to the Attorney General with respect to the trea-
21 ty and trust relationship between the United States
22 and Indian tribes;

23 “(2) serve as the point of contact for federally
24 recognized tribal governments and tribal organiza-
25 tions with respect to questions and comments re-

1 garding policies and programs of the Department
2 and issues relating to public safety and justice in In-
3 dian country; and

4 “(3) coordinate with other bureaus, agencies,
5 offices, and divisions within the Department of Jus-
6 tice to ensure that each component has an account-
7 able process to ensure meaningful and timely con-
8 sultation with tribal leaders in the development of
9 regulatory policies and other actions with tribal im-
10 plications.”.

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

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

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

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

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

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

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

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

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

17 “(c) DEPUTY ASSISTANT ATTORNEY GENERAL.—

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

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

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

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

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

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

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

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

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

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

21 “(a) CONSENT OF UNITED STATES.—

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

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

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

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

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

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

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

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

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

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

3 (1) improving law enforcement effectiveness;

4 and

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

7 (b) PROGRAM PLANS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section for each of fiscal years
20 2009 through 2015.

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

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

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

10 (1) in paragraph (1)—

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

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

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

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

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

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

1 tional Peace Officer Standards of Training.”;
2 and

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

5 (b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—
6 Section 5 of the Indian Law Enforcement Reform Act (25
7 U.S.C. 2804) is amended by striking the section heading
8 and all that follows through subsection (e) and inserting
9 the following:

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

11 “(a) AGREEMENTS.—

12 “(1) ENCOURAGED IMPLEMENTATION OF
13 AGREEMENTS.—The Secretary is authorized and en-
14 couraged to enter into agreements for the use (with
15 or without reimbursement) of personnel and facili-
16 ties of Federal, tribal, State, or other government
17 agencies to assist in the enforcement or administra-
18 tion in Indian country of Federal law or the laws of
19 an Indian tribe that authorizes the Secretary to en-
20 force tribal law.

21 “(2) CERTAIN ACTIVITIES.—Pursuant to an
22 agreement described in paragraph (1), the Secretary
23 shall authorize the law enforcement officers of any
24 applicable government agency to carry out any activ-
25 ity authorized under section 4.

1 “(3) REQUIREMENT.—An agreement under
2 paragraph (1) shall be in accordance with any appli-
3 cable agreement between the Secretary and the At-
4 torney General.

5 “(b) PROGRAM ENHANCEMENT.—

6 “(1) TRAINING SESSIONS IN INDIAN COUN-
7 TRY.—

8 “(A) IN GENERAL.—The Secretary (or a
9 designee) and the Attorney General (or a des-
10 ignee) shall develop a plan to enhance the cer-
11 tification and provision of special law enforce-
12 ment commissions to tribal law enforcement of-
13 ficials, and, subject to subsection (d), State and
14 local law enforcement officials, pursuant to this
15 section.

16 “(B) INCLUSIONS.—The plan under sub-
17 paragraph (A) shall include the hosting of re-
18 gional training sessions in Indian country, not
19 less frequently than biannually, to educate and
20 certify candidates for the special commissions.

21 “(2) MEMORANDA OF AGREEMENT.—

22 “(A) IN GENERAL.—Not later than 180
23 days after the date of enactment of the Tribal
24 Law and Order Act of 2008, the Secretary, in
25 consultation with Indian tribes and tribal law

1 enforcement agencies, shall develop minimum
2 requirements to be included in special law en-
3 forcement commission agreements pursuant to
4 this section.

5 “(B) AGREEMENT.—Not later than 60
6 days after the date on which the Secretary de-
7 termines that all applicable requirements under
8 subparagraph (A) are met, the Secretary shall
9 offer to enter into a special law enforcement
10 commission agreement with the applicable In-
11 dian tribe.

12 “(c) LIMITATION ON USE OF CERTAIN PER-
13 SONNEL.—

14 “(1) CONSULTATION.—The Secretary shall con-
15 sult with each affected Indian tribe before entering
16 into any agreement under subsection (a) with a non-
17 Federal agency that will provide personnel for use in
18 any area under the jurisdiction of the Indian tribes.

19 “(2) PROHIBITION.—The Secretary shall not
20 use the personnel of a non-Federal agency under
21 this section in an area of Indian country if the In-
22 dian tribe with jurisdiction over that area has adopt-
23 ed a resolution objecting to the use of personnel of
24 the non-Federal agency.

1 “(d) COORDINATION BY FEDERAL AGENCIES.—Not-
2 withstanding section 1535 of title 31, United States Code,
3 the head of a Federal agency with law enforcement per-
4 sonnel or facilities shall coordinate and, as needed, enter
5 into agreements (with or without reimbursement) with the
6 Secretary under subsection (a).

7 “(e) ENCOURAGEMENT OF OTHER FEDERAL AGENCY
8 HEADS.—Congress encourages the head of each Federal
9 agency with law enforcement personnel or facilities to
10 enter into agreements (with or without reimbursement)
11 with an Indian tribe relating to—

12 “(1) the law enforcement authority of the In-
13 dian tribe;

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

16 “(3) the conduct of investigations, the sharing
17 of information and training techniques, and the pro-
18 visions of other related technical assistance to pre-
19 vent and prosecute violations of Federal or tribal
20 criminal law in Indian country.”.

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

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

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

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

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

8 (c) COOPERATIVE ARRANGEMENTS.—Section 503 of
9 the Controlled Substances Act (21 U.S.C. 873) is amend-
10 ed—

11 (1) in subsection (a)—

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

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

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

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

1 **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**
2 **DATABASES.**

3 (a) ACCESS TO NATIONAL CRIMINAL INFORMATION
4 DATABASES.—Section 534 of title 28, United States Code,
5 is amended—

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

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

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

13 “(1) to directly access and enter information
14 into Federal criminal information databases; and

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

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

20 (b) REQUIREMENT.—

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

25 (2) SANCTIONS.—For purpose of sanctions for
26 noncompliance with requirements of, or misuse of,

1 national crime information databases and informa-
2 tion obtained from those databases, a tribal law en-
3 forcement agency or official shall be treated as Fed-
4 eral law enforcement agency or official.

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

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

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

11 “(a) IN GENERAL.—No Indian tribe”;

12 (2) in paragraph (7) of subsection (a) (as des-
13 ignated by paragraph (1)), by striking “and a fine”
14 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
18 (7) of subsection (a) and in addition to the limita-
19 tions described in the other paragraphs of that sub-
20 section, no Indian tribe, in exercising any power of
21 self-government involving a criminal trial that sub-
22 jects a defendant to more than 1 year imprisonment
23 for any single offense, may—

24 “(A) deny any person in such a criminal
25 proceeding the assistance of defense counsel;

1 “(B) require excessive bail, impose an ex-
2 cessive fine, inflict a cruel or unusual punish-
3 ment, or impose for conviction of a single of-
4 fense any penalty or punishment greater than
5 imprisonment for a term of 3 years or a fine of
6 \$15,000, or both; or

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

9 “(2) AUTHORITY.—An Indian tribe exercising
10 authority pursuant to this subsection shall require
11 that each judge presiding over an applicable criminal
12 case is licensed to practice law in any jurisdiction in
13 the United States.

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

17 “(A) to serve the sentence—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) MEMBERSHIP.—

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

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

5 (i) the Attorney General; and

6 (ii) the Secretary of the Interior;

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

11 (C) 1 shall be appointed by the minority
12 leader of the Senate, in consultation with the
13 Vice Chairperson of the Committee on Indian
14 Affairs of the Senate;

15 (D) 2 shall be appointed by the Speaker of
16 the House of Representatives, in consultation
17 with the Chairperson of the Committee on Nat-
18 ural Resources of the House of Representatives;
19 and

20 (E) 1 shall be appointed by the minority
21 leader of the House of Representatives, in con-
22 sultation with the Ranking Member of the Com-
23 mittee on Natural Resources of the House of
24 Representatives.

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

4 (A) the Indian country criminal justice sys-
5 tem; and

6 (B) matters to be studied by the Commis-
7 sion.

8 (3) CONSULTATION REQUIRED.—The President,
9 the Speaker and minority leader of the House of
10 Representatives, and the majority leader and minor-
11 ity leader of the Senate shall consult before the ap-
12 pointment of members of the Commission under
13 paragraph (1) to achieve, to the maximum extent
14 practicable, fair and equitable representation of var-
15 ious points of view with respect to the matters to be
16 studied by the Commission.

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

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

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

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

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

5 (c) OPERATION.—

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

11 (2) MEETINGS.—

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

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

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

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

24 (d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE
25 SYSTEM RELATING TO INDIAN COUNTRY.—The Commis-

1 sion shall conduct a comprehensive study of law enforce-
2 ment and criminal justice in tribal communities, includ-
3 ing—

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

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

8 (B) residents of Indian land;

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

11 (A) reducing Indian country crime; and

12 (B) rehabilitation of offenders;

13 (3) the impact of the Indian Civil Rights Act of
14 1968 (25 U.S.C. 1301 et seq.) on—

15 (A) the authority of Indian tribes; and

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

18 (4) a study of such other subjects as the Com-
19 mission determines relevant to achieve the purposes
20 of the Tribal Law and Order Act of 2008.

21 (e) RECOMMENDATIONS.—Taking into consideration
22 the results of the study under paragraph (1), the Commis-
23 sion shall develop recommendations on necessary modifica-
24 tions and improvements to justice systems at the tribal,
25 Federal, and State levels, including consideration of—

- 1 (1) simplifying jurisdiction in Indian country;
- 2 (2) enhancing the penal authority of tribal
3 courts and exploring alternatives to incarceration;
- 4 (3) the establishment of satellite United States
5 magistrate or district courts in Indian country;
- 6 (4) changes to the tribal jails and Federal pris-
7 on systems; and
- 8 (5) other issues that, as determined by the
9 Commission, would reduce violent crime in Indian
10 country.

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

- 14 (1) a detailed statement of the findings and
15 conclusions of the Commission; and
- 16 (2) the recommendations of the Commission for
17 such legislative and administrative actions as the
18 Commission considers to be appropriate.

19 (g) POWERS.—

20 (1) HEARINGS.—

21 (A) IN GENERAL.—The Commission may
22 hold such hearings, meet and act at such times
23 and places, take such testimony, and receive
24 such evidence as the Commission considers to

1 be advisable to carry out the duties of the Com-
2 mission under this section.

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

6 (2) WITNESS EXPENSES.—

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

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

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

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

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

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

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

8 (h) COMMISSION PERSONNEL MATTERS.—

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

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

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

6 (i) CONTRACTS FOR RESEARCH.—

7 (1) RESEARCHERS AND EXPERTS.—

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

14 (B) NATIONAL INSTITUTE OF JUSTICE.—

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

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

25 (j) TRIBAL ADVISORY COMMITTEE.—

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

4 (2) MEMBERSHIP.—

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

9 (B) QUALIFICATIONS.—Each member of
10 the Tribal Advisory Committee shall have expe-
11 rience relating to—

12 (i) justice systems;

13 (ii) crime prevention; or

14 (iii) victim services.

15 (3) DUTIES.—The Tribal Advisory Committee
16 shall—

17 (A) serve as an advisory body to the Com-
18 mission; and

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

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

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

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

12 **TITLE IV—TRIBAL JUSTICE** 13 **SYSTEMS**

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

15 (a) CORRECTION OF REFERENCES.—

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

20 (A) in subsection (a)—

21 (i) in the matter preceding paragraph

22 (1)—

23 (I) by striking “the date of en-
 24 actment of this subtitle” and inserting

1 “the date of enactment of the Tribal
2 Law and Order Act of 2008”; and

3 (II) by inserting “, the Attorney
4 General,” after “Secretary of the In-
5 terior”;

6 (ii) in paragraph (2)(A), by inserting
7 “, Bureau of Justice Assistance, Substance
8 Abuse and Mental Health Services Admin-
9 istration,” after “Bureau of Indian Af-
10 fairs,”;

11 (iii) in paragraph (4), by inserting “,
12 Department of Justice, Substance Abuse
13 and Mental Health Services Administra-
14 tion,” after “Bureau of Indian Affairs”;

15 (iv) in paragraph (5), by inserting “,
16 Department of Justice, Substance Abuse
17 and Mental Health Services Administra-
18 tion,” after “Bureau of Indian Affairs”;
19 and

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

23 (B) in subsection (e), by inserting “, the
24 Attorney General,” after “Secretary of the Inte-
25 rior”; and

1 (C) in subsection (d), by striking “the date
2 of enactment of this subtitle” and inserting
3 “the date of enactment of the Tribal Law and
4 Order Act of 2008”.

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

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

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

19 (C) in subsection (d)(2), by striking “fiscal
20 year 1993 and such sums as are necessary for
21 each of the fiscal years 1994, 1995, 1996,
22 1997, 1998, 1999, and 2000” and inserting
23 “the period of fiscal years 2009 through 2013”;

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

4 (E) in subsection (f)(3), by striking “fiscal
5 year 1993 and such sums as are necessary for
6 each of the fiscal years 1994, 1995, 1996,
7 1997, 1998, 1999, and 2000” and inserting
8 “the period of fiscal years 2009 through 2013”.

9 (3) DEPARTMENTAL RESPONSIBILITY.—Section
10 4207 of the Indian Alcohol and Substance Abuse
11 Prevention and Treatment Act of 1986 (25 U.S.C.
12 2413) is amended—

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

16 (B) in subsection (b)—

17 (i) by striking paragraph (1) and in-
18 serting the following:

19 “(1) ESTABLISHMENT.—

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

1 Substance Abuse’ (referred to in this section as
2 the ‘Office’).

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

7 “(i) on a permanent basis; and

8 “(ii) at a grade of not less than GS-
9 15 of the General Schedule.”;

10 (ii) in paragraph (2)—

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

13 “(2) RESPONSIBILITIES OF OFFICE.—In addi-
14 tion”;

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

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

23 (III) in subparagraph (B)—

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

1 (bb) by striking the period
2 at the end and inserting “; and”;
3 and

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

6 “(C) not later than 1 year after the date
7 of enactment of the Tribal Law and Order Act
8 of 2008, developing, in coordination and con-
9 sultation with tribal governments, a framework
10 for interagency and tribal coordination that—

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

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

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

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

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

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

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

10 (C) in subsection (c)—

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

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

19 (iii) in paragraph (3)—

20 (I) in the matter preceding sub-
21 paragraph (A), by striking “Youth”
22 and inserting “youth”; and

23 (II) by striking “programs of the
24 Bureau of Indian Affairs” and insert-

1 ing “the applicable Federal pro-
2 grams”.

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

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

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

16 (B) in subsection (b)—

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

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

23 (iii) in the third sentence, by inserting
24 “, the Department of Justice,” after “the
25 Department of the Interior”; and

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

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

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

10 (B) in subsection (b), by striking “fiscal
11 year 1993 and such sums as may be necessary
12 for each of the fiscal years 1994, 1995, 1996,
13 1997, 1998, 1999, and 2000” and inserting
14 “the period of fiscal years 2009 through 2013”.

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

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

25 “(a) PILOT PROGRAMS.—

1 “(1) IN GENERAL.—The Assistant Secretary for
2 Indian Affairs shall develop and implement pilot pro-
3 grams in selected schools funded by the Bureau of
4 Indian Affairs (subject to the approval of the local
5 school board or contract school board) to determine
6 the effectiveness of summer youth programs in ad-
7 vancing the purposes and goals of this Act.

8 “(2) COSTS.—The Assistant Secretary shall de-
9 fray all costs associated with the actual operation
10 and support of the pilot program in a school from
11 funds appropriated to carry out this subsection.

12 “(3) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to carry out
14 the pilot programs under this subsection such sums
15 as are necessary for each of fiscal years 2009
16 through 2013.”.

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

20 (1) in paragraph (1), by striking “as may be
21 necessary” and all that follows through the end of
22 the paragraph and inserting “as are necessary for
23 each of fiscal years 2009 through 2013.”;

24 (2) in paragraph (2), by striking “\$7,000,000”
25 and all that follows through the end of the para-

1 graph and inserting “\$10,000,000 for each of fiscal
2 years 2009 through 2013.”; and

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

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

10 (e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE
11 ERADICATION.—Section 4216 of the Indian Alcohol and
12 Substance Abuse Prevention and Treatment Act of 1986
13 (25 U.S.C. 2442) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

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

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

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

1 (iv) by adding at the end the fol-
2 lowing:

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

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

10 (C) by striking paragraph (3) and insert-
11 ing the following:

12 “(3) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to carry out
14 this subsection such sums as are necessary for each
15 of fiscal years 2009 through 2013.”; and

16 (2) in subsection (b)(2), by striking “as may be
17 necessary” and all that follows through the end of
18 the paragraph and inserting “as are necessary for
19 each of fiscal years 2009 through 2013.”.

20 (f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
21 Section 4218 of the Indian Alcohol and Substance Abuse
22 Prevention and Treatment Act of 1986 (25 U.S.C. 2451)
23 is amended—

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

1 “(a) TRAINING PROGRAMS.—

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

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

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

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

21 (2) in subsection (b), by striking “as may be
22 necessary” and all that follows through the end of
23 the subsection and inserting “as are necessary for
24 each of fiscal years 2009 through 2013.”.

1 (g) JUVENILE DETENTION CENTERS.—Section
2 4220(b) of the Indian Alcohol and Substance Abuse Pre-
3 vention and Treatment Act of 1986 (25 U.S.C. 2453(b))
4 is amended—

5 (1) by striking “such sums as may be necessary
6 for each of the fiscal years 1994, 1995, 1996, 1997,
7 1998, 1999, and 2000” each place it appears and
8 inserting “such sums as are necessary for each of
9 fiscal years 2009 through 2013”; and

10 (2) by indenting paragraph (2) appropriately.

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

13 (a) INDIAN TRIBAL JUSTICE.—Section 201 of the In-
14 dian Tribal Justice Act (25 U.S.C. 3621) is amended—

15 (1) in subsection (a)—

16 (A) by striking “the provisions of sections
17 101 and 102 of this Act” and inserting “sec-
18 tions 101 and 102”; and

19 (B) by striking “the fiscal years 2000
20 through 2007” and inserting “fiscal years 2009
21 through 2013”;

22 (2) in subsection (b)—

23 (A) by striking “the provisions of section
24 103 of this Act” and inserting “section 103”;
25 and

1 (B) by striking “the fiscal years 2000
2 through 2007” and inserting “fiscal years 2009
3 through 2013”;

4 (3) in subsection (c), by striking “the fiscal
5 years 2000 through 2007” and inserting “fiscal
6 years 2009 through 2013”; and

7 (4) in subsection (d), by striking “the fiscal
8 years 2000 through 2007” and inserting “fiscal
9 years 2009 through 2013”.

10 (b) **TECHNICAL AND LEGAL ASSISTANCE.**—The In-
11 dian Tribal Justice Technical and Legal Assistance Act
12 of 2000 is amended—

13 (1) in section 106 (25 U.S.C. 3666), by striking
14 “2000 through 2004” and inserting “2009 through
15 2013”; and

16 (2) in section 201(d) (25 U.S.C. 3681(d)), by
17 striking “2000 through 2004” and inserting “2009
18 through 2013”.

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

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

22 (1) in subsection (b)—

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

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

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

6 (D) in paragraph (15)—

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

9 (ii) by striking “the State which” and
10 inserting “the State or tribal community
11 that”; and

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

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

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

18 (G) by redesignating paragraphs (6)
19 through (17) as paragraphs (5) through (16),
20 respectively; and

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

22 “(17) to permit tribal governments receiving di-
23 rect law enforcement services from the Bureau of In-
24 dian Affairs to access the program under this sec-

1 tion on behalf of the Bureau for use in accordance
2 with paragraphs (1) through (16).”.

3 (2) in subsection (g)—

4 (A) by striking “The portion” and insert-
5 ing the following:

6 “(1) IN GENERAL.—The portion”;

7 (B) in the second sentence, by striking “In
8 relation” and inserting the following:

9 “(2) CERTAIN GRANTS.—In relation”; and

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

11 “(3) WAIVER.—In acknowledgment of the Fed-
12 eral nexus and distinct Federal responsibility to ad-
13 dress and prevent crime in Indian country, for pur-
14 poses of providing grants to Indian tribes under this
15 subsection, the Attorney General shall waive the
16 matching funds requirement of this subsection if the
17 Attorney General determines that there is a dem-
18 onstrated financial hardship.

19 “(4) USE OF CERTAIN FUNDS.—In addition to
20 providing a waiver under paragraph (3), the Attor-
21 ney General shall allow the use of funds appro-
22 priated for any agency of an Indian tribal govern-
23 ment or the Bureau of Indian Affairs to carry out
24 law enforcement activities on Indian land to provide

1 the non-Federal share of the cost of a program or
2 project under this section.”;

3 (3) in subsection (i), by striking “The author-
4 ity” and inserting “Except as provided in subsection
5 (j), the authority”; and

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

7 “(j) EXTENSION OF PROGRAM FOR INDIAN
8 TRIBES.—

9 “(1) IN GENERAL.—Notwithstanding subsection
10 (i) and section 1703, and in acknowledgment of the
11 Federal nexus and distinct Federal responsibility to
12 address and prevent crime in Indian country, the At-
13 torney General may provide grants under this sec-
14 tion to Indian tribal governments, for fiscal year
15 2009 and any fiscal year thereafter, for such period
16 as the Attorney General determines to be appro-
17 priate to assist the Indian tribal governments in car-
18 rying out the purposes described in subsection (b).

19 “(2) PRIORITY OF FUNDING.—In providing
20 grants to Indian tribal governments under this sub-
21 section, the Attorney General shall take into consid-
22 eration reservation crime rates and tribal law en-
23 forcement staffing needs of each Indian tribal gov-
24 ernment.

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this subsection for
4 each of fiscal years 2009 through 2013.

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

11 “(1) the problem of intermittent funding;

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

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

18 **SEC. 404. TRIBAL JAILS PROGRAM.**

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

23 “(a) RESERVATION OF FUNDS.—Notwithstanding
24 any other provision of this part, of amounts made avail-
25 able to the Attorney General to carry out programs relat-

1 ing to offender incarceration, the Attorney General shall
 2 reserve \$35,000,000 for each of fiscal years 2009 through
 3 2013 to carry out this section.”.

4 (b) REGIONAL DETENTION CENTERS.—

5 (1) IN GENERAL.—Section 20109 of the Violent
 6 Crime Control and Law Enforcement Act of 1994
 7 (42 U.S.C. 13709) is amended by striking sub-
 8 section (b) and inserting the following:

9 “(b) GRANTS TO INDIAN TRIBES.—

10 “(1) IN GENERAL.—From the amounts reserved
 11 under subsection (a), the Attorney General shall pro-
 12 vide grants—

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

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

17 “(ii) entering into contracts with pri-
 18 vate entities to increase the efficiency of
 19 the construction of tribal jails; and

20 “(iii) developing and implementing al-
 21 ternatives to incarceration in tribal jails;
 22 and

23 “(B) to consortia of Indian tribes for pur-
 24 poses of constructing and operating regional de-
 25 tention centers on Indian land for long-term in-

1 carceration of offenders subject to tribal juris-
2 diction, as the applicable consortium determines
3 to be appropriate.

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

7 “(A) reservation crime rates;

8 “(B) annual tribal court convictions; and

9 “(C) bed space needs.”.

10 (2) CONFORMING AMENDMENT.—Section
11 20109(c) of the Violent Crime Control and Law En-
12 forcement Act of 1994 (42 U.S.C. 13709(c)) is
13 amended by inserting “or consortium of Indian
14 tribes, as applicable,” after “Indian tribe”.

15 (3) LONG-TERM PLAN.—Section 20109 of the
16 Violent Crime Control and Law Enforcement Act of
17 1994 (42 U.S.C. 13709) is amended by adding at
18 the end the following:

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

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

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

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

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

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

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

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

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

20 “To the maximum extent practicable, the Director of
21 the Administrative Office of the United States Courts
22 shall appoint individuals residing in Indian country to
23 serve as assistant parole or probation officers for purposes
24 of monitoring and providing service to Federal prisoners
25 residing in Indian country.”.

1 **SEC. 406. TRIBAL YOUTH PROGRAM.**

2 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY
3 PREVENTION PROGRAMS.—

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

7 (A) in subsection (a), by inserting “, or to
8 Indian tribes under subsection (d)” after “sub-
9 section (b)”;

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

11 “(d) GRANTS FOR TRIBAL DELINQUENCY PREVEN-
12 TION PROGRAMS.—

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

17 “(A) to support and enhance tribal juvenile
18 justice systems; and

19 “(B) to encourage accountability of Indian
20 tribal governments with respect to juvenile de-
21 linquency responses and prevention.

22 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible
23 to receive a grant under this subsection, an Indian
24 tribe or consortium of Indian tribes shall submit to
25 the Administrator an application in such form and

1 containing such information as the Administrator
2 may require.

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

7 “(A) juvenile crime rates;

8 “(B) dropout rates; and

9 “(C) percentages of at-risk youth.”.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 Section 505 of the Juvenile Justice and Delinquency
12 Prevention Act of 1974 (42 U.S.C. 5784) is amend-
13 ed by striking “fiscal years 2004, 2005, 2006, 2007,
14 and 2008” and inserting “each of fiscal years 2009
15 through 2013”.

16 (b) COORDINATING COUNCIL ON JUVENILE JUSTICE

17 AND DELINQUENCY PREVENTION.—Section 206(a)(2) of

18 the Juvenile Justice and Delinquency Prevention Act of

19 1974 (42 U.S.C. 5616(a)(2)) is amended—

20 (1) in subparagraph (A), by striking “Nine”

21 and inserting “Ten”; and

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

23 the following:

24 “(iv) One member shall be appointed

25 by the Chairman of the Committee on In-

1 dian Affairs of the Senate, in consultation
2 with the Vice Chairman of that Com-
3 mittee.”.

4 **TITLE V—INDIAN COUNTRY**
5 **CRIME DATA**

6 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
7 **COUNTRY.**

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

12 (1) in subsection (a)—

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

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

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

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

23 (D) in paragraphs (10) through (12) (as
24 redesignated by subparagraph (A)), by inserting

1 “tribal,” before “State,” each place it appears;
2 and

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

5 (b) BUREAU OF JUSTICE STATISTICS.—Section 302
6 of the Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3732) is amended—

8 (1) in subsection (c)—

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

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

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

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

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

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

25 (G) in paragraph (17)—

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

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

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

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

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

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

14 (2) in subsection (d)—

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

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

21 “(1) IN GENERAL.—To ensure”; and

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

23 “(2) CONSULTATION WITH INDIAN TRIBES.—

24 The Director, acting jointly with the Assistant Sec-
25 retary for Indian Affairs (acting through the Direc-

1 tor of the Office of Law Enforcement Services) and
2 the Director of the Federal Bureau of Investigation,
3 shall work with Indian tribes and tribal law enforce-
4 ment agencies to establish and implement such tribal
5 data collection systems as the Director determines to
6 be necessary to achieve the purposes of this sec-
7 tion.”;

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

10 (4) in subsection (f)—

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

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

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

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

1 **SEC. 502. GRANTS TO IMPROVE TRIBAL DATA COLLECTION**
2 **SYSTEMS.**

3 Section 3 of the Indian Law Enforcement Reform Act
4 (25 U.S.C. 2802) is amended by adding at the end the
5 following:

6 “(f) GRANTS TO IMPROVE TRIBAL DATA COLLEC-
7 TION SYSTEMS.—

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

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

22 **SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT PRO-**
23 **GRAM.**

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

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

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

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

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

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

13 (3) in subsection (c)—

14 (A) in paragraph (1)—

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

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

22 (B) in paragraph (2)—

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

25 “(2) REQUIREMENTS.—

1 “(A) IN GENERAL.—A notice”;

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

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

7 (iii) in the third sentence, by striking
8 “For a person who is sentenced” and in-
9 serting the following:

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

12 (iv) in the fourth sentence, by striking
13 “Notice concerning” and inserting the fol-
14 lowing:

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

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

19 (v) in subparagraph (D) (as des-
20 ignated by clause (iv)), by adding at the
21 end the following:

22 “(ii) PERSONS RESIDING IN INDIAN
23 COUNTRY.—For a person described in
24 paragraph (3) the expected place of resi-
25 dence of whom is potentially located in In-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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