

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 797

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

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

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

Sec. 1. Short title; table of contents.

2

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

Sec. 101. Office of Justice Services responsibilities.

Sec. 102. Disposition reports.

Sec. 103. Prosecution of crimes in Indian country.

Sec. 104. Administration.

Sec. 105. Prescription drug monitoring.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

Sec. 201. State criminal jurisdiction and resources.

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

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES
AND TRIBAL GOVERNMENTS

Sec. 301. Tribal police officers.

Sec. 302. Drug enforcement in Indian country.

Sec. 303. Access to national criminal information databases.

Sec. 304. Tribal court sentencing authority.

Sec. 305. Indian Law and Order Commission.

TITLE IV—TRIBAL JUSTICE SYSTEMS

Sec. 401. Indian alcohol and substance abuse.

Sec. 402. Indian tribal justice; technical and legal assistance.

Sec. 403. Tribal resources grant program.

Sec. 404. Tribal jails program.

Sec. 405. Tribal probation office liaison program.

Sec. 406. Tribal youth program.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND
INFORMATION SHARING

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

Sec. 502. Grants to improve tribal data collection systems.

Sec. 503. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT
PROSECUTION AND PREVENTION

Sec. 601. Prisoner release and reentry.

Sec. 602. Domestic and sexual violent offense training.

Sec. 603. Testimony by Federal employees in cases of rape and sexual assault.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

1 SEC. 2. FINDINGS; PURPOSES.

2 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

9 (8) tribal courts—

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

13 (B) have been historically underfunded;

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

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

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

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

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

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

8 (A) American Indians experience per cap-
9 ita rates of violence more than twice the na-
10 tional average; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 **SEC. 3. DEFINITIONS.**

11 (a) IN GENERAL.—In this Act:

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

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

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

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

24 (b) INDIAN LAW ENFORCEMENT REFORM ACT.—
25 Section 2 of the Indian Law Enforcement Reform Act (25

1 U.S.C. 2801) is amended by adding at the end the fol-
2 lowing:

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

4 “(A) a tribal prosecutor;

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

6 “(C) any other person responsible for in-
7 vestigating or prosecuting an alleged criminal
8 offense in tribal court.”.

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

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

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

15 (1) by striking paragraph (8);

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

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

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

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

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

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

11 (2) in subsection (c)—

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

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

17 (C) in paragraph (9), by striking the pe-
18 riod at the end and inserting a semicolon; and

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

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

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

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

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

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

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

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

1 data are eligible for programs offered by the Depart-
2 ment of Justice;

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

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

12 “(I) criminal investigators;

13 “(II) uniform police;

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

16 “(IV) detention officers;

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

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

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

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

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

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

24 “(17) submitting to the Committee on Indian
25 Affairs of the Senate and the Committee on Natural

1 Resources of the House of Representatives, for each
2 fiscal year, a report summarizing the technical as-
3 sistance, training, and other support provided to
4 tribal law enforcement and corrections agencies that
5 operate relevant programs pursuant to self-deter-
6 mination contracts or self-governance compacts with
7 the Bureau of Indian Affairs; and

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

13 (3) in subsection (d)—

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) in paragraph (3)—

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

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

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

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

13 “(D)(i) the offense involves—

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

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

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

22 “(cc) section 731 of the USA
23 PATRIOT Improvement and Reau-
24 thorization Act of 2005 (21 U.S.C.
25 865);

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

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

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

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

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

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

17 “(a) COORDINATION AND DATA COLLECTION.—

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

1 case to advance prosecution of the case in a tribal
2 court with concurrent authority over the crime al-
3 leged.

4 “(2) INVESTIGATION DATA.—The Federal Bu-
5 reau of Investigation shall compile, on an annual
6 basis and by Federal judicial district, information
7 regarding decisions not to refer to an appropriate
8 prosecuting authority cases in which investigations
9 had been opened into a crime that occurred in In-
10 dian country, including—

11 “(A) the types of crimes alleged;

12 “(B) the statuses of the accused as Indi-
13 ans or non-Indians;

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

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

18 “(3) PROSECUTORIAL COORDINATION.—Subject
19 to subsection (c), if a United States Attorney de-
20 clines to prosecute, or acts to terminate prosecution
21 of, an alleged violation of Federal criminal law in In-
22 dian country, the United States Attorney shall co-
23 ordinate with the appropriate tribal justice officials
24 regarding the use of evidence relevant to the case to

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

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

10 “(A) the types of crimes alleged;

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

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

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

17 “(b) ANNUAL REPORTS.—

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

23 “(A) organized—

24 “(i) in the aggregate; and

25 “(ii) by Federal judicial district; and

1 “(B) including any relevant explanatory
2 statements.

3 “(2) AVAILABILITY TO CONGRESS.—The Attor-
4 ney General shall submit to Congress an annual re-
5 port containing the information compiled under
6 paragraph (1), together with relevant explanatory
7 statements, if any.

8 “(c) EFFECT OF SECTION.—

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

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

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

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

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

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

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

6 “(3) Consulting and coordinating with tribal
7 justice officials and victims’ advocates to address
8 any backlog in the prosecution of major crimes in
9 Indian country in the district.

10 “(4) Developing working relationships and
11 maintaining communication with tribal leaders, trib-
12 al community and victims’ advocates, and tribal jus-
13 tice officials to gather information from, and share
14 appropriate information with, tribal justice officials.

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

19 “(6) Providing technical assistance and training
20 regarding evidence gathering techniques to tribal
21 justice officials and other individuals and entities
22 that are instrumental to responding to Indian coun-
23 try crimes.

24 “(7) Conducting training sessions and seminars
25 to certify special law enforcement commissions to

1 tribal justice officials and other individuals and enti-
2 ties responsible for responding to Indian country
3 crimes.

4 “(8) Coordinating with the Office of Tribal Jus-
5 tice, as necessary.

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

10 “(c) EFFECT OF SECTION.—Nothing in this section
11 limits the authority of any United States Attorney to de-
12 termine the duties of a tribal liaison officer to meet the
13 needs of the Indian tribes located within the relevant Fed-
14 eral district.

15 “(d) SENSE OF CONGRESS REGARDING EVALUA-
16 TIONS OF TRIBAL LIAISONS.—

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

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

22 “(B) tribal liaisons have dual obligations
23 of—

24 “(i) coordinating prosecutions of In-
25 dian country crime; and

1 “(ii) developing relationships with
2 tribal communities and serving as a link
3 between tribal communities and the Fed-
4 eral justice process.

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

7 “(A) take all appropriate actions to en-
8 courage the aggressive prosecution of all Fed-
9 eral crimes committed in Indian country; and

10 “(B) when appropriate, take into consider-
11 ation the dual responsibilities of tribal liaisons
12 described in paragraph (1)(B) in evaluating the
13 performance of the tribal liaisons.

14 “(e) ENHANCED PROSECUTION OF MINOR
15 CRIMES.—

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

19 “(A) to appoint Special Assistant United
20 States Attorneys pursuant to section 543(a) of
21 title 28, United States Code, to prosecute
22 crimes in Indian country as necessary to im-
23 prove the administration of justice, and particu-
24 larly when—

1 “(i) the crime rate exceeds the na-
2 tional average crime rate; or

3 “(ii) the rate at which criminal of-
4 fenses are declined to be prosecuted ex-
5 ceeds the national average declination rate;

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

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

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

13 “(C) to provide to appointed Special As-
14 sistant United States Attorneys appropriate
15 training, supervision, and staff support; and

16 “(D) if an agreement is entered into with
17 a Federal court pursuant to paragraph (2), to
18 provide technical and other assistance to tribal
19 governments and tribal court systems to ensure
20 the success of the program under this sub-
21 section.

22 “(2) SENSE OF CONGRESS REGARDING CON-
23 SULTATION.—It is the sense of Congress that, in ap-
24 pointing Special Assistant United States Attorneys
25 under this subsection, a United States Attorney

1 should consult with tribal justice officials of each In-
2 dian tribe that would be affected by the appoint-
3 ment.”.

4 **SEC. 104. ADMINISTRATION.**

5 (a) OFFICE OF TRIBAL JUSTICE.—

6 (1) DEFINITIONS.—Section 4 of the Indian
7 Tribal Justice Technical and Legal Assistance Act of
8 2000 (25 U.S.C. 3653) is amended—

9 (A) by redesignating paragraphs (2)
10 through (7) as paragraphs (3) through (8), re-
11 spectively; and

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

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

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

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

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

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

24 “(a) IN GENERAL.—Not later than 90 days after the
25 date of enactment of the Tribal Law and Order Act of

1 2009, the Attorney General shall establish the Office of
2 Tribal Justice as a component of the Department.

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

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

9 “(1) serve as the program and legal policy advi-
10 sor to the Attorney General with respect to the trea-
11 ty and trust relationship between the United States
12 and Indian tribes;

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

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

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

3 “(B) any tribal treaty provision;

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

6 “(D) any other tribal interest.”.

7 (b) NATIVE AMERICAN ISSUES COORDINATOR.—The
8 Indian Law Enforcement Reform Act (25 U.S.C. 2801 et
9 seq.) (as amended by section 103(b)) is amended by add-
10 ing at the end the following:

11 **“SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.**

12 “(a) ESTABLISHMENT.—There is established in the
13 Executive Office for United States Attorneys of the De-
14 partment of Justice a position to be known as the ‘Native
15 American Issues Coordinator’.

16 “(b) DUTIES.—The Native American Issues Coordi-
17 nator shall—

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

21 “(2) coordinate prosecutions of crimes of na-
22 tional significance in Indian country, as determined
23 by the Attorney General;

24 “(3) submit to the Committee on Indian Affairs
25 of the Senate and the Committee on Natural Re-

1 sources of the House of Representatives annual re-
2 ports describing the prosecution and declination
3 rates of cases involving alleged crimes in Indian
4 country referred to United States Attorneys;

5 “(4) coordinate as necessary with other compo-
6 nents of the Department of Justice and any relevant
7 advisory groups to the Attorney General or the Dep-
8 uty Attorney General; and

9 “(5) carry out such other duties as the Attor-
10 ney General may prescribe.”.

11 **SEC. 105. PRESCRIPTION DRUG MONITORING.**

12 (a) MONITORING.—

13 (1) ESTABLISHMENT.—The Secretary of Health
14 and Human Services, in coordination with the Sec-
15 retary of the Interior and the Attorney General,
16 shall establish a prescription drug monitoring pro-
17 gram, to be carried out at health care facilities of
18 the Indian Health Service, tribal health care facili-
19 ties, and urban Indian health care facilities.

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

1 (A) the needs of the Indian Health Service,
2 tribal health care facilities, and urban Indian
3 health care facilities with respect to the pre-
4 scription drug monitoring program under para-
5 graph (1);

6 (B) the planned development of that pro-
7 gram, including any relevant statutory or ad-
8 ministrative limitations; and

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

12 (b) ABUSE.—

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

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

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

23 (ii) to exchange among those agencies
24 and Indian health programs information
25 relating to prescription drug abuse in In-

1 dian communities, including statutory and
2 administrative requirements and limita-
3 tions relating to that abuse; and

4 (B) training for Indian health care pro-
5 viders, tribal leaders, law enforcement officers,
6 and school officials regarding awareness and
7 prevention of prescription drug abuse and strat-
8 egies for improving agency responses to ad-
9 dressing prescription drug abuse in Indian com-
10 munities.

11 (2) REPORT.—Not later than 18 months after
12 the date of enactment of this Act, the Attorney Gen-
13 eral shall submit to the Committee on Indian Affairs
14 of the Senate and the Committee on Natural Re-
15 sources of the House of Representatives a report
16 that describes—

17 (A) the capacity of Federal and tribal
18 agencies to carry out data collection and anal-
19 ysis and information exchanges as described in
20 paragraph (1)(A);

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

23 (C) infrastructure enhancements required
24 to carry out the activities described in para-
25 graph (1), if any; and

1 (D) any statutory or administrative bar-
2 riers to carrying out those activities.

3 **TITLE II—STATE ACCOUNT-**
4 **ABILITY AND COORDINATION**

5 **SEC. 201. STATE CRIMINAL JURISDICTION AND RE-**
6 **SOURCES.**

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

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

13 **“SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDIC-**
14 **TION.**

15 **“(a) CONSENT OF UNITED STATES.—**

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

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

19 **“(2) CONCURRENT JURISDICTION.—**At the re-
20 quest of an Indian tribe, and after consultation with
21 and consent by the Attorney General, the United
22 States shall accept concurrent jurisdiction to pros-
23 ecute violations of sections 1152 and 1153 of title
24 18, United States Code, within the Indian country
25 of the Indian tribe.”.

1 (b) APPLICABLE LAW.—Section 1162 of title 18,
2 United States Code, is amended by adding at the end the
3 following:

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

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

9 “(2) jurisdiction over those areas shall be con-
10 current among the Federal Government and State
11 and tribal governments.”.

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

14 (a) ESTABLISHMENT OF COOPERATIVE ASSISTANCE
15 PROGRAM.—The Attorney General may provide grants,
16 technical assistance, and other assistance to State, tribal,
17 and local governments that enter into cooperative agree-
18 ments, including agreements relating to mutual aid, hot
19 pursuit of suspects, and cross-deputization for the pur-
20 poses of—

21 (1) improving law enforcement effectiveness;

22 and

23 (2) reducing crime in Indian country and near-
24 by communities.

25 (b) PROGRAM PLANS.—

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

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

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

15 (B) the need of the proposed program for
16 funding under this section, the amount of fund-
17 ing requested, and the proposed use of funds,
18 subject to the requirements listed in subsection
19 (c);

20 (C) the unit of government that will ad-
21 minister any assistance received under this sec-
22 tion, and the method by which the assistance
23 will be distributed;

24 (D) the types of law enforcement services
25 to be performed on each applicable Indian res-

1 ervation and the individuals and entities that
2 will perform those services;

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

7 (F) the method by which local and tribal
8 government input with respect to the planning
9 and implementation of the program will be en-
10 sured;

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

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

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

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

24 (1) to hire and train new career tribal, State,
25 or local law enforcement officers, or to make over-

1 time payments for current law enforcement officers,
2 that are or will be dedicated to—

3 (A) policing tribal land and nearby lands;

4 and

5 (B) investigating alleged crimes on those
6 lands;

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

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

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

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

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

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

1 (4) The proposed improvements the program
2 will make regarding law enforcement cooperation be-
3 yond existing levels of cooperation.

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

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

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

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

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

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated such sums as are nec-
9 essary to carry out this section for each of fiscal years
10 2010 through 2014.

11 **TITLE III—EMPOWERING TRIBAL**
12 **LAW ENFORCEMENT AGEN-**
13 **CIES AND TRIBAL GOVERN-**
14 **MENTS**

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

16 (a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT
17 OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of
18 the Indian Law Enforcement Reform Act (25 U.S.C.
19 2802(e)) (as amended by section 101(b)(4)) is amended—

20 (1) in paragraph (1)—

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

23 “(e) STANDARDS OF EDUCATION AND EXPERIENCE
24 AND CLASSIFICATION OF POSITIONS.—

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

3 “(A) IN GENERAL.—The Secretary”; and
4 (B) by adding at the end the following:

5 “(B) REQUIREMENTS FOR TRAINING.—
6 The training standards established under sub-
7 paragraph (A)—

8 “(i) should comply with standards ac-
9 cepted by the Federal Law Enforcement
10 Training Accreditation commission for law
11 enforcement officers attending similar pro-
12 grams; and

13 “(ii) shall include, or be supplemented
14 by, instruction regarding Federal sources
15 of authority and jurisdiction, Federal
16 crimes, Federal rules of criminal proce-
17 dure, and constitutional law to bridge the
18 gap between State training and Federal re-
19 quirements.

20 “(C) TRAINING AT STATE, TRIBAL, AND
21 LOCAL ACADEMIES.—The training standards es-
22 tablished under subparagraph (A) shall permit
23 law enforcement personnel of the Office of Jus-
24 tice Services or an Indian tribe to obtain train-
25 ing at a State or tribal police academy, a local

1 or tribal community college, or other training
2 academy that meets the appropriate Peace Offi-
3 cer Standards of Training.

4 “(D) MAXIMUM AGE REQUIREMENT.—Pur-
5 suant to section 3307(e) of title 5, United
6 States Code, the Secretary may employ as a law
7 enforcement officer under section 4 any indi-
8 vidual under the age of 47, if the individual
9 meets all other applicable hiring requirements
10 for the applicable law enforcement position.”;

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

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

14 “(4) BACKGROUND CHECKS FOR TRIBAL JUS-
15 TICE OFFICIALS.—The Office of Justice Services
16 shall develop standards and deadlines for the provi-
17 sion of background checks for tribal law enforcement
18 and corrections officials that ensure that a response
19 to a request by an Indian tribe for such a back-
20 ground check shall be provided by not later than 60
21 days after the date of receipt of the request, unless
22 an adequate reason for failure to respond by that
23 date is provided to the Indian tribe.”.

1 (b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—
2 Section 5 of the Indian Law Enforcement Reform Act (25
3 U.S.C. 2804) is amended—

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

6 “(a) AGREEMENTS.—

7 “(1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of the Tribal Law and
9 Order Act of 2009, the Secretary shall establish pro-
10 cedures to enter into memoranda of agreement”;

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

13 “(2) CERTAIN ACTIVITIES.—The Secretary”;
14 and

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

16 “(3) PROGRAM ENHANCEMENT.—

17 “(A) TRAINING SESSIONS IN INDIAN COUN-
18 TRY.—

19 “(i) IN GENERAL.—The procedures
20 described in paragraph (1) shall include
21 the development of a plan to enhance the
22 certification and provision of special law
23 enforcement commissions to tribal law en-
24 forcement officials, and, subject to sub-

1 section (d), State and local law enforce-
2 ment officials, pursuant to this section.

3 “(ii) INCLUSIONS.—The plan under
4 clause (i) shall include the hosting of re-
5 gional training sessions in Indian country,
6 not less frequently than biannually, to edu-
7 cate and certify candidates for the special
8 law enforcement commissions.

9 “(B) MEMORANDA OF AGREEMENT.—

10 “(i) IN GENERAL.—Not later than
11 180 days after the date of enactment of
12 the Tribal Law and Order Act of 2009, the
13 Secretary, in consultation with Indian
14 tribes and tribal law enforcement agencies,
15 shall develop minimum requirements to be
16 included in special law enforcement com-
17 mission agreements pursuant to this sec-
18 tion.

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

1 “(iii) AGREEMENT.—Not later than
2 60 days after the date on which the Sec-
3 retary determines that all applicable re-
4 quirements under clause (i) are met, the
5 Secretary shall offer to enter into a special
6 law enforcement commission agreement
7 with the applicable Indian tribe.”.

8 (c) INDIAN LAW ENFORCEMENT FOUNDATION.—The
9 Indian Self-Determination and Education Assistance Act
10 (25 U.S.C. 450 et seq.) is amended by adding at the end
11 the following:

12 **“TITLE VII—INDIAN LAW**
13 **ENFORCEMENT FOUNDATION**

14 **“SEC. 701. DEFINITIONS.**

15 “In this title:

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

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

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

1 “(4) FOUNDATION.—The term ‘Foundation’
2 means the Indian Law Enforcement Foundation es-
3 tablished under section 702.

4 “(5) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of the Interior.

6 **“SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—As soon as practicable
9 after the date of enactment of this title, the Sec-
10 retary shall establish, under the laws of the District
11 of Columbia and in accordance with this title, a
12 foundation, to be known as the ‘Indian Law En-
13 forcement Foundation’.

14 “(2) FUNDING DETERMINATIONS.—No funds,
15 gift, property, or other item of value (including any
16 interest accrued on such an item) acquired by the
17 Foundation shall—

18 “(A) be taken into consideration for pur-
19 poses of determining Federal appropriations re-
20 lating to the provision of public safety or justice
21 services to Indians; or

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

25 “(b) NATURE OF CORPORATION.—The Foundation—

1 “(1) shall be a charitable and nonprofit feder-
2 ally chartered corporation; and

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

5 “(c) PLACE OF INCORPORATION AND DOMICILE.—

6 The Foundation shall be incorporated and domiciled in the
7 District of Columbia.

8 “(d) DUTIES.—The Foundation shall—

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

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

22 “(e) COMMITTEE FOR THE ESTABLISHMENT OF THE
23 INDIAN LAW ENFORCEMENT FOUNDATION.—

24 “(1) IN GENERAL.—The Secretary shall estab-
25 lish the a committee, to be known as the ‘Committee

1 for the Establishment of the Indian Law Enforce-
2 ment Foundation’, to assist the Secretary in estab-
3 lishing the Foundation.

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

7 “(A) carry out such activities as are nec-
8 essary to incorporate the Foundation under the
9 laws of the District of Columbia, including act-
10 ing as incorporators of the Foundation;

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

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

17 “(D) provide for the initial operation of
18 the Foundation, including providing for tem-
19 porary or interim quarters, equipment, and
20 staff; and

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

24 “(f) BOARD OF DIRECTORS.—

1 “(1) IN GENERAL.—The Board of Directors
2 shall be the governing body of the Foundation.

3 “(2) POWERS.—The Board may exercise, or
4 provide for the exercise of, the powers of the Foun-
5 dation.

6 “(3) SELECTION.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the number of members of the
9 Board, the manner of selection of the members
10 (including the filling of vacancies), and the
11 terms of office of the members shall be as pro-
12 vided in the constitution and bylaws of the
13 Foundation.

14 “(B) REQUIREMENTS.—

15 “(i) NUMBER OF MEMBERS.—The
16 Board shall be composed of not less than
17 7 members.

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

20 “(I) shall be appointed by the
21 Committee not later than 180 days
22 after the date on which the Founda-
23 tion is established; and

24 “(II) shall serve for staggered
25 terms.

1 “(iii) QUALIFICATION.—The members
2 of the Board shall be United States citi-
3 zens with knowledge or experience regard-
4 ing public safety and justice in Indian and
5 Alaska Native communities.

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

12 “(g) OFFICERS.—

13 “(1) IN GENERAL.—The officers of the Founda-
14 tion shall be—

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

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

19 “(2) CHIEF OPERATING OFFICER.—

20 “(A) SECRETARY.—Subject to subpara-
21 graph (B), the Secretary of the Foundation
22 may serve, at the direction of the Board, as the
23 chief operating officer of the Foundation.

24 “(B) APPOINTMENT.—The Board may ap-
25 point a chief operating officer in lieu of the Sec-

1 retary of the Foundation under subparagraph
2 (A), who shall serve at the direction of the
3 Board.

4 “(3) ELECTION.—The manner of election, term
5 of office, and duties of the officers of the Founda-
6 tion shall be as provided in the constitution and by-
7 laws of the Foundation.

8 “(h) POWERS.—The Foundation—

9 “(1) shall adopt a constitution and bylaws for
10 the management of the property of the Foundation
11 and the regulation of the affairs of the Foundation;

12 “(2) may adopt and alter a corporate seal;

13 “(3) may enter into contracts;

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

18 “(5) may sue and be sued; and

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

21 “(i) PRINCIPAL OFFICE.—

22 “(1) IN GENERAL.—The principal office of the
23 Foundation shall be located in the District of Co-
24 lumbia.

1 “(2) ACTIVITIES; OFFICES.—The activities of
2 the Foundation may be conducted, and offices may
3 be maintained, throughout the United States in ac-
4 cordance with the constitution and bylaws of the
5 Foundation.

6 “(j) SERVICE OF PROCESS.—The Foundation shall
7 comply with the law on service of process of each State
8 in which the Foundation is incorporated and of each State
9 in which the Foundation carries on activities.

10 “(k) LIABILITY OF OFFICERS, EMPLOYEES, AND
11 AGENTS.—

12 “(1) IN GENERAL.—The Foundation shall be
13 liable for the acts of the officers, employees, and
14 agents of the Foundation acting within the scope of
15 the authority of the officers, employees, and agents.

16 “(2) PERSONAL LIABILITY.—A member of the
17 Board shall be personally liable only for gross neg-
18 ligence in the performance of the duties of the mem-
19 ber.

20 “(l) RESTRICTIONS.—

21 “(1) LIMITATION ON SPENDING.—Beginning
22 with the fiscal year following the first full fiscal year
23 during which the Foundation is in operation, the ad-
24 ministrative costs of the Foundation shall not exceed

1 the percentage described in paragraph (2) of the
2 sum of—

3 “(A) the amounts transferred to the Foun-
4 dation under subsection (n) during the pre-
5 ceding fiscal year; and

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

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

10 “(A) for the first 2 fiscal years described
11 in that paragraph, 25 percent;

12 “(B) for the following fiscal year, 20 per-
13 cent; and

14 “(C) for each fiscal year thereafter, 15
15 percent.

16 “(3) APPOINTMENT AND HIRING.—The ap-
17 pointment of officers and employees of the Founda-
18 tion shall be subject to the availability of funds.

19 “(4) STATUS.—A member of the Board or offi-
20 cer, employee, or agent of the Foundation shall not
21 by reason of association with the Foundation be con-
22 sidered to be an officer, employee, or agent of the
23 United States.

24 “(m) AUDITS.—The Foundation shall comply with
25 section 10101 of title 36, United States Code, as if the

1 Foundation were a corporation under part B of subtitle
2 II of that title.

3 “(n) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated to carry out subsection
5 (e)(1) \$500,000 for each of the 5 fiscal years of operation
6 of the Foundation.

7 **“SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.**

8 “(a) PROVISION OF SUPPORT BY SECRETARY.—Sub-
9 ject to subsection (b), during the 5-year period beginning
10 on the date on which the Foundation is established, the
11 Secretary—

12 “(1) may provide personnel, facilities, and other
13 administrative support services to the Foundation;

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

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

19 “(A) services provided under paragraph
20 (1); and

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

22 “(b) REIMBURSEMENT.—Reimbursements accepted
23 under subsection (a)(3)—

1 “(1) shall be deposited in the Treasury of the
2 United States to the credit of the applicable appro-
3 priations account; and

4 “(2) shall be chargeable for the cost of pro-
5 viding services described in subsection (a)(1) and
6 travel expenses described in subsection (a)(2).

7 “(c) CONTINUATION OF CERTAIN SERVICES.—The
8 Secretary may continue to provide facilities and necessary
9 support services to the Foundation after the termination
10 of the 5-year period specified in subsection (a) if the facili-
11 ties and services are—

12 “(1) available; and

13 “(2) provided on reimbursable cost basis.”.

14 (d) TECHNICAL AMENDMENTS.—The Indian Self-De-
15 termination and Education Assistance Act is amended—

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

19 (2) by redesignating sections 501, 502, and 503
20 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sec-
21 tions 801, 802, and 803, respectively; and

22 (3) in subsection (a)(2) of section 802 and
23 paragraph (2) of section 803 (as redesignated by
24 paragraph (2)), by striking “section 501” and in-
25 serting “section 801”.

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

4 “(g) ACCEPTANCE OF ASSISTANCE.—The Bureau
5 may accept reimbursement, resources, assistance, or fund-
6 ing from—

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

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

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

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

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

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

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

1 (c) COOPERATIVE ARRANGEMENTS.—Section 503 of
2 the Controlled Substances Act (21 U.S.C. 873) is amend-
3 ed—

4 (1) in subsection (a)—

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

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

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

12 (d) POWERS OF ENFORCEMENT PERSONNEL.—Sec-
13 tion 508(a) of the Controlled Substances Act (21 U.S.C.
14 878(a)) is amended in the matter preceding paragraph (1)
15 by inserting “, tribal,” after “State”.

16 **SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION**
17 **DATABASES.**

18 (a) ACCESS TO NATIONAL CRIMINAL INFORMATION
19 DATABASES.—Section 534 of title 28, United States Code,
20 is amended—

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

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

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

4 “(1) to directly access and enter information
5 into Federal criminal information databases; and

6 “(2) to directly obtain information from the
7 databases.”;

8 (3) by redesignating the second subsection (e)
9 as subsection (f); and

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

14 (b) REQUIREMENT.—

15 (1) IN GENERAL.—The Attorney General shall
16 ensure that tribal law enforcement officials that
17 meet applicable Federal or State requirements be
18 permitted access to national crime information data-
19 bases.

20 (2) SANCTIONS.—For purpose of sanctions for
21 noncompliance with requirements of, or misuse of,
22 national crime information databases and informa-
23 tion obtained from those databases, a tribal law en-
24 forcement agency or official shall be treated as Fed-
25 eral law enforcement agency or official.

1 (3) NCIC.—Each tribal justice official serving
2 an Indian tribe with criminal jurisdiction over In-
3 dian country shall be considered to be an authorized
4 law enforcement official for purposes of access to the
5 National Crime Information Center of the Federal
6 Bureau of Investigation.

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

8 (a) CONSTITUTIONAL RIGHTS.—Section 202 of Pub-
9 lic Law 90–284 (25 U.S.C. 1302) is amended—

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

13 “(a) IN GENERAL.—No Indian tribe”;

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

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

18 “(b) ENHANCED SENTENCING AUTHORITY.—

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

1 “(A) deny any person in such a criminal
2 proceeding the assistance of a defense attorney
3 licensed to practice law in any jurisdiction in
4 the United States, and shall provide counsel to
5 any defendant who is unable to afford defense
6 counsel at the expense of the tribal government;

7 “(B) require excessive bail, impose an ex-
8 cessive fine, inflict a cruel or unusual punish-
9 ment, or impose for conviction of any 1 offense
10 any penalty or punishment greater than impris-
11 onment for a term of 3 years or a fine of
12 \$15,000, or both; or

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

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

17 “(A) require that each judge presiding over
18 an applicable criminal case—

19 “(i) have sufficient legal training; and

20 “(ii) be licensed to practice law in any
21 jurisdiction in the United States; and

22 “(B) make publicly available the criminal
23 laws (including regulations and interpretive doc-
24 uments) of the Indian tribe.

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

4 “(A) to serve the sentence—

5 “(i) in a tribal correctional center that
6 has been approved by the Bureau of Indian
7 Affairs for long-term incarceration, in ac-
8 cordance with guidelines developed by the
9 Bureau of Indian Affairs, in consultation
10 with Indian tribes;

11 “(ii) in the nearest appropriate Fed-
12 eral facility, at the expense of the United
13 States pursuant to the pilot program de-
14 scribed in paragraph (4);

15 “(iii) in a State or local government-
16 approved detention or correctional center
17 pursuant to an agreement between the In-
18 dian tribe and the State or local govern-
19 ment; or

20 “(iv) subject to paragraph (1), in an
21 alternative rehabilitation center of an In-
22 dian tribe; or

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

1 “(4) BUREAU OF PRISONS TRIBAL PRISONER
2 PILOT PROGRAM.—

3 “(A) IN GENERAL.—Not later than 120
4 days after the date of enactment of the Tribal
5 Law and Order Act of 2009, the Director of the
6 Bureau of Prisons shall establish a pilot pro-
7 gram under which the Bureau of Prisons shall
8 accept offenders convicted in tribal court pursu-
9 ant to this section, subject to the conditions de-
10 scribed in subparagraph (B).

11 “(B) CONDITIONS.—The conditions re-
12 ferred to in subparagraph (A) are the following:

13 “(i) The tribal court shall submit to
14 the Attorney General a request for confine-
15 ment of the offender, for approval by the
16 Attorney General (or a designee) by not
17 later than 30 days after the date of sub-
18 mission.

19 “(ii) Requests for confinement shall
20 be limited to offenders convicted of a vio-
21 lent crime for which the sentence includes
22 a term of imprisonment of 2 or more
23 years, as determined by the Director of the
24 Bureau of Prisons, in consultation with the
25 appropriate tribal governments.

1 “(iii) The imprisonment by the Bu-
2 reau of Prisons shall be subject to the con-
3 ditions described in section 5003 of title
4 18, United States Code, regarding the cus-
5 tody of State offenders, except that the of-
6 fender shall be placed in the nearest avail-
7 able and appropriate Federal facility.

8 “(iv) The Bureau of Prisons shall
9 confine not more than 100 tribal offenders
10 at any time.

11 “(C) RESCINDING REQUESTS.—

12 “(i) IN GENERAL.—The applicable
13 tribal government shall retain the author-
14 ity to rescind the request for confinement
15 of a tribal offender by the Bureau of Pris-
16 ons under this paragraph at any time dur-
17 ing the sentence of the offender.

18 “(ii) RETURN TO TRIBAL CUSTODY.—
19 On rescission of a request under clause (i),
20 a tribal offender shall be returned to tribal
21 custody.

22 “(D) REQUEST FOR REASSESSMENT.—If
23 tribal court demand for participation in the pro-
24 gram under this paragraph exceeds the limita-
25 tion described in subparagraph (B)(iv), a rep-

1 representative of the Bureau of Prisons shall sub-
2 mit to Congress a notice requesting reassess-
3 ment of the program.

4 “(E) REPORT.—Not later than 3 years
5 after the date of establishment of the program
6 under this paragraph, the Attorney General
7 shall submit to Congress a report describing the
8 status of the program, including recommenda-
9 tions regarding the future of the program, if
10 any.

11 “(F) TERMINATION.—Except as otherwise
12 provided by an Act of Congress, the pilot pro-
13 gram under this paragraph shall expire on the
14 date that is 4 years after the date on which the
15 program is established.

16 “(c) SEPARATION OF OFFENSES.—For purposes of
17 this section, 2 or more offenses may be considered to be
18 separate offenses for purposes of charging and sentencing
19 if each offense requires proof of an element that the other
20 offenses do not, without regard to—

21 “(1) the accusatory pleading; or

22 “(2) the proof adduced at trial.

23 “(d) EFFECT OF SECTION.—Nothing in this section
24 affects the obligation of the United States, or any State
25 government that has been delegated authority by the

1 United States, to investigate and prosecute any criminal
2 violation in Indian country.”.

3 (b) GRANTS AND CONTRACTS.—Section 1007(b) of
4 the Economic Opportunity Act of 1964 (42 U.S.C.
5 2996f(b)) is amended by striking paragraph (2) and in-
6 serting the following:

7 “(2) to provide legal assistance with respect to
8 any criminal proceeding, except to provide assistance
9 to a person charged with an offense in an Indian
10 tribal court;”.

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

12 The Indian Law Enforcement Reform Act (25 U.S.C.
13 2801 et seq.) (as amended by section 104(b)) is amended
14 by adding at the end the following:

15 **“SEC. 15. INDIAN LAW AND ORDER COMMISSION.**

16 “(a) ESTABLISHMENT.—There is established a com-
17 mission to be known as the Indian Law and Order Com-
18 mission (referred to in this section as the ‘Commission’).

19 “(b) MEMBERSHIP.—

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

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

24 “(i) the Attorney General; and

25 “(ii) the Secretary;

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

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

9 “(D) 2 shall be appointed by the Speaker
10 of the House of Representatives, in consultation
11 with the Chairperson of the Committee on Nat-
12 ural Resources of the House of Representatives;
13 and

14 “(E) 1 shall be appointed by the Minority
15 Leader of the House of Representatives, in con-
16 sultation with the Ranking Member of the Com-
17 mittee on Natural Resources of the House of
18 Representatives.

19 “(2) REQUIREMENTS FOR ELIGIBILITY.—Each
20 member of the Commission shall have significant ex-
21 perience and expertise in—

22 “(A) the Indian country criminal justice
23 system; and

24 “(B) matters to be studied by the Commis-
25 sion.

1 “(3) CONSULTATION REQUIRED.—The Presi-
2 dent, the Speaker and Minority Leader of the House
3 of Representatives, and the Majority Leader and Mi-
4 nority Leader of the Senate shall consult before the
5 appointment of members of the Commission under
6 paragraph (1) to achieve, to the maximum extent
7 practicable, fair and equitable representation of var-
8 ious points of view with respect to the matters to be
9 studied by the Commission.

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

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

16 “(6) VACANCIES.—A vacancy in the Commis-
17 sion shall be filled—

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

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

22 “(c) OPERATION.—

23 “(1) CHAIRPERSON.—Not later than 15 days
24 after the date on which all members of the Commis-
25 sion have been appointed, the Commission shall se-

1 lect 1 member to serve as Chairperson of the Com-
2 mission.

3 “(2) MEETINGS.—

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

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

9 “(3) QUORUM.—A majority of the members of
10 the Commission shall constitute a quorum, but a
11 lesser number of members may hold hearings.

12 “(4) RULES.—The Commission may establish,
13 by majority vote, any rules for the conduct of Com-
14 mission business, in accordance with this Act and
15 other applicable law.

16 “(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE
17 SYSTEM RELATING TO INDIAN COUNTRY.—The Commis-
18 sion shall conduct a comprehensive study of law enforce-
19 ment and criminal justice in tribal communities, includ-
20 ing—

21 “(1) jurisdiction over crimes committed in In-
22 dian country and the impact of that jurisdiction
23 on—

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

1 “(B) residents of Indian land;

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

4 “(A) reducing Indian country crime; and

5 “(B) rehabilitation of offenders;

6 “(3)(A) tribal juvenile justice systems and the
7 Federal juvenile justice system as relating to Indian
8 country; and

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

13 “(4) the impact of the Indian Civil Rights Act
14 of 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 “(5) studies of such other subjects as the Com-
19 mission determines relevant to achieve the purposes
20 of the Tribal Law and Order Act of 2009.

21 “(e) RECOMMENDATIONS.—Taking into consider-
22 ation the results of the study under paragraph (1), the
23 Commission shall develop recommendations on necessary
24 modifications and improvements to justice systems at the

1 tribal, Federal, and State levels, including consideration
2 of—

3 “(1) simplifying jurisdiction in Indian country;

4 “(2) improving services and programs—

5 “(A) to prevent juvenile crime on Indian
6 land;

7 “(B) to rehabilitate Indian youth in cus-
8 tody; and

9 “(C) to reduce recidivism among Indian
10 youth;

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

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

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

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

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

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

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

4 “(g) POWERS.—

5 “(1) HEARINGS.—

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

12 “(B) PUBLIC REQUIREMENT.—The hear-
13 ings of the Commission under this paragraph
14 shall be open to the public.

15 “(2) WITNESS EXPENSES.—

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

20 “(B) PER DIEM AND MILEAGE.—The per
21 diem and mileage allowance for a witness shall
22 be paid from funds made available to the Com-
23 mission.

24 “(3) INFORMATION FROM FEDERAL, TRIBAL,
25 AND STATE AGENCIES.—

1 “(A) IN GENERAL.—The Commission may
2 secure directly from a Federal agency such in-
3 formation as the Commission considers to be
4 necessary to carry out this section.

5 “(B) TRIBAL AND STATE AGENCIES.—The
6 Commission may request the head of any tribal
7 or State agency to provide to the Commission
8 such information as the Commission considers
9 to be necessary to carry out this section.

10 “(4) POSTAL SERVICES.—The Commission may
11 use the United States mails in the same manner and
12 under the same conditions as other agencies of the
13 Federal Government.

14 “(5) GIFTS.—The Commission may accept, use,
15 and dispose of gifts or donations of services or prop-
16 erty.

17 “(h) COMMISSION PERSONNEL MATTERS.—

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

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

9 “(3) PROCUREMENT OF TEMPORARY AND
10 INTERMITTENT SERVICES.—On request of the Com-
11 mission, the Attorney General and Secretary shall
12 provide to the Commission reasonable and appro-
13 priate office space, supplies, and administrative as-
14 sistance.

15 “(i) CONTRACTS FOR RESEARCH.—

16 “(1) RESEARCHERS AND EXPERTS.—

17 “(A) IN GENERAL.—On an affirmative
18 vote of $\frac{2}{3}$ of the members of the Commission,
19 the Commission may select nongovernmental re-
20 searchers and experts to assist the Commission
21 in carrying out the duties of the Commission
22 under this section.

23 “(B) NATIONAL INSTITUTE OF JUSTICE.—

24 The National Institute of Justice may enter
25 into a contract with the researchers and experts

1 selected by the Commission under subpara-
2 graph (A) to provide funding in exchange for
3 the services of the researchers and experts.

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

9 “(j) TRIBAL ADVISORY COMMITTEE.—

10 “(1) ESTABLISHMENT.—The Commission shall
11 establish a committee, to be known as the ‘Tribal
12 Advisory Committee’.

13 “(2) MEMBERSHIP.—

14 “(A) COMPOSITION.—The Tribal Advisory
15 Committee shall consist of 2 representatives of
16 Indian tribes from each region of the Bureau.

17 “(B) QUALIFICATIONS.—Each member of
18 the Tribal Advisory Committee shall have expe-
19 rience relating to—

20 “(i) justice systems;

21 “(ii) crime prevention; or

22 “(iii) victim services.

23 “(3) DUTIES.—The Tribal Advisory Committee
24 shall—

1 “(A) serve as an advisory body to the
2 Commission; and

3 “(B) provide to the Commission advice and
4 recommendations, submit materials, documents,
5 testimony, and such other information as the
6 Commission determines to be necessary to carry
7 out the duties of the Commission under this
8 section.

9 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as are nec-
11 essary to carry out this section, to remain available until
12 expended.

13 “(l) TERMINATION OF COMMISSION.—The Commis-
14 sion shall terminate 90 days after the date on which the
15 Commission submits the report of the Commission under
16 subsection (e)(3).

17 “(m) NONAPPLICABILITY OF FACCA.—The Federal
18 Advisory Committee Act (5 U.S.C. App.) shall not apply
19 to the Commission.”.

20 **TITLE IV—TRIBAL JUSTICE**
21 **SYSTEMS**

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

23 (a) CORRECTION OF REFERENCES.—

24 (1) INTER-DEPARTMENTAL MEMORANDUM OF
25 AGREEMENT.—Section 4205 of the Indian Alcohol

1 and Substance Abuse Prevention and Treatment Act
2 of 1986 (25 U.S.C. 2411) is amended—

3 (A) in subsection (a)—

4 (i) in the matter preceding paragraph
5 (1)—

6 (I) by striking “the date of en-
7 actment of this subtitle” and inserting
8 “the date of enactment of the Tribal
9 Law and Order Act of 2009”; and

10 (II) by inserting “, the Attorney
11 General,” after “Secretary of the In-
12 terior”;

13 (ii) in paragraph (2)(A), by inserting
14 “, Bureau of Justice Assistance, Substance
15 Abuse and Mental Health Services Admin-
16 istration,” after “Bureau of Indian Af-
17 fairs,”;

18 (iii) in paragraph (4), by inserting “,
19 Department of Justice, Substance Abuse
20 and Mental Health Services Administra-
21 tion,” after “Bureau of Indian Affairs”;

22 (iv) in paragraph (5), by inserting “,
23 Department of Justice, Substance Abuse
24 and Mental Health Services Administra-
25 tion,” after “Bureau of Indian Affairs”;

1 (v) in paragraph (7), by inserting “,
2 the Attorney General,” after “Secretary of
3 the Interior”;

4 (B) in subsection (e), by inserting “, the
5 Attorney General,” after “Secretary of the Inte-
6 rior”; and

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

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

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

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

1 (C) in subsection (d)(2), by striking “fiscal
2 year 1993 and such sums as are necessary for
3 each of the fiscal years 1994, 1995, 1996,
4 1997, 1998, 1999, and 2000” and inserting
5 “the period of fiscal years 2010 through 2014”;

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

9 (E) in subsection (f)(3), by striking “fiscal
10 year 1993 and such sums as are necessary for
11 each of the fiscal years 1994, 1995, 1996,
12 1997, 1998, 1999, and 2000” and inserting
13 “fiscal years 2010 through 2014”.

14 (3) DEPARTMENTAL RESPONSIBILITY.—Section
15 4207 of the Indian Alcohol and Substance Abuse
16 Prevention and Treatment Act of 1986 (25 U.S.C.
17 2413) is amended—

18 (A) in subsection (a), by inserting “, the
19 Attorney General” after “Bureau of Indian Af-
20 fairs”;

21 (B) in subsection (b)—

22 (i) by striking paragraph (1) and in-
23 serting the following:

24 “(1) ESTABLISHMENT.—

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

9 “(B) DIRECTOR.—The director of the Of-
10 fice shall be appointed by the Director of the
11 Substance Abuse and Mental Health Services
12 Administration—

13 “(i) on a permanent basis; and

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

16 (ii) in paragraph (2)—

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

19 “(2) RESPONSIBILITIES OF OFFICE.—In addi-
20 tion”;

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

23 “(A) coordinating with other agencies to
24 monitor the performance and compliance of the
25 relevant Federal programs in achieving the

1 goals and purposes of this subtitle and the
2 Memorandum of Agreement entered into under
3 section 4205;”;

4 (III) in subparagraph (B)—

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

7 (bb) by striking the period
8 at the end and inserting “; and”;
9 and

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

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

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

19 “(ii) prioritizes outcomes that are
20 aligned with the purposes of affected agen-
21 cies;

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

24 “(iv) provides technical assistance to
25 the affected agencies to establish effective

1 and permanent interagency communication
2 and coordination; and

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

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

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

15 (C) in subsection (c)—

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

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

24 (iii) in paragraph (3)—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “Youth”
3 and inserting “youth”; and

4 (II) by striking “programs of the
5 Bureau of Indian Affairs” and insert-
6 ing “the applicable Federal pro-
7 grams”.

8 (4) REVIEW OF PROGRAMS.—Section 4208a(a)
9 of the Indian Alcohol and Substance Abuse Preven-
10 tion and Treatment Act of 1986 (25 U.S.C.
11 2414a(a)) is amended in the matter preceding para-
12 graph (1) by inserting “, the Attorney General,”
13 after “the Secretary of the Interior”.

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

18 (A) in subsection (a), by inserting “, the
19 Attorney General,” after “the Secretary of the
20 Interior”;

21 (B) in subsection (b)—

22 (i) in the first sentence, by inserting
23 “, the Attorney General,” after “the Sec-
24 retary of the Interior”;

1 (ii) in the second sentence, by insert-
2 ing “, nor the Attorney General,” after
3 “the Secretary of the Interior”; and

4 (iii) in the third sentence, by inserting
5 “, the Department of Justice,” after “the
6 Department of the Interior”; and

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

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

13 (A) in subsection (a), in the first sentence,
14 by inserting “, the Attorney General,” after
15 “the Secretary of Health and Human Services”;
16 and

17 (B) in subsection (b), by striking “fiscal
18 year 1993 and such sums as may be necessary
19 for each of the fiscal years 1994, 1995, 1996,
20 1997, 1998, 1999, and 2000” and inserting
21 “the period of fiscal years 2010 through 2014”.

22 (7) REVIEW.—Section 4211(a) of the Indian
23 Alcohol and Substance Abuse Prevention and Treat-
24 ment Act of 1986 (25 U.S.C. 2431(a)) is amended
25 in the matter preceding paragraph (1) by inserting

1 “, the Attorney General,” after “the Secretary of the
2 Interior”.

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

7 “(a) SUMMER YOUTH PROGRAMS.—

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

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

23 “(3) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to carry out
25 the programs under this subsection such sums as

1 are necessary for each of fiscal years 2010 through
2 2014.”.

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

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

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

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

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

21 (e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE
22 ERADICATION.—Section 4216 of the Indian Alcohol and
23 Substance Abuse Prevention and Treatment Act of 1986
24 (25 U.S.C. 2442) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)—

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

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

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

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

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

17 (B) in paragraph (2), by striking “United
18 States Custom Service” and inserting “United
19 States Customs and Border Protection, the Bu-
20 reau of Immigration and Customs Enforcement,
21 and the Drug Enforcement Administration”;
22 and

23 (C) by striking paragraph (3) and insert-
24 ing the following:

1 “(3) AUTHORIZATION OF APPROPRIATIONS.—

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

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

9 (f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—

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

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

15 “(a) TRAINING PROGRAMS.—

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

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

3 “(B) alcohol and substance abuse preven-
4 tion and treatment.

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

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

15 (g) JUVENILE DETENTION CENTERS.—Section 4220
16 of the Indian Alcohol and Substance Abuse Prevention
17 and Treatment Act of 1986 (25 U.S.C. 2453) is amend-
18 ed—

19 (1) in subsection (a)—

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

22 “(1) IN GENERAL.—The Secretary”;

23 (B) in the second sentence, by striking
24 “The Secretary shall” and inserting the fol-
25 lowing:

1 “(2) CONSTRUCTION AND OPERATION.—The
2 Secretary shall”; and

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

4 “(3) DEVELOPMENT OF PLAN.—

5 “(A) IN GENERAL.—Not later than 180
6 days after the date of enactment of this para-
7 graph, the Secretary and the Attorney General,
8 in consultation with tribal leaders and tribal
9 justice officials, shall develop a long-term plan
10 for the construction, renovation, and operation
11 of Indian juvenile detention and treatment cen-
12 ters and alternatives to detention for juvenile
13 offenders.

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

20 (2) in subsection (b)—

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

1 essary for each of fiscal years 2010 through
2 2014”); and

3 (B) by indenting paragraph (2) appro-
4 priately.

5 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL**
6 **ASSISTANCE.**

7 (a) INDIAN TRIBAL JUSTICE.—

8 (1) BASE SUPPORT FUNDING.—Section 103(b)
9 of the Indian Tribal Justice Act (25 U.S.C.
10 3613(b)) is amended by striking paragraph (2) and
11 inserting the following:

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

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

19 (A) in subsection (a)—

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

23 (ii) by striking “the fiscal years 2000
24 through 2007” and inserting “fiscal years
25 2010 through 2014”;

1 (B) in subsection (b)—

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

5 (ii) by striking “the fiscal years 2000
6 through 2007” and inserting “fiscal years
7 2010 through 2014”;

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

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

14 (b) TECHNICAL AND LEGAL ASSISTANCE.—

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

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

1 assistance to members of Indian tribes and tribal
2 justice systems” and inserting “licensed public de-
3 fender services to all defendants subject to tribal
4 court jurisdiction and prosecution and judicial serv-
5 ices for tribal courts”.

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

9 (A) in section 107 (as redesignated by sec-
10 tion 104(a)(2)(A)), by striking “2000 through
11 2004” and inserting “2010 through 2014”; and

12 (B) in section 201(d) (25 U.S.C. 3681(d)),
13 by striking “2000 through 2004” and inserting
14 “2010 through 2014”.

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

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

18 (1) in subsection (b)—

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

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

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

4 (D) in paragraph (15)—

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

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

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

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

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

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

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

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

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

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

5 “(j) GRANTS TO INDIAN TRIBES.—

6 “(1) IN GENERAL.—Notwithstanding subsection
7 (i) and section 1703, and in acknowledgment of the
8 Federal nexus and distinct Federal responsibility to
9 address and prevent crime in Indian country, the At-
10 torney General shall provide grants under this sec-
11 tion to Indian tribal governments, for fiscal year
12 2010 and any fiscal year thereafter, for such period
13 as the Attorney General determines to be appro-
14 priate to assist the Indian tribal governments in car-
15 rying out the purposes described in subsection (b).

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

22 “(3) FEDERAL SHARE.—Because of the Federal
23 nature and responsibility for providing public safety
24 on Indian land, the Federal share of the cost of any

1 activity carried out using a grant under this sub-
2 section—

3 “(A) shall be 100 percent; and

4 “(B) may be used to cover indirect costs.

5 “(4) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated such sums
7 as are necessary to carry out this subsection for
8 each of fiscal years 2010 through 2014.

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

15 “(1) the problem of intermittent funding;

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

18 “(3) an explanation of how the practice of com-
19 munity policing and the broken windows theory can
20 most effectively be applied in remote tribal loca-
21 tions.”.

22 **SEC. 404. TRIBAL JAILS PROGRAM.**

23 (a) IN GENERAL.—Section 20109 of the Violent
24 Crime Control and Law Enforcement Act of 1994 (42

1 U.S.C. 13709) is amended by striking subsection (a) and
2 inserting the following:

3 “(a) RESERVATION OF FUNDS.—Notwithstanding
4 any other provision of this part, of amounts made avail-
5 able to the Attorney General to carry out programs relat-
6 ing to offender incarceration, the Attorney General shall
7 reserve \$35,000,000 for each of fiscal years 2010 through
8 2014 to carry out this section.”.

9 (b) REGIONAL DETENTION CENTERS.—

10 (1) IN GENERAL.—Section 20109 of the Violent
11 Crime Control and Law Enforcement Act of 1994
12 (42 U.S.C. 13709) is amended by striking sub-
13 section (b) and inserting the following:

14 “(b) GRANTS TO INDIAN TRIBES.—

15 “(1) IN GENERAL.—From the amounts reserved
16 under subsection (a), the Attorney General shall pro-
17 vide grants—

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

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

22 “(ii) entering into contracts with pri-
23 vate entities to increase the efficiency of
24 the construction of tribal jails; and

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

3 “(B) to Indian tribes for the construction
4 of tribal justice centers that combine tribal po-
5 lice, courts, and corrections services to address
6 violations of tribal civil and criminal laws;

7 “(C) to consortia of Indian tribes for pur-
8 poses of constructing and operating regional de-
9 tention centers on Indian land for long-term in-
10 carceration of offenders subject to tribal juris-
11 diction, as the applicable consortium determines
12 to be appropriate.

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

16 “(A) reservation crime rates;

17 “(B) annual tribal court convictions; and

18 “(C) bed space needs.

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

24 (2) CONFORMING AMENDMENT.—Section
25 20109(c) of the Violent Crime Control and Law En-

1 enforcement Act of 1994 (42 U.S.C. 13709(c)) is
2 amended by inserting “or consortium of Indian
3 tribes, as applicable,” after “Indian tribe”.

4 (3) LONG-TERM PLAN.—Section 20109 of the
5 Violent Crime Control and Law Enforcement Act of
6 1994 (42 U.S.C. 13709) is amended by adding at
7 the end the following:

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

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

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

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

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

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

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

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

9 **“SEC. 203. ASSISTANT PROBATION OFFICERS.**

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

14 “(1) appoint individuals residing in Indian
15 country to serve as assistant probation officers for
16 purposes of monitoring and providing service to Fed-
17 eral prisoners residing in Indian country; and

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

21 **SEC. 406. TRIBAL YOUTH PROGRAM.**

22 (a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY
23 PREVENTION PROGRAMS.—

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

4 (A) in subsection (a), by inserting “, or to
5 Indian tribes under subsection (d)” after “sub-
6 section (b)”;

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

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

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

14 “(A) to support and enhance—

15 “(i) tribal juvenile delinquency preven-
16 tion services; and

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

19 and

20 “(B) to encourage accountability of Indian
21 tribal governments with respect to preventing
22 juvenile delinquency and responding to, and
23 caring for, juvenile offenders.

24 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible
25 to receive a grant under this subsection, an Indian

1 tribe or consortium of Indian tribes shall submit to
2 the Administrator an application in such form and
3 containing such information as the Administrator
4 may require.

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

9 “(A) juvenile crime rates;

10 “(B) dropout rates; and

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

12 (2) AUTHORIZATION OF APPROPRIATIONS.—
13 Section 505 of the Juvenile Justice and Delinquency
14 Prevention Act of 1974 (42 U.S.C. 5784) is amend-
15 ed by striking “fiscal years 2004, 2005, 2006, 2007,
16 and 2008” and inserting “each of fiscal years 2010
17 through 2014”.

18 (b) COORDINATING COUNCIL ON JUVENILE JUSTICE
19 AND DELINQUENCY PREVENTION.—Section 206(a)(2) of
20 the Juvenile Justice and Delinquency Prevention Act of
21 1974 (42 U.S.C. 5616(a)(2)) is amended—

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

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

1 “(iv) One member shall be appointed
2 by the Chairman of the Committee on In-
3 dian Affairs of the Senate, in consultation
4 with the Vice Chairman of that Com-
5 mittee.”.

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

9 **SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN**
10 **COUNTRY.**

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

15 (1) in subsection (a)—

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

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

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

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

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

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

7 (b) BUREAU OF JUSTICE STATISTICS.—Section 302
8 of the Omnibus Crime Control and Safe Streets Act of
9 1968 (42 U.S.C. 3732) is amended—

10 (1) in subsection (c)—

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

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

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

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

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

25 (F) 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 (G) in paragraph (18), by striking “State
6 and local” and inserting “State, tribal, and
7 local”;

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

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

12 (J) 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 “(g) GRANTS TO IMPROVE TRIBAL DATA COLLEC-
2 TION SYSTEMS.—

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

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

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

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

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

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

5 (a) DUTIES OF BUREAU OF PRISONS.—Section 4042
6 of title 18, United States Code, is 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)(1)—

14 (A) in subparagraph (A), by striking “offi-
15 cer of the State and of the local jurisdiction”
16 and inserting “officer of each State, tribal, and
17 local jurisdiction”; and

18 (B) in subparagraph (B), by inserting “,
19 tribal,” after “State” each place it appears.

20 (b) AUTHORITY OF INSTITUTE; TIME; RECORDS OF
21 RECIPIENTS; ACCESS; SCOPE OF SECTION.—Section
22 4352(a) of title 18, United States Code, is amended—

23 (1) in paragraphs (1), (3), (4), and (8), by in-
24 serting “tribal,” after “State,” each place it ap-
25 pears;

1 (2) in paragraph (6)—

2 (A) by inserting “and tribal communities,”

3 after “States”; and

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

5 and

6 (3) in paragraph (12) by inserting “, tribal,”

7 after “State”.

8 **SEC. 602. DOMESTIC AND SEXUAL VIOLENT OFFENSE**
9 **TRAINING.**

10 Section 3(c)(9) of the Indian Law Enforcement Re-
11 form Act (25 U.S.C. 2802(c)(9)) (as amended by section
12 101(a)(2)) is amended by inserting before the semicolon
13 at the end the following: “, including training to properly
14 interview victims of domestic and sexual violence and to
15 collect, preserve, and present evidence to Federal and trib-
16 al prosecutors to increase the conviction rate for domestic
17 and sexual violence offenses for purposes of addressing
18 and preventing domestic and sexual violent offenses”.

19 **SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
20 **OF RAPE AND SEXUAL ASSAULT.**

21 The Indian Law Enforcement Reform Act (25 U.S.C.
22 2801 et seq.) (as amended by section 305) is amended
23 by adding at the end the following:

1 **“SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES IN CASES**
2 **OF RAPE AND SEXUAL ASSAULT.**

3 “(a) APPROVAL OF EMPLOYEE TESTIMONY.—

4 “(1) IN GENERAL.—The Director of the Office
5 of Justice Services or the Director of the Indian
6 Health Service, as appropriate (referred to in this
7 section as the ‘Director concerned’), shall approve or
8 disapprove, in writing, any request or subpoena from
9 a tribal or State court for a law enforcement officer,
10 sexual assault nurse examiner, or other employee
11 under the supervision of the Director concerned to
12 provide testimony in a deposition, trial, or other
13 similar criminal proceeding regarding information
14 obtained in carrying out the official duties of the
15 employee.

16 “(2) DEADLINE.—The court issuing a subpoena
17 under paragraph (1) shall provide to the appropriate
18 Federal employee a notice regarding the request to
19 provide testimony by not less than 30 days before
20 the date on which the testimony will be provided.

21 “(b) APPROVAL.—

22 “(1) IN GENERAL.—The Director concerned
23 shall approve a request or subpoena under sub-
24 section (a) if the request or subpoena does not vio-
25 late the policy of the Department to maintain strict
26 impartiality with respect to private causes of action.

1 “(2) FAILURE TO APPROVE.—If the Director
2 concerned fails to approve or disapprove a request or
3 subpoena by the date that is 30 days after the date
4 of receipt of notice of the request or subpoena, the
5 request or subpoena shall be considered to be ap-
6 proved for purposes of this section.”.

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

8 The Indian Law Enforcement Reform Act (25 U.S.C.
9 2801 et seq.) (as amended by section 603) is amended
10 by adding at the end the following:

11 **“SEC. 17. COORDINATION OF FEDERAL AGENCIES.**

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

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

20 “(2) to improve forensic examinations and col-
21 lection;

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

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

4 “(b) REPORT.—Not later than 2 years after the date
5 of enactment of this section, the Secretary shall submit
6 to the Committee on Indian Affairs of the Senate and the
7 Committee on Natural Resources of the House of Rep-
8 resentatives a report that describes, with respect to the
9 matters described in subsection (a), the improvements
10 made and needed, problems or obstacles identified, and
11 costs necessary to address the problems or obstacles, and
12 any other recommendations that the Secretary determines
13 to be appropriate.”.

14 **SEC. 605. SEXUAL ASSAULT PROTOCOL.**

15 Title VIII of the Indian Health Care Improvement
16 Act is amended by inserting after section 802 (25 U.S.C.
17 1672) the following:

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

19 “The Director of the Service, in coordination with the
20 Director of the Office on Violence Against Women of the
21 Department of Justice, in consultation with Indian Tribes
22 and Tribal Organizations, and in conference with Urban
23 Indian Organizations, shall develop standardized sexual
24 assault policies and protocol for the facilities of the Serv-

1 ice, based on similar protocol that has been established
2 by the Department of Justice.”.