

United States Senate
WASHINGTON, DC 20510

June 12, 2008

To whom it may concern:

In the 110th Congress, the Senate Committee on Indian Affairs held four hearings and convened a number of listening sessions and meetings to discuss the growing concern of violent crime on Indian reservations. These hearings and meetings confirm what many Indian country residents have known for some time: many tribal communities are in the midst of a public safety crisis.

On November 7, 2007, the Senate Committee on Indian Affairs Chairman released a concept paper consisting of comments and recommendations from interested parties to address this crisis. Committee staff solicited further comments and recommendations since release of the concept paper.

Attached is a discussion draft of proposed legislation that would provide a variety of new tools to address the public safety concerns facing Indian country. This comprehensive approach would: (1) empower tribal governments to address crime in communities located on Indian reservations or restricted Indian lands and provide them with the necessary resources to improve their justice systems; (2) ensure greater accountability on the part of the federal government for its responsibility to provide public safety on Indian lands; (3) encourage greater cooperation at the state and local level; and (4) improve data collection relating to crimes in Indian country and information sharing between tribal, state, and federal law enforcement agencies.

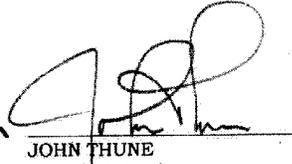
The Committee is interested in obtaining comments on this draft bill from all affected stakeholders in this matter, including but not limited to, people who live or work on Indian reservations or Indian lands, tribal governments and agencies, and state and local governments and agencies. We intend to continue working with all affected stakeholders throughout the legislative process.

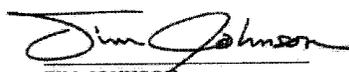
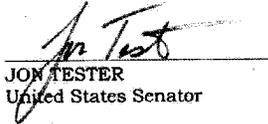
Please review the attached draft bill and forward any comments with the subject line "Discussion Draft Indian Law and Order Bill" via facsimile to (202) 228-2589, via e-mail to john_harte@indian.senate.gov, or by U.S. mail to the address below:

Senate Committee on Indian Affairs
Re: Draft Indian Law and Order Bill
838 Hart Senate Office Building
Washington, DC 20510

Thank you for your time and interest in this important matter.

Sincerely,

 BYRON L. DORGAN United States Senator	 JOHN THUNE United States Senator
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 TIM JOHNSON United States Senator	 JON TESTER United States Senator
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1 Title: To amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the
2 Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime
3 Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in
4 Indian country, and for other purposes.
5
6

7 Be it enacted by the Senate and House of Representatives of the United States of America in
8 Congress assembled,

9 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

10 (a) Short Title.—This Act may be cited as the “Tribal Justice Improvement Act of 2008”.

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

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

13 Sec.2.Findings; purposes.

14 Sec.3.Definitions.

15 TITLE I—FEDERAL ACCOUNTABILITY AND
16 COORDINATION

17 Sec.101.Office of Justice Services responsibilities.

18 Sec.102.Declination reports.

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

20 Sec.104.Administration.

21 TITLE II—STATE ACCOUNTABILITY AND
22 COORDINATION

23 Sec.201.State criminal jurisdiction and resources.

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

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

27 Sec.301.Tribal police officers.

28 Sec.302.Drug enforcement in Indian country.

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

30 Sec.304.Tribal court sentencing authority.

31 Sec.305.Indian law and order commission.

32 TITLE IV—TRIBAL JUSTICE SYSTEMS

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

7 **TITLE V—INDIAN COUNTRY CRIME DATA**

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

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

- 13 Sec.601.Violation of tribal orders.
- 14 Sec.602.Prisoner release and reentry.
- 15 Sec.603.Domestic and sexual violent offense training.

16 **SEC. 2. FINDINGS; PURPOSES.**

- 17 (a) Findings.—Congress finds that—
- 18 (1) the United States has distinct legal, treaty, and trust obligations to provide for the
- 19 public safety of Indian country;
- 20 (2) several States have been delegated or have accepted responsibility to provide for the
- 21 public safety of Indian country within the borders of the States;
- 22 (3) Congress and the President have acknowledged that—
- 23 (A) tribal law enforcement officers are often the first responders to crimes on Indian
- 24 reservations; and
- 25 (B) tribal justice systems are ultimately the most appropriate institutions for
- 26 maintaining law and order in Indian country;
- 27 (4) less than 3,000 tribal and Federal law enforcement officers patrol more than
- 28 56,000,000 acres of Indian country, which reflects less than 1/2 of the law enforcement
- 29 presence in comparable rural communities nationwide;
- 30 (5) on many Indian reservations, law enforcement officers respond to distress calls
- 31 without backup and travel to remote locations without adequate radio communication or
- 32 access to national crime information database systems;
- 33 (6) the majority of tribal detention facilities are in a state of disrepair, and the Department
- 34 of the Interior has identified a multibillion-dollar backlog in funding for tribal detention

- 1 facilities;
- 2 (7) tribal courts—
- 3 (A) are the primary arbiters of criminal and civil justice for actions arising in Indian
4 country; but
- 5 (B) have been historically underfunded;
- 6 (8) tribal court sentencing authority is limited to sentences of not more than 1 year of
7 imprisonment, forcing tribal communities to rely solely on the Federal Government and
8 certain State governments for the prosecution of felony crimes in Indian country;
- 9 (9) a significant percentage of cases referred to Federal agencies for prosecution of
10 alleged crimes occurring in Indian country are declined to be prosecuted;
- 11 (10) the complicated jurisdictional scheme that exists in Indian country—
- 12 (A) has a significant negative impact on the ability to provide public safety to Indian
13 communities; and
- 14 (B) has been increasingly exploited by criminals;
- 15 (11) the violent crime rate in Indian country is—
- 16 (A) nearly twice the national average; and
- 17 (B) more than 20 times the national average on some rural Indian reservations;
- 18 (12)(A) domestic and sexual violence against Indian and Alaska Native women has
19 reached epidemic proportions;
- 20 (B) 34 percent of Indian and Alaska Native women will be raped in their lifetimes; and
- 21 (C) 39 percent of Indian and Alaska Native women will be subject to domestic violence;
- 22 (13) the lack of police presence and resources in Indian country has resulted in significant
23 delays in responding to victims' calls for assistance, which adversely affects the collection
24 of evidence needed to prosecute crimes of domestic and sexual violence;
- 25 (14) alcohol and drug abuse plays a role in more than 80 percent of crimes committed in
26 Indian country;
- 27 (15) the rate of methamphetamine addiction in Indian country is 3 times the national
28 average;
- 29 (16) the Department of Justice has reported that drug organizations have increasingly
30 targeted Indian country to produce and distribute methamphetamine, citing the limited law
31 enforcement presence and jurisdictional confusion as reasons for the increased activity;
- 32 (17) tribal communities face significant increases in instances of domestic violence,
33 burglary, assault, and child abuse as a direct result of increased methamphetamine use on
34 Indian reservations;
- 35 (18)(A) criminal jurisdiction in Indian country is complex, and responsibility for Indian
36 country law enforcement is shared among Federal, tribal, and State authorities; and
- 37 (B) that complexity requires a high degree of commitment and cooperation from Federal

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- 1 and State officials that can be difficult to establish;
- 2 (19) agreements for cooperation among certified tribal and State law enforcement officers
3 have proven to improve law enforcement in Indian country; and
- 4 (20) crime data is a fundamental tool of law enforcement, but for decades the Bureau of
5 Indian Affairs and the Department of Justice have not been able to coordinate or
6 consistently report crime and prosecution rates in Indian country.
- 7 (b) Purposes.—The purposes of this Act are—
- 8 (1) to clarify the responsibilities of Federal, State, tribal, and local governments with
9 respect to crimes committed in Indian country;
- 10 (2) to increase coordination and communication among Federal, State, tribal, and local
11 law enforcement agencies;
- 12 (3) to empower tribal governments with the authority, resources, and information
13 necessary to safely and effectively provide public safety in Indian country;
- 14 (4) to reduce the prevalence of violent crime in Indian country and to combat violence
15 against Indian and Alaska Native women;
- 16 (5) to address and prevent drug trafficking and reduce rates of alcohol and drug addiction
17 in Indian country; and
- 18 (6) to increase and standardize the collection of criminal data and the sharing of criminal
19 history information among Federal, State, and tribal officials responsible for responding to
20 and investigating crimes in Indian country.

21 SEC. 3. DEFINITIONS.

- 22 (a) In General.—In this Act:
- 23 (1) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in
24 section 1153 of title 18, United States Code.
- 25 (2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section
26 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).
- 27 (3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- 28 (4) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of
29 an Indian tribe.
- 30 (b) Indian Law Enforcement Reform Act.—Section 2 of the Indian Law Enforcement Reform
31 Act (25 U.S.C. 2801) is amended by adding at the end the following:
- 32 “(10) TRIBAL JUSTICE OFFICIAL.—The term ‘tribal justice official’ means—
- 33 “(A) a tribal prosecutor;
- 34 “(B) a tribal law enforcement officer; or
- 35 “(C) any other person responsible for investigating or prosecuting an alleged
36 criminal offense in tribal court.”.

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1 TITLE I—FEDERAL ACCOUNTABILITY AND
2 COORDINATION

3 SEC. 101. OFFICE OF JUSTICE SERVICES
4 RESPONSIBILITIES.

5 (a) Additional Responsibilities of Division.—Section 3(c) of the Indian Law Enforcement
6 Reform Act (25 U.S.C. 2802(e)) is amended—

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

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

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

10 “(10) communicating with tribal leaders, tribal justice officials, and reservation residents
11 on a regular basis regarding public safety and justice concerns facing tribal communities;

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

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

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

22 “(14) submitting to Congress, for each fiscal year, a detailed spending report regarding
23 tribal public safety and justice programs that includes—

24 “(A) the number of employees and amounts spent by category, including a
25 breakdown by position of direct Bureau and tribal government employees, for each
26 of—

27 “(i) criminal investigators;

28 “(ii) uniform police;

29 “(iii) dispatchers;

30 “(iv) detention officers; and

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

33 “(B) an itemized list of spending by the Secretary on vehicles, equipment,
34 transportation costs, improvement, and repair of facilities, emergency events,
35 personnel transfers, detailees and related costs of their details, and other public safety
36 and justice-related expenses; and

37 “(C) a list of, and relevant details regarding, the unmet staffing needs of uniform

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1 police and detentions officers at tribal and Bureau of Indian Affairs police departments
2 and corrections facilities; and

3 "(15) promulgating regulations to carry out this Act, and routinely reviewing and
4 updating, as necessary, the regulations contained in subchapter B of title 25, Code of
5 Federal Regulations (or successor regulations)."

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

8 (1) in paragraph (2)(A) by striking ")", or" and inserting "or with respect to issuing central
9 citations, the Bureau); or"; and

10 (2) in paragraph (3) by striking subparagraph (C) and inserting the following:

11 "(C) the offense is a misdemeanor crime and the employee has reasonable grounds
12 to believe that the individual to be arrested has committed, or is committing, the
13 crime;".

14 SEC. 102. DECLINATION REPORTS.

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

17 "(a) Reports.—

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

22 "(A) submit to the appropriate tribal justice officials a report describing each reason
23 why the investigation was declined or terminated; and

24 "(B) submit to the Office of Indian Country Crime information regarding the alleged
25 violation, including—

26 "(i) the type of crime alleged;

27 "(ii) the status of the accused as a tribal citizen;

28 "(iii) the status of the victim as a tribal citizen; and

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

30 "(2) UNITED STATES ATTORNEYS.—Subject to subsection (d), if a United States attorney
31 declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal law
32 in Indian country referred for prosecution by a law enforcement officer or employee of a
33 Federal department or agency or other law enforcement officer authorized to enforce
34 Federal law, the United States attorney shall—

35 "(A) coordinate and communicate, sufficiently in advance of the statute of
36 limitations, reasonable details regarding the case to permit the tribal prosecutor to
37 pursue the case in tribal court; and

38 "(B) submit to the Office of Indian Country Crime information regarding the alleged

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- 1 violation, including—
- 2 “(i) the type of crime alleged;
- 3 “(ii) the status of the accused as a tribal citizen;
- 4 “(iii) the status of the victim as a tribal citizen; and
- 5 “(iv) the reason for the determination to decline or terminate the investigation.
- 6 “(b) Maintenance of Records.—
- 7 “(1) IN GENERAL.—The Director of the Office of Indian Country Crime shall establish
- 8 and maintain a compilation of information received under paragraph (1) or (2) of subsection
- 9 (a) to decline to investigate or prosecute, or to terminate an investigation or prosecution.
- 10 “(2) AVAILABILITY TO CONGRESS.—Each compilation under paragraph (1) shall be made
- 11 available to Congress on an annual basis.
- 12 “(c) Inclusion of Case Files.—A report submitted to the appropriate tribal justice officials
- 13 under paragraph (1) or (2) of subsection (a) may include the case file, including evidence
- 14 collected and statements taken that could support an investigation or prosecution by the
- 15 appropriate tribal justice officials.
- 16 “(d) Effect of Section.—
- 17 “(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to
- 18 transfer or disclose any confidential or privileged communication, information, or source to
- 19 an official of any Indian tribe.
- 20 “(2) REGULATIONS.—Each Federal agency required to submit a report pursuant to this
- 21 section shall adopt, by regulation, standards for the protection of confidential or privileged
- 22 communications, information, and sources under paragraph (1).”

23 **SEC. 103. PROSECUTION OF CRIMES IN INDIAN**

24 **COUNTRY.**

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

26 amended by inserting before the period at the end the following: “, including the appointment of

27 qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses

28 committed in Indian country”

29 (b) Tribal Liaisons.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is

30 amended by adding at the end the following:

31 **“SEC. 11. ASSISTANT UNITED STATES ATTORNEY**

32 **TRIBAL LIAISONS.**

33 “(a) Appointment.—Each United States attorney the jurisdictional district of which includes

34 Indian country shall appoint not less than 1 assistant United States attorney to serve as a tribal

35 liaison for the district.

36 “(b) Duties.—A tribal liaison shall be responsible for, with respect to the district of the

37 applicable United States attorney office—

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- 1 “(1) coordinating the prosecution of crimes that occur in Indian country;
- 2 “(2) developing multidisciplinary teams to combat child abuse and domestic and sexual
3 violence offenses in Indian country;
- 4 “(3) developing working relationships and maintaining communication with tribal leaders
5 and tribal justice officials to gather information from, and share information with, tribal
6 justice officials;
- 7 “(4) coordinating with tribal prosecutors in cases in which a tribal government has
8 concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable
9 statute of limitation;
- 10 “(5) providing technical assistance and training regarding evidence gathering techniques
11 to tribal justice officials and other individuals and entities that are instrumental to
12 responding to Indian country crimes;
- 13 “(6) conducting training sessions and seminars to certify special law enforcement
14 commissions to tribal justice officials and other individuals and entities responsible for
15 responding to Indian country crimes;
- 16 “(7) coordinating with the Office of Indian Country Crime, as necessary; and
- 17 “(8) conducting such other activities to address and prevent violent crime in Indian
18 country as the applicable United States attorney determines to be appropriate.
- 19 “(c) Sense of Congress Regarding Evaluations of Tribal Liaisons.—
- 20 “(1) FINDINGS.—Congress finds that—
- 21 “(A) many tribal communities rely solely on United States Attorneys offices to
22 prosecute felony crimes occurring on Indian land; and
- 23 “(B) tribal liaisons have dual obligations of—
- 24 “(i) coordinating prosecutions of Indian country crime; and
- 25 “(ii) developing relationships with tribal communities and serving as a link
26 between tribal communities and the Federal justice process.
- 27 “(2) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General
28 should—
- 29 “(A) take all appropriate actions to encourage the aggressive prosecution of all
30 crimes committed in Indian country; and
- 31 “(B) if appropriate, take into consideration the dual responsibilities of tribal liaisons
32 described in paragraph (1)(B) in evaluating the performance of the tribal liaisons.
- 33 “(d) Enhanced Prosecution of Minor Crimes.—Each United States Attorney serving a district
34 that includes Indian country may, and is encouraged to—
- 35 “(1) appoint Special Assistant United States Attorneys pursuant to section 543(a) of title
36 28, United States Code, to prosecute crimes in Indian country in which—
- 37 “(A) the crime rate exceeds a rate equal to twice the national average crime rate; or
- 38 “(B) the rate at which criminal offenses are declined to be prosecuted exceeds the

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- 1 national average rate; and
2 “(2) coordinate with applicable United States magistrate and district courts—
3 “(A) to ensure the provision of docket time for prosecutions of Indian country
4 crimes; and
5 “(B) to hold trials and other proceedings in Indian country, as appropriate.”

6 SEC. 104. ADMINISTRATION.

- 7 (a) Office of Tribal Justice.—
8 (1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance
9 Act of 2000 (25 U.S.C. 3653) is amended—
10 (A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8),
11 respectively; and
12 (B) by inserting after paragraph (1) the following:
13 “(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Tribal
14 Justice.”
15 (2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of
16 2000 is amended—
17 (A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and
18 (B) by inserting after section 105 (25 U.S.C. 3665) the following:

19 “SEC. 106. OFFICE OF TRIBAL JUSTICE.

- 20 “(a) In General.—Not later than 90 days after the date of enactment of the Tribal Justice
21 Improvement Act of 2008, the Attorney General shall modify the status of the Office of Tribal
22 Justice as the Attorney General determines to be necessary to establish the Office of Tribal
23 Justice as a division of the Department.
24 “(b) Personnel and Funding.—The Attorney General shall provide to the Office of Tribal
25 Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a
26 division of the Department under subsection (a).
27 “(c) Additional Duties.—In addition to the duties of the Office of Tribal Justice in effect on
28 the day before the date of enactment of the Tribal Justice Improvement Act of 2008, the Office
29 of Tribal Justice shall—
30 “(1) serve as the program and legal policy advisor to the Attorney General with respect to
31 the treaty and trust relationship between the United States and Indian tribes;
32 “(2) serve as the point of contact for federally recognized tribal governments and tribal
33 organizations with respect to questions and comments regarding policies and programs of
34 the Department and issues relating to public safety and justice in Indian country; and
35 “(3) coordinate with other agencies and divisions within the Department of Justice to
36 ensure that each agency has an accountable process to ensure meaningful and timely
37 consultation with tribal leaders in the development of regulatory policies and other actions

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1 with tribal implications.”.

2 (b) Office of Indian Country Crime.—The Indian Law Enforcement Reform Act (25 U.S.C.
3 2801 et seq.) (as amended by section 102(b)) is amended by adding at the end the following:

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

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

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

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

10 **“(2) coordinate with the United States attorneys that have authority to prosecute crimes in**
11 **Indian country;**

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

14 **“(4) develop and implement criminal enforcement policies for United States attorneys**
15 **and investigators of Federal crimes regarding cases arising in Indian country; and**

16 **“(5) submit to Congress annual reports describing the prosecution and declination rates of**
17 **cases involving alleged crimes in Indian country referred to United States Attorneys.**

18 **“(c) Deputy Assistant Attorney General.**—

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

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

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

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

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

28 **TITLE II—STATE ACCOUNTABILITY AND**
29 **COORDINATION**

30 **SEC. 201. STATE CRIMINAL JURISDICTION AND**
31 **RESOURCES.**

32 **(a) Concurrent Authority of United States.**—Section 401(a) of Public Law 90–284 (25 U.S.C.
33 1321(a)) is amended—

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

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1 "SEC. 401. ASSUMPTION BY STATE OF CRIMINAL
2 JURISDICTION.

3 "(a) Consent of United States.—

4 "(1) IN GENERAL.—The consent of the United States"; and

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

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

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

12 "(c) Applicable Law.—At the request of an Indian tribe, and after consultation with the
13 Attorney General, sections 1152 and 1153 of this title shall remain in effect in the areas of the
14 Indian country of the Indian tribe."

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

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

21 (1) improving law enforcement effectiveness; and

22 (2) reducing violence in Indian country and nearby communities.

23 (b) Program Plans.—

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

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

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

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

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

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- 1 (D) the types of law enforcement services to be performed on each applicable Indian
2 reservation and the individuals and entities that will perform those services;
- 3 (E) the individual or group of individuals who will exercise daily supervision and
4 control over law enforcement officers participating in the program;
- 5 (F) the method by which local and tribal government input with respect to the
6 planning and implementation of the program will be ensured;
- 7 (G) the policies of the program regarding mutual aid, hot pursuit of suspects,
8 deputization, training, and insurance of applicable law enforcement officers;
- 9 (H) the recordkeeping procedures and types of data to be collected pursuant to the
10 program; and
- 11 (I) other information that the Attorney General determines to be relevant.
- 12 (c) Permissible Uses of Funds.—An eligible entity that receives a grant under this section may
13 use the grant, in accordance with the program plan described in subsection (b)—
- 14 (1) to hire and train new career tribal, State, or local law enforcement officers, or to make
15 overtime payments for current law enforcement officers, that are or will be dedicated to—
- 16 (A) policing tribal land and nearby land; and
17 (B) investigating alleged crimes on that land;
- 18 (2) procure equipment, technology, or support systems to be used to investigate crimes
19 and share information between tribal, State, and local law enforcement agencies; or
- 20 (3) for any other uses that the Attorney General determines will meet the purposes
21 described in subsection (a).
- 22 (d) Factors for Consideration.—In determining whether to approve a joint program plan
23 submitted under subsection (b) and, on approval, the amount of assistance to provide to the
24 program, the Attorney General shall take into consideration the following factors:
- 25 (1) The size and population of each Indian reservation and nearby community proposed
26 to be served by the program.
- 27 (2) The complexity of the law enforcement problems proposed to be addressed by the
28 program.
- 29 (3) The range of services proposed to be provided by the program.
- 30 (4) The proposed improvements the program will make regarding law enforcement
31 cooperation beyond existing levels of cooperation.
- 32 (5) The crime rates of the tribal and nearby communities.
- 33 (6) The available financial resources possessed by each entity applying for a grant under
34 this section for dedication to public safety in the respective jurisdictions of the entities.
- 35 (e) Annual Reports.—To be eligible to renew or extend a grant under this section, a group
36 described in subsection (b)(1) shall submit to the Attorney General, together with the joint
37 program plan under subsection (b), a report describing the law enforcement activities carried out
38 pursuant to the program during the preceding fiscal year, including the success of the activities,

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1 including any increase in arrests or prosecutions.

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

7 (g) Technical Assistance.—On receipt of a request from a group composed of not less than 1
8 tribal government and 1 State or local government, the Attorney General shall provide technical
9 assistance to the group to develop and enter into [to be supplied].

10 (h) Authorization of Appropriations.—There are authorized to be appropriated such sums as
11 are necessary to carry out this section for each of fiscal years 2009 through 2015.

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

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

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

17 (1) in paragraph (1)—

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

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

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

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

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

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

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

29 (b) Special Law Enforcement Commissions.—Section 5 of the Indian Law Enforcement
30 Reform Act (25 U.S.C. 2804) is amended to read as follows:

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

32 “(a) Agreements.—

33 “(1) STATEMENT OF ENCOURAGEMENT.—The Secretary may, and is encouraged to, enter
34 into agreements for the use (with or without reimbursement) of personnel and facilities of
35 Federal, tribal, State, or other government agencies to assist in the enforcement or
36 administration in Indian country of Federal law or the laws of an Indian tribe that authorizes
37 the Secretary to enforce tribal law.

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

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

6 “(b) Program Enhancement.—

7 “(1) TRAINING SESSIONS IN INDIAN COUNTRY.—The Secretary (or a designee) and the
8 Attorney General (or a designee) shall develop a plan to enhance the provision of special
9 law enforcement commissions to tribal law enforcement agencies pursuant to this section,
10 including by hosting regular regional training sessions in Indian country to educate and
11 certify tribal law enforcement officials and, subject to subsection (d), State and local law
12 enforcement officials.

13 “(2) MEMORANDA OF AGREEMENT.—

14 “(A) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal
15 Justice Improvement Act of 2008, the Secretary, in consultation with Indian tribes and
16 tribal law enforcement agencies, shall develop minimum requirements to be included
17 in special law enforcement commission agreements with tribal governments pursuant
18 to this section.

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

23 “(c) Enhancement.—The Secretary (or a designee) and the Attorney General (or a designee)
24 shall develop a plan to enhance the agreements entered into pursuant to this section, including by
25 hosting, not less frequently than biannually, regional training sessions to educate and certify
26 tribal justice officials and (subject to the agreement of the affected Indian tribes) State and local
27 law enforcement officers to enforce tribal and Federal criminal laws in Indian country.

28 “(d) Limitation on Use of Certain Personnel.—

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

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

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

39 “(f) Encouragement of Other Federal Agency Heads.—Congress encourages the head of each
40 Federal agency with law enforcement personnel or facilities, including the Drug Enforcement
41 Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Bureau of

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1 Immigration and Customs Enforcement, to enter into agreements (with or without
2 reimbursement) with an Indian tribe relating to—

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

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

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

8 SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

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

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

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

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

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

18 (1) in subsection (a)—

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

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

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

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

26 SEC. 303. ACCESS TO NATIONAL CRIMINAL 27 INFORMATION DATABASES.

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

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

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

32 “(d) Indian Law Enforcement Agencies.—The Attorney General shall permit Indian law
33 enforcement agencies—

34 “(1) to access and enter information into Federal criminal information databases; and

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

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

3 (b) Requirement.—

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

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

11 SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

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

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

15 “(a) In General.—No Indian tribe”;

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

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

19 “(b) Tribal Courts and Prisoners.—

20 “(1) IN GENERAL.—Notwithstanding paragraph (7) of subsection (a) and in addition to the
21 limitations described in the other paragraphs of that subsection, no Indian tribe, in
22 exercising any power of self-government involving a criminal trial pursuant to this section,
23 may—

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

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

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

29 “(2) SENTENCES.—A tribal court acting pursuant to paragraph (1) may require a
30 convicted offender—

31 “(A) to serve the sentence of the offender—

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

35 “(ii) in the nearest appropriate Federal facility, at the expense of the United
36 States pursuant to a memorandum of agreement with Bureau of Prisons in
37 accordance with paragraph (3); or

38 “(iii) in an alternative rehabilitation center of an Indian tribe; or

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- 1 “(B) to serve another alternative form of punishment, as determined by the tribal
2 court judge.
- 3 “(3) MEMORANDA OF AGREEMENT.—A memorandum of agreement between an Indian
4 tribe and the Bureau of Prisons under paragraph (2)(A)(ii)—
- 5 “(A) shall acknowledge that the United States will incur all costs involved, including
6 the costs of transfer, housing, medical care, rehabilitation, and reentry of transferred
7 prisoners;
- 8 “(B) shall limit the transfer of prisoners to prisoners convicted in tribal court of
9 violent crimes, crimes involving sexual abuse, and serious drug offenses, as
10 determined by the Bureau of Prisons, in consultation with tribal governments, by
11 regulation;
- 12 “(C) shall not affect the jurisdiction, power of self-government, or any other
13 authority of an Indian tribe over the territory or members of the Indian tribe;
- 14 “(D) shall contain such other requirements as the Bureau of Prisons, in consultation
15 with the Bureau of Indian Affairs and tribal governments, may determine, by
16 regulation; and
- 17 “(E) shall be executed and carried out not later than 180 days after the date on which
18 the applicable Indian tribe contacts the Bureau of Prisons to accept a transfer of a tribal
19 court offender pursuant to this subsection.
- 20 “(c) Effect of Section.—Nothing in this section affects the obligation of the United States, or
21 any State government that has been delegated authority by the United States, to investigate and
22 prosecute any criminal violation in Indian country.”

23 SEC. 305. INDIAN LAW AND ORDER COMMISSION.

- 24 (a) Establishment.—There is established a commission to be known as the Indian Law and
25 Order Commission (referred to in this section as the “Commission”).
- 26 (b) Membership.—
- 27 (1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—
- 28 (A) 3 shall be appointed by the President, in consultation with—
- 29 (i) the Attorney General; and
- 30 (ii) the Secretary of the Interior;
- 31 (B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with
32 the Chairperson of the Committee on Indian Affairs of the Senate;
- 33 (C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with
34 the Vice Chairperson of the Committee on Indian Affairs of the Senate;
- 35 (D) 2 shall be appointed by the Speaker of the House of Representatives, in
36 consultation with the Chairperson of the Committee on Natural Resources of the House
37 of Representatives; and
- 38 (E) 1 shall be appointed by the Minority Leader of the House of Representatives, in

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- 1 consultation with the Ranking Member of the Committee on Natural Resources of the
2 House of Representatives.
- 3 (2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have
4 significant experience and expertise in—
- 5 (A) the Indian country criminal justice system; and
6 (B) matters to be studied by the Commission.
- 7 (3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the
8 House of Representatives, and the Majority Leader and Minority Leader of the Senate shall
9 consult before the appointment of members of the Commission under paragraph (1) to
10 achieve, to the maximum extent practicable, fair and equitable representation of various
11 points of view with respect to the matters to be studied by the Commission.
- 12 (4) TERM.—Each member shall be appointed for the life of the Commission.
- 13 (5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the
14 Commission shall be made not later than 60 days after the date of enactment of this Act.
- 15 (6) VACANCIES.—A vacancy in the Commission shall be filled—
- 16 (A) in the same manner in which the original appointment was made; and
17 (B) not later than 60 days after the date on which the vacancy occurred.
- 18 (c) Operation.—
- 19 (1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the
20 Commission have been appointed, the Commission shall select 1 member to serve as
21 Chairperson of the Commission.
- 22 (2) MEETINGS.—
- 23 (A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.
24 (B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days
25 after the date described in paragraph (1).
- 26 (3) QUORUM.—A majority of the members of the Commission shall constitute a quorum,
27 but a lesser number of members may hold hearings.
- 28 (4) RULES.—The Commission may establish, by majority vote, any rules for the conduct
29 of Commission business, in accordance with this Act and other applicable law.
- 30 (d) Comprehensive Study of the Criminal Justice System Relating to Indian Country.—The
31 Commission shall conduct a comprehensive study of—
- 32 (1) jurisdiction over crimes committed in Indian country and the impact of that
33 jurisdiction on—
- 34 (A) the investigation and prosecution of Indian country crimes; and
35 (B) residents of Indian country;
- 36 (2) the tribal jail and Federal prisons systems and the effect of those systems with respect
37 to—

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- 1 (A) reducing Indian country crime; and
 2 (B) rehabilitation of offenders; and
 3 (3) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—
 4 (A) the authority of Indian tribes; and
 5 (B) the rights of defendants subject to tribal government authority.
 6 (e) Recommendations.—Taking into consideration the results of the study under paragraph
 7 (1), the Commission shall develop recommendations on necessary modifications and
 8 improvements to justice systems at the tribal, Federal, and State levels, including consideration
 9 of—
 10 (1) simplifying jurisdiction in Indian country;
 11 (2) enhancing the penal authority of tribal courts and exploring alternatives to
 12 incarceration;
 13 (3) the establishment of satellite United States magistrate or district courts in Indian
 14 country;
 15 (4) changes to the Indian jails and Federal prison systems; and
 16 (5) other issues that, as determined by the Commission, would reduce violent crime in
 17 Indian country.
 18 (f) Report.—Not later than 2 years after the date of enactment of this Act, the Commission
 19 shall submit to the President and Congress a report that contains—
 20 (1) a detailed statement of the findings and conclusions of the Commission; and
 21 (2) the recommendations of the Commission for such legislative and administrative
 22 actions as the Commission considers to be appropriate.
 23 (g) Powers.—
 24 (1) HEARINGS.—
 25 (A) IN GENERAL.—The Commission may hold such hearings, meet and act at such
 26 times and places, take such testimony, and receive such evidence as the Commission
 27 considers to be advisable to carry out the duties of the Commission under this section.
 28 (B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph
 29 shall be open to the public.
 30 (2) WITNESS EXPENSES.—
 31 (A) IN GENERAL.—A witness requested to appear before the Commission shall be
 32 paid the same fees as are paid to witnesses under section 1821 of title 28, United States
 33 Code.
 34 (B) PER DIEM AND MILEAGE.—The per diem and mileage allowance for a witness
 35 shall be paid from funds made available to the Commission.
 36 (3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—
 37 (A) IN GENERAL.—The Commission may secure directly from a Federal agency such

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- 1 information as the Commission considers to be necessary to carry out this section.
- 2 (B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any
3 tribal or State agency to provide to the Commission such information as the
4 Commission considers to be necessary to carry out this section.
- 5 (4) POSTAL SERVICES.—The Commission may use the United States mails in the same
6 manner and under the same conditions as other agencies of the Federal Government.
- 7 (5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of
8 services or property.
- 9 (h) Commission Personnel Matters.—
- 10 (1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses,
11 including per diem in lieu of subsistence, at rates authorized for an employee of an agency
12 under subchapter I of chapter 57 of title 5, United States Code, while away from the home
13 or regular place of business of the member in the performance of the duties of the
14 Commission.
- 15 (2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of $\frac{2}{3}$ of the members of
16 the Commission and the approval of the appropriate Federal agency head, an employee of
17 the Federal Government may be detailed to the Commission without reimbursement, and
18 such detail shall be without interruption or loss of civil service status, benefits, or privileges.
- 19 (3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the
20 Commission, the Attorney General and Secretary shall provide to the Commission
21 reasonable and appropriate office space, supplies, and administrative assistance.
- 22 (i) Contracts for Research.—
- 23 (1) RESEARCHERS AND EXPERTS.—
- 24 (A) IN GENERAL.—On an affirmative vote of $\frac{2}{3}$ of the members of the
25 Commission, the Commission may select nongovernmental researchers and experts to
26 assist the Commission in carrying out the duties of the Commission under this section.
- 27 (B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter
28 into a contract with the researchers and experts selected by the Commission under
29 subparagraph (A) to provide funding in exchange for the services of the researchers
30 and experts.
- 31 (2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the
32 Commission to enter into contracts with any other entity or organization to carry out
33 research necessary to carry out the duties of the Commission under this section.
- 34 (j) Authorization of Appropriations.—There are authorized to be appropriated such sums as
35 are necessary to carry out this section, to remain available until expended.
- 36 (k) Termination of Commission.—The Commission shall terminate 90 days after the date on
37 which the Commission submits the report of the Commission under subsection (c)(3).
- 38 (l) Nonapplicability of FACAs.—The Federal Advisory Committee Act (5 U.S.C. App.) shall
39 not apply to the Commission.

1 TITLE IV—TRIBAL JUSTICE SYSTEMS

2 SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

3 (a) Correction of References.—

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

7 (A) in subsection (a)—

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

9 (I) by striking [“the date of enactment of this subtitle”] and inserting “the
10 date of enactment of the Tribal Justice Improvement Act of 2008”; and

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

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

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

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

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

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

23 (C) in subsection (d), by striking [“the date of enactment of this subtitle”] and
24 inserting “the date of enactment of the Tribal Justice Improvement Act of 2008”.

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

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

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

33 (C) in subsection (d)(2), by striking “fiscal year 1993 and such sums as are
34 necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000”
35 and inserting “[the period of] fiscal years 2009 through 2013”;

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

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- 1 (E) in subsection (f)(3), by striking "fiscal year 1993 and such sums as are necessary
2 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000" and
3 inserting "[the period of] fiscal years 2009 through 2013".
- 4 (3) DEPARTMENTAL RESPONSIBILITY.—Section 4207(a) of the Indian Alcohol and
5 Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413(a)) is amended by
6 inserting "the Attorney General" after "Bureau of Indian Affairs".
- 7 (4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance
8 Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter
9 preceding paragraph (1) by inserting "the Attorney General," after "the Secretary of the
10 Interior".
- 11 (5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian
12 Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is
13 amended—
- 14 (A) in subsection (a), by inserting "the Attorney General," after "the Secretary of
15 the Interior";
- 16 (B) in subsection (b)—
- 17 (i) in the first sentence, by inserting "the Attorney General," after "the
18 Secretary of the Interior";
- 19 (ii) in the second sentence, by inserting "nor the Attorney General," after "the
20 Secretary of the Interior"; and
- 21 (iii) in the third sentence, by inserting "the Department of Justice," after "the
22 Department of the Interior"; and
- 23 (C) in subsection (c)(1), by inserting "the Attorney General," after "the Secretary
24 of the Interior".
- 25 (6) NEWSLETTER.—Section 4210 of the Indian Alcohol and Substance Abuse Prevention
26 and Treatment Act of 1986 (25 U.S.C. 2416) is amended—
- 27 (A) in subsection (a), in the first sentence, by inserting "the Attorney General,"
28 after "the Secretary of the Interior"; and
- 29 (B) in subsection (b), by striking "fiscal year 1993 and such sums as may be
30 necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000"
31 and inserting "[the period of] fiscal years 2009 through 2013".
- 32 (7) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention
33 and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding
34 paragraph (1) by inserting "the Attorney General," after "the Secretary of the Interior".
- 35 (b) Indian Education Programs.—Section 4212 of the Indian Alcohol and Substance Abuse
36 Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the
37 following:
- 38 "(a) Pilot Programs.—
- 39 "(1) IN GENERAL.—The Assistant Secretary for Indian Affairs shall develop and
40 implement pilot programs in selected schools funded by the Bureau of Indian Affairs

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- 1 (subject to the approval of the local school board or contract school board) to determine the
2 effectiveness of summer youth programs in advancing the purposes and goals of this Act.
- 3 “(2) COSTS.—The Assistant Secretary shall defray all costs associated with the actual
4 operation and support of the pilot program in a school from funds appropriated to carry out
5 this subsection.
- 6 “(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
7 carry out the pilot programs under this subsection such sums as are necessary for each of
8 fiscal years 2009 through 2013.”.
- 9 (c) Emergency Shelters.—Section 4213(e) of the Indian Alcohol and Substance Abuse
10 Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—
- 11 (1) in paragraph (1), by striking “as may be necessary” and all that follows through the
12 end of the paragraph and inserting “as are necessary for each of fiscal years 2009 through
13 2013.”;
- 14 (2) in paragraph (2), by striking “\$7,000,000” and all that follows through the end of the
15 paragraph and inserting “\$10,000,000 for each of fiscal years 2009 through 2013.”; and
16 (3) by indenting paragraphs (4) and (5) appropriately.
- 17 (d) Review of Programs.—Section 4215(a) of the Indian Alcohol and Substance Abuse
18 Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting “, the
19 Attorney General,” after “the Secretary of the Interior”.
- 20 (e) Illegal Narcotics Traffic on the Tohono O’odham and St. Regis Reservations; Source
21 Eradication.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and
22 Treatment Act of 1986 (25 U.S.C. 2442) is amended—
- 23 (1) in subsection (a)—
- 24 (A) in paragraph (2), by striking “United States Custom Service” and inserting
25 “United States Customs and Border Protection”; and
26 (B) by striking paragraph (3) and inserting the following:
- 27 “(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
28 carry out this subsection such sums as are necessary for each of fiscal years 2009 through
29 2013.”; and
- 30 (2) in paragraph (2) of subsection (b), by striking “as may be necessary” and all that
31 follows through the end of the paragraph and inserting “as are necessary for each of fiscal
32 years 2009 through 2013.”.
- 33 (f) Law Enforcement and Judicial Training.—Section 4218 of the Indian Alcohol and
34 Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—
- 35 (1) by striking subsection (a) and inserting the following:
- 36 “(a) Training Programs.—
- 37 “(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney
38 General, the Administrator of the Drug Enforcement Administration, and the Director of the
39 Federal Bureau of Investigation, shall ensure, through the establishment of a new training

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- 1 program or by supplementing existing training programs, that all Bureau of Indian Affairs
2 and tribal law enforcement and judicial personnel have access to training regarding—
- 3 “(A) the investigation and prosecution of offenses relating to illegal narcotics; and
4 “(B) alcohol and substance abuse prevention and treatment.
- 5 “(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or
6 tribal law enforcement or judicial personnel under paragraph (1) shall include training in
7 issues relating to youth alcohol and substance abuse prevention and treatment.”; and
- 8 (2) in subsection (b), by striking “as may be necessary” and all that follows through the
9 end of the subsection and inserting “as are necessary for each of fiscal years 2009 through
10 2013”.
- 11 (g) Juvenile Detention Centers.—Section 4220(b) of the Indian Alcohol and Substance Abuse
12 Prevention and Treatment Act of 1986 (25 U.S.C. 2453(b)) is amended—
- 13 (1) by striking “such sums as may be necessary for each of the fiscal years 1994, 1995,
14 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting “such sums as are
15 necessary for each of fiscal years 2009 through 2013”; and
- 16 (2) by indenting paragraph (2) appropriately.
- 17 **SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND**
18 **LEGAL ASSISTANCE.**
- 19 (a) Indian Tribal Justice.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is
20 amended—
- 21 (1) in subsection (a)—
- 22 (A) by striking “the provisions of sections 101 and 102 of this Act” and inserting
23 “sections 101 and 102”; and
- 24 (B) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2009
25 through 2013”;
- 26 (2) in subsection (b)—
- 27 (A) by striking “the provisions of section 103 of this Act” and inserting “section
28 103”; and
- 29 (B) by striking “the fiscal years 2000 through 2007” and inserting “fiscal years 2009
30 through 2013”;
- 31 (3) in subsection (c), by striking “the fiscal years 2000 through 2007” and inserting
32 “fiscal years 2009 through 2013”; and
- 33 (4) in subsection (d), by striking “the fiscal years 2000 through 2007” and inserting
34 “fiscal years 2009 through 2013”.
- 35 (b) Technical and Legal Assistance.—The Indian Tribal Justice Technical and Legal
36 Assistance Act of 2000 is amended—
- 37 (1) in section 106 (25 U.S.C. 3666), by striking “2000 through 2004” and inserting “2009

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1 through 2013"; and
2 (2) in section 201(d) (25 U.S.C. 3681(d)), by striking "2000 through 2004" and inserting
3 "2009 through 2013".

4 **SEC. 403. COPS TRIBAL RESOURCES GRANT PROGRAM.**

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

- 7 (1) in subsection (b)—
- 8 (A) in each of paragraphs (1) through (4) and (6) through (17), by inserting "to"
9 after the paragraph designation;
- 10 (B) in paragraph (1), by striking "State and" and inserting "State, tribal, or";
- 11 (C) in paragraphs (9) and (10), by inserting ", tribal," after "State" each place it
12 appears;
- 13 (D) in paragraph (15)—
- 14 (i) by striking "a State in" and inserting "a State or Indian tribe in";
- 15 (ii) by striking "the State which" and inserting "the State or tribal community
16 that"; and
- 17 (iii) by striking "a State or" and inserting "a State, tribal, or"; and
- 18 (E) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16),
19 respectively;
- 20 (2) in subsection (g)—
- 21 (A) by striking "The portion" and inserting the following:
22 "(1) IN GENERAL.—The portion";
- 23 (B) in the second sentence, by striking "In relation" and inserting the following:
24 "(2) CERTAIN GRANTS.—In relation"; and
- 25 (C) by adding at the end the following:
26 "(3) WAIVER.—In acknowledgment of the Federal nexus and distinct Federal
27 responsibility to address and prevent crime in Indian country, for purposes of providing
28 grants to Indian tribes under this subsection, the Attorney General may waive the matching
29 funds requirement of this subsection on the basis of demonstrated financial hardship.
- 30 "(4) USE OF CERTAIN FUNDS.—In addition to providing a waiver under paragraph (3), the
31 Attorney General may allow the use of funds appropriated for any agency of an Indian tribal
32 government or the Bureau of Indian Affairs to carry out law enforcement activities on
33 Indian land to provide the non-Federal share of the cost of a program or project under this
34 section."
- 35 (3) in subsection (i), by striking "The authority" and inserting "Except as provided in
36 subsection (j), the authority"; and

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

2 "(j) Extension of Program for Indian Tribes.—

3 "(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in
4 acknowledgment of the Federal nexus and distinct Federal responsibility to address and
5 prevent crime in Indian country, the Attorney General may provide grants under this section
6 to Indian tribal governments, for fiscal year 2009 and any fiscal year thereafter, for such
7 period as the Attorney General determines to be appropriate to assist the Indian tribal
8 governments in carrying out the purposes described in subsection (b).

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

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

15 **SEC. 404. TRIBAL JAILS PROGRAM.**

16 (a) In General.—Section 20109 of the Violent Crime Control and Law Enforcement Act of
17 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

18 "(a) Reservation of Funds.—Notwithstanding any other provision of this part, of amounts
19 made available to the Attorney General to carry out programs relating to offender incarceration,
20 the Attorney General shall reserve \$35,000,000 for each of fiscal years 2009 through 2013 to
21 carry out this section."

22 (b) Regional Detention Centers.—

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

26 "(b) Grants to Indian Tribes.—

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

29 "(A) to Indian tribes for purposes of—

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

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

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

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

39 "(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney

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- 1 General shall take into consideration applicable—
2 “(A) reservation crime rates;
3 “(B) annual tribal court convictions; and
4 “(C) bed space needs.”
5 (2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law
6 Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting “or consortium of
7 Indian tribes, as applicable,” after “Indian tribe”.
8 [(c) Office of Justice Services Division of Corrections.—Under consideration are proposals
9 that would require the Interior Department’s Office of Justice Services – Division of Corrections
10 to address concerns raised by the Inspector General’s 2004 Indian Jails Report, and require the
11 Office to develop a long term plan in coordination with the Department of Justice and in
12 consultation with Indian Tribes.]

13 **SEC. 405. TRIBAL PROBATION OFFICE LIAISON**
14 **PROGRAM.**

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

17 **“SEC. 203. ASSISTANT PAROLE AND PROBATION**
18 **OFFICERS.**

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

23 **SEC. 406. TRIBAL YOUTH PROGRAM.**

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

25 (1) IN GENERAL.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of
26 1974 (42 U.S.C. 5783) is amended—

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

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

30 “(d) Grants for Tribal Delinquency Prevention Programs.—

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

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

35 “(B) to encourage accountability of Indian tribal governments with respect to
36 juvenile delinquency responses and prevention.

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- 1 “(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an
2 Indian tribe or consortium of Indian tribes shall submit to the Administrator an application
3 in such form and containing such information as the Administrator may require.
- 4 “(3) PRIORITY OF FUNDING.—In providing grants under this subsection, the Administrator
5 shall take into consideration, with respect to the reservation communities to be served—
- 6 “(A) juvenile crime rates;
7 “(B) dropout rates; and
8 “(C) percentages of at-risk youth.”.
- 9 “(2) AUTHORIZATION OF APPROPRIATIONS.—Section 505 of the Juvenile Justice and
10 Delinquency Prevention Act of 1974 (42 U.S.C. 5784) is amended by striking “fiscal years
11 2004, 2005, 2006, 2007, and 2008” and inserting “each of fiscal years 2009 through 2013”.
- 12 “(b) Coordinating Council on Juvenile Justice and Delinquency Prevention.—Section 206(a)(2)
13 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is
14 amended—
- 15 “(1) in subparagraph (A), by striking “Nine” and inserting “Ten”; and
16 “(2) in subparagraph (B), by adding at the end the following:
- 17 “(iv) One member shall be appointed by the Chairperson of the Committee on
18 Indian Affairs of the Senate.”.

19 TITLE V—INDIAN COUNTRY CRIME DATA

20 SEC. 501. TRACKING OF CRIMES COMMITTED IN 21 INDIAN COUNTRY.

- 22 “(a) Gang Violence.—Section 1107 of the Violence Against Women and Department of Justice
23 Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—
- 24 “(1) in subsection (a)—
- 25 “(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13),
26 respectively;
- 27 “(B) by inserting after paragraph (7) the following:
- 28 “(8) the Office of Justice Services of the Bureau of Indian Affairs;”;
- 29 “(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking “State” and
30 inserting “tribal, State,”; and
- 31 “(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by
32 inserting “tribal,” before “State,” each place it appears; and
- 33 “(2) in subsection (b), by inserting “tribal,” before “State,” each place it appears.
- 34 “(b) Bureau of Justice Statistics.—Section 302 of the Omnibus Crime Control and Safe Streets
35 Act of 1968 (42 U.S.C. 3732) is amended—
- 36 “(1) in subsection (c)—

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- 1 (A) in paragraph (1), by inserting “, Indian tribes,” after “contracts with”;
- 2 (B) in each of paragraphs (3) through (6), by inserting “tribal,” after “State,” each
3 place it appears;
- 4 (C) in paragraph (7), by inserting “and in Indian country” after “States”;
- 5 (D) in paragraph (9), by striking “Federal and State Governments” and inserting
6 “Federal Government and State and tribal governments”;
- 7 (E) in each of paragraphs (10) and (11), by inserting “, tribal,” after “State” each
8 place it appears;
- 9 (F) in paragraph (13), by inserting “, Indian tribes,” after “States”;
- 10 (G) in paragraph (17)—
- 11 (i) by striking “State and local” and inserting “State, tribal, and local”; and
- 12 (ii) by striking “State, and local” and inserting “State, tribal, and local”;
- 13 (H) in paragraph (18), by striking “State and local” and inserting “State, tribal, and
14 local”;
- 15 (I) in paragraph (19), by inserting “and tribal” after “State” each place it appears;
- 16 (J) in paragraph (20), by inserting “, tribal,” after “State”; and
- 17 (K) in paragraph (22), by inserting “, tribal,” after “Federal”;
- 18 (2) in subsection (d)—
- 19 (A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F),
20 respectively, and indenting the subparagraphs appropriately;
- 21 (B) by striking “To insure” and inserting the following:
22 “(1) IN GENERAL.—To ensure”; and
- 23 (C) by adding at the end the following:
24 “(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant
25 Secretary for Indian Affairs (acting through the Director of the Office of Law Enforcement
26 Services) and the Director of the Federal Bureau of Investigation, shall work with Indian
27 tribes and tribal law enforcement agencies to establish and implement such tribal data
28 collection systems as the Director determines to be necessary to achieve the purposes of this
29 section.”;
- 30 (3) in subsection (e), by striking “subsection (d)(3)” and inserting “subsection (d)(1)(C)”;
- 31 (4) in subsection (f)—
- 32 (A) in the subsection heading, by inserting “, Tribal,” after “State”; and
- 33 (B) by inserting “, tribal,” after “State”; and
- 34 (5) by adding at the end the following:
35 “(g) Report to Congress on Crimes in Indian Country.—Not later than 1 year after the date of
36 enactment of this subsection, and annually thereafter, the Director shall submit to Congress a

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1 report describing the data collected and analyzed under this section relating to crimes in Indian
2 country.”.

3 **SEC. 502. GRANTS TO IMPROVE TRIBAL DATA**
4 **COLLECTION SYSTEMS.**

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

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

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

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

16 **SEC. 503. CRIMINAL HISTORY RECORD IMPROVEMENT**
17 **PROGRAM.**

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

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

22 **[SEC. 601. VIOLATION OF TRIBAL ORDERS.**

23 A provision is under consideration to establish a Federal felony for violations of tribal
24 protection orders.]

25 **SEC. 602. PRISONER RELEASE AND REENTRY.**

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

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

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

30 (3) in subsection (c)—

31 (A) in paragraph (1)—

32 (i) in subparagraph (A), by striking “officer of the State and of the local
33 jurisdiction” and inserting “officers of each State, tribal, and local jurisdiction”;
34 and

35 (ii) in subparagraph (B), by inserting “, tribal,” after “State” each place it

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- 1 appears; and
2 (B) in paragraph (2)—
3 (i) by striking “(2) Notice” and inserting the following:
4 “(2) REQUIREMENTS.—
5 “(A) IN GENERAL.—A notice”;
6 (ii) in the second sentence, by striking “For a person who is released” and
7 inserting the following:
8 “(B) RELEASED PERSONS.—For a person who is released”;
9 (iii) in the third sentence, by striking “For a person who is sentenced” and
10 inserting the following:
11 “(C) PERSONS ON PROBATION.—For a person who is sentenced”;
12 (iv) in the fourth sentence, by striking “Notice concerning” and inserting the
13 following:
14 “(D) RELEASED PERSONS REQUIRED TO REGISTER.—
15 “(i) IN GENERAL.—A notice concerning”; and
16 (v) in subparagraph (D) (as designated by clause (iv)), by adding at the end of
17 the following:
18 “(ii) PERSONS RESIDING IN INDIAN COUNTRY.—For a person described in
19 paragraph (3) the expected place of residence of whom is potentially located in
20 Indian country, the Director of the Bureau of Prisons or the Director of the
21 Administrative Office of the United States Courts, as appropriate, shall—
22 “(I) make all reasonable and necessary efforts to determine whether the
23 residence of the person is located in Indian country; and
24 “(II) ensure that the person is registered with the law enforcement office of
25 each appropriate jurisdiction before permitting the person enter Indian
26 country.”

27 **SEC. 603. DOMESTIC AND SEXUAL VIOLENT OFFENSE**
28 **TRAINING.**

29 Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as
30 amended by section 104(2)) is amended by inserting before the semicolon at the end the
31 following: “, including training to properly interview victims of domestic and sexual violence
32 and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the
33 conviction rate for domestic and sexual violence offenses for purposes of addressing and
34 preventing domestic and sexual violent offenses”.

35
36