

112TH CONGRESS
1ST SESSION

S. 1763

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

Mr. AKAKA (for himself, Mr. FRANKEN, Mr. UDALL of New Mexico, Mr. INOUE, Mr. BEGICH, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mr. TESTER, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Stand Against Violence and Empower Native Women
 4 Act” or the “SAVE Native Women Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—GRANT PROGRAMS

Sec. 101. Grants to Indian tribal governments.
 Sec. 102. Tribal coalition grants.
 Sec. 103. Consultation.
 Sec. 104. Analysis and research on violence against women.
 Sec. 105. Definitions.

TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES

Sec. 201. Tribal jurisdiction over crimes of domestic violence.
 Sec. 202. Tribal protection orders.
 Sec. 203. Amendments to the Federal assault statute.
 Sec. 204. Effective dates; pilot project.
 Sec. 205. Other amendments.

TITLE III—INDIAN LAW AND ORDER COMMISSION

Sec. 301. Indian Law and Order Commission.

7 **TITLE I—GRANT PROGRAMS**

8 **SEC. 101. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

9 Section 2015(a) of title I of the Omnibus Crime Con-
 10 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-
 11 10(a)) is amended—

12 (1) in paragraph (2), by inserting “sex traf-
 13 ficking,” after “sexual assault,”;

14 (2) in paragraph (4), by inserting “sex traf-
 15 ficking,” after “sexual assault,”;

1 (3) in paragraph (5), by inserting “sexual as-
2 sault, sex trafficking,” after “dating violence,”;

3 (4) in paragraph (7)—

4 (A) by inserting “sex trafficking,” after
5 “sexual assault,” each place it appears; and

6 (B) by striking “and” at the end;

7 (5) in paragraph (8)—

8 (A) by inserting “sex trafficking,” after
9 “stalking,”; and

10 (B) by striking the period at the end and
11 inserting a semicolon; and

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

13 “(9) provide services to address the needs of
14 youth who are victims of domestic violence, dating
15 violence, sexual assault, sex trafficking, or stalking
16 and the needs of children exposed to domestic vio-
17 lence, dating violence, sexual assault, sex trafficking,
18 or stalking, including support for the nonabusing
19 parent or the caretaker of the child; and

20 “(10) develop and promote legislation and poli-
21 cies that enhance best practices for responding to
22 violent crimes against Indian women, including the
23 crimes of domestic violence, dating violence, sexual
24 assault, sex trafficking, and stalking.”.

1 **SEC. 102. TRIBAL COALITION GRANTS.**

2 Section 2001 of title I of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is
4 amended by striking subsection (d) and inserting the fol-
5 lowing:

6 “(d) TRIBAL COALITION GRANTS.—

7 “(1) PURPOSE.—The Attorney General shall
8 award a grant to each established tribal coalition for
9 purposes of—

10 “(A) increasing awareness of domestic vio-
11 lence and sexual assault against Indian women;

12 “(B) enhancing the response to violence
13 against Indian women at the Federal, State,
14 and tribal levels;

15 “(C) identifying and providing technical
16 assistance to coalition membership and tribal
17 communities to enhance access to essential serv-
18 ices to Indian women victimized by domestic
19 and sexual violence, including sex trafficking;
20 and

21 “(D) assisting Indian tribes in developing
22 and promoting legislation and policies that en-
23 hance best practices for responding to violent
24 crimes against Indian women, including the
25 crimes of domestic violence, dating violence,
26 sexual assault, sex trafficking, and stalking.

1 “(2) GRANTS.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Attorney General shall award
4 grants on annual basis under paragraph (1)
5 to—

6 “(i) each tribal coalition that—

7 “(I) meets the criteria of a tribal
8 coalition under section 40002(a) of
9 the Violence Against Women Act of
10 1994 (42 U.S.C. 13925(a));

11 “(II) is recognized by the Office
12 on Violence Against Women; and

13 “(III) provides services to Indian
14 tribes; and

15 “(ii) organizations that propose to in-
16 corporate and operate a tribal coalition in
17 areas where Indian tribes are located but
18 no tribal coalition exists.

19 “(B) RESTRICTION.—An organization de-
20 scribed in subparagraph (A)(ii) shall use a
21 grant under this subsection to support the plan-
22 ning and development of a tribal coalition, sub-
23 ject to the condition that any amounts provided
24 to the organization under this subsection that
25 remain unobligated on September 30 of each

1 fiscal year for which amounts are made avail-
2 able under paragraph (3) shall be redistributed
3 in the subsequent fiscal year by the Attorney
4 General to tribal coalitions described in sub-
5 paragraph (A)(i).

6 “(3) USE OF AMOUNTS.—For each of fiscal
7 years 2013 through 2017, of the amounts appro-
8 priated to carry out this subsection—

9 “(A) 10 percent shall be made available to
10 organizations described in paragraph (2)(A)(ii);
11 and

12 “(B) 90 percent shall be made available to
13 tribal coalitions described in paragraph
14 (2)(A)(i), which amounts shall be distributed
15 equally among each eligible tribal coalition for
16 the applicable fiscal year.

17 “(4) DURATION.—A grant under this sub-
18 section shall be awarded for a period of 1 year.

19 “(5) ELIGIBILITY FOR OTHER GRANTS.—Re-
20 ceipt of an award under this subsection by a tribal
21 coalition shall not preclude the tribal coalition from
22 receiving additional grants under this title to carry
23 out the purposes described in paragraph (1).

24 “(6) MULTIPLE PURPOSE APPLICATIONS.—
25 Nothing in this subsection prohibits any tribal coali-

1 tion or organization described in paragraph (2)(A)
2 from applying for funding to address sexual assault
3 or domestic violence needs in the same application.”.

4 **SEC. 103. CONSULTATION.**

5 Section 903 of the Violence Against Women and De-
6 partment of Justice Reauthorization Act of 2005 (42
7 U.S.C. 14045d) is amended—

8 (1) in subsection (a)—

9 (A) by striking “and the Violence Against
10 Women Act of 2000” and inserting “, the Vio-
11 lence Against Women Act of 2000”; and

12 (B) by inserting “, and the Stand Against
13 Violence and Empower Native Women Act” be-
14 fore the period at the end;

15 (2) in subsection (b)—

16 (A) in the matter preceding paragraph (1),
17 by striking “the Secretary of the Department of
18 Health and Human Services and” and inserting
19 “the Secretary of Health and Human Services,
20 the Secretary of the Interior, and”; and

21 (B) in paragraph (2), by inserting “sex
22 trafficking,” after “sexual assault,”; and

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

24 “(c) NOTICE.—Not later than 120 days before the
25 date of a consultation under subsection (a), the Attorney

1 General shall notify tribal leaders of the date, time, and
 2 location of the consultation.”.

3 **SEC. 104. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**
 4 **WOMEN.**

5 Section 904(a) of the Violence Against Women and
 6 Department of Justice Reauthorization Act of 2005 (42
 7 U.S.C. 3796gg–10 note) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “The National” and insert-
 10 ing “Not later than 2 years after the date of
 11 enactment of the Stand Against Violence and
 12 Empower Native Women Act, the National”;
 13 and

14 (B) by inserting “and in Native villages”
 15 before the period at the end;

16 (2) in paragraph (2)(A)—

17 (A) in clause (iv), by striking “and” at the
 18 end;

19 (B) in clause (v), by striking the period at
 20 the end and inserting “; and”; and

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

22 “(vi) sex trafficking.”;

23 (3) in paragraph (4), by striking “this Act” and
 24 inserting “the Stand Against Violence and Empower
 25 Native Women Act”; and

1 (4) in paragraph (5), by striking “this section
2 \$1,000,000 for each of fiscal years 2007 and 2008”
3 and inserting “this subsection \$1,000,000 for each
4 of fiscal years 2012 and 2013”.

5 **SEC. 105. DEFINITIONS.**

6 Section 40002(a) of the Violence Against Women Act
7 of 1994 (42 U.S.C. 13925(a)) is amended—

8 (1) by redesignating paragraphs (18) through
9 (22) and (23) through (37) as paragraphs (19)
10 through (23) and (25) through (39), respectively;

11 (2) by inserting after paragraph (17) the fol-
12 lowing:

13 “(18) NATIVE VILLAGE.—The term ‘Native vil-
14 lage’ has the meaning given that term in section 3
15 of the Alaska Native Claims Settlement Act (43
16 U.S.C. 1602).”;

17 (3) in paragraph (22) (as redesignated by para-
18 graph (1))—

19 (A) in subparagraph (A), by striking “or”
20 at the end;

21 (B) in subparagraph (B), by striking the
22 period at the end and inserting “; or”; and

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

1 “(C) an area or community under the ju-
2 risdiction of a federally recognized Indian
3 tribe.”;

4 (4) by inserting after paragraph (23) (as redese-
5 ignated by paragraph (1)) the following:

6 “(24) SEX TRAFFICKING.—The term ‘sex traf-
7 ficking’ means any conduct proscribed by section
8 1591 of title 18, United States Code, regardless of
9 whether the conduct occurs in interstate or foreign
10 commerce or within the special maritime and terri-
11 torial jurisdiction of the United States.”; and

12 (5) by striking paragraph (31) (as redesignated
13 by paragraph (1)) and inserting the following:

14 “(31) TRIBAL COALITION.—The term ‘tribal co-
15 alition’ means an established nonprofit, nongovern-
16 mental Indian organization established to provide
17 services on a statewide, regional, or customary terri-
18 tory basis that—

19 “(A) provides education, support, and tech-
20 nical assistance to Indian service providers in a
21 manner that enables the providers to establish
22 and maintain culturally appropriate services, in-
23 cluding shelter and rape crisis services, de-
24 signed to assist Indian women and the depend-
25 ents of those women who are victims of domes-

1 tic violence, dating violence, sexual assault, and
2 stalking;

3 “(B) is comprised of board and general
4 members that are representative of—

5 “(i) the service providers described in
6 subparagraph (A); and

7 “(ii) the tribal communities in which
8 the services are being provided;

9 “(C) serves as an information clearing-
10 house and resource center for Indian programs
11 addressing domestic violence and sexual assault;

12 “(D) supports the development of legisla-
13 tion, policies, protocols, procedures, and guid-
14 ance to enhance domestic violence and sexual
15 assault intervention and prevention efforts in
16 Indian tribes and communities to be served;
17 and

18 “(E) has expertise in the development of
19 Indian community-based, linguistically, and cul-
20 turally specific outreach and intervention serv-
21 ices for the Indian communities to be served.”.

1 **TITLE II—TRIBAL JURISDICTION**
2 **AND CRIMINAL OFFENSES**

3 **SEC. 201. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
4 **TIC VIOLENCE.**

5 Title II of Public Law 90–284 (25 U.S.C. 1301 et
6 seq.) (commonly known as the “Indian Civil Rights Act
7 of 1968”) is amended by adding at the end the following:

8 **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**
9 **TIC VIOLENCE.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) DATING VIOLENCE.—The term ‘dating vio-

12 lence’ means violence committed by a person who is

13 or has been in a social relationship of a romantic or

14 intimate nature with the victim, as determined by

15 the length of the relationship, the type of relation-

16 ship, and the frequency of interaction between the

17 persons involved in the relationship.

18 “(2) DOMESTIC VIOLENCE.—The term ‘domes-

19 tic violence’ means violence committed by a current

20 or former spouse of the victim, by a person with

21 whom the victim shares a child in common, by a per-

22 son who is cohabitating with or has cohabitated with

23 the victim as a spouse, or by a person similarly situ-

24 ated to a spouse of the victim under the domestic or

25 family violence laws of the Indian tribe that has ju-

1 jurisdiction over the Indian country where the violence
2 occurs.

3 “(3) INDIAN COUNTRY.—The term ‘Indian
4 country’ has the meaning given the term in section
5 1151 of title 18, United States Code.

6 “(4) PARTICIPATING TRIBE.—The term ‘partici-
7 pating tribe’ means an Indian tribe that elects to ex-
8 ercise special domestic violence criminal jurisdiction
9 over the Indian country of that Indian tribe.

10 “(5) PROTECTION ORDER.—The term ‘protec-
11 tion order’ means any injunction, restraining order,
12 or other order issued by a civil or criminal court for
13 the purpose of preventing violent or threatening acts
14 or harassment against, sexual violence against, con-
15 tact or communication with, or physical proximity
16 to, another person, including any temporary or final
17 order issued by a civil or criminal court, whether ob-
18 tained by filing an independent action or as a
19 pendente lite order in another proceeding, so long as
20 the civil or criminal order was issued in response to
21 a complaint, petition, or motion filed by or on behalf
22 of a person seeking protection.

23 “(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL
24 JURISDICTION.—The term ‘special domestic violence
25 criminal jurisdiction’ means the criminal jurisdiction

1 that a participating tribe may exercise under this
2 section but could not otherwise exercise.

3 “(7) SPOUSE OR INTIMATE PARTNER.—The
4 term ‘spouse or intimate partner’ has the meaning
5 given the term in section 2266 of title 18, United
6 States Code.

7 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

8 “(1) IN GENERAL.—Notwithstanding any other
9 provision of law, in addition to all powers of self-gov-
10 ernment recognized and affirmed by this Act, the
11 powers of self-government of a participating tribe in-
12 clude the inherent power of that tribe, which is here-
13 by recognized and affirmed, to exercise special do-
14 mestic violence criminal jurisdiction over all persons.

15 “(2) CONCURRENT JURISDICTION.—A partici-
16 pating tribe shall exercise special domestic violence
17 criminal jurisdiction concurrently, not exclusively.

18 “(3) APPLICABILITY.—Nothing in this sec-
19 tion—

20 “(A) creates or eliminates any Federal or
21 State criminal jurisdiction over Indian country;
22 or

23 “(B) affects the authority of the United
24 States, or any State government that has been
25 delegated authority by the United States, to in-

1 vestigate and prosecute a criminal violation in
2 Indian country.

3 “(c) CRIMINAL CONDUCT.—A participating tribe may
4 exercise special domestic violence criminal jurisdiction over
5 a defendant for criminal conduct that falls into 1 or more
6 of the following categories:

7 “(1) DOMESTIC VIOLENCE AND DATING VIO-
8 LENCE.—An act of domestic violence or dating vio-
9 lence that occurs in the Indian country of the par-
10 ticipating tribe.

11 “(2) VIOLATIONS OF PROTECTION ORDERS.—
12 An act that—

13 “(A) occurs in the Indian country of the
14 participating tribe; and

15 “(B) violates the portion of a protection
16 order that—

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

22 “(ii)(I) was issued against the defend-
23 ant;

24 “(II) is enforceable by the partici-
25 pating tribe; and

1 “(III) is consistent with section
2 2265(b) of title 18, United States Code.

3 “(d) DISMISSAL OF CERTAIN CASES.—

4 “(1) DEFINITION OF VICTIM.—In this sub-
5 section and with respect to a criminal proceeding in
6 which a participating tribe exercises special domestic
7 violence criminal jurisdiction based on a criminal
8 violation of a protection order, the term ‘victim’
9 means a person specifically protected by a protection
10 order that the defendant allegedly violated.

11 “(2) NON-INDIAN VICTIMS AND DEFEND-
12 ANTS.—In a criminal proceeding in which a partici-
13 pating tribe exercises special domestic violence crimi-
14 nal jurisdiction, the case shall be dismissed if—

15 “(A) the defendant files a pretrial motion
16 to dismiss on the grounds that the alleged of-
17 fense did not involve an Indian; and

18 “(B) the participating tribe fails to prove
19 that the defendant or an alleged victim is an
20 Indian.

21 “(3) TIES TO INDIAN TRIBE.—In a criminal
22 proceeding in which a participating tribe exercises
23 special domestic violence criminal jurisdiction, the
24 case shall be dismissed if—

1 “(A) the defendant files a pretrial motion
2 to dismiss on the grounds that the defendant
3 and the alleged victim lack sufficient ties to the
4 Indian tribe; and

5 “(B) the prosecuting tribe fails to prove
6 that the defendant or an alleged victim—

7 “(i) resides in the Indian country of
8 the participating tribe;

9 “(ii) is employed in the Indian coun-
10 try of the participating tribe; or

11 “(iii) is a spouse or intimate partner
12 of a member of the participating tribe.

13 “(4) WAIVER.—A knowing and voluntary fail-
14 ure of a defendant to file a pretrial motion described
15 in paragraph (2) or (3) shall be considered a waiver
16 of the right to seek a dismissal under this sub-
17 section.

18 “(e) RIGHTS OF DEFENDANTS.—In a criminal pro-
19 ceeding in which a participating tribe exercises special do-
20 mestic violence criminal jurisdiction, the participating
21 tribe shall provide to the defendant—

22 “(1) all applicable rights under this Act;

23 “(2) if a term of imprisonment of any length is
24 imposed, all rights described in section 202(c); and

1 “(3) all other rights whose protection is nec-
2 essary under the Constitution of the United States
3 in order for Congress to recognize and affirm the in-
4 herent power of the participating tribe to exercise
5 criminal jurisdiction over the defendant.

6 “(f) PETITIONS TO STAY DETENTION.—

7 “(1) IN GENERAL.—A person who has filed a
8 petition for a writ of habeas corpus in a court of the
9 United States under section 203 may petition that
10 court to stay further detention of that person by the
11 participating tribe.

12 “(2) GRANT OF STAY.—A court shall grant a
13 stay described in paragraph (1) if the court—

14 “(A) finds that there is a substantial likeli-
15 hood that the habeas corpus petition will be
16 granted; and

17 “(B) after giving each alleged victim in the
18 matter an opportunity to be heard, finds, by
19 clear and convincing evidence that, under condi-
20 tions imposed by the court, the petitioner is not
21 likely to flee or pose a danger to any person or
22 the community if released.

23 “(g) GRANTS TO TRIBAL GOVERNMENTS.—The At-
24 torney General may award grants to the governments of

1 Indian tribes (or to authorized designees of those govern-
2 ments)—

3 “(1) to strengthen tribal criminal justice sys-
4 tems to assist Indian tribes in exercising special do-
5 mestic violence criminal jurisdiction, including—

6 “(A) law enforcement (including the capac-
7 ity to enter information into and obtain infor-
8 mation from national crime information data-
9 bases);

10 “(B) prosecution;

11 “(C) trial and appellate courts;

12 “(D) probation systems;

13 “(E) detention and correctional facilities;

14 “(F) alternative rehabilitation centers;

15 “(G) culturally appropriate services and
16 assistance for victims and their families; and

17 “(H) criminal codes and rules of criminal
18 procedure, appellate procedure, and evidence;

19 “(2) to provide indigent criminal defendants
20 with the effective assistance of licensed defense
21 counsel, at no cost to the defendant, in criminal pro-
22 ceedings in which a participating tribe prosecutes a
23 crime of domestic violence or dating violence or a
24 criminal violation of a protection order;

1 “(3) to ensure that, in criminal proceedings in
2 which a participating tribe exercises special domestic
3 violence criminal jurisdiction, jurors are summoned,
4 selected, and instructed in a manner consistent with
5 all applicable requirements; and

6 “(4) to accord victims of domestic violence, dat-
7 ing violence, and violations of protection orders
8 rights that are similar to the rights of a crime victim
9 described in section 3771(a) of title 18, United
10 States Code, consistent with tribal law and custom.

11 “(h) SUPPLEMENT, NOT SUPPLANT.—Amounts
12 made available under this section shall supplement and
13 not supplant any other Federal, State, tribal, or local gov-
14 ernment amounts made available to carry out activities de-
15 scribed in this section.

16 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out subsection
18 (g) and to provide training, technical assistance, data col-
19 lection, and evaluation of the criminal justice systems of
20 participating tribes such sums as are necessary.”.

21 **SEC. 202. TRIBAL PROTECTION ORDERS.**

22 Section 2265 of title 18, United States Code, is
23 amended by striking subsection (e) and inserting the fol-
24 lowing:

1 “(e) TRIBAL COURT JURISDICTION.—For purposes
 2 of this section, a court of an Indian tribe shall have full
 3 civil jurisdiction to issue and enforce protection orders in-
 4 volving any person, including the authority to enforce any
 5 orders through civil contempt proceedings, the exclusion
 6 of violators from Indian land, and other appropriate mech-
 7 anisms, in matters arising anywhere in the Indian country
 8 of the Indian tribe (as defined in section 1151) or other-
 9 wise within the authority of the Indian tribe.”.

10 **SEC. 203. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**
 11 **UTE.**

12 (a) ASSAULTS BY STRIKING, BEATING, OR WOUND-
 13 ING.—Section 113(a)(4) of title 18, United States Code,
 14 is amended by striking “six months” and inserting “1
 15 year”.

16 (b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY
 17 INJURY.—Section 113(a)(7) of title 18, United States
 18 Code, is amended by striking “substantial bodily injury
 19 to an individual who has not attained the age of 16 years”
 20 and inserting “substantial bodily injury to a spouse or in-
 21 timate partner, a dating partner, or an individual who has
 22 not attained the age of 16 years”.

23 (c) ASSAULTS BY STRANGLING OR SUFFOCATING.—
 24 Section 113(a) of title 18, United States Code, is amended
 25 by adding at the end the following:

1 “(8) Assault of a spouse, intimate partner, or
2 dating partner by strangling, suffocating, or at-
3 tempting to strangle or suffocate, by a fine under
4 this title, imprisonment for not more than 10 years,
5 or both.”.

6 (d) DEFINITIONS.—Section 113(b) of title 18, United
7 States Code, is amended—

8 (1) by striking “(b) As used in this sub-
9 section—” and inserting the following:

10 “(b) DEFINITIONS.—In this section—”;

11 (2) in paragraph (1)(B), by striking “and” at
12 the end;

13 (3) in paragraph (2), by striking the period at
14 the end and inserting a semicolon; and

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

16 “(3) the terms ‘dating partner’ and ‘spouse or
17 intimate partner’ have the meanings given those
18 terms in section 2266;

19 “(4) the term ‘strangling’ means intentionally,
20 knowingly, or recklessly impeding the normal breath-
21 ing or circulation of the blood of a person by apply-
22 ing pressure to the throat or neck, regardless of
23 whether that conduct results in any visible injury or
24 whether there is any intent to kill or protractedly in-
25 jure the victim; and

1 “(5) the term ‘suffocating’ means intentionally,
2 knowingly, or recklessly impeding the normal breath-
3 ing of a person by covering the mouth of the person,
4 the nose of the person, or both, regardless of wheth-
5 er that conduct results in any visible injury or
6 whether there is any intent to kill or protractedly in-
7 jure the victim.”.

8 (e) INDIAN MAJOR CRIMES.—Section 1153(a) of title
9 18, United States Code, is amended by striking “assault
10 with intent to commit murder, assault with a dangerous
11 weapon, assault resulting in serious bodily injury (as de-
12 fined in section 1365 of this title)” and inserting “a felony
13 assault under section 113”.

14 **SEC. 204. EFFECTIVE DATES; PILOT PROJECT.**

15 (a) GENERAL EFFECTIVE DATE.—Except as pro-
16 vided in subsection (b), the amendments made by this title
17 shall take effect on the date of enactment of this Act.

18 (b) EFFECTIVE DATE FOR SPECIAL DOMESTIC-VIO-
19 LENCE CRIMINAL JURISDICTION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), subsections (b) through (e) of section 204
22 of Public Law 90–284 (as added by section 201)
23 shall take effect on the date that is 2 years after the
24 date of enactment of this Act.

25 (2) PILOT PROJECT.—

1 (A) IN GENERAL.—At any time during the
2 2-year period beginning on the date of enact-
3 ment of this Act, an Indian tribe may ask the
4 Attorney General to designate the tribe as a
5 participating tribe under section 204(a) of Pub-
6 lic Law 90–284 on an accelerated basis.

7 (B) PROCEDURE.—The Attorney General
8 (or a designee of the Attorney General) may
9 grant a request under subparagraph (A) after
10 coordinating with the Secretary of the Interior
11 (or a designee of the Secretary), consulting with
12 affected Indian tribes, and concluding that the
13 criminal justice system of the requesting tribe
14 has adequate safeguards in place to protect de-
15 fendants’ rights, consistent with section 204 of
16 Public Law 90–284.

17 (C) EFFECTIVE DATES FOR PILOT
18 PROJECTS.—An Indian tribe designated as a
19 participating tribe under this paragraph may
20 commence exercising special domestic violence
21 criminal jurisdiction pursuant to subsections (b)
22 through (e) of section 204 of Public Law 90–
23 284 on a date established by the Attorney Gen-
24 eral, after consultation with that Indian tribe,

1 but in no event later than the date that is 2
2 years after the date of enactment of this Act.

3 **SEC. 205. OTHER AMENDMENTS.**

4 (a) ASSAULTS.—Section 113(a) of title 18, United
5 States Code, is amended—

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

8 “(1) Assault with intent to commit murder or
9 a felony under chapter 109A, by a fine under this
10 title, imprisonment for not more than 20 years, or
11 both.”;

12 (2) in paragraph (3) by striking “and without
13 just cause or excuse,”; and

14 (3) in paragraph (7), by striking “fine” and in-
15 serting “a fine”.

16 (b) REPEAT OFFENDERS.—Section 2265A(b)(1)(B)
17 of title 18, United States Code, is amended by inserting
18 “or tribal” after “State”.

19 **TITLE III—INDIAN LAW AND**
20 **ORDER COMMISSION**

21 **SEC. 301. INDIAN LAW AND ORDER COMMISSION.**

22 Section 15(f) of the Indian Law Enforcement Reform
23 Act (25 U.S.C. 2812(f)) is amended by striking “2 years”
24 and inserting “3 years”.

○