said, ‘Old man,’ he said, ‘is this bird alive or is he dead?’ Knowing that if he said he was alive, he would crush him, and if he said he was dead, he would release him. And the old gentleman said to him, ‘Young man, it is up to you. When you say whether this bird is dead or alive, it is up to you.’ The old gentleman said, ‘Old man,’ he said, ‘is this bird alive or is he dead?’

The Speaker pro tempore. The question is on the motion offered by Mr. RAHAL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

The Clerk read the title of the bill. The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

DIVISION B—TRIBAL LAW AND ORDER

SECTION 1. SHORT TITLE; TABLE OF CONTENTS. (a) SHORT TITLE.—This Act may be cited as the “Tribal Law and Order Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION B—TRIBAL LAW AND ORDER

Sec. 1. Short title: table of contents.

Sec. 2. Findings; purposes.

Sec. 3. Definitions.

Sec. 4. Severability.

Sec. 5. Jurisdiction of the State of Alaska.

Sec. 6. Effect.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

Sec. 101. Office of Justice Services responsibilities.

Sec. 102. Disposition reports.

Sec. 103. Prosecution of crimes in Indian country.

Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

Sec. 201. State, tribal, and local law enforcement cooperation.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

Sec. 301. Tribal police officers.

Sec. 302. Drug enforcement in Indian country.

Sec. 303. Access to national criminal information databases.

Sec. 304. Tribal court sentencing authority.

Sec. 305. Indian Law and Order Commission.

Sec. 306. Exemption for tribal display materials.

TITLE IV—TRIBAL JUSTICE SYSTEMS

Sec. 401. Indian alcohol and substance abuse.

Sec. 402. Indian law enforcement; technical and legal assistance.

Sec. 403. Tribal resources grant program.

Sec. 404. Tribal jails program.

Sec. 405. Tribal probation office liaison program.

Sec. 406. Tribal youth program.

Sec. 407. Improving public safety presence in rural Alaska.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

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

Sec. 502. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

Sec. 601. Prisoner release and reentry.

Sec. 602. Domestic and sexual violence offense training.

Sec. 603. Testimony by Federal employees.

Sec. 604. Coordination of Federal agencies.

Sec. 605. Sexual assault protocol.

Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

(2) Congress and the President have acknowledged that—

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

(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 66,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(4) the complicated jurisdictional scheme that exists in Indian country—

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

(B) has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

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

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

(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this division are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to ensure public safety and effectively provide public safety in Indian country;

(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

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

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this division:

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

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

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

(4) TRIBAL GOVERNMENT.—The term “tribal government” means the governing body of a federally recognized Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:
“(10) The term ‘tribal justice official’ means—
   “(A) a tribal prosecutor;
   “(B) a tribal law enforcement officer; or
   “(C) any other person responsible for investiga-
   tion and prosecution of an alleged criminal of-
   fense in tribal court.’’.

SEC. 4. SEVERABILITY.
If any provision of this division, an amend-
ment made by this division, or the application of
such a provision or amendment to any indi-
vidual, entity, or circumstance, is determined by
a court of competent jurisdiction to be invalid,
the remaining provisions of this division, the re-
maining amendments made by this division, and
the application of those provisions and amend-
ments to individuals, entities, or circumstances
other than the affected individual, entity, or circums-
stance shall not be affected.

SEC. 5. JURISDICTION OF THE STATE OF ALASKA.
Nothing in this Act limits, alters, expands, or
diminishes the civil or criminal jurisdiction of the
State of Alaska, or any subdivision of the State of
Alaska, or any Indian tribe in that State.

SEC. 6. EFFECT.
Nothing in this Act confers on an Indian tribe
criminal jurisdiction over non-Indians.

TITLE I—FEDERAL ACCOUNTABILITY AND
COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPO-
NSIBILITIES and PROGRAMS.
(a) DEFINITION.—Section 2 of the Indian Law
Enforcement Reform Act (25 U.S.C. 2801) is amended—
(1) in subsection (b), by striking “(b) There is
hereby established within the Bureau a Division
of Law Enforcement Services’’ and inserting “Of-
fice of Justice Services’’; and
(b) ADDITIONAL RESPONSIBILITIES OF OF-
FICE.—Section 3 of the Indian Law Enforcement
Reform Act (25 U.S.C. 2802) is amended—
(1) in subsection (b), by striking “Division of Law
Enforcement Services’’ and inserting “Office of
Justice Services’’; and
(2) by redesignating paragraphs (1) through
(7) as paragraphs (2) through (8), respectively;
(3) by redesigning paragraph (9) as para-
graph (1) and moving the paragraphs so as to appear
in numerical order; and
(4) in paragraph (1) (as redesignated by para-
graph (3)), by striking “Division of Law
Enforcement Services’’ and inserting “Office of
Justice Services’’.

SEC. 102. REPORTS.
(a) COORDINATION AND DATA COLLECTION.—
(1) INVESTIGATIVE COORDINATION.—Subject
to subsection (c), if a law enforcement officer or
employee of any Federal department or agency
terminates an investigation of an alleged viola-
tion of Federal criminal law in Indian country
without referral for prosecution, the officer or
employee shall coordinate with the appropriate
tribal law enforcement officials regarding the
status of the investigation and the use of evi-
dence relevant to the case in a tribal court with
authority over the crime alleged.
(b) INVESTIGATION.—The United States
Bureau of Investigation shall compile, on an
annual basis and by field division, information
regarding decisions not to refer to an appro-
priate prosecuting authority cases in which inves-
tigations had been opened into an alleged crime
in Indian country, including—
   “(A) the types of crimes alleged;
   “(B) the status of the victims as Indians or
   non-Indians;
   “(C) the statutes the victims as Indians or
   non-Indians;
   “(D) the reasons for deciding against refer-
ing the investigation for prosecution.

(c) PROSECUTIONAL CRITICISM.—Subject to
subsection (b), if a United States or the Attorney
de-

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law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in the tribal court with authority over the crime alleged.

“(4) PROSECUTION DATA.—The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

“(A) the types of crimes alleged;

“(B) the status of the accused as Indians or non-Indians;

“(C) the status of the victims as Indians or non-Indians; and

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

“(b) ANNUAL REPORTS.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)–

“(1) organized—

“(A) in the aggregate; and

“(B) for each Federal Bureau of Investigation, by Field Division; and

“(ii) for United States Attorneys, by Federal judicial district; and

“(ii) including any relevant explanatory statements.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

“(2) EFFECT OF CRIMINAL PROCEDURE.—Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

“(3) REGULATIONS.—The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—

(1) Before October 21, 2000, the Attorney General, in consultation with the Attorney General of the Indian country and the Director of the Office of Tribal Justice, shall appoint Special Assistant United States Attorneys pursuant to title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when

(i) the crime rate exceeds the national average crime rate; or

(ii) the rate at which criminal offenses are accused to be prosecuted exceeds the national average declination rate;

(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

“(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under section 543 of title 28, United States Code, to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(b) TRIBAL LIASONS.—

(1) IN GENERAL.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

“SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIASONS.

“(a) APPOINTMENT.—The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

(b) DUTIES.—The duties of a tribal liaison shall include the following:

(i) Coordinating the prosecution of Federal crimes that occur in Indian country,

(ii) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

(iii) Consulting and coordinating with tribal justice officials and other qualified attorneys to address any backlog in the prosecution of major crimes in Indian country in the district.

(iv) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

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

(vi) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

(vii) Coordinating with the Office of Tribal Justice, as necessary.

(viii) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

(3) REGULATIONS.—The Attorney General shall coordinate as necessary with other Federal judicial districts to ensure that the goals of this subsection are achieved.

“(b) NATIVE AMERICAN ISSUES COORDINATOR.—

(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

(i) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when

(A) the crime rate exceeds the national average crime rate; or

(B) the rate at which criminal offenses are accused to be prosecuted exceeds the national average declination rate;

(C) the statuses of the victims as Indians or non-Indians;

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

(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and effective consultation with tribal justice officials with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(2) EFFECT OF SEC. 105.—Nothing in this section limits the authority of any United States Attorney to delegate the duties of a tribal liaison officer to other officials, as appropriate.

“(3) FUNDING.—The Indian Law Enforcement Reform Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department under subsection (a).

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

(i) serve as the program and legal policy advisor to the Attorney General with respect to the trust and treaty relationship between the United States and Indian tribes;

(ii) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

(iii) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and effective consultation with tribal justice officials with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(2) EFFECT OF SEC. 105.—Nothing in this section limits the authority of any United States Attorney to delegate the duties of a tribal liaison officer to other officials, as appropriate.

“(3) FUNDING.—The Indian Law Enforcement Reform Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department under subsection (a).

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

(i) serve as the program and legal policy advisor to the Attorney General with respect to the trust and treaty relationship between the United States and Indian tribes;

(ii) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

(iii) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and effective consultation with tribal justice officials with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(2) EFFECT OF SEC. 105.—Nothing in this section limits the authority of any United States Attorney to delegate the duties of a tribal liaison officer to other officials, as appropriate.

“(3) FUNDING.—The Indian Law Enforcement Reform Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department under subsection (a).

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

(i) serve as the program and legal policy advisor to the Attorney General with respect to the trust and treaty relationship between the United States and Indian tribes;

(ii) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

(iii) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and effective consultation with tribal justice officials with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country.

“(c) EFFECT OF SECTION.—

“(1) IN GENERAL.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(2) EFFECT OF SEC. 105.—Nothing in this section limits the authority of any United States Attorney to delegate the duties of a tribal liaison officer to other officials, as appropriate.

“(3) FUNDING.—The Indian Law Enforcement Reform Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department under subsection (a).

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

(i) serve as the program and legal policy advisor to the Attorney General with respect to the trust and treaty relationship between the United States and Indian tribes;
TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES AND INDIAN NATION.

(1) STATE CRIMINAL JURISDICTION.—The Senate shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.

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

“(4) BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFICIALS.—

(A) IN GENERAL.—The Secretary of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

(B) TIMING.—If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs, the Secretary of the Interior shall complete the check not later than 60 days after receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.

(C) TRAINING AT STATE, TRIBAL, AND LOCAL GOVERNMENTS.—

(1) TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.—Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraphs (A) or (B) of section 307(a) of this title or a tribal college or university, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university that meets the appropriate Peace Officer Standards of Training.

(D) MAXIMUM AGE REQUIREMENT.—Pursuant to section 307(a) of title 2, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.

(2) BY AGENCY.—(A) STANDARDS OF EDUCATION AND EXPERIENCE.—The Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation', to assist the Secretary in establishing the procedures to enter into memorandum of agreement.

(3) DUTIES.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary shall establish procedures to enter into memorandum of agreement.

(b) STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS.

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 280e(c)) is amended by adding at the end the following:

“(i) AGREEMENT.—The Secretary may enter into agreements with the Tribes, States, and local governments, and, where applicable, tribal governments, to provide training to the law enforcement officers of the Tribe, States, and local governments, as determined by the Secretary, and to incorporate the Tribe, States, and local governments into the training programs.”

(b) STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness;

(2) reducing crime in Indian country and nearby communities;

(3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

SEC. 701. DEFINITIONS.

(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation', to assist the Secretary in establishing the procedures to enter into memorandum of agreement.

(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall be distributed to the States, Indian tribes, or any other Indian organization.

(c) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the State or Indian nation of the Federal law enforcement officer.

(d) DUTIES.—The Foundation shall—

(1) carry out its activities relating to the planning, development, and administration of the activities of the Foundation; and

(2) distribute funds, gifts, and other items of value among States, Indian tribes, or other Indian organizations for the purpose of carrying out the purposes of the Foundation.

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

(1) IN GENERAL.—The Committee shall establish the officer of the Foundation to serve as the 'Committee for the Establishment of the Indian Law Enforcement Foundation', to assist the Secretary in establishing the Foundation.

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

(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation; and

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

(3) INDIAN LAW ENFORCEMENT FOUNDATION.—

(1) IN GENERAL.—The Secretary shall establish the Foundation under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation', to assist the Secretary in establishing the Foundation.

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

(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation; and

(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section;
(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

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

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) INDIVIDUAL RIGHTS.—Section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) is amended—

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

“(a) IN GENERAL.—No Indian tribe”;

(b) in subsection (a) as designated by paragraph (1)—

(A) in paragraph (6) by inserting “except as provided in subsection (b)” after “assistance of counsel for his defense”; and

(B) in paragraph (7) and inserting the following:

“(7)(A) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

(B) at the expense of the tribal government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall—

(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law in any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

(3) require that the judge presiding over the criminal proceeding—

(A) has sufficient legal training to preside over criminal proceedings; and

(B) is licensed to practice law by any jurisdiction in the United States;

(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including the rules of evidential and appropriate circumstances) of the tribal government; and

(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

(g) SENTENCES.—In the case of a defendant sentenced under section 303(a) or (b), and (c), a tribal court may require the defendant—

(1) to serve the sentence;

(A) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines to be developed by the Bureau of Indian Affairs (in consultation with Indian tribes) not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010; or

(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

(D) in an alternative rehabilitation center of an Indian tribe;

(2) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

(g) DEFINITION OF OFFENSE.—In this section, the term ‘offense’ means a violation of a criminal law.

(h) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated the authority to investigate, to investigate and prosecute any criminal violation in Indian country.

(i) REPORT.—Not later than 4 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall submit a report to the appropriate committees of Congress that includes—

(1) a description of the effectiveness of enhanced tribal court sentencing authority in curtailing violence and improving the administration of justice on Indian lands; and

(2) a recommendation of whether enhanced sentencing authority should be discontinued, enhanced, or maintained at the level authorized under this division.

(c) BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal courts pursuant to section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section), subject to the conditions described in paragraph (2).

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of participation in the pilot program described in paragraph (1), the tribal court shall submit to the Attorney General a statement of policy for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

(B) LIMITATIONS.—Requests for confinement shall be limited to offenders convicted of a violent crime (comparable to the violent crimes described in section 1153(a) of title 18, United States Code) for which the sentence includes a term of imprisonment of 2 or more years.

(C) CUSTODY CONDITIONS.—The imprisonment of the Bureau of Prisons shall subject the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in a facility approved by the appropriate Federal facility, and imprisoned at the expense of the United States.

(D) CAP.—The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(2) REASSESSMENT.—If tribal court demand for participation in this pilot program exceeds 100 tribal offenders, the Commissioner shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(3) TERMINATION.—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established.

(d) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2966(b)) is amended by striking paragraphs (2) and inserting the following:

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

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

The Indian Law Enforcement Reform Act (25 U.S.C. 2001 et seq.) (as amended by section 302 of the Tribal Law and Order Act) is amended by adding at the end the following:

“SEC. 15. INDIAN LAW AND ORDER COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ‘Commission’).

(b) MEMBERSHIP.—

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

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

(i) the Attorney General; and

(ii) the Secretary;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Minority Whip of the Senate, the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

(D) 1 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority and Minority Leaders of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equa representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for a term of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission

(A) IN GENERAL.—The applicable tribal government shall retain the authority to recind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) RETURN TO TRIBAL CUSTODY.—On rescission of a request under subparagraph (A), a tribal offender shall be returned to tribal custody.

(6) REIMBURSEMENT.—If a tribal court demand for participation in this pilot program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(7) REPORT.—Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(8) STUDY.—

(A) ESTABLISHMENT.—The Commission shall study the applicability of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section) to the criminal justice system of an Indian tribe.

(B) REPORT.—The Commission shall submit to the President and the Congress a report of its study and recommendations for action to the Commission.
shall be made not later than 60 days after the date of enactment of this Act.

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

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

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

(c) TRANSITION.—

(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

(2) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

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

(3) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

(d) COMPREHENSIVE STUDY OF CRIMINAL JUS-

TICE SYSTEM RELATING TO INDIAN COUNTRY.—

The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal and Federal jurisdictional environments—

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

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

(B) residents of Indian land;

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

(A) reducing Indian country crime; and

(B) rehabilitation of offenders;

(3) criminal justice systems and the Federal juvenile justice system as relating to Indian country; and

(4) the effect of those systems and related programs in preventing juvenile crime, rehabili-

tating Indian youth in custody, and reducing recidivism among Indian youth;

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

(A) the authority of Indian tribes;

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

(C) the efficiency and effectiveness of tribal criminal systems; and

(5) studies of such other subjects as the Commission determines relevant to achieve the pur-

poses of the Tribal Law and Order Act of 2010.

(e) RECOMMENDATIONS.—Taking into consid-

eration the results of the study under paragraph (1), the Commission shall develop recommenda-

tions on necessary modifications and improve-

ments to justice systems at the tribal, Federal, and State levels, including consideration of—

(1) simplifying jurisdiction in Indian country;

(2) improving services and programs—

(A) to prevent juvenile crime on Indian land;

(B) to rehabilitate Indian youth in custody; and

(C) to reduce recidivism among Indian youth;

(3) adjustments to the penal authority of tribal courts and exploring alternatives to incar-

ceration;

(4) the enhanced use of chapter 43 of title 28, United States Code (commonly known as 'the Federal Magistrates Act') in Indian country;

(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

(6) changes to the tribal jails and Federal prison systems; and

(7) the establishment of a tribal law enforcement agency, as determined by the Commission, would reduce violent crime in Indian country.

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a re-

port that contains—

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

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

(g) POWERS.—

(1) HEARINGS.—

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

(2) RULES.—The Commission may establish,

(3) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(h) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, in-cluding per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or reg-

ular place of business of the member in the per-

formance of the duties of the Commission.

(2) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Commission, the head of a Federal agency or office may detail an employee of such agency or office to the Commission for such time as is necessary to carry out the duties of the Commission.

(i) CONTRACTS FOR RESEARCH.—

(1) RESEARCHERS AND EXPERTS.—

(A) IN GENERAL.—On an affirmative vote of 2⁄3 of the members of the Commission, the Com-

mission may enter into contracts with non-Federal researchers and experts to assist the Commission in carrying out the duties of the Commission under this sec-

(2) NATIONAL INSTITUTE OF JUSTICE.—

The National Institute of Justice shall enter into contracts with the researchers and experts

(3) Other organizations.—Nothing in this subsection shall be construed to prevent or dis-

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(iii) in paragraph (4), by inserting "Department of Justice, Substance Abuse and Mental Health Services Administration," after "Bureau of Indian Affairs." (iv) in paragraph (5), by inserting "Department of Justice, Substance Abuse and Mental Health Services Administration," after "Bureau of Indian Affairs." (v) in paragraph (7), by inserting ", the Attorney General," after "Secretary of the Interior." (b) in subsection (c), by inserting ", the Attorney General," after "Secretary of the Interior." and (c) in subsection (d), by striking "the date of enactment of this subtitle" and inserting "the date of enactment of the Tribal Law and Order Act of 2010." (2) Tribal action plans.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended— (A) in subsection (b), in the first sentence, by inserting ", the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration," before "and the Indian Health Service service unit"; (B) in subsection (c)(1)(A)(i), by inserting ", the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration," before "and the Indian Health Service service unit"; (C) in subsection (d)(2), by striking "fiscal year 1992 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "the period of fiscal years 1994 through 2015"; (D) in subsection (e), in the first sentence, by inserting ", the Attorney General," after "the Secretary of the Interior"; and (E) in subsection (f), by inserting "fiscal year 1992 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "fiscal years 2011 through 2015." (3) Departmental responsibility.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended— (A) in subsection (a), by inserting ", the Attorney General" after "Bureau of Indian Affairs"; (B) in subsection (b)— (i) by striking paragraph (1) and inserting the following: (ii) Establishment.— (A) in general.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the Office of Indian Alcohol and Substance Abuse (referred to in this section as the 'Office'). (B) Director.—The Director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration— (i) on a permanent basis; and (ii) at a grade of not less than GS-15 of the General Schedule. (C) in paragraph (2)— (i) by striking "2" in addition and inserting the following: (ii) Responsibilities of Office.—In addition: (A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;"; (B) in subparagraph (B)— (aa) by striking "within the Bureau of Indian Affairs"; (bb) by striking the period at the end and inserting "; and"; and (C) in paragraph (4), by adding at the end the following: "(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with affected Federal agencies and tribal governments, a framework for interagency and tribal coordination that— (i) establish the goals and other desired outcomes of this Act; (ii) provide outcomes that are aligned with the purposes of affected agencies; (iii) provides guidelines for resource and information sharing; (iv) provide technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and (v) determines whether collaboration is feasible, cost-effective, and within agency capability;"; and (iii) by striking paragraph (3) and inserting the following: (2) Appointment of employees.—The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out its responsibilities under this subsection. and (C) in subsection (c)— (i) by striking "of Alcohol and Substance Abuse" each place it appears; (ii) in paragraph (1), in the second sentence, by striking "The Assistant Secretary of the Interior for Indian Affairs" and inserting "The Assistant Secretary of the Interior, the Department of Health and Human Services Administration and Mental Health Services Administration"; and (iii) in paragraph (3)— (A) in the matter preceding subparagraph (A), by striking "youth" and inserting "youth"; and (B) by striking "programs of the Bureau of Indian Affairs" and inserting "the applicable Federal programs". (4) Review of programs.—Section 4208(a)(1) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting ", the Attorney General," after "the Secretary of the Interior." (5) Federal facilities, property, and equipment.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended— (A) in subsection (a), by inserting ", the Attorney General," after "the Secretary of the Interior"; (B) in subsection (b)— (i) in the first sentence, by inserting ", the Attorney General," after "the Secretary of the Interior"; (ii) in the second sentence, by inserting ", nor the Attorney General," after "the Secretary of the Interior"; and (iii) in the third sentence, by inserting ", the Department of Justice," after "the Department of the Interior"; (C) in subsection (c)(1), by inserting ", the Attorney General," after "the Secretary of the Interior"; (D) in subsection (d), by striking "fiscal year 1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "fiscal years 2011 through 2015". (6) Review.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2416) is amended— (A) in subsection (a), by inserting ", the Attorney General," after "the Secretary of the Interior"; (B) in paragraph (2), by striking "fiscal year 1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "fiscal years 2011 through 2015". (C) by striking paragraph (3) and inserting the following: (2) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2011 through 2015;"; and (2) in subsection (b)(2), by striking "for the fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "for each of fiscal years 2011 through 2015.". (D) Law enforcement and special training.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended— (A) by striking subsection (a) and inserting the following: (1) Training Programs.— (i) in general.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding— (A) the investigation and prosecution of offenses relating to illegal narcotics; and
“(b) alcohol and substance abuse prevention and treatment.”

“(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under this paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.”; and

“(2) in subsection (1), by striking “as may be necessary” and all that follows through the end of the subsection and inserting “as are necessary for each of fiscal years 2011 through 2015.”

“(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1998 (25 U.S.C. 2453) is amended—

“(1) in subsection (a)—

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

“(1) IN GENERAL.—The Secretary;

“(B) in the second sentence, by striking “The Secretary shall” and inserting the following—

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

“(C) by adding at the end the following—

“(3) DEVELOPMENT OF PLAN.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

“(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.

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

“(a) IN GENERAL.—

“(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking paragraph (2) and inserting the following—

“(2) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

“(A) in section 107 (as redesignated by section 104(a)(2)(A)), by striking “2000 through 2004” and inserting “2011 through 2015”; and


“SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

“Section 701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766d-1) is amended—

“(b) in paragraph (1) through (4) and (6) through (17), by striking “as may be provided in subsection (b)” and inserting the following:

“(1) by striking “fiscal years 2000 through 2007” and inserting “fiscal years 2011 through 2015”;

“(2) in paragraphs (1) and (2) of subsection (b)—

“(A) by striking “for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000” each place it appears and inserting “for each of fiscal years 2011 through 2015”;

“(B) by inserting paragraph (2) appropriately.

“SEC. 404. TRIBAL JAILS PROGRAM.

“(a) IN GENERAL.—

“(1) BASE SUPPORT FUNDING.—Section 103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(b)) is amended by striking paragraph (2) and inserting the following—

“(2) the employment of tribal court personnel, including judges, clerks, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles;

“(b) TECHNICAL AND LEGAL ASSISTANCE.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking “(including guardians ad litem and court-appointed special advocates for children and juveniles)” after “civil legal assistance.”

“(c) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall not exceed 80 percent.”

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

“(1) the problem of intermittent funding;

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

“(3) an explanation of how the practice of community policing and the broken windows policy may most effectively be applied in remote tribal locations.”.

“SEC. 404. TRIBAL JAILS PROGRAM.

“(a) IN GENERAL.—Section 101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended—

“(1) in subsection (a)—

“(A) by striking “as may be provided in subsection (b)” and inserting “as may be provided in subsection (b)”;

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

“(C) in paragraph (1)(10), by inserting “tribal,” after “State” each place it appears;

“(D) in paragraph (15)—

“(i) by striking “a State in” and inserting “a State or Indian tribe in”;

“(ii) by inserting “which” and inserting “the State which” and inserting “a State or tribal community that”;

“(iii) by striking “a State or” and inserting “a State tribal or”;

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

“(F) in paragraph (17), by striking the period at the end and inserting “period and”;

“(G) by redesigning paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

“(H) by adding at the end the following—

“(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16),”.

“(2) in subsection (b), by striking “the authorizing and implementing entity” and inserting “Except as provided in subsection (a),”; and

“(3) by adding at the end the following—

“(j) GRANTS TO INDIAN TRIBES.—

“(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

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

“(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall not exceed 70 percent.”

“(b) REGIONAL DETENTION CENTERS.—

“(1) IN GENERAL.—Section 102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended—

“(1) in subsection (a), the Attorney General shall include in the long-term plan to address intermittent funding:

“(A) a description of proposed activities for—

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

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

“(iii) developing and implementing alternatives to incarceration in tribal jails;

“(B) in Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

“(C) to consortia of Indian tribes for purposes of constructing and operating detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, the appropriate consortium determines to be appropriate.

“(2) PRIORITY OF FUNDING.—In providing grants under this subsection, the Attorney General shall take into consideration the following:

“(A) reservation crime rates;

“(B) annual tribal court convictions; and

“(C) bed space needs.”

“(c) GENERAL.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall not exceed 70 percent.”

“(2) CONFIRMING AMENDMENT.—Section 20190(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by striking “Indian tribe” and inserting “Indian tribes, as applicable,” after “Indian tribe”.

“(3) LONG-TERM PLAN.—Section 20190 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following—

“(4) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officials, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

“(1) a description of proposed activities for—

“(A) construction, operation, and maintenance of a facility in conjunction with the Department of Justice (22 U.S.C. 2220) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1996 (25 July 21, 2010

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the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.

SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.

(a) DEFINITIONS.—In this section:

(1) STATE.—The term "State" means the State of Alaska.

(2) INCLUSION.—The term "State" includes any political subdivision of the State of Alaska.

(b) VILLAGE PUBLIC SAFETY OFFICER.—The term "village public safety officer" means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.63.670.

(c) TRIBAL ORGANIZATION.—The term "tribal organization" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450h).

(d) COPS GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under section 105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 376dd) (provided that only an Indian tribe or tribal organization that receives a grant under the tribal resources grant program under subsection (i) of that section) on an equal basis with other eligible applicants for funding under that program.

(e) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.—The State and any Indian tribe or tribal organization in the States that employs a village public safety officer shall be eligible to apply for a grant under the Staffing for Adequate Fire and Emergency Response Program under section 24 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) on an equal basis with other eligible applicants for funding under that program.

(f) TRAINING OF PUBLIC SAFETY OFFICERS AND TRIBAL LAW ENFORCEMENT POSITION FUNDS UNDER COPS PROGRAM.—

(1) IN GENERAL.—Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) FUNDING.—Funding received pursuant to grants approved under section 105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 376dd) for training of officers at programs described in paragraph (1) or at a police academy in the State certified by the Alaska Police Standards Council.

(g) FUNDS FOR COURTS OF LAW ENFORCEMENT OFFICERS.—Section 112(a) of the Consolidated Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 62) is amended—

(1) in paragraph (1), by striking paragraph (1); and

(2) by redesigning subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(3) in paragraph (3), by redesigning clauses (i) through (iv) of subparagraph (A) (as so redesignated) as subparagraphs (A) through (D), respectively, and indenting appropriately.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

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

(a) GANG AND Cluster Crime 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109-162) is amended—

(1) in the heading, by striking "gang" and inserting "gangs"; and

(2) in subparagraph (A), by striking "cluster crime" and inserting "cluster crimes".

(b) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, amend, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766(a)) is amended by inserting "tribal", after "State".

(b) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any other effect than to authorize, amend, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.
(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or
(2) has any effect other than to authorize, award, or deny any grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

TITLED VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.
(a) DUTIES OF BUREAU OF PRISONS.—Section 4042 of title 18, United States Code, is amended—
(1) in subsection (a)(4), by inserting ‘‘tribal, ‘’ after ‘‘State’’;
(2) in subsection (b)(1), in the first sentence, by striking ‘‘officer of the State and of the local jurisdiction’’ and inserting ‘‘officers of each State, tribal, and local jurisdiction’’; and
(3) in subsection (c)(1)—
(A) in subparagraph (A), by striking ‘‘officer of the State and of the local jurisdiction’’ and inserting ‘‘officer of each State, tribal, and local jurisdiction’’;
(B) in subparagraph (B), by inserting ‘‘tribal, ‘’ after ‘‘State’’, each place it appears;
(C) in paragraph (4), by inserting ‘‘tribal, ‘’ after ‘‘State,‘’ each place it appears;
(D) in paragraph (6)—
(i) by inserting ‘‘tribal, ‘’ after ‘‘State,‘’ each place it appears;
(ii) by inserting ‘‘and tribal communities, ‘’ after ‘‘States,‘’ each place it appears;
(E) by inserting ‘‘tribal, ‘’ after ‘‘State’’;
(F) in subparagraph (12) by inserting ‘‘tribal, ‘’ after ‘‘State’’.

SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE TRAINING.
Section 30(1) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: ‘‘, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses’’.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.
The enforcement Reform Act (25 U.S.C. 2001 et seq.) (as amended by section 305) is amended by adding at the end the following:

SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.
(a) APPROVAL OF EMPLOYEE TESTIMONY OR DOCUMENTS.—
(1) IN GENERAL.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the ‘Director concerned’), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner or other similar criminal proceeding regarding documents or testimony under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained by carrying out the official duties of the employee.

(2) DEADLINE.—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

(b) APPROVAL.—
(1) IN GENERAL.—The Director concerned shall approve a request or subpoena under subsection (a) only if the request or subpoena does not violate the policy of the Department to maintain impartiality.

(2) FAILURE TO APPROVE.—If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.
Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations developed under the section if the Secretary determines that the recommendations are necessary to prevent the sex trafficking of Indian women.

SEC. 605. SEXUAL ASSAULT PROTOCOL.
The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

SEC. 17. POLICIES AND PROTOCOL.
The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and U.S. Attorneys Tribal and Urban Indian Organizations, shall develop standardized sexual assault policies and protocols for the facilities of the Service, based on similar protocols that have been established by the Department of Justice.

SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESPONSE CAPACITIES.
(a) STUDY.—The Comptroller General of the United States shall—
(1) conduct a study of the capacity of Indian Health Service facilities to remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (U.S.C. 480 et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and
(2) develop recommendations for improving those capabilities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.

The SPEAKER pro tempore (Mr. PASCRELL of New Jersey). Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.
Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. On January 19, 2010, the House passed H.R. 725 under suspension of the rules. This bill, introduced by our colleagues from Arizona, Mr. Ed Pastor, would improve prosecution of unlawful misrepresentation and counterfeiting of American Indian jewelry, pottery, baskets, rugs, and other items under the Indian Arts and Crafts Act of 1990.

H.R. 725 would authorize any Federal law enforcement officer to conduct an investigation of an offense involving the sale of any good that is misrepresented as an Indian-produced good or product that occurs within the United States.

On June 23, 2010, the Senate passed H.R. 725 by unanimous consent without changes to the House-passed text. However, the Senate did add the language of the Tribal Law and Order Act of 2010 inserted by Senator HARKIN. The House counterpart is H.R. 1924, sponsored by our colleague and valued member of the Natural Resources Committee, Representative HERSETH Sandlin.

In addition, the Senate included provisions from H.R. 1333, which was introduced by Mr. GRIJALVA. H.R. 1333 passed the House by voice vote on September 30, 2009, and would permit tribal governments to use display fireworks for ceremonial and other purposes.

Despite the Federal responsibilities to protect Indian communities, the violent crime rate on reservations is 2½ times higher than the national average. Amnesty International estimates that more than one in three Native women will be raped in their lifetimes. The Tribal Law and Order Act addresses these critical tribal public safety and justice issues by establishing accountability measures for Federal agencies responsible for investigating and prosecuting reservation crime and by providing tribes with additional tools to combat crime locally.

Among other vital improvements to existing law, the Tribal Law and Order Act would, one, require the Department of Justice to maintain data on criminal declarations and share evidence with tribal justice officials when a case is declined; number two, authorize tribes to increase sentencing authority for up to 3 years in certain situations; number three, provide tribal police with greater access to criminal history databases such as the National Crime Information Center; and four, mandate that Indian Health Service and Bureau of Indian Affairs officials provide documents and testimony in prosecutions before tribal courts.

In short, the Tribal Law and Order bill would address the profound public safety needs and provide the additional law enforcement and criminal justice resources sorely needed on Indian reservations across the country.

I want to commend our colleague, the gentleman from Arizona (Mr. Pastor), for his hard work and dedication to this legislation. I also thank Ms. HERSETH Sandlin for her efforts for championing the tribal law and order portion of the bill. Both Members are addressing long-standing problems in Indian Country, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, included in this legislation are a great many important anti-
crime, anti-violence provisions that will assist and support Indian tribes across the country. There is considerable bipartisan support for what this bill aims to do, and yet today it is being considered before the House using a process and procedure that elicited opposition.

Mr. Speaker, let me be clear: The objections that I will express today are focused squarely on the matter in which the House leaders have chosen to have this bill debated.

Violence against Indians is a serious problem deserving the attention of this Congress. Such an important issue as this should not be relegated to the suspension calendar where innocuous bills are often given cursory consideration. The process being used today to consider this legislation is normally reserved for bills such as naming post offices and congratulating sports teams on winning championships. Addressing crimes against Indians deserves to be considered in a much more serious, thorough process.

Furthermore, the manner in which this bill was passed in the Senate and being considered in this House is unfair to not only Members of the House but also to every Indian constituent that they represent. A procedure is being used to consider this bill that denies every House Member the ability to offer a suggestion to improve it. Every Member whose Indian constituents may seek such improvements.

The bill before us today, H.R. 725, started out as an Indian Arts and Crafts Amendment Act of 2010. It was an innocuous 10-page bill with almost no cost whose purpose was to address counterfeit arts and crafts wrongfully marketed as Indian-made product. There was almost no disagreement over the merits and policies of this bill when it first passed this body.

The Senate took H.R. 725 and attached the tribal law and order provisions. Again, these are policies that merit action by Congress on which I believe there is a great deal of agreement. Yet the process and manner by which this is being done is generating opposition. When a widely supported arts and crafts bill that is just a few pages in length and which costs nothing is changed by the Senate to run over 100 pages with authorized spending of over $1 billion dollars, to me, Mr. Speaker, that is simply unacceptable.

As I said, I oppose this controversial process and procedure being used on a bill of this magnitude. I opposed such procedures in the past, and I’ve opposed such a process as the ranking member of this committee, most notably on the omnibus lands bill that passed last year.

So I regret that I must stand here today and oppose this bill being considered using this process. Indian Country deserves more attention and better treatment than to have this legislation appear on a suspension calendar which is most often used, as I mentioned before, to name post offices. A bill on an issue as important as this should not be heard because it does disrespect to the committees. And it should be given more than 40 minutes of the House’s attention.

The Members of this House deserve a fair opportunity to improve legislation—not to be totally blocked from offering any suggestions including any sought by their Indian constituents. Again, when a process is used to transform a several-page-no-cost bill on Indian arts and crafts into a 100-page billion dollar bill on violence and crime, then it should not be considered in this manner. It deserves the true attention of all Members of this House.

For those reasons, Mr. Speaker, I urge my colleagues to oppose this bill under this unfair process.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman that has helped bring this legislation to the floor of the House, the gentleman from Arizona (Mr. PASTOR).

(Mr. PASTOR of Arizona asked and was given permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. Mr. Speaker, the underlying bill, the Indian Arts and Crafts Amendment bill, started in the Senate. It started with Senator MCCAIN and Senator KYL from Arizona. The Senate passed that particular bill just this morning. When it went over to the Senate, the Senate took the amended bill and it was passed by the House and mirrored the bill passed in the Senate.

When it went over to the Senate, the Indian Arts and Crafts bill, checking with Senator MCCAIN and Senator KYL, the amendment was added to the bill, the underlying bill. The Senate, by unanimous consent, took the amended bill and sent it back to us for our consideration, and that’s where we are today.

Mr. Speaker, I will tell you that this bill has been heard in the Senate, has been heard in the House—the underlying bill as well as the amendment—and, Mr. Speaker, I will tell you that there is concurrence in Indian Country that this bill is supported. There is concurrence here with the Native American Caucus, which is a bipartisan caucus that deals with the interests, the positive interests, of Native American issues, who are in support of it.

The gentleman objects because of the procedure, but the content and the support is there. And so I would ask my colleagues, both on the Republican side and the Democratic side, to support this bill, which has the support of the Senate and the House and a bill that has the approval, unanimous consent, in a bipartisan manner.

It’s very rarely that we see this type of cooperation between the House and the Senate, much less cooperation in a bipartisan manner. So I would ask my colleagues to support this bill and have it pass and be signed by the President.

Mr. HASTINGS of Washington. Mr. Speaker, I’m pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 725, the Senate amendments to the Indian Arts and Crafts Amendment Act. This bill was originally passed in this body by a voice vote. In the Senate, however, the bill was amended to include the tribal law and order bill, and that’s what I want to focus my remarks on today.

This bill passed the United States Senate by unanimous consent after Senator Coburn and the Senate Republican Senate Study Committee negotiated certain spending reductions and addressed spending concerns.

There’s no question, I think both sides of the aisle agree, that the Federal Government has a unique obligation to ensure that these Americans, the first Americans, are granted the same public safety rights and protections that other American citizens enjoy. Law enforcement in Indian Country, however, has been woefully underfunded and managed over decades, resulting in a drastic situation for many of our fellow Americans.

I want to particularly thank my colleagues on both sides of the aisle, STRONGHANIE HERSETH SANDLIN and her staff for the remarkably bipartisan way in which she worked with my staff and myself to address some of the concerns that we had. Obviously, I want to thank my fellow chairman of the Native American Caucus, DALE KILDEE, and some of my Republican coauthors and supporters of this legislation like Representatives SIMPSON, CALVERT and KLINE.

However, I agree very much with my colleagues Mr. HASTINGS concern that this legislation should have been brought to this body under a rule, because it is indeed a major spending piece of legislation and there are many important and dramatic changes in Federal law, and we should have treated it under normal process. That’s a legitimate Republican concern. I think it ought to be a concern of everybody in this body, and quite frankly, we will lose votes today on this legislation because of the manner in which it was brought to the floor, and that is unfortunate. Frankly, if we don’t make it today, it will be because the Democratic leadership chose to bring it to the floor this way. Had it been brought under normal order, it would pass easily.

However, having said that, I think this is a case in which substance must trump process for the good of our fellow Americans in Indian Country. The problems as I mentioned earlier are severe. On Indian reservations crime is 2 1/2 times the national average. One in three Native women will be raped over the course of a lifetime. We have only
3,000 tribal officers to cover 56 million acres of Indian Country, and even if criminals are apprehended, many tribal law enforcement officials have not had the opportunity to receive the training and resources they need to adequately carry out their duties and protect survivors and victims. Furthermore, if the perpetrator is a non-Indian, it becomes a maze of Federal, State, and tribal law to determine whose responsibility it is to prosecute crimes.

We have had a very difficult legislative process to work through some of these problems. This bill isn’t a cure-all but it’s an important start in moving in the right direction.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. COLE. I thank the gentleman.

This bill not only reauthorizes existing programs or last-apportioned levels—in other words, there’s no new spending in this bill—it provides enhanced sentencing authority so the tribes may impose longer sentences on Native Americans, not on nontribal citizens or non-Native Americans. It enhances evidence gathering and Federal accountability, and increases officers on the ground in Indian Country. It streamlines the process for the BIA and IHS employees to testify in sexual assault cases, and reauthorizes funding to support tribal courts.

In closing, all Americans have the right to public safety and security, but it’s preeminently a Federal responsibility to protect those rights in Indian Country. A vote against this bill, in my opinion, is a vote to continue the status quo of rampant violence and drug abuse in Indian Country, which we have an opportunity to make significant progress on. This legislation will only pass as it did in the Senate if it has bipartisan support, and I hope that support is available here today. I urge my colleagues on both sides to pass this important piece of legislation.

Mr. RAHALL. Mr. Speaker, one of the main movers of this legislation is the gentlelady from South Dakota (Ms. HERSETH SANDLIN). She has been a tremendous help on our Committee on Natural Resources on all issues but especially those affecting Indian Country, and Indian Country can be very proud of our friends they have in STEPHANIE HERSETH SANDLIN. I yield 5 minutes to the gentlewoman.

Ms. HERSETH SANDLIN. Mr. Speaker, I want to first thank Chairman RAHALL for yielding me time and for his outstanding leadership of the Natural Resources Committee and his Office of Indian Affairs in moving this important legislation forward. I would also like to thank the Judiciary Committee chairman, Mr. CONYERS, as well as my good friend, Mr. SCOTT, chairman of the Subcommittee on Crime, Terrorism and Homeland Security. Through their efforts on the Judiciary Committee, the bill has been strengthened in its final form.

I would like to thank my good friend the gentleman from Oklahoma (Mr. COLE) and his staff for his strong partnership in making this important bill through the House.

I urge my colleagues to support this bipartisan bill that passed the Senate by unanimous consent. The Tribal Law and Order Act will improve law enforcement efforts and combat sexual assault and drug smuggling in Indian Country. It reauthorizes existing programs designed to strengthen tribal courts, police departments, and correction centers, as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth.

A vote against this bill is a vote to keep the status quo, a status quo where most Public Safety is carried by 48 American Indian women and Alaska Native women will be raped in their lifetime.

A vote against this bill will maintain the status quo, a status quo where drug trafficking organizations are targeting our Native neighbors to manufacture and distribute illegal substances because of the lack of law enforcement on Indian land.

Native American families, like all families, deserve a sense of safety and security in their community. Law enforcement is one of the Federal Government’s trust obligations to federally recognized tribes. Yet as tribes all across the country know all too well, Congress is failing to meet that obligation.

The situation is particularly challenging for large, land-based reservations in South Dakota and elsewhere. Officials from the Oglala Sioux Department of Public Safety have had six officers to cover the Pine Ridge Reservation, an area larger than the States of Delaware and Rhode Island combined.

The kinds of problems that arise from such a limited law enforcement presence include the case of a young woman living on the Pine Ridge Reservation. She’d received a restraining order against an ex-boyfriend who battered her. One night she was home alone, woke up as he attempted to break into her home with a crowbar. She immediately called the police, but due to a lack of land lines for telephones and spotty cell phone coverage, the call was cut off three times before she reported her situation to the dispatcher. The nearest officer was about 40 miles away, and even though the police officer who took the call started driving to her home at 80 miles an hour, the man had arrived. The woman was severely bloodied and beaten and the perpetrator had escaped.

Today, the House has an opportunity to deal with these issues, to deal with the bill in moving major others to make a difference in the lives of Native Americans across the country. The Senate has already unanimously approved it.

Senator Jon KYL, the Republican whip, said when the bill passed the Senate, “Many tribal communities today lack the support and tools needed to combat the terrible violence and crimes they experience. That’s why I applaud the passage of this tribal law enforcement act, which authorizes desperately needed funds for law enforcement in Indian Country.”

Senator JOHN BARRASSO, vice chairman of the Senate Indian Affairs Committee, added, “Through this bill we are sending a strong message that Indian reservations will not be a haven for criminal activity, drug trafficking, gangs, or abuse.”

The Tribal Law and Order Act also has the support of the administration, the National Congress of American Indians, and many other tribal, State, and local governments and organizations.

We have worked for years, over many Congresses, in field hearings where Members of this body and their staff have traveled to South Dakota and to tribes across the country to fully understand the magnitude of this problem and the importance of acting in this Congress, working with the Senator in a bipartisan way through weeks and months of negotiations to make responsible changes to this bill to address the concerns that Members on both sides of the aisle had expressed about the bill. We have made those changes.

Senator Coburn has been satisfied that we have made those changes, and we have worked diligently in the committees of jurisdiction to address the changes, to ask what it is that any Member has to get them to a “yes.” We can’t delay any further. Native American women and their children are the most at risk. The stakes are out.

I ask my colleagues to join me in passing this important bipartisan bill and send it to the President for his signature.

Mr. Speaker, I would like to include in the RECORD the following letters and resolutions in support of H.R. 725.


Hon. JOHN CONYERS, Chair, Committee on the Judiciary, House of Representatives, Washington, DC.

MEMBER SMITH: On behalf of the National Congress of American Indians, I write to strongly urge your support for the revised version of the Tribal Law and Order Act, unanimously approved in the Senate on June 23, 2010, and included within a House-passed version of the Indian Arts & Crafts Act (H.R. 725). This bipartisan legislation is of critical importance to improving law enforcement on Indian reservations throughout the country, and we urge you to support proceeding with the passage of the legislation on the floor of the House of Representatives.

The House Judiciary Committee held a hearing on the companion bill (H.R. 1924) in
December, and Marcus Leving, Chairman of the Mandan, Arikara & Hidatsa Nation, provided testimony on behalf of NCAI that also detailed the effects of crime on his tribe and his family. Despite the federal responsibilities to protect Indian communities, the violent crime rate on reservations is two and a half times the national average; Native women are victims of rape and sexual assault at three times the national average; and tribal lands are increasingly the target of drug trafficking and gang-related activity. These problems are exacerbated by the fact that the Department of Justice is subject to little oversight on its performance. The Denver Post has reported that the federal government declines to prosecute 62% of Indian country criminal cases referred to federal prosecutors, including 75% of child and adult sex crimes. We would like to particularly thank Chairman Scott and the Crime, Terrorism, and Homeland Security Subcommittee for their work on the legislation.

The Senate bill has incorporated a number of changes at the suggestion of the Subcommittee, as well as amendments suggested by both Democratic and Republican Senators. In addition, the bill has received a great deal of input from the Department of Justice, the federal Judicial Conference, and from tribal leaders and law enforcement officials across the country. As approved by the Senate, H.R. 725 is well-vetted and bipartisan legislation that is necessary to address the regrettable public safety trends that exist on Indian lands.

When enacted, the Tribal Law and Order Act will:

- Require the Department of Justice to maintain and compile data on declinations of Indian country cases and submit annual reports to Congress;
- Authorize the DOJ to appoint special tribal prosecutors to assist in prosecuting Indian country crimes;
- Expand the special law enforcement commission’s program, clarify the standards required of tribal officers, and permit flexibility in reaching MOUs between the BIA and tribal governments that seek special commissions;
- Allow law enforcement personnel to obtain training at various accredited facilities, instead of insisting all BIA police officers receive training from the lone Indian Police Academy in Artesia, New Mexico;
- Encourage cooperation between state and tribal law enforcement;
- Increase and clarify tribal sentencing authority under the Indian Civil Rights Act; and
- Enable BIA and tribal police access to federal criminal information databases.

When enacted, the Tribal Law and Order Act will address these and other critical shortcomings in the criminal justice system. This is why I respectfully request your active support to ensure House passage of H.R. 725.

Sincerely,

JEFFERSON KEEL, NCAI President.
and beliefs, we write in support of the Tribal Law and Order Act of 2009 (HR 1924/S 797). We ask that you honor the two and a half million American Indians and Alaska Natives in our country by cosponsoring this essential bill.

Native Americans, the poorest ethnic group in the United States, live in the midst of a public safety crisis and are therefore doubly victimized people. Crime rates on reservations are devastating. The average crime rate for American Indians/Alaska Natives is 2.5 times the national average. On some reservations however, the crime rate reaches 10 or 20 times the national average. Native American women suffer from an epidemic of domestic violence, as one in four Native women is raped in her lifetime. The criminal justice system is so weak that tribal authorities are left with no way to respond to crime on the reservations. Crimes often do not get reported because victims and families are all too aware of the broken systems.

The Tribal Law and Order Act, written in direct consultation with tribal leaders, addresses some of these problems. It does this by:

- Expanding tribal access to Federal and State records. Providing greater Federal and State accountability and transparency in criminal justice processes.
- Streamlining protocols and policy regarding domestic violence and sexual abuse, and Requiring the Federal justice system to report and explain the decline of cases.
- When Indian tribes ceded their lands, the United States made promises through treaties and other agreements. Among them was the establishment of a trust responsibility for the safety and well-being of Indian peoples in perpetuity. We believe that honoring the trusts and treaties is a legal and moral imperitive. As people of faith, we urge you to support the Tribes and treaties as a legal and moral imperative. As people of faith, we urge you to cosponsor the Tribal Law and Order Act to fulfill this responsibility.

Sincerely,

Disciples Justice Action Network (Disciples of Christ); The Episcopal Church; Evangelical Lutheran Church in America; Franciscan Action Network; Friends Committee on National Legislation (Quaker); Islamic Society of North America; Mennonite Central Committee (Washington, DC); Missionary Oblates; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches of Christ in the USA; Presbyterian Church (U.S.A.) Washington Office; Unitarian Universalist Association of Congregations; National Ministries; American Baptist Churches USA; United Church of Christ, Justice and Witness Ministries; United Methodist Church, General Board of Church and Society; and VIVAT International.

AMERICAN BAR ASSOCIATION

Re Vote YES for Senate Amendments to H.R. 725, Indian Arts and Crafts Amendment Act.

Dear Representative: I write on behalf of the American Bar Association, which has nearly 400,000 members and represents the profession and professional interest of lawyers in the United States.

I am very pleased to join my colleagues in support of the legislation today, which includes the Tribal Law and Order Act of 2010. Others have spoken about the epidemic of crime in our Nation's Indian lands, but unfortunately the tribes have reported that many of the crimes, including the very serious crimes such as rape and assault, are not included among those prosecuted in Federal courts by U.S. Attorneys either as a matter of case priorities or limited resources.

With inadequate funding and limited prosecutorial authority of the tribes, even when the crimes are prosecuted in tribal court, the limitation of 12 months on sentences in tribal court does not allow sentences to address the more serious crimes. This bill allows tribal authorities to respond to such crimes and to do so with more appropriate consequences for the more serious and dangerous offenders.

At the same time it improves the procedures in tribal courts and better protects the rights of tribal defendants. Moreover, it also authorizes more robust enforcement and more appropriate sentences, it also authorizes key programs to address the root causes of crime. These include juvenile delinquency prevention and summer youth programs, as well as drug and alcohol abuse programs.

Finally, while empowering tribes to better police themselves, the bill also addresses Federal law enforcement to do more and improves the coordination among tribal, State, and Federal law enforcement agencies. This is a practical effort to solve a very significant problem in our country.

Mr. Speaker, this is a rare crime bill that comes to the floor of this body with the kind of broad, bipartisan support that the Tribal Law and Order Act has earned. This bill has the unanimous support of the Senate. It has the support of tribal governments and organizations. It has the support from the Justice Department and outside law enforcement groups such as the National District Attorneys Association. We also have the support of Amnesty International.

With that kind of bipartisan support, I urge all of the Members to vote "yes" on the motion to suspend the rules and agree to the Senate amendments.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I join in thanking the chairman of the House Judiciary Committee, Chairman JOHN CONyers, for his help on this legislation. In particular, I want to thank the subcommittee chairman on Crime, Terrorism, and Homeland Security, the gentleman from Virginia, BOBBY SCOTT.

I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I am very pleased to join my colleagues in support of the legislation today, which includes the Tribal Law and Order Act of 2010. Others have spoken about the epidemic of crime in our Nation's Indian lands, but unfortunately the tribes have reported that many of the crimes, including the very serious crimes such as rape and assault, are not included among those prosecuted in Federal courts by U.S. Attorneys either as a matter of case priorities or limited resources.

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With that kind of bipartisan support, I urge all of the Members to vote "yes" on the motion to suspend the rules and agree to the Senate amendments.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I would like to enter into a colloquy with the chairman of the committee, and I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83-290, commonly known as Public Law 280. This law was enacted on August 15, 1953, and Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska upon statehood, my home State of California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands.

The act specifically provides that these States "shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State, and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State."

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reestablish criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General to do so. If the Attorney General concurs, the United States would retain jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe's reservation. The
bill makes clear that once the United States assumes jurisdictions pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, “where applicable,” tribal governments.

I would like to ask the distinguished chairman of the Committee on Natural Resources, Mr. RAHALL, to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the States and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

I would yield to the chairman for that.

Mr. RAHALL. I thank the gentleman for yielding, and I respond to him that he is correct.

Public Law 280 has been a mixed bag for both the tribes and the States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations pursuant to reservations, but, because of court decisions that sharply limited the extent of Public Law 280’s grant of civil jurisdiction to affect the States, these States have almost no ability to raise revenue on Public Law 280 lands.

And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited to no more than 1 year for any one offense. As such, residents of reservations subject to Public Law 280 have to rely principally on some other properties that are sovereign territory of the Indians involved. We have very small geographic reservations and other properties that are sovereign territory of the Indians involved. We have relatively small bands, but large numbers of them. So we have a different set of circumstances with which we have to deal. I had hoped that we would be able to work legislation that would acknowledge that difference, but unfortunately that did not happen here.

I will support this bill, but it is unfortunate that true concerns expressed by law enforcement in PL-280 States and areas of the country were not taken into consideration here, and I hope we will have a chance in the future to amend this legislation.

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to another member of our Natural Resources Committee, Representative DALE KILDEE, a classmate of mine and a gentleman who co-chairs the Native American Caucus. Certainly Indian country has a true, true friend in this gentleman from Michigan (Mr. Kildee).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the Tribal Law and Order Act as an amendment to H.R. 725, the Indian Law Improvement Act of 2010. This act accomplishes several important goals.

Firstly, it reinforces the national commitment to law enforcement. And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited to no more than 1 year for any one offense. As such, residents of reservations subject to Public Law 280 have to rely principally on some other properties that are sovereign territory of the Indians involved. We have very small geographic reservations and other properties that are sovereign territory of the Indians involved. We have relatively small bands, but large numbers of them. So we have a different set of circumstances with which we have to deal. I had hoped that we would be able to work legislation that would acknowledge that difference, but unfortunately that did not happen here.

I will support this bill, but it is unfortunate that true concerns expressed by law enforcement in PL-280 States and areas of the country were not taken into consideration here, and I hope we will have a chance in the future to amend this legislation.

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to another member of our Natural Resources Committee, Representative DALE KILDEE, a classmate of mine and a gentleman who co-chairs the Native American Caucus. Certainly Indian country has a true, true friend in this gentleman from Michigan (Mr. Kildee).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the Tribal Law and Order Act as an amendment to H.R. 725, the Indian Law Improvement Act of 2010. This act accomplishes several important goals.

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Mr. MORAN of Virginia. Mr. Chairman, I don’t need even that much time to say that I strongly support this bill.

I appreciate the fact that the authorizing committee has brought it to the floor. We will get it passed. The only substance I really have is a juridictional one. The chair of the Judiciary Committee hasn’t raised any objection to this. It ought to be passed, and this Congress should be proud that it did.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to point out, because I have expressed my opposition to this because of the process which has been acknowledged by several Members on my side of the aisle, the last time legislation like this was taken up was in the 101st Congress. The bill was introduced, I think, on the first day. There were hearings held in the House on that legislation, and then it went to committee, was amended in committee, sent to the Senate floor, and it was passed on suspension, but that was after the committee had done its work.

I went to the Senate where there were hearings in the Senate. The bill was further amended in the Senate committee. It went to the Senate floor where it was amended again and then came back to the House. The House concurred and amended it one more time before it went back to the Senate, they concurred and the bill was finally passed.

I point out that that process involved in that case both Houses. Both Houses had ideas on how to improve this legislation. But apparently this year, while a similar bill was introduced in the House, there was only a hearing in the Judiciary Committee. We had no hearing on the incidence of crime in our committee, which I think would have probably provided some insight. I only bring this up, Mr. Speaker, to say that the process in passing legislation should involve both Houses and not just one House.

But I find it rather curious in this instance where those on the other side are saying the Senate did all the work in its wonderful process. I wonder if everybody on the other side of the aisle feels that way with the other issues that are pending here where we seem to have a problem getting concurrence on major issues like the supplemental budget, for example, and a few other issues that are floating around. Maybe we should just yield all of the wisdom in this House to the Senate, as we have on this bill.

Now I say that somewhat facetiously, obviously, Mr. Speaker, but that is the reason why I feel compelled to make a point of opposing this bill on the process. But we shall see if these other issues are taken up in a like manner by this House, and I won’t hold my breath.

Mr. Speaker, I yield back the balance of my time.