

115TH CONGRESS
1ST SESSION

S. 1953

To amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2017

Mr. HOEVEN (for himself, Mr. MCCAIN, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Tribal Law and Order Reauthorization and Amendments
6 Act of 2017”.

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

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

TITLE I—TRIBAL LAW AND ORDER

- Sec. 101. Bureau of Indian Affairs law enforcement.
 Sec. 102. Integration and coordination of programs.
 Sec. 103. Data sharing with Indian tribes.
 Sec. 104. Judicial administration in Indian country.
 Sec. 105. Federal notice.
 Sec. 106. Detention facilities.
 Sec. 107. Reauthorization for tribal courts training.
 Sec. 108. Amendments to the Indian Civil Rights Act.
 Sec. 109. Public defenders.
 Sec. 110. Offenses in Indian country: trespass on Indian land.
 Sec. 111. Resources for public safety in Indian communities; drug trafficking prevention.
 Sec. 112. Substance abuse prevention tribal action plans.
 Sec. 113. Office of Justice Services spending report.

TITLE II—IMPROVING JUSTICE FOR INDIAN YOUTH

- Sec. 201. Federal jurisdiction over Indian juveniles.
 Sec. 202. Reauthorization of tribal youth programs.
 Sec. 203. Assistance for Indian tribes relating to juvenile crime.
 Sec. 204. Coordinating Council on Juvenile Justice and Delinquency Prevention.
 Sec. 205. Grants for delinquency prevention programs.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Tribal Law and Order Act of 2010 (25
 4 U.S.C. 2801 note; Public Law 111–211) was en-
 5 acted to enhance law enforcement services, encour-
 6 age interagency cooperation, and improve Federal
 7 accountability for public safety in Indian commu-
 8 nities;

9 (2) in 2013, the Bureau of Indian Affairs re-
 10 ported increases in property crimes and violent
 11 crimes in Indian country;

12 (3) according to the Department of Justice, in
 13 2014, 34 percent of the total Indian country crimi-

1 nal matters submitted for prosecution were declined,
2 a percentage that has not decreased significantly
3 since the date of enactment of the Tribal Law and
4 Order Act of 2010 (25 U.S.C. 2801 note; Public
5 Law 111–211) and has remained fairly steady;

6 (4) drug and alcohol abuse is a key contributing
7 factor to violence and crime in Indian communities;

8 (5) substance abuse prevention and treatment,
9 including detention-based treatment, are critical to
10 reducing the rates of recidivism in Indian commu-
11 nities;

12 (6) during the period beginning in 2010 and
13 ending on the date of enactment of this Act, the
14 number of law enforcement officers working on pub-
15 lic safety in Indian country has slightly increased,
16 but according to the Bureau of Indian Affairs, only
17 approximately 43 percent of the total need for those
18 officers is currently being met;

19 (7) for a period of more than 40 years prior to
20 the date of enactment of this Act, the Shadow
21 Wolves, a special unit of tactical officers of the U.S.
22 Immigration and Customs Enforcement, have been
23 deployed throughout the Tohono O’odham Nation
24 reservation in Arizona and have been operating in
25 an area—

1 (A) of more than 5,000 square miles of
2 vast, desert, tribal land in the Southwest, 75
3 square miles of which is an area located along
4 the United States border with Mexico;

5 (B) in which approximately 28,000 Indians
6 reside; and

7 (C) that has been targeted by criminal or-
8 ganizations for use as a major corridor to de-
9 liver contraband from Mexico to locations
10 throughout the United States, including other
11 Indian reservations;

12 (8) many Bureau of Indian Affairs and tribal
13 detention facilities continue to operate in over-
14 crowded conditions;

15 (9) tribes continue to encounter barriers to ac-
16 cessing and entering information into national crime
17 information databases for criminal and civil pur-
18 poses and additional options are needed to ensure
19 Indian tribes can fully participate in the 2-way shar-
20 ing of criminal justice information so that all tribal
21 justice and public safety agencies have access to the
22 data needed to keep their communities safe;

23 (10) American Indian and Alaska Native juve-
24 niles are overrepresented in Federal and State juve-
25 nile justice systems;

(11) there is a lack of training (including trauma-informed training and practices), collaboration, communication, and cooperation among government agencies regarding juvenile justice for Indian youth;

(12) tribal youth in the Federal justice system—

(A) may spend more time in secure confinement than youth in State justice systems, sometimes by several years; and

(B) may be placed in facilities located far away from the communities and families of the tribal youth; and

(13) appropriate services for tribal youth in the Federal and tribal justice systems are unavailable.

TITLE I—TRIBAL LAW AND ORDER

SEC. 101. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT.

(a) SPENDING REPORT.—Section 3(c) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)) is amended—

(1) by striking paragraph (13);

(2) by redesignating paragraphs (14) through (18) as paragraphs (13) through (17), respectively; and

1 (3) in subparagraph (C) of paragraph (15) (as
2 redesignated)—

3 (A) by inserting “(for which any tribal in-
4 formation may be summarized by State)” after
5 “a list”; and

6 (B) by striking “and public safety and
7 emergency communications and technology
8 needs” and inserting “public safety and emer-
9 gency communications and technology needs,
10 and other administrative and supporting needs
11 of program operations, including information
12 technology and other equipment, travel, and
13 training”.

14 (b) ENFORCEMENT OF REPORTING REQUIRE-
15 MENTS.—Section 3 of the Indian Law Enforcement Re-
16 form Act (25 U.S.C. 2802) is amended by adding at the
17 end the following:

18 “(g) ENFORCEMENT OF REPORTING REQUIRE-
19 MENTS.—

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 on the failure of the Director of the Office of Justice
22 Services to submit a report in accordance with para-
23 graph (15) or (16) of subsection (c), the Secretary
24 shall withhold funding for the Office of the Assistant
25 Secretary for Indian Affairs used for the administra-

1 tion of services, including functional expenses such
 2 as overtime, personnel salaries, and associated bene-
 3 fits or related tasks that directly affect those func-
 4 tions, to the extent that the withholding does not ad-
 5 versely impact the capacity of the Secretary to pro-
 6 vide law enforcement services in Indian communities
 7 in accordance with this Act.

8 “(2) RESTORATION.—The Secretary shall re-
 9 store funding withheld in accordance with paragraph
 10 (1) on submission of the applicable report in accord-
 11 ance with paragraph (15) or (16) of subsection (c).”.

12 (c) ALLOWANCE FOR RENTALS OF QUARTERS AND
 13 FACILITIES.—Section 8 of the Indian Law Enforcement
 14 Reform Act (25 U.S.C. 2807) is amended—

15 (1) by striking the section heading and designa-
 16 tion and all that follows through “Notwithstanding
 17 the limitation” and inserting the following:

18 **“SEC. 8. ALLOWANCES.**

19 “(a) UNIFORMS.—Notwithstanding the limitation”;
 20 and

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

22 “(b) RENTALS FOR QUARTERS AND FACILITIES.—
 23 Notwithstanding section 5911 of title 5, United States
 24 Code, the Secretary, on recommendation of the Director
 25 of the Office of Justice Services, shall establish applicable

1 rental rates for quarters and facilities for employees of the
2 Office of Justice Services.”.

3 (d) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
4 Section 4218(b) of the Indian Alcohol and Substance
5 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.
6 2451(b)) is amended by striking “2011 through 2015”
7 and inserting “2018 through 2022”.

8 (e) PUBLIC SAFETY AND COMMUNITY POLICING
9 GRANTS.—Section 1701(j) of the Omnibus Crime Control
10 and Safe Streets Act of 1968 (42 U.S.C. 3796dd(j)) is
11 amended—

12 (1) in paragraph (1), by striking “any fiscal
13 year” and inserting “each fiscal year”; and

14 (2) in paragraph (4), by striking “2011
15 through 2015” and inserting “2018 through 2022”.

16 **SEC. 102. INTEGRATION AND COORDINATION OF PRO-**
17 **GRAMS.**

18 (a) IN GENERAL.—

19 (1) CONSULTATION.—Not later than 1 year
20 after the date of enactment of this Act, the Sec-
21 retary of the Interior, the Secretary of Health and
22 Human Services, and the Attorney General shall
23 consult with Indian tribes regarding—

24 (A) the feasibility and effectiveness of the
25 establishment of base funding for, and the inte-

1 gration and consolidation of, Federal law en-
2 forcement, public safety, and substance abuse
3 and mental health programs for which Indian
4 tribes are eligible, for the purposes of coordi-
5 nating the programs, reducing administrative
6 costs, and improving services for Indian tribes,
7 individual Indians, and Indian communities;

8 (B) the use of a single application and re-
9 porting system for the consolidated approach
10 described in subparagraph (A);

11 (C) the application of chapter 75 of title
12 31, United States Code (commonly known as
13 the “Single Audit Act”) to the consolidated ap-
14 proach described in subparagraph (A);

15 (D) the methodology for interagency trans-
16 fer of funds for the consolidated approach de-
17 scribed in subparagraph (A);

18 (E) the method for Federal oversight for
19 the consolidated approach described in subpara-
20 graph (A); and

21 (F) any legal or administrative barriers to
22 the implementation of the consolidated ap-
23 proach described in subparagraph (A).

24 (2) RESPONSIBILITIES.—As part of the con-
25 sultation described in paragraph (1), each applicable

1 unit of the Department of the Interior, the Depart-
2 ment of Health and Human Services, and the De-
3 partment of Justice shall identify—

4 (A) each program under the jurisdiction of
5 that unit for which an Indian tribe may be eli-
6 gible; and

7 (B) the regulations governing each pro-
8 gram described in subparagraph (A).

9 (3) SUBMISSION OF PLAN.—Not later than 18
10 months after the date of enactment of this Act, the
11 Secretary of the Interior, the Secretary of Health
12 and Human Services, and the Attorney General shall
13 jointly submit to the Committee on Indian Affairs of
14 the Senate, the Committee on Natural Resources of
15 the House of Representatives, and the Committee on
16 the Judiciary of the House of Representatives a plan
17 that includes—

18 (A) the findings of the consultation de-
19 scribed in paragraph (1);

20 (B) the programs identified in accordance
21 with paragraph (2); and

22 (C) any legal or administrative barriers to
23 the implementation of the consolidated ap-
24 proach described in paragraph (1)(A).

1 (b) PROGRAM EVALUATION.—Not later than 18
 2 months after the date of enactment of this Act, the Attor-
 3 ney General shall conduct an evaluation of and submit to
 4 Committee on Indian Affairs of the Senate, the Committee
 5 on Natural Resources of the House of Representatives, the
 6 Committee on the Judiciary of the Senate, and the Com-
 7 mittee on the Judiciary of the House of Representatives
 8 a report on—

9 (1) law enforcement grants and other resources
 10 made available to State, local, and tribal govern-
 11 ments under current requirements encouraging
 12 intergovernmental cooperation;

13 (2) benefits of, barriers to, and the need for
 14 intergovernmental cooperation between State, local,
 15 and tribal governments; and

16 (3) recommendations for incentivizing intergov-
 17 ernmental cooperation, including any legislation or
 18 regulations needed to achieve those incentives.

19 (c) INTERAGENCY COORDINATION AND COOPERA-
 20 TION.—

21 (1) MEMORANDUM OF AGREEMENT.—

22 (A) IN GENERAL.—Not later than 18
 23 months after the date of enactment of this Act,
 24 the Attorney General, acting through the Bu-
 25 reau of Prisons, the Secretary of the Interior,

1 acting through the Office of Justice Services,
2 Bureau of Indian Affairs, and the Secretary of
3 Health and Human Services shall enter into a
4 Memorandum of Agreement to cooperate, con-
5 fer, transfer funds, share resources and, as per-
6 mitted by law, information on matters relating
7 to the detention of Indian inmates, the reduc-
8 tion of recidivism (including through substance
9 abuse treatment and mental and health care
10 services), and the lease or loan of facilities,
11 technical assistance, training, and equipment.

12 (B) STRATEGIES AND BEST PRACTICES.—

13 Not later than 2 years after the date of enact-
14 ment of this Act, the Attorney General, the Sec-
15 retary of the Interior, and the Secretary of
16 Health and Human Services shall enter into a
17 Memorandum of Agreement to develop, share,
18 and implement effective strategies, best prac-
19 tices, and resources, and transfer funds, to im-
20 prove the re-entry of Indian inmates into Indian
21 communities after incarceration.

22 (2) REQUIREMENTS.—Not later than 1 year
23 after the date of enactment of this Act, the Attorney
24 General, the Secretary of the Interior, and the Sec-
25 retary of Health and Human Services shall—

1 (A) consult with and solicit comments from
2 entities as described in section 4205(c) of the
3 Indian Alcohol and Substance Abuse Prevention
4 and Treatment Act of 1986 (25 U.S.C.
5 2411(c)); and

6 (B) submit to the Committee on Indian Af-
7 fairs of the Senate, the Committee on Natural
8 Resources of the House of Representatives, the
9 Committee on the Judiciary of the Senate, and
10 the Committee on the Judiciary of the House of
11 Representatives a report regarding any legal or
12 regulatory impediments to carrying out sub-
13 paragraphs (A) and (B) of paragraph (1).

14 (3) REPORT.—Not later than 4 years after the
15 date of enactment of this Act, the Attorney General,
16 the Secretary of the Interior, and the Secretary of
17 Health and Human Services shall submit to the
18 Committee on Indian Affairs of the Senate, the
19 Committee on Natural Resources of the House of
20 Representatives, the Committee on the Judiciary of
21 the Senate, and the Committee on the Judiciary of
22 the House of Representatives a report regarding the
23 implementation of the Memoranda of Agreement
24 under subparagraphs (A) and (B) of paragraph (1).

1 **SEC. 103. DATA SHARING WITH INDIAN TRIBES.**

2 (a) INFORMATION SHARING WITH INDIAN TRIBES.—

3 Section 534(d) of title 28, United States Code, is amend-
4 ed—

5 (1) by redesignating paragraphs (1) and (2) as
6 subparagraphs (A) and (B), respectively, and indent-
7 ing appropriately;

8 (2) in the matter preceding subparagraph (A)
9 (as so redesignated), by striking “The Attorney Gen-
10 eral” and inserting the following:

11 “(1) IN GENERAL.—The Attorney General”;
12 and

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

14 “(2) TRIBAL ACCESS PROGRAM.—Out of any
15 funds available and not otherwise obligated, the At-
16 torney General shall establish and carry out a tribal
17 access program to enhance the ability of tribal gov-
18 ernments to access, enter information into, and ob-
19 tain information from, Federal criminal information
20 databases as authorized under this section.

21 “(3) INFORMATION SHARING.—Any report
22 issued as a result of the analysis of information en-
23 tered into Federal criminal information databases or
24 obtained from Federal criminal databases, including
25 for the purpose of conducting background checks,
26 shall be shared with Indian tribes of jurisdiction.”.

1 (b) ACCESS TO NATIONAL CRIMINAL INFORMATION
2 DATABASES.—Section 233(b) of the Tribal Law and
3 Order Act of 2010 (28 U.S.C. 534 note; Public Law 111–
4 211) is amended by striking paragraph (1) and inserting
5 the following:

6 “(1) IN GENERAL.—The Attorney General shall
7 ensure that—

8 “(A) tribal law enforcement officials that
9 meet applicable Federal or State requirements
10 be permitted access to national crime informa-
11 tion databases;

12 “(B) technical assistance and training to
13 Bureau of Indian Affairs and tribal law en-
14 forcement officials is provided to gain access
15 and input authority to use the National Crimi-
16 nal Information Center and other national
17 crime information databases pursuant to sec-
18 tion 534 of title 28, United States Code; and

19 “(C) the Federal Bureau of Investigation
20 coordinates with the Office of Justice Services,
21 Bureau of Indian Affairs, to ensure Indian trib-
22 al law enforcement agencies are assigned appro-
23 priate credentials or ORI numbers for uniform
24 crime reporting purposes.”.

1 (c) BUREAU OF JUSTICE STATISTICS.—Section
 2 302(d) of the Omnibus Crime Control and Safe Streets
 3 Act of 1968 (42 U.S.C. 3732(d)) is amended—

4 (1) by striking the subsection designation and
 5 all that follows through “To ensure” in paragraph
 6 (1) and inserting the following:

7 “(d) JUSTICE STATISTICAL COLLECTION, ANALYSIS,
 8 AND DISSEMINATION.—

9 “(1) IN GENERAL.—To ensure”;

10 (2) in paragraph (1)—

11 (A) in subparagraph (E), by striking
 12 “and” at the end;

13 (B) in subparagraph (F), by striking the
 14 period at the end and inserting “; and”; and

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

16 “(G) confer and cooperate with the Bureau
 17 of Indian Affairs as needed to carry out the
 18 purposes of this part, including by entering into
 19 cooperative resource and data sharing agree-
 20 ments in conformity with all laws and regula-
 21 tions applicable to the disclosure and use of
 22 data.”; and

23 (3) in paragraph (2)—

24 (A) by striking “The Director” and insert-
 25 ing the following:

1 “(A) IN GENERAL.—The Director”; and

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

3 “(B) INFORMATION SHARING REQUIRE-
4 MENT.—Analysis of the information collected
5 under subparagraph (A) shall be shared with
6 the Indian tribe that provided the information
7 that was collected.”.

8 (d) REPORTS TO TRIBES.—Section 10(b) of the In-
9 dian Law Enforcement Reform Act (25 U.S.C. 2809(b))
10 is amended—

11 (1) in paragraph (1)—

12 (A) in subparagraph (B), by redesignating
13 clauses (i) and (ii) as subclauses (I) and (II),
14 respectively, and indenting appropriately; and

15 (B) by redesignating subparagraphs (A)
16 and (B) as clauses (i) and (ii), respectively, and
17 indenting appropriately;

18 (2) by redesignating paragraphs (1) and (2) as
19 subparagraphs (A) and (B), respectively, and indent-
20 ing appropriately;

21 (3) in the matter preceding subparagraph (A)
22 (as so redesignated), by striking “The Attorney Gen-
23 eral” and inserting the following:

24 “(1) IN GENERAL.—The Attorney General”;

25 and

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

2 “(2) CONSULTATION.—Not later than 1 year
3 after the date of enactment of the Tribal Law and
4 Order Reauthorization and Amendments Act of
5 2017, the Attorney General shall consult with Indian
6 tribes, including appropriate tribal justice officials,
7 regarding—

8 “(A) the annual reports described in para-
9 graph (1) to improve the data collected, the in-
10 formation reported, and the reporting system;
11 and

12 “(B) improvements to the processes for the
13 satisfaction of the requirements for coordination
14 described in paragraphs (1) and (3) of sub-
15 section (a), or to the reporting requirements
16 under paragraph (1).

17 “(3) ENFORCEMENT OF REPORTING REQUIRE-
18 MENTS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), on the failure of the Attorney Gen-
21 eral to submit a report in accordance with para-
22 graph (1), the Attorney General shall withhold
23 funding for the Director of the Federal Bureau
24 of Investigation and the Director of the Execu-
25 tive Office for United States Attorneys used for

the administration of services, including functional expenses such as overtime, personnel salaries, and associated benefits or related tasks that directly affect those functions, to the extent that the withholding does not adversely impact the capacity of the Attorney General to provide law enforcement, investigation, or prosecution services.

“(B) RESTORATION.—The Attorney General shall restore funding withheld in accordance with subparagraph (A) on submission of the applicable report in accordance with paragraph (1).”.

SEC. 104. JUDICIAL ADMINISTRATION IN INDIAN COUNTRY.

(a) BUREAU OF PRISONS TRIBAL PRISONER PROGRAM.—Section 234(c) of the Tribal Law and Order Act of 2010 (25 U.S.C. 1302 note; Public Law 111–211) is amended—

(1) in paragraph (5), by striking “3 years after the date of establishment of the pilot program” and inserting “5 years after the date of enactment of the Tribal Law and Order Reauthorization and Amendments Act of 2017”;

(2) by redesignating paragraph (6) as paragraph (7);

1 (3) by inserting after paragraph (5) the fol-
 2 lowing:

3 “(6) CONSULTATION.—Not later than 1 year
 4 after the date of enactment of the Tribal Law and
 5 Order Reauthorization and Amendments Act of
 6 2017, the Director of the Bureau of Prisons and the
 7 Director of the Office of Justice Services of the Bu-
 8 reau of Indian Affairs shall coordinate and consult
 9 with Indian tribes to develop improvements in imple-
 10 menting the pilot program, including intergovern-
 11 mental communication, training, processes, and
 12 other subject matters as appropriate.”; and

13 (4) in paragraph (7) (as redesignated), by strik-
 14 ing “paragraph shall expire on the date that is 4
 15 years after the date on which the program is estab-
 16 lished” and inserting “subsection shall expire on the
 17 date that is 7 years after the date of enactment of
 18 the Tribal Law and Order Reauthorization and
 19 Amendments Act of 2017”.

20 (b) CONSULTATION FOR JUVENILE JUSTICE RE-
 21 FORM.—Section 3 of the Indian Law Enforcement Reform
 22 Act (25 U.S.C. 2802) (as amended by section 101(b)) is
 23 amended by adding at the end the following:

24 “(h) CONSULTATION FOR JUVENILE JUSTICE RE-
 25 FORM.—Not later than 1 year after date of enactment of

1 this subsection, the Director of the Bureau of Indian Af-
2 fairs, the Director of the Bureau of Prisons, the Director
3 of the Indian Health Service, the Administrator of the Of-
4 fice of Juvenile Justice and Delinquency Prevention, and
5 the Administrator of the Substance Abuse and Mental
6 Health Services Administration shall consult with Indian
7 tribes regarding Indian juvenile justice and incarceration,
8 including—

9 “(1) the potential for using Bureau of Indian
10 Affairs or tribal juvenile facilities for the incarcer-
11 ation of Indian youth in the Federal system as alter-
12 native locations closer to the communities of the In-
13 dian youth;

14 “(2) improving community-based options for
15 the services needed and available for Indian youth in
16 Federal incarceration;

17 “(3) barriers to the use of—

18 “(A) alternatives to incarceration; or

19 “(B) cross-agency services for Indian
20 youth in incarceration; and

21 “(4) the application of the Federal sentencing
22 guidelines to Indian youth.”.

1 **SEC. 105. FEDERAL NOTICE.**

2 Section 10 of the Indian Law Enforcement Reform
3 Act (25 U.S.C. 2809) is amended by adding at the end
4 the following:

5 “(d) **FEDERAL NOTICE.**—On conviction in any dis-
6 trict court of the United States of an enrolled member
7 of a federally recognized Indian tribe, the Office of the
8 United States Attorney for the district in which the mem-
9 ber was convicted shall provide to the appropriate tribal
10 justice official notice of the conviction and any other perti-
11 nent information.”.

12 **SEC. 106. DETENTION FACILITIES.**

13 (a) **INDIAN LAW ENFORCEMENT REFORM ACT.**—
14 Section 3 of the Indian Law Enforcement Reform Act (25
15 U.S.C. 2802) (as amended by section 104(b)) is amended
16 by adding at the end the following:

17 “(i) **ALTERNATIVES TO DETENTION.**—In carrying
18 out the responsibilities of the Secretary under this Act or
19 title II of Public Law 90–284 (commonly known as the
20 ‘Indian Civil Rights Act of 1968’) (25 U.S.C. 1301 et
21 seq.), the Secretary shall authorize an Indian tribe car-
22 rying out a contract or compact pursuant to the Indian
23 Self-Determination and Education Assistance Act (25
24 U.S.C. 5304 et seq.), on request of the Indian tribe, to
25 use any available detention funding from the contract or
26 compact for such appropriate alternatives to detention to

1 which the Indian tribe and Secretary, acting through the
 2 Director of the Office of Justice Services, mutually
 3 agree.”.

4 (b) INDIAN TRIBAL JUSTICE ACT.—Section 103 of
 5 the Indian Tribal Justice Act (25 U.S.C. 3613) is amend-
 6 ed—

7 (1) by redesignating subsection (c) as sub-
 8 section (d); and

9 (2) by inserting after subsection (b) the fol-
 10 lowing:

11 “(c) ALTERNATIVES TO DETENTION.—In carrying
 12 out the responsibilities of the Secretary under this Act or
 13 title II of Public Law 90–284 (commonly known as the
 14 ‘Indian Civil Rights Act of 1968’) (25 U.S.C. 1301 et
 15 seq.), the Secretary shall authorize an Indian tribe car-
 16 rying out a contract or compact pursuant to the Indian
 17 Self-Determination and Education Assistance Act (25
 18 U.S.C. 5304 et seq.), on request of the Indian tribe, to
 19 use any available detention funding from the contract or
 20 compact for such appropriate alternatives to detention to
 21 which the Indian tribe and Secretary, acting through the
 22 Director of the Office of Justice Services, mutually
 23 agree.”.

24 (c) JUVENILE DETENTION CENTERS.—Section
 25 4220(b) of the Indian Alcohol and Substance Abuse Pre-

1 vention and Treatment Act of 1986 (25 U.S.C. 2453(b))
 2 is amended by striking “2011 through 2015” each place
 3 it appears and inserting “2018 through 2022”.

4 (d) PAYMENTS FOR INCARCERATION ON TRIBAL
 5 LAND.—Section 20109(a) of the Violent Crime Control
 6 and Law Enforcement Act of 1994 (34 U.S.C. 12109) is
 7 amended by striking “2011 through 2015” and inserting
 8 “2018 through 2022”.

9 **SEC. 107. REAUTHORIZATION FOR TRIBAL COURTS TRAIN-**
 10 **ING.**

11 (a) TRIBAL JUSTICE SYSTEMS.—Section 201 of the
 12 Indian Tribal Justice Act (25 U.S.C. 3621) is amended
 13 by striking “2011 through 2015” each place it appears
 14 and inserting “2018 through 2022”.

15 (b) TECHNICAL AND LEGAL ASSISTANCE.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—
 17 Section 107 of the Indian Tribal Justice Technical
 18 and Legal Assistance Act of 2000 (25 U.S.C. 3666)
 19 is amended by striking “2011 through 2015” and
 20 inserting “2018 through 2022”.

21 (2) GRANTS.—Section 201(d) of the Indian
 22 Tribal Justice Technical and Legal Assistance Act of
 23 2000 (25 U.S.C. 3681(d)) is amended by striking
 24 “2011 through 2015” and inserting “2018 through
 25 2022”.

1 **SEC. 108. AMENDMENTS TO THE INDIAN CIVIL RIGHTS ACT.**

2 (a) CONSTITUTIONAL RIGHTS.—Section 202(a)(10)
 3 of Public Law 90–284 (commonly known as the “Indian
 4 Civil Rights Act of 1968”) (25 U.S.C. 1302(a)(10)) is
 5 amended by inserting “for 180 days or more” after “pun-
 6 ishable by imprisonment”.

7 (b) RIGHTS OF DEFENDANTS.—Section 204(d)(3) of
 8 Public Law 90–284 (commonly known as the “Indian Civil
 9 Rights Act of 1968”) (25 U.S.C. 1304(d)(3)) is amended
 10 in the matter preceding subparagraph (A), by striking
 11 “the right” and inserting “if a term of imprisonment of
 12 180 days or more may be imposed, the right”.

13 **SEC. 109. PUBLIC DEFENDERS.**

14 The Indian Law Enforcement Reform Act is amend-
 15 ed by inserting after section 13 (25 U.S.C. 2810) the fol-
 16 lowing:

17 **“SEC. 13A. TRIBAL LIAISONS.**

18 “(a) APPOINTMENT.—

19 “(1) IN GENERAL.—The Federal Public De-
 20 fender for each district that includes Indian country
 21 shall appoint not less than 1 assistant Federal Pub-
 22 lic Defender to serve as a tribal liaison for the dis-
 23 trict.

24 “(2) SENSE OF CONGRESS.—It is the sense of
 25 Congress that in appointing tribal liaisons under
 26 paragraph (1), the Federal Public Defender should

1 consult with tribal justice officials from each Indian
2 tribe that would be affected by the appointment.

3 “(b) DUTIES.—

4 “(1) IN GENERAL.—The duties of a tribal liai-
5 son shall include the following:

6 “(A) Developing working relationships and
7 maintaining communication with tribal leaders
8 and tribal community, including the interchange
9 and understanding of cultural issues that may
10 impact the effective assistance of counsel.

11 “(B) Providing technical assistance and
12 training regarding criminal defense techniques
13 and strategies, forensics, and reentry programs
14 and strategies for responding to crimes occur-
15 ring in Indian country.

16 “(2) SENSE OF CONGRESS.—It is the sense of
17 Congress that—

18 “(A) in evaluating the performance of trib-
19 al liaisons, and as part of the staffing formulas
20 for Federal Defenders, the Administrative Of-
21 fice of the United States Courts should take
22 into consideration the multiple duties of tribal
23 liaisons described in paragraph (1); and

24 “(B) the Director of the Administrative
25 Office of the United States Courts and the At-

1 torney General should work together to ensure
 2 that each district that includes Indian country
 3 has sufficient resources to provide adequate
 4 representation.”.

5 **SEC. 110. OFFENSES IN INDIAN COUNTRY: TRESPASS ON IN-**
 6 **DIAN LAND.**

7 Section 1165 of title 18, United States Code, is
 8 amended—

9 (1) in the section heading, by striking “**Hunt-**
 10 **ing, trapping, or fishing**” and inserting
 11 “**Criminal trespass**”;

12 (2) by inserting “(referred to in this section as
 13 ‘tribal land’)” after “for Indian use”;

14 (3) by striking “Whoever, without lawful au-
 15 thority” and inserting the following:

16 “(a) HUNTING, TRAPPING, OR FISHING ON INDIAN
 17 LAND.—Whoever, without lawful authority”; and

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

19 “(b) VIOLATION OF TRIBAL EXCLUSION ORDER.—

20 “(1) DEFINITION OF EXCLUSION ORDER.—In
 21 this subsection, the term ‘exclusion order’ means an
 22 order issued in a proceeding by a court of an Indian
 23 tribe that temporarily or permanently excludes a
 24 person from tribal land because of a conviction
 25 under the criminal laws of the tribal government—

1 “(A) for a violent crime (as defined under
2 applicable tribal law); or

3 “(B) for the sale or distribution of con-
4 trolled substances.

5 “(2) VIOLATION DESCRIBED.—It shall be un-
6 lawful for any person to knowingly violate the terms
7 of an exclusion order that was issued by a court of
8 an Indian tribe in accordance with paragraph (4).

9 “(3) PENALTY.—Any person who violates para-
10 graph (2) shall be fined up to \$5,000 or imprisoned
11 for up to 1 year, or both.

12 “(4) REQUIREMENTS.—The violation described
13 in paragraph (2) applies only to an exclusion
14 order—

15 “(A) for which—

16 “(i) the respondent was served with,
17 or had actual notice of, the underlying
18 complaint; and

19 “(ii) the underlying complaint in-
20 cluded—

21 “(I) a plain statement of facts
22 that, if true, would provide the basis
23 for the issuance of an exclusion order
24 against the respondent;

1 “(II) the date, time, and place
2 for a hearing on the complaint; and

3 “(III) a statement informing the
4 respondent that if the respondent fails
5 to appear at the hearing on the com-
6 plaint, an order may issue, the viola-
7 tion of which may result in—

8 “(aa) criminal prosecution
9 under Federal law; and

10 “(bb) the imposition of a
11 fine or imprisonment, or both;

12 “(B) for which a hearing on the underlying
13 complaint sufficient to protect the right of the
14 respondent to due process was held on the
15 record, at which the respondent was provided
16 an opportunity to be heard and present testi-
17 mony of witnesses and other evidence as to why
18 the order should not issue;

19 “(C) that—

20 “(i) temporarily or permanently ex-
21 cludes the respondent from tribal land
22 under the jurisdiction of the applicable In-
23 dian tribe; and

24 “(ii) includes a statement that a viola-
25 tion of the order may result in—

1 “(I) criminal prosecution under
 2 Federal law; and
 3 “(II) the imposition of a fine or
 4 imprisonment, or both; and
 5 “(D) with which the respondent was served
 6 or of which the respondent had actual notice.”.

7 **SEC. 111. RESOURCES FOR PUBLIC SAFETY IN INDIAN COM-**
 8 **MUNITIES; DRUG TRAFFICKING PREVENTION.**

9 (a) SHADOW WOLVES.—

10 (1) IN GENERAL.—There is established within
 11 the Bureau of Immigration and Customs Enforce-
 12 ment of the Department of Homeland Security a di-
 13 vision to be known as the “Shadow Wolves Divi-
 14 sion”.

15 (2) DUTIES.—The Shadow Wolves Division
 16 shall—

17 (A) carry out such duties as are assigned
 18 by the Director of the Bureau of Immigration
 19 and Customs Enforcement; and

20 (B) in carrying out those duties, coordi-
 21 nate with the Bureau of Indian Affairs and
 22 other applicable Federal agencies and State and
 23 tribal governments.

24 (b) REAUTHORIZATION OF FUNDING TO COMBAT IL-
 25 LEGAL NARCOTICS TRAFFICKING.—Section 4216 of the

1 Indian Alcohol and Substance Abuse Prevention and
 2 Treatment Act of 1986 (25 U.S.C. 2442) is amended by
 3 striking “2011 through 2015” each place it appears and
 4 inserting “2018 through 2022”.

5 (c) MAINTENANCE OF CERTAIN INDIAN RESERVA-
 6 TION ROADS.—The Commissioner of U.S. Customs and
 7 Border Protection may transfer funds to the Director of
 8 the Bureau of Indian Affairs to maintain or repair roads
 9 under the jurisdiction of the Director, on the condition
 10 that the Commissioner and the Director mutually agree
 11 that the primary user of the subject road is U.S. Customs
 12 and Border Protection.

13 **SEC. 112. SUBSTANCE ABUSE PREVENTION TRIBAL ACTION**
 14 **PLANS.**

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

19 (1) in the matter preceding paragraph (1), by
 20 inserting “the Secretary of Agriculture, the Sec-
 21 retary of Housing and Urban Development,” after
 22 “the Attorney General,”;

23 (2) in paragraph (2)(A), by inserting “the De-
 24 partment of Agriculture, the Department of Housing

1 and Urban Development,” after “Services Adminis-
 2 tration,”;

3 (3) in paragraph (5), by inserting “the Depart-
 4 ment of Agriculture, the Department of Housing
 5 and Urban Development,” after “Services Adminis-
 6 tration,”; and

7 (4) in paragraph (7) by inserting “the Sec-
 8 retary of Agriculture, the Secretary of Housing and
 9 Urban Development,” after “the Attorney General,”.

10 (b) REAUTHORIZATION OF TRIBAL ACTION PLANS
 11 FUNDS.—Section 4206(d)(2) of the Indian Alcohol and
 12 Substance Abuse Prevention and Treatment Act of 1986
 13 (25 U.S.C. 2412(d)(2)) is amended by striking “2011
 14 through 2015” and inserting “2018 through 2022”.

15 (c) GRANTS FOR TRAINING, EDUCATION, AND PRE-
 16 VENTION PROGRAMS.—Section 4206(f)(3) of the Indian
 17 Alcohol and Substance Abuse Prevention and Treatment
 18 Act of 1986 (25 U.S.C. 2412(f)(3)) is amended by striking
 19 “2011 through 2015” and inserting “2018 through
 20 2022”.

21 **SEC. 113. OFFICE OF JUSTICE SERVICES SPENDING RE-**
 22 **PORT.**

23 Section 3(c)(16)(C) of the Indian Law Enforcement
 24 Reform Act (25 U.S.C. 2802(c)(16)(C)) is amended by in-

1 serting “health care, behavioral health, and tele-health
2 needs at tribal jails,” after “court facilities,”.

3 **SEC. 114. TRAFFICKING VICTIMS PROTECTION.**

4 Section 107(f)(3) of the Trafficking Victims Protec-
5 tion Act of 2000 (22 U.S.C. 7105(f)(3)) is amended by
6 adding at the end the following:

7 “(C) REPORT.—For each grant awarded
8 under this subsection and for each pilot pro-
9 gram authorized or implemented under this sec-
10 tion, the Secretary of Health and Human Serv-
11 ices and the Attorney General, in consultation
12 with the Secretary of Labor, shall submit to
13 Congress a report that lists—

14 “(i) the total number of entities that
15 received a grant under this subsection that
16 directly serve or are Indian tribal govern-
17 ments or tribal organizations; and

18 “(ii) the total number of health care
19 providers and other related providers that
20 participated in training supported by the
21 pilot program who are employees of the In-
22 dian Health Service.”.

1 **SEC. 115. REPORTING ON INDIAN VICTIMS OF TRAF-**
 2 **FICKING.**

3 (a) IN GENERAL.—The Director of the Office on Vio-
 4 lence Against Women, the Director of the Office for Vic-
 5 tims of Crime, and the Administrator of the Office of Ju-
 6 venile Justice and Delinquency Prevention shall each re-
 7 quire each grantee to report—

8 (1) the number of human trafficking victims
 9 served with grant funding; and

10 (2) as appropriate, whether the victims were
 11 members of an Indian tribe.

12 (b) REPORT.—Not later than January 1 of each year,
 13 the Attorney General shall submit to Congress a report
 14 on the data collected in accordance with subsection (a).

15 **TITLE II—IMPROVING JUSTICE**
 16 **FOR INDIAN YOUTH**

17 **SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVE-**
 18 **NILES.**

19 Section 5032 of title 18, United States Code, is
 20 amended—

21 (1) in the first undesignated paragraph—

22 (A) in paragraph (1), by inserting “or In-
 23 dian tribe” after “court of a State”; and

24 (B) in paragraph (2), by inserting “or In-
 25 dian tribe” after “the State”;

26 (2) in the second undesignated paragraph—

1 (A) in the first sentence, by inserting “or
2 Indian tribe” after “such State”; and

3 (B) by adding at the end the following: “In
4 this section, the term ‘Indian tribe’ has the
5 meaning given the term in section 102 of the
6 Federally Recognized Indian Tribe List Act of
7 1994 (25 U.S.C. 5130).”;

8 (3) in the third undesignated paragraph, in the
9 first sentence, by inserting “or Indian tribe” after
10 “State”; and

11 (4) in the fourth undesignated paragraph, in
12 the first sentence—

13 (A) by inserting “or Indian tribal” after
14 “State”; and

15 (B) by inserting “, or of a representative
16 of an Indian tribe of which the juvenile is a
17 member,” after “counsel”.

18 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**
19 **GRAMS.**

20 (a) SUMMER YOUTH PROGRAMS.—Section
21 4212(a)(3) of the Indian Alcohol and Substance Abuse
22 Prevention and Treatment Act of 1986 (25 U.S.C.
23 2432(a)(3)) is amended by striking “2011 through 2015”
24 and inserting “2018 through 2022”.

1 (b) EMERGENCY SHELTERS.—Section 4213(e) of the
 2 Indian Alcohol and Substance Abuse Prevention and
 3 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended,
 4 in paragraphs (1) and (2), by striking “2011 through
 5 2015” each place it appears and inserting “2018 through
 6 2022”.

7 **SEC. 203. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
 8 **JUVENILE CRIME.**

9 The Indian Law Enforcement Reform Act (25 U.S.C.
 10 2801 et seq.) is amended by adding at the end the fol-
 11 lowing:

12 **“SEC. 18. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
 13 **JUVENILE CRIME.**

14 “(a) ACTIVITIES.—Not later than one year after the
 15 date of enactment of this section, the Secretary shall co-
 16 ordinate with the Attorney General and the Administrator
 17 of the Office of Juvenile Justice and Delinquency Preven-
 18 tion within the Department of Justice (referred to in this
 19 section as the ‘Administrator’)—

20 “(1) to assist Indian tribal governments in ad-
 21 dressing juvenile offenses and crime through tech-
 22 nical assistance, research, training, evaluation, and
 23 the dissemination of information on effective, evi-
 24 dence-based, and promising programs and practices
 25 for combating juvenile delinquency;

1 “(2) to conduct consultation, not less frequently
2 than biannually, with Indian tribes regarding—

3 “(A) strengthening the government-to-gov-
4 ernment relationship between the Federal Gov-
5 ernment and Indian tribes relating to juvenile
6 justice issues;

7 “(B) improving juvenile delinquency pro-
8 grams, services, and activities affecting Indian
9 youth and Indian tribes;

10 “(C) improving coordination among Fed-
11 eral departments and agencies to reduce juve-
12 nile offenses, delinquency, and recidivism;

13 “(D) the means by which traditional or
14 cultural tribal programs may serve or be devel-
15 oped as promising or evidence-based programs;

16 “(E) a process and means of submitting to
17 the Attorney General and the Secretary an
18 analysis and evaluation of the effectiveness of
19 the programs and activities carried out for juve-
20 nile justice systems in which Indian youth are
21 involved, including a survey of tribal needs; and

22 “(F) any other matters relating to improv-
23 ing juvenile justice for Indian youth;

24 “(3) to develop a means for collecting data on
25 the number of offenses committed by Indian youth

1 in Federal, State, and tribal jurisdictions, including
 2 information regarding the tribal affiliation or mem-
 3 bership of the youth;

4 “(4) to develop a process for informing Indian
 5 tribal governments when a juvenile member of that
 6 Indian tribe comes in contact with the juvenile jus-
 7 tice system of the Federal, State or other unit of
 8 local government and for facilitating intervention by,
 9 the provision of services by, or coordination with,
 10 such Indian tribe for any Indian juvenile member of
 11 that Indian tribe or other local Indian tribes;

12 “(5) to facilitate the incorporation of tribal cul-
 13 tural or traditional practices designed to reduce de-
 14 linquency among Indian youth into Federal, State,
 15 or other unit of local government juvenile justice
 16 systems or programs;

17 “(6) to develop or incorporate in existing pro-
 18 grams partnerships among State educational agen-
 19 cies, local educational agencies, and Bureau-funded
 20 schools (as defined in section 1141 of the Education
 21 Amendments of 1978 (25 U.S.C. 2021)); and

22 “(7) to conduct research and evaluate—

23 “(A) the number of Indian juveniles who,
 24 prior to placement in the juvenile justice sys-
 25 tem, were under the care or custody of a State

1 or tribal child welfare system and the number
2 of Indian juveniles who are unable to return to
3 their family after completing their disposition in
4 the juvenile justice system and who remain
5 wards of the State or Indian tribe;

6 “(B) the extent to which State and tribal
7 juvenile justice systems and child welfare sys-
8 tems are coordinating systems and treatment
9 for the juveniles referred to in subparagraph
10 (A);

11 “(C) the types of post-placement services
12 used;

13 “(D) the frequency of case plan reviews for
14 juveniles referred to in subparagraph (A) and
15 the extent to which these case plans identify
16 and address permanency and placement bar-
17 riers and treatment plans;

18 “(E) services, treatment, and aftercare
19 placement of Indian juveniles who were under
20 the care of the State or tribal child protection
21 system before their placement in the juvenile
22 justice system; and

23 “(F) the frequency, seriousness, and inci-
24 dence of drug use by Indian youth in schools
25 and tribal communities.

1 “(b) CONSULTATION POLICY.—Not later than one
 2 year after the date of enactment of this section, the Attor-
 3 ney General and the Administrator shall issue a tribal con-
 4 sultation policy for the Office of Juvenile Justice and De-
 5 linquency Prevention to govern the consultation by the Of-
 6 fice to be conducted under subsection (a).

7 “(c) REPORT.—The Administrator shall submit to
 8 the Committee on Indian Affairs of the Senate and the
 9 Committee on Education and the Workforce of the House
 10 of Representatives a report that summarizes the results
 11 of the consultation activities described in subsection (a)(2)
 12 and consultation policy described in subsection (b) and
 13 any recommendations of the Coordinating Council on Ju-
 14 venile Justice and Delinquency Prevention regarding im-
 15 proving resource and service delivery to Indian tribal com-
 16 munities.”.

17 **SEC. 204. COORDINATING COUNCIL ON JUVENILE JUSTICE**
 18 **AND DELINQUENCY PREVENTION.**

19 Section 206 of the Juvenile Justice and Delinquency
 20 Prevention Act of 1974 (34 U.S.C. 11116) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by inserting “the Director of the
 24 Indian Health Service,” after “the Sec-

1 retary of Health and Human Services,”;
2 and

3 (ii) by striking “Commissioner of Im-
4 migration and Naturalization” and insert-
5 ing “Assistant Secretary for Immigration
6 and Customs Enforcement, the Secretary
7 of the Interior, the Assistant Secretary for
8 Indian Affairs”; and

9 (B) in paragraph (2)(A), by striking
10 “United States” and inserting “Federal Gov-
11 ernment”; and

12 (2) in subsection (c)(1)—

13 (A) in the first sentence, by inserting “,
14 tribal,” after “State”; and

15 (B) in the second sentence, by inserting
16 “tribal,” before “and local”.

17 **SEC. 205. GRANTS FOR DELINQUENCY PREVENTION PRO-**
18 **GRAMS.**

19 Section 504 of the Juvenile Justice and Delinquency
20 Prevention Act of 1974 (34 U.S.C. 11313) is amended—

21 (1) in subsection (a), in the matter preceding
22 paragraph (1), by striking “tribe” and inserting
23 “tribes”; and

- 1 (2) in subsection (d)(4), by striking “2011
2 through 2015” and inserting “2018 through 2022”.

○