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116TH CONGRESS
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S. 210

[Report No. 116–37]

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

JANUARY 24, 2019

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

MAY 6, 2019

Reported by Mr. HOEVEN, without amendment

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Tribal Law and Order Reauthorization and Amendments
4 Act of 2019”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 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. Authority to execute emergency orders.

Sec. 103. Detention services.

Sec. 104. Tribal law enforcement Officers.

Sec. 105. Oversight, coordination, and accountability.

Sec. 106. Integration and coordination of programs.

Sec. 107. Data sharing with Indian tribes.

Sec. 108. Judicial administration in Indian country.

Sec. 109. Federal notice.

Sec. 110. Detention facilities.

Sec. 111. Reauthorization for tribal courts training.

Sec. 112. Public defenders.

Sec. 113. Offenses in Indian country: trespass on Indian land.

Sec. 114. Resources for public safety in Indian communities; drug trafficking
prevention.

Sec. 115. Substance abuse prevention tribal action plans.

Sec. 116. Office of Justice Services spending report.

Sec. 117. Trafficking Victims Protection.

Sec. 118. Reporting on Indian victims of trafficking.

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 Preven-
tion.

Sec. 205. Grants for delinquency prevention programs.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) the Tribal Law and Order Act of 2010 (25
10 U.S.C. 2801 note; Public Law 111–211) was en-

1 acted to enhance law enforcement services, encour-
2 age interagency cooperation, and improve Federal
3 accountability for public safety in Indian commu-
4 nities;

5 (2) in 2013, the Bureau of Indian Affairs re-
6 ported increases in property crimes and violent
7 crimes in Indian country;

8 (3) according to the Department of Justice, in
9 2014, 34 percent of the total Indian country crimi-
10 nal matters submitted for prosecution were declined,
11 a percentage that has not decreased significantly
12 since the date of enactment of the Tribal Law and
13 Order Act of 2010 (25 U.S.C. 2801 note; Public
14 Law 111–211) and has remained fairly steady;

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

17 (5) substance abuse prevention and treatment,
18 including detention-based treatment, are critical to
19 reducing the rates of recidivism in Indian commu-
20 nities;

21 (6) during the period beginning in 2010 and
22 ending on the date of enactment of this Act, the
23 number of law enforcement officers working on pub-
24 lic safety in Indian country has slightly increased,
25 but according to the Bureau of Indian Affairs, only

1 approximately 43 percent of the total need for those
2 officers is currently being met;

3 (7) for a period of more than 40 years prior to
4 the date of enactment of this Act, the Shadow
5 Wolves, a special unit of tactical officers of the U.S.
6 Immigration and Customs Enforcement, have been
7 deployed throughout the Tohono O'odham Nation
8 reservation in Arizona and have been operating in
9 an area—

10 (A) of more than 5,000 square miles of
11 vast, desert, tribal land in the Southwest, 75
12 square miles of which is an area located along
13 the United States border with Mexico;

14 (B) in which approximately 28,000 Indians
15 reside; and

16 (C) that has been targeted by criminal or-
17 ganizations for use as a major corridor to de-
18 liver contraband from Mexico to locations
19 throughout the United States, including other
20 Indian reservations;

21 (8) many Bureau of Indian Affairs and tribal
22 detention facilities continue to operate in over-
23 crowded conditions;

24 (9) tribes continue to encounter barriers to ac-
25 cessing and entering information into national crime

1 information databases for criminal and civil pur-
2 poses and additional options are needed to ensure
3 Indian tribes can fully participate in the 2-way shar-
4 ing of criminal justice information so that all tribal
5 justice and public safety agencies have access to the
6 data needed to keep their communities safe;

7 (10) American Indian and Alaska Native juve-
8 niles are overrepresented in Federal and State juve-
9 nile justice systems;

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

14 (12) tribal youth in the Federal justice sys-
15 tem—

16 (A) may spend more time in secure con-
17 finement than youth in State justice systems,
18 sometimes by several years; and

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

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

TITLE I—TRIBAL LAW AND ORDER

SEC. 101. BUREAU OF INDIAN AFFAIRS LAW ENFORCE- MENT.

(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

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

(A) by inserting “(for which any tribal information may be summarized by State)” after “a list”; and

(B) by striking “and public safety and emergency communications and technology needs” and inserting “public safety and emergency communications and technology needs, and other administrative and supporting needs of program operations, including information technology and other equipment, travel, and training”.

1 (b) ALLOWANCE FOR RENTALS OF QUARTERS AND
 2 FACILITIES.—Section 8 of the Indian Law Enforcement
 3 Reform Act (25 U.S.C. 2807) is amended—

4 (1) by striking the section heading and designa-
 5 tion and all that follows through “Notwithstanding
 6 the limitation” and inserting the following:

7 **“SEC. 8. ALLOWANCES.**

8 “(a) UNIFORMS.—Notwithstanding the limitation”;
 9 and

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

11 “(b) RENTALS FOR QUARTERS AND FACILITIES.—
 12 Notwithstanding section 5911 of title 5, United States
 13 Code, the Secretary, on recommendation of the Director
 14 of the Office of Justice Services, shall establish applicable
 15 rental rates for quarters and facilities for employees of the
 16 Office of Justice Services.”.

17 (c) BACKGROUND CHECKS FOR TRIBAL JUSTICE OF-
 18 FICIALS.—

19 (1) IN GENERAL.—The Office of Justice Serv-
 20 ices of the Bureau of Indian Affairs shall develop
 21 standards and deadlines for the provision of back-
 22 ground checks to tribal law enforcement and correc-
 23 tions officials.

24 (2) TIMING.—

1 (A) TIMING.—If a request for a back-
2 ground check is made by an Indian tribe that
3 has contracted or entered into a compact for
4 law enforcement or corrections services with the
5 Bureau of Indian Affairs pursuant to the In-
6 dian Self-Determination and Education Assist-
7 ance Act (25 U.S.C. 5304 et seq.), the Office
8 of Justice Services shall complete the check not
9 later than 60 days after the date of receipt of
10 a completed background application package,
11 containing all of the documentation and infor-
12 mation requested by the Office of Justice Serv-
13 ices.

14 (B) EXTENSION.—The Office of Justice
15 Services may extend the 60-day period required
16 under subparagraph (A) for completion of a
17 background request for not more than an addi-
18 tional 30 days upon written notice to the Indian
19 tribe that states the reason for the extension.

20 (3) ESTABLISHMENT OF PROGRAM.—

21 (A) IN GENERAL.—The Secretary of the
22 Interior (referred to in this paragraph as the
23 “Secretary”) shall establish a demonstration
24 program for the purpose of conducting or adju-
25 dicating, in coordination with the Director of

the Bureau of Indian Affairs, personnel background investigations for applicants for law enforcement positions in the Bureau of Indian Affairs.

(B) BACKGROUND INVESTIGATIONS AND SECURITY CLEARANCE DETERMINATIONS.—

(i) BIA INVESTIGATIONS.—As part of the demonstration program established under this paragraph, the Secretary, through the Office of Justice Services, is authorized to carry out a background investigation, security clearance determination, or both a background investigation and a security clearance determination for an applicant for a law enforcement position in the Bureau of Indian Affairs.

(ii) USE OF PREVIOUS INVESTIGATIONS AND DETERMINATIONS.—

(I) IN GENERAL.—Subject to subclause (II), as part of the demonstration program established under this paragraph, the Secretary, in adjudicating background investigations for applicants for law enforcement positions in the Bureau of Indian Affairs,

1 shall consider previous background in-
2 vestigations for an applicant, security
3 clearance determinations for an appli-
4 cant, or both background investiga-
5 tions and security clearance deter-
6 minations for an applicant, as the
7 case may be, that have been con-
8 ducted by a State, local, or Tribal
9 Government, or by the Bureau of In-
10 dian Affairs, within the 5-year period
11 preceding the application for employ-
12 ment with the Bureau of Indian Af-
13 fairs.

14 (II) QUALITY.—The Secretary
15 shall only consider previous back-
16 ground investigations and security
17 clearance determinations for an appli-
18 cant that have been conducted by a
19 State, local, or Tribal Government if
20 the Secretary can verify that those
21 previous investigations and determina-
22 tions, as the case may be, are of a
23 comparable quality and thoroughness
24 to investigations and determinations
25 carried out by the Bureau of Indian

1 Affairs, the Office of Personnel Man-
2 agement, or another Federal agency.

3 (III) ADDITIONAL INVESTIGA-
4 TION.—If, as described in subclause
5 (I), the Secretary considers an exist-
6 ing background investigation, security
7 clearance determination, or both, as
8 the case may be, for an applicant that
9 has been carried out by a State, local,
10 or Tribal Government, or by the Bu-
11 reau of Indian Affairs, the Sec-
12 retary—

13 (aa) may carry out addi-
14 tional investigation and examina-
15 tion of the applicant if the Sec-
16 retary determines that such addi-
17 tional information is needed in
18 order to make an appropriate de-
19 termination as to the character
20 and trustworthiness of the appli-
21 cant before final adjudication can
22 be made and a security clearance
23 can be issued; and

24 (bb) shall not initiate a new
25 background investigation process

1 with the National Background
2 Investigations Bureau or other
3 Federal agency unless that new
4 background investigation process
5 covers a period of time that was
6 not covered by a previous back-
7 ground investigation process.

8 (IV) AGREEMENTS.—The Sec-
9 retary may enter into a Memorandum
10 of Agreement with a State, local, or
11 Tribal Government to develop steps to
12 expedite the process of receiving and
13 obtaining access to background inves-
14 tigation and security clearance deter-
15 minations for use in the demonstra-
16 tion program.

17 (C) SUNSET.—The demonstration program
18 established under this paragraph shall termi-
19 nate 5 years after the date of the commence-
20 ment of the program.

21 (D) SUFFICIENCY.—Notwithstanding any
22 other provision of law, a background investiga-
23 tion conducted or adjudicated by the Secretary
24 pursuant to the demonstration program author-
25 ized under this paragraph that results in the

1 granting of a security clearance to an applicant
2 for a law enforcement position in the Bureau of
3 Indian Affairs shall be sufficient to meet the
4 applicable requirements of the Office of Per-
5 sonnel Management or other Federal agency for
6 such investigations.

7 (E) ANNUAL REPORT.—The Secretary
8 shall submit an annual report to the Committee
9 on Indian Affairs of the Senate and the Com-
10 mittee on Natural Resources of the House of
11 Representatives on the demonstration program
12 established under this paragraph, which shall
13 include a description of—

14 (i) the demonstration program and
15 any relevant annual changes or updates to
16 the program;

17 (ii) the number of background inves-
18 tigations carried out under the program;

19 (iii) the costs, including any cost sav-
20 ings, associated with the investigation and
21 adjudication process under the program;

22 (iv) the processing times for the inves-
23 tigation and adjudication processes under
24 the program;

1 (v) any Memoranda of Agreement en-
2 tered into with State, local, or Tribal Gov-
3 ernments; and

4 (vi) any other information that the
5 Secretary determines to be relevant.

6 (F) GAO STUDY AND REPORT.—

7 (i) INITIAL REPORT.—Not later than
8 18 months after the beginning of the dem-
9 onstration program under this paragraph,
10 the Comptroller General of the United
11 States shall prepare and submit to Con-
12 gress an initial report on such demonstra-
13 tion program.

14 (ii) FINAL REPORT.—Not later than 3
15 years after the beginning of the dem-
16 onstration program under this paragraph,
17 the Comptroller General of the United
18 States shall prepare and submit to Con-
19 gress a final report on such demonstration
20 program.

21 (iii) TRIBAL INPUT.—In preparing the
22 reports under this subparagraph, the
23 Comptroller General shall prioritize input
24 from Indian Tribes regarding the dem-
25 onstration program under this paragraph.

1 (d) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
 2 Section 4218(b) of the Indian Alcohol and Substance
 3 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.
 4 2451(b)) is amended by striking “2011 through 2015”
 5 and inserting “2020 through 2024”.

6 (e) PUBLIC SAFETY AND COMMUNITY POLICING
 7 GRANTS.—Section 1701(j) of the Omnibus Crime Control
 8 and Safe Streets Act of 1968 (34 U.S.C. 10381(j)) is
 9 amended—

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

12 (2) in paragraph (4), by striking “2011
 13 through 2015” and inserting “2020 through 2024”.

14 **SEC. 102. AUTHORITY TO EXECUTE EMERGENCY ORDERS.**

15 Section 4 of the Indian Law Enforcement Reform Act
 16 (25 U.S.C. 2803) is amended—

17 (1) in the matter preceding paragraph (1), by
 18 striking “The Secretary” and inserting:

19 “(a) The Secretary”; and

20 (2) by adding after subsection (a), the fol-
 21 lowing:

22 “(b)(1) In addition to the activities described in sub-
 23 section (a), the Secretary may authorize employees of the
 24 Bureau with law enforcement responsibilities to execute
 25 an emergency civil order of detention (referred to in this

1 section as an ‘EOD’), or take an individual into protective
 2 custody for emergency mental health purposes, and trans-
 3 port that individual to an appropriate mental health facil-
 4 ity, when—

5 “(A) requested to do so by a tribal court of
 6 competent civil jurisdiction pursuant to an EOD
 7 (when that court has determined the individual likely
 8 poses serious harm to himself or herself or others,
 9 and to the extent that the individual can be detained
 10 in a mental health treatment facility); or

11 “(B) in the absence of an EOD, an employee
 12 who is authorized by State or tribal law to take an
 13 individual into protective custody for emergency
 14 mental health purposes reasonably believes that an
 15 individual is mentally ill, alcohol-dependent, or drug-
 16 dependent to such a degree that immediate emer-
 17 gency action is necessary due to the likelihood of se-
 18 rious harm to that individual or others.

19 “(2) In carrying out this subsection, Bureau employ-
 20 ees with law enforcement responsibilities—

21 “(A) shall take or cause such individual to be
 22 taken into custody and immediately transport that
 23 individual to the nearest mental health facility, ei-
 24 ther within or outside of Indian country, for an ini-
 25 tial assessment or other appropriate treatment; and

1 “(B) will be given the full coverage and protec-
2 tion of chapter 171 of title 28, United States Code
3 (commonly known as the ‘Federal Tort Claims Act’)
4 and any other Federal tort liability statute, both
5 within and outside of Indian country.

6 “(3) Before implementing this subsection, the Office
7 of Justice Services of the Bureau of Indian Affairs and
8 the United States Indian Police Academy shall—

9 “(A) establish appropriate standards regarding
10 experience, mental health and disability education,
11 and other relevant qualifications for Bureau employ-
12 ees who are law enforcement personnel implementing
13 this subsection; and

14 “(B) provide training for such Bureau employ-
15 ees.

16 “(4) Not later than 180 days after the date of enact-
17 ment of this subsection, the Bureau shall enter into agree-
18 ments with State and tribal mental health officials that
19 outline the process for carrying out an EOD or taking an
20 individual into protective custody in a case in which Bu-
21 reau law enforcement provides the primary law enforce-
22 ment to a tribe.

23 “(5) There is authorized to be appropriated
24 \$1,500,000 to the Office of Justice Services of the Bureau

1 of Indian Affairs to implement this subsection, which shall
 2 remain available until expended.”.

3 **SEC. 103. DETENTION SERVICES.**

4 (a) INCARCERATED INDIVIDUALS.—In accordance
 5 with the Act of August 5, 1954 (42 U.S.C. 2001 et seq.)
 6 (commonly referred to as the “Transfer Act”), the Indian
 7 Health Service shall be responsible for the medical care
 8 and treatment of all Indians detained or incarcerated in
 9 a Bureau of Indian Affairs or tribal detention or correc-
 10 tional center. Care shall be provided to those individuals
 11 without regard to the individual’s normal domicile.

12 (b) MEMORANDUM OF AGREEMENT.—The Bureau of
 13 Indian Affairs and the Indian Health Service shall enter
 14 a memorandum of agreement to implement this section.
 15 Such agreement shall include provisions regarding appro-
 16 priate training, treatment locations for detained or incar-
 17 cerated individuals, and other matters relating to medical
 18 care and treatment under this section.

19 **SEC. 104. TRIBAL LAW ENFORCEMENT OFFICERS.**

20 The Indian Law Enforcement Reform Act (25 U.S.C.
 21 2801 et seq.) is amended by inserting after section 4 the
 22 following:

23 **“SEC. 4A. TRIBAL LAW ENFORCEMENT OFFICERS.**

24 “(a) Notwithstanding any other provision of Federal
 25 law, law enforcement officers of any Indian tribe that has

1 contracted or compacted any or all Federal law enforce-
 2 ment functions through the Indian Self-Determination
 3 and Education Assistance Act (25 U.S.C. 5301 et seq.)
 4 shall have the authority to enforce Federal law within the
 5 area under the tribe’s jurisdiction, if—

6 “(1) the tribal officers involved have—

7 “(A) completed training that is comparable
 8 to that of an employee of the Office of Justice
 9 Services of the Bureau of Indian Affairs who is
 10 providing the same services in Indian country,
 11 as determined by the Director of the Office of
 12 Justice Services of the Bureau of Indian Affairs
 13 or the Director’s designee;

14 “(B) passed an adjudicated background in-
 15 vestigation equivalent to that of an employee of
 16 the Office of Justice Services of the Bureau of
 17 Indian Affairs who is providing the same serv-
 18 ices in Indian country; and

19 “(C) received a certification from the Of-
 20 fice of Justice Services of the Bureau of Indian
 21 Affairs, as described in subsection (c); and

22 “(2) the tribe has adopted policies and proce-
 23 dures that meet or exceed those of the Office of Jus-
 24 tice Services of the Bureau of Indian Affairs for the
 25 same program, service, function, or activity.

1 “(b) While acting under the authority granted by the
2 Secretary through an Indian Self-Determination and Edu-
3 cation Assistance Act (25 U.S.C. 5301 et seq.) contract
4 or compact, a tribal law enforcement officer shall be
5 deemed to be a Federal law enforcement officer for the
6 purposes of—

7 “(1) sections 111 and 1114 of title 18, United
8 States Code;

9 “(2) consideration as an eligible officer under
10 subchapter III of chapter 81 of title 5, United
11 States Code; and

12 “(3) chapter 171 of title 28, United States
13 Code (commonly known as the ‘Federal Tort Claims
14 Act’).

15 “(c)(1) Not later than 12 months after the date of
16 enactment of this section, the Secretary shall develop pro-
17 cedures for the credentialing of tribal officers under this
18 section, independent of section 5, to provide confirmation
19 that tribal officers meet minimum certification standards
20 and training requirements for Indian country peace offi-
21 cers, as proscribed by the Secretary.

22 “(2) Tribal law enforcement officers who choose to
23 attend a State or other equivalent training program ap-
24 proved by the Director of the Office of Justice Services
25 of the Bureau of Indian Affairs, or the Director’s des-

1 ignee, rather than attend the Indian Police Academy, shall
 2 be required to attend the IPA Bridge Program, or an
 3 equivalent program, prior to receiving a certification under
 4 this subsection.”.

5 **SEC. 105. OVERSIGHT, COORDINATION, AND ACCOUNT-**
 6 **ABILITY.**

7 The Attorney General, acting through the Deputy At-
 8 torney General, shall coordinate and provide oversight for
 9 all Department of Justice activities, responsibilities, func-
 10 tions, and programs to ensure a coordinated approach for
 11 public safety in Indian communities, accountability, and
 12 compliance with Federal law, including—

13 (1) the timely submission of reports to Con-
 14 gress;

15 (2) robust training, as required under Federal
 16 law and as needed or requested by Indian tribes or
 17 Federal and State officials relating to—

18 (A) public safety in Indian communities;

19 and

20 (B) training outcomes demonstrating a
 21 better understanding of public safety ap-
 22 proaches in Indian communities;

23 (3) the updating and improvements to United
 24 States attorney operational plans;

- 1 (4) comprehensive evaluation and analysis of
2 data, including approaches to collecting better data,
3 relating to public safety in Indian communities; and
4 (5) other duties or responsibilities as needed to
5 improve public safety in Indian communities.

6 **SEC. 106. INTEGRATION AND COORDINATION OF PRO-**
7 **GRAMS.**

8 (a) IN GENERAL.—

9 (1) CONSULTATION.—Not later than 18 months
10 after the date of enactment of this Act, the Sec-
11 retary of the Interior, the Secretary of Health and
12 Human Services, and the Attorney General shall
13 consult with Indian tribes regarding—

14 (A) the feasibility and effectiveness of the
15 establishment of base funding for, and the inte-
16 gration and consolidation of, Federal law en-
17 forcement, public safety, and substance abuse
18 and mental health programs designed to sup-
19 port Indian tribal communities, for the pur-
20 poses of coordinating the programs, reducing
21 administrative costs, and improving services for
22 Indian tribes, individual Indians, and Indian
23 communities;

1 (B) the use of a single application and re-
 2 porting system for the consolidated approach
 3 described in subparagraph (A);

4 (C) the application of chapter 75 of title
 5 31, United States Code (commonly known as
 6 the “Single Audit Act”) to the consolidated ap-
 7 proach described in subparagraph (A);

8 (D) the processes for, and approaches for
 9 addressing delays in, interagency transfer of
 10 funds for the consolidated approach described
 11 in subparagraph (A);

12 (E) the method for Federal oversight for
 13 the consolidated approach described in subpara-
 14 graph (A); and

15 (F) any legal or administrative barriers to
 16 the implementation of the consolidated ap-
 17 proach described in subparagraph (A).

18 (2) RESPONSIBILITIES.—As part of the con-
 19 sultation described in paragraph (1), each applicable
 20 unit of the Department of the Interior, the Depart-
 21 ment of Health and Human Services, and the De-
 22 partment of Justice shall identify—

23 (A) each program under the jurisdiction of
 24 that unit that is designed to support Indian
 25 tribal communities; and

1 (B) the regulations governing each pro-
2 gram described in subparagraph (A).

3 (3) SUBMISSION OF PLAN.—Not later than 2
4 years after the date of enactment of this Act, the
5 Secretary of the Interior, the Secretary of Health
6 and Human Services, and the Attorney General shall
7 jointly submit to the Committee on Indian Affairs of
8 the Senate, the Committee on Natural Resources of
9 the House of Representatives, and the Committee on
10 the Judiciary of the House of Representatives a plan
11 that includes—

12 (A) the findings of the consultation de-
13 scribed in paragraph (1);

14 (B) the programs identified in accordance
15 with paragraph (2);

16 (C) any legal or administrative barriers to
17 the implementation of the consolidated ap-
18 proach described in paragraph (1)(A); and

19 (D) a method, approach, and timeline for
20 implementing the integration and consolidation
21 described in paragraph (1)(A).

22 (b) PROGRAM EVALUATION.—Not later than 18
23 months after the date of enactment of this Act, the Attor-
24 ney General shall conduct an evaluation of and submit to
25 the Committee on Indian Affairs of the Senate, the Com-

1 mittee on Natural Resources of the House of Representa-
 2 tives, the Committee on the Judiciary of the Senate, and
 3 the Committee on the Judiciary of the House of Rep-
 4 resentatives a report on—

5 (1) law enforcement grants and other resources
 6 made available to State, local, and tribal govern-
 7 ments under current requirements encouraging
 8 intergovernmental cooperation;

9 (2) benefits of, barriers to, and the need for
 10 intergovernmental cooperation between State, local,
 11 and tribal governments; and

12 (3) recommendations, if any, for incentivizing
 13 intergovernmental cooperation, including any legisla-
 14 tion or regulations needed to achieve those incen-
 15 tives.

16 (c) INTERAGENCY COORDINATION AND COOPERA-
 17 TION.—

18 (1) MEMORANDUM OF AGREEMENT.—

19 (A) IN GENERAL.—Not later than 18
 20 months after the date of enactment of this Act,
 21 the Attorney General, acting through the Bu-
 22 reau of Prisons, the Secretary of the Interior,
 23 acting through the Office of Justice Services,
 24 Bureau of Indian Affairs, and the Secretary of
 25 Health and Human Services shall enter into a

1 Memorandum of Agreement to cooperate, con-
2 fer, transfer funds (except that the funding for
3 the Bureau of Indian Affairs shall not be re-
4 duced), share resources and, as permitted by
5 law, information on matters relating to the de-
6 tention of Indian inmates, the reduction of re-
7 cidivism (including through substance abuse
8 treatment and mental and health care services),
9 and the lease or loan of facilities, technical as-
10 sistance, training, and equipment.

11 (B) STRATEGIES AND BEST PRACTICES.—

12 Not later than 2 years after the date of enact-
13 ment of this Act, the Attorney General, the Sec-
14 retary of the Interior, the Secretary of Health
15 and Human Services, and, as appropriate, the
16 Administrative Office of the United States
17 Courts shall enter into a Memorandum of
18 Agreement to develop, share, and implement ef-
19 fective strategies, best practices, and resources,
20 and transfer funds (except that the funding for
21 the Bureau of Indian Affairs shall not be re-
22 duced), to improve the re-entry of Indian in-
23 mates into Indian communities after incarcer-
24 ation.

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

5 (A) consult with and solicit comments from
6 entities as described in section 4205(c) of the
7 Indian Alcohol and Substance Abuse Prevention
8 and Treatment Act of 1986 (25 U.S.C.
9 2411(c)); and

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

18 (3) REPORT.—Not later than 4 years after the
19 date of enactment of this Act, the Attorney General,
20 the Secretary of the Interior, and the Secretary of
21 Health and Human Services shall submit to the
22 Committee on Indian Affairs of the Senate, the
23 Committee on Natural Resources of the House of
24 Representatives, the Committee on the Judiciary of
25 the Senate, and the Committee on the Judiciary of

1 the House of Representatives a report regarding the
 2 implementation of the Memoranda of Agreement
 3 under subparagraphs (A) and (B) of paragraph (1).

4 **SEC. 107. DATA SHARING WITH INDIAN TRIBES.**

5 (a) INFORMATION SHARING WITH INDIAN TRIBES.—
 6 Section 534(d) of title 28, United States Code, is amend-
 7 ed—

8 (1) by redesignating paragraphs (1) and (2) as
 9 subparagraphs (A) and (B), respectively, and indent-
 10 ing appropriately;

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

14 “(1) IN GENERAL.—The Attorney General”;
 15 and

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

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

24 “(3) INFORMATION SHARING.—To the extent
 25 otherwise permitted by law, any report issued as a

1 result of the analysis of information entered into
 2 Federal criminal information databases or obtained
 3 from Federal criminal databases, including for the
 4 purpose of conducting background checks, shall be
 5 shared with Indian tribes of jurisdiction.”.

6 (b) ACCESS TO NATIONAL CRIMINAL INFORMATION
 7 DATABASES.—Section 233(b) of the Tribal Law and
 8 Order Act of 2010 (34 U.S.C. 41107; Public Law 111–
 9 211) is amended by striking paragraph (1) and inserting
 10 the following:

11 “(1) IN GENERAL.—The Attorney General shall
 12 ensure that—

13 “(A) Tribal law enforcement officials that
 14 meet applicable Federal or State requirements
 15 be permitted access to national crime informa-
 16 tion databases;

17 “(B) technical assistance and training to
 18 Bureau of Indian Affairs and tribal law en-
 19 forcement officials is provided to gain access
 20 and input ability to use the National Criminal
 21 Information Center and other national crime in-
 22 formation databases pursuant to section 534 of
 23 title 28, United States Code; and

24 “(C) the Federal Bureau of Investigation
 25 coordinates with the Office of Justice Services,

1 Bureau of Indian Affairs, to ensure Indian trib-
 2 al law enforcement agencies are assigned appro-
 3 priate credentials or ORI numbers for uniform
 4 crime reporting purposes.”.

5 (c) BUREAU OF JUSTICE STATISTICS.—Section
 6 302(d) of the Omnibus Crime Control and Safe Streets
 7 Act of 1968 (34 U.S.C. 10132(d)) is amended—

8 (1) by striking the subsection designation and
 9 all that follows through “To ensure” in paragraph
 10 (1) and inserting the following:

11 “(d) JUSTICE STATISTICAL COLLECTION, ANALYSIS,
 12 AND DISSEMINATION.—

13 “(1) IN GENERAL.—To ensure”;

14 (2) in paragraph (1)—

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

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

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

20 “(G) confer and cooperate with the Bureau
 21 of Indian Affairs as needed to carry out the
 22 purposes of this part, including by entering into
 23 cooperative resource and data sharing agree-
 24 ments in conformity with all laws and regula-

1 tions applicable to the disclosure and use of
2 data.”; and

3 (3) in paragraph (2)—

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

6 “(A) IN GENERAL.—The Director”; and

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

8 “(B) INFORMATION SHARING REQUIRE-
9 MENT.—Analysis of the information collected
10 under subparagraph (A) shall be shared with
11 the Indian tribe that provided the information
12 that was collected.”.

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

16 (1) in paragraph (1)—

17 (A) in subparagraph (B), by redesignating
18 clauses (i) and (ii) as subclauses (I) and (II),
19 respectively, and indenting appropriately; and

20 (B) by redesignating subparagraphs (A)
21 and (B) as clauses (i) and (ii), respectively, and
22 indenting appropriately;

23 (2) by redesignating paragraphs (1) and (2) as
24 subparagraphs (A) and (B), respectively, and indent-
25 ing appropriately;

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

4 “(1) IN GENERAL.—The Attorney General”;
 5 and

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

7 “(2) CONSULTATION.—Not later than 1 year
 8 after the date of enactment of the Tribal Law and
 9 Order Reauthorization and Amendments Act of
 10 2019, and every 5 years thereafter, the Attorney
 11 General shall consult with Indian tribes, including
 12 appropriate tribal justice officials, regarding—

13 “(A) the annual reports described in para-
 14 graph (1) to improve the data collected, the in-
 15 formation reported, and the reporting system;
 16 and

17 “(B) improvements to the processes for the
 18 satisfaction of the requirements for coordination
 19 described in paragraphs (1) and (3) of sub-
 20 section (a), or to the reporting requirements
 21 under paragraph (1).”.

22 (e) ENHANCED ABILITY OF TRIBAL GOVERNMENTS
 23 TO USE FEDERAL CRIMINAL INFORMATION DATA-
 24 BASES.—The Attorney General is authorized to use any
 25 balances remaining for the account under the heading “VI-

1 OLENCE AGAINST WOMEN PREVENTION AND PROSECU-
 2 TION PROGRAMS” under the heading “STATE AND LOCAL
 3 LAW ENFORCEMENT ACTIVITIES OFFICE ON VIOLENCE
 4 AGAINST WOMEN” of the Department of Justice from ap-
 5 propriations for full fiscal years prior to the date of enact-
 6 ment of this Act for tracking violence against Indian
 7 women, as authorized by section 905(b) of the Violence
 8 Against Women and Department of Justice Reauthoriza-
 9 tion Act of 2005 (34 U.S.C. 20903), to enhance the ability
 10 of Tribal Government entities to access, enter information
 11 into, and obtain information from, Federal criminal infor-
 12 mation databases, as authorized by section 534 of title 28,
 13 United States Code. Some or all of such balances may be
 14 transferred, at the discretion of the Attorney General, to
 15 the account under the heading “JUSTICE INFORMATION
 16 SHARING TECHNOLOGY” under the heading “GENERAL
 17 ADMINISTRATION” of the Department of Justice for the
 18 tribal access program for national crime information in
 19 furtherance of the objectives described in the previous sen-
 20 tence.

21 **SEC. 108. JUDICIAL ADMINISTRATION IN INDIAN COUNTRY.**

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

1 (1) in paragraph (5), by striking “3 years after
2 the date of establishment of the pilot program” and
3 inserting “5 years after the date of enactment of the
4 Tribal Law and Order Reauthorization and Amend-
5 ments Act of 2019”;

6 (2) by redesignating paragraph (6) as para-
7 graph (7);

8 (3) by inserting after paragraph (5) the fol-
9 lowing:

10 “(6) CONSULTATION.—Not later than 1 year
11 after the date of enactment of the Tribal Law and
12 Order Reauthorization and Amendments Act of
13 2019, the Director of the Bureau of Prisons and the
14 Director of the Office of Justice Services of the Bu-
15 reau of Indian Affairs shall coordinate and consult
16 with Indian tribes to develop improvements in imple-
17 menting the pilot program, including intergovern-
18 mental communication, training, processes, and
19 other subject matters as appropriate.”; and

20 (4) in paragraph (7) (as redesignated), by strik-
21 ing “paragraph shall expire—on the date that is 4
22 years after the date on which the program is estab-
23 lished” and inserting “subsection—

24 “(A) shall expire, with respect to any new
25 requests for confinement, on the date that is 9

1 years after the date of enactment of the Tribal
 2 Law and Order Reauthorization and Amend-
 3 ments Act of 2019; and

4 “(B) may be temporarily extended for of-
 5 fenders who have been confined through the
 6 program under this subsection before the expi-
 7 ration date described in subparagraph (B) and
 8 whose underlying tribal conviction has not yet
 9 expired, except in no case shall such extension
 10 exceed the maximum period of time authorized
 11 under tribal law, pursuant to section 202 of
 12 Public Law 90–284 (25 U.S.C. 1302) (com-
 13 monly known as the ‘Indian Civil Rights Act of
 14 1968’).”.

15 (b) CONSULTATION FOR JUVENILE JUSTICE RE-
 16 FORM.—Section 3 of the Indian Law Enforcement Reform
 17 Act (25 U.S.C. 2802) is amended by adding at the end
 18 the following:

19 “(g) CONSULTATION FOR JUVENILE JUSTICE RE-
 20 FORM.—Not later than 1 year after date of enactment of
 21 this subsection, the Director of the Bureau of Indian Af-
 22 fairs, the Director of the Bureau of Prisons, the Director
 23 of the Indian Health Service, the Administrator of the Of-
 24 fice of Juvenile Justice and Delinquency Prevention, and
 25 the Administrator of the Substance Abuse and Mental

1 Health Services Administration shall consult with Indian
 2 tribes regarding Indian juvenile justice and incarceration,
 3 including—

4 “(1) the potential for using Bureau of Indian
 5 Affairs or tribal juvenile facilities for the incarcer-
 6 ation of Indian youth in the Federal system as alter-
 7 native locations closer to the communities of the In-
 8 dian youth;

9 “(2) improving community-based options for
 10 the services needed and available for Indian youth in
 11 Federal incarceration;

12 “(3) barriers to the use of—

13 “(A) alternatives to incarceration; or

14 “(B) cross-agency services for Indian
 15 youth in incarceration; and

16 “(4) the application of the Federal sentencing
 17 guidelines to Indian youth.”.

18 **SEC. 109. FEDERAL NOTICE.**

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

22 “(d) **FEDERAL NOTICE.**—On conviction in any dis-
 23 trict court of the United States of an enrolled member
 24 of a federally recognized Indian tribe, the Office of the
 25 United States Attorney for the district in which the mem-

ber was convicted may provide to the appropriate tribal justice official notice of the conviction and any other pertinent information otherwise permitted by law.”.

SEC. 110. DETENTION FACILITIES.

(a) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) (as amended by section 108(b)) is amended by adding at the end the following:

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

(b) INDIAN TRIBAL JUSTICE ACT.—Section 103 of the Indian Tribal Justice Act (25 U.S.C. 3613) is amended—

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

3 (2) by inserting after subsection (b) the fol-
4 lowing:

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

18 (c) JUVENILE DETENTION CENTERS.—Section
19 4220(b) of the Indian Alcohol and Substance Abuse Pre-
20 vention and Treatment Act of 1986 (25 U.S.C. 2453(b))
21 is amended by striking “2011 through 2015” each place
22 it appears and inserting “2020 through 2024”.

23 (d) PAYMENTS FOR INCARCERATION ON TRIBAL
24 LAND.—Section 20109(a) of the Violent Crime Control
25 and Law Enforcement Act of 1994 (34 U.S.C. 12109) is

1 amended by striking “2011 through 2015” and inserting
2 “2020 through 2024”.

3 **SEC. 111. REAUTHORIZATION FOR TRIBAL COURTS TRAIN-**
4 **ING.**

5 (a) TRIBAL JUSTICE SYSTEMS.—Section 201 of the
6 Indian Tribal Justice Act (25 U.S.C. 3621) is amended
7 by striking “2011 through 2015” each place it appears
8 and inserting “2020 through 2024”.

9 (b) TECHNICAL AND LEGAL ASSISTANCE.—

10 (1) AUTHORIZATION OF APPROPRIATIONS.—

11 Section 107 of the Indian Tribal Justice Technical
12 and Legal Assistance Act of 2000 (25 U.S.C. 3666)
13 is amended by striking “2011 through 2015” and
14 inserting “2020 through 2024”.

15 (2) GRANTS.—Section 201(d) of the Indian
16 Tribal Justice Technical and Legal Assistance Act of
17 2000 (25 U.S.C. 3681(d)) is amended by striking
18 “2011 through 2015” and inserting “2020 through
19 2024”.

20 **SEC. 112. PUBLIC DEFENDERS.**

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

1 **“SEC. 13A. PUBLIC DEFENSE IN INDIAN COUNTRY.**

2 “(a) IN GENERAL.—Not later than one year after the
3 date of enactment of this Act, the Director of the Adminis-
4 trative Office of the United States Courts shall collaborate
5 and consult with Indian tribes, including relevant tribal
6 court personnel, regarding—

7 “(1) developing working relationships and
8 maintaining communication with tribal leaders and
9 tribal community, including the interchange and un-
10 derstanding of cultural issues that may impact the
11 effective assistance of counsel; and

12 “(2) providing technical assistance and training
13 regarding criminal defense techniques and strategies,
14 forensics, and reentry programs and strategies for
15 responding to crimes occurring in Indian country.

16 “(b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Director of the Administrative Office of the
18 United States Courts and the Attorney General should
19 work together to ensure that each district that includes
20 Indian country has sufficient resources to provide ade-
21 quate criminal defense representation for defendants in
22 Indian country.”.

23 **SEC. 113. OFFENSES IN INDIAN COUNTRY: TRESPASS ON IN-**
24 **DIAN LAND.**

25 (a) IN GENERAL.—Section 1165 of title 18, United
26 States Code, is amended—

1 (1) in the section heading, by striking “**Hunt-**
 2 **ing, trapping, or fishing on Indian land**”
 3 and inserting “**Criminal trespass**”;

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

6 (3) by striking “Whoever” and inserting the fol-
 7 lowing:

8 “(a) HUNTING, TRAPPING, OR FISHING ON INDIAN
 9 LAND.—Whoever”; and

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

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

12 “(1) DEFINITION OF EXCLUSION ORDER.—In
 13 this subsection, the term ‘exclusion order’ means an
 14 order issued in a proceeding by a court of an Indian
 15 tribe that temporarily or permanently excludes a
 16 person from the Indian country of the Indian tribe
 17 because of a criminal conviction or civil adjudication
 18 under the laws of the tribal government for a
 19 victimless crime such as—

20 “(A) criminal street gang activity (as de-
 21 fined under section 521 of this title); or

22 “(B) the sale and distribution of controlled
 23 substances (as defined in section 102 of the
 24 Controlled Substances Act (21 U.S.C. 802)).

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

5 “(3) PENALTY.—Any person who violates para-
 6 graph (2) shall be fined not more than \$5,000, im-
 7 prisoned for not more than 1 year, or both.

8 “(4) REQUIREMENTS.—The violation described
 9 in paragraph (2) applies only to an exclusion
 10 order—

11 “(A) for which—

12 “(i) the act occurs in the Indian coun-
 13 try of the Indian tribe;

14 “(ii) the court issuing the exclusion
 15 order has jurisdiction over the parties and
 16 matter under the law of the Indian tribe;
 17 and

18 “(iii) the underlying complaint in-
 19 cluded—

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

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

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

6 “(aa) criminal prosecution
7 under Federal law; and

8 “(bb) the imposition of a
9 fine or imprisonment, or both;

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

18 “(C) that—

19 “(i) temporarily or permanently ex-
20 cludes the respondent from the Indian
21 country of the Indian tribe; and

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

24 “(I) criminal prosecution under
25 Federal law; and

1 “(II) the imposition of a fine or
2 imprisonment, or both; and

3 “(D) with which the respondent was served
4 or of which the respondent had actual notice.

5 “(5) TRIBAL COURT JURISDICTION.—For pur-
6 poses of this section, a court of an Indian tribe shall
7 have full civil jurisdiction to issue and enforce exclu-
8 sion orders involving any person, including the au-
9 thority to enforce any orders through civil contempt
10 proceedings, to exclude violators from the Indian
11 country of the Indian tribe, or otherwise within the
12 authority of the Indian tribe.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of sections for chapter 53 of title 18, United
15 States Code, is amended by striking the item relating to
16 section 1165 and inserting the following:

“1165. Criminal trespass.”.

17 **SEC. 114. RESOURCES FOR PUBLIC SAFETY IN INDIAN COM-**
18 **MUNITIES; DRUG TRAFFICKING PREVENTION.**

19 (a) SHADOW WOLVES.—

20 (1) IN GENERAL.—There is established within
21 the Bureau of Immigration and Customs Enforce-
22 ment of the Department of Homeland Security a di-
23 vision to be known as the “Shadow Wolves Divi-
24 sion”.

1 (2) DUTIES.—The Shadow Wolves Division
2 shall—

3 (A) carry out such duties as are assigned
4 by the Director of the Bureau of Immigration
5 and Customs Enforcement; and

6 (B) in carrying out those duties, coordi-
7 nate with the Bureau of Indian Affairs and
8 other applicable Federal agencies and State and
9 tribal governments.

10 (b) REAUTHORIZATION OF FUNDING TO COMBAT IL-
11 LEGAL NARCOTICS TRAFFICKING.—Section 4216 of the
12 Indian Alcohol and Substance Abuse Prevention and
13 Treatment Act of 1986 (25 U.S.C. 2442) is amended by
14 striking “2011 through 2015” each place it appears and
15 inserting “2020 through 2024”.

16 (c) MAINTENANCE OF CERTAIN INDIAN RESERVA-
17 TION ROADS.—The Commissioner of U.S. Customs and
18 Border Protection may transfer funds to the Director of
19 the Bureau of Indian Affairs to maintain or repair roads
20 under the jurisdiction of the Director, on the condition
21 that the Commissioner and the Director mutually agree
22 that the primary user of the subject road is U.S. Customs
23 and Border Protection.

1 **SEC. 115. SUBSTANCE ABUSE PREVENTION TRIBAL ACTION**
 2 **PLANS.**

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

7 (1) in the matter preceding paragraph (1), by
 8 inserting “the Secretary of Agriculture, the Sec-
 9 retary of Housing and Urban Development,” after
 10 “the Attorney General,”;

11 (2) in paragraph (2)(A), by inserting “the De-
 12 partment of Agriculture, the Department of Housing
 13 and Urban Development,” after “Services Adminis-
 14 tration,”;

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

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

22 (b) REAUTHORIZATION OF TRIBAL ACTION PLANS
 23 FUNDS.—Section 4206(d)(2) of the Indian Alcohol and
 24 Substance Abuse Prevention and Treatment Act of 1986
 25 (25 U.S.C. 2412(d)(2)) is amended by striking “2011
 26 through 2015” and inserting “2020 through 2024”.

1 (c) GRANTS FOR TRAINING, EDUCATION, AND PRE-
 2 VENTION PROGRAMS.—Section 4206(f)(3) of the Indian
 3 Alcohol and Substance Abuse Prevention and Treatment
 4 Act of 1986 (25 U.S.C. 2412(f)(3)) is amended by striking
 5 “2011 through 2015” and inserting “2020 through
 6 2024”.

7 **SEC. 116. OFFICE OF JUSTICE SERVICES SPENDING RE-**
 8 **PORT.**

9 Section 3(c)(16)(C) of the Indian Law Enforcement
 10 Reform Act (25 U.S.C. 2802(c)(16)(C)) is amended by in-
 11 serting “health care, behavioral health, and tele-health
 12 needs at tribal jails,” after “court facilities,”.

13 **SEC. 117. TRAFFICKING VICTIMS PROTECTION.**

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

17 “(C) REPORT.—For each grant awarded
 18 under this subsection, the Secretary of Health
 19 and Human Services and the Attorney General,
 20 in consultation with the Secretary of Labor,
 21 shall submit to Congress a report that lists—

22 “(i) the total number of entities that
 23 received a grant under this subsection that
 24 directly serve or are Indian tribal govern-
 25 ments or tribal organizations; and

1 “(ii) the total number of health care
 2 providers and other related providers that
 3 participated in training supported by the
 4 pilot program who are employees of the In-
 5 dian Health Service.”.

6 **SEC. 118. REPORTING ON INDIAN VICTIMS OF TRAF-**
 7 **FICKING.**

8 (a) IN GENERAL.—The Director of the Office on Vio-
 9 lence Against Women, the Director of the Office for Vic-
 10 tims of Crime, and the Administrator of the Office of Ju-
 11 venile Justice and Delinquency Prevention shall each re-
 12 quire each grantee to report—

13 (1) the number of human trafficking victims, as
 14 appropriate, served with grant funding; and

15 (2) as appropriate and in the aggregate, wheth-
 16 er the victims were members of an Indian tribe.

17 (b) EXCEPTIONS; RESPECTING VICTIM PRIVACY.—

18 (1) RULE OF CONSTRUCTION.—Nothing in this
 19 section shall be construed to require an individual
 20 victim seeking services from a grantee described in
 21 subsection (a) to report the individual’s Native
 22 American status or any other personally identifiable
 23 information the individual wishes to remain con-
 24 fidential.

1 (2) PROHIBITION ON DENIAL OF SERVICE.—A
 2 grantee described in subsection (a) may not deny
 3 services to a victim on the basis that the victim de-
 4 clines to provide information on the victim’s Native
 5 American status or any other personally identifiable
 6 information the victim wishes to remain confidential.

7 (c) REPORT.—Not later than January 1 of each year,
 8 the Attorney General shall submit to Congress a report
 9 on the data collected in accordance with subsection (a).

10 **TITLE II—IMPROVING JUSTICE** 11 **FOR INDIAN YOUTH**

12 **SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVE-** 13 **NILES.**

14 Section 5032 of title 18, United States Code, is
 15 amended—

16 (1) in the first undesignated paragraph—

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

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

21 (2) in the second undesignated paragraph—

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

24 (B) by adding at the end the following: “In
 25 this section, the term ‘Indian tribe’ has the

1 meaning given the term in section 102 of the
 2 Federally Recognized Indian Tribe List Act of
 3 1994 (25 U.S.C. 5130).”;

4 (3) in the third undesignated paragraph, in the
 5 first sentence, by inserting “or Indian tribe” after
 6 “State”; and

7 (4) in the fourth undesignated paragraph, in
 8 the first sentence—

9 (A) by inserting “or Indian tribal” after
 10 “State”; and

11 (B) by inserting “, or of a representative
 12 of an Indian tribe of which the juvenile is a
 13 member,” after “counsel”.

14 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**
 15 **GRAMS.**

16 (a) SUMMER YOUTH PROGRAMS.—Section
 17 4212(a)(3) of the Indian Alcohol and Substance Abuse
 18 Prevention and Treatment Act of 1986 (25 U.S.C.
 19 2432(a)(3)) is amended by striking “2011 through 2015”
 20 and inserting “2020 through 2024”.

21 (b) EMERGENCY SHELTERS.—Section 4213(e) of the
 22 Indian Alcohol and Substance Abuse Prevention and
 23 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended,
 24 in paragraphs (1) and (2), by striking “2011 through

1 2015” each place it appears and inserting “2020 through
2 2024”.

3 **SEC. 203. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
4 **JUVENILE CRIME.**

5 The Indian Law Enforcement Reform Act (25 U.S.C.
6 2801 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 18. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
9 **JUVENILE CRIME.**

10 “(a) ACTIVITIES.—Not later than 1 year after the
11 date of enactment of this section, the Secretary shall co-
12 ordinate with the Secretary of Health and Human Serv-
13 ices, the Attorney General, and the Administrator of the
14 Office of Juvenile Justice and Delinquency Prevention
15 within the Department of Justice (referred to in this sec-
16 tion as the ‘Administrator’)—

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

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

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

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

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

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

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

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

22 “(3) to develop a means for collecting data on
23 the number of offenses committed by Indian youth
24 in Federal, State, and tribal jurisdictions, including
25 information regarding—

1 “(A) the offenses (including status of-
2 fenses), charges, disposition, and case outcomes
3 for each Indian youth;

4 “(B) whether the Indian youth was held in
5 pre-adjudication detention;

6 “(C) whether the Indian youth was re-
7 moved from home, and for which offenses;

8 “(D) whether the Indian youth was at any
9 point placed in secure confinement; and

10 “(E) an assessment of the degree to which
11 the notice of removal for status offenses was
12 provided under section 102(a) of the Act of No-
13 vember 8, 1978 (Public Law 95–608);

14 “(4) to develop a process for informing Indian
15 tribal governments when a juvenile member of that
16 Indian tribe comes in contact with the juvenile jus-
17 tice system of the Federal, State, or other unit of
18 local government and for facilitating intervention by,
19 the provision of services by, or coordination with,
20 such Indian tribe for any Indian juvenile member of
21 that Indian tribe or other local Indian tribes;

22 “(5) to facilitate the incorporation of tribal cul-
23 tural or traditional practices designed to reduce de-
24 linquency among Indian youth into Federal, State,

1 or other unit of local government juvenile justice
2 systems or programs;

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

8 “(7) to conduct research and evaluate—

9 “(A) the number of Indian juveniles who,
10 prior to placement in the juvenile justice sys-
11 tem, were under the care or custody of a State
12 or tribal child welfare system and the number
13 of Indian juveniles who are unable to return to
14 their family after completing their disposition in
15 the juvenile justice system and who remain
16 wards of the State or Indian tribe;

17 “(B) the extent to which State and tribal
18 juvenile justice systems and child welfare sys-
19 tems are coordinating systems and treatment
20 for the juveniles referred to in subparagraph
21 (A);

22 “(C) the types of post-placement services
23 used;

24 “(D) the frequency of case plan reviews for
25 juveniles referred to in subparagraph (A) and

1 the extent to which these case plans identify
2 and address permanency and placement bar-
3 riers and treatment plans;

4 “(E) services, treatment, and aftercare
5 placement of Indian juveniles who were under
6 the care of the State or tribal child protection
7 system before their placement in the juvenile
8 justice system;

9 “(F) the frequency, seriousness, and inci-
10 dence of drug use by Indian youth in schools
11 and tribal communities;

12 “(G) in consultation and coordination with
13 Indian tribes—

14 “(i) the structure and needs of tribal
15 juvenile justice systems;

16 “(ii) the characteristics and outcomes
17 for youth in tribal juvenile systems; and

18 “(iii) recommendations for improving
19 tribal juvenile justice systems; and

20 “(H) educational program offerings for in-
21 carcerated Indian juveniles, the educational at-
22 tainment of incarcerated Indian juveniles, and
23 potential links to recidivism among previously
24 incarcerated Indian juveniles and delayed edu-
25 cational opportunities while incarcerated.

1 “(b) CONSULTATION POLICY.—Not later than 1 year
2 after the date of enactment of this section, the Attorney
3 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) ACTION.—Not later than 3 years after the date
8 of enactment of the Tribal Law and Order Reauthoriza-
9 tion and Amendments Act of 2019, the Administrator
10 shall implement the improvements, processes, and other
11 activities under paragraphs (3), (4), (5), and (6) of sub-
12 section (a).

13 “(d) REPORT.—Not later than 3 years after the date
14 of enactment of the Tribal Law and Order Reauthoriza-
15 tion and Amendments Act of 2019, the Administrator
16 shall submit to the Committee on Indian Affairs of the
17 Senate and the Committee on Education and Labor of the
18 House of Representatives a report that summarizes the
19 results of the consultation activities described in sub-
20 section (a)(2) and consultation policy described in sub-
21 section (b), recommendations, if any, for ensuring the im-
22 plementation of paragraphs (3), (4), (5), and (6) of sub-
23 section (a), and any recommendations of the Coordinating
24 Council on Juvenile Justice and Delinquency Prevention

1 regarding improving resource and service delivery to In-
 2 dian tribal communities.”.

3 **SEC. 204. COORDINATING COUNCIL ON JUVENILE JUSTICE**
 4 **AND DELINQUENCY PREVENTION.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by inserting “the Director of the
 10 Indian Health Service,” after “the Sec-
 11 retary of Health and Human Services,”;
 12 and

13 (ii) by striking “Commissioner of Im-
 14 migration and Naturalization” and insert-
 15 ing “Assistant Secretary for Immigration
 16 and Customs Enforcement, the Secretary
 17 of the Interior, the Assistant Secretary for
 18 Indian Affairs”; and

19 (B) in paragraph (2)(A), by striking
 20 “United States” and inserting “Federal Gov-
 21 ernment”; and

22 (2) in subsection (c)(1)—

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

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

3 **SEC. 205. GRANTS FOR DELINQUENCY PREVENTION PRO-**
4 **GRAMS.**

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

7 (1) in subsection (a), in the matter preceding
8 paragraph (1), by striking “tribe” and inserting
9 “tribes”; and

10 (2) in subsection (d)(4), by striking “2011
11 through 2015” and inserting “2020 through 2024”.

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116TH CONGRESS
1ST Session

S. 210

[Report No. 116-37]

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.

MAY 6, 2019

Reported without amendment