To supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2011

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska Safe Families and Villages Act of 2011”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—
(1) while the State of Alaska and numerous Alaska organizations have struggled for years to ad-
dress crime and substance abuse problems in Alaska, Native Villages continue to suffer from dispropor-
tionally high rates of illicit drug use, alcohol abuse, 
suicide, and domestic violence;

(2) the suicide rate in Alaska Native villages is 
6 times the national average, and the alcohol-related mortality rate is 3.5 times that of the general na-
tional population;

(3) Alaska Native women suffer the highest rate of forcible sexual assault in the United States, and an Alaska Native woman is sexually assaulted every 18 hours;

(4) according to the 2006 Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission more than 95 percent of all crimes committed in rural Alaska can be at-
tributed to alcohol;

(5) the cost of drug and alcohol abuse in Alaska is estimated at $525,000,000 per year;

(6) the State of Alaska’s public safety system does not effectively serve vast areas of the State in 
which many remote Alaska Native villages are lo-
cated, except in response to serious crimes involving
severe injury or death, which are handled by Alaska State Troopers who are located in only a small number of hub communities around the State;

(7) extreme weather conditions often prevent or delay travel into remote Alaska Native villages, forcing residents to wait for several days for an Alaska State Trooper to arrive and respond to these crimes, compared to a law enforcement response time normally within minutes for residents of urban communities;

(8) in many rural Alaska Native villages, there is no local law enforcement presence whatsoever;

(9) to the extent there are resident law enforcement officers in rural villages, they consist of Village Public Safety Officers (VPSOs) through the State VPSO Program, and a very limited number of other peace officers such as Village Police Officers (VPOs), Tribal Police Officers (TPOs) and Community Peace Officers (CPOs) who tend to have only minimal training and experience;

(10) the VPSO Program is not able to adequately serve all remote Alaska Native villages because there is insufficient funding or officers to address the urgent need for additional law enforcement in these communities;
(11) the number of VPSOs currently serving in Alaska is approximately 71, yet there are about 200 remote villages in Alaska, all of which could benefit from a law enforcement presence;

(12) studies have concluded that the lack of effective law enforcement in Alaska Native villages contributes significantly to increased crime, alcohol abuse, drug abuse, domestic violence, and rates of suicide, poor educational achievement, and a lack of economic development in those communities;

(13) law enforcement that is created and administered by Indian tribes in Alaska will be more responsive to the need for greater local control, local responsibility, and local accountability in the administration of justice; and

(14) it is necessary to invoke the plenary authority of Congress over Indian affairs under section 8 of clause 3 of Article I of the Constitution, in order to improve law enforcement conditions in Alaska Native villages.

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

(1) to establish a demonstration project under which a limited number of Indian tribes in Alaska Native villages will exercise local law enforcement responsibilities to combat alcohol and drug abuse and
to enhance existing tribal authority over domestic violence and child abuse and neglect;

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

(3) to increase funding for, and therefore availability of, local law enforcement.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary because of their status as Indians, including any Alaska Native village as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(2) PROJECT.—The term “Project” means the Alaska Safe Families and Villages Demonstration Project established by section 4(a).

(3) PROJECT AREA.—The term “Project Area” means the geographical area within which an Indian tribe proposes to enforce the laws of the Indian tribe developed under the Project, as determined by the tribal government of the applicable Indian tribe and
as approved by the Office of Justice Programs upon
a showing that the extension of jurisdiction to such
area is in the interest of justice.

(4) TRIBAL COURT.—The term “tribal court”
means any court, council, or other mechanism sanc-
tioned by an Indian tribe for the adjudication of dis-
putes, including the violation of tribal laws, ordi-
nances, or regulations.

(5) TRIBAL ORGANIZATION.—The term “tribal
organization” has the meaning given the term in
section 4 of the Indian Self-Determination and Edu-

SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES DEM-
ONSTRATION PROJECT.

(a) ESTABLISHMENT OF PROJECT.—The Office of
Justice Programs of the Department of Justice shall carry
out the Alaska Safe Families and Villages Demonstration
Project as provided by this section.

(b) NUMBER OF TRIBES.—The Office of Justice Pro-
grams shall select not more than 9 Indian tribes in Alaska
to participate in the Project in Alaska over a 3-year pe-
period, with not more than 3 Indian tribes selected during
each of fiscal years 2012, 2013, and 2014.
(c) **DURATION OF PROJECT.**—Each Indian tribe selected to participate in the Project shall remain in the Project for a period of 5 years.

(d) **ANNUAL REPORT.**—

1. **IN GENERAL.**—On or before May 1 of each year, the Attorney General shall provide to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a brief annual report detailing activities undertaken under the Project and setting forth an assessment of the Project, together with any recommendations of the Attorney General for further action by Congress.

2. **REQUIREMENTS.**—Each report submitted under this subsection shall be prepared—

   (A) in consultation with the governments of Indian tribes in Alaska; and

   (B) after those governments and the State of Alaska have an opportunity to comment on each report prior to the finalization of the report.

(e) **APPLICATIONS.**—

1. **CRITERIA.**—To qualify to participate in the Project, an Indian tribe in Alaska shall—
(A) request participation by resolution or other official action by the governing body of the Indian tribe;

(B) have for the preceding 3 fiscal years no uncorrected significant and material audit exceptions regarding any Federal contracts or grants;

(C) demonstrate to the Attorney General sufficient governance capacity to conduct the Project, as evidenced by the history of the Indian tribe in operating government services, including public utilities, children’s courts, law enforcement, social service programs, or other activities;

(D) demonstrate the ability to sustain the goals and purposes of the Project after funding for the Project has expired; and

(E) meet such other criteria as the Attorney General may promulgate, after providing for public notice.

(2) COPY TO THE ALASKA AG.—Each Indian tribe shall send a copy of its application submitted under this section to the Attorney General of Alaska.
(f) Tribal Reporting.—The Attorney General may by regulation promulgate such minimum reporting requirements as the Attorney General determines are reasonably necessary to carry out this Act.

(g) Public Comment.—All applications submitted pursuant to subsection (e) shall be subject to public comment for a period of not less than 30 days following publication of notice in a newspaper or other publication of general circulation in the vicinity of the Alaska Native village of the Indian tribe requesting participation in the Project.

(h) Planning Phase.—Each Indian tribe selected for participation in the Project shall complete a planning phase that includes—

(1) internal governmental and organizational planning;

(2) the development of written tribal law or ordinances detailing the structure and procedures of the tribal court;

(3) enforcement mechanisms; and

(4) those aspects of drug or alcohol related matters that the Indian tribe proposes to regulate.

(i) Certification.—

(1) In General.—Upon completion of the planning phase under subsection (h), an Indian tribe shall provide to the Office of Tribal Justice—
(A) the constitution of the Indian tribe (or equivalent organic documents showing the structure of the tribal government and the placement and authority of the tribal court within that structure);

(B) the written tribal laws or ordinances of the Indian tribe governing court procedures and the regulation and enforcement of drugs, alcohol, and related matters;

(C) a map depicting the Project Area of the Indian tribe; and

(D) such other information or materials as the Attorney General may by public notice require.

(2) CERTIFICATION.—The Office of Tribal Justice shall certify the completion of the planning phase under this section.

(3) TIMING.—Certification under paragraph (2) may occur at the time at which an Indian tribe applies for participation in the Project if the Indian tribe demonstrates that the Indian tribe has already met the requirements of the planning phase.

(j) EFFECT OF CERTIFICATION.—

(1) IN GENERAL.—Commencing 30 days after the certification described in subsection (i) and ex-
cept as provided in paragraph (2), an Indian tribe participating in the Project shall exercise jurisdiction, concurrent with the civil jurisdiction of the State of Alaska under State law, over—

(A) the drug, alcohol, or related matters described in subsection (i) within the Project Area of the Indian tribe; and

(B) persons of Indian or Alaska Native descent or other persons with consensual relationships with the Indian tribe or a member of the Indian tribe.

(2) SANCTIONS.—An Indian tribe participating in the Project shall impose such sanctions as shall be determined by the tribal court to be appropriate, consistent with the Indian Civil Rights Act and tribal law, including such measures as—

(A) restorative justice;

(B) community service;

(C) fines;

(D) forfeitures;

(E) commitments for treatment;

(F) restraining orders; and

(G) emergency detentions.

(3) AGREEMENT REQUIRED.—A person may not be incarcerated by an Indian tribe participating
in the Project except pursuant to an agreement en-
tered into under section 7.

(4) TREATMENT OF PROTECTIVE ORDERS.—
For purposes of this subsection, the protective order
of an Indian tribe participating in the Project ex-
cluding any member or non-member from a commu-
nity shall be considered a civil remedy.

(5) EMERGENCY CIRCUMSTANCES.—Nothing in
this subsection shall prevent an Indian tribe partici-
pating in the Project from acting in the following
emergency circumstances:

(A) A tribe may assume protective custody
of a tribal member or otherwise take action to
prevent imminent harm to self or others.

(B) A tribe may take immediate, tem-
porary protective measures to address situa-
tions involving an imminent threat of harm to
self or others by a non-member.

(k) EFFECT OF ACT.—Nothing in this Act—

(1) limits, alters, or diminishes the civil or
criminal jurisdiction of the State of Alaska, or any
subdivision of that State, the United States, or any
Indian tribe in Alaska, including existing inherent
and statutory authority of the tribes over child pro-
tection, child custody, and domestic violence;
(2) confirms or denies that any area of Alaska does or does not constitute Indian country;

(3) diminishes the trust responsibility of the United States to Indian tribes in Alaska, or abridges or diminishes the sovereign immunity of any Indian tribe in Alaska;

(4) alters the jurisdiction of the Metlakatla Indian Community within the Annette Islands Reservation;

(5) limits in any manner the eligibility of the State of Alaska, any political subdivision of the State, or any Indian tribe in Alaska, for any other Federal assistance under any other law; or

(6) shall be construed to alter the tribes’ existing jurisdictional authority over domestic violence under the Violence Against Women Act.

(l) LIABILITY OF STATE OF ALASKA.—The State of Alaska and any political subdivision of the State shall not be liable for any act or omission of an Indian tribe participating in the Project, including acts or omissions undertaken pursuant to an intergovernmental agreement entered into under section 7.

(m) CONTRACTS.—

(1) IN GENERAL.—Each Indian tribe participating in the Project shall be eligible for a contract
from the Office of Justice Programs, in an amount not to exceed $250,000 per year, for use in defraying costs associated with the Project, including costs relating to—

(A) tribal court operations and personnel;
(B) utility and maintenance;
(C) overhead;
(D) equipment; and
(E) continuing education (including travel).

(2) REQUIREMENTS.—The contracts made available under this subsection shall be—

(A) in addition to such grants as may be available under this Act or other provisions of law; and
(B) awarded as contracts in a form authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) TRIBAL ORGANIZATIONS.—A tribal organization may enter into contracts on behalf of an Indian tribe participating in the Project upon express written delegation of authority of the Indian tribe to the tribal organization.
(n) **Regulations.**—The Attorney General may promulgate such regulations as the Attorney General determines to be necessary to carry out this section.

(o) **Full Faith and Credit.**—

(1) **In General.**—Each State shall give full faith and credit to all official acts and decrees of the tribal court of an Indian tribe participating in the Project to the same extent and in the same manner as such State accords full faith and credit to the official acts and decrees of other States.

(2) **Other Law.**—Nothing in this subsection impairs the duty of a State to give full faith and credit under any other law.

(p) **Federal Jurisdiction.**—

(1) **In General.**—Subject to paragraph (2), Project Areas and Indian tribes participating in the Project shall be eligible for the same law enforcement programs of the Bureau of Indian Affairs and the Office of Justice Programs, as are applicable to those areas under section 401 of Public Law 90–284 (25 U.S.C. 1321).

(2) **Applicability in Alaska.**—Nothing in this Act limits the application in Alaska of any provision of title II of Public Law 111–211.
(q) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (m) $2,500,000 for each of fiscal years 2012 through 2018.

SEC. 5. ALASKA VILLAGE PEACE OFFICERS.

(a) Establishment of Alaska Village Peace Officer Grants Program.—The Office of Justice Services of the Department of the Interior shall carry out a contract program for the employment by Indian tribes of Village Peace Officers in Alaska Native villages as provided in this section.

(b) Application Criteria.—

(1) In General.—To qualify for a contract under this section, an applicant shall—

(A) be an Indian tribe in Alaska that participated in a Project;

(B) demonstrate the lack of other resident law enforcement in the applicable Alaska Native village; and

(C) satisfy such other criteria as may be established by notice by the Office of Justice Services.

(2) Limitation.—Each contract awarded under this section shall be in an amount not to exceed $100,000 for the salary and related costs of employing and equipping 1 Village Peace Officer, ex-
cept that the Office of Justice Services shall be au-

thorized to waive the 1-officer limitation upon a

showing of compelling circumstances.

(c) CONTRACTS.—At the request of an applicant In-
dian tribe, the Office of Justice Services shall disburse
funds awarded under this section through modifications
to existing self-determination contracts or self-governance
compacts authorized under the Indian Self-Determination
and Education Assistance Act (25 U.S.C. 450 et seq.),
or by contract to a political subdivision of the State of
Alaska pursuant to an agreement, if any, under section
7.

(d) ELIGIBILITY FOR BIA TRAINING.—Village peace
officers hired pursuant to this section shall be eligible to
attend the Bureau of Indian Affairs Police Officer Train-
ing Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is
authorized to be appropriated to carry out this section
$5,000,000 for each of fiscal years 2012 through 2018.

SEC. 6. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Attorney General may enter
into 18-month contracts with tribal organizations in Alas-
ka to provide training and technical assistance on tribal
court development to any Indian tribes in Alaska.
(b) COOPERATION.—Tribal organizations may cooperate with other entities for the provision of services under contracts described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 7. INTERGOVERNMENTAL AGREEMENTS.

(a) IN GENERAL.—The State of Alaska, political subdivisions of that State, Indian tribes in Alaska, and the United States are each authorized and encouraged to enter into intergovernmental agreements, including agreements concerning—

(1) the employment of law enforcement officers, probation, and parole officers;

(2) cross-appointment and cross-deputization of tribal, State, municipal, or Federal officials;

(3) the detention or incarceration of offenders;

and

(4) jurisdictional or financial matters.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as restricting the right of the judicial system of Alaska to enter into agreements with the tribal courts.