

112TH CONGRESS  
1ST SESSION

# S. 1763

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

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

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## A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

**TITLE I—GRANT PROGRAMS**

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

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

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

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

Sec. 301. Indian Law and Order Commission.

7 **TITLE I—GRANT PROGRAMS**

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

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

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

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

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

3           (4) in paragraph (7)—

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

6                 (B) by striking “and” at the end;

7           (5) in paragraph (8)—

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

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

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

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

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

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

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

6 “(d) TRIBAL COALITION GRANTS.—

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

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

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

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

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

1 “(2) GRANTS.—

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

6 “(i) each tribal coalition that—

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 103. CONSULTATION.**

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

8 (1) in subsection (a)—

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

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

15 (2) in subsection (b)—

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

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

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

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

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

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

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

8 (1) in paragraph (1)—

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

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

16 (2) in paragraph (2)(A)—

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

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

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

22 “(vi) sex trafficking.”;

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



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

5 **SEC. 105. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(a) DEFINITIONS.—In this section:

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

12 lence’ means violence committed by a person who is

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

14 intimate nature with the victim, as determined by

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

16 ship, and the frequency of interaction between the

17 persons involved in the relationship.

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

19 tic violence’ means violence committed by a current

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

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

22 son who is cohabitating with or has cohabitated with

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3                   “(d) DISMISSAL OF CERTAIN CASES.—

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

6           “(f) PETITIONS TO STAY DETENTION.—

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

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

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

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

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

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

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

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

10 “(B) prosecution;

11 “(C) trial and appellate courts;

12 “(D) probation systems;

13 “(E) detention and correctional facilities;

14 “(F) alternative rehabilitation centers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25               (2) PILOT PROJECT.—

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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