

113TH CONGRESS  
1ST SESSION

# S. 1474

To encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mr. BEGICH (for himself and Ms. MURKOWSKI) introduced the following bill;  
which was read twice and referred to the Committee on Indian Affairs

---

## A BILL

To encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Alaska Safe Families  
5       and Villages Act of 2013”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

1           (1) residents of remote Alaska villages suffer  
2           disproportionately from crimes and civil disturbances  
3           rooted in alcohol abuse, illicit drug use, suicide, and  
4           domestic violence;

5           (2) the alcohol-related suicide rate in remote  
6           Alaska villages is 6 times the average in the United  
7           States and the alcohol-related mortality rate is 3.5  
8           times that of the general population of the United  
9           States;

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

14          (4) according to the Alaska Native Tribal  
15          Health Consortium, one in two Alaska Native  
16          women experience physical or sexual violence;

17          (5) according to the 2006 Initial Report and  
18          Recommendations of the Alaska Rural Justice and  
19          Law Enforcement Commission, more than 95 per-  
20          cent of all crimes committed in rural Alaska can be  
21          attributed to alcohol abuse;

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

24          (7) there are more than 200 remote villages in  
25          Alaska, which are ancestral homelands to Indian

1 tribes and geographically isolated by rivers, oceans,  
2 and mountains making most of those villages acces-  
3 sible only by air;

4 (8) small size and remoteness, lack of connec-  
5 tion to a road system, and extreme weather condi-  
6 tions often prevent or delay travel, including that of  
7 law enforcement personnel, into remote villages, re-  
8 sulting in challenging law enforcement conditions;

9 (9) less than  $\frac{1}{2}$  of remote Alaska villages are  
10 served by trained State law enforcement entities and  
11 several Indian tribes provide peace officers or tribal  
12 police without adequate training or equipment;

13 (10) the lack of effective law enforcement enti-  
14 ties in remote Alaska villages contributes signifi-  
15 cantly to increased crime, alcohol abuse, drug abuse,  
16 domestic violence, rates of suicide, poor educational  
17 achievement, and lack of economic development;

18 (11) Indian tribes that operate within remote  
19 Alaska villages should be empowered to participate  
20 in local culturally relevant solutions to effectively  
21 provide law enforcement entities in villages and ac-  
22 cess to swift judicial proceedings;

23 (12) increasing capacities of local law enforce-  
24 ment entities to achieve increased tribal involvement  
25 in State law enforcement in remote villages will pro-

1 mote a stronger link between the State and village  
2 residents, encourage community involvement, and  
3 create greater local accountability with respect to vi-  
4 olence and substance abuse; and

5 (13) the United States has a trust responsi-  
6 bility to Indian tribes in the State.

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

8 (1) to improve the delivery of justice in Alaska  
9 Native villages by encouraging the State and Indian  
10 tribes to enter into intergovernmental agreements  
11 relating to the enforcement and adjudication of  
12 State laws relating to drug and alcohol offenses; and

13 (2) to enhance coordination and communication  
14 among Federal, State, tribal, and local law enforce-  
15 ment agencies.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) ATTORNEY GENERAL.—The term “Attorney  
19 General” means the Attorney General of the United  
20 States.

21 (2) DIRECTOR.—The term “Director” means  
22 the Director of the Office of Tribal Justice.

23 (3) INDIAN TRIBE.—The term “Indian tribe”  
24 has the meaning given the term in section 102 of the

1 Federally Recognized Indian Tribe List Act of 1994  
2 (25 U.S.C. 479a).

3 (4) PARTICIPATING INDIAN TRIBE.—The term  
4 “participating Indian tribe” means an Indian tribe  
5 selected by the Director to participate in the pro-  
6 gram.

7 (5) PROGRAM.—The term “program” means  
8 the Alaska Safe Families and Villages Self Govern-  
9 ance Program established under this Act.

10 (6) STATE.—The term “State” means the State  
11 of Alaska.

12 (7) TRIBAL COURT.—The term “tribal court”  
13 means any court, council, or a mechanism of any  
14 court or council sanctioned by an Indian tribe for  
15 the adjudication of disputes, including the violation  
16 of tribal laws, ordinances, and regulations.

17 **SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES SELF GOV-**  
18 **ERNANCE PROGRAM.**

19 (a) IN GENERAL.—The Attorney General shall estab-  
20 lish a program in the Office of Tribal Justice Programs  
21 of the Department of Justice, to be known as the “Alaska  
22 Safe Families and Villages Self Governance Program”, to  
23 make grants to Indian tribes in carrying out intergovern-  
24 mental agreements described in subsection (d).

25 (b) ADMINISTRATION.—

1           (1) IN GENERAL.—Each Indian tribe desiring  
2           to participate in the program shall submit to the Di-  
3           rector an application in accordance with this section.

4           (2) ELIGIBILITY.—To be eligible to participate  
5           in the program, an Indian tribe in the State shall—

6                   (A) request participation by resolution or  
7                   other official action from the governing body of  
8                   the Indian tribe;

9                   (B) have for the preceding 3 fiscal years  
10                  no uncorrected significant and material audit  
11                  exceptions regarding any Federal contract or  
12                  grant;

13                  (C) demonstrate to the Attorney General  
14                  sufficient governance capacity to conduct the  
15                  program, as evidenced by the history of the In-  
16                  dian tribe in operating government services (in-  
17                  cluding public utilities, children’s courts, law  
18                  enforcement, social service programs, or other  
19                  activities);

20                  (D) certify that the Indian tribe has en-  
21                  tered into an intergovernmental agreement with  
22                  the State described in subsection (d);

23                  (E) meet such other criteria as the Attor-  
24                  ney General may promulgate, after providing

1 public notice and an opportunity to comment;  
2 and

3 (F) submit to the Attorney General of the  
4 State a copy of the application.

5 (3) PUBLIC COMMENT.—Each application sub-  
6 mitted under this subsection shall be subject to pub-  
7 lic comment for a period of not less than 30 days  
8 after the date on which a notice of the application  
9 is published in a newspaper or other publication of  
10 general circulation in the vicinity of the Native vil-  
11 lage of the Indian tribe.

12 (c) USE OF AMOUNTS.—Each participating Indian  
13 tribe shall use amounts—

14 (1) to carry out a planning phase that may in-  
15 clude—

16 (A) internal governmental and organiza-  
17 tional planning;

18 (B) developing written tribal law or ordi-  
19 nances detailing the structure and procedures  
20 of the tribal court;

21 (C) developing enforcement mechanisms;  
22 and

23 (D) negotiating and finalizing any inter-  
24 governmental agreements necessary to carry out  
25 this Act; and

1           (2) to carry out activities of the Indian tribe in  
2 accordance with an applicable intergovernmental  
3 agreement with the State.

4 (d) INTERGOVERNMENTAL AGREEMENTS.—

5           (1) IN GENERAL.—The State (including polit-  
6 ical subdivisions of the State) and Indian tribes in  
7 the State are encouraged to enter into intergovern-  
8 mental agreements relating to the enforcement of  
9 certain State laws by the Indian tribe.

10           (2) CONTENTS.—

11           (A) IN GENERAL.—An intergovernmental  
12 agreement described in paragraph (1) may de-  
13 scribe the duties of the State and the applicable  
14 Indian tribe relating to—

15                   (i) the employment of law enforcement  
16 officers, probation, and parole officers;

17                   (ii) the appointment and deputization  
18 by the State of tribal law enforcement offi-  
19 cers as special officers to aid and assist in  
20 the enforcement of the criminal laws of the  
21 State;

22                   (iii) the enforcement of punishments  
23 imposed by the Indian tribe under tribal  
24 law;



1 (iv) the transfer of enforcement duties  
2 for State drug- and alcohol-related mis-  
3 dememeanor offenses to the Indian tribe;

4 (v) the adjudication by the Indian  
5 tribe of State drug- and alcohol-related  
6 misdemeanor offenses;

7 (vi) the transfer of information and  
8 evidence between tribal law enforcement  
9 entities and the court system of the State;

10 (vii) the detention of offenders;

11 (viii) searches and seizures of alcohol  
12 and drugs at municipal and State airports;  
13 and

14 (ix) jurisdictional or financial matters.

15 (B) REMEDIES.—Subject to title II of  
16 Public Law 90–284 (25 U.S.C. 1301 et seq.)  
17 (commonly known as the “Indian Civil Rights  
18 Act of 1968”), an intergovernmental agreement  
19 described in paragraph (1) may include rem-  
20 edies to be imposed by the applicable Indian  
21 tribe relating to the enforcement of State law,  
22 including—

23 (i) restorative justice, including circle  
24 sentencing;

25 (ii) community service;

- 1 (iii) fines;
- 2 (iv) forfeitures;
- 3 (v) commitments for treatment;
- 4 (vi) restraining orders;
- 5 (vii) emergency detentions; and
- 6 (viii) any other remedies agreed to by
- 7 the State and Indian tribe.

8 (e) ANNUAL REPORT.—

9 (1) IN GENERAL.—Not later than May 1 of

10 each year, the Attorney General shall submit to the

11 Committee on Indian Affairs of the Senate and the

12 Committee on Natural Resources of the House of

13 Representatives an annual report that—

14 (A) describes the grants awarded under

15 the program;

16 (B) assesses the effectiveness of the pro-

17 gram; and

18 (C) includes any recommendations of the

19 Attorney General relating to the program.

20 (2) REQUIREMENTS.—Each report shall be pre-

21 pared in consultation with the government of each

22 participating Indian tribe and the State.

23 (f) NO LIABILITY FOR THE STATE OF ALASKA.—The

24 State, including any political subdivision of the State, shall

25 not be liable for any act or omission of a participating

1 Indian tribe in carrying out this Act, including any act  
2 or omission of a participating Indian tribe undertaken  
3 pursuant to an intergovernmental agreement described in  
4 subsection (d).

5 (g) REGULATIONS.—The Attorney General shall pro-  
6 mulgate such regulations as the Attorney General deter-  
7 mines are necessary to carry out this Act.

8 (h) ELIGIBILITY FOR FEDERAL PROGRAMS.—

9 (1) IN GENERAL.—Participating Indian tribes  
10 shall be eligible for the same tribal court and law en-  
11 forcement programs and level of funding from the  
12 Bureau of Indian Affairs and the Department of  
13 Justice as are available to other Indian tribes.

14 (2) APPLICABILITY IN ALASKA.—Nothing in  
15 this Act limits the application in the State of—

16 (A) the Tribal Law and Order Act of 2010  
17 (Public Law 111–211; 124 Stat. 2261);

18 (B) the Violence Against Women Reau-  
19 thorization Act of 2013 (Public law 113–4; 127  
20 Stat. 54); or

21 (C) any amendments made by the Acts re-  
22 ferred to in subparagraphs (A) and (B).

23 (i) EFFECT OF ACT.—Nothing in this Act—

1           (1) limits, alters, or diminishes the civil or  
2 criminal jurisdiction of the State, any subdivision of  
3 the State, or the United States;

4           (2) limits or diminishes the jurisdiction of any  
5 Indian tribe in the State, including inherent and  
6 statutory authority of the Indian tribe over child  
7 protection, child custody, and domestic violence (as  
8 in effect on the day before the date of enactment of  
9 this Act);

10          (3) creates a territorial basis for the jurisdiction  
11 of any Indian tribe in the State or otherwise creates  
12 Indian country in any area of the State;

13          (4) confers any criminal jurisdiction on any In-  
14 dian tribe in the State;

15          (5) diminishes the trust responsibility of the  
16 United States to Indian tribes in the State;

17          (6) abridges or diminishes the sovereign immu-  
18 nity of any Indian tribe in the State;

19          (7) alters the criminal or civil jurisdiction of the  
20 Metlakatla Indian Community within the Annette Is-  
21 lands Reserve (as in effect on the date before the  
22 date of enactment of this Act);

23          (8) alters the authority of the State to file, in  
24 the discretion of the State, a civil or criminal action  
25 for the violation of State law;

1           (9) limits in any manner the eligibility of the  
2           State, any political subdivision of the State, or any  
3           Indian tribe in the State, for any other Federal as-  
4           sistance under any other law; or

5           (10) affects the authority of the United States  
6           or any State government that has been delegated au-  
7           thority by the United States to investigate and pros-  
8           ecute a criminal violation in Indian country, includ-  
9           ing under section 1162 of title 18, United States  
10          Code.

11 **SEC. 5. FUNDING.**

12          The Attorney General shall use amounts made avail-  
13          able to the Attorney General for the Office of Tribal Jus-  
14          tice to carry out the program under this Act.

15 **SEC. 6. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.**

16          Section 910 of the Violence Against Women Reau-  
17          thorization Act of 2013 (18 U.S.C. 2265 note; Public Law  
18          113–4) is repealed.

○