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115TH CONGRESS
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[Report No. 115–433]

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

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

DECEMBER 13, 2018

Reported by Mr. HOEVEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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 2018”.

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. Integration and coordination of programs.

Sec. 103. Data sharing with Indian tribes.

Sec. 104. Judicial administration in Indian country.

Sec. 105. Federal notice.

Sec. 106. Detention facilities.

Sec. 107. Reauthorization for tribal courts training.

Sec. 108. Amendments to the Indian Civil Rights Act.

Sec. 109. Public defenders.

Sec. 110. Offenses in Indian country: trespass on Indian land.

Sec. 111. Resources for public safety in Indian communities; drug trafficking
 prevention.

Sec. 112. Substance abuse prevention tribal action plans.

Sec. 113. Office of Justice Services spending report.

TITLE II—IMPROVING JUSTICE FOR INDIAN YOUTH

Sec. 201. Federal jurisdiction over Indian juveniles.

Sec. 202. Reauthorization of tribal youth programs.

Sec. 203. Assistance for Indian tribes relating to juvenile crime.

Sec. 204. Coordinating Council on Juvenile Justice and Delinquency 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-
 11 acted to enhance law enforcement services, encour-
 12 age interagency cooperation, and improve Federal

1 accountability for public safety in Indian commu-
2 nities;

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

6 ~~(3) according to the Department of Justice, in~~
7 ~~2014, 34 percent of the total Indian country crimi-~~
8 ~~nal matters submitted for prosecution were declined,~~
9 ~~a percentage that has not decreased significantly~~
10 ~~since the date of enactment of the Tribal Law and~~
11 ~~Order Act of 2010 (25 U.S.C. 2801 note; Public~~
12 ~~Law 111–211) and has remained fairly steady;~~

13 ~~(4) drug and alcohol abuse is a key contributing~~
14 ~~factor to violence and crime in Indian communities;~~

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

19 ~~(6) during the period beginning in 2010 and~~
20 ~~ending on the date of enactment of this Act, the~~
21 ~~number of law enforcement officers working on pub-~~
22 ~~lie safety in Indian country has slightly increased,~~
23 ~~but according to the Bureau of Indian Affairs, only~~
24 ~~approximately 43 percent of the total need for those~~
25 ~~officers is currently being met;~~

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

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

12 (B) in which approximately 28,000 Indians
13 reside; and

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

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

22 (9) tribes continue to encounter barriers to ac-
23 cessing and entering information into national crime
24 information databases for criminal and civil pur-
25 poses and additional options are needed to ensure

1 Indian tribes can fully participate in the 2-way shar-
2 ing of criminal justice information so that all tribal
3 justice and public safety agencies have access to the
4 data needed to keep their communities safe;

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

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

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

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

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

20 (13) appropriate services for tribal youth in the
21 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) ENFORCEMENT OF REPORTING REQUIRE-
 2 MENTS.—Section 3 of the Indian Law Enforcement Re-
 3 form Act (25 U.S.C. 2802) is amended by adding at the
 4 end the following:

5 “(g) ENFORCEMENT OF REPORTING REQUIRE-
 6 MENTS.—

7 “(1) IN GENERAL.—Subject to paragraph (2),
 8 on the failure of the Director of the Office of Justice
 9 Services to submit a report in accordance with para-
 10 graph (15) or (16) of subsection (c), the Secretary
 11 shall withhold funding for the Office of the Assistant
 12 Secretary for Indian Affairs used for the administra-
 13 tion of services, including functional expenses such
 14 as overtime, personnel salaries, and associated bene-
 15 fits or related tasks that directly affect those func-
 16 tions, to the extent that the withholding does not ad-
 17 versely impact the capacity of the Secretary to pro-
 18 vide law enforcement services in Indian communities
 19 in accordance with this Act.

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

1 (c) 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 (d) LAW ENFORCEMENT AND JUDICIAL TRAINING.—
 18 Section 4218(b) of the Indian Alcohol and Substance
 19 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.
 20 2451(b)) is amended by striking “2011 through 2015”
 21 and inserting “2018 through 2022”.

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

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

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

SEC. 102. INTEGRATION AND COORDINATION OF PROGRAMS.

(a) IN GENERAL.—

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

(A) the feasibility and effectiveness of the establishment of base funding for, and the integration and consolidation of, Federal law enforcement, public safety, and substance abuse and mental health programs for which Indian tribes are eligible, for the purposes of coordinating the programs, reducing administrative costs, and improving services for Indian tribes, individual Indians, and Indian communities;

(B) the use of a single application and reporting system for the consolidated approach described in subparagraph (A);

1 (C) the application of chapter 75 of title
2 31, United States Code (commonly known as
3 the “Single Audit Act”) to the consolidated ap-
4 proach described in subparagraph (A);

5 (D) the methodology for interagency trans-
6 fer of funds for the consolidated approach de-
7 scribed in subparagraph (A);

8 (E) the method for Federal oversight for
9 the consolidated approach described in subpara-
10 graph (A); and

11 (F) any legal or administrative barriers to
12 the implementation of the consolidated ap-
13 proach described in subparagraph (A).

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

19 (A) each program under the jurisdiction of
20 that unit for which an Indian tribe may be eli-
21 gible; and

22 (B) the regulations governing each pro-
23 gram described in subparagraph (A).

24 (3) SUBMISSION OF PLAN.—Not later than 18
25 months after the date of enactment of this Act, the

1 Secretary of the Interior, the Secretary of Health
2 and Human Services, and the Attorney General shall
3 jointly submit to the Committee on Indian Affairs of
4 the Senate, the Committee on Natural Resources of
5 the House of Representatives, and the Committee on
6 the Judiciary of the House of Representatives a plan
7 that includes—

8 (A) the findings of the consultation de-
9 scribed in paragraph (1);

10 (B) the programs identified in accordance
11 with paragraph (2); and

12 (C) any legal or administrative barriers to
13 the implementation of the consolidated ap-
14 proach described in paragraph (1)(A).

15 (b) PROGRAM EVALUATION.—Not later than 18
16 months after the date of enactment of this Act, the Attor-
17 ney General shall conduct an evaluation of and submit to
18 Committee on Indian Affairs of the Senate, the Committee
19 on Natural Resources of the House of Representatives, the
20 Committee on the Judiciary of the Senate, and the Com-
21 mittee on the Judiciary of the House of Representatives
22 a report on—

23 (1) law enforcement grants and other resources
24 made available to State, local, and tribal govern-

1 ments under current requirements encouraging
2 intergovernmental cooperation;

3 ~~(2)~~ benefits of, barriers to, and the need for
4 intergovernmental cooperation between State, local,
5 and tribal governments; and

6 ~~(3)~~ recommendations for incentivizing intergov-
7 ernmental cooperation, including any legislation or
8 regulations needed to achieve those incentives.

9 ~~(c)~~ INTERAGENCY COORDINATION AND COOPERA-
10 TION.—

11 ~~(1)~~ MEMORANDUM OF AGREEMENT.—

12 ~~(A)~~ IN GENERAL.—Not later than 18
13 months after the date of enactment of this Act,
14 the Attorney General, acting through the Bu-
15 reau of Prisons, the Secretary of the Interior,
16 acting through the Office of Justice Services,
17 Bureau of Indian Affairs, and the Secretary of
18 Health and Human Services shall enter into a
19 Memorandum of Agreement to cooperate, con-
20 fer, transfer funds, share resources and, as per-
21 mitted by law, information on matters relating
22 to the detention of Indian inmates, the reduc-
23 tion of recidivism (including through substance
24 abuse treatment and mental and health care

services); and the lease or loan of facilities;
technical assistance, training, and equipment.

(B) STRATEGIES AND BEST PRACTICES.—

Not later than 2 years after the date of enactment of this Act, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services shall enter into a Memorandum of Agreement to develop, share, and implement effective strategies, best practices, and resources, and transfer funds, to improve the re-entry of Indian inmates into Indian communities after incarceration.

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

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

(B) submit to the Committee on Indian Affairs of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on the Judiciary of the Senate, and

the Committee on the Judiciary of the House of Representatives a report regarding any legal or regulatory impediments to carrying out subparagraphs (A) and (B) of paragraph (1).

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

SEC. 103. DATA SHARING WITH INDIAN TRIBES.

(a) INFORMATION SHARING WITH INDIAN TRIBES.—

Section 534(d) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated), by striking “The Attorney General” and inserting the following:

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

2 and

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

4 “(2) TRIBAL ACCESS PROGRAM.—Out of any
5 funds available and not otherwise obligated, the At-
6 torney General shall establish and carry out a tribal
7 access program to enhance the ability of tribal gov-
8 ernments to access, enter information into, and ob-
9 tain information from, Federal criminal information
10 databases as authorized under this section.

11 “(3) INFORMATION SHARING.—Any report
12 issued as a result of the analysis of information en-
13 tered into Federal criminal information databases or
14 obtained from Federal criminal databases, including
15 for the purpose of conducting background checks,
16 shall be shared with Indian tribes of jurisdiction.”.

17 (b) ACCESS TO NATIONAL CRIMINAL INFORMATION
18 DATABASES.—Section 233(b) of the Tribal Law and
19 Order Act of 2010 (28 U.S.C. 534 note; Public Law 111-
20 211) is amended by striking paragraph (1) and inserting
21 the following:

22 “(1) IN GENERAL.—The Attorney General shall
23 ensure that—

24 “(A) tribal law enforcement officials that
25 meet applicable Federal or State requirements

1 be permitted access to national crime informa-
 2 tion databases;

3 “(B) technical assistance and training to
 4 Bureau of Indian Affairs and tribal law en-
 5 forcement officials is provided to gain access
 6 and input authority to use the National Crimi-
 7 nal Information Center and other national
 8 crime information databases pursuant to sec-
 9 tion 534 of title 28, United States Code; and

10 “(C) the Federal Bureau of Investigation
 11 coordinates with the Office of Justice Services,
 12 Bureau of Indian Affairs, to ensure Indian trib-
 13 al law enforcement agencies are assigned appro-
 14 priate credentials or ORI numbers for uniform
 15 crime reporting purposes.”.

16 (e) BUREAU OF JUSTICE STATISTICS.—Section
 17 302(d) of the Omnibus Crime Control and Safe Streets
 18 Act of 1968 (42 U.S.C. 3732(d)) is amended—

19 (1) by striking the subsection designation and
 20 all that follows through “To ensure” in paragraph
 21 (1) and inserting the following:

22 “(d) JUSTICE STATISTICAL COLLECTION, ANALYSIS,
 23 AND DISSEMINATION.—

24 “(1) IN GENERAL.—To ensure”;

25 (2) in paragraph (1)—

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

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

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

6 “(G) confer and cooperate with the Bureau
7 of Indian Affairs as needed to carry out the
8 purposes of this part, including by entering into
9 cooperative resource and data sharing agree-
10 ments in conformity with all laws and regula-
11 tions applicable to the disclosure and use of
12 data.”; and

13 (3) in paragraph (2)—

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

16 “(A) IN GENERAL.—The Director”; and

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

18 “(B) INFORMATION SHARING REQUIRE-
19 MENT.—Analysis of the information collected
20 under subparagraph (A) shall be shared with
21 the Indian tribe that provided the information
22 that was collected.”.

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

1 ~~(1) in paragraph (1)—~~

2 ~~(A) in subparagraph (B), by redesignating~~
 3 ~~clauses (i) and (ii) as subclauses (I) and (II),~~
 4 ~~respectively, and indenting appropriately; and~~

5 ~~(B) by redesignating subparagraphs (A)~~
 6 ~~and (B) as clauses (i) and (ii), respectively, and~~
 7 ~~indenting appropriately;~~

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

11 ~~(3) 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 ~~(4) by adding at the end the following:~~

17 ~~“(2) CONSULTATION.—Not later than 1 year~~
 18 ~~after the date of enactment of the Tribal Law and~~
 19 ~~Order Reauthorization and Amendments Act of~~
 20 ~~2018, the Attorney General shall consult with Indian~~
 21 ~~tribes, including appropriate tribal justice officials,~~
 22 ~~regarding—~~

23 ~~“(A) the annual reports described in para-~~
 24 ~~graph (1) to improve the data collected, the in-~~

1 formation reported, and the reporting system;
 2 and

3 “(B) improvements to the processes for the
 4 satisfaction of the requirements for coordination
 5 described in paragraphs (1) and (3) of sub-
 6 section (a); or to the reporting requirements
 7 under paragraph (1).

8 “(3) ENFORCEMENT OF REPORTING REQUIRE-
 9 MENTS.—

10 “(A) IN GENERAL.—Subject to subpara-
 11 graph (B), on the failure of the Attorney Gen-
 12 eral to submit a report in accordance with para-
 13 graph (1), the Attorney General shall withhold
 14 funding for the Director of the Federal Bureau
 15 of Investigation and the Director of the Execu-
 16 tive Office for United States Attorneys used for
 17 the administration of services, including func-
 18 tional expenses such as overtime, personnel sal-
 19 aries, and associated benefits or related tasks
 20 that directly affect those functions, to the ex-
 21 tent that the withholding does not adversely im-
 22 pact the capacity of the Attorney General to
 23 provide law enforcement, investigation, or pros-
 24 ecution services.

1 “(B) RESTORATION.—The Attorney Gen-
 2 eral shall restore funding withheld in accord-
 3 ance with subparagraph (A) on submission of
 4 the applicable report in accordance with para-
 5 graph (1).”.

6 **SEC. 104. JUDICIAL ADMINISTRATION IN INDIAN COUNTRY.**

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

11 (1) in paragraph (5), by striking “3 years after
 12 the date of establishment of the pilot program” and
 13 inserting “5 years after the date of enactment of the
 14 Tribal Law and Order Reauthorization and Amend-
 15 ments Act of 2018”;

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

18 (3) by inserting after paragraph (5) the fol-
 19 lowing:

20 “(6) CONSULTATION.—Not later than 1 year
 21 after the date of enactment of the Tribal Law and
 22 Order Reauthorization and Amendments Act of
 23 2018, the Director of the Bureau of Prisons and the
 24 Director of the Office of Justice Services of the Bu-
 25 reau of Indian Affairs shall coordinate and consult

with Indian tribes to develop improvements in implementing the pilot program, including intergovernmental communication, training, processes, and other subject matters as appropriate.”; and

(4) in paragraph (7) (as redesignated), by striking “paragraph shall expire on the date that is 4 years after the date on which the program is established” and inserting “subsection shall expire on the date that is 7 years after the date of enactment of the Tribal Law and Order Reauthorization and Amendments Act of 2018”.

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

“(h) CONSULTATION FOR JUVENILE JUSTICE REFORM.—Not later than 1 year after date of enactment of this subsection, the Director of the Bureau of Indian Affairs, the Director of the Bureau of Prisons, the Director of the Indian Health Service, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Administrator of the Substance Abuse and Mental Health Services Administration shall consult with Indian tribes regarding Indian juvenile justice and incarceration, including—

1 “(1) the potential for using Bureau of Indian
2 Affairs or tribal juvenile facilities for the incarceration
3 of Indian youth in the Federal system as alternative
4 locations closer to the communities of the Indian
5 youth;

6 “(2) improving community-based options for
7 the services needed and available for Indian youth in
8 Federal incarceration;

9 “(3) barriers to the use of—

10 “(A) alternatives to incarceration; or

11 “(B) cross-agency services for Indian
12 youth in incarceration; and

13 “(4) the application of the Federal sentencing
14 guidelines to Indian youth.”.

15 **SEC. 105. FEDERAL NOTICE.**

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

19 “(d) **FEDERAL NOTICE.**—On conviction in any dis-
20 trict court of the United States of an enrolled member
21 of a federally recognized Indian tribe, the Office of the
22 United States Attorney for the district in which the mem-
23 ber was convicted shall provide to the appropriate tribal
24 justice official notice of the conviction and any other perti-
25 nent information.”.

1 **SEC. 106. DETENTION FACILITIES.**

2 (a) INDIAN LAW ENFORCEMENT REFORM ACT.—

3 Section 3 of the Indian Law Enforcement Reform Act (25
4 U.S.C. 2802) (as amended by section 104(b)) is amended
5 by adding at the end the following:

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

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

22 (1) by redesignating subsection (e) as sub-
23 section (d); and

24 (2) by inserting after subsection (b) the fol-
25 lowing:

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

14 (c) ~~JUVENILE DETENTION CENTERS.~~—Section
 15 4220(b) of the Indian Alcohol and Substance Abuse Pre-
 16 vention and Treatment Act of 1986 (25 U.S.C. 2453(b))
 17 is amended by striking “2011 through 2015” each place
 18 it appears and inserting “2018 through 2022”.

19 (d) ~~PAYMENTS FOR INCARCERATION ON TRIBAL~~
 20 ~~LAND.~~—Section 20109(a) of the Violent Crime Control
 21 and Law Enforcement Act of 1994 (34 U.S.C. 12109) is
 22 amended by striking “2011 through 2015” and inserting
 23 “2018 through 2022”.

1 **SEC. 107. REAUTHORIZATION FOR TRIBAL COURTS TRAIN-**
 2 **ING.**

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

7 (b) **TECHNICAL AND LEGAL ASSISTANCE.**—

8 (1) **AUTHORIZATION OF APPROPRIATIONS.**—
 9 Section 107 of the Indian Tribal Justice Technical
 10 and Legal Assistance Act of 2000 (25 U.S.C. 3666)
 11 is amended by striking “2011 through 2015” and
 12 inserting “2018 through 2022”.

13 (2) **GRANTS.**—Section 201(d) of the Indian
 14 Tribal Justice Technical and Legal Assistance Act of
 15 2000 (25 U.S.C. 3681(d)) is amended by striking
 16 “2011 through 2015” and inserting “2018 through
 17 2022”.

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

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

24 (b) **RIGHTS OF DEFENDANTS.**—Section 204(d)(3) of
 25 Public Law 90–284 (commonly known as the “Indian Civil
 26 Rights Act of 1968”) (25 U.S.C. 1304(d)(3)) is amended

1 in the matter preceding subparagraph (A), by striking
 2 “the right” and inserting “if a term of imprisonment of
 3 180 days or more may be imposed, the right”.

4 **SEC. 109. PUBLIC DEFENDERS.**

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

8 **“SEC. 13A. TRIBAL LIAISONS.**

9 **“(a) APPOINTMENT.—**

10 **“(1) IN GENERAL.—**The Federal Public De-
 11 fender for each district that includes Indian country
 12 shall appoint not less than 1 assistant Federal Pub-
 13 lic Defender to serve as a tribal liaison for the dis-
 14 trict.

15 **“(2) SENSE OF CONGRESS.—**It is the sense of
 16 Congress that in appointing tribal liaisons under
 17 paragraph (1), the Federal Public Defender should
 18 consult with tribal justice officials from each Indian
 19 tribe that would be affected by the appointment.

20 **“(b) DUTIES.—**

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

23 **“(A) Developing working relationships and**
 24 **maintaining communication with tribal leaders**
 25 **and tribal community, including the interchange**

1 and understanding of cultural issues that may
2 impact the effective assistance of counsel.

3 “(B) Providing technical assistance and
4 training regarding criminal defense techniques
5 and strategies, forensics, and reentry programs
6 and strategies for responding to crimes occur-
7 ring in Indian country.

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

10 “(A) in evaluating the performance of trib-
11 al liaisons, and as part of the staffing formulas
12 for Federal Defenders, the Administrative Of-
13 fice of the United States Courts should take
14 into consideration the multiple duties of tribal
15 liaisons described in paragraph (1); and

16 “(B) the Director of the Administrative
17 Office of the United States Courts and the At-
18 torney General should work together to ensure
19 that each district that includes Indian country
20 has sufficient resources to provide adequate
21 representation.”.

22 **SEC. 110. OFFENSES IN INDIAN COUNTRY: TRESPASS ON IN-**
23 **DIAN LAND.**

24 Section 1165 of title 18, United States Code, is
25 amended—

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

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

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

8 “(a) HUNTING, TRAPPING, OR FISHING ON INDIAN
9 LAND.—Whoever, without lawful authority”; 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 tribal land because of a conviction
17 under the criminal laws of the tribal government—

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

20 “(B) for the sale or distribution of con-
21 trolled substances.

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

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

4 “(4) REQUIREMENTS.—The violation described
 5 in paragraph (2) applies only to an exclusion
 6 order—

7 “(A) for which—

8 “(i) the respondent was served with,
 9 or had actual notice of, the underlying
 10 complaint; and

11 “(ii) the underlying complaint in-
 12 cluded—

13 “(I) a plain statement of facts
 14 that, if true, would provide the basis
 15 for the issuance of an exclusion order
 16 against the respondent;

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

19 “(III) a statement informing the
 20 respondent that if the respondent fails
 21 to appear at the hearing on the com-
 22 plaint, an order may issue, the viola-
 23 tion of which may result in—

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

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

3 “(B) for which a hearing on the underlying
4 complaint sufficient to protect the right of the
5 respondent to due process was held on the
6 record, at which the respondent was provided
7 an opportunity to be heard and present testi-
8 mony of witnesses and other evidence as to why
9 the order should not issue;

10 “(C) that—

11 “(i) temporarily or permanently ex-
12 cludes the respondent from tribal land
13 under the jurisdiction of the applicable In-
14 dian tribe; and

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

17 “(I) criminal prosecution under
18 Federal law; and

19 “(H) the imposition of a fine or
20 imprisonment, or both; and

21 “(D) with which the respondent was served
22 or of which the respondent had actual notice.”.

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

25 (a) **SHADOW WOLVES.—**

1 ~~(1) IN GENERAL.—~~There is established within
 2 the Bureau of Immigration and Customs Enforce-
 3 ment of the Department of Homeland Security a di-
 4 vision to be known as the “Shadow Wolves Divi-
 5 sion”.

6 ~~(2) DUTIES.—~~The Shadow Wolves Division
 7 shall—

8 (A) carry out such duties as are assigned
 9 by the Director of the Bureau of Immigration
 10 and Customs Enforcement; and

11 (B) in carrying out those duties, coordi-
 12 nate with the Bureau of Indian Affairs and
 13 other applicable Federal agencies and State and
 14 tribal governments.

15 ~~(b) REAUTHORIZATION OF FUNDING TO COMBAT IL-~~
 16 ~~LEGAL NARCOTICS TRAFFICKING.—~~Section 4216 of the
 17 Indian Alcohol and Substance Abuse Prevention and
 18 Treatment Act of 1986 (25 U.S.C. 2442) is amended by
 19 striking “2011 through 2015” each place it appears and
 20 inserting “2018 through 2022”.

21 ~~(c) MAINTENANCE OF CERTAIN INDIAN RESERVA-~~
 22 ~~TION ROADS.—~~The Commissioner of U.S. Customs and
 23 Border Protection may transfer funds to the Director of
 24 the Bureau of Indian Affairs to maintain or repair roads
 25 under the jurisdiction of the Director, on the condition

1 that the Commissioner and the Director mutually agree
 2 that the primary user of the subject road is U.S. Customs
 3 and Border Protection.

4 **SEC. 112. SUBSTANCE ABUSE PREVENTION TRIBAL ACTION**
 5 **PLANS.**

6 (a) INTER-DEPARTMENTAL MEMORANDUM OF
 7 AGREEMENT.—Section 4205(a) of the Indian Alcohol and
 8 Substance Abuse Prevention and Treatment Act of 1986
 9 (25 U.S.C. 2411(a)) is amended—

10 (1) in the matter preceding paragraph (1), by
 11 inserting “the Secretary of Agriculture, the Sec-
 12 retary of Housing and Urban Development,” after
 13 “the Attorney General,”

14 (2) in paragraph (2)(A), by inserting “the De-
 15 partment of Agriculture, the Department of Housing
 16 and Urban Development,” after “Services Adminis-
 17 tration,”

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

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

1 (b) REAUTHORIZATION OF TRIBAL ACTION PLANS
 2 FUNDS.—Section 4206(d)(2) of the Indian Alcohol and
 3 Substance Abuse Prevention and Treatment Act of 1986
 4 (25 U.S.C. 2412(d)(2)) is amended by striking “2011
 5 through 2015” and inserting “2018 through 2022”.

6 (c) GRANTS FOR TRAINING, EDUCATION, AND PRE-
 7 VENTION PROGRAMS.—Section 4206(f)(3) of the Indian
 8 Alcohol and Substance Abuse Prevention and Treatment
 9 Act of 1986 (25 U.S.C. 2412(f)(3)) is amended by striking
 10 “2011 through 2015” and inserting “2018 through
 11 2022”.

12 **SEC. 113. OFFICE OF JUSTICE SERVICES SPENDING RE-**
 13 **PORT.**

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

18 **SEC. 114. TRAFFICKING VICTIMS PROTECTION.**

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

22 “(C) REPORT.—For each grant awarded
 23 under this subsection and for each pilot pro-
 24 gram authorized or implemented under this sec-
 25 tion, the Secretary of Health and Human Serv-

ices and the Attorney General, in consultation with the Secretary of Labor, shall submit to Congress a report that lists—

“(i) the total number of entities that received a grant under this subsection that directly serve or are Indian tribal governments or tribal organizations; and

“(ii) the total number of health care providers and other related providers that participated in training supported by the pilot program who are employees of the Indian Health Service.”.

SEC. 115. REPORTING ON INDIAN VICTIMS OF TRAFFICKING.

(a) IN GENERAL.—The Director of the Office on Violence Against Women, the Director of the Office for Victims of Crime, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall each require each grantee to report—

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

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

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

4 **TITLE II—IMPROVING JUSTICE**
 5 **FOR INDIAN YOUTH**

6 **SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVENILES.**
 7

8 Section 5032 of title 18, United States Code, is
 9 amended—

10 (1) in the first undesignated paragraph—

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

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

15 (2) in the second undesignated paragraph—

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

18 (B) by adding at the end the following: “In
 19 this section, the term ‘Indian tribe’ has the
 20 meaning given the term in section 102 of the
 21 Federally Recognized Indian Tribe List Act of
 22 1994 (25 U.S.C. 5130).”;

23 (3) in the third undesignated paragraph, in the
 24 first sentence, by inserting “or Indian tribe” after
 25 “State”; and

1 (4) in the fourth undesignated paragraph, in
2 the first sentence—

3 (A) by inserting “or Indian tribal” after
4 “State”; and

5 (B) by inserting “, or of a representative
6 of an Indian tribe of which the juvenile is a
7 member,” after “counsel”.

8 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**
9 **GRAMS.**

10 (a) SUMMER YOUTH PROGRAMS.—Section
11 4212(a)(3) of the Indian Alcohol and Substance Abuse
12 Prevention and Treatment Act of 1986 (25 U.S.C.
13 2432(a)(3)) is amended by striking “2011 through 2015”
14 and inserting “2018 through 2022”.

15 (b) EMERGENCY SHELTERS.—Section 4213(e) of the
16 Indian Alcohol and Substance Abuse Prevention and
17 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended,
18 in paragraphs (1) and (2), by striking “2011 through
19 2015” each place it appears and inserting “2018 through
20 2022”.

21 **SEC. 203. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
22 **JUVENILE CRIME.**

23 The Indian Law Enforcement Reform Act (25 U.S.C.
24 2801 et seq.) is amended by adding at the end the fol-
25 lowing:

1 **“SEC. 18. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
 2 **JUVENILE CRIME.**

3 “(a) **ACTIVITIES.**—Not later than one year after the
 4 date of enactment of this section, the Secretary shall co-
 5 ordinate with the Attorney General and the Administrator
 6 of the Office of Juvenile Justice and Delinquency Preven-
 7 tion within the Department of Justice (referred to in this
 8 section as the ‘Administrator’)—

9 “(1) to assist Indian tribal governments in ad-
 10 dressing juvenile offenses and crime through tech-
 11 nical assistance, research, training, evaluation, and
 12 the dissemination of information on effective, evi-
 13 dence-based, and promising programs and practices
 14 for combating juvenile delinquency;

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

17 “(A) strengthening the government-to-gov-
 18 ernment relationship between the Federal Gov-
 19 ernment and Indian tribes relating to juvenile
 20 justice issues;

21 “(B) improving juvenile delinquency pro-
 22 grams, services, and activities affecting Indian
 23 youth and Indian tribes;

24 “(C) improving coordination among Fed-
 25 eral departments and agencies to reduce juve-
 26 nile offenses, delinquency, and recidivism;

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

4 “(E) a process and means of submitting to
5 the Attorney General and the Secretary an
6 analysis and evaluation of the effectiveness of
7 the programs and activities carried out for juve-
8 nile justice systems in which Indian youth are
9 involved, including a survey of tribal needs; and

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

12 “(3) to develop a means for collecting data on
13 the number of offenses committed by Indian youth
14 in Federal, State, and tribal jurisdictions, including
15 information regarding the tribal affiliation or mem-
16 bership of the youth;

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

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

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

11 “(7) to conduct research and evaluate—

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

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

1 “(C) the types of post-placement services
2 used;

3 “(D) the frequency of case plan reviews for
4 juveniles referred to in subparagraph (A) and
5 the extent to which these case plans identify
6 and address permanency and placement bar-
7 riers and treatment plans;

8 “(E) services, treatment, and aftercare
9 placement of Indian juveniles who were under
10 the care of the State or tribal child protection
11 system before their placement in the juvenile
12 justice system; and

13 “(F) the frequency, seriousness, and inci-
14 dence of drug use by Indian youth in schools
15 and tribal communities.

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

22 “(c) REPORT.—The Administrator shall submit to
23 the Committee on Indian Affairs of the Senate and the
24 Committee on Education and the Workforce of the House
25 of Representatives a report that summarizes the results

1 of the consultation activities described in subsection (a)(2)
 2 and consultation policy described in subsection (b) and
 3 any recommendations of the Coordinating Council on Ju-
 4 venile Justice and Delinquency Prevention regarding im-
 5 proving resource and service delivery to Indian tribal com-
 6 munities.”.

7 **SEC. 204. COORDINATING COUNCIL ON JUVENILE JUSTICE**
 8 **AND DELINQUENCY PREVENTION.**

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

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) by inserting “the Director of the
 14 Indian Health Service,” after “the Sec-
 15 retary of Health and Human Services,”;
 16 and

17 (ii) by striking “Commissioner of Im-
 18 migration and Naturalization” and insert-
 19 ing “Assistant Secretary for Immigration
 20 and Customs Enforcement, the Secretary
 21 of the Interior, the Assistant Secretary for
 22 Indian Affairs”; and

23 (B) in paragraph (2)(A), by striking
 24 “United States” and inserting “Federal Gov-
 25 ernment”; and

1 ~~(2)~~ in subsection (c)(1)—

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

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

6 **SEC. 205. GRANTS FOR DELINQUENCY PREVENTION PRO-**
7 **GRAMS.**

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

10 (1) in subsection (a), in the matter preceding
11 paragraph (1), by striking “tribe” and inserting
12 “tribes”; and

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

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

16 (a) *SHORT TITLE.*—*This Act may be cited as the*
17 *“Tribal Law and Order Reauthorization and Amendments*
18 *Act of 2018”.*

19 (b) *TABLE OF CONTENTS.*—*The table of contents for*
20 *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. Amendment to add EOD authority.

Sec. 103. Persons involuntarily committed.

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 Prevention.*
- Sec. 205. Grants for delinquency prevention programs.*

1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) the Tribal Law and Order Act of 2010 (25
4 U.S.C. 2801 note; Public Law 111–211) was enacted
5 to enhance law enforcement services, encourage inter-
6 agency cooperation, and improve Federal account-
7 ability for public safety in Indian communities;

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

11 (3) according to the Department of Justice, in
12 2014, 34 percent of the total Indian country criminal
13 matters submitted for prosecution were declined, a
14 percentage that has not decreased significantly since
15 the date of enactment of the Tribal Law and Order

1 *Act of 2010 (25 U.S.C. 2801 note; Public Law 111–*
2 *211) and has remained fairly steady;*

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

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

9 *(6) during the period beginning in 2010 and*
10 *ending on the date of enactment of this Act, the num-*
11 *ber of law enforcement officers working on public safe-*
12 *ty in Indian country has slightly increased, but ac-*
13 *cording to the Bureau of Indian Affairs, only ap-*
14 *proximately 43 percent of the total need for those offi-*
15 *cers is currently being met;*

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

22 *(A) of more than 5,000 square miles of vast,*
23 *desert, tribal land in the Southwest, 75 square*
24 *miles of which is an area located along the*
25 *United States border with Mexico;*

1 (B) in which approximately 28,000 Indians
2 reside; and

3 (C) that has been targeted by criminal orga-
4 nizations for use as a major corridor to deliver
5 contraband from Mexico to locations throughout
6 the United States, including other Indian res-
7 ervations;

8 (8) many Bureau of Indian Affairs and tribal
9 detention facilities continue to operate in overcrowded
10 conditions;

11 (9) tribes continue to encounter barriers to ac-
12 cessing and entering information into national crime
13 information databases for criminal and civil purposes
14 and additional options are needed to ensure Indian
15 tribes can fully participate in the 2-way sharing of
16 criminal justice information so that all tribal justice
17 and public safety agencies have access to the data
18 needed to keep their communities safe;

19 (10) American Indian and Alaska Native juve-
20 niles are overrepresented in Federal and State juve-
21 nile justice systems;

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

1 (12) tribal youth in the Federal justice system—

2 (A) may spend more time in secure confine-
3 ment than youth in State justice systems, some-
4 times by several years; and

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

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

10 ***TITLE I—TRIBAL LAW AND***
11 ***ORDER***

12 ***SEC. 101. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT.***

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

16 (1) by striking paragraph (13);

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

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

22 (A) by inserting “(for which any tribal in-
23 formation may be summarized by State)” after
24 “a list”; and

1 (B) by striking “and public safety and
 2 emergency communications and technology
 3 needs” and inserting “public safety and emer-
 4 gency communications and technology needs, and
 5 other administrative and supporting needs of
 6 program operations, including information tech-
 7 nology and other equipment, travel, and train-
 8 ing”.

9 (b) *ALLOWANCE FOR RENTALS OF QUARTERS AND FA-*
 10 *CILITIES.*—Section 8 of the Indian Law Enforcement Re-
 11 form Act (25 U.S.C. 2807) is amended—

12 (1) by striking the section heading and designa-
 13 tion and all that follows through “Notwithstanding
 14 the limitation” and inserting the following:

15 **“SEC. 8. ALLOWANCES.**

16 “(a) *UNIFORMS.*—Notwithstanding the limitation”;
 17 and

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

19 “(b) *RENTALS FOR QUARTERS AND FACILITIES.*—Not-
 20 withstanding section 5911 of title 5, United States Code,
 21 the Secretary, on recommendation of the Director of the Of-
 22 fice of Justice Services, shall establish applicable rental
 23 rates for quarters and facilities for employees of the Office
 24 of Justice Services.”.

1 (c) *BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFI-*
2 *CIALS.—*

3 (1) *IN GENERAL.—The Office of Justice Services*
4 *of the Bureau of Indian Affairs shall develop stand-*
5 *ards and deadlines for the provision of background*
6 *checks to tribal law enforcement and corrections offi-*
7 *cials.*

8 (2) *TIMING.—*

9 (A) *TIMING.—If a request for a background*
10 *check is made by an Indian tribe that has con-*
11 *tracted or entered into a compact for law en-*
12 *forcement or corrections services with the Bureau*
13 *of Indian Affairs pursuant to the Indian Self-*
14 *Determination and Education Assistance Act (25*
15 *U.S.C. 5304 et seq.), the Office of Justice Serv-*
16 *ices shall complete the check not later than 60*
17 *days after the date of receipt of a completed*
18 *background application package, containing all*
19 *of the documentation and information requested*
20 *by the Office of Justice Services.*

21 (B) *EXTENSION.—The Office of Justice*
22 *Services may extend the 60-day period required*
23 *under subparagraph (A) for completion of a*
24 *background request for not more than an addi-*

1 *tional 30 days upon written notice to the Indian*
 2 *tribe that states the reason for the extension.*

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

8 *(e) PUBLIC SAFETY AND COMMUNITY POLICING*
 9 *GRANTS.—Section 1701(j) of the Omnibus Crime Control*
 10 *and Safe Streets Act of 1968 (34 U.S.C. 10381(j)) is amend-*
 11 *ed—*

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

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

16 **SEC. 102. AMENDMENT TO ADD EOD AUTHORITY.**

17 *Section 4 of the Indian Law Enforcement Reform Act*
 18 *(25 U.S.C. 2803) is amended—*

19 *(1) in the matter preceding paragraph (1), by*
 20 *striking “The Secretary” and inserting*

21 *“(a) The Secretary”; and*

22 *(2) by adding after subsection (a), the following:*

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

1 *emergency civil order of detention (referred to in this section*
 2 *as an ‘EOD’), or take an individual into protective custody*
 3 *for emergency mental health purposes, and transport that*
 4 *individual to an appropriate mental health facility,*
 5 *when—*

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

13 “(B) *in the absence of an EOD, an em-*
 14 *ployee who is authorized by State or tribal law*
 15 *to take an individual into protective custody for*
 16 *emergency mental health purposes reasonably be-*
 17 *lieves that an individual is mentally ill, alcohol-*
 18 *dependent, or drug-dependent to such a degree*
 19 *that immediate emergency action is necessary*
 20 *due to the likelihood of serious harm to that in-*
 21 *dividual or others.*

22 “(2) *In carrying out this subsection, Bureau em-*
 23 *ployees with law enforcement responsibilities—*

24 “(A) *shall take or cause such individual to*
 25 *be taken into custody and immediately transport*

1 *that individual to the nearest mental health fa-*
2 *cility, either within or outside of Indian coun-*
3 *try, for an initial assessment or other appro-*
4 *priate treatment; and*

5 *“(B) will be given the full coverage and pro-*
6 *tection of chapter 171 of title 28, United States*
7 *Code (commonly known as the ‘Federal Tort*
8 *Claims Act’) and any other Federal tort liability*
9 *statute, both within and outside of Indian coun-*
10 *try.*

11 *“(3) The Office of Justice Services of the Bureau*
12 *of Indian Affairs and the United States Indian Police*
13 *Academy shall establish appropriate standards re-*
14 *garding experience, mental health and disability edu-*
15 *cation, and other relevant qualifications for Bureau*
16 *employees who are law enforcement personnel imple-*
17 *menting this subsection.*

18 *“(4) Not later than 180 days after the date of en-*
19 *actment of this subsection, the Bureau shall enter into*
20 *agreements with State and tribal mental health offi-*
21 *cials that outline the process for carrying out an*
22 *EOD or taking an individual into protective custody*
23 *in a case in which Bureau law enforcement provides*
24 *the primary law enforcement to a Tribe.*

1 “(5) There is authorized to be appropriated
 2 \$1,500,000 to the Office of Justice Services of the Bu-
 3 reau of Indian Affairs to implement this subsection,
 4 which shall remain available until expended.”.

5 **SEC. 103. PERSONS INVOLUNTARILY COMMITTED.**

6 (a) *ELIGIBILITY FOR TREATMENT.*—Persons ordered
 7 involuntarily committed by an Indian Tribe shall be eligi-
 8 ble to receive treatment from hospitals, clinics, and out-
 9 patient mental health treatment providers located within
 10 the same State or States as the Indian Tribe which com-
 11 mitted them on the same basis as all other residents of the
 12 State.

13 (b) *ACCEPTING COMMITTED INDIVIDUALS.*—Not later
 14 than 6 months after the date of enactment of this section,
 15 any State that accepts funds made available under section
 16 1901 of the Social Security Act (42 U.S.C. 1396–1) shall
 17 develop procedures to accept individuals who have been or-
 18 dered involuntarily committed under tribal jurisdiction at
 19 State-funded or managed hospitals, clinics, and outpatient
 20 mental health treatment providers and give full faith and
 21 credit to orders of Tribal courts ordering individuals com-
 22 mitted.

23 (c) *MEMORANDA.*—Not later than 1 year after the date
 24 of enactment of this Act, States accepting funds described
 25 in subsection (b), Indian Tribes, and, where relevant, Bu-

1 *reau of Indian Affairs law enforcement, shall enter into*
 2 *memoranda of agreement to carry out this section.*

3 (d) *INCARCERATED INDIVIDUALS.*—*Notwithstanding*
 4 *subsection (a), in keeping with the Act of August 5, 1954*
 5 *(42 U.S.C. 2001 et seq.) (commonly referred to as the*
 6 *“Transfer Act”), the Indian Health Service shall be respon-*
 7 *sible for the medical care and treatment of all Indians de-*
 8 *tained or incarcerated in a Bureau of Indian Affairs or*
 9 *tribal detention or correctional center. Care shall be pro-*
 10 *vided to those individuals without regard to the individual’s*
 11 *normal domicile.*

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

13 *The Indian Law Enforcement Reform Act (25 U.S.C.*
 14 *2801 et seq.) is amended by inserting after section 4 the*
 15 *following:*

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

17 “(a) *Notwithstanding any other provision of Federal*
 18 *law, law enforcement officers of any Indian Tribe that has*
 19 *contracted or compacted any or all Federal law enforcement*
 20 *functions through the Indian Self-Determination and Edu-*
 21 *cation Assistance Act (25 U.S.C. 5301 et seq.) shall have*
 22 *the authority to enforce Federal law within the area under*
 23 *the Tribe’s jurisdiction, if—*

24 “(1) *the tribal officers involved have—*

1 “(A) completed training that is comparable
2 to that of an employee of the Office of Justice
3 Services of the Bureau of Indian Affairs who is
4 providing the same services in Indian country,
5 as determined by the Director of the Office of
6 Justice Services of the Bureau of Indian Affairs
7 or the Director’s designee;

8 “(B) passed an adjudicated background in-
9 vestigation equivalent to that of an employee of
10 the Office of Justice Services of the Bureau of In-
11 dian Affairs who is providing the same services
12 in Indian country; and

13 “(C) received a certification from the Office
14 of Justice Services of the Bureau of Indian Af-
15 fairs, as described in subsection (c); and

16 “(2) the Tribe has adopted policies and proce-
17 dures that meet or exceed those of the Office of Justice
18 Services of the Bureau of Indian Affairs for the same
19 program, service, function, or activity.

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

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

3 “(2) consideration as an eligible officer under
4 *subchapter III of chapter 81 of title 5, United States*
5 *Code; and*

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

8 “(c)(1) Not later than 12 months after the date of en-
9 *actment of this section, the Secretary shall develop proce-*
10 *dures for the credentialing of tribal officers under this sec-*
11 *tion, independent of section 5, to provide confirmation that*
12 *tribal officers meet minimum certification standards and*
13 *training requirements for Indian Country Peace Officers,*
14 *as proscribed by the Secretary.*

15 “(2) Tribal law enforcement officers who choose to at-
16 *tend a State or other equivalent training program approved*
17 *by the Director of the Office of Justice Services of the Bu-*
18 *reau of Indian Affairs, or the Director’s designee, rather*
19 *than attend the Indian Police Academy, shall be required*
20 *to attend the IPA Bridge Program, or an equivalent pro-*
21 *gram, prior to receiving a certification under this sub-*
22 *section.”.*

1 **SEC. 105. OVERSIGHT, COORDINATION, AND ACCOUNT-**
2 **ABILITY.**

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

9 *(1) the timely submission of reports to Congress;*

10 *(2) robust training, as required under Federal*
11 *law and as needed or requested by Indian tribes or*
12 *Federal and State officials relating to—*

13 *(A) public safety in Indian communities;*

14 *and*

15 *(B) training outcomes demonstrating a bet-*
16 *ter understanding of public safety approaches in*
17 *Indian communities;*

18 *(3) the updating and improvements to United*
19 *States attorney operational plans;*

20 *(4) comprehensive evaluation and analysis of*
21 *data, including approaches to collecting better data,*
22 *relating to public safety in Indian communities; and*

23 *(5) other duties or responsibilities as needed to*
24 *improve public safety in Indian communities.*

1 **SEC. 106. INTEGRATION AND COORDINATION OF PRO-**
2 **GRAMS.**

3 (a) *IN GENERAL.*—

4 (1) *CONSULTATION.*—Not later than 18 months
5 after the date of enactment of this Act, the Secretary
6 of the Interior, the Secretary of Health and Human
7 Services, and the Attorney General shall consult with
8 Indian tribes regarding—

9 (A) the feasibility and effectiveness of the es-
10 tablishment of base funding for, and the integra-
11 tion and consolidation of, Federal law enforce-
12 ment, public safety, and substance abuse and
13 mental health programs designed to support In-
14 dian tribal communities, for the purposes of co-
15 ordinating the programs, reducing administra-
16 tive costs, and improving services for Indian
17 tribes, individual Indians, and Indian commu-
18 nities;

19 (B) the use of a single application and re-
20 porting system for the consolidated approach de-
21 scribed in subparagraph (A);

22 (C) the application of chapter 75 of title 31,
23 United States Code (commonly known as the
24 “Single Audit Act”) to the consolidated approach
25 described in subparagraph (A);

1 (D) the processes for, and approaches for
 2 addressing delays in, interagency transfer of
 3 funds for the consolidated approach described in
 4 subparagraph (A);

5 (E) the method for Federal oversight for the
 6 consolidated approach described in subparagraph
 7 (A); and

8 (F) any legal or administrative barriers to
 9 the implementation of the consolidated approach
 10 described in subparagraph (A).

11 (2) *RESPONSIBILITIES.*—As part of the consulta-
 12 tion described in paragraph (1), each applicable unit
 13 of the Department of the Interior, the Department of
 14 Health and Human Services, and the Department of
 15 Justice shall identify—

16 (A) each program under the jurisdiction of
 17 that unit that is designed to support Indian trib-
 18 al communities; and

19 (B) the regulations governing each program
 20 described in subparagraph (A).

21 (3) *SUBMISSION OF PLAN.*—Not later than 2
 22 years after the date of enactment of this Act, the Sec-
 23 retary of the Interior, the Secretary of Health and
 24 Human Services, and the Attorney General shall
 25 jointly submit to the Committee on Indian Affairs of

1 *the Senate, the Committee on Natural Resources of the*
 2 *House of Representatives, and the Committee on the*
 3 *Judiciary of the House of Representatives a plan that*
 4 *includes—*

5 *(A) the findings of the consultation de-*
 6 *scribed in paragraph (1);*

7 *(B) the programs identified in accordance*
 8 *with paragraph (2); and*

9 *(C) any legal or administrative barriers to*
 10 *the implementation of the consolidated approach*
 11 *described in paragraph (1)(A).*

12 *(b) PROGRAM EVALUATION.—Not later than 18 months*
 13 *after the date of enactment of this Act, the Attorney General*
 14 *shall conduct an evaluation of and submit to the Committee*
 15 *on Indian Affairs of the Senate, the Committee on Natural*
 16 *Resources of the House of Representatives, the Committee*
 17 *on the Judiciary of the Senate, and the Committee on the*
 18 *Judiciary of the House of Representatives a report on—*

19 *(1) law enforcement grants and other resources*
 20 *made available to State, local, and tribal governments*
 21 *under current requirements encouraging intergovern-*
 22 *mental cooperation;*

23 *(2) benefits of, barriers to, and the need for*
 24 *intergovernmental cooperation between State, local,*
 25 *and tribal governments; and*

1 (3) *recommendations, if any, for incentivizing*
 2 *intergovernmental cooperation, including any legisla-*
 3 *tion or regulations needed to achieve those incentives.*

4 (c) *INTERAGENCY COORDINATION AND COOPERA-*
 5 *TION.—*

6 (1) *MEMORANDUM OF AGREEMENT.—*

7 (A) *IN GENERAL.—Not later than 18*
 8 *months after the date of enactment of this Act,*
 9 *the Attorney General, acting through the Bureau*
 10 *of Prisons, the Secretary of the Interior, acting*
 11 *through the Office of Justice Services, Bureau of*
 12 *Indian Affairs, and the Secretary of Health and*
 13 *Human Services shall enter into a Memorandum*
 14 *of Agreement to cooperate, confer, transfer funds,*
 15 *share resources and, as permitted by law, infor-*
 16 *mation on matters relating to the detention of*
 17 *Indian inmates, the reduction of recidivism (in-*
 18 *cluding through substance abuse treatment and*
 19 *mental and health care services), and the lease or*
 20 *loan of facilities, technical assistance, training,*
 21 *and equipment.*

22 (B) *STRATEGIES AND BEST PRACTICES.—*
 23 *Not later than 2 years after the date of enact-*
 24 *ment of this Act, the Attorney General, the Sec-*
 25 *retary of the Interior, the Secretary of Health*

1 *and Human Services, and, as appropriate, the*
2 *Administrative Office of the United States*
3 *Courts shall enter into a Memorandum of Agree-*
4 *ment to develop, share, and implement effective*
5 *strategies, best practices, and resources, and*
6 *transfer funds, to improve the re-entry of Indian*
7 *inmates into Indian communities after incarcer-*
8 *ation.*

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

13 (A) *consult with and solicit comments from*
14 *entities as described in section 4205(c) of the In-*
15 *Indian Alcohol and Substance Abuse Prevention*
16 *and Treatment Act of 1986 (25 U.S.C. 2411(c));*
17 *and*

18 (B) *submit to the Committee on Indian Af-*
19 *airs of the Senate, the Committee on Natural*
20 *Resources of the House of Representatives, the*
21 *Committee on the Judiciary of the Senate, and*
22 *the Committee on the Judiciary of the House of*
23 *Representatives a report regarding any legal or*
24 *regulatory impediments to carrying out subpara-*
25 *graphs (A) and (B) of paragraph (1).*

1 (3) *REPORT*.—Not later than 4 years after the
 2 date of enactment of this Act, the Attorney General,
 3 the Secretary of the Interior, and the Secretary of
 4 Health and Human Services shall submit to the Com-
 5 mittee on Indian Affairs of the Senate, the Committee
 6 on Natural Resources of the House of Representatives,
 7 the Committee on the Judiciary of the Senate, and the
 8 Committee on the Judiciary of the House of Rep-
 9 resentatives a report regarding the implementation of
 10 the Memoranda of Agreement under subparagraphs
 11 (A) and (B) of paragraph (1).

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

13 (a) *INFORMATION SHARING WITH INDIAN TRIBES*.—
 14 Section 534(d) of title 28, United States Code, is amend-
 15 ed—

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

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

22 “(1) *IN GENERAL*.—The Attorney General”; and

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

24 “(2) *TRIBAL ACCESS PROGRAM*.—Out of any
 25 funds available and not otherwise obligated, the Attor-

1 *ney General shall establish and carry out a tribal ac-*
 2 *cess program to enhance the ability of tribal govern-*
 3 *ments to access, enter information into, and obtain*
 4 *information from, Federal criminal information*
 5 *databases as authorized under this section.*

6 “(3) *INFORMATION SHARING.*—*To the extent oth-*
 7 *erwise permitted by law, any report issued as a result*
 8 *of the analysis of information entered into Federal*
 9 *criminal information databases or obtained from Fed-*
 10 *eral criminal databases, including for the purpose of*
 11 *conducting background checks, shall be shared with*
 12 *Indian tribes of jurisdiction.”.*

13 (b) *ACCESS TO NATIONAL CRIMINAL INFORMATION*
 14 *DATABASES.*—*Section 233(b) of the Tribal Law and Order*
 15 *Act of 2010 (34 U.S.C. 41107; Public Law 111–211) is*
 16 *amended by striking paragraph (1) and inserting the fol-*
 17 *lowing:*

18 “(1) *IN GENERAL.*—*The Attorney General shall*
 19 *ensure that—*

20 “(A) *tribal law enforcement officials that*
 21 *meet applicable Federal or State requirements be*
 22 *permitted access to national crime information*
 23 *databases;*

24 “(B) *technical assistance and training to*
 25 *Bureau of Indian Affairs and tribal law enforce-*

ment officials is provided to gain access and input ability to use the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code; and

“(C) the Federal Bureau of Investigation coordinates with the Office of Justice Services, Bureau of Indian Affairs, to ensure Indian tribal law enforcement agencies are assigned appropriate credentials or ORI numbers for uniform crime reporting purposes.”.

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

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

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

“(1) IN GENERAL.—To ensure”;

(2) in paragraph (1)—

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

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

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

2 “(G) confer and cooperate with the Bureau
3 of Indian Affairs as needed to carry out the pur-
4 poses of this part, including by entering into co-
5 operative resource and data sharing agreements
6 in conformity with all laws and regulations ap-
7 plicable to the disclosure and use of data.”; and
8 (3) in paragraph (2)—

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

11 “(A) *IN GENERAL.*—The Director”; and

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

13 “(B) *INFORMATION SHARING REQUIRE-*
14 *MENT.*—Analysis of the information collected
15 under subparagraph (A) shall be shared with the
16 Indian tribe that provided the information that
17 was collected.”.

18 (d) *REPORTS TO TRIBES.*—Section 10(b) of the Indian
19 Law Enforcement Reform Act (25 U.S.C. 2809(b)) is
20 amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (B), by redesignating
23 clauses (i) and (ii) as subclauses (I) and (II), re-
24 spectively, and indenting appropriately; and

1 (B) by redesignating subparagraphs (A)
 2 and (B) as clauses (i) and (ii), respectively, and
 3 indenting appropriately;

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

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

10 “(1) *IN GENERAL.*—The Attorney General”; and
 11 (4) by adding at the end the following:

12 “(2) *CONSULTATION.*—Not later than 1 year
 13 after the date of enactment of the Tribal Law and
 14 Order Reauthorization and Amendments Act of 2018,
 15 and every 5 years thereafter, the Attorney General
 16 shall consult with Indian tribes, including appro-
 17 priate tribal justice officials, regarding—

18 “(A) the annual reports described in para-
 19 graph (1) to improve the data collected, the in-
 20 formation reported, and the reporting system;
 21 and

22 “(B) improvements to the processes for the
 23 satisfaction of the requirements for coordination
 24 described in paragraphs (1) and (3) of subsection

1 (a), or to the reporting requirements under para-
 2 graph (1).”.

3 (e) *ENHANCED ABILITY OF TRIBAL GOVERNMENTS TO*
 4 *USE FEDERAL CRIMINAL INFORMATION DATABASES.*—*The*
 5 *Attorney General is authorized to use any balances remain-*
 6 *ing for the account under the heading “VIOLENCE AGAINST*
 7 *WOMEN PREVENTION AND PROSECUTION PROGRAMS” under*
 8 *the heading “STATE AND LOCAL LAW ENFORCEMENT AC-*
 9 *TIVITIES OFFICE ON VIOLENCE AGAINST WOMEN” of the*
 10 *Department of Justice from appropriations for full fiscal*
 11 *years prior to the date of enactment of this Act for tracking*
 12 *violence against Indian women, as authorized by section*
 13 *905(b) of the Violence Against Women and Department of*
 14 *Justice Reauthorization Act of 2005 (34 U.S.C. 20903), to*
 15 *enhance the ability of tribal government entities to access,*
 16 *enter information into, and obtain information from, Fed-*
 17 *eral criminal information databases, as authorized by sec-*
 18 *tion 534 of title 28, United States Code. Some or all of*
 19 *such balances may be transferred, at the discretion of the*
 20 *Attorney General, to the account under the heading “JUS-*
 21 *TICE INFORMATION SHARING TECHNOLOGY” under the head-*
 22 *ing “GENERAL ADMINISTRATION” of the Department of*
 23 *Justice for the tribal access program for national crime in-*
 24 *formation in furtherance of the objectives described in the*
 25 *previous sentence.*

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

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

6 (1) in paragraph (5), by striking “3 years after
 7 the date of establishment of the pilot program” and
 8 inserting “5 years after the date of enactment of the
 9 Tribal Law and Order Reauthorization and Amend-
 10 ments Act of 2018”;

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

13 (3) by inserting after paragraph (5) the fol-
 14 lowing:

15 “(6) *CONSULTATION.*—Not later than 1 year
 16 after the date of enactment of the Tribal Law and
 17 Order Reauthorization and Amendments Act of 2018,
 18 the Director of the Bureau of Prisons and the Direc-
 19 tor of the Office of Justice Services of the Bureau of
 20 Indian Affairs shall coordinate and consult with In-
 21 dian tribes to develop improvements in implementing
 22 the pilot program, including intergovernmental com-
 23 munication, training, processes, and other subject
 24 matters as appropriate.”; and

25 (4) in paragraph (7) (as redesignated), by strik-
 26 ing “paragraph shall expire—on the date that is 4

1 *years after the date on which the program is estab-*
 2 *lished” and inserting “subsection—”*

3 *“(A) shall expire, with respect to any new*
 4 *requests for confinement, on the date that is 9*
 5 *years after the date of enactment of the Tribal*
 6 *Law and Order Reauthorization and Amend-*
 7 *ments Act of 2018; and*

8 *“(B) may be temporarily extended for of-*
 9 *fenders who have been confined through the pro-*
 10 *gram under this subsection before the expiration*
 11 *date described in subparagraph (B) and whose*
 12 *underlying tribal conviction has not yet expired,*
 13 *except in no case shall such extension exceed the*
 14 *maximum period of time authorized under tribal*
 15 *law, pursuant to section 202 of Public Law 90–*
 16 *284 (25 U.S.C. 1302) (commonly known as the*
 17 *‘Indian Civil Rights Act of 1968’).”.*

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

22 *“(g) CONSULTATION FOR JUVENILE JUSTICE RE-*
 23 *FORM.—Not later than 1 year after date of enactment of*
 24 *this subsection, the Director of the Bureau of Indian Affairs,*
 25 *the Director of the Bureau of Prisons, the Director of the*

1 *Indian Health Service, the Administrator of the Office of*
 2 *Juvenile Justice and Delinquency Prevention, and the Ad-*
 3 *ministrator of the Substance Abuse and Mental Health*
 4 *Services Administration shall consult with Indian tribes re-*
 5 *garding Indian juvenile justice and incarceration, includ-*
 6 *ing—*

7 “(1) the potential for using Bureau of Indian Af-
 8 *fairs or tribal juvenile facilities for the incarceration*
 9 *of Indian youth in the Federal system as alternative*
 10 *locations closer to the communities of the Indian*
 11 *youth;*

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

15 “(3) barriers to the use of—

16 “(A) alternatives to incarceration; or

17 “(B) cross-agency services for Indian youth
 18 *in incarceration; and*

19 “(4) the application of the Federal sentencing
 20 *guidelines to Indian youth.”.*

21 **SEC. 109. FEDERAL NOTICE.**

22 *Section 10 of the Indian Law Enforcement Reform Act*
 23 *(25 U.S.C. 2809) is amended by adding at the end the fol-*
 24 *lowing:*

1 “(d) *FEDERAL NOTICE.*—On conviction in any dis-
 2 trict court of the United States of an enrolled member of
 3 a federally recognized Indian tribe, the Office of the United
 4 States Attorney for the district in which the member was
 5 convicted may provide to the appropriate tribal justice offi-
 6 cial notice of the conviction and any other pertinent infor-
 7 mation otherwise permitted by law.”.

8 **SEC. 110. DETENTION FACILITIES.**

9 (a) *INDIAN LAW ENFORCEMENT REFORM ACT.*—Sec-
 10 tion 3 of the Indian Law Enforcement Reform Act (25
 11 U.S.C. 2802) (as amended by section 108(b)) is amended
 12 by adding at the end the following:

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

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

3 (1) by redesignating subsection (c) as subsection
 4 (d); and

5 (2) by inserting after subsection (b) the fol-
 6 lowing:

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

19 (c) *JUVENILE DETENTION CENTERS.*—Section 4220(b)
 20 of the Indian Alcohol and Substance Abuse Prevention and
 21 Treatment Act of 1986 (25 U.S.C. 2453(b)) is amended by
 22 striking “2011 through 2015” each place it appears and
 23 inserting “2018 through 2022”.

24 (d) *PAYMENTS FOR INCARCERATION ON TRIBAL*
 25 *LAND.*—Section 20109(a) of the Violent Crime Control and

1 *Law Enforcement Act of 1994 (34 U.S.C. 12109) is amend-*
 2 *ed by striking “2011 through 2015” and inserting “2018*
 3 *through 2022”.*

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

6 (a) *TRIBAL JUSTICE SYSTEMS.*—*Section 201 of the In-*
 7 *dian Tribal Justice Act (25 U.S.C. 3621) is amended by*
 8 *striking “2011 through 2015” each place it appears and*
 9 *inserting “2018 through 2022”.*

10 (b) *TECHNICAL AND LEGAL ASSISTANCE.*—

11 (1) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*
 12 *tion 107 of the Indian Tribal Justice Technical and*
 13 *Legal Assistance Act of 2000 (25 U.S.C. 3666) is*
 14 *amended by striking “2011 through 2015” and insert-*
 15 *ing “2018 through 2022”.*

16 (2) *GRANTS.*—*Section 201(d) of the Indian Trib-*
 17 *al Justice Technical and Legal Assistance Act of 2000*
 18 *(25 U.S.C. 3681(d)) is amended by striking “2011*
 19 *through 2015” and inserting “2018 through 2022”.*

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

21 *The Indian Law Enforcement Reform Act is amended*
 22 *by inserting after section 13 (25 U.S.C. 2810) the following:*

23 **“SEC. 13A. TRIBAL COORDINATORS.**

24 **“(a) APPOINTMENT.**—

1 “(1) *IN GENERAL.*—*The Federal Public Defender*
 2 *for each district that includes Indian country shall*
 3 *appoint not less than 1 assistant Federal Public De-*
 4 *fender to serve as a tribal coordinator for the district.*

5 “(2) *SENSE OF CONGRESS.*—*It is the sense of*
 6 *Congress that in appointing tribal coordinators under*
 7 *paragraph (1), the Federal Public Defender should*
 8 *consult with tribal justice officials from each Indian*
 9 *tribe that would be affected by the appointment.*

10 “(b) *DUTIES.*—

11 “(1) *IN GENERAL.*—*The duties of a tribal coordi-*
 12 *nator shall include the following:*

13 “(A) *Developing working relationships and*
 14 *maintaining communication with tribal leaders*
 15 *and tribal community, including the interchange*
 16 *and understanding of cultural issues that may*
 17 *impact the effective assistance of counsel.*

18 “(B) *Providing technical assistance and*
 19 *training regarding criminal defense techniques*
 20 *and strategies, forensics, and reentry programs*
 21 *and strategies for responding to crimes occurring*
 22 *in Indian country.*

23 “(2) *SENSE OF CONGRESS.*—*It is the sense of*
 24 *Congress that—*

“(A) in evaluating the performance of tribal coordinators, and as part of the staffing formulas for Federal Defenders, the Administrative Office of the United States Courts should take into consideration the multiple duties of tribal coordinators described in paragraph (1); and

“(B) the Director of the Administrative Office of the United States Courts and the Attorney General should work together to ensure that each district that includes Indian country has sufficient resources to provide adequate representation.”.

SEC. 113. OFFENSES IN INDIAN COUNTRY: TRESPASS ON INDIAN LAND.

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

(1) in the section heading, by striking “**Hunting, trapping, or fishing**” and inserting “**Criminal trespass**”;

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

(3) by striking “Whoever, without lawful authority” and inserting the following:

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

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

2 “(b) *VIOLATION OF TRIBAL EXCLUSION ORDER.—*

3 “(1) *DEFINITION OF EXCLUSION ORDER.—In this*
 4 *subsection, the term ‘exclusion order’ means an order*
 5 *issued in a proceeding by a court of an Indian tribe*
 6 *that temporarily or permanently excludes a person*
 7 *from tribal land because of a conviction under the*
 8 *criminal laws of the tribal government—*

9 “(A) *for a violent crime (as defined under*
 10 *applicable tribal law); or*

11 “(B) *for the sale or distribution of con-*
 12 *trolled substances.*

13 “(2) *VIOLATION DESCRIBED.—It shall be unlaw-*
 14 *ful for any person to knowingly violate the terms of*
 15 *an exclusion order that was issued by a court of an*
 16 *Indian tribe in accordance with paragraph (4).*

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

20 “(4) *REQUIREMENTS.—The violation described*
 21 *in paragraph (2) applies only to an exclusion*
 22 *order—*

23 “(A) *for which—*

1 “(i) the respondent was served with, or
2 had actual notice of, the underlying com-
3 plaint; and

4 “(ii) the underlying complaint in-
5 cluded—

6 “(I) a plain statement of facts
7 that, if true, would provide the basis
8 for the issuance of an exclusion order
9 against the respondent;

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

12 “(III) a statement informing the
13 respondent that if the respondent fails
14 to appear at the hearing on the com-
15 plaint, an order may issue, the viola-
16 tion of which may result in—

17 “(aa) criminal prosecution
18 under Federal law; and

19 “(bb) the imposition of a fine
20 or imprisonment, or both;

21 “(B) for which a hearing on the underlying
22 complaint sufficient to protect the right of the re-
23 spondent to due process was held on the record,
24 at which the respondent was provided an oppor-
25 tunity to be heard and present testimony of wit-

nesses and other evidence as to why the order should not issue;

“(C) that—

“(i) temporarily or permanently excludes the respondent from tribal land under the jurisdiction of the applicable Indian tribe; and

“(ii) includes a statement that a violation of the order may result in—

“(I) criminal prosecution under Federal law; and

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

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

SEC. 114. RESOURCES FOR PUBLIC SAFETY IN INDIAN COMMUNITIES; DRUG TRAFFICKING PREVENTION.

(a) *SHADOW WOLVES*.—

(1) *IN GENERAL*.—There is established within the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security a division to be known as the “Shadow Wolves Division”.

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

4 (B) in carrying out those duties, coordinate
5 with the Bureau of Indian Affairs and other ap-
6 plicable Federal agencies and State and tribal
7 governments.

8 (b) *REAUTHORIZATION OF FUNDING TO COMBAT ILLE-*
9 *GAL NARCOTICS TRAFFICKING.*—Section 4216 of the Indian
10 *Alcohol and Substance Abuse Prevention and Treatment*
11 *Act of 1986 (25 U.S.C. 2442) is amended by striking “2011*
12 *through 2015” each place it appears and inserting “2018*
13 *through 2022”.*

(c) *MAINTENANCE OF CERTAIN INDIAN RESERVATION*
ROADS.—The Commissioner of U.S. Customs and Border
Protection may transfer funds to the Director of the Bureau
of Indian Affairs to maintain or repair roads under the
jurisdiction of the Director, on the condition that the Com-
missioner and the Director mutually agree that the primary
user of the subject road is U.S. Customs and Border Protec-
tion.

22 *SEC. 115. SUBSTANCE ABUSE PREVENTION TRIBAL ACTION*
23 *PLANS.*

24 (a) *INTER-DEPARTMENTAL MEMORANDUM OF AGREE-*
25 *MENT.—Section 4205(a) of the Indian Alcohol and Sub-*

1 *stance Abuse Prevention and Treatment Act of 1986 (25*
 2 *U.S.C. 2411(a)) is amended—*

3 *(1) in the matter preceding paragraph (1), by*
 4 *inserting “the Secretary of Agriculture, the Secretary*
 5 *of Housing and Urban Development,” after “the At-*
 6 *torney General,”;*

7 *(2) in paragraph (2)(A), by inserting “the De-*
 8 *partment of Agriculture, the Department of Housing*
 9 *and Urban Development,” after “Services Adminis-*
 10 *tration,”;*

11 *(3) in paragraph (5), by inserting “the Depart-*
 12 *ment of Agriculture, the Department of Housing and*
 13 *Urban Development,” after “Services Administra-*
 14 *tion,”; and*

15 *(4) in paragraph (7) by inserting “the Secretary*
 16 *of Agriculture, the Secretary of Housing and Urban*
 17 *Development,” after “the Attorney General,”.*

18 *(b) REAUTHORIZATION OF TRIBAL ACTION PLANS*
 19 *FUNDS.—Section 4206(d)(2) of the Indian Alcohol and*
 20 *Substance Abuse Prevention and Treatment Act of 1986 (25*
 21 *U.S.C. 2412(d)(2)) is amended by striking “2011 through*
 22 *2015” and inserting “2018 through 2022”.*

23 *(c) GRANTS FOR TRAINING, EDUCATION, AND PREVEN-*
 24 *TION PROGRAMS.—Section 4206(f)(3) of the Indian Alcohol*
 25 *and Substance Abuse Prevention and Treatment Act of*

1 1986 (25 U.S.C. 2412(f)(3)) is amended by striking “2011
2 through 2015” and inserting “2018 through 2022”.

3 **SEC. 116. OFFICE OF JUSTICE SERVICES SPENDING RE-**
4 **PORT.**

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

9 **SEC. 117. TRAFFICKING VICTIMS PROTECTION.**

10 Section 107(f)(3) of the Trafficking Victims Protection
11 Act of 2000 (22 U.S.C. 7105(f)(3)) is amended by adding
12 at the end the following:

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

18 “(i) the total number of entities that
19 received a grant under this subsection that
20 directly serve or are Indian tribal govern-
21 ments or tribal organizations; and

22 “(ii) the total number of health care
23 providers and other related providers that
24 participated in training supported by the

1 *pilot program who are employees of the In-*
 2 *dian Health Service.”.*

3 **SEC. 118. REPORTING ON INDIAN VICTIMS OF TRAF-**
 4 **FICKING.**

5 (a) *IN GENERAL.*—*The Director of the Office on Vio-*
 6 *lence Against Women, the Director of the Office for Victims*
 7 *of Crime, and the Administrator of the Office of Juvenile*
 8 *Justice and Delinquency Prevention shall each require each*
 9 *grantee to report—*

10 (1) *the number of human trafficking victims, as*
 11 *appropriate, served with grant funding; and*

12 (2) *as appropriate and in the aggregate, whether*
 13 *the victims were members of an Indian tribe.*

14 (b) *EXCEPTIONS; RESPECTING VICTIM PRIVACY.*—

15 (1) *RULE OF CONSTRUCTION.*—*Nothing in this*
 16 *section shall be construed to require an individual*
 17 *victim seeking services from a grantee described in*
 18 *subsection (a) to report the individual’s Native Amer-*
 19 *ican status or any other personally identifiable infor-*
 20 *mation the individual wishes to remain confidential.*

21 (2) *PROHIBITION ON DENIAL OF SERVICE.*—*A*
 22 *grantee described in subsection (a) may not deny*
 23 *services to a victim on the basis that the victim de-*
 24 *clines to provide information on the victim’s Native*

1 *American status or any other personally identifiable*
 2 *information the victim wishes to remain confidential.*

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

6 ***TITLE II—IMPROVING JUSTICE***
 7 ***FOR INDIAN YOUTH***

8 ***SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVE-***
 9 ***NILES.***

10 *Section 5032 of title 18, United States Code, is amend-*
 11 *ed—*

12 *(1) in the first undesignated paragraph—*

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

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

17 *(2) in the second undesignated paragraph—*

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

20 *(B) by adding at the end the following: “In*
 21 *this section, the term ‘Indian tribe’ has the*
 22 *meaning given the term in section 102 of the*
 23 *Federally Recognized Indian Tribe List Act of*
 24 *1994 (25 U.S.C. 5130).”;*

1 (3) *in the third undesignated paragraph, in the*
 2 *first sentence, by inserting “or Indian tribe” after*
 3 *“State”; and*

4 (4) *in the fourth undesignated paragraph, in the*
 5 *first sentence—*

6 (A) *by inserting “or Indian tribal” after*
 7 *“State”; and*

8 (B) *by inserting “, or of a representative of*
 9 *an Indian tribe of which the juvenile is a mem-*
 10 *ber,” after “counsel”.*

11 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**
 12 **GRAMS.**

13 (a) *SUMMER YOUTH PROGRAMS.—Section 4212(a)(3)*
 14 *of the Indian Alcohol and Substance Abuse Prevention and*
 15 *Treatment Act of 1986 (25 U.S.C. 2432(a)(3)) is amended*
 16 *by striking “2011 through 2015” and inserting “2018*
 17 *through 2022”.*

18 (b) *EMERGENCY SHELTERS.—Section 4213(e) of the*
 19 *Indian Alcohol and Substance Abuse Prevention and Treat-*
 20 *ment Act of 1986 (25 U.S.C. 2433(e)) is amended, in para-*
 21 *graphs (1) and (2), by striking “2011 through 2015” each*
 22 *place it appears and inserting “2018 through 2022”.*

1 **SEC. 203. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
 2 **JUVENILE CRIME.**

3 *The Indian Law Enforcement Reform Act (25 U.S.C.*
 4 *2801 et seq.) is amended by adding at the end the following:*

5 **“SEC. 18. ASSISTANCE FOR INDIAN TRIBES RELATING TO**
 6 **JUVENILE CRIME.**

7 *“(a) ACTIVITIES.—Not later than 1 year after the date*
 8 *of enactment of this section, the Secretary shall coordinate*
 9 *with the Secretary of Health and Human Services, the At-*
 10 *torney General, and the Administrator of the Office of Juve-*
 11 *nile Justice and Delinquency Prevention within the De-*
 12 *partment of Justice (referred to in this section as the ‘Ad-*
 13 *ministrator’)—*

14 *“(1) to assist Indian tribal governments in ad-*
 15 *dresssing juvenile offenses and crime through technical*
 16 *assistance, research, training, evaluation, and the dis-*
 17 *semination of information on effective, evidence-based,*
 18 *and promising programs and practices for combating*
 19 *juvenile delinquency;*

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

22 *“(A) strengthening the government-to-gov-*
 23 *ernment relationship between the Federal Gov-*
 24 *ernment and Indian tribes relating to juvenile*
 25 *justice issues;*

1 “(B) improving juvenile delinquency pro-
2 grams, services, and activities affecting Indian
3 youth and Indian tribes;

4 “(C) improving coordination among Fed-
5 eral departments and agencies to reduce juvenile
6 offenses, delinquency, and recidivism;

7 “(D) the means by which traditional or cul-
8 tural tribal programs may serve or be developed
9 as promising or evidence-based programs;

10 “(E) a process and means of submitting to
11 the Attorney General and the Secretary an anal-
12 ysis and evaluation of the effectiveness of the
13 programs and activities carried out for juvenile
14 justice systems in which Indian youth are in-
15 volved, including a survey of tribal needs; and

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

18 “(3) to develop a means for collecting data on
19 the number of offenses committed by Indian youth in
20 Federal, State, and tribal jurisdictions, including in-
21 formation regarding—

22 “(A) the offenses (including status offenses),
23 charges, disposition, and case outcomes for each
24 Indian youth;

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

3 “(C) whether the Indian youth was removed
4 from home, and for which offenses;

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

7 “(E) an assessment of the degree to which
8 the notice of removal for status offenses was pro-
9 vided under section 102(a) of the Act of Novem-
10 ber 8, 1978 (Public Law 95–608);

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

19 “(5) to facilitate the incorporation of tribal cul-
20 tural or traditional practices designed to reduce de-
21 linquency among Indian youth into Federal, State, or
22 other unit of local government juvenile justice systems
23 or programs;

24 “(6) to develop or incorporate in existing pro-
25 grams partnerships among State educational agen-

1 *cies, local educational agencies, and Bureau-funded*
 2 *schools (as defined in section 1141 of the Education*
 3 *Amendments of 1978 (25 U.S.C. 2021)); and*

4 *“(7) to conduct research and evaluate—*

5 *“(A) the number of Indian juveniles who,*
 6 *prior to placement in the juvenile justice system,*
 7 *were under the care or custody of a State or trib-*
 8 *al child welfare system and the number of In-*
 9 *dian juveniles who are unable to return to their*
 10 *family after completing their disposition in the*
 11 *juvenile justice system and who remain wards of*
 12 *the State or Indian tribe;*

13 *“(B) the extent to which State and tribal*
 14 *juvenile justice systems and child welfare systems*
 15 *are coordinating systems and treatment for the*
 16 *juveniles referred to in subparagraph (A);*

17 *“(C) the types of post-placement services*
 18 *used;*

19 *“(D) the frequency of case plan reviews for*
 20 *juveniles referred to in subparagraph (A) and*
 21 *the extent to which these case plans identify and*
 22 *address permanency and placement barriers and*
 23 *treatment plans;*

24 *“(E) services, treatment, and aftercare*
 25 *placement of Indian juveniles who were under*

1 *the care of the State or tribal child protection*
 2 *system before their placement in the juvenile jus-*
 3 *tice system;*

4 *“(F) the frequency, seriousness, and inci-*
 5 *dence of drug use by Indian youth in schools and*
 6 *tribal communities;*

7 *“(G) in consultation and coordination with*
 8 *Indian tribes—*

9 *“(i) the structure and needs of tribal*
 10 *juvenile justice systems;*

11 *“(ii) the characteristics and outcomes*
 12 *for youth in tribal juvenile systems; and*

13 *“(iii) recommendations for improving*
 14 *tribal juvenile justice systems; and*

15 *“(H) educational program offerings for in-*
 16 *carcerated Indian juveniles, the educational at-*
 17 *tainment of incarcerated Indian juveniles, and*
 18 *potential links to recidivism among previously*
 19 *incarcerated Indian juveniles and delayed edu-*
 20 *cational opportunities while incarcerated.*

21 *“(b) CONSULTATION POLICY.—Not later than 1 year*
 22 *after the date of enactment of this section, the Attorney Gen-*
 23 *eral and the Administrator shall issue a tribal consultation*
 24 *policy for the Office of Juvenile Justice and Delinquency*

1 *Prevention to govern the consultation by the Office to be*
 2 *conducted under subsection (a).*

3 “(c) *ACTION.*—Not later than 3 years after the date
 4 of enactment of the Tribal Law and Order Reauthorization
 5 and Amendments Act of 2018, the Administrator shall im-
 6 plement the improvements, processes, and other activities
 7 under paragraphs (3), (4), (5), and (6) of subsection (a).

8 “(d) *REPORT.*—Not later than 3 years after the date
 9 of enactment of the Tribal Law and Order Reauthorization
 10 and Amendments Act of 2018, the Administrator shall sub-
 11 mit to the Committee on Indian Affairs of the Senate and
 12 the Committee on Education and the Workforce of the
 13 House of Representatives a report that summarizes the re-
 14 sults of the consultation activities described in subsection
 15 (a)(2) and consultation policy described in subsection (b),
 16 recommendations, if any, for ensuring the implementation
 17 of paragraphs (3), (4), (5), and (6) of subsection (a), and
 18 any recommendations of the Coordinating Council on Juve-
 19 nile Justice and Delinquency Prevention regarding improv-
 20 ing resource and service delivery to Indian tribal commu-
 21 nities.”.

22 **SEC. 204. COORDINATING COUNCIL ON JUVENILE JUSTICE**
 23 **AND DELINQUENCY PREVENTION.**

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

1 (1) in subsection (a)—

2 (A) in paragraph (1)—

3 (i) by inserting “the Director of the In-
4 dian Health Service,” after “the Secretary
5 of Health and Human Services,”; and

6 (ii) by striking “Commissioner of Im-
7 migration and Naturalization” and insert-
8 ing “Assistant Secretary for Immigration
9 and Customs Enforcement, the Secretary of
10 the Interior, the Assistant Secretary for In-
11 dian Affairs”; and

12 (B) in paragraph (2)(A), by striking
13 “United States” and inserting “Federal Govern-
14 ment”; and

15 (2) in subsection (c)(1)—

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

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

20 **SEC. 205. GRANTS FOR DELINQUENCY PREVENTION PRO-**
21 **GRAMS.**

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

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

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

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115TH CONGRESS
2D Session

S. 1953

[Report No. 115-433]

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.

DECEMBER 13, 2018

Reported with an amendment