

techniques, I was very proud of the fact that every military lawyer came out on the side that the techniques in question were not who we are and what we want to be.

We are one of the leading voices of the Geneva Convention. We have stood by the Geneva Convention since its inception. I am convinced that the techniques in question violate the Geneva Convention. I am also convinced that they were motivated by fear, fear of another attack. Put yourself in the shoes of the people responsible for defending the country right after 9/11. We had been hit. We had been hit hard. Everybody thought something else was coming.

As we rounded these guys up, there was a sense of urgency and a commitment to never let it happen again that generated this program.

Who knew what, when? I do not know. All I can tell you is the people involved believed they were trying to defend the country and what they were doing was necessary. Did they get some good information? Probably so. Has it been a net loser for us as a country? Absolutely so. All I can say is the techniques in question were motivated by fear of another attack, and people at the time thought this was the best way to defend the Nation. I accept that on their part.

But as a nation, I hope we have learned the following: In this ideological struggle, good versus evil, we need to choose good. There is no shortage of people who will cut your head off. The techniques in question are nowhere near what the enemies of this Nation and radical Islam would do to people under their control. There is no comparison.

The comparison is between who we are and what we want to be. In that regard, we made a mistake. No one is going to jail because they should not, because the laws in question—the laws that existed at the time of this program—were, to be generous, vague.

I spent about a year of my life with Senator MCCAIN working with the Bush administration and colleagues on the Democratic side to come up with the Detainee Treatment Act which clearly puts people on notice of what you can and cannot do. Going forward we fixed this problem. How do I know it is a problem? I travel. I go to the Mideast a lot. I go all over the world. It was a problem for us. Whether we like it or not, we are seen as the good guys. I like it.

Sometimes good people make mistakes. We have corrected the problem. We have interrogation techniques now that I think can protect the Nation and are within our values. The one thing I want to stress to my colleagues is that this is a war of an ideological nature. There will be no capital to conquer. We are not going to take Tokyo. We are not going to take Berlin. There is no air force to shoot down; there is no navy to sink. You are fighting a radical extreme ideology that is motivated by

hate. In their world, if you do not agree with their religion, you are no longer a human being.

The only way we can possibly defeat this ideology is to offer something better. The good news for us is that we stand for something better. We stand for due process. We stand for humane treatment. We stand for the ability to have a say when you are accused of something. Our enemies stand for none of that. That is their greatest weakness. Our greatest strength is to offer a better way.

When you go to Anbar Province and you go to other places in the Mideast that have experienced life under ISIS—ISIL—and Al Qaeda, the reaction has almost been universal: We do not like this. When America comes over the hill, and they see that flag, they know help is on the way.

To the CIA officers who serve in the shadows, who intermingle with the most notorious in the world, who are always away from home never knowing if you are going back: Thank you. There is a debate about whether this report is accurate line by line. I do not know. Is this the definitive answer to the program's problems? I do not know, but I do know the program hurt our country.

Those days are behind us. The good guys air their dirty laundry. I wished we had waited because the world is in such a volatile shape right now. I do fear this report will be used by our enemies. But I guess there is no good time to do things like this.

So to those who helped prepare the report, I understand where you are coming from. To those on my side who believe that we have gone too far, I understand that too. But this has always been easy for me. I have been too associated with the subject matter for too long. Every time our Nation cuts a corner, and every time we act out of fear and abandon who we are, we always regret it. That has happened forever. This is a step toward righting a wrong. To our enemies: Take no comfort from the fact that we have changed our program. We are committed to your demise. We are committed to your incarceration and killing you on the battlefield, if necessary.

To our friends, because we choose a different path, do not mistake that for weakness. What we are doing today is not a sign of weakness. It is a sign of the ultimate strength—that you can self correct, that you can reevaluate and you can do some soul searching, and you can come out with a better product. The tools available to our intelligence community today over time will yield better results, more reliable results. The example we are setting will, over time, change the world.

To defeat radical Islam you have to show separation. Today is a commitment to show separation. The techniques they employ to impose their will have been used for thousands of years. They are always, over time, rejected. The values we stand for—toler-

ance, humane treatment of everyone; whether you agree with them or not—have also stood the test of time. Over time, we will win, and they will lose. Today is about making that time period shorter. The sooner America can reattach itself to who she is, the worse off the enemy will be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ALASKA SAFE FAMILIES AND VILLAGES ACT OF 2014

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 524, S. 1474.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1474) to encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1474

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska Safe Families and Villages Act of 2014”.

SEC. 2. FINDINGS AND PURPOSES.

(a) *FINDINGS.*—Congress finds that—

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

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

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

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

(5) *according to the 2006 Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission, more than 95 percent of all crimes committed in rural Alaska can be attributed to alcohol abuse;*

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

(7) *there are more than 200 remote villages in Alaska, which are ancestral homelands to Indian tribes and geographically isolated by rivers, oceans, and mountains making most of those villages accessible only by air;*

(8) *small size and remoteness, lack of connection to a road system, and extreme weather conditions often prevent or delay travel, including that of law enforcement personnel, into remote villages, resulting in challenging law enforcement conditions and lack of ready access to the State judicial system;*

(9) *less than 1/2 of remote Alaska villages are served by trained State law enforcement entities and several Indian tribes provide peace officers or tribal police without adequate training or equipment;*

(10) *the centralized State judicial system relies on general jurisdiction Superior Courts in the*

regional hub communities, with only a handful of staffed magistrate courts outside of the hub communities;

(11) the lack of effective law enforcement and accessible judicial services in remote Alaska villages contributes significantly to increased crime, alcohol abuse, drug abuse, domestic violence, rates of suicide, poor educational achievement, and lack of economic development;

(12) Indian tribes that operate within remote Alaska villages should be supported in carrying out local culturally relevant solutions to effectively provide law enforcement in villages and access to swift judicial proceedings;

(13) increasing capacities of local law enforcement entities to enforce local tribal laws and to achieve increased tribal involvement in State law enforcement in remote villages will promote a stronger link between the State and village residents, encourage community involvement, and create greater local accountability with respect to violence and substance abuse;

(14) the United States has a trust responsibility to Indian tribes in the State;

(15) the report of the Indian Law and Order Commission to the President and Congress entitled “A Roadmap to Making Native America Safer” and dated November 2013 found that the crisis in criminal justice in the State is a national problem and urged the Federal Government and the State to strengthen tribal sovereignty and self-governance and for Congress to create a jurisdictional framework to support tribal sovereignty and expand the authority of Indian tribes in the State; and

(16) it is necessary to invoke the plenary authority of Congress over Indian tribes under article I, section 8, clause 3 of the Constitution to improve access to judicial systems in remote Alaska Native villages and provide for the presence of trained local law enforcement.

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

(1) to improve the delivery of justice in Alaska Native villages by—

(A) encouraging the State and Indian tribes to enter into intergovernmental agreements relating to the enforcement and adjudication of State laws relating to drug and alcohol offenses; and

(B) supporting Indian tribes in the State in the enforcement and adjudication of tribal laws relating to child abuse and neglect, domestic violence, and drug and alcohol offenses; and

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

SEC. 3. DEFINITIONS.

In this Act:

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

(2) **GRANT PROGRAM.**—The term “grant program” means the Alaska Safe Families and Villages Self Governance Intergovernmental Grant Program established under section 4.

(3) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(4) **PARTICIPATING INDIAN TRIBE.**—The term “participating Indian tribe” means an Indian tribe selected by the Attorney General to participate in the grant program or the tribal law program, as applicable.

(5) **REMOTE ALASKA VILLAGE.**—The term “remote Alaska village” means an Alaska Native Village Statistical Area delineated for the Director of the Census by the officials of the village for the purpose of presenting data for the decennial census conducted under section 141(a) of title 13, United States Code.

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

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

(8) **TRIBAL LAW PROGRAM.**—The term “tribal law program” means the Alaska Safe Families and Villages Tribal Law Program established under section 5.

SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES SELF GOVERNANCE INTERGOVERNMENTAL GRANT PROGRAM.

(a) **IN GENERAL.**—The Attorney General shall establish a program in the Office of Justice Programs of the Department of Justice, to be known as the Alaska Safe Families and Villages Self Governance Intergovernmental Grant Program, to make grants to Indian tribes acting on behalf of 1 or more Indian tribes to assist Indian tribes in planning for and carrying out intergovernmental agreements described in subsection (d).

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Each Indian tribe desiring to participate in the grant program shall submit to the Attorney General an application in accordance with this section.

(2) **ELIGIBILITY FOR GRANT PROGRAM.**—To be eligible to participate in the grant program, an Indian tribe in the State shall—

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

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

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

(D) certify that the Indian tribe has entered into, or can evidence intent to enter into negotiations relating to, an intergovernmental agreement with the State described in subsection (d);

(E) meet such other criteria as the Attorney General may promulgate, after providing public notice and an opportunity to comment; and

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

(c) **USE OF AMOUNTS.**—Each participating Indian tribe shall use amounts made available under the grant program—

(1) to carry out a planning phase that may include—

(A) internal governmental and organizational planning;

(B) developing written tribal law or ordinances, including tribal laws and ordinances detailing the structure and procedures of the tribal court;

(C) developing enforcement mechanisms; and

(D) negotiating and finalizing any intergovernmental agreements necessary to carry out this section; and

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

(d) **INTERGOVERNMENTAL AGREEMENTS.**—

(1) **IN GENERAL.**—The State (including political subdivisions of the State) and Indian tribes in the State are encouraged to enter into intergovernmental agreements relating to the enforcement of certain State laws by the Indian tribe.

(2) **CONTENTS.**—

(A) **IN GENERAL.**—An intergovernmental agreement described in paragraph (1) may describe the duties of the State and the applicable Indian tribe relating to—

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

(ii) the appointment and deputization by the State of tribal law enforcement officers as special officers to aid and assist in the enforcement of the criminal laws of the State;

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

(iv) the transfer of enforcement duties for State drug- and alcohol-related misdemeanor offenses to the Indian tribe;

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

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

(vii) the detention of offenders;

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

(ix) jurisdictional or financial matters.

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

(i) restorative justice, including circle sentencing;

(ii) community service;

(iii) fines;

(iv) forfeitures;

(v) commitments for treatment;

(vi) restraining orders;

(vii) emergency detentions; and

(viii) any other remedies agreed to by the State and Indian tribe.

(e) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than May 1 of each year, the Attorney General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that—

(A) describes the grants awarded under the grant program;

(B) assesses the effectiveness of the grant program; and

(C) includes any recommendations of the Attorney General relating to the grant program.

(2) **REQUIREMENTS.**—Each report shall be prepared in consultation with the government of each participating Indian tribe and the State.

SEC. 5. ALASKA SAFE FAMILIES AND VILLAGES SELF GOVERNANCE TRIBAL LAW PROJECT.

(a) **IN GENERAL.**—The Attorney General shall establish a project in the Office of Justice Programs of the Department of Justice, to be known as the Alaska Safe Families and Villages Self Governance Tribal Law Project, to make grants to Indian tribes acting on behalf of 1 or more Indian tribes to assist Indian tribes in planning for and carrying out concurrent jurisdiction activities described in subsection (d).

(b) **APPLICATION.**—

(1) **IN GENERAL.**—Each Indian tribe desiring to participate in the tribal law program shall submit to the Attorney General an application in accordance with this section.

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

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

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

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

(D) meet such other criteria as the Attorney General may promulgate, after providing for public notice; and

(E) submit to the Attorney General of the State a copy of the application submitted under this section.

(3) **ADDITIONAL SUBMISSIONS.**—On completion of the planning phase described in subsection (c), the Indian tribe shall provide to the Attorney General—

(A) the constitution of the Indian tribe or equivalent organic documents showing the structure of the tribal government and the placement and authority of the tribal court within that structure;

(B) written tribal laws or ordinances governing tribal court procedures and the regulation and enforcement of child abuse and neglect, domestic violence, drugs and alcohol, and related matters; and

(C) such other information as the Attorney General may, by public notice, require.

(c) **PLANNING PHASE.**—

(1) **IN GENERAL.**—Each participating Indian tribe shall complete a planning phase that includes—

(A) internal governmental and organizational planning;

(B) developing written tribal law or ordinances detailing the structure and procedures of the tribal court; and

(C) enforcement mechanisms.

(2) **CERTIFICATION.**—

(A) **IN GENERAL.**—Not later than 120 days after receiving an application under subsection (b), the Attorney General shall certify the completion of the planning phase under this section.

(B) **TIMING.**—The Attorney General may make a certification described in subparagraph (A) on the date on which the participating Indian tribe submits an application under subsection (b) if the Indian tribe demonstrates to the Attorney General that the Indian tribe has satisfied the requirements of the planning phase under paragraph (1).

(d) **CONCURRENT JURISDICTION.**—

(1) **IN GENERAL.**—Unless otherwise agreed to by the Indian tribe in an intergovernmental agreement, beginning 30 days after the date on which the certification described in subsection (c)(2) is made, the participating Indian tribe may exercise civil jurisdiction, concurrent with the State, in matters relating to child abuse and neglect, domestic violence, drug-related offenses, and alcohol-related offenses over—

(A) any member of, or person eligible for membership in, the Indian tribe; and

(B) any nonmember of the Indian tribe, if the nonmember resides or is located in the remote Alaska Native village in which the Indian tribe operates.

(2) **SANCTIONS.**—A participating Indian tribe exercising jurisdiction under paragraph (1) shall impose such civil sanctions as the tribal court has determined to be appropriate, consistent with title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”) and tribal law, including—

(A) restorative justice, including community or circle sentencing;

(B) community service;

(C) fines;

(D) forfeitures;

(E) commitments for treatment;

(F) restraining orders;

(G) emergency detentions; and

(H) any other remedies the tribal court determines are appropriate.

(3) **INCARCERATION.**—A person shall not be incarcerated by a participating Indian tribe exercising jurisdiction under paragraph (1) except pursuant to an intergovernmental agreement described in section 4(d).

(4) **EMERGENCY CIRCUMSTANCES.**—Nothing in this subsection prevents a participating Indian tribe exercising jurisdiction under paragraph (1) from—

(A) assuming protective custody of a member of the Indian tribe or otherwise taking action to prevent imminent harm to that member or others; and

(B) taking immediate, temporary protective measures to address a situation involving an imminent threat of harm to a member of the Indian tribe by a nonmember.

(e) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than May 1 of each year, the Attorney General shall submit to the

Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a brief annual report that—

(A) details the activities carried out under the tribal law program; and

(B) includes an assessment and any recommendations of the Attorney General relating to the tribal law program.

(2) **REQUIREMENTS.**—Each report shall be prepared—

(A) in consultation with the government of each participating Indian tribe; and

(B) after the participating Indian tribe and the State have an opportunity to comment on the report.

SEC. 6. ADMINISTRATION.

(a) **EFFECT OF ACT.**—Nothing in this Act—

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

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

(3) creates a territorial basis for the jurisdiction of any Indian tribe in the State (other than as provided in section 5) or otherwise establishes Indian country (as defined in section 1151 of title 18, United States Code) in any area of the State;

(4) confers any criminal jurisdiction on any Indian tribe in the State unless agreed to in an intergovernmental agreement described in section 4(d);

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

(6) abridges or diminishes the sovereign immunity of any Indian tribe in the State;

(7) alters the criminal or civil jurisdiction of the Metlakatla Indian Community within the Annette Islands Reserve (as in effect on the date before the date of enactment of this Act); or

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

(b) **NO LIABILITY FOR THE STATE OF ALASKA.**—The State, including any political subdivision of the State, shall not be liable for any act or omission of a participating Indian tribe in carrying out this Act, including any act or omission of a participating Indian tribe undertaken pursuant to an intergovernmental agreement described in section 4(d).

(c) **REGULATIONS.**—The Attorney General shall promulgate such regulations as the Attorney General determines are necessary to carry out this Act.

(d) **ELIGIBILITY FOR FEDERAL PROGRAMS.**—

(1) **IN GENERAL.**—Participating Indian tribes shall be eligible for the same tribal court and law enforcement programs and level of funding from the Bureau of Indian Affairs as are available to other Indian tribes.

(2) **APPLICABILITY IN THE STATE.**—Nothing in this Act limits the application in the State of—

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

(B) the Violence Against Women Reauthorization Act of 2013 (Public law 113–4; 127 Stat. 54); or

(C) any amendments made by the Acts referred to in subparagraphs (A) and (B).

(e) **FULL FAITH AND CREDIT.**—

(1) **IN GENERAL.**—Each of the 50 States shall give full faith and credit to all official acts and decrees of the tribal court of a participating Indian tribe to the same extent and in the same manner as that State accords full faith and credit to the official acts and decrees of other States.

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

SEC. 7. TECHNICAL ASSISTANCE.

(a) **IN GENERAL.**—The Attorney General may enter into contracts with Indian tribes in the State to provide—

(1) training and technical assistance on tribal court development to any Indian tribe in the State; and

(2) the training for proper transfer of evidence and information—

(A) between tribal and State law enforcement entities; and

(B) between State and tribal court systems.

(b) **COOPERATION.**—Indian tribes may cooperate with other entities for the provision of services under the contracts described in subsection (a).

SEC. 8. FUNDING.

The Attorney General shall use amounts made available to the Attorney General for the Office of Justice Programs to carry out this Act.

SEC. 9. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.

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

Mr. BEGICH. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn, the Begich substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the title amendment, which is at the desk, be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported substitute amendment was withdrawn.

The amendment (No. 3981) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.

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

The bill (S. 1474), as amended, was ordered to be engrossed for a third reading, was read the third time and passed.

The title amendment (No. 3982) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “A bill to amend the Violence Against Women Reauthorization Act of 2013 to repeal a special rule for the State of Alaska, and for other purposes.”.

The PRESIDING OFFICER. The Senator from Rhode Island.

SSCI STUDY OF THE CIA'S RETENTION AND INTERROGATION PROGRAM

Mr. WHITEHOUSE. Madam President, while Chairman FEINSTEIN and Chairman ROCKEFELLER are still here on the floor, may I just take a moment to thank them for the work they did on this report. I am very proud of the moral certainty of leadership that both Chairman ROCKEFELLER and Chairman FEINSTEIN showed.

It was, as they know better than I, through many troubles, toils, and