

that is in effect, in the same manner as such provisions apply to State gaming and wagering operations.

(2) The provisions of this subsection shall apply notwithstanding any other provision of law enacted before, on, or after October 17, 1988, unless such other provision of law specifically cites this subsection.

(Pub. L. 100-497, §20, Oct. 17, 1988, 102 Stat. 2485.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d)(1), was in the original “this Act”, meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2720. Dissemination of information

Consistent with the requirements of this chapter, sections 1301, 1302, 1303 and 1304 of title 18 shall not apply to any gaming conducted by an Indian tribe pursuant to this chapter.

(Pub. L. 100-497, §21, Oct. 17, 1988, 102 Stat. 2486.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

§ 2721. Severability

In the event that any section or provision of this chapter, or amendment made by this chapter, is held invalid, it is the intent of Congress that the remaining sections or provisions of this chapter, and amendments made by this chapter, shall continue in full force and effect.

(Pub. L. 100-497, §22, Oct. 17, 1988, 102 Stat. 2486.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

CHAPTER 30—INDIAN LAW ENFORCEMENT REFORM

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§ 2801. Definitions

For purposes of this chapter—

(1) The term “Branch of Criminal Investigations” means the entity the Secretary is required to establish within the Office of Justice Services under section 2802(d)(1) of this title.

(2) The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(3) The term “employee of the Bureau” includes an officer of the Bureau.

(4) The term “enforcement of a law” includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

(5) The term “Indian country” has the meaning given that term in section 1151 of title 18.

(6) The term “Indian tribe” has the meaning given that term in section 1301 of this title.

(7) The term “offense” means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.

(8) The term “Secretary” means the Secretary of the Interior.

(10)¹ The term “tribal justice official” means—

(A) a tribal prosecutor;

(B) a tribal law enforcement officer; or

(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.

(Pub. L. 101-379, §2, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§203(b), 211(a), July 29, 2010, 124 Stat. 2263, 2264.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-211, §211(a), redesignated and renumbered pars. (9) and (1) to (7) as (1) to (8), respectively, substituted “Office of Justice Services” for “Division of Law Enforcement Services” in par. (1), and struck out former par. (8) which read as follows: “The term ‘Division of Law Enforcement Services’ means the entity established within the Bureau under section 2802(b) of this title.”

Par. (10). Pub. L. 111-211, §203(b), added par. (10).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2020 AMENDMENT

Pub. L. 116-166, §1, Oct. 10, 2020, 134 Stat. 766, provided that: “This Act [enacting provisions set out as a note under section 2802 of this title] may be cited as the ‘Not Invisible Act of 2019’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-211, title II, §201(a), July 29, 2010, 124 Stat. 2261, provided that: “This title [enacting part G (§458ccc et seq.) of subchapter II of chapter 14 of this title and sections 2810 to 2815, 3665a, and 3682 of this title, redesignating part F (§458bbb et seq.) of sub-

¹ So in original. There is no par. (9).

chapter II of chapter 14 of this title as part H (§458ddd et seq.), amending this section and sections 458ddd-1, 458ddd-2, 1302, 1321, 2411 to 2413, 2414a, 2415, 2431 to 2433, 2441, 2442, 2451, 2453, 2802 to 2804, 2809, 3613, 3621, 3653, 3662, 3663, 3666, and 3681 of this title, sections 841, 845, 1162, 4042, and 4352 of Title 18, Crimes and Criminal Procedure, sections 872, 872a, 873, and 878 of Title 21, Food and Drugs, sections 534 and 543 of Title 28, Judiciary and Judicial Procedure, and sections 2996f, 3732, 3796h, 3796dd, 5616, 5783, and 13709 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and section 1302 of this title, section 872 of Title 21, section 534 of Title 28, and sections 3732, 3796h, 3796dd, and 14044 of Title 42, amending provisions set out as a note under section 534 of Title 28, and repealing provisions set out as a note under section 3651 of this title) may be cited as the ‘Tribal Law and Order Act of 2010.’”

SHORT TITLE

Pub. L. 101-379, §1, Aug. 18, 1990, 104 Stat. 473, provided that: “This Act [enacting this chapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare] may be cited as the ‘Indian Law Enforcement Reform Act’.”

SEVERABILITY

Pub. L. 111-211, title II, §204, July 29, 2010, 124 Stat. 2263, provided that: “If any provision of this title [see Short Title of 2010 Amendment note above], an amendment made by this title, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this title, the remaining amendments made by this title, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.”

FINDINGS; PURPOSES

Pub. L. 111-211, title II, §202, July 29, 2010, 124 Stat. 2262, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

“(2) Congress and the President have acknowledged that—

“(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

“(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

“(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

“(4) the complicated jurisdictional scheme that exists in Indian country—

“(A) has a significant negative impact on the ability to provide public safety to Indian communities;

“(B) has been increasingly exploited by criminals; and

“(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

“(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

“(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

“(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

“(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault,

and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

“(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

“(b) PURPOSES.—The purposes of this title [see Short Title of 2010 Amendment note above] are—

“(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

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

“(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;

“(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

“(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

“(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.”

JURISDICTION OF THE STATE OF ALASKA

Pub. L. 111-211, title II, §205, July 29, 2010, 124 Stat. 2264, provided that: “Nothing in this Act [see Tables for classification] limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.”

CRIMINAL JURISDICTION OVER NON-INDIANS

Pub. L. 111-211, title II, §206, July 29, 2010, 124 Stat. 2264, provided that: “Nothing in this Act [see Tables for classification] confers on an Indian tribe criminal jurisdiction over non-Indians.”

DEFINITIONS

Pub. L. 111-211, title II, §203(a), July 29, 2010, 124 Stat. 2263, provided that: “In this title [see Short Title of 2010 Amendment note above]:

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

“(2) 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) [now 25 U.S.C. 5130].

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(4) TRIBAL GOVERNMENT.—The term ‘tribal government’ means the governing body of a federally recognized Indian tribe.”

Executive Documents

EX. ORD. NO. 13898. ESTABLISHING THE TASK FORCE ON MISSING AND MURDERED AMERICAN INDIANS AND ALASKA NATIVES

Ex. Ord. No. 13898, Nov. 26, 2019, 84 F.R. 66059, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the operation of the criminal justice system and address the legitimate concerns of American Indian and Alaska Native communities regarding missing and murdered people—particularly missing and murdered indigenous women and girls—it is hereby ordered as follows:

SECTION 1. *Purpose.* My Administration has heard the ongoing and serious concerns of tribal governments re-

garding missing and murdered members of American Indian and Alaska Native communities, particularly women and girls. To address the severity of those concerns, top officials within the Federal Government will coordinate and engage with the tribal governments.

SEC. 2. Establishment. (a) There is hereby established the Task Force on Missing and Murdered American Indians and Alaska Natives (Task Force), co-chaired by the Attorney General and the Secretary of the Interior (Secretary) or their designees.

(b) The Department of Justice shall provide funding and administrative support as may be necessary for the performance and functions of the Task Force. The Attorney General, in consultation with the Secretary, shall designate an official of the Department of Justice to serve as the Executive Director of the Task Force, responsible for coordinating its day-to-day functions. As necessary and appropriate, the Co-Chairs may afford the other members of the Task Force an opportunity to provide input into the decision of whom to designate as the Executive Director.

SEC. 3. Membership. (a) In addition to the Co-Chairs, the Task Force shall be composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government and shall include the following members:

(i) the Director of the Federal Bureau of Investigation;

(ii) the Assistant Secretary for Indian Affairs, Department of the Interior;

(iii) the Director of the Office on Violence Against Women, Department of Justice;

(iv) the Director of the Office of Justice Services, Bureau of Indian Affairs, Department of the Interior;

(v) the Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Committee;

(vi) the Commissioner of the Administration for Native Americans, Department of Health and Human Services; and

(vii) such representatives of other executive departments, agencies, and offices as the Co-Chairs may, from time to time, designate.

(b) In performing the functions set forth in sections 4 and 5 of this order, the Co-Chairs and members may designate representatives of their respective departments, agencies, offices, or entities under their direction to participate in the Task Force as necessary, and the Co-Chairs may also direct coordination with other Presidential task forces. In carrying out its functions, the Task Force shall coordinate with appropriate White House officials, including the Senior Counselor to the President, the Assistant to the President for Domestic Policy, and the Deputy Assistant to the President and Director of Intergovernmental Affairs.

SEC. 4. Mission and Functions. (a) The Task Force shall:

(i) conduct appropriate consultations with tribal governments on the scope and nature of the issues regarding missing and murdered American Indians and Alaska Natives;

(ii) develop model protocols and procedures to apply to new and unsolved cases of missing or murdered persons in American Indian and Alaska Native communities, including best practices for:

(A) improving the way law enforcement investigators and prosecutors respond to the high volume of such cases, and to the investigative challenges that might be presented in cases involving female victims;

(B) collecting and sharing data among various jurisdictions and law enforcement agencies; and

(C) better use of existing criminal databases, such as the National Missing and Unidentified Persons System (NamUs), the National Crime Information Center (NCIC), and the Combined DNA Index System (CODIS) including the National DNA Index System (NDIS);

(iii) establish a multi-disciplinary, multi-jurisdictional team including representatives from tribal law enforcement and the Departments of Justice and the

Interior to review cold cases involving missing and murdered American Indians and Alaska Natives;

(iv) address the need for greater clarity concerning roles, authorities, and jurisdiction throughout the lifecycle of cases involving missing and murdered American Indians and Alaska Natives by:

(A) developing and publishing best-practices guidance for use by Federal, State, local, and tribal law enforcement in cases involving missing and murdered American Indians and Alaska Natives, to include best practices related to communication with affected families from initiation of an investigation through case resolution or closure;

(B) facilitating formal agreements or arrangements among Federal, State, local, and tribal law enforcement to promote maximally cooperative, trauma-informed responses to cases involving missing and murdered American Indians and Alaska Natives;

(C) developing and executing an education and outreach campaign for communities that are most affected by crime against American Indians and Alaska Natives to identify and reduce such crime; and

(D) developing, in partnership with NamUs, a public-awareness campaign to educate both rural and urban communities about the needs of affected families and resources that are both needed and available.

SEC. 5. Reporting. (a) No later than 1 year after the date of this order [Nov. 26, 2019], the Task Force shall develop and submit to the President, through the Assistant to the President for Domestic Policy, a written report regarding the activities and accomplishments of the Task Force, the status of projects the Task Force has not yet completed, and specific recommendations for future action of the Task Force.

(b) No later than 2 years after the date of this order, the Task Force shall develop and submit to the President, through the Assistant to the President for Domestic Policy, a final written report regarding the activities and accomplishments of the Task Force.

SEC. 6. Termination. The Task Force shall terminate 2 years after the date of this order [Nov. 26, 2019], unless otherwise directed by the President.

SEC. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

EX. ORD. NO. 14053. IMPROVING PUBLIC SAFETY AND CRIMINAL JUSTICE FOR NATIVE AMERICANS AND ADDRESSING THE CRISIS OF MISSING OR MURDERED INDIGENOUS PEOPLE

Ex. Ord. No. 14053, Nov. 15, 2021, 86 F.R. 64337, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

SECTION 1. Policy. The safety and well-being of all Native Americans is a top priority for my Administration. My Administration will work hand in hand with Tribal Nations and Tribal partners to build safe and healthy Tribal communities and to support comprehensive law enforcement, prevention, intervention, and support services.

Generations of Native Americans have experienced violence or mourned a missing or murdered family member or loved one, and the lasting impacts of such tragedies are felt throughout the country. Native

Americans face unacceptably high levels of violence, and are victims of violent crime at a rate much higher than the national average. Native American women, in particular, are disproportionately the victims of sexual and gender-based violence, including intimate partner homicide. Research shows that approximately half of Native American women have experienced sexual violence and that approximately half have experienced physical violence by an intimate partner. LGBTQ+ Native Americans and people who identify as “Two-Spirit” people within Tribal communities are also often the targets of violence. And the vast majority of Native American survivors report being victimized by a non-Native American individual.

For far too long, justice has been elusive for many Native American victims, survivors, and families. Criminal jurisdiction complexities and resource constraints have left many injustices unaddressed. Some progress has been made, particularly on Tribal lands. Given that approximately 70 percent of American Indian and Alaska Natives live in urban areas and part of this epidemic of violence is against Native American people in urban areas, we must continue that work on Tribal lands but also build on existing strategies to identify solutions directed toward the particular needs of urban Native Americans.

In 2020, bipartisan members of the 116th Congress took an important step forward through the passage of two pieces of legislation—Savanna’s Act [Pub. L. 116-165, 25 U.S.C. 5701 et seq.] and the Not Invisible Act of 2019 [Pub. L. 116-166, 25 U.S.C. 2801 note, 2802 note]—that include important provisions for improving law enforcement and justice protocols as well as improving access to data to address missing or murdered indigenous people. My Administration is committed to fully implementing these laws and working with the Congress to fund these programs for Native Americans. Earlier this year, the Secretary of the Interior and the Attorney General announced a Joint Commission, established pursuant to the Not Invisible Act, that includes: representatives of Tribal, State, and local law enforcement; Tribal judges; Native American survivors of human trafficking; health care and mental health practitioners who have experience working with Native American survivors of human trafficking and sexual assault; Urban Indian Organizations focused on violence against women and children; and family members of missing or murdered indigenous people. The Commission will work to address the persistent violence endured by Native American families and communities across the country. In addition, the Department of the Interior has established a special unit to focus resources on active and unsolved missing persons cases.

But more work is needed to address the crisis of ongoing violence against Native Americans—and of missing or murdered indigenous people. Previous executive action has not achieved changes sufficient to reverse the epidemic of missing or murdered indigenous people and violence against Native Americans. The Federal Government must prioritize addressing this issue and its underlying causes, commit the resources needed to tackle the high rates of violent crime that Native Americans experience over the long term, coordinate and provide resources to collect and analyze data, and work closely with Tribal leaders and community members, Urban Indian Organizations, and other interested parties to support prevention and intervention efforts that will make a meaningful and lasting difference on the ground.

It is the policy of my Administration to work directly with Tribal Nations to strengthen public safety and criminal justice in Indian Country and beyond, to reduce violence against Native American people, and to ensure swift and effective Federal action that responds to the problem of missing or murdered indigenous people. My Administration understands that Native American people, particularly the survivors of violence, know best what their communities need to make them safer. Consistent engagement, commitment, and collaboration will drive long-term improvement to public safety for all Native Americans.

SEC. 2. *Coordination of a Federal Law Enforcement Strategy to Prevent and Respond to Violence Against Native Americans.* The Attorney General, working with the Secretary of the Interior and the heads of other executive departments and agencies (agencies) as appropriate, shall assess and build on existing efforts to develop a coordinated and comprehensive Federal law enforcement strategy to prevent and respond to violence against Native Americans, including to address missing or murdered indigenous people where the Federal Government has jurisdiction. The strategy shall set out a plan to address unsolved cases involving Native Americans; provide for coordination among the Department of Justice, the Department of the Interior, and the Department of Homeland Security in their efforts to end human trafficking; seek to strengthen and expand Native American participation in the Amber Alert in Indian Country initiative; and build on and enhance national training programs for Federal agents and prosecutors, including those related to trauma-informed and victim-centered interview and investigation techniques. The strategy shall also include protocols for effective, consistent, and culturally and linguistically appropriate communication with families of victims and their advocates, including through the creation of a designated position within the Department of Justice assigned the function of serving as the outreach services liaison for criminal cases where the Federal Government has jurisdiction. The Attorney General and the Secretary of the Interior shall report to the President within 240 days of the date of this order describing the strategy developed and identifying additional resources or other support necessary to implement that strategy.

SEC. 3. *Supporting Tribal and Other Non-Federal Law Enforcement Efforts to Prevent and Respond to Violence Against Native Americans.* (a) The Attorney General and the Secretary of the Interior, working with the heads of other agencies as appropriate, shall develop guidance, identify leading practices, and provide training and technical assistance, consistent with applicable law and available appropriations, to:

(i) assist Tribal governments in implementing special domestic violence criminal jurisdiction pursuant to the Violence Against Women Reauthorization Act of 2013 [Pub. L. 113-4, see Tables for classification], enabling them to prosecute certain non-Indian defendants for domestic violence and dating violence offenses in Indian Country, and also assist Tribes in implementing any relevant Tribal provisions in subsequent Violence Against Women Act reauthorization legislation;

(ii) assist Tribal governments within Oklahoma, consistent with the United States Supreme Court’s decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), to build capacity to handle cases within their criminal jurisdiction, including the capacity to provide victim services;

(iii) promote coordination of Federal, State, local, and Tribal law enforcement, including, as appropriate, through the development and support of Tribal Community Response Plans;

(iv) continue to assist Tribal law enforcement and judicial personnel with training, as described in 25 U.S.C. 2451, on the investigation and prosecution of offenses related to illegal narcotics and on alcohol and substance abuse prevention and treatment; and

(v) assist Tribal, State, and local law enforcement entities’ ability to apply linguistically appropriate, trauma-informed, and victim-centered practices when working with victims of crime, and to develop prevention strategies and recognize the indicators of human trafficking affecting Native Americans.

(b) The Attorney General and the Secretary of the Interior shall continue to assess their respective grantmaking operations to evaluate whether any changes, consistent with applicable law, are warranted to make that grantmaking more equitable for Tribal applicants seeking support for law enforcement purposes and for the provision of services to victims and survivors.

SEC. 4. Improving Data Collection, Analysis, and Information Sharing. (a) The Attorney General, in coordination with the Secretary of the Interior and the Secretary of Health and Human Services (HHS), as appropriate, shall sustain efforts to improve data collection and information-sharing practices, conduct outreach and training, and promote accurate and timely access to information services regarding crimes or threats against Native Americans, including in urban areas, such as through the National Crime Information Center, the Next Generation Identification system, and the National Violent Death Reporting System, as appropriate and consistent with applicable law.

(b) The Attorney General shall take steps, consistent with applicable law, to expand the number of Tribes participating in the Tribal Access Program for National Crime Information, which provides Tribes access to national crime information systems for federally authorized purposes.

(c) The Attorney General, in coordination with the Secretary of the Interior and the Secretary of HHS, shall develop a strategy for ongoing analysis of data collected on violent crime and missing persons involving Native Americans, including in urban Indian communities, to better understand the extent and causes of this crisis. Within 240 days of the date of this order [Nov. 15, 2021], the Attorney General, the Secretary of the Interior, and the Secretary of HHS shall report jointly to the President on the strategy they have developed to conduct and coordinate that analysis and shall identify additional resources or other support necessary to implement that strategy.

(d) The Attorney General shall assess the current use of DNA testing and DNA database services to identify missing or murdered indigenous people and any responsible parties, including the unidentified human remains, missing persons, and relatives of missing persons indices of the Combined DNA Index System and the National Missing and Unidentified Persons System. Within 240 days of the date of this order, the Attorney General shall report the outcome of this assessment to the President, along with recommendations to improve the use and accessibility of DNA database services.

(e) The Secretary of HHS shall evaluate the adequacy of research and data collection efforts at the Centers for Disease Control and Prevention and the National Institutes of Health in accurately measuring the prevalence and effects of violence against Native Americans, especially those living in urban areas, and report to the President within 180 days of the date of this order on those findings and any planned changes to improve those research and data collection efforts.

SEC. 5. Strengthening Prevention, Early Intervention, and Victim and Survivor Services. (a) The Secretary of HHS, in consultation with the Secretary of the Interior and Tribal Nations and after conferring with other agencies, researchers, and community-based organizations supporting indigenous wellbeing, including Urban Indian Organizations, as appropriate, shall develop a comprehensive plan to support prevention efforts that reduce risk factors for victimization of Native Americans and increase protective factors, including by enhancing the delivery of services for Native American victims and survivors, as well as their families and advocates. The comprehensive plan shall, to the extent possible, build on the existing evidence base. The plan shall include strategies for improving mental and behavioral health; providing substance abuse services; providing family support, including high-quality early childhood programs for victims and survivors with young children; and preventing elder abuse, gender-based violence, and human trafficking. In addition, the plan shall also include community-based strategies that improve community cohesion and cultural connectivity and preservation, educational programs to increase empowerment and self-advocacy, and strategies to encourage culturally and linguistically appropriate, trauma-informed, and victim-centered service delivery to Native Americans, including for survivors of gender-based violence. The Secretary of HHS shall

report to the President within 240 days of the date of this order describing the plan and actions taken and identifying any additional resources or other support needed.

(b) The Secretary of HHS and the Secretary of the Interior shall review procedures within their respective departments for reporting child abuse and neglect, including barriers to reporting, and shall take appropriate action to make reporting of child abuse and neglect by the Indian Health Service easier and more streamlined. In addition, the Secretaries shall assess and identify ways to expand Native American access to child advocacy center services such as pediatric medical forensic examination services, mental health care providers with advanced training in child trauma, and culturally and linguistically appropriate activities and services geared toward pediatric patients. The Secretaries shall report to the President within 180 days of the date of this order describing actions taken, findings from the assessment, and planned actions to expand access, and identifying any additional resources or other support needed.

(c) The Secretary of the Interior, consulting with the Attorney General and the Secretary of HHS, as appropriate, shall evaluate the effectiveness of existing technical assistance and judicial support services for Tribes to provide community-based conflict resolution, as well as culturally and linguistically appropriate, trauma-informed, and victim-centered strategies, including traditional healing services and healing courts, and shall identify and make improvements as needed. The Secretary of the Interior shall report to the President within 180 days of the date of this order describing the evaluation findings and the improvements implemented.

SEC. 6. Consultation and Engagement. In accordance with the Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships) [25 U.S.C. 5301 note], the Departments of Justice, the Interior, HHS, Energy, and Homeland Security shall conduct timely consultations with Tribal Nations and shall engage Native American communities to obtain their comments and recommendations regarding implementing sections 2 through 5 of this order. Tribal consultation and engagement shall continue as the strategies required by this order are implemented.

SEC. 7. Definitions. For the purposes of this order:

(a) “Tribal Nation” means an American Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a federally recognized tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130, 5131.

(b) “Native American” and “Native” mean members of one or more Tribal Nations.

(c) “Urban Indian Organization” means a nonprofit corporate body situated in an urban center, governed by an urban Indian controlled board of directors, and providing for the maximum participation of all interested Indian groups and individuals, which body is capable of legally cooperating with other public and private entities, pursuant to 25 U.S.C. 1603(29).

SEC. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

§ 2802. Indian law enforcement responsibilities**(a) Responsibility of Secretary**

The Secretary, acting through the Bureau, shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country as provided in this chapter.

(b) Office of Justice Services

There is established in the Bureau an office, to be known as the "Office of Justice Services", that, under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for—

- (1) carrying out the law enforcement functions of the Secretary in Indian country, and
- (2) implementing the provisions of this section.

(c) Additional responsibilities of Division

Subject to the provisions of this chapter and other applicable Federal or tribal laws, the responsibilities of the Office of Justice Services in Indian country shall include—

- (1) the enforcement of Federal law and, with the consent of the Indian tribe, tribal law;
- (2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;
- (3) the protection of life and property;
- (4) the development of methods and expertise to resolve conflicts and solve crimes;
- (5) the provision of criminal justice remedial actions, correctional and detention services, and rehabilitation;
- (6) the reduction of recidivism and adverse social effects;
- (7) the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;
- (8) the assessment and evaluation of program accomplishments in reducing crime;
- (9) the development and provision of law enforcement training and technical assistance, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses;
- (10) the development and provision of dispatch and emergency and E-911 services;
- (11) communicating with tribal leaders, tribal community and victims' advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;
- (12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;
- (13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other

national crime information databases pursuant to section 534 of title 28;

(14) in coordination with the Attorney General pursuant to subsection (g) of section 10132 of title 34, collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;

(16) submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

- (I) criminal investigators;
- (II) uniform police;
- (III) police and emergency dispatchers;
- (IV) detention officers;
- (V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and
- (VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

(17) submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary; and