

114TH CONGRESS  
2D SESSION

# S. 2920

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.

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IN THE SENATE OF THE UNITED STATES

MAY 11, 2016

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

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## 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Tribal Law and Order Reauthorization and Amendments  
6 Act of 2016”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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. Special assistant public defender liaisons.  
 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.

TITLE II—IMPROVING JUSTICE FOR INDIAN YOUTH

- Sec. 201. Federal jurisdiction over Indian juveniles.  
 Sec. 202. Reauthorization of tribal youth programs.  
 Sec. 203. Justice for Indian youth.  
 Sec. 204. GAO report on justice for Indian juveniles.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Tribal Law and Order Act of 2010  
 4 (Public Law 111–211; 25 U.S.C. 2801 note) was en-  
 5 acted to enhance law enforcement services, encour-  
 6 age interagency cooperation, and improve Federal  
 7 accountability for public safety in Indian commu-  
 8 nities;

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

12 (3) according to the Department of Justice, 34  
 13 percent of total Indian country criminal matters are  
 14 eligible for prosecution, a percentage that has not

1 decreased significantly and has remained fairly  
2 steady;

3 (4) during the period beginning in 2010 and  
4 ending on the date of enactment of this Act, the  
5 number of law enforcement officers working on pub-  
6 lic safety in Indian country has slightly increased,  
7 but according to the Bureau of Indian Affairs, only  
8 approximately 43 percent of the total need for those  
9 officers is currently being met;

10 (5) for a period of more than 40 years prior to  
11 the date of enactment of this Act, the Shadow  
12 Wolves, a special unit of tactical officers of the U.S.  
13 Immigration and Customs Enforcement, have been  
14 deployed throughout the Tohono O’odham Nation  
15 reservation in Arizona and have been operating in  
16 an area—

17 (A) of more than 5,000 square miles of  
18 vast, desert, tribal land in the Southwest, 75  
19 square miles of which is an area located along  
20 the United States border with Mexico;

21 (B) in which approximately 28,000 Indians  
22 reside; and

23 (C) that has been targeted by criminal or-  
24 ganizations for use as a major corridor to de-  
25 liver contraband from Mexico to locations

1 throughout the United States, including other  
2 Indian reservations;

3 (6) many Bureau of Indian Affairs and tribal  
4 detention facilities continue to operate in over-  
5 crowded conditions;

6 (7) tribal justice systems have encountered bar-  
7 riers to accessing criminal data and improvements to  
8 the ability to access that data are needed to facili-  
9 tate information sharing by Federal agencies;

10 (8) American Indian and Alaska Native juve-  
11 niles are overrepresented in Federal and State juve-  
12 nile justice systems;

13 (9) there is a lack of training, collaboration,  
14 communication, and cooperation among government  
15 agencies regarding juvenile justice for Indian youth;

16 (10) tribal youth in the Federal justice sys-  
17 tem—

18 (A) may spend more time in secure con-  
19 finement than youth in State justice systems,  
20 sometimes by several years; and

21 (B) are placed in facilities that may be lo-  
22 cated far away from the communities and fami-  
23 lies of the tribal youth; and

24 (11) appropriate services for tribal youth in the  
25 Federal justice system are unavailable.

1           **TITLE I—TRIBAL LAW AND**  
 2   **ORDER**

3 **SEC. 101. BUREAU OF INDIAN AFFAIRS LAW ENFORCE-**  
 4   **MENT.**

5           (a) ENFORCEMENT OF REPORTING REQUIRE-  
 6 MENTS.—Section 3 of the Indian Law Enforcement Re-  
 7 form Act (25 U.S.C. 2802) is amended by adding at the  
 8 end the following:

9           “(g) ENFORCEMENT OF REPORTING REQUIRE-  
 10 MENTS.—

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

24           “(2) RESTORATION.—The Secretary shall re-  
 25           store funding withheld in accordance with paragraph

1 (1) on submission of the applicable report in accord-  
2 ance with paragraph (16) or (17) of subsection (c).”.

3 (b) ALLOWANCE FOR RENTALS OF QUARTERS AND  
4 FACILITIES.—Section 8 of the Indian Law Enforcement  
5 Reform Act (25 U.S.C. 2807) is amended—

6 (1) by striking the section heading and designa-  
7 tion and all that follows through “Notwithstanding  
8 the limitation” and inserting the following:

9 **“SEC. 8. ALLOWANCES.**

10 “(a) UNIFORMS.—Notwithstanding the limitation”;  
11 and

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

13 “(b) RENTALS FOR QUARTERS AND FACILITIES.—  
14 Notwithstanding section 5911 of title 5, United States  
15 Code, the Secretary, on recommendation of the Director  
16 of the Office of Justice Services, shall establish applicable  
17 rental rates for quarters and facilities for employees of the  
18 Office of Justice Services.”.

19 (c) LAW ENFORCEMENT AND JUDICIAL TRAINING.—  
20 Section 4218(b) of the Indian Alcohol and Substance  
21 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.  
22 2451(b)) is amended by striking “2011 through 2015”  
23 and inserting “2017 through 2021”.

24 (d) PUBLIC SAFETY AND COMMUNITY POLICING  
25 GRANTS.—Section 1701(j) of the Omnibus Crime Control

1 and Safe Streets Act of 1968 (42 U.S.C. 3796dd(j)) is  
2 amended—

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

5 (2) in paragraph (4), by striking “2011  
6 through 2015” and inserting “2017 through 2021”.

7 **SEC. 102. INTEGRATION AND COORDINATION OF PRO-**  
8 **GRAMS.**

9 (a) IN GENERAL.—Not later than 1 year after the  
10 date of enactment of this Act, the Secretary of the Inte-  
11 rior, the Secretary of Health and Human Services, and  
12 the Attorney General shall consult with Indian tribes re-  
13 garding—

14 (1) the feasibility and effectiveness of the estab-  
15 lishment of base funding for, and the integration  
16 and consolidation of, Federal law enforcement, pub-  
17 lic safety, and substance abuse and mental health  
18 programs for which Indian tribes are eligible, for the  
19 purposes of coordinating the programs, reducing ad-  
20 ministrative costs, and improving services for Indian  
21 tribes, individual Indians, and Indian communities;

22 (2) the use of a single application and reporting  
23 system for the consolidated approach described in  
24 paragraph (1);

1           (3) the application of the Single Audit Act of  
2           1984 (31 U.S.C. 7501 et seq.) to the consolidated  
3           approach described in paragraph (1);

4           (4) the methodology for interagency transfer of  
5           funds for the consolidated approach described in  
6           paragraph (1);

7           (5) the method for Federal oversight for the  
8           consolidated approach described in paragraph (1);  
9           and

10          (6) any legal or administrative barriers to the  
11          implementation of the consolidated approach de-  
12          scribed in paragraph (1).

13          (b) RESPONSIBILITIES.—As part of the consultation  
14          described in subsection (a), each applicable unit of the De-  
15          partment of the Interior, the Department of Health and  
16          Human Services, and the Department of Justice shall  
17          identify—

18               (1) each program under the jurisdiction of that  
19               unit for which an Indian tribe may be eligible; and

20               (2) the regulations governing each program de-  
21               scribed in paragraph (1).

22          (c) SUBMISSION OF PLAN.—Not later than 18  
23          months after the date of enactment of this Act, the Sec-  
24          retary of the Interior, the Secretary of Health and Human  
25          Services, and the Attorney General shall jointly submit to



1 the Committee on Indian Affairs of the Senate, the Com-  
 2 mittee on Natural Resources of the House of Representa-  
 3 tives, and the Committee on the Judiciary of the House  
 4 of Representatives a plan that includes—

5 (1) the findings of the consultation described in  
 6 subsection (a);

7 (2) the programs identified in accordance with  
 8 subsection (b); and

9 (3) any legal or administrative barriers to the  
 10 implementation of the consolidated approach de-  
 11 scribed in subsection (a)(1).

12 **SEC. 103. 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”;

23 and

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

1           “(2) INFORMATION SHARING.—Any report  
2 issued as a result of the analysis of information en-  
3 tered into Federal criminal information databases or  
4 obtained from Federal criminal databases, including  
5 for the purpose of conducting background checks,  
6 shall be shared with Indian tribes of jurisdiction.”.

7           (b) BUREAU OF JUSTICE STATISTICS.—Section  
8 302(d) of the Omnibus Crime Control and Safe Streets  
9 Act of 1968 (42 U.S.C. 3732(d)) is amended—

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

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

15           “(1) IN GENERAL.—To ensure”; and

16           (2) in paragraph (2)—

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

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

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

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

1 (c) REPORTS TO TRIBES.—Section 10(b) of the In-  
2 dian Law Enforcement Reform Act (25 U.S.C. 2809(b))  
3 is amended—

4 (1) in paragraph (1)—

5 (A) in subparagraph (B), by redesignating  
6 clauses (i) and (ii) as subclauses (I) and (II),  
7 respectively, and indenting appropriately; and

8 (B) by redesignating subparagraphs (A)  
9 and (B) as clauses (i) and (ii), respectively, and  
10 indenting appropriately;

11 (2) by redesignating paragraphs (1) and (2) as  
12 subparagraphs (A) and (B), respectively, and indent-  
13 ing appropriately;

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

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

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

20 “(2) 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 2016, the Attorney General shall consult with Indian  
24 tribes, including appropriate tribal justice officials,  
25 regarding—

1           “(A) the annual reports described in para-  
2 graph (1) to improve the data collected, the in-  
3 formation reported, and the reporting system;  
4 and

5           “(B) improvements to the processes for the  
6 satisfaction of the requirements for coordination  
7 described in paragraphs (1) and (3) of sub-  
8 section (a).

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

11           “(A) IN GENERAL.—Subject to subpara-  
12 graph (B), on the failure of the Attorney Gen-  
13 eral to submit a report in accordance with para-  
14 graph (1), the Attorney General shall withhold  
15 funding for the Director of the Federal Bureau  
16 of Investigation and the Director of the Execu-  
17 tive Office for United States Attorneys used for  
18 the administration of services, including func-  
19 tional expenses such as overtime, personnel sal-  
20 aries, and associated benefits or related tasks  
21 that directly affect those functions, to the ex-  
22 tent that the withholding does not adversely im-  
23 pact the capacity of the Attorney General to  
24 provide law enforcement, investigation, or pros-  
25 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 2016”; and

16           (2) in paragraph (6), by striking “paragraph  
17           shall expire on the date that is 4 years after the date  
18           on which the program is established” and inserting  
19           “subsection shall expire on the date that is 7 years  
20           after the date of enactment of the Tribal Law and  
21           Order Reauthorization and Amendments Act of  
22           2016”.

23           (b) CONSULTATION FOR JUVENILE JUSTICE RE-  
24           FORM.—Section 3 of the Indian Law Enforcement Reform

1 Act (25 U.S.C. 2802) (as amended by section 101(a)) is  
2 amended by adding at the end the following:

3 “(h) CONSULTATION FOR JUVENILE JUSTICE RE-  
4 FORM.—Not later than 1 year after date of enactment of  
5 this subsection, the Director of the Bureau of Indian Af-  
6 fairs, the Director of the Bureau of Prisons, the Director  
7 of the Indian Health Service, and the Administrator of  
8 the Substance Abuse and Mental Health Services Admin-  
9 istration shall consult with Indian tribes regarding Indian  
10 juvenile justice and incarceration, including—

11 “(1) the potential for using Bureau of Indian  
12 Affairs or tribal juvenile facilities for the incarcer-  
13 ation of Indian youth in the Federal system as alter-  
14 native locations closer to the communities of the In-  
15 dian youth;

16 “(2) improving community-based options for  
17 the services needed and available for Indian youth in  
18 Federal incarceration;

19 “(3) barriers to the use of—

20 “(A) alternatives to incarceration; or

21 “(B) cross-agency services for Indian  
22 youth in incarceration; and

23 “(4) the application of the Federal sentencing  
24 guidelines to Indian youth.”.

1 **SEC. 105. FEDERAL NOTICE.**

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

5 “(d) FEDERAL NOTICE.—On conviction in any dis-  
6 trict court of the United States of an enrolled member  
7 of a federally recognized Indian tribe, the Office of the  
8 United States Attorney for the district in which the mem-  
9 ber was convicted shall provide to the appropriate tribal  
10 justice official notice of the conviction and any other perti-  
11 nent information.”.

12 **SEC. 106. DETENTION FACILITIES.**

13 (a) INDIAN LAW ENFORCEMENT REFORM ACT.—  
14 Section 3 of the Indian Law Enforcement Reform Act (25  
15 U.S.C. 2802) (as amended by section 104(b)) is amended  
16 by adding at the end the following:

17 “(i) ALTERNATIVES TO DETENTION.—In carrying  
18 out the responsibilities of the Secretary under this Act or  
19 title II of Public Law 90–284 (commonly known as the  
20 ‘Indian Civil Rights Act of 1968’) (25 U.S.C. 1301 et  
21 seq.), the Secretary shall authorize an Indian tribe car-  
22 rying out a contract or compact pursuant to the Indian  
23 Self-Determination and Education Assistance Act (25  
24 U.S.C. 450 et seq.), on request of the Indian tribe, to use  
25 any available detention funding from the contract or com-  
26 pact for such appropriate alternatives to detention to

1 which the Indian tribe and Secretary, acting through the  
2 Director of the Office of Justice Services, mutually  
3 agree.”.

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

7 (1) by redesignating subsection (c) as sub-  
8 section (d); and

9 (2) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) ALTERNATIVES TO DETENTION.—In carrying  
12 out the responsibilities of the Secretary under this Act or  
13 title II of Public Law 90–284 (commonly known as the  
14 ‘Indian Civil Rights Act of 1968’) (25 U.S.C. 1301 et  
15 seq.), the Secretary shall authorize an Indian tribe car-  
16 rying out a contract or compact pursuant to the Indian  
17 Self-Determination and Education Assistance Act (25  
18 U.S.C. 450 et seq.), on request of the Indian tribe, to use  
19 any available detention funding from the contract or com-  
20 pact for such appropriate alternatives to detention to  
21 which the Indian tribe and Secretary, acting through the  
22 Director of the Office of Justice Services, mutually  
23 agree.”.

24 (c) JUVENILE DETENTION CENTERS.—Section  
25 4220(b) of the Indian Alcohol and Substance Abuse Pre-



1 vention and Treatment Act of 1986 (25 U.S.C. 2453(b))  
2 is amended by striking “2011 through 2015” each place  
3 it appears and inserting “2017 through 2021”.

4 (d) PAYMENTS FOR INCARCERATION ON TRIBAL  
5 LAND.—Section 20109(a) of the Violent Crime Control  
6 and Law Enforcement Act of 1994 (42 U.S.C. 13709(a))  
7 is amended by striking “2011 through 2015” and insert-  
8 ing “2017 through 2021”.

9 **SEC. 107. REAUTHORIZATION FOR TRIBAL COURTS TRAIN-**  
10 **ING.**

11 (a) TRIBAL JUSTICE SYSTEMS.—Section 201 of the  
12 Indian Tribal Justice Act (25 U.S.C. 3621) is amended  
13 by striking “2011 through 2015” each place it appears  
14 and inserting “2017 through 2021”.

15 (b) TECHNICAL AND LEGAL ASSISTANCE.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—  
17 Section 107 of the Indian Tribal Justice Technical  
18 and Legal Assistance Act of 2000 (25 U.S.C. 3666)  
19 is amended by striking “2011 through 2015” and  
20 inserting “2017 through 2021”.

21 (2) GRANTS.—Section 201(d) of the Indian  
22 Tribal Justice Technical and Legal Assistance Act of  
23 2000 (25 U.S.C. 3681(d)) is amended by striking  
24 “2011 through 2015” and inserting “2017 through  
25 2021”.

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

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

7 (b) RIGHTS OF DEFENDANTS.—Section 204(d)(3) of  
 8 Public Law 90–284 (commonly known as the “Indian Civil  
 9 Rights Act of 1968”) (25 U.S.C. 1304(d)(3)) is amended  
 10 in the matter preceding subparagraph (A), by striking  
 11 “the right” and inserting “if a term of imprisonment of  
 12 180 days or more may be imposed, the right”.

13 **SEC. 109. SPECIAL ASSISTANT PUBLIC DEFENDER LIAI-**  
 14 **SONS.**

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

18 **“SEC. 13A. ASSISTANT FEDERAL PUBLIC DEFENDER TRIB-**  
 19 **AL LIAISONS.**

20 “(a) APPOINTMENT.—

21 “(1) IN GENERAL.—The Federal Public De-  
 22 fender for each district that includes Indian country  
 23 shall appoint not less than 1 assistant Federal Pub-  
 24 lic Defender to serve as a tribal liaison for the dis-  
 25 trict.

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

7           “(b) DUTIES.—

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

10           “(A) Coordinating the defense of Federal  
11 crimes that occur in Indian country.

12           “(B) Consulting and coordinating with  
13 tribal public defenders to address any backlog  
14 in providing criminal defense of major crimes in  
15 Indian country in the relevant district.

16           “(C) Developing working relationships and  
17 maintaining communication with tribal leaders  
18 and tribal community, including the interchange  
19 and understanding of cultural issues that may  
20 impact the effective assistance of counsel.

21           “(D) Coordinating with tribal public de-  
22 fenders in cases in which a tribal government  
23 has concurrent jurisdiction over an alleged de-  
24 fendant in advance of the expiration of any ap-  
25 plicable statute of limitation.

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

6           “(F) Coordinating with the Administrative  
7 Office of the United States Courts.

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 work performance  
12 study of the Federal public defenders, the Ad-  
13 ministrative Office of the United States Courts  
14 should take into consideration the multiple du-  
15 ties of tribal liaisons described in paragraph  
16 (1); and

17           “(B) the Federal Public Defender Service  
18 and the Attorney General should work together  
19 to ensure that each district that includes Indian  
20 country has sufficient resources to provide ade-  
21 quate representation.

22           “(c) ENHANCED CRIMINAL DEFENSE OF MAJOR  
23 CRIMES.—Each Federal Public Defender serving a district  
24 pursuant to section 3006A of title 18, United States Code,

1 that includes Indian country is authorized and encour-  
2 aged—

3 “(1) to appoint Special Assistant Public De-  
4 fenders to defend Indian defendants charged with a  
5 Federal crime occurring in Indian country as nec-  
6 essary to improve the administration of justice if—

7 “(A) the crime rate in the district exceeds  
8 the national average crime rate; or

9 “(B) the rate at which Indian criminal de-  
10 fendants are being prosecuted in the district ex-  
11 ceeds the national average of prosecution rates;

12 “(2) to coordinate with applicable United States  
13 district courts and United States Attorneys’ Offices  
14 regarding—

15 “(A) scheduling of Indian country matters;  
16 and

17 “(B) holding trials or other proceedings in  
18 Indian country, as appropriate;

19 “(3) to provide to appointed Special Assistant  
20 Federal Public Defenders appropriate training, su-  
21 pervision, and staff support; and

22 “(4) to provide technical and other assistance  
23 to tribal governments and tribal court systems to en-  
24 sure that the goals of this subsection are achieved.

1       “(d) EFFECT.—Nothing in this section limits the au-  
2 thority of any Federal Public Defender to determine the  
3 duties of a tribal liaison officer to meet the needs of the  
4 Indian tribes located within the relevant Federal district.”.

5       **SEC. 110. OFFENSES IN INDIAN COUNTRY: TRESPASS ON IN-**  
6                               **DIAN LAND.**

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

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

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

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

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

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

19           “(b) VIOLATION OF TRIBAL EXCLUSION ORDER.—

20               “(1) DEFINITION OF EXCLUSION ORDER.—In  
21 this subsection, the term ‘exclusion order’ means an  
22 order issued in a proceeding by a court of an Indian  
23 tribe that temporarily or permanently excludes a  
24 person from tribal land because of a conviction  
25 under the criminal laws of the tribal government—

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

3           “(B) for the sale or distribution of con-  
4 trolled substances.

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

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

12           “(4) REQUIREMENTS.—The violation described  
13 in paragraph (2) applies only to an exclusion  
14 order—

15           “(A) for which—

16           “(i) the respondent was served with,  
17 or had actual notice of, the underlying  
18 complaint; and

19           “(ii) the underlying complaint in-  
20 cluded—

21           “(I) a plain statement of facts  
22 that, if true, would provide the basis  
23 for the issuance of an exclusion order  
24 against the respondent;

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

3                   “(III) a statement informing the  
4                   respondent that if the respondent fails  
5                   to appear at the hearing on the com-  
6                   plaint, an order may issue, the viola-  
7                   tion of which may result in—

8                                 “(aa) criminal prosecution  
9                                 under Federal law; and

10                                “(bb) the imposition of a  
11                                fine or imprisonment, or both;

12                   “(B) for which a hearing on the underlying  
13                   complaint sufficient to protect the right of the  
14                   respondent to due process was held on the  
15                   record, at which the respondent was provided  
16                   an opportunity to be heard and present testi-  
17                   mony of witnesses and other evidence as to why  
18                   the order should not issue;

19                   “(C) that—

20                                “(i) temporarily or permanently ex-  
21                                cludes the respondent from tribal land  
22                                under the jurisdiction of the applicable In-  
23                                dian tribe; and

24                                “(ii) includes a statement that a viola-  
25                                tion of the order may result in criminal



1 prosecution under Federal law and the im-  
2 position of a fine or imprisonment, or both;  
3 and

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

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

8 (a) SHADOW WOLVES.—

9 (1) IN GENERAL.—There is established within  
10 the Bureau of Immigration and Customs Enforce-  
11 ment of the Department of Homeland Security a di-  
12 vision to be known as the “Shadow Wolves Divi-  
13 sion”.

14 (2) DUTIES.—The Shadow Wolves Division  
15 shall—

16 (A) carry out such duties as are assigned  
17 by the Director of the Bureau of Immigration  
18 and Customs Enforcement; and

19 (B) in carrying out those duties, coordi-  
20 nate with the Bureau of Indian Affairs and  
21 other applicable Federal agencies and State and  
22 tribal governments.

23 (b) REAUTHORIZATION OF FUNDING TO COMBAT IL-  
24 LEGAL NARCOTICS TRAFFICKING.—Section 4216 of the  
25 Indian Alcohol and Substance Abuse Prevention and

1 Treatment Act of 1986 (25 U.S.C. 2442) is amended by  
2 striking “2011 through 2015” each place it appears and  
3 inserting “2017 through 2021”.

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

6 (a) INTERDEPARTMENTAL 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 “2017 through 2021”.

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 “2017 through  
11 2021”.

12 **TITLE II—IMPROVING JUSTICE**  
13 **FOR INDIAN YOUTH**

14 **SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVE-**  
15 **NILES.**

16 Section 5032 of title 18, United States Code, is  
17 amended—

18 (1) in the first undesignated paragraph—

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

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

23 (2) in the second undesignated paragraph—

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

1 (B) by adding at the end the following: “In  
 2 this section, the term ‘Indian tribe’ has the  
 3 meaning given the term in section 102 of the  
 4 Federally Recognized Indian Tribe List Act of  
 5 1994 (25 U.S.C. 479a).”;

6 (3) in the third undesignated paragraph, in the  
 7 first sentence, by inserting “or Indian tribe” after  
 8 “State”; and

9 (4) in the fourth undesignated paragraph, in  
 10 the first sentence—

11 (A) by inserting “or Indian tribal” after  
 12 “State”; and

13 (B) by inserting “, or of a representative  
 14 of an Indian tribe of which the juvenile is a  
 15 member,” after “counsel”.

16 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**  
 17 **GRAMS.**

18 (a) **SUMMER YOUTH PROGRAMS.**—Section  
 19 4212(a)(3) of the Indian Alcohol and Substance Abuse  
 20 Prevention and Treatment Act of 1986 (25 U.S.C.  
 21 2432(a)(3)) is amended by striking “2011 through 2015”  
 22 and inserting “2017 through 2021”.

23 (b) **EMERGENCY SHELTERS.**—Section 4213(e) of the  
 24 Indian Alcohol and Substance Abuse Prevention and  
 25 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended,

1 in paragraphs (1) and (2), by striking “2011 through  
2 2015” each place it appears and inserting “2017 through  
3 2021”.

4 **SEC. 203. JUSTICE FOR INDIAN YOUTH.**

5 (a) PURPOSES.—Section 102 of the Juvenile Justice  
6 and Delinquency Prevention Act of 1974 (42 U.S.C. 5602)  
7 is amended—

8 (1) by striking “State and local” each place it  
9 appears and inserting “State, tribal, and local”;

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

12 (3) in paragraph (3)—

13 (A) by striking “information on effective  
14 programs” and inserting “information on effec-  
15 tive and evidence-based programs and prac-  
16 tices”; and

17 (B) by striking the period at the end and  
18 inserting “; and”; and

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

20 “(4) to support a continuum of evidence-based  
21 or promising programs (including delinquency pre-  
22 vention, intervention, mental health and substance  
23 abuse treatment, family services, and services for  
24 children exposed to violence) that are trauma-in-  
25 formed, reflect the science of adolescent develop-

1       ment, and designed to meet the needs of at-risk  
2       youth and youth who come into contact with the jus-  
3       tice system.”.

4       (b) CONCENTRATION OF FEDERAL EFFORTS.—Sec-  
5       tion 204(b) of the Juvenile Justice and Delinquency Pre-  
6       vention Act of 1974 (42 U.S.C. 5614(b)) is amended—

7             (1) in paragraph (6), by striking “section  
8             223(a)(15)” and inserting “section 223(a)(14)”; and

9             (2) by striking paragraph (7) and inserting the  
10       following:

11            “(7)(A) not less frequently than biannually,  
12       consult with Indian tribes regarding—

13            “(i) the implementation of this Act;

14            “(ii) strengthening the government-to-gov-  
15       ernment relationship between the Federal Gov-  
16       ernment and Indian tribes;

17            “(iii) improving juvenile delinquency pro-  
18       grams, services, and activities affecting Indian  
19       youth and Indian tribes;

20            “(iv) improving coordination among Fed-  
21       eral departments and agencies to reduce juve-  
22       nile offenses, delinquency, and recidivism;

23            “(v) the means by which traditional or cul-  
24       tural tribal programs may serve or be developed  
25       as promising or evidence-based programs; and

1           “(vi) any other matters relating to improv-  
2           ing juvenile justice for Indian youth; and

3           “(B) not later than 1 year after the date of en-  
4           actment of this subparagraph, issue a tribal con-  
5           sultation policy for the Office of Juvenile Justice  
6           and Delinquency Prevention to govern the consulta-  
7           tion to be conducted under subparagraph (A).”.

8           (c) COORDINATING COUNCIL ON JUVENILE JUSTICE  
9           AND DELINQUENCY PREVENTION.—Section 206 of the  
10          Juvenile Justice and Delinquency Prevention Act of 1974  
11          (42 U.S.C. 5616) is amended—

12           (1) in subsection (a)—

13           (A) in paragraph (1)—

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

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

1 (B) in paragraph (2), by striking “United  
2 States” and inserting “Federal Government”;  
3 and

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in the first sentence, by inserting  
7 “, tribal,” after “State”; and

8 (ii) in the second sentence, by insert-  
9 ing “tribal,” before “and local”; and

10 (B) in paragraph (2)(B), by inserting “the  
11 Chairperson and Vice Chairperson of the Com-  
12 mittee on Indian Affairs of the Senate,” before  
13 “and the Chairman”.

14 (d) ANNUAL REPORT.—Section 207 of the Juvenile  
15 Justice and Delinquency Prevention Act of 1974 (42  
16 U.S.C. 5617) is amended—

17 (1) in the matter preceding paragraph (1), by  
18 striking “a fiscal year” and inserting “each fiscal  
19 year”;

20 (2) in paragraph (1)—

21 (A) in subparagraph (A), by inserting be-  
22 fore the semicolon at the end the following: “,  
23 and whether the offense occurred in Indian  
24 country (as defined in section 1151 of title 18,  
25 United States Code)”;



1 (B) in subparagraph (B), by striking “and  
2 gender of the juveniles” and inserting “, gen-  
3 der, and ethnicity (as defined by the Bureau of  
4 the Census) of the juveniles, and, for any In-  
5 dian juvenile, the tribal membership or affili-  
6 ation of the Indian juvenile”; and

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

8 “(5) A description of—

9 “(A) the amount of funding provided to  
10 Indian tribes under this Act, or for a juvenile  
11 delinquency or prevention program under the  
12 Tribal Law and Order Act of 2010 (25 U.S.C.  
13 2801 note; Public Law 111–211) or the amend-  
14 ments made by that Act, including direct Fed-  
15 eral grants and funding provided to Indian  
16 tribes through a State or unit of local govern-  
17 ment; and

18 “(B) recommendations of the Council for  
19 improving resource and service delivery to In-  
20 dian tribal communities.”.

21 (e) STATE PLANS.—Section 223(a) of the Juvenile  
22 Justice and Delinquency Prevention Act of 1974 (42  
23 U.S.C. 5633(a)) is amended—

24 (1) in paragraph (3)(A)(ii)—

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

3 (B) in subclause (VIII), by adding “and”  
4 at the end; and

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

6 “(IX) for States in which 1 or  
7 more Indian tribes are located, at  
8 least 1 Indian tribal representative  
9 with knowledge of services or issues  
10 relating to law enforcement, juvenile  
11 justice, behavioral health, youth, and  
12 social services in Indian tribal commu-  
13 nities, as nominated by the applicable  
14 Indian tribes;”;

15 (2) by striking paragraph (4) and inserting the  
16 following:

17 “(4) subject to the condition that nothing in the  
18 plan requirements, or any regulations promulgated  
19 to carry out those requirements, shall prohibit or im-  
20 pede the State from making grants to, or entering  
21 into contracts with, local private agencies or the ad-  
22 visory group, provide for—

23 “(A) active consultation with, and partici-  
24 pation of, units of local government or combina-  
25 tions of those units in the development of a

1 State plan that adequately takes into account  
2 the needs and requests of units of local govern-  
3 ment; and

4 “(B)(i) notice to an Indian tribe in any  
5 case in which a juvenile member of that Indian  
6 tribe comes in contact with the juvenile justice  
7 system of the State or other unit of local gov-  
8 ernment; and

9 “(ii) intervention by, the provision of serv-  
10 ices by, or coordination with, such an Indian  
11 tribe for any Indian juvenile member of that In-  
12 dian tribe in the juvenile justice system of the  
13 State or other unit of local government;”;

14 (3) in paragraph (5)(C), by striking the comma  
15 at the end and inserting a semicolon;

16 (4) in paragraph (7)(A), by striking “performs  
17 law enforcement functions” and inserting “has juris-  
18 diction, or in Indian country (as defined in section  
19 1151 of title 18, United States Code)”;

20 (5) in paragraph (8)—

21 (A) by striking “existing” and inserting  
22 “evidence-based and promising”; and

23 (B) by inserting “Indian tribes,” before  
24 “public”;

25 (6) in paragraph (9)—

1 (A) in subparagraph (G), by inserting  
2 “tribal,” after “State,” each place it appears;

3 (B) in subparagraph (L)(ii), by striking  
4 “by the provision”;

5 (C) in subparagraph (R), by striking  
6 “and” at the end;

7 (D) in subparagraph (S), by striking the  
8 period at the end and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(T) tribal cultural or traditional programs  
11 designed to reduce delinquency among Indian  
12 youth;”;

13 (7) in paragraph (20), by inserting “tribal,”  
14 after “State,” each place it appears; and

15 (8) in paragraph (21)(B), by inserting “, trib-  
16 al,” after “State”.

17 (f) AUTHORITY TO MAKE GRANTS.—Section 241(a)  
18 of the Juvenile Justice and Delinquency Prevention Act  
19 of 1974 (42 U.S.C. 5651(a)) is amended—

20 (1) in paragraph (4), by inserting “tribal,”  
21 after “State,” each place it appears;

22 (2) in paragraph (22), by striking “between  
23 State educational agencies and local educational  
24 agencies” and inserting “among State educational  
25 agencies, local educational agencies, and Bureau-

1 funded schools (as defined in section 1141 of the  
2 Education Amendments of 1978 (25 U.S.C.  
3 2021))”;

4 (3) in paragraph (24), by striking “and” at the  
5 end;

6 (4) by redesignating paragraph (25) as para-  
7 graph (26); and

8 (5) by inserting after paragraph (24) the fol-  
9 lowing:

10 “(25) tribal cultural or traditional programs de-  
11 signed to reduce delinquency among Indian youth;  
12 and”.

13 (g) ELIGIBILITY OF ENTITIES.—Section 245(a) of  
14 the Juvenile Justice and Delinquency Prevention Act of  
15 1974 (42 U.S.C. 5655(a)) is amended—

16 (1) in the matter preceding paragraph (1), by  
17 inserting “, an Indian tribe, or a tribal organiza-  
18 tion” after “local government”; and

19 (2) in paragraph (1), by striking “(25)” and in-  
20 serting “(26)”.

21 (h) RESEARCH AND EVALUATION; STATISTICAL  
22 ANALYSES; INFORMATION DISSEMINATION.—Section 251  
23 of the Juvenile Justice and Delinquency Prevention Act  
24 of 1974 (42 U.S.C. 5661) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1)(B)—

2 (i) in clause (ix), by striking “the  
3 State” and inserting “a State or tribal”;  
4 and

5 (ii) in clause (x)(I), by striking “the  
6 States” each place it appears and inserting  
7 “States or Indian tribes”; and

8 (B) in paragraph (4)—

9 (i) in the matter preceding subpara-  
10 graph (A), in the first sentence—

11 (I) by striking “the State child”  
12 and inserting “a State or tribal  
13 child”; and

14 (II) by striking “the State.” and  
15 inserting “a State or Indian tribe.”;  
16 and

17 (ii) in subparagraph (D), by striking  
18 “State” and inserting “States and Indian  
19 tribes”; and

20 (2) in subsection (e)(2), by inserting “, tribal,”  
21 after “State”.

22 (i) ADMINISTRATIVE AUTHORITY.—Section 299A(d)  
23 of the Juvenile Justice and Delinquency Prevention Act  
24 of 1974 (42 U.S.C. 5672(d)) is amended by inserting “,  
25 Indian tribes,” after “States”.

1 (j) GRANTS FOR DELINQUENCY PREVENTION PRO-  
 2 GRAMS.—Section 504 of the Incentive Grants for Local  
 3 Delinquency Prevention Programs Act of 2002 (42 U.S.C.  
 4 5783) is amended—

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

8 (2) in subsection (d)(4), by striking “2011  
 9 through 2015” and inserting “2017 through 2021”.

10 **SEC. 204. GAO REPORT ON JUSTICE FOR INDIAN JUVE-**  
 11 **NILES.**

12 (a) IN GENERAL.—The Comptroller General of the  
 13 United States shall conduct a study and make findings  
 14 and recommendations with respect to—

15 (1) the extent of Indian youth involvement in  
 16 juvenile justice systems, including—

17 (A) the number of Indian youth in Fed-  
 18 eral, State, or tribal custody;

19 (B) the nature of supervision or detention  
 20 for offenses committed by Indian youth under  
 21 the age of 18; and

22 (C)(i) an assessment of the type of of-  
 23 fenses with which Indian youth are charged;  
 24 and

1 (ii) the number of those charges that are  
2 substance abuse-related;

3 (2)(A) the facilities in which Indian youth of-  
4 fenders are confined; and

5 (B) a description of the oversight or supervision  
6 provided by the applicable governmental authority;

7 (3) the effectiveness of Federal, State, tribal,  
8 and local efforts to prevent and treat juvenile delin-  
9 quency among Indian youth, including—

10 (A) the extent of intergovernmental co-  
11 operation; and

12 (B) available mental health and substance  
13 abuse assessments and services;

14 (4)(A) existing programs, including traditional  
15 or cultural youth programs, administered by Indian  
16 tribes; and

17 (B) recommendations for how those programs  
18 may qualify, or be developed to qualify, as promising  
19 or evidence-based programs;

20 (5) the barriers faced by Indian tribes in pro-  
21 viding adequate services to delinquent youth or  
22 youth at risk of becoming delinquent; and

23 (6) improving the effectiveness of prevention  
24 and treatment services for Indian youth.



1       (b) REPORT.—Not later than 18 months after the  
2 date of enactment of this Act, the Comptroller General  
3 shall submit to Congress a report describing the results  
4 of the study, findings, and recommendations under sub-  
5 section (a).

○