To amend the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
TITLE I—TRIBAL LAW AND ORDER

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE II—IMPROVING JUSTICE FOR INDIAN YOUTH

Sec. 2. FINDINGS.

Congress finds that—

(1) the Tribal Law and Order Act of 2010 (Public Law 111–211; 25 U.S.C. 2801 note) was enacted to enhance law enforcement services, encourage interagency cooperation, and improve Federal accountability for public safety in Indian communities;

(2) in 2013, the Bureau of Indian Affairs reported increases in property crimes and violent crimes in Indian country;

(3) according to the Department of Justice, 34 percent of total Indian country criminal matters are eligible for prosecution, a percentage that has not
decreased significantly and has remained fairly steady;

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

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

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

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

(C) that has been targeted by criminal organizations for use as a major corridor to deliver contraband from Mexico to locations
throughout the United States, including other Indian reservations;

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

(7) tribal justice systems have encountered barriers to accessing criminal data and improvements to the ability to access that data are needed to facilitate information sharing by Federal agencies;

(8) American Indian and Alaska Native juveniles are overrepresented in Federal and State juvenile justice systems;

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

(10) tribal youth in the Federal justice system—

(A) may spend more time in secure confinement than youth in State justice systems, sometimes by several years; and

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

(11) appropriate services for tribal youth in the Federal justice system are unavailable.
TITLE I—TRIBAL LAW AND ORDER

SEC. 101. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT.

(a) Enforcement of Reporting Requirements.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended by adding at the end the following:

“(g) Enforcement of Reporting Requirements.—

“(1) In general.—Subject to paragraph (2), on the failure of the Director of the Office of Justice Services to submit a report in accordance with paragraph (16) or (17) of subsection (c), the Secretary shall withhold funding for the Office of the Assistant Secretary for Indian Affairs used for the administration of services, including functional expenses such as overtime, personnel salaries, and associated benefits or related tasks that directly affect those functions, to the extent that the withholding does not adversely impact the capacity of the Secretary to provide law enforcement services in Indian communities in accordance with this Act.

“(2) Restoration.—The Secretary shall restore funding withheld in accordance with paragraph
(1) on submission of the applicable report in accordance with paragraph (16) or (17) of subsection (c).”.

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

(1) by striking the section heading and designation and all that follows through “Notwithstanding the limitation” and inserting the following:

“SEC. 8. ALLOWANCES.

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

and

(2) by adding at the end the following:

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

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

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

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

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

SEC. 102. INTEGRATION AND COORDINATION OF PROGRAMS.

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

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

(2) the use of a single application and reporting system for the consolidated approach described in paragraph (1);
(3) the application of the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) to the consolidated approach described in paragraph (1);

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

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

(6) any legal or administrative barriers to the implementation of the consolidated approach described in paragraph (1).

(b) Responsibilities.—As part of the consultation described in subsection (a), each applicable unit of the Department of the Interior, the Department of Health and Human Services, and the Department of Justice shall identify—

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

(2) the regulations governing each program described in paragraph (1).

(c) Submission of Plan.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior, the Secretary of Health and Human Services, and the Attorney General shall jointly submit to
the Committee on Indian Affairs of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on the Judiciary of the House of Representatives a plan that includes—

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

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

(3) any legal or administrative barriers to the implementation of the consolidated approach described in subsection (a)(1).

SEC. 103. DATA SHARING WITH INDIAN TRIBES.

(a) INFORMATION SHARING WITH INDIAN TRIBES.—Section 534(d) of title 28, United States Code, is amended—

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

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

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

and

(3) by adding at the end the following:
“(2) INFORMATION SHARING.—Any report issued as a result of the analysis of information entered into Federal criminal information databases or obtained from Federal criminal databases, including for the purpose of conducting background checks, shall be shared with Indian tribes of jurisdiction.”.

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

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

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

“(1) IN GENERAL.—To ensure”; and

(2) in paragraph (2)—

(A) by striking “The Director” and inserting the following:

“(A) IN GENERAL.—The Director”; and

(B) by adding at the end the following:

“(B) INFORMATION SHARING REQUIREMENT.—Analysis of the information collected under subparagraph (A) shall be shared with the Indian tribe that provided the information that was collected.”.

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

(1) in paragraph (1)—

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

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

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

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

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

and

(4) by adding at the end the following:

“(2) CONSULTATION.—Not later than 1 year after the date of enactment of the Tribal Law and Order Reauthorization and Amendments Act of 2016, the Attorney General shall consult with Indian tribes, including appropriate tribal justice officials, regarding—
“(A) the annual reports described in paragraph (1) to improve the data collected, the information reported, and the reporting system; and

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

“(3) ENFORCEMENT OF REPORTING REQUIREMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), on the failure of the Attorney General to submit a report in accordance with paragraph (1), the Attorney General shall withhold funding for the Director of the Federal Bureau of Investigation and the Director of the Executive Office for United States Attorneys used for the administration of services, including functional expenses such as overtime, personnel salaries, and associated benefits or related tasks that directly affect those functions, to the extent that the withholding does not adversely impact the capacity of the Attorney General to provide law enforcement, investigation, or prosecution services.
“(B) RESTORATION.—The Attorney General shall restore funding withheld in accordance with subparagraph (A) on submission of the applicable report in accordance with paragraph (1).”.

SEC. 104. JUDICIAL ADMINISTRATION IN INDIAN COUNTRY.

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

(1) in paragraph (5), by striking “3 years after the date of establishment of the pilot program” and inserting “5 years after the date of enactment of the Tribal Law and Order Reauthorization and Amendments Act of 2016”; and

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

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

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

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

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

“(3) barriers to the use of—

“(A) alternatives to incarceration; or

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

“(4) the application of the Federal sentencing guidelines to Indian youth.”.
SEC. 105. FEDERAL NOTICE.

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

“(d) FEDERAL NOTICE.—On conviction in any district court of the United States of an enrolled member of a federally recognized Indian tribe, the Office of the United States Attorney for the district in which the member was convicted shall provide to the appropriate tribal justice official notice of the conviction and any other pertinent information.”.

SEC. 106. DETENTION FACILITIES.

(a) INDIAN LAW ENFORCEMENT REFORM ACT.—

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

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

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

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

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

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

(c) JUVENILE DETENTION CENTERS.—Section
4220(b) of the Indian Alcohol and Substance Abuse Pre-
vention and Treatment Act of 1986 (25 U.S.C. 2453(b))
is amended by striking “2011 through 2015” each place it appears and inserting “2017 through 2021”.

(d) Payments for Incarceration on Tribal Land.—Section 20109(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) is amended by striking “2011 through 2015” and inserting “2017 through 2021”.

SEC. 107. REAUTHORIZATION FOR TRIBAL COURTS TRAINING.

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

(b) Technical and Legal Assistance.—

(1) Authorization of Appropriations.—


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

S 2920 IS
SEC. 108. AMENDMENTS TO THE INDIAN CIVIL RIGHTS ACT.

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

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

SEC. 109. SPECIAL ASSISTANT PUBLIC DEFENDER LIAISONS.

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

“SEC. 13A. ASSISTANT FEDERAL PUBLIC DEFENDER TRIBAL LIAISONS.

“(a) APPOINTMENT.—

“(1) IN GENERAL.—The Federal Public Defender for each district that includes Indian country shall appoint not less than 1 assistant Federal Public Defender to serve as a tribal liaison for the district.
“(2) Sense of Congress.—It is the sense of Congress that in appointing assistant Federal Public Defenders under paragraph (1), the Federal Public Defender should consult with tribal justice officials from each Indian tribe that would be affected by the appointment.

“(b) Duties.—

“(1) In general.—The duties of a tribal liaison shall include the following:

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

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

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

“(D) Coordinating with tribal public defenders in cases in which a tribal government has concurrent jurisdiction over an alleged defendant in advance of the expiration of any applicable statute of limitation.
“(E) Providing technical assistance and training regarding criminal defense techniques and strategies, forensics, and reentry programs and strategies for responding to crimes occurring in Indian country.

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

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

“(A) in evaluating the performance of tribal liaisons, and as part of the work performance study of the Federal public defenders, the Administrative Office of the United States Courts should take into consideration the multiple duties of tribal liaisons described in paragraph (1); and

“(B) the Federal Public Defender Service and the Attorney General should work together to ensure that each district that includes Indian country has sufficient resources to provide adequate representation.

“(c) ENHANCED CRIMINAL DEFENSE OF MAJOR CRIMES.—Each Federal Public Defender serving a district pursuant to section 3006A of title 18, United States Code,
that includes Indian country is authorized and encour-
aged—

“(1) to appoint Special Assistant Public De-
defenders to defend Indian defendants charged with a
Federal crime occurring in Indian country as nec-
essary to improve the administration of justice if—
“(A) the crime rate in the district exceeds
the national average crime rate; or
“(B) the rate at which Indian criminal de-
defendants are being prosecuted in the district ex-
cceeds the national average of prosecution rates;
“(2) to coordinate with applicable United States
district courts and United States Attorneys’ Offices
regarding—
“(A) scheduling of Indian country matters;
and
“(B) holding trials or other proceedings in
Indian country, as appropriate;
“(3) to provide to appointed Special Assistant
Federal Public Defenders appropriate training, su-
pervision, and staff support; and
“(4) to provide technical and other assistance
to tribal governments and tribal court systems to en-
sure that the goals of this subsection are achieved.
“(d) Effect.—Nothing in this section limits the authority of any Federal Public Defender to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.”.

SEC. 110. OFFENSES IN INDIAN COUNTRY: TRESPASS ON INDIAN LAND.

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

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

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

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

“(a) Hunting, Trapping, or Fishing on Indian Land.—Whoever, without lawful authority”; and

(4) by adding at the end the following:

“(b) Violation of Tribal Exclusion Order.—

“(1) Definition of exclusion order.—In this subsection, the term ‘exclusion order’ means an order issued in a proceeding by a court of an Indian tribe that temporarily or permanently excludes a person from tribal land because of a conviction under the criminal laws of the tribal government—
“(A) for a violent crime (as defined under applicable tribal law); or

“(B) for the sale or distribution of controlled substances.

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

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

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

“(A) for which—

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

“(ii) the underlying complaint included—

“(I) a plain statement of facts that, if true, would provide the basis for the issuance of an exclusion order against the respondent;
“(II) the date, time, and place
for a hearing on the complaint; and
“(III) a statement informing the
respondent that if the respondent fails
to appear at the hearing on the com-
plaint, an order may issue, the viola-
tion of which may result in—
“(aa) criminal prosecution
under Federal law; and
“(bb) the imposition of a
fine or imprisonment, or both;
“(B) for which a hearing on the underlying
complaint sufficient to protect the right of the
respondent to due process was held on the
record, at which the respondent was provided
an opportunity to be heard and present testi-
mony of witnesses and other evidence as to why
the order should not issue;
“(C) that—
“(i) temporarily or permanently ex-
cludes the respondent from tribal land
under the jurisdiction of the applicable In-
dian tribe; and
“(ii) includes a statement that a viola-
tion of the order may result in criminal
prosecution under Federal law and the im-
position of a fine or imprisonment, or both;
and
“(D) with which the respondent was served
or of which the respondent had actual notice.”.

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

(a) SHADOW WOLVES.—

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

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

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

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

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

SEC. 112. SUBSTANCE ABUSE PREVENTION TRIBAL ACTION PLANS.

(a) INTERDEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting “the Secretary of Agriculture, the Secretary of Housing and Urban Development,” after “the Attorney General,”;

(2) in paragraph (2)(A), by inserting “the Department of Agriculture, the Department of Housing and Urban Development,” after “Services Administration,”;

(3) in paragraph (5), by inserting “the Department of Agriculture, the Department of Housing and Urban Development,” after “Services Administration,”; and

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


TITLE II—IMPROVING JUSTICE FOR INDIAN YOUTH

SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVENILES.

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

(1) in the first undesignated paragraph—

(A) in paragraph (1), by inserting “or Indian tribe” after “court of a State”; and

(B) in paragraph (2), by inserting “or Indian tribe” after “the State”;

(2) in the second undesignated paragraph—

(A) in the first sentence, by inserting “or Indian tribe” after “such State”; and
(B) by adding at the end the following: “In this section, 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).”;

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

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

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

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

SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PROGRAMS.


(b) Emergency Shelters.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended,
in paragraphs (1) and (2), by striking “2011 through
2015” each place it appears and inserting “2017 through
2021”.

SEC. 203. JUSTICE FOR INDIAN YOUTH.

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

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

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

(3) in paragraph (3)—

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

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

(4) by adding at the end the following:

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

ment, and designed to meet the needs of at-risk youth and youth who come into contact with the justice system.”.

(b) CONCENTRATION OF FEDERAL EFFORTS.—Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

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

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

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

“(i) the implementation of this Act;

“(ii) strengthening the government-to-government relationship between the Federal Government and Indian tribes;

“(iii) improving juvenile delinquency programs, services, and activities affecting Indian youth and Indian tribes;

“(iv) improving coordination among Federal departments and agencies to reduce juvenile offenses, delinquency, and recidivism;

“(v) the means by which traditional or cultural tribal programs may serve or be developed as promising or evidence-based programs; and
“(vi) any other matters relating to improving juvenile justice for Indian youth; and

“(B) not later than 1 year after the date of enactment of this subparagraph, issue a tribal consultation policy for the Office of Juvenile Justice and Delinquency Prevention to govern the consultation to be conducted under subparagraph (A).”.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “the Director of the Indian Health Service,” after “the Secretary of Health and Human Services,”; and

(ii) by striking “Commissioner of Immigration and Naturalization” and inserting “Assistant Secretary for Immigration and Customs Enforcement, the Secretary of the Interior, the Assistant Secretary for Indian Affairs”; and
(B) in paragraph (2), by striking “United States” and inserting “Federal Government”; and

(2) in subsection (c)—

(A) in paragraph (1)—

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

(ii) in the second sentence, by inserting “tribal,” before “and local”; and

(B) in paragraph (2)(B), by inserting “the Chairperson and Vice Chairperson of the Committee on Indian Affairs of the Senate,” before “and the Chairman”.

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

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

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: “, and whether the offense occurred in Indian country (as defined in section 1151 of title 18, United States Code)”; and
(B) in subparagraph (B), by striking “and gender of the juveniles” and inserting “, gender, and ethnicity (as defined by the Bureau of the Census) of the juveniles, and, for any Indian juvenile, the tribal membership or affiliation of the Indian juvenile”; and

(3) by adding at the end the following:

“(5) A description of—

“(A) the amount of funding provided to Indian tribes under this Act, or for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010 (25 U.S.C. 2801 note; Public Law 111–211) or the amendments made by that Act, including direct Federal grants and funding provided to Indian tribes through a State or unit of local government; and

“(B) recommendations of the Council for improving resource and service delivery to Indian tribal communities.”.

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

(1) in paragraph (3)(A)(ii)—
(A) in subclause (VII), by striking “and” at the end;

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

(C) by adding at the end the following:

“(IX) for States in which 1 or more Indian tribes are located, at least 1 Indian tribal representative with knowledge of services or issues relating to law enforcement, juvenile justice, behavioral health, youth, and social services in Indian tribal communities, as nominated by the applicable Indian tribes;”;

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

“(4) subject to the condition that nothing in the plan requirements, or any regulations promulgated to carry out those requirements, shall prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group, provide for—

“(A) active consultation with, and participation of, units of local government or combinations of those units in the development of a
State plan that adequately takes into account
the needs and requests of units of local govern-
ment; and

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

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

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

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

(5) in paragraph (8)—

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

(B) by inserting “Indian tribes,” before
“public”;
(A) in subparagraph (G), by inserting “tribal,” after “State,” each place it appears;

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

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

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

(E) by adding at the end the following:

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

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

(8) in paragraph (21)(B), by inserting “, tribal,” after “State”.

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

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

(2) in paragraph (22), by striking “between State educational agencies and local educational agencies” and inserting “among State educational agencies, local educational agencies, and Bureau-
funded schools (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021));

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

(4) by redesignating paragraph (25) as paragraph (26); and

(5) by inserting after paragraph (24) the following:

“(25) tribal cultural or traditional programs designed to reduce delinquency among Indian youth; and”.

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

(1) in the matter preceding paragraph (1), by inserting “, an Indian tribe, or a tribal organization” after “local government”; and

(2) in paragraph (1), by striking“(25)” and inserting“(26)”.

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

(1) in subsection (a)—
(A) in paragraph (1)(B)—

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

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

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A), in the first sentence—

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

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

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

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

(i) ADMINISTRATIVE AUTHORITY.—Section 299A(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672(d)) is amended by inserting “, Indian tribes,” after “States”. 
(j) Grants for Delinquency Prevention Programs.—Section 504 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (42 U.S.C. 5783) is amended—

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

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

SEC. 204. GAO REPORT ON JUSTICE FOR INDIAN JUVENILES.

(a) In General.—The Comptroller General of the United States shall conduct a study and make findings and recommendations with respect to—

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

(A) the number of Indian youth in Federal, State, or tribal custody;

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

(C)(i) an assessment of the type of offenses with which Indian youth are charged; and
(ii) the number of those charges that are substance abuse-related;

(2)(A) the facilities in which Indian youth offenders are confined; and

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

(3) the effectiveness of Federal, State, tribal, and local efforts to prevent and treat juvenile delinquency among Indian youth, including—

(A) the extent of intergovernmental cooperation; and

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

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

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

(5) the barriers faced by Indian tribes in providing adequate services to delinquent youth or youth at risk of becoming delinquent; and

(6) improving the effectiveness of prevention and treatment services for Indian youth.
(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report describing the results of the study, findings, and recommendations under subsection (a).