

Calendar No. 726114TH CONGRESS
2^D SESSION**S. 2920****[Report No. 114-404]**

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

DECEMBER 9, 2016

Reported by Mr. BARRASSO, with an amendment

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—TRIBAL LAW AND ORDER

Sec. 101. Bureau of Indian Affairs law enforcement.

Sec. 102. Integration and coordination of programs.

Sec. 103. Data sharing with Indian tribes.

Sec. 104. Judicial administration in Indian country.

Sec. 105. Federal notice.

Sec. 106. Detention facilities.

Sec. 107. Reauthorization for tribal courts training.

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

Sec. 109. 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.

7 **SEC. 2. FINDINGS.**

8 Congress finds that—

9 (1) the Tribal Law and Order Act of 2010
 10 (Public Law 111–211; 25 U.S.C. 2801 note) was en-
 11 acted to enhance law enforcement services, encour-
 12 age interagency cooperation, and improve Federal
 13 accountability for public safety in Indian commu-
 14 nities;

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

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

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

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

23 (A) of more than 5,000 square miles of
24 vast, desert, tribal land in the Southwest, 75

1 square miles of which is an area located along
2 the United States border with Mexico;

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

5 (C) that has been targeted by criminal or-
6 ganizations for use as a major corridor to de-
7 liver contraband from Mexico to locations
8 throughout the United States, including other
9 Indian reservations;

10 (6) many Bureau of Indian Affairs and tribal
11 detention facilities continue to operate in over-
12 crowded conditions;

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

17 (8) American Indian and Alaska Native juve-
18 niles are overrepresented in Federal and State juve-
19 nile justice systems;

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

23 (10) tribal youth in the Federal justice sys-
24 tem—

1 (A) may spend more time in secure con-
 2 finement than youth in State justice systems;
 3 sometimes by several years; and

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

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

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

11 **SEC. 101. BUREAU OF INDIAN AFFAIRS LAW ENFORCE-**
 12 **MENT.**

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

17 “(g) ENFORCEMENT OF REPORTING REQUIRE-
 18 MENTS.—

19 “(1) IN GENERAL.—Subject to paragraph (2),
 20 on the failure of the Director of the Office of Justice
 21 Services to submit a report in accordance with para-
 22 graph (16) or (17) of subsection (c), the Secretary
 23 shall withhold funding for the Office of the Assistant
 24 Secretary for Indian Affairs used for the administra-
 25 tion of services, including functional expenses such

1 as overtime, personnel salaries, and associated bene-
 2 fits or related tasks that directly affect those func-
 3 tions, to the extent that the withholding does not ad-
 4 versely impact the capacity of the Secretary to pro-
 5 vide law enforcement services in Indian communities
 6 in accordance with this Act.

7 “(2) RESTORATION.—The Secretary shall re-
 8 store funding withheld in accordance with paragraph
 9 (1) on submission of the applicable report in accord-
 10 ance with paragraph (16) or (17) of subsection (c).”.

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

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

17 **“SEC. 8. ALLOWANCES.**

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

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

21 “(b) RENTALS FOR QUARTERS AND FACILITIES.—
 22 Notwithstanding section 5911 of title 5, United States
 23 Code, the Secretary, on recommendation of the Director
 24 of the Office of Justice Services, shall establish applicable

1 rental rates for quarters and facilities for employees of the
2 Office of Justice Services.”.

3 (c) **LAW ENFORCEMENT AND JUDICIAL TRAINING.**—
4 Section 4218(b) of the Indian Alcohol and Substance
5 Abuse Prevention and Treatment Act of 1986 (25 U.S.C.
6 2451(b)) is amended by striking “2011 through 2015”
7 and inserting “2017 through 2021”.

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

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

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

16 **SEC. 102. INTEGRATION AND COORDINATION OF PRO-**
17 **GRAMS.**

18 (a) **IN GENERAL.**—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of the Inte-
20 rior, the Secretary of Health and Human Services, and
21 the Attorney General shall consult with Indian tribes re-
22 garding—

23 (1) the feasibility and effectiveness of the estab-
24 lishment of base funding for, and the integration
25 and consolidation of, Federal law enforcement, pub-

1 lie safety, and substance abuse and mental health
2 programs for which Indian tribes are eligible, for the
3 purposes of coordinating the programs, reducing ad-
4 ministrative costs, and improving services for Indian
5 tribes, individual Indians, and Indian communities;

6 (2) the use of a single application and reporting
7 system for the consolidated approach described in
8 paragraph (1);

9 (3) the application of the Single Audit Act of
10 1984 (31 U.S.C. 7501 et seq.) to the consolidated
11 approach described in paragraph (1);

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

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

18 (6) any legal or administrative barriers to the
19 implementation of the consolidated approach de-
20 scribed in paragraph (1).

21 (b) RESPONSIBILITIES.—As part of the consultation
22 described in subsection (a), each applicable unit of the De-
23 partment of the Interior, the Department of Health and
24 Human Services, and the Department of Justice shall
25 identify—

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

3 (2) the regulations governing each program de-
4 scribed in paragraph (1).

5 (e) **SUBMISSION OF PLAN.**—Not later than 18
6 months after the date of enactment of this Act, the Sec-
7 retary of the Interior, the Secretary of Health and Human
8 Services, and the Attorney General shall jointly submit to
9 the Committee on Indian Affairs of the Senate, the Com-
10 mittee on Natural Resources of the House of Representa-
11 tives, and the Committee on the Judiciary of the House
12 of Representatives a plan that includes—

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

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

17 (3) any legal or administrative barriers to the
18 implementation of the consolidated approach de-
19 scribed in subsection (a)(1).

20 **SEC. 103. DATA SHARING WITH INDIAN TRIBES.**

21 (a) **INFORMATION SHARING WITH INDIAN TRIBES.**—

22 Section 534(d) of title 28, United States Code, is amend-
23 ed—

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

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

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

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

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

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

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

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

24 “(1) IN GENERAL.—To ensure”; and

25 (2) in paragraph (2)—

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

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

4 ~~(B) by adding at the end the following:~~

5 “~~(B) INFORMATION SHARING REQUIRE-~~
6 ~~MENT.—Analysis of the information collected~~
7 ~~under subparagraph (A) shall be shared with~~
8 ~~the Indian tribe that provided the information~~
9 ~~that was collected.”.~~

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

13 ~~(1) in paragraph (1)—~~

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

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

20 ~~(2) by redesignating paragraphs (1) and (2) as~~
21 ~~subparagraphs (A) and (B), respectively, and indent-~~
22 ~~ing appropriately;~~

23 ~~(3) in the matter preceding subparagraph (A)~~
24 ~~(as so redesignated), by striking “The Attorney Gen-~~
25 ~~eral” and inserting the following:~~

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

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

4 “~~(2)~~ CONSULTATION.—Not later than 1 year
5 after the date of enactment of the Tribal Law and
6 Order Reauthorization and Amendments Act of
7 2016, the Attorney General shall consult with Indian
8 tribes, including appropriate tribal justice officials,
9 regarding—

10 “(A) the annual reports described in para-
11 graph ~~(1)~~ to improve the data collected, the in-
12 formation reported, and the reporting system;
13 and

14 “(B) improvements to the processes for the
15 satisfaction of the requirements for coordination
16 described in paragraphs ~~(1)~~ and ~~(2)~~ of sub-
17 section (a).

18 “~~(3)~~ ENFORCEMENT OF REPORTING REQUIRE-
19 MENTS.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph ~~(B)~~, on the failure of the Attorney Gen-
22 eral to submit a report in accordance with para-
23 graph ~~(1)~~, the Attorney General shall withhold
24 funding for the Director of the Federal Bureau
25 of Investigation and the Director of the Execu-

1 tive Office for United States Attorneys used for
 2 the administration of services, including func-
 3 tional expenses such as overtime, personnel sal-
 4 aries, and associated benefits or related tasks
 5 that directly affect those functions, to the ex-
 6 tent that the withholding does not adversely im-
 7 pact the capacity of the Attorney General to
 8 provide law enforcement, investigation, or pros-
 9 ecution services.

10 “(B) RESTORATION.—The Attorney Gen-
 11 eral shall restore funding withheld in accord-
 12 ance with subparagraph (A) on submission of
 13 the applicable report in accordance with para-
 14 graph (1).”.

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

16 (a) BUREAU OF PRISONS TRIBAL PRISONER PRO-
 17 GRAM.—Section 234(e) of the Tribal Law and Order Act
 18 of 2010 (25 U.S.C. 1302 note; Public Law 111–211) is
 19 amended—

20 (1) in paragraph (5), by striking “3 years after
 21 the date of establishment of the pilot program” and
 22 inserting “5 years after the date of enactment of the
 23 Tribal Law and Order Reauthorization and Amend-
 24 ments Act of 2016”; and

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

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

12 “(h) CONSULTATION FOR JUVENILE JUSTICE RE-
13 FORM.—Not later than 1 year after date of enactment of
14 this subsection, the Director of the Bureau of Indian Af-
15 fairs, the Director of the Bureau of Prisons, the Director
16 of the Indian Health Service, and the Administrator of
17 the Substance Abuse and Mental Health Services Admin-
18 istration shall consult with Indian tribes regarding Indian
19 juvenile justice and incarceration, including—

20 “(1) the potential for using Bureau of Indian
21 Affairs or tribal juvenile facilities for the incarcer-
22 ation of Indian youth in the Federal system as alter-
23 native locations closer to the communities of the In-
24 dian youth;

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

4 ~~“(3) barriers to the use of—~~

5 ~~“(A) alternatives to incarceration; or~~

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

8 ~~“(4) the application of the Federal sentencing~~
 9 ~~guidelines to Indian youth.”.~~

10 **SEC. 105. FEDERAL NOTICE.**

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

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

21 **SEC. 106. DETENTION FACILITIES.**

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

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

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

17 (1) by redesignating subsection (e) as sub-
 18 section (d); and

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

21 “(e) ~~ALTERNATIVES TO DETENTION.~~—In carrying
 22 out the responsibilities of the Secretary under this Act or
 23 title II of Public Law 90–284 (commonly known as the
 24 ‘Indian Civil Rights Act of 1968’) (25 U.S.C. 1301 et
 25 seq.); the Secretary shall authorize an Indian tribe ear-

1 rying out a contract or compact pursuant to the Indian
 2 Self-Determination and Education Assistance Act (25
 3 U.S.C. 450 et seq.); on request of the Indian tribe, to use
 4 any available detention funding from the contract or com-
 5 pact for such appropriate alternatives to detention to
 6 which the Indian tribe and Secretary, acting through the
 7 Director of the Office of Justice Services, mutually
 8 agree.”.

9 (c) JUVENILE DETENTION CENTERS.—Section
 10 4220(b) of the Indian Alcohol and Substance Abuse Pre-
 11 vention and Treatment Act of 1986 (25 U.S.C. 2453(b))
 12 is amended by striking “2011 through 2015” each place
 13 it appears and inserting “2017 through 2021”.

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

19 **SEC. 107. REAUTHORIZATION FOR TRIBAL COURTS TRAIN-**
 20 **ING.**

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

25 (b) TECHNICAL AND LEGAL ASSISTANCE.—

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

6 (2) GRANTS.—Section 201(d) of the Indian
7 Tribal Justice Technical and Legal Assistance Act of
8 2000 (25 U.S.C. 3681(d)) is amended by striking
9 “2011 through 2015” and inserting “2017 through
10 2021”.

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

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

17 (b) RIGHTS OF DEFENDANTS.—Section 204(d)(3) of
18 Public Law 90–284 (commonly known as the “Indian Civil
19 Rights Act of 1968”) (25 U.S.C. 1304(d)(3)) is amended
20 in the matter preceding subparagraph (A), by striking
21 “the right” and inserting “if a term of imprisonment of
22 180 days or more may be imposed, the right”.

1 **SEC. 109. SPECIAL ASSISTANT PUBLIC DEFENDER LIAI-**
 2 **SONS.**

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

6 **“SEC. 13A. ASSISTANT FEDERAL PUBLIC DEFENDER TRIB-**
 7 **AL LIAISONS.**

8 **“(a) APPOINTMENT.—**

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

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

20 **“(b) DUTIES.—**

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

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

25 **“(B) Consulting and coordinating with**
 26 **tribal public defenders to address any backlog**

1 in providing criminal defense of major crimes in
2 Indian country in the relevant district.

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

8 “(D) Coordinating with tribal public de-
9 fenders in cases in which a tribal government
10 has concurrent jurisdiction over an alleged de-
11 fendant in advance of the expiration of any ap-
12 plicable statute of limitation.

13 “(E) Providing technical assistance and
14 training regarding criminal defense techniques
15 and strategies, forensics, and reentry programs
16 and strategies for responding to crimes occur-
17 ring in Indian country.

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

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

22 “(A) in evaluating the performance of trib-
23 al liaisons, and as part of the work performance
24 study of the Federal public defenders, the Ad-
25 ministrative Office of the United States Courts

1 should take into consideration the multiple du-
2 ties of tribal liaisons described in paragraph
3 ~~(1)~~; and

4 “~~(B)~~ the Federal Public Defender Service
5 and the Attorney General should work together
6 to ensure that each district that includes Indian
7 country has sufficient resources to provide ade-
8 quate representation.

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

14 “~~(1)~~ to appoint Special Assistant Public De-
15 fenders to defend Indian defendants charged with a
16 Federal crime occurring in Indian country as nec-
17 essary to improve the administration of justice if—

18 “~~(A)~~ the crime rate in the district exceeds
19 the national average crime rate; or

20 “~~(B)~~ the rate at which Indian criminal de-
21 fendants are being prosecuted in the district ex-
22 ceeds the national average of prosecution rates;

23 “~~(2)~~ to coordinate with applicable United States
24 district courts and United States Attorneys’ Offices
25 regarding—

1 “(A) scheduling of Indian country matters;
2 and

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

5 “(3) to provide to appointed Special Assistant
6 Federal Public Defenders appropriate training; su-
7 pervision; and staff support; and

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

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

15 **SEC. 110. OFFENSES IN INDIAN COUNTRY: TRESPASS ON IN-**
16 **DIAN LAND.**

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

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

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

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

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

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

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

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

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

13 “(B) for the sale or distribution of con-
14 trolled substances.

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

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

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

25 “(A) for which—

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

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

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

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

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

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

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

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

1 mony of witnesses and other evidence as to why
 2 the order should not issue;

3 “(C) that—

4 “(i) temporarily or permanently ex-
 5 cludes the respondent from tribal land
 6 under the jurisdiction of the applicable In-
 7 dian tribe; and

8 “(ii) includes a statement that a viola-
 9 tion of the order may result in criminal
 10 prosecution under Federal law and the im-
 11 position of a fine or imprisonment, or both;
 12 and

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

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

17 (a) SHADOW WOLVES.—

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

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

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

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

8 (b) REAUTHORIZATION OF FUNDING TO COMBAT IL-
9 LEGAL NARCOTICS TRAFFICKING.—Section 4216 of the
10 Indian Alcohol and Substance Abuse Prevention and
11 Treatment Act of 1986 (25 U.S.C. 2442) is amended by
12 striking “2011 through 2015” each place it appears and
13 inserting “2017 through 2021”.

14 **SEC. 112. SUBSTANCE ABUSE PREVENTION TRIBAL ACTION**
15 **PLANS.**

16 (a) INTERDEPARTMENTAL MEMORANDUM OF
17 AGREEMENT.—Section 4205(a) of the Indian Alcohol and
18 Substance Abuse Prevention and Treatment Act of 1986
19 (25 U.S.C. 2411(a)) is amended—

20 (1) in the matter preceding paragraph (1), by
21 inserting “the Secretary of Agriculture, the Sec-
22 retary of Housing and Urban Development,” after
23 “the Attorney General,”;

24 (2) in paragraph (2)(A), by inserting “the De-
25 partment of Agriculture, the Department of Housing

1 and Urban Development,” after “Services Adminis-
2 tration,”;

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

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

10 (b) REAUTHORIZATION OF TRIBAL ACTION PLANS
11 FUNDS.—Section 4206(d)(2) of the Indian Alcohol and
12 Substance Abuse Prevention and Treatment Act of 1986
13 (25 U.S.C. 2412(d)(2)) is amended by striking “2011
14 through 2015” and inserting “2017 through 2021”.

15 (c) GRANTS FOR TRAINING, EDUCATION, AND PRE-
16 VENTION PROGRAMS.—Section 4206(f)(3) of the Indian
17 Alcohol and Substance Abuse Prevention and Treatment
18 Act of 1986 (25 U.S.C. 2412(f)(3)) is amended by striking
19 “2011 through 2015” and inserting “2017 through
20 2021”.

1 **TITLE II—IMPROVING JUSTICE**
2 **FOR INDIAN YOUTH**

3 **SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVENILES.**
4

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

7 (1) in the first undesignated paragraph—

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

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

12 (2) in the second undesignated paragraph—

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

15 (B) by adding at the end the following: “In
16 this section, the term ‘Indian tribe’ has the
17 meaning given the term in section 102 of the
18 Federally Recognized Indian Tribe List Act of
19 1994 (25 U.S.C. 479a).”;

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

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

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

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

6 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**
7 **GRAMS.**

8 (a) **SUMMER YOUTH PROGRAMS.**—Section
9 4212(a)(3) of the Indian Alcohol and Substance Abuse
10 Prevention and Treatment Act of 1986 (25 U.S.C.
11 2432(a)(3)) is amended by striking “2011 through 2015”
12 and inserting “2017 through 2021”.

13 (b) **EMERGENCY SHELTERS.**—Section 4213(e) of the
14 Indian Alcohol and Substance Abuse Prevention and
15 Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended,
16 in paragraphs (1) and (2), by striking “2011 through
17 2015” each place it appears and inserting “2017 through
18 2021”.

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

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

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

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

3 (3) in paragraph (3)—

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

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

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

11 “(4) to support a continuum of evidence-based
12 or promising programs (including delinquency pre-
13 vention, intervention, mental health and substance
14 abuse treatment, family services, and services for
15 children exposed to violence) that are trauma-in-
16 formed, reflect the science of adolescent develop-
17 ment, and designed to meet the needs of at-risk
18 youth and youth who come into contact with the jus-
19 tice system.”.

20 (b) CONCENTRATION OF FEDERAL EFFORTS.—See
21 tion 204(b) of the Juvenile Justice and Delinquency Pre-
22 vention Act of 1974 (42 U.S.C. 5614(b)) is amended—

23 (1) in paragraph (6), by striking “section
24 223(a)(15)” and inserting “section 223(a)(14)”; and

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

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

5 “(i) the implementation of this Act;

6 “(ii) strengthening the government-to-gov-
7 ernment relationship between the Federal Gov-
8 ernment and Indian tribes;

9 “(iii) improving juvenile delinquency pro-
10 grams, services, and activities affecting Indian
11 youth and Indian tribes;

12 “(iv) improving coordination among Fed-
13 eral departments and agencies to reduce juve-
14 nile offenses, delinquency, and recidivism;

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

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

20 “~~(B)~~ not later than 1 year after the date of en-
21 actment of this subparagraph, issue a tribal con-
22 sultation policy for the Office of Juvenile Justice
23 and Delinquency Prevention to govern the consulta-
24 tion to be conducted under subparagraph (A).”.

1 (e) COORDINATING COUNCIL ON JUVENILE JUSTICE
2 AND DELINQUENCY PREVENTION.—Section 206 of the
3 Juvenile Justice and Delinquency Prevention Act of 1974
4 (42 U.S.C. 5616) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by inserting “the Director of the
8 Indian Health Service,” after “the Sec-
9 retary of Health and Human Services,”;
10 and

11 (ii) by striking “Commissioner of Im-
12 migration and Naturalization” and insert-
13 ing “Assistant Secretary for Immigration
14 and Customs Enforcement, the Secretary
15 of the Interior, the Assistant Secretary for
16 Indian Affairs”; and

17 (B) in paragraph (2), by striking “United
18 States” and inserting “Federal Government”;
19 and

20 (2) in subsection (c)—

21 (A) in paragraph (1)—

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

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

1 (B) in paragraph (2)(B), by inserting “the
2 Chairperson and Vice Chairperson of the Com-
3 mittee on Indian Affairs of the Senate,” before
4 “and the Chairman”.

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

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

11 (2) in paragraph (1)—

12 (A) in subparagraph (A), by inserting be-
13 fore the semicolon at the end the following: “,
14 and whether the offense occurred in Indian
15 country (as defined in section 1151 of title 18,
16 United States Code)”;

17 (B) in subparagraph (B), by striking “and
18 gender of the juveniles” and inserting “, gen-
19 der, and ethnicity (as defined by the Bureau of
20 the Census) of the juveniles, and, for any In-
21 dian juvenile, the tribal membership or affili-
22 ation of the Indian juvenile”;

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

24 “(5) A description of—

1 “(A) the amount of funding provided to
 2 Indian tribes under this Act, or for a juvenile
 3 delinquency or prevention program under the
 4 Tribal Law and Order Act of 2010 (25 U.S.C.
 5 2801 note; Public Law 111–211) or the amend-
 6 ments made by that Act, including direct Fed-
 7 eral grants and funding provided to Indian
 8 tribes through a State or unit of local govern-
 9 ment; and

10 “(B) recommendations of the Council for
 11 improving resource and service delivery to In-
 12 dian tribal communities.”.

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

16 (1) in paragraph (3)(A)(ii)—

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

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

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

22 “~~(IX)~~ for States in which 1 or
 23 more Indian tribes are located, at
 24 least 1 Indian tribal representative
 25 with knowledge of services or issues

1 relating to law enforcement, juvenile
2 justice, behavioral health, youth, and
3 social services in Indian tribal commu-
4 nities, as nominated by the applicable
5 Indian tribes;”;

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

8 “(4) subject to the condition that nothing in the
9 plan requirements, or any regulations promulgated
10 to carry out those requirements, shall prohibit or im-
11 pede the State from making grants to, or entering
12 into contracts with, local private agencies or the ad-
13 visory group, provide for—

14 “(A) active consultation with, and partici-
15 pation of, units of local government or combina-
16 tions of those units in the development of a
17 State plan that adequately takes into account
18 the needs and requests of units of local govern-
19 ment; and

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

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

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

8 (4) in paragraph (7)(A), by striking “performs
9 law enforcement functions” and inserting “has juris-
10 diction, or in Indian country (as defined in section
11 1151 of title 18, United States Code)”;

12 (5) in paragraph (8)—

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

15 (B) by inserting “Indian tribes,” before
16 “public”;

17 (6) in paragraph (9)—

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

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

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

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

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

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

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

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

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

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

14 (2) in paragraph (22), by striking “between
15 State educational agencies and local educational
16 agencies” and inserting “among State educational
17 agencies, local educational agencies, and Bureau-
18 funded schools (as defined in section 1141 of the
19 Education Amendments of 1978 (25 U.S.C.
20 2021))”;

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

23 (4) by redesignating paragraph (25) as para-
24 graph (26); and

1 (5) by inserting after paragraph (24) the fol-
2 lowing:

3 “~~(25)~~ tribal cultural or traditional programs de-
4 signed to reduce delinquency among Indian youth;
5 and”.

6 (g) ELIGIBILITY OF ENTITIES.—Section 245(a) of
7 the Juvenile Justice and Delinquency Prevention Act of
8 1974 (42 U.S.C. 5655(a)) is amended—

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

12 (2) in paragraph (1), by striking “~~(25)~~” and in-
13 serting “~~(26)~~”.

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

18 (1) in subsection (a)—

19 (A) in paragraph (1)(B)—

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

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

1 (B) in paragraph (4)—

2 (i) in the matter preceding subpara-
3 graph (A), in the first sentence—

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

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

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

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

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

19 (j) GRANTS FOR DELINQUENCY PREVENTION PRO-
20 GRAMS.—Section 504 of the Incentive Grants for Local
21 Delinquency Prevention Programs Act of 2002 (42 U.S.C.
22 5783) is amended—

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

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

3 **SEC. 204. GAO REPORT ON JUSTICE FOR INDIAN JUVE-**
4 **NILES.**

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

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

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

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

15 (C)(i) an assessment of the type of of-
16 fenses with which Indian youth are charged;
17 and

18 (ii) the number of those charges that are
19 substance abuse-related;

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

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

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

4 ~~(A)~~ the extent of intergovernmental co-
5 operation; and

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

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

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

14 ~~(5)~~ the barriers faced by Indian tribes in pro-
15 viding adequate services to delinquent youth or
16 youth at risk of becoming delinquent; and

17 ~~(6)~~ improving the effectiveness of prevention
18 and treatment services for Indian youth.

19 ~~(b) REPORT.~~—Not later than 18 months after the
20 date of enactment of this Act, the Comptroller General
21 shall submit to Congress a report describing the results
22 of the study, findings, and recommendations under sub-
23 section ~~(a)~~.

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

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

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 6 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—TRIBAL LAW AND ORDER

Sec. 101. Bureau of Indian Affairs law enforcement.

Sec. 102. Integration and coordination of programs.

Sec. 103. Data sharing with Indian tribes.

Sec. 104. Judicial administration in Indian country.

Sec. 105. Federal notice.

Sec. 106. Detention facilities.

Sec. 107. Reauthorization for tribal courts training.

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

Sec. 109. Public defenders.

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

Sec. 111. Resources for public safety in Indian communities; drug trafficking pre-
vention.

Sec. 112. Substance abuse prevention tribal action plans.

Sec. 113. Office of Justice Services spending report.

TITLE II—IMPROVING JUSTICE FOR INDIAN YOUTH

Sec. 201. Federal jurisdiction over Indian juveniles.

Sec. 202. Reauthorization of tribal youth programs.

Sec. 203. Justice for Indian youth.

Sec. 204. GAO report on justice for Indian juveniles.

7 **SEC. 2. FINDINGS.**

8 *Congress finds that—*

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

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

4 (3) *according to the Department of Justice, in*
5 *2014, 34 percent of the total Indian country criminal*
6 *matters submitted for prosecution were declined, a*
7 *percentage that has not decreased significantly since*
8 *the date of enactment of the Tribal Law and Order*
9 *Act of 2010 (25 U.S.C. 2801 note; Public Law 111–*
10 *211) and has remained fairly steady;*

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

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

17 (6) *during the period beginning in 2010 and*
18 *ending on the date of enactment of this Act, the num-*
19 *ber of law enforcement officers working on public safe-*
20 *ty in Indian country has slightly increased, but ac-*
21 *ording to the Bureau of Indian Affairs, only ap-*
22 *proximately 43 percent of the total need for those offi-*
23 *cers is currently being met;*

24 (7) *for a period of more than 40 years prior to*
25 *the date of enactment of this Act, the Shadow Wolves,*

1 *a special unit of tactical officers of the U.S. Immigra-*
2 *tion and Customs Enforcement, have been deployed*
3 *throughout the Tohono O'odham Nation reservation*
4 *in Arizona and have been operating in an area—*

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

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

11 *(C) that has been targeted by criminal orga-*
12 *nizations for use as a major corridor to deliver*
13 *contraband from Mexico to locations throughout*
14 *the United States, including other Indian res-*
15 *ervations;*

16 *(8) many Bureau of Indian Affairs and tribal*
17 *detention facilities continue to operate in overcrowded*
18 *conditions;*

19 *(9) tribes continue to encounter barriers to ac-*
20 *cessing and entering information into national crime*
21 *information databases for criminal and civil purposes*
22 *and additional options are needed to ensure Indian*
23 *tribes can fully participate in the 2-way sharing of*
24 *criminal justice information so that all tribal justice*

1 *and public safety agencies have access to the data*
 2 *needed to keep their communities safe;*

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

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

10 *(12) tribal youth in the Federal justice system—*

11 *(A) may spend more time in secure confine-*
 12 *ment than youth in State justice systems, some-*
 13 *times by several years; and*

14 *(B) may be placed in facilities located far*
 15 *away from the communities and families of the*
 16 *tribal youth; and*

17 *(13) appropriate services for tribal youth in the*
 18 *Federal and tribal justice systems are unavailable.*

19 ***TITLE I—TRIBAL LAW AND***
 20 ***ORDER***

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

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

25 *(1) by striking paragraph (13);*

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

4 (3) in subparagraph (C) of paragraph (15) (as
5 redesignated)—

6 (A) by inserting “(for which any tribal in-
7 formation may be summarized by State)” after
8 “a list”; and

9 (B) by striking “and public safety and
10 emergency communications and technology
11 needs” and inserting “public safety and emer-
12 gency communications and technology needs, and
13 other administrative and supporting needs of
14 program operations, including information tech-
15 nology and other equipment, travel, and train-
16 ing”.

17 (b) *ENFORCEMENT OF REPORTING REQUIREMENTS.*—
18 Section 3 of the Indian Law Enforcement Reform Act (25
19 U.S.C. 2802) is amended by adding at the end the following:

20 “(g) *ENFORCEMENT OF REPORTING REQUIRE-*
21 *MENTS.*—

22 “(1) *IN GENERAL.*—Subject to paragraph (2), on
23 the failure of the Director of the Office of Justice
24 Services to submit a report in accordance with para-
25 graph (15) or (16) of subsection (c), the Secretary

1 *shall withhold funding for the Office of the Assistant*
 2 *Secretary for Indian Affairs used for the administra-*
 3 *tion of services, including functional expenses such as*
 4 *overtime, personnel salaries, and associated benefits*
 5 *or related tasks that directly affect those functions, to*
 6 *the extent that the withholding does not adversely im-*
 7 *part the capacity of the Secretary to provide law en-*
 8 *forcement services in Indian communities in accord-*
 9 *ance with this Act.*

10 “(2) *RESTORATION.*—*The Secretary shall restore*
 11 *funding withheld in accordance with paragraph (1)*
 12 *on submission of the applicable report in accordance*
 13 *with paragraph (15) or (16) of subsection (c).”.*

14 (c) *ALLOWANCE FOR RENTALS OF QUARTERS AND FA-*
 15 *CILITIES.*—*Section 8 of the Indian Law Enforcement Re-*
 16 *form Act (25 U.S.C. 2807) is amended—*

17 (1) *by striking the section heading and designa-*
 18 *tion and all that follows through “Notwithstanding*
 19 *the limitation” and inserting the following:*

20 **“SEC. 8. ALLOWANCES.**

21 “(a) *UNIFORMS.*—*Notwithstanding the limitation”;*
 22 *and*

23 (2) *by adding at the end the following:*

24 “(b) *RENTALS FOR QUARTERS AND FACILITIES.*—*Not-*
 25 *withstanding section 5911 of title 5, United States Code,*

1 *the Secretary, on recommendation of the Director of the Of-*
 2 *fice of Justice Services, shall establish applicable rental*
 3 *rates for quarters and facilities for employees of the Office*
 4 *of Justice Services.”.*

5 *(d) LAW ENFORCEMENT AND JUDICIAL TRAINING.—*
 6 *Section 4218(b) of the Indian Alcohol and Substance Abuse*
 7 *Prevention and Treatment Act of 1986 (25 U.S.C. 2451(b))*
 8 *is amended by striking “2011 through 2015” and inserting*
 9 *“2017 through 2021”.*

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

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

16 *(2) in paragraph (4), by striking “2011 through*
 17 *2015” and inserting “2017 through 2021”.*

18 **SEC. 102. INTEGRATION AND COORDINATION OF PRO-**
 19 **GRAMS.**

20 *(a) IN GENERAL.—*

21 *(1) CONSULTATION.—Not later than 1 year after*
 22 *the date of enactment of this Act, the Secretary of the*
 23 *Interior, the Secretary of Health and Human Serv-*
 24 *ices, and the Attorney General shall consult with In-*
 25 *dian tribes regarding—*

1 (A) the feasibility and effectiveness of the es-
2 tablishment of base funding for, and the integra-
3 tion and consolidation of, Federal law enforce-
4 ment, public safety, and substance abuse and
5 mental health programs for which Indian tribes
6 are eligible, for the purposes of coordinating the
7 programs, reducing administrative costs, and
8 improving services for Indian tribes, individual
9 Indians, and Indian communities;

10 (B) the use of a single application and re-
11 porting system for the consolidated approach de-
12 scribed in subparagraph (A);

13 (C) the application of the Single Audit Act
14 of 1984 (31 U.S.C. 7501 et seq.) to the consoli-
15 dated approach described in subparagraph (A);

16 (D) the methodology for interagency trans-
17 fer of funds for the consolidated approach de-
18 scribed in subparagraph (A);

19 (E) the method for Federal oversight for the
20 consolidated approach described in subparagraph
21 (A); and

22 (F) any legal or administrative barriers to
23 the implementation of the consolidated approach
24 described in subparagraph (A).

1 (2) *RESPONSIBILITIES.*—As part of the consulta-
2 tion described in paragraph (1), each applicable unit
3 of the Department of the Interior, the Department of
4 Health and Human Services, and the Department of
5 Justice shall identify—

6 (A) each program under the jurisdiction of
7 that unit for which an Indian tribe may be eligi-
8 ble; and

9 (B) the regulations governing each program
10 described in subparagraph (A).

11 (3) *SUBMISSION OF PLAN.*—Not later than 18
12 months after the date of enactment of this Act, the
13 Secretary of the Interior, the Secretary of Health and
14 Human Services, and the Attorney General shall
15 jointly submit to the Committee on Indian Affairs of
16 the Senate, the Committee on Natural Resources of the
17 House of Representatives, and the Committee on the
18 Judiciary of the House of Representatives a plan that
19 includes—

20 (A) the findings of the consultation de-
21 scribed in paragraph (1);

22 (B) the programs identified in accordance
23 with paragraph (2); and

1 (C) any legal or administrative barriers to
2 the implementation of the consolidated approach
3 described in paragraph (1)(A).

4 (b) *PROGRAM EVALUATION.*—Not later than 18 months
5 after the date of enactment of this Act, the Attorney General
6 shall conduct an evaluation of and submit to Committee
7 on Indian Affairs of the Senate, the Committee on Natural
8 Resources of the House of Representatives, the Committee
9 on the Judiciary of the Senate, and the Committee on the
10 Judiciary of the House of Representatives a report on—

11 (1) law enforcement grants and other resources
12 made available to State, local, and tribal governments
13 under current requirements encouraging intergovern-
14 mental cooperation;

15 (2) benefits of, barriers to, and the need for
16 intergovernmental cooperation between State, local,
17 and tribal governments; and

18 (3) recommendations for incentivizing intergov-
19 ernmental cooperation, including any legislation or
20 regulations needed to achieve those incentives.

21 (c) *INTERAGENCY COORDINATION AND COOPERA-*
22 *TION.*—

23 (1) *MEMORANDUM OF AGREEMENT.*—

24 (A) *IN GENERAL.*—Not later than 18
25 months after the date of enactment of this Act,

1 *the Attorney General, acting through the Bureau*
2 *of Prisons, the Secretary of the Interior, acting*
3 *through the Office of Justice Services, Bureau of*
4 *Indian Affairs, and the Secretary of Health and*
5 *Human Services shall enter into a Memorandum*
6 *of Agreement to cooperate, confer, transfer funds,*
7 *share resources and, as permitted by law, infor-*
8 *mation on matters relating to the detention of*
9 *Indian inmates, the reduction of recidivism (in-*
10 *cluding through substance abuse treatment and*
11 *mental and health care services), and the lease or*
12 *loan of facilities, technical assistance, training,*
13 *and equipment.*

14 *(B) STRATEGIES AND BEST PRACTICES.—*

15 *Not later than 2 years after the date of enact-*
16 *ment of this Act, the Attorney General, the Sec-*
17 *retary of the Interior, and the Secretary of*
18 *Health and Human Services shall enter into a*
19 *Memorandum of Agreement to develop, share,*
20 *and implement effective strategies, best practices,*
21 *and resources, and transfer funds, to improve the*
22 *re-entry of Indian inmates into Indian commu-*
23 *nities after incarceration.*

24 *(2) REQUIREMENTS.—Not later than 1 year*
25 *after the date of enactment of this Act, the Attorney*

1 *General, the Secretary of the Interior, and the Sec-*
2 *retary of Health and Human Services shall—*

3 *(A) consult with and solicit comments from*
4 *entities as described in section 4205(c) of the In-*
5 *Indian Alcohol and Substance Abuse Prevention*
6 *and Treatment Act of 1986 (25 U.S.C. 2411(c));*
7 *and*

8 *(B) submit to the Committee on Indian Af-*
9 *airs of the Senate, the Committee on Natural*
10 *Resources of the House of Representatives, the*
11 *Committee on the Judiciary of the Senate, and*
12 *the Committee on the Judiciary of the House of*
13 *Representatives a report regarding any legal or*
14 *regulatory impediments to carrying out subpara-*
15 *graphs (A) and (B) of paragraph (1).*

16 *(3) REPORT.—Not later than 4 years after the*
17 *date of enactment of this Act, the Attorney General,*
18 *the Secretary of the Interior, and the Secretary of*
19 *Health and Human Services shall submit to the Com-*
20 *mittee on Indian Affairs of the Senate, the Committee*
21 *on Natural Resources of the House of Representatives,*
22 *the Committee on the Judiciary of the Senate, and the*
23 *Committee on the Judiciary of the House of Rep-*
24 *resentatives a report regarding the implementation of*

1 *the Memoranda of Agreement under subparagraphs*
2 *(A) and (B) of paragraph (1).*

3 **SEC. 103. DATA SHARING WITH INDIAN TRIBES.**

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

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

10 *(2) in the matter preceding subparagraph (A)*
11 *(as so redesignated), by striking “The Attorney Gen-*
12 *eral” and inserting the following:*

13 *“(1) IN GENERAL.—The Attorney General”; and*
14 *(3) by adding at the end the following:*

15 *“(2) TRIBAL ACCESS PROGRAM.—Out of any*
16 *funds available and not otherwise obligated, the Attor-*
17 *ney General shall establish and carry out a tribal ac-*
18 *cess program to enhance the ability of tribal govern-*
19 *ments to access, enter information into, and obtain*
20 *information from, Federal criminal information*
21 *databases as authorized under this section.*

22 *“(3) INFORMATION SHARING.—Any report issued*
23 *as a result of the analysis of information entered into*
24 *Federal criminal information databases or obtained*
25 *from Federal criminal databases, including for the*

1 *purpose of conducting background checks, shall be*
2 *shared with Indian tribes of jurisdiction.”.*

3 *(b) ACCESS TO NATIONAL CRIMINAL INFORMATION*
4 *DATABASES.—Section 233(b) of the Tribal Law and Order*
5 *Act of 2010 (28 U.S.C. 534 note; Public Law 111–211) is*
6 *amended by striking paragraph (1) and inserting the fol-*
7 *lowing:*

8 *“(1) IN GENERAL.—The Attorney General shall*
9 *ensure that—*

10 *“(A) tribal law enforcement officials that*
11 *meet applicable Federal or State requirements be*
12 *permitted access to national crime information*
13 *databases;*

14 *“(B) technical assistance and training to*
15 *Bureau of Indian Affairs and tribal law enforce-*
16 *ment officials is provided to gain access and*
17 *input authority to use the National Criminal In-*
18 *formation Center and other national crime infor-*
19 *mation databases pursuant to section 534 of title*
20 *28, United States Code; and*

21 *“(C) the Federal Bureau of Investigation*
22 *coordinates with the Office of Justice Services,*
23 *Bureau of Indian Affairs, to ensure Indian trib-*
24 *al law enforcement agencies are assigned appro-*

1 *priate credentials or ORI numbers for uniform*
 2 *crime reporting purposes.”.*

3 *(c) BUREAU OF JUSTICE STATISTICS.—Section 302(d)*
 4 *of the Omnibus Crime Control and Safe Streets Act of 1968*
 5 *(42 U.S.C. 3732(d)) is amended—*

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

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

11 *“(1) IN GENERAL.—To ensure”;*

12 *(2) in paragraph (1)—*

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

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

17 *(C) by adding at the end the following:*

18 *“(G) confer and cooperate with the Bureau*
 19 *of Indian Affairs as needed to carry out the pur-*
 20 *poses of this part, including by entering into co-*
 21 *operative resource and data sharing agreements*
 22 *in conformity with all laws and regulations ap-*
 23 *plicable to the disclosure and use of data.”; and*

24 *(3) in paragraph (2)—*

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

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

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

5 “(B) *INFORMATION SHARING REQUIRE-*
6 *MENT.—Analysis of the information collected*
7 *under subparagraph (A) shall be shared with the*
8 *Indian tribe that provided the information that*
9 *was collected.*”.

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

13 (1) *in paragraph (1)—*

14 (A) *in subparagraph (B), by redesignating*
15 *clauses (i) and (ii) as subclauses (I) and (II), re-*
16 *spectively, and indenting appropriately; and*

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

20 (2) *by redesignating paragraphs (1) and (2) as*
21 *subparagraphs (A) and (B), respectively, and indent-*
22 *ing appropriately;*

23 (3) *in the matter preceding subparagraph (A)*
24 *(as so redesignated), by striking “The Attorney Gen-*
25 *eral” and inserting the following:*

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

3 “(2) *CONSULTATION.*—*Not later than 1 year*
4 *after the date of enactment of the Tribal Law and*
5 *Order Reauthorization and Amendments Act of 2016,*
6 *the Attorney General shall consult with Indian tribes,*
7 *including appropriate tribal justice officials, regard-*
8 *ing—*

9 “(A) *the annual reports described in para-*
10 *graph (1) to improve the data collected, the in-*
11 *formation reported, and the reporting system;*
12 *and*

13 “(B) *improvements to the processes for the*
14 *satisfaction of the requirements for coordination*
15 *described in paragraphs (1) and (3) of subsection*
16 *(a), or to the reporting requirements under para-*
17 *graph (1).*

18 “(3) *ENFORCEMENT OF REPORTING REQUIRE-*
19 *MENTS.*—

20 “(A) *IN GENERAL.*—*Subject to subpara-*
21 *graph (B), on the failure of the Attorney General*
22 *to submit a report in accordance with paragraph*
23 *(1), the Attorney General shall withhold funding*
24 *for the Director of the Federal Bureau of Inves-*
25 *tigation and the Director of the Executive Office*

1 *for United States Attorneys used for the admin-*
2 *istration of services, including functional ex-*
3 *penditures such as overtime, personnel salaries, and*
4 *associated benefits or related tasks that directly*
5 *affect those functions, to the extent that the with-*
6 *holding does not adversely impact the capacity of*
7 *the Attorney General to provide law enforcement,*
8 *investigation, or prosecution services.*

9 “(B) *RESTORATION.*—*The Attorney General*
10 *shall restore funding withheld in accordance*
11 *with subparagraph (A) on submission of the ap-*
12 *plicable report in accordance with paragraph*
13 *(1).”.*

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

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

19 (1) *in paragraph (5), by striking “3 years after*
20 *the date of establishment of the pilot program” and*
21 *inserting “5 years after the date of enactment of the*
22 *Tribal Law and Order Reauthorization and Amend-*
23 *ments Act of 2016”;*

24 (2) *by redesignating paragraph (6) as para-*
25 *graph (7);*

1 (3) by inserting after paragraph (5) the fol-
2 lowing:

3 “(6) *CONSULTATION*.—Not later than 1 year
4 after the date of enactment of the Tribal Law and
5 Order Reauthorization and Amendments Act of 2016,
6 the Director of the Bureau of Prisons and the Direc-
7 tor of the Office of Justice Services of the Bureau of
8 Indian Affairs shall coordinate and consult with In-
9 dian tribes to develop improvements in implementing
10 the pilot program, including intergovernmental com-
11 munication, training, processes, and other subject
12 matters as appropriate.”; and

13 (4) in paragraph (7) (as redesignated), by strik-
14 ing “paragraph shall expire on the date that is 4
15 years after the date on which the program is estab-
16 lished” and inserting “subsection shall expire on the
17 date that is 7 years after the date of enactment of the
18 Tribal Law and Order Reauthorization and Amend-
19 ments Act of 2016”;

20 (b) *CONSULTATION FOR JUVENILE JUSTICE RE-*
21 *FORM*.—Section 3 of the Indian Law Enforcement Reform
22 Act (25 U.S.C. 2802) (as amended by section 101(b)) is
23 amended by adding at the end the following:

24 “(h) *CONSULTATION FOR JUVENILE JUSTICE RE-*
25 *FORM*.—Not later than 1 year after date of enactment of

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

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

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

17 “(3) *barriers to the use of—*

18 “(A) *alternatives to incarceration; or*

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

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

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

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

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

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

13 *(a) INDIAN LAW ENFORCEMENT REFORM ACT.*—*Sec-*
14 *tion 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 out*
18 *the responsibilities of the Secretary under this Act or title*
19 *II of Public Law 90–284 (commonly known as the ‘Indian*
20 *Civil Rights Act of 1968’) (25 U.S.C. 1301 et seq.), the Sec-*
21 *retary shall authorize an Indian tribe carrying out a con-*
22 *tract or compact pursuant to the Indian Self-Determina-*
23 *tion and Education Assistance Act (25 U.S.C. 450 et seq.),*
24 *on request of the Indian tribe, to use any available deten-*
25 *tion funding from the contract or compact for such appro-*
26 *priate alternatives to detention to which the Indian tribe*

1 *and Secretary, acting through the Director of the Office of*
2 *Justice Services, mutually agree.”.*

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

5 (1) *by redesignating subsection (c) as subsection*
6 *(d); and*

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

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

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

1 (d) *PAYMENTS FOR INCARCERATION ON TRIBAL*
 2 *LAND.*—Section 20109(a) of the Violent Crime Control and
 3 *Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) is*
 4 *amended by striking “2011 through 2015” and inserting*
 5 *“2017 through 2021”.*

6 **SEC. 107. REAUTHORIZATION FOR TRIBAL COURTS TRAIN-**
 7 **ING.**

8 (a) *TRIBAL JUSTICE SYSTEMS.*—Section 201 of the In-
 9 *dian Tribal Justice Act (25 U.S.C. 3621) is amended by*
 10 *striking “2011 through 2015” each place it appears and*
 11 *inserting “2017 through 2021”.*

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

13 (1) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-
 14 *tion 107 of the Indian Tribal Justice Technical and*
 15 *Legal Assistance Act of 2000 (25 U.S.C. 3666) is*
 16 *amended by striking “2011 through 2015” and insert-*
 17 *ing “2017 through 2021”.*

18 (2) *GRANTS.*—Section 201(d) of the Indian Trib-
 19 *al Justice Technical and Legal Assistance Act of 2000*
 20 *(25 U.S.C. 3681(d)) is amended by striking “2011*
 21 *through 2015” and inserting “2017 through 2021”.*

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

23 (a) *CONSTITUTIONAL RIGHTS.*—Section 202(a)(10) of
 24 *Public Law 90–284 (commonly known as the “Indian Civil*
 25 *Rights Act of 1968”) (25 U.S.C. 1302(a)(10)) is amended*

1 by inserting “for 180 days or more” after “punishable by
2 imprisonment”.

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

9 **SEC. 109. PUBLIC DEFENDERS.**

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

12 **“SEC. 13A. TRIBAL LIAISONS.**

13 “(a) *APPOINTMENT.*—

14 “(1) *IN GENERAL.*—The Federal Public Defender
15 for each district that includes Indian country shall
16 appoint not less than 1 assistant Federal Public De-
17 fender to serve as a tribal liaison for the district.

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

23 “(b) *DUTIES.*—

24 “(1) *IN GENERAL.*—The duties of a tribal liaison
25 shall include the following:

1 “(A) *Developing working relationships and*
2 *maintaining communication with tribal leaders*
3 *and tribal community, including the interchange*
4 *and understanding of cultural issues that may*
5 *impact the effective assistance of counsel.*

6 “(B) *Providing technical assistance and*
7 *training regarding criminal defense techniques*
8 *and strategies, forensics, and reentry programs*
9 *and strategies for responding to crimes occurring*
10 *in Indian country.*

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

13 “(A) *in evaluating the performance of tribal*
14 *liaisons, and as part of the staffing formulas for*
15 *Federal Defenders, the Administrative Office of*
16 *the United States Courts should take into consid-*
17 *eration the multiple duties of tribal liaisons de-*
18 *scribed in paragraph (1); and*

19 “(B) *the Director of the Administrative Of-*
20 *fice of the United States Courts and the Attorney*
21 *General should work together to ensure that each*
22 *district that includes Indian country has suffi-*
23 *cient resources to provide adequate representa-*
24 *tion.”.*

1 **SEC. 110. OFFENSES IN INDIAN COUNTRY: TRESPASS ON IN-**
 2 **DIAN LAND.**

3 *Section 1165 of title 18, United States Code, is amend-*
 4 *ed—*

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

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

10 (3) *by striking “Whoever, without lawful author-*
 11 *ity” and inserting the following:*

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

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

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

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

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

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

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

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

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

11 “(A) *for which—*

12 “(i) *the respondent was served with, or*
13 *had actual notice of, the underlying com-*
14 *plaint; and*

15 “(ii) *the underlying complaint in-*
16 *cluded—*

17 “(I) *a plain statement of facts*
18 *that, if true, would provide the basis*
19 *for the issuance of an exclusion order*
20 *against the respondent;*

21 “(II) *the date, time, and place for*
22 *a hearing on the complaint; and*

23 “(III) *a statement informing the*
24 *respondent that if the respondent fails*
25 *to appear at the hearing on the com-*

1 *plaint, an order may issue, the viola-*
2 *tion of which may result in—*

3 *“(aa) criminal prosecution*
4 *under Federal law; and*

5 *“(bb) the imposition of a fine*
6 *or imprisonment, or both;*

7 *“(B) for which a hearing on the underlying*
8 *complaint sufficient to protect the right of the re-*
9 *spondent to due process was held on the record,*
10 *at which the respondent was provided an oppor-*
11 *tunity to be heard and present testimony of wit-*
12 *nesses and other evidence as to why the order*
13 *should not issue;*

14 *“(C) that—*

15 *“(i) temporarily or permanently ex-*
16 *cludes the respondent from tribal land*
17 *under the jurisdiction of the applicable In-*
18 *Indian tribe; and*

19 *“(ii) includes a statement that a viola-*
20 *tion of the order may result in criminal*
21 *prosecution under Federal law and the im-*
22 *position of a fine or imprisonment, or both;*
23 *and*

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

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

3 (a) *SHADOW WOLVES*.—

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

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

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

13 (B) *in carrying out those duties, coordinate*
14 *with the Bureau of Indian Affairs and other ap-*
15 *plicable Federal agencies and State and tribal*
16 *governments..*

17 (b) *REAUTHORIZATION OF FUNDING TO COMBAT ILLE-*
18 *GAL NARCOTICS TRAFFICKING*.—*Section 4216 of the Indian*
19 *Alcohol and Substance Abuse Prevention and Treatment*
20 *Act of 1986 (25 U.S.C. 2442) is amended by striking “2011*
21 *through 2015” each place it appears and inserting “2017*
22 *through 2021”.*

23 (c) *MAINTENANCE OF CERTAIN INDIAN RESERVATION*
24 *ROADS*.—*The Commissioner of U.S. Customs and Border*
25 *Protection may transfer funds to the Director of the Bureau*
26 *of Indian Affairs to maintain or repair roads under the*

1 *jurisdiction of the Director, on the condition that the Com-*
2 *missioner and the Director mutually agree that the primary*
3 *user of the subject road is U.S. Customs and Border Protec-*
4 *tion.*

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

7 (a) *INTER-DEPARTMENTAL MEMORANDUM OF AGREE-*
8 *MENT.—Section 4205(a) of the Indian Alcohol and Sub-*
9 *stance Abuse Prevention and Treatment Act of 1986 (25*
10 *U.S.C. 2411(a)) is amended—*

11 (1) *in the matter preceding paragraph (1), by*
12 *inserting “the Secretary of Agriculture, the Secretary*
13 *of Housing and Urban Development,” after “the At-*
14 *torney General,”;*

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

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

23 (4) *in paragraph (7) by inserting “the Secretary*
24 *of Agriculture, the Secretary of Housing and Urban*
25 *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 (25*
 4 *U.S.C. 2412(d)(2)) is amended by striking “2011 through*
 5 *2015” and inserting “2017 through 2021”.*

6 (c) *GRANTS FOR TRAINING, EDUCATION, AND PREVEN-*
 7 *TION PROGRAMS.*—Section 4206(f)(3) of the Indian Alcohol
 8 *and Substance Abuse Prevention and Treatment Act of*
 9 *1986 (25 U.S.C. 2412(f)(3)) is amended by striking “2011*
 10 *through 2015” and inserting “2017 through 2021”.*

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

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

17 **TITLE II—IMPROVING JUSTICE**
 18 **FOR INDIAN YOUTH**

19 **SEC. 201. FEDERAL JURISDICTION OVER INDIAN JUVE-**
 20 **NILES.**

21 Section 5032 of title 18, United States Code, is amend-
 22 *ed—*

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

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

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

3 (2) in the second undesignated paragraph—

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

6 (B) by adding at the end the following: “In
7 this section, the term ‘Indian tribe’ has the
8 meaning given the term in section 102 of the
9 Federally Recognized Indian Tribe List Act of
10 1994 (25 U.S.C. 479a).”;

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

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

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

18 (B) by inserting “, or of a representative of
19 an Indian tribe of which the juvenile is a mem-
20 ber,” after “counsel”.

21 **SEC. 202. REAUTHORIZATION OF TRIBAL YOUTH PRO-**
22 **GRAMS.**

23 (a) *SUMMER YOUTH PROGRAMS.*—Section 4212(a)(3)
24 of the Indian Alcohol and Substance Abuse Prevention and
25 Treatment Act of 1986 (25 U.S.C. 2432(a)(3)) is amended

1 *by striking “2011 through 2015” and inserting “2017*
 2 *through 2021”.*

3 (b) *EMERGENCY SHELTERS.*—Section 4213(e) of the
 4 *Indian Alcohol and Substance Abuse Prevention and Treat-*
 5 *ment Act of 1986 (25 U.S.C. 2433(e)) is amended, in para-*
 6 *graphs (1) and (2), by striking “2011 through 2015” each*
 7 *place it appears and inserting “2017 through 2021”.*

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

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

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

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

16 (3) *in paragraph (3)—*

17 (A) *by striking “information on effective*
 18 *programs” and inserting “information on effec-*
 19 *tive and evidence-based programs and practices”;*
 20 *and*

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

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

24 “(4) *to support a continuum of evidence-based or*
 25 *promising programs (including delinquency preven-*

1 *tion, intervention, mental health and substance abuse*
2 *treatment, family services, and services for children*
3 *exposed to violence) that are trauma-informed, reflect*
4 *the science of adolescent development, and designed to*
5 *meet the needs of at-risk youth and youth who come*
6 *into contact with the justice system.”.*

7 *(b) CONCENTRATION OF FEDERAL EFFORTS.—Section*
8 *204(b) of the Juvenile Justice and Delinquency Prevention*
9 *Act of 1974 (42 U.S.C. 5614(b)) is amended—*

10 *(1) in paragraph (6), by striking “section*
11 *223(a)(15)” and inserting “section 223(a)(14)”;* and

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

14 *“(7)(A) not less frequently than biannually, con-*
15 *sult with Indian tribes regarding—*

16 *“(i) the implementation of this Act;*

17 *“(ii) strengthening the government-to-gov-*
18 *ernment relationship between the Federal Gov-*
19 *ernment and Indian tribes;*

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

23 *“(iv) improving coordination among Fed-*
24 *eral departments and agencies to reduce juvenile*
25 *offenses, delinquency, and recidivism;*

1 “(v) *the means by which traditional or cul-*
 2 *tural tribal programs may serve or be developed*
 3 *as promising or evidence-based programs; and*

4 “(vi) *any other matters relating to improv-*
 5 *ing juvenile justice for Indian youth; and*

6 “(B) *not later than 1 year after the date of en-*
 7 *actment of this subparagraph, issue a tribal consulta-*
 8 *tion policy for the Office of Juvenile Justice and De-*
 9 *linquency Prevention to govern the consultation to be*
 10 *conducted under subparagraph (A).”.*

11 (c) *COORDINATING COUNCIL ON JUVENILE JUSTICE*
 12 *AND DELINQUENCY PREVENTION.—Section 206 of the Juve-*
 13 *nile Justice and Delinquency Prevention Act of 1974 (42*
 14 *U.S.C. 5616) is amended—*

15 (1) *in subsection (a)—*

16 (A) *in paragraph (1)—*

17 (i) *by inserting “the Director of the In-*
 18 *Indian Health Service,” after “the Secretary*
 19 *of Health and Human Services,”; and*

20 (ii) *by striking “Commissioner of Im-*
 21 *migration and Naturalization” and insert-*
 22 *ing “Assistant Secretary for Immigration*
 23 *and Customs Enforcement, the Secretary of*
 24 *the Interior, the Assistant Secretary for In-*
 25 *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 inserting
9 “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 U.S.C.
16 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 coun-
24 try (as defined in section 1151 of title 18, United
25 States Code)”; and

1 (B) in subparagraph (B), by striking “and
 2 gender of the juveniles” and inserting “, gender,
 3 and ethnicity (as defined by the Bureau of the
 4 Census) of the juveniles, and, for any Indian ju-
 5 venile, the tribal membership or affiliation of the
 6 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 In-
 10 dian tribes under this Act, or for a juvenile de-
 11 linquency or prevention program under the Trib-
 12 al Law and Order Act of 2010 (25 U.S.C. 2801
 13 note; Public Law 111–211) or the amendments
 14 made by that Act, including direct Federal
 15 grants and funding provided to Indian tribes
 16 through a State or unit of local government; and

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

20 (e) *STATE PLANS*.—Section 223(a) of the *Juvenile Jus-*
 21 *tice and Delinquency Prevention Act of 1974* (42 U.S.C.
 22 5633(a)) is amended—

23 (1) in paragraph (3)(A)(i)—

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

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

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

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

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

15 “(4) subject to the condition that nothing in the
16 plan requirements, or any regulations promulgated to
17 carry out those requirements, shall prohibit or impede
18 the State from making grants to, or entering into con-
19 tracts with, local private agencies or the advisory
20 group, provide for—

21 “(A) active consultation with, and partici-
22 pation of, units of local government or combina-
23 tions of those units in the development of a State
24 plan that adequately takes into account the needs
25 and requests of units of local government; and

1 “(B)(i) notice to an Indian tribe in any
2 case in which a juvenile member of that Indian
3 tribe comes in contact with the juvenile justice
4 system of the State or other unit of local govern-
5 ment; and

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

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

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

17 (5) in paragraph (8)—

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

20 (B) by inserting “Indian tribes,” before
21 “public”;

22 (6) in paragraph (9)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(25) tribal cultural or traditional programs de-
8 signed to reduce delinquency among Indian youth;
9 and”.

10 (g) *ELIGIBILITY OF ENTITIES*.—Section 245(a) of the
11 *Juvenile Justice and Delinquency Prevention Act of 1974*
12 (42 U.S.C. 5655(a)) is amended—

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

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

18 (h) *RESEARCH AND EVALUATION; STATISTICAL ANAL-*
19 *YSES; INFORMATION DISSEMINATION*.—Section 251 of the
20 *Juvenile Justice and Delinquency Prevention Act of 1974*
21 (42 U.S.C. 5661) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)(B)—

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

4 (ii) in clause (x)(I), by striking “the
5 States” each place it appears and inserting
6 “States or Indian tribes”; and
7 (B) in paragraph (4)—

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

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

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

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

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

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

1 (j) *GRANTS FOR DELINQUENCY PREVENTION PRO-*
 2 *GRAMS.*—*Section 504 of the Incentive Grants for Local De-*
 3 *linquency 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 and*
 14 *recommendations with respect to—*

15 (1) *the extent of Indian youth involvement in ju-*
 16 *venile justice systems, including—*

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

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

22 (C)(i) *an assessment of the type of offenses*
 23 *with which Indian youth are charged; and*

24 (ii) *the number of those charges that are*
 25 *substance abuse-related;*

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

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

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

8 (A) *the extent of intergovernmental coopera-*
9 *tion; and*

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

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

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

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

21 (6) *improving the effectiveness of prevention and*
22 *treatment services for Indian youth.*

23 (b) *REPORT.—Not later than 18 months after the date*
24 *of enactment of this Act, the Comptroller General shall sub-*

- 1 *mit to Congress a report describing the results of the study,*
- 2 *findings, and recommendations under subsection (a).*

Calendar No. 726

114TH CONGRESS
2^D SESSION

S. 2920

[Report No. 114-404]

A BILL

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

DECEMBER 9, 2016

Reported with an amendment