

**TITLE VIII—SAFETY FOR INDIAN
WOMEN**

**Subtitle A—Tools to Enhance Public Safety
for Indian Tribes**

SEC. 801. FINDINGS AND PURPOSES.

- (a) FINDINGS.—Congress finds that—
 (1) American Indians and Alaska Natives are—

25 USC 1304
note.

- (A) 2.5 times as likely to experience violent crimes; and
- (B) at least 2 times more likely to experience rape or sexual assault crimes;
- (2) more than 4 in 5 American Indian and Alaska Native women have experienced violence in their lifetime;
- (3) the vast majority of American Indian and Alaska Native victims of violence—96 percent of women victims and 89 percent of male victims—have experienced sexual violence by a non-Indian perpetrator at least once in their lifetime;
- (4) Indian Tribes exercising special domestic violence criminal jurisdiction over non-Indians pursuant to section 204 of Public Law 90–284 (25 U.S.C. 1304) (commonly known as the “Indian Civil Rights Act of 1968”), restored by section 904 of the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 120), have reported significant success holding violent offenders accountable for crimes of domestic violence, dating violence, and civil protection order violations;
- (5) Tribal prosecutors for Indian Tribes exercising special domestic violence criminal jurisdiction report that the majority of domestic violence cases involve children either as witnesses or victims, and the Department of Justice reports that American Indian and Alaska Native children suffer exposure to violence at one of the highest rates in the United States;
- (6) childhood exposure to violence can have immediate and long-term effects, including increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system;
- (7) according to the Centers for Disease Control and Prevention, homicide is—
 - (A) the third leading cause of death among American Indian and Alaska Native women between 10 and 24 years of age; and
 - (B) the fifth leading cause of death for American Indian and Alaska Native women between 25 and 34 years of age;
- (8) in some areas of the United States, Native American women are murdered at rates more than 10 times the national average;
- (9) according to a 2017 report by the Department of Justice, 66 percent of criminal prosecutions for crimes in Indian country that United States Attorneys declined to prosecute involved assault, murder, or sexual assault;
- (10) investigation into cases of missing or murdered Indigenous women is made difficult for Tribal law enforcement agencies due to a lack of resources, including a lack of—
 - (A) necessary personnel, training, equipment, or funding;
 - (B) interagency cooperation;
 - (C) appropriate laws in place; and
 - (D) access to Federal law enforcement databases;
- (11) domestic violence calls are among the most dangerous calls that law enforcement receives;
- (12) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant impact on public safety in Indian communities;

(B) according to Tribal justice officials, has been increasingly exploited by criminals; and

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

(13) restoring and enhancing Tribal capacity to address violence against women provides for greater local control, safety, accountability, and transparency;

(14) Indian Tribes with restrictive settlement Acts, such as Indian Tribes in the State of Maine, and Indian Tribes located in States with concurrent authority to prosecute crimes in Indian country under the amendments made by the Act of August 15, 1953 (67 Stat. 590, chapter 506), face unique public safety challenges; and

(15) Native Hawaiians experience a disproportionately high rate of human trafficking, with 64 percent of human trafficking victims in the State of Hawai'i identifying as at least part Native Hawaiian.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to clarify the responsibilities of Federal, State, Tribal, and local law enforcement agencies with respect to responding to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, crimes against children, and assault against Tribal law enforcement officers;

(2) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies; Coordination.

(3) to empower Tribal governments and Native American communities, including urban Indian communities and Native Hawaiian communities, with the resources and information necessary to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing or murdered Native Americans; and

(4) to increase the collection of data related to missing or murdered Native Americans and the sharing of information among Federal, State, Tribal, and local officials responsible for responding to and investigating crimes impacting Indian Tribes and Native American communities, including urban Indian communities and Native Hawaiian communities, especially crimes relating to cases of missing or murdered Native Americans. Data.

SEC. 802. TRIBAL ACCESS PROGRAM.

(a) ACCESS TO NATIONAL CRIME INFORMATION DATABASES BY INDIAN TRIBES.—Section 233(b) of the Tribal Law and Order Act of 2010 (34 U.S.C. 41107) is amended—

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

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

“(A) tribal law enforcement officials that meet applicable Federal or State requirements shall be permitted access to national crime information databases; and

“(B) technical assistance and training is provided to Bureau of Indian Affairs and tribal law enforcement agencies to gain access to, and the ability to use and input information into, the National Crime Information Center

and other national crime information databases pursuant to section 534 of title 28, United States Code.”; and

(2) in paragraph (3), by striking “with criminal jurisdiction over Indian country”.

(b) ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION RECORDS AND INFORMATION.—Section 534(d) of title 28, United States Code, is amended—

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

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

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

(3) by adding at the end the following:

“(2) TRIBAL ACCESS PROGRAM.—

“(A) IN GENERAL.—The Attorney General shall establish a program, to be known as the ‘Tribal Access Program’, to enhance the ability of tribal governments and their authorized agencies to access, enter information into, and obtain information from national criminal information databases under this section.

Time period.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Tribal Access Program under subparagraph (A) \$6,000,000 for each of fiscal years 2023 through 2027, to remain available until expended.

Maine.

“(3) INFORMATION SHARING.—To the extent otherwise permitted by law, any report issued as a result of the analysis of information entered into national criminal information databases or obtained from Federal criminal databases shall be shared with each Indian tribe of jurisdiction, including Indian tribes located in the State of Maine.”.

(c) IDENTIFICATION RECORDS.—The second paragraph of the matter under the heading “SALARIES AND EXPENSES” under the heading “FEDERAL BUREAU OF INVESTIGATION” of the Department of Justice Appropriation Act, 1973 (34 U.S.C. 41101) is amended—

(1) by inserting “or Tribal” after “if authorized by State”;

and

(2) by inserting “, Tribal,” before “and local governments”.

SEC. 803. BUREAU OF PRISONS TRIBAL PRISONER PROGRAM.

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

(1) in the subsection heading, by striking “PILOT”;

(2) by striking “pilot” each place it appears;

(3) in paragraph (1), by striking “Not later than 120 days after the date of enactment of this title” and inserting “Not later than 120 days after the date of enactment of the Violence Against Women Act Reauthorization Act of 2022”;

(4) in paragraph (2)(B), by striking “2 or more years” and inserting “1 or more years”; and

(5) by striking paragraphs (5) and (6).

SEC. 804. TRIBAL JURISDICTION OVER COVERED CRIMES.

Section 204 of Public Law 90–284 (25 U.S.C. 1304) (commonly known as the “Indian Civil Rights Act of 1968”) is amended—

(1) in the section heading, by striking “CRIMES OF DOMESTIC VIOLENCE” and inserting “COVERED CRIMES”;

(2) by striking “special domestic violence criminal jurisdiction” each place it appears and inserting “special Tribal criminal jurisdiction”;

(3) in subsection (a)—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (6), (7), (8), (10), (11), (14), and (15), respectively;

(B) by inserting before paragraph (6) (as so redesignated) the following:

Definitions.

“(1) ASSAULT OF TRIBAL JUSTICE PERSONNEL.—The term ‘assault of Tribal justice personnel’ means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves the use, attempted use, or threatened use of physical force against an individual authorized to act for, or on behalf of, that Indian tribe or serving that Indian tribe during, or because of, the performance or duties of that individual in—

“(A) preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime;

“(B) adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime;

“(C) detaining, providing supervision for, or providing services for persons charged with a covered crime; or

“(D) incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime.

“(2) CHILD.—The term ‘child’ means a person who has not attained the lesser of—

“(A) the age of 18; and

“(B) except in the case of sexual abuse, the age specified by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.

“(3) CHILD VIOLENCE.—The term ‘child violence’ means the use, threatened use, or attempted use of violence against a child proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.

“(4) COERCION; COMMERCIAL SEX ACT.—The terms ‘coercion’ and ‘commercial sex act’ have the meanings given the terms in section 1591(e) of title 18, United States Code.

“(5) COVERED CRIME.—The term ‘covered crime’ means—

“(A) assault of Tribal justice personnel;

“(B) child violence;

“(C) dating violence;

“(D) domestic violence;

“(E) obstruction of justice;

“(F) sexual violence;

“(G) sex trafficking;

“(H) stalking; and

“(I) a violation of a protection order.”;

(C) in paragraph (6) (as so redesignated), by striking “violence committed” and inserting “any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that is committed”;

(D) by striking paragraph (7) (as so redesignated) and inserting the following:

“(7) DOMESTIC VIOLENCE.—The term ‘domestic violence’ means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that is committed by—

“(A) a current or former spouse or intimate partner of the victim;

“(B) a person with whom the victim shares a child in common;

“(C) a person who is cohabitating with or who has cohabitated with the victim as a spouse or intimate partner; or

“(D) a person similarly situated to a spouse of the victim under the domestic- or family-violence laws of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.”;

(E) by inserting after paragraph (8) (as so redesignated) the following:

“(9) OBSTRUCTION OF JUSTICE.—The term ‘obstruction of justice’ means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves interfering with the administration or due process of the laws of the Indian tribe, including any Tribal criminal proceeding or investigation of a crime.”;

(F) by inserting after paragraph (11) (as so redesignated) the following:

“(12) SEX TRAFFICKING.—The term ‘sex trafficking’ means conduct within the meaning of section 1591(a) of title 18, United States Code.

“(13) SEXUAL VIOLENCE.—The term ‘sexual violence’ means any nonconsensual sexual act or contact proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs, including in any case in which the victim lacks the capacity to consent to the act.”;

(G) in paragraph (14) (as so redesignated), in the paragraph heading, by striking “SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION” and inserting “SPECIAL TRIBAL CRIMINAL JURISDICTION”; and

(H) by adding at the end the following:

“(16) STALKING.—The term ‘stalking’ means engaging in a course of conduct directed at a specific person proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that would cause a reasonable person—

“(A) to fear for the person’s safety or the safety of others; or

“(B) to suffer substantial emotional distress.

“(17) VIOLATION OF A PROTECTION ORDER.—The term ‘violation of a protection order’ means an act that—

“(A) occurs in the Indian country of a participating tribe; and

“(B) violates a provision of a protection order that—

“(i) prohibits or provides protection against violent or threatening acts or harassment against, sexual

violence against, contact or communication with, or physical proximity to, another person;

“(ii) was issued against the defendant;

“(iii) is enforceable by the participating tribe; and

“(iv) is consistent with section 2265(b) of title 18, United States Code.”;

(4) in subsection (b)(1), by inserting after “the powers of self-government of a participating tribe” the following: “, including any participating tribes in the State of Maine,”;

(5) in subsection (b)(4)—

(A) in the paragraph heading, by striking “EXCEPTIONS” and inserting “EXCEPTION IF VICTIM AND DEFENDANT ARE BOTH NON-INDIANS”;

(B) in subparagraph (A)(i), by inserting “, other than obstruction of justice or assault of Tribal justice personnel,” after “over an alleged offense”;

(C) by striking subparagraph (B);

(D) in subparagraph (A)—

(i) by striking the subparagraph designation and heading and all that follows through “A participating” in clause (i) and inserting the following:

“(A) IN GENERAL.—A participating”; and

(ii) by redesignating clause (ii) as subparagraph

(B) and indenting appropriately; and

(E) in subparagraph (B) (as so redesignated), by striking “subparagraph” and inserting “paragraph”;

(6) by striking subsection (c) and inserting the following:

“(c) CRIMINAL CONDUCT.—A participating tribe may exercise special Tribal criminal jurisdiction over a defendant for a covered crime that occurs in the Indian country of the participating tribe.”;

(7) in subsection (e), by striking paragraph (3); and

(8) by striking subsections (f), (g), and (h) and inserting the following:

“(f) PETITIONS FOR WRITS OF HABEAS CORPUS.—

“(1) IN GENERAL.—After a defendant has been sentenced by a participating tribe, the defendant may file a petition for a writ of habeas corpus in a court of the United States under section 203.

“(2) REQUIREMENT.—An application for a writ of habeas corpus on behalf of a person in custody pursuant to an order of a Tribal court shall not be granted unless —

“(A) the applicant has exhausted the remedies available in the Tribal court system;

“(B) there is an absence of an available Tribal corrective process; or

“(C) circumstances exist that render the Tribal corrective process ineffective to protect the rights of the applicant.

“(g) NOTICE; HABEAS CORPUS PETITIONS.—A participating tribe that has ordered the detention of any person has a duty to timely notify in writing such person of their rights and privileges under this section and under section 203.

“(h) REIMBURSEMENT AND GRANTS TO TRIBAL GOVERNMENTS.—

“(1) REIMBURSEMENT.—

“(A) IN GENERAL.—The Attorney General may reimburse Tribal government authorities (or an authorized designee of a Tribal government) for expenses incurred in exercising special Tribal criminal jurisdiction.

“(B) ELIGIBLE EXPENSES.—Eligible expenses for reimbursement under subparagraph (A) shall include expenses and costs incurred in, relating to, or associated with—

“(i) investigating, making arrests relating to, making apprehensions for, or prosecuting covered crimes (including costs involving the purchasing, collecting, and processing of sexual assault forensic materials);

“(ii) detaining, providing supervision of, or providing services for persons charged with covered crimes (including costs associated with providing health care);

“(iii) providing indigent defense services for 1 or more persons charged with 1 or more covered crimes; and

“(iv) incarcerating, supervising, or providing treatment, rehabilitation, or reentry services for 1 or more persons charged with 1 or more covered crimes.

“(C) PROCEDURE.—

“(i) IN GENERAL.—Reimbursements authorized under subparagraph (A) shall be in accordance with rules promulgated by the Attorney General, after consultation with Indian tribes, and within 1 year after the date of enactment of the Violence Against Women Act Reauthorization Act of 2022.

“(ii) MAXIMUM REIMBURSEMENT.—The rules promulgated by the Attorney General under clause (i)—

“(I) shall set a maximum allowable reimbursement to any Tribal government (or an authorized designee of any Tribal government) in a 1-year period; and

“(II) may allow the Attorney General—

“(aa) to establish conditions under which a Tribal government (or an authorized designee of a Tribal government) may seek a waiver to the maximum allowable reimbursement requirement established under subclause (I); and

“(bb) to waive the maximum allowable reimbursement requirements established under subclause (I) for a Tribal government (or an authorized designee of a Tribal government) if the conditions established by the Attorney General under item (aa) are met by that Tribal government (or authorized designee).

“(iii) TIMELINESS OF REIMBURSEMENTS.—To the maximum extent practicable, the Attorney General shall—

“(I) not later than 90 days after the date on which the Attorney General receives a qualifying reimbursement request from a Tribal government (or an authorized designee of a Tribal government)—

“(aa) reimburse the Tribal government (or authorized designee); or

Time period.

Waiver authority.

Deadlines.
Notification.

“(bb) notify the Tribal government (or authorized designee) of the reason by which the Attorney General was unable to issue the reimbursement; and

“(II) not later than 30 days after the date on which a Tribal government (or an authorized designee of a Tribal government) reaches the annual maximum allowable reimbursement for the Tribal government (or an authorized designee) established by the Attorney General under clause (ii)(I), notify the Tribal government (or authorized designee) that the Tribal government has reached its annual maximum allowable reimbursement.

“(D) ELIGIBILITY FOR PARTICIPATING TRIBES IN ALASKA.—A Tribal government (or an authorized designee of a Tribal Government) of an Indian tribe designated as a participating Tribe under subtitle B of title VIII of the Violence Against Women Act Reauthorization Act of 2022 shall be eligible for reimbursement, in accordance with this paragraph, of expenses incurred in exercising special Tribal criminal jurisdiction under that subtitle.

“(2) GRANTS.—The Attorney General may award grants to Tribal governments (or authorized designees of Tribal governments), including a Tribal government (or an authorized designee of a Tribal government) of an Indian tribe designated as a participating Tribe under subtitle B of title VIII of the Violence Against Women Act Reauthorization Act of 2022—

“(A) to strengthen Tribal criminal justice systems to assist Indian tribes in exercising special Tribal criminal jurisdiction, including for—

“(i) law enforcement (including the capacity of law enforcement, court personnel, or other non-law enforcement entities that have no Federal or State arrest authority agencies but have been designated by an Indian tribe as responsible for maintaining public safety within the territorial jurisdiction of the Indian tribe, to enter information into and obtain information from national crime information databases);

“(ii) prosecution;

“(iii) trial and appellate courts (including facilities maintenance, renovation, and rehabilitation);

“(iv) supervision systems;

“(v) detention and corrections (including facilities maintenance, renovation, and rehabilitation);

“(vi) treatment, rehabilitation, and reentry programs and services;

“(vii) culturally appropriate services and assistance for victims and their families; and

“(viii) criminal codes and rules of criminal procedure, appellate procedure, and evidence;

“(B) to provide indigent criminal defendants with licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes covered crimes;

“(C) to ensure that, in criminal proceedings in which a participating tribe exercises special Tribal criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements; and

“(D) to accord victims of covered crimes rights that are similar to the rights of a crime victim described in section 3771(a) of title 18, United States Code, consistent with Tribal law and custom.

“(i) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not supplant any other Federal, State, or local government amounts made available to carry out activities described in this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—

Time period.

“(1) IN GENERAL.—There is authorized to be appropriated \$25,000,000 for each of fiscal years 2023 through 2027—

“(A) to carry out subsection (h); and

“(B) to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes.

“(2) LIMITATIONS.—Of the total amount made available under paragraph (1) for each fiscal year, not more than 40 percent shall be used for reimbursements under subsection (h)(1).”.

Subtitle B—Alaska Tribal Public Safety Empowerment

25 USC 1305
note.

SEC. 811. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) according to the report of the Indian Law and Order Commission established by section 15 of the Indian Law Enforcement Reform Act (25 U.S.C. 2812), Alaska Native women—

(A) are overrepresented in the domestic violence victim population by 250 percent;

(B) in the State of Alaska, comprise—

(i) 19 percent of the population of the State; but

(ii) 47 percent of reported rape victims in the State;

and

(C) as compared to the populations of other Indian Tribes, suffer the highest rates of domestic and sexual violence;

(2) most Alaska Native villages are located in remote areas that—

(A) are often inaccessible by road; and

(B) have no local law enforcement presence;

(3) the Commission referred to in paragraph (1)—

(A) determined that the Alaska Department of Public Safety—

(i) has primary responsibility for law enforcement in rural Alaska; but

(ii) provides only 1 to 1.4 field officers per 1,000,000 acres; and

(B) recommended that “devolving authority to Alaska Native communities is essential for addressing local crime. Their governments are best positioned to effectively arrest,

prosecute, and punish, and they should have the authority to do so—or to work out voluntary agreements with each other, and with local governments and the State on mutually beneficial terms”; and

(4) the unique legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist Tribal governments in safeguarding the lives of Indian women.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to increase coordination and communication among Federal, State, Tribal, and local law enforcement agencies; and

Coordination.

(2) to empower Indian Tribes to effectively respond to cases of domestic violence, dating violence, stalking, sex trafficking, sexual violence, and missing or murdered Alaska Natives through the exercise of special Tribal criminal jurisdiction.

SEC. 812. DEFINITIONS.

25 USC 1305
note.

In this subtitle:

(1) ASSAULT OF TRIBAL JUSTICE PERSONNEL; COVERED CRIME; OBSTRUCTION OF JUSTICE; PROTECTION ORDER; VIOLATION OF A PROTECTION ORDER.—

(A) IN GENERAL.—The terms “assault of Tribal justice personnel”, “covered crime”, “obstruction of justice”, “protection order”, and “violation of a protection order” have the meanings given the terms in section 204(a) of Public Law 90-284 (25 U.S.C. 1304(a)) (commonly known as the “Indian Civil Rights Act of 1968”).

(B) APPLICATION.—For purposes of the application of the definitions of “assault of Tribal justice personnel”, “obstruction of justice”, and “violation of a protection order”, and for purposes of the application of the defined terms contained in the definition of “covered crime”, under section 204(a) of Public Law 90-284 (25 U.S.C. 1304(a)) (commonly known as the “Indian Civil Rights Act of 1968”) to the pilot program, the Attorney General shall modify any reference to “Indian country” to mean the Village of a participating Tribe.

(2) INDIAN; INDIAN COURT; INDIAN TRIBE; POWERS OF SELF-GOVERNMENT.—The terms “Indian”, “Indian court”, “Indian tribe”, and “powers of self-government” have the meanings given the terms in section 201 of Public Law 90-284 (25 U.S.C. 1301) (commonly known as the “Indian Civil Rights Act of 1968”).

(3) PARTICIPATING TRIBE.—The term “participating Tribe” means an Indian tribe that is designated under section 813(d)(1) as a participating Tribe to exercise special Tribal criminal jurisdiction.

(4) PILOT PROGRAM.—The term “pilot program” means the pilot program established by section 813(d)(1).

(5) SPECIAL TRIBAL CRIMINAL JURISDICTION.—The term “special Tribal criminal jurisdiction” means the criminal jurisdiction that a participating Tribe may exercise under this subtitle but could not otherwise exercise.

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

(7) VILLAGE.—The term “Village” means the Alaska Native Village Statistical Area covering all or any portion of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), as depicted on the applicable

Tribal Statistical Area Program Verification map of the Bureau of the Census.

25 USC 1305.

SEC. 813. TRIBAL JURISDICTION IN ALASKA.

(a) IN GENERAL.—Subject to title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”), Congress recognizes and affirms the inherent authority of any Indian tribe occupying a Village in the State to exercise criminal and civil jurisdiction over all Indians present in the Village.

(b) TRIBAL CIVIL JURISDICTION TO ENFORCE PROTECTION ORDERS.—

(1) IN GENERAL.—A court of any Indian tribe in the State shall have full civil jurisdiction to issue and enforce protection orders involving any person in matters—

(A) arising within the Village of the Indian tribe; or

(B) otherwise within the authority of the Indian tribe.

(2) INCLUSIONS.—The full civil jurisdiction to issue and enforce protection orders under paragraph (1) includes the authority to enforce protection orders through—

(A) civil contempt proceedings;

(B) exclusion of violators from the Village of the Indian tribe; and

(C) other appropriate mechanisms.

(c) SPECIAL TRIBAL CRIMINAL JURISDICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed under subsection (a), the powers of self-government of a participating Tribe include the inherent power of the participating Tribe, which is hereby recognized and affirmed, to exercise special Tribal criminal jurisdiction over a defendant for a covered crime that occurs in the Village of the participating Tribe.

(2) CONCURRENT JURISDICTION.—The exercise of special Tribal criminal jurisdiction by a participating Tribe shall be concurrent with the jurisdiction of the United States, the State, or both.

(3) EXCEPTION IF VICTIM AND DEFENDANT ARE BOTH NON-INDIANS.—

(A) IN GENERAL.—A participating Tribe may not exercise special Tribal criminal jurisdiction over an alleged offense of a covered crime, other than obstruction of justice or assault of Tribal justice personnel, if neither the defendant nor the alleged victim is an Indian.

(B) DEFINITION OF VICTIM.—In this paragraph and with respect to a criminal proceeding in which a participating Tribe exercises special Tribal criminal jurisdiction based on a violation of a protection order, the term “victim” means a person specifically protected by the protection order that the defendant allegedly violated.

(d) PILOT PROGRAM FOR SPECIAL TRIBAL CRIMINAL JURISDICTION OVER PERSONS WHO ARE NOT INDIANS.—

(1) ESTABLISHMENT.—Subject to title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”), there is established a pilot program under which the Attorney General, subject to paragraph (5), shall designate not more than 5 Indian tribes per calendar

year as participating Tribes to exercise the special Tribal criminal jurisdiction described in paragraph (6) over all persons present in the Village of the Indian tribe.

(2) PROCEDURE.—At any time during the 1-year period beginning on the date of enactment of this Act, and annually thereafter, an Indian tribe may request the Attorney General to designate the Indian tribe as a participating Tribe under paragraph (1).

Time period.
Effective date.

(3) DESIGNATION OF PARTICIPATING TRIBES.—

(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of the Interior and affected Indian tribes, shall establish a process to designate Indian tribes to participate in the pilot program, which process shall—

Consultation.
Requirements.

(i) require that preference shall be given to Indian tribes occupying Villages—

(I) the populations of which are predominantly Indian; and

(II) that lack a permanent State law enforcement physical presence;

(ii) require that for each Indian tribe requesting to be designated as a participating Tribe, the Attorney General makes a determination that the criminal justice system of the Indian tribe has adequate safeguards in place to protect defendants' rights, consistent with section 204(d) of Public Law 90–284 (25 U.S.C. 1304(d)) (commonly known as the “Indian Civil Rights Act of 1968”); and

Determination.

(iii) be subject to such other criteria as the Attorney General considers to be appropriate to achieve the purposes of this subtitle.

(B) DESIGNATION.—The Attorney General shall designate Indian tribes to participate in the pilot program under paragraph (1) using the process established under subparagraph (A).

(4) INTERTRIBAL PARTICIPATION.—

(A) IN GENERAL.—2 or more participating Tribes (or the Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) of the participating Tribe, if the Tribal organization is exercising delegated authority from the participating Tribe)—

(i) may elect to participate jointly in the pilot program by providing shared resources to carry out the purposes of the pilot program; and

(ii) on making an election pursuant to clause (i), shall be considered to be a single participating Tribe for purposes of the maximum number of participating Tribes under paragraphs (1) and (5).

(B) ADDITIONAL PARTICIPATING TRIBES.—

(i) IN GENERAL.—Additional participating Tribes may elect to join an established intertribal partnership under subparagraph (A) at any time after the intertribal partnership is established.

(ii) APPLICATION.—An intertribal partnership that additional participating Tribes elect to join pursuant

Federal Register,
publication.
Notice.
Deadline.

to clause (i) shall be considered to be a single participating Tribe for purposes of the maximum number of participating Tribes under paragraphs (1) and (5).

(5) MAXIMUM NUMBER OF PARTICIPATING TRIBES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General may designate not more than 30 Indian tribes to participate in the pilot program.

(B) EXCEPTION.—The limitation under subparagraph (A) shall not apply if the Attorney General submits to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives, and publishes in the Federal Register, a written notice of the intention to designate additional Indian tribes as participating Tribes, including the rationale for the designation, by not later than the date that is 180 days before the date of designation.

(6) DESCRIPTION OF JURISDICTION.—Congress recognizes and affirms that an Indian tribe selected to participate in the pilot program as a participating Tribe may exercise, subject to paragraph (7), special Tribal criminal jurisdiction with respect to covered crimes.

(7) RIGHTS OF DEFENDANTS.—In exercising special Tribal criminal jurisdiction under the pilot program, a participating Tribe shall provide to each defendant all rights described in section 204(d) of Public Law 90-284 (25 U.S.C. 1304(d)) (commonly known as the “Indian Civil Rights Act of 1968”).

(e) SENTENCES.—In a criminal proceeding in which an Indian court of a participating Tribe, in exercising special Tribal criminal jurisdiction with respect to a covered crime, imposes a sentence of imprisonment of more than 1 year on a defendant pursuant to section 202(b) of Public Law 90-284 (25 U.S.C. 1302(b)) (commonly known as the “Indian Civil Rights Act of 1968”), the Indian court may require the defendant—

(1) to serve a sentence—

(A) in a Tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines set by the Bureau of Indian Affairs;

(B) at the expense of the United States, in the nearest appropriate Federal facility pursuant to the Bureau of Prisons Tribal Prisoner Program established under section 234(c)(1) of the Tribal Law and Order Act of 2010 (25 U.S.C. 1302 note; Public Law 111-211); or

(C) at the expense of the participating Tribe and, subject to section 204(f)(1) of Public Law 90-284 (25 U.S.C. 1304(f)(1)) (commonly known as the “Indian Civil Rights Act of 1968”), reimbursable by the Attorney General, in a detention or correctional center approved by the State or a local government of the State pursuant to a memorandum of agreement between the participating Tribe and the State or local government of the State; or

(2) to serve another alternative form of punishment, as determined by the Indian court pursuant to Tribal law.

(f) MEMORANDA OF AGREEMENT.—The Attorney General and the Secretary of the Interior may enter into such memoranda of agreement with participating Tribes and the State as are necessary and appropriate—

- (1) to coordinate respective law enforcement activities;
- (2) to share equipment and other resources;
- (3) to establish cross-deputization arrangements;
- (4) to coordinate appropriate training activities; and
- (5) to address any other matters that will facilitate the successful implementation of the pilot program, including inter-governmental agreements regarding—

- (A) the incarceration of convicted persons; and

- (B) cooperation in the investigation and prosecution of crimes.

(g) ALASKA TRIBAL PUBLIC SAFETY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Interior, affected Indian tribes, and the State, shall establish a committee, to be known as the “Alaska Tribal Public Safety Advisory Committee” (referred to in this subsection as the “Committee”).

Deadline.
Consultation.

(2) MEMBERSHIP.—The Committee shall consist of 1 or more representatives from—

- (A) participating Tribes and Indian tribes aspiring to participate in the pilot program;

- (B) Federal, Tribal, State, and local law enforcement; and

- (C) Tribal nonprofit organizations providing victim services.

(3) DUTIES.—The Committee shall focus on—

- (A) improving the justice systems, crime prevention, and victim services of Indian tribes and the State; and

- (B) increasing coordination and communication among Federal, Tribal, State, and local law enforcement agencies.

(4) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for the period of fiscal years 2023 through 2027, to remain available until expended.

Time period.

(h) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of the Interior and affected Indian tribes, shall submit to Congress a report describing the results of the pilot program, including an explanation of any modifications to law necessary to facilitate improved law enforcement in Villages.

Consultation.

(i) APPLICABILITY.—Nothing in this subtitle—

- (1) limits, alters, expands, or diminishes the civil or criminal jurisdiction of the United States, the State, any subdivision of the State, or any Indian tribe in the State;

- (2) creates or eliminates any Federal or State criminal jurisdiction over a Village; or

(3) affects the authority of the United States or any authority delegated by the United States to the State to investigate and prosecute a criminal violation in a Village.