



STANDARD ASSURANCES

By submission of these assurances by an authorized representative, the Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including 2 C.F.R. Part 220 [OMB Circular A-21], 2 C.F.R. Part 225 [OMB Circular A-87], 2 C.F.R. Part 230 [OMB Circular A-122], OMB Circular A-133; Ex. Order 13043 (seat belt policies); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements).

The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance, the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application and that the persons signing the application and these assurances are authorized to do so and to act on its behalf with respect to any issues that may arise during the processing of this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain particularly related to those with whom they have family, business or other ties.
3. It will give the Department of Justice or the Comptroller General, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 46, 61, 63, and 66 or 70 (whichever is applicable); the award term in 2 C.F.R. § 175.15(b); 48 CFR Part 31.000, et seq. (FAR 31) (governing cost principles), the current edition of the OJP Financial Guide, the current edition of the COPS Grant Monitoring Standards and Guidelines; and the COPS Grant Owner's Manual as applicable.
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims

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of Crime Act (42 U.S.C. §10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. §794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); *see* Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

7. For applicants for COPS funding, it will, to the extent practicable and consistent with applicable law, including but not limited to the Indian Self-Determination Act, seek, recruit and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions in the agency.

8. In the event that a portion of grant reimbursements are seized to pay off delinquent federal debts through the Treasury Offset Program or other debt collection process, it agrees to increase the non-federal share (or, if the awarded grant does not contain a cost sharing requirement, contribute a non-federal share) equal to the amount seized in order to fully implement the grant project.

9. If a governmental entity—

a) it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and

b) it will comply with the requirements of 5 U.S.C. §§ 1501-08 and §§7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

False statements or claims made in connection with these grants (including cooperative agreements) may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any other remedy available by law.

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Coordination with Affected Agencies.

Although the Department of Justice has made every effort to simplify the application process, other provisions of federal law require us to seek the applicant's certification regarding certain matters. Applicants should read the regulations cited below and the instructions for certification included in the regulations to understand the requirements and whether they apply to a particular applicant. Signing this form complies with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2

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CFR Part 2867, “Nonprocurement Debarment and Suspension” 28 CFR Part 83 Government-Wide Requirements for Drug-Free Workplace (Grants),” and the coordination requirements of the Public Safety Partnership and Community Policing Act of 1994. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered grant.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment or modification of any federal grant or cooperative agreement;
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions; and
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a)-

A. The applicant certifies that it and its principals:

- (i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
- (ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining,

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attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (A)(ii) of this certification; and

(iv) Have not within a three-year period preceding this application had one or more public transactions (federal, state or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

4. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, for grantees/recipients, as defined at 28 CFR Section 83.660 -

A. The applicant certifies that it will, or will continue to, provide a drug-free workplace by:

(i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(ii) Establishing an on-going drug-free awareness program to inform employees about -

- (a) The dangers of drug abuse in the workplace;
- (b) The grantee's policy of maintaining a drug-free workplace;
- (c) Any available drug counseling, rehabilitation and employee assistance programs; and
- (d) The penalties that may be imposed upon employees for drug-abuse violations occurring in the workplace;

(iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);

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(iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will -

- (a) Abide by the terms of the statement; and
- (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(v) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (iv)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the following:

- For COPS awards: USDOJ, COPS Office, 145 N Street NE, Washington, D.C., 20530.
- For OJP and OVW awards: USDOJ, Office of Justice Programs, ATTN: Control Desk, 810 7th St. NW, Washington, D.C., 20531

Notice shall include the identification number(s) of each affected grant;

(vi) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (iv)(b), with respect to any employee who is so convicted -

- (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency;

(vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i), (ii), (iii), (iv), (v), and (vi).

B. The applicant further certifies that it will identify all known workplaces under each Department of Justice award, in accordance with the provisions at 28 CFR Section 83.230.

5. Coordination

The Public Safety Partnership and Community Policing Act of 1994 requires applicants to certify that there has been appropriate coordination with all agencies that may be affected by the applicant's grant proposal if approved. Affected agencies may include, among others, the Office of the United States Attorney, state or local prosecutors, or correctional agencies. The applicant certifies that there has been appropriate coordination with all affected agencies.

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False statements or claims made in connection with DOJ grants (including cooperative agreements) may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any other remedy available by law.

I certify that the assurances and certifications provided are true and accurate to the best of my knowledge. Elections or other selections of new officials will not relieve the grantee entity of its obligations under this grant.

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About the U.S. Department of Justice

The Coordinated Tribal Assistance Solicitation includes multiple funding opportunities from the below listed components of the U.S. Department of Justice listed components of the U.S. Department of Justice.

Bureau of Justice Assistance (BJA)

BJA supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA provides leadership, services, and funding to America's communities by:

- Emphasizing local control.
- Building relationships in the field.
- Provide training and technical assistance in support of efforts to prevent crime, drug abuse, and violence at the national, state, local, and Tribal levels.
- Developing collaborations and partnerships.
- Promoting capacity building through planning.
- Streamlining the administration of grants.
- Increasing training and technical assistance.
- Creating accountability of projects.
- Encouraging innovation.
- Communicating the value of justice efforts to decision makers at every level.

Additional information regarding BJA can be found at www.ojp.usdoj.gov/BJA.

Community Oriented Policing Services (COPS)

The COPS Office assists law enforcement agencies in enhancing public safety through the implementation of community policing strategies in jurisdictions of all sizes across the country. Community policing represents a shift from more traditional law enforcement in that it focuses on prevention of crime and the fear of crime on a local basis. COPS provides funding to state, local, and Tribal law enforcement agencies and other public and private entities to hire and train community policing professionals, acquire and deploy cutting-edge crime-fighting technologies, and develop and test innovative policing strategies.

The COPS Office accomplishes its mission by:

- Creating innovative programs that respond directly to the emerging needs of state, local, and Tribal law enforcement to shift law enforcement's focus to preventing, rather than reacting to, crime and disorder within their communities.
- Developing state-of-the-art training and technical assistance to enhance law enforcement officers' problem-solving and community interaction skills.
- Promoting collaboration between law enforcement and community members to develop innovative initiatives to prevent crime.
- Providing responsive, cost-effective service delivery to our grantees to ensure success in advancing community policing strategies within their communities.

Additional information regarding the COPS Office can be found at www.cops.usdoj.gov.

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Office of Juvenile Justice and Delinquency Prevention (OJJDP)

OJJDP provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families.

OJJDP accomplishes its mission by supporting states, local communities, and Tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The Office strives to strengthen the juvenile justice system's efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families. Under the leadership of its Administrator and through its components, OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.

Additional information regarding OJJDP can be found at www.ojjdp.ncjrs.gov.

Office on Violence Against Women (OVW)

OVW provides national leadership in developing the nation's capacity to reduce violence against women through the implementation of the Violence Against Women Act (VAWA). OVW administers financial and technical assistance to communities across the country that are developing programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking. By forging state, local, and Tribal partnerships among police, prosecutors, victim advocates, health care providers, faith leaders, and others, OVW grant programs help provide victims with the protection and services they need to pursue safe and healthy lives, while simultaneously enabling communities to hold offenders accountable for their violence.

Additional information regarding OVW can be found at www.ovw.usdoj.gov.

Office for Victims of Crime (OVC)

OVC oversees diverse programs that benefit victims of crime. OVC provides substantial funding to state victim assistance and compensation programs—the lifeline services that help victims to heal. The agency supports trainings designed to educate criminal justice and allied professionals regarding the rights and needs of crime victims. OVC also sponsors an annual event in April to commemorate National Crime Victims Rights Week (NCVWRW). The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. OVC's Five Global Challenges from the Field include:

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- To enact and enforce consistent, fundamental rights for crime victims.
- To provide crime victims with access to comprehensive, quality services.
- To integrate crime victims' issues into all levels of the nation's educational system.
- To support, improve, and replicate promising practices in victims' rights and services.
- To ensure that the voices of crime victims play a central role in the nation's response to violence.

Additional information regarding OVC can found at www.ojp.usdoj.gov/ovc.

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Acronyms and Abbreviations

BJA: Bureau of Justice Assistance

COPS: Office of Community Oriented Policing Services

CTAS: Coordinated Tribal Assistance Solicitation

DOJ: Department of Justice

DV/SA: Domestic Violence/Sexual Assault

FAQ: Frequently Asked Questions

IASAP: Indian Alcohol and Substance Abuse Program

N/A: Not Applicable

OJJDP: Office of Juvenile Justice and Delinquency Prevention

OJP: Office of Justice Programs

OVC: Office for Victims of Crime

OVW: Office on Violence Against Women

TA: Technical Assistance

TLOA: Tribal Law and Order Act

T &TA: Training and Technical Assistance

TYP: Tribal Youth Program

**U.S. DEPARTMENT OF JUSTICE
FISCAL YEAR 2011
COORDINATED TRIBAL ASSISTANCE SOLICITATION (CTAS)**

Frequently Asked Questions

PLEASE NOTE

The following FAQ was added on April 12, 2011:

General: #32

The following FAQs were amended on April 12, 2011:

General: #6

General: #7

The following FAQs were added on April 1, 2010:

How to Apply: #8

Purpose Area 3: #11-12

Purpose Area 4: #14-16

The following FAQ was added on January 28, 2010:

General: #31

GENERAL

1. What is the Coordinated Tribal Assistance Solicitation?

The Coordinated Tribal Assistance Solicitation (CTAS) responds to Tribal leaders' request to improve and simplify the Department of Justice (DOJ) grant-making process. CTAS is the first phase of this approach, whereby DOJ is combining existing Tribal government-specific competitive solicitations into one solicitation, and thus requiring only one application from each Tribe or Tribal Consortium.

2. How is this process different from Fiscal Year (FY) 2010?

As with FY 2010, only one application will be required to submit a request for funding under eight different programs, referred to as "Purpose Areas" in CTAS. This coordinated approach provides federally-recognized Tribes and Tribal consortia the opportunity to develop a comprehensive approach to public safety and victimization issues. However, DOJ has made the following improvements to the FY 2011 CTAS:

- The solicitation will remain open for 90 days.
- Multiple Purpose Areas were merged to allow for more flexibility in funding requests.
- Matching funds were eliminated for all Purpose Areas except one where it is required by statute.
- The Tribal authorizing resolution is no longer required at the time of application in order to allow Tribal governing bodies additional time to meet, review and submit the authorizing resolution. The resolution will, however, be required before a grantee can draw down funds. (See eligibility exception on page 4 of the solicitation for one exception to this change.)

- A new user-friendly budget worksheet and narrative form which automatically calculates budget totals has been incorporated into the solicitation.
- The application page length for specified narrative sections has increased.
- The award period has been standardized to 3 years across all Purpose Areas to allow for comprehensive program implementation.
- The project timeline is no longer a part of the Purpose Area narrative, and is now a separate document.
- Strategic planning opportunities are available under individual Purpose Areas.
- In reviewing and scoring applications, more weight has been assigned to “need.”
- A list of key acronyms has been added to www.tribaljusticeandsafety.gov.

3. How is this process the same as FY 2010?

As with 2010, the federal resources appropriated in FY 2011 will remain with the DOJ components to which they were originally appropriated. In response to a single Tribal or Tribal consortium application requesting funds from multiple Purpose Areas, multiple awards may be made. Grant awards may be funded and administered by different DOJ components. The grants will be managed by the awarding DOJ component in the same manner grants are currently managed.

4. What are the advantages for submitting the application in this manner?

- Tribal government-specific funding across many DOJ components is available and described at one time, so that Tribes can see many funding opportunities, and based on their specific needs, request funding that is best aligned with such needs.
- CTAS provides the opportunity for Tribes and Tribal consortia to engage in comprehensive planning, and to be strategic in their request for funding. The application process provides the opportunity for Tribes to identify their needs and gaps in services that CTAS can address. In reviewing the application, DOJ will have a better understanding of the Tribal government’s overall public safety needs.
- Only one budget worksheet and narrative form is required.
- One system for submitting grants electronically.
- One Response Center to call or e-mail for programmatic questions.
- Only one complete and comprehensive application needs to be submitted.
- Consistency in the DOJ application peer review system across all DOJ components.
- The DOJ will coordinate in making award decisions to address these needs on a more comprehensive basis.

5. What are the “Purpose Areas”?

There are eight Purpose Areas. Tribes and Tribal consortia may apply for one or up to all eight Purpose Areas through one application:

1. Public safety and community policing.
2. Methamphetamine enforcement.
3. Justice systems and alcohol and substance abuse.
4. Corrections and correctional alternatives.
5. Violence against women.
6. Elder abuse.
7. Juvenile justice.
8. Tribal youth program.

NOTE: FAQs for each Purpose Area are provided later in this document. Also note that some Purpose Areas have specific eligibility criteria.

6. Does this single application process apply only to federally-recognized Tribal governments?

Yes, but see the general eligibility exception relating to political sub-units at General question #32, as well as the specific eligibility exception for purpose area #5. In general, only federally-recognized Indian Tribes are eligible to apply. Applicants are limited to federally-recognized Indian tribal governments as determined by the Secretary of the Interior, and Tribal consortia consisting of two or more federally-recognized Indian Tribes. Under the eligibility exception for Purpose Area #5, an organization may apply that is acting as the *authorized designee* of a federally-recognized Indian Tribe.

7. Does my Tribe have to submit an authorizing resolution?

Yes. If selected for funding, an award recipient must submit a current authorizing resolution of the governing body of the Tribal entity, or other equivalent legal enactment of the Tribal council or comparable governing body authorizing the application on behalf of the Tribe or Tribal organization and its residents. This is no longer required at the time of application, but now must be received before a recipient can draw down funds. (But see General question #32 for Tribal resolution requirements relating to political sub-units making requests to submit applications separately from federally-recognized Indian tribal governments.) In the case of an application from a Tribal consortium, current authorizing resolutions must be submitted from each Tribe in the consortium, unless existing consortium bylaws allow action without support from all Tribes in the consortium. In that case, a copy of the bylaws should be submitted.

In addition, if the applicant is a tribal designee under Purpose Area #5, Violence against women, the applicant will need a resolution as part of the application which should 1) authorize the applicant to submit an application on behalf of the federally-recognized Indian Tribe; and 2) state the Tribe's support for the project and its commitment to participate in the project if it is selected for funding.

8. How does my Tribe begin developing its strategic community justice plan?

CTAS requires that applicants address a series of items outlined in the "Tribal Community & Justice Profile" section of the Solicitation. This "Profile" consists of three parts: a) Executive Summary; b) Demographic Narrative; and c) Problem Statement and Needs Assessment. Applicants should address each of the items listed in the three parts of the Profile. Once completed, this Profile will help the Tribal government determine what areas of funding would address gaps in services and meet their most pressing needs.

9. What am I required to submit in the application?

It is the responsibility of the applicant to ensure that its application is complete and submitted by the deadline. Applications will be removed from consideration prior to peer review if the application:

1. Is submitted after the deadline
2. Does not meet the eligibility criteria
3. Does not include the following:
 - Tribal Community & Justice Profile
 - Purpose Area Narrative for each Purpose Area under which the applicant is applying
 - Budget Detail Worksheet and Narrative

If an application fails to comply with the length-related guidance stated in the solicitation, noncompliance may be considered in peer review and in final award decisions.

Please also see Section K, Application Checklist, located in the Solicitation.

10. What other attachments should I include as part of my application?

Other attachments, as necessary, and noted in the Solicitation are:

- Demographic form
- Project/program timeline
- Indirect cost rate agreement (if applicable)
- Letters of support
- Resumes of key personnel
- Job descriptions for unfilled positions
- Memorandum of Understanding
- Tribal Authorizing Resolution

11. May I apply for more than one Purpose Area?

Yes. You may apply for as many Purpose Areas as needed. As noted above, a Purpose Area narrative is required for each Purpose Area under which you are applying.

12. Are there specific requirements with each Purpose Area?

Yes. Please see Section G of the Solicitation on Purpose Areas-Specific Information.

13. What programs are not included in the Coordinated Tribal Assistance Solicitation?

- Office on Violence Against Women Tribal Coalitions Program
- Training & Technical Assistance Programs
- New BJA Tribal Civil and Criminal Legal Assistance Grants, Training and Technical Assistance
- Non-Tribal Government-Specific Competitive Grants (Tribes may compete for non-Tribal government-specific grants separately).

14. For how long will the solicitation be open?

The solicitation will be open from January 20, 2011 until April 21, 2011. All applications are due by 9:00 p.m. Eastern Time on April 21, 2011. Applications submitted after this deadline date and time will not be considered for funding.

15. What are the amount and length of the awards for each Purpose Area?

All awards will be for three years. See Part G, in the Solicitation for a complete list of Purpose Areas and their estimated amount of funding and award amounts.

16. When will my Tribe know if the application is selected for funding?

You will be notified by September 30, 2011 whether or not your application was selected for funding.

17. How do I determine who is the authorized official for the application?

The authorized official is the principal official of the Tribal government or the designated official as determined by the Tribe. Only one authorized official can be named in the application.

18. Where can I find more information about the DOJ program offices?

Information about the Coordinated Tribal Assistance Solicitation can be found at www.tribaljusticeandsafety.gov. You can find additional helpful links to the [Office of Justice Programs](#), the [Bureau of Justice Assistance](#) (BJA), the [Office of Community Oriented Policing Services](#) (COPS Office), the [Office on Violence Against Women](#) (OVW), the [Office for Victims of Crime](#) (OVC), and the [Office of Juvenile and Justice and Delinquency Prevention](#) (OJJDP) by visiting their web pages.

19. Who do I contact if I need help?

For more information please refer to our Tribal Justice and Safety website: www.tribaljusticeandsafety.gov.

For programmatic assistance contact the Response Center at 1–800–421–6770 or by e-mail at tribalgrants@usdoj.gov. The Response Center hours of operation are Monday–Friday (except [U.S. Federal government holidays](#)) from 9:00 a.m. to 5:00 p.m. Eastern Time. The Response Center will remain open on the solicitation closing date until 9:00 p.m. Eastern Time.

For technical assistance with submitting an application, contact the Grants Management Support Hotline at 1–888–549–9901, option 3, or via e-mail at GMSHelpDesk@usdoj.gov. The GMS Support Hotline hours of operation are Monday–Friday (except U.S. Federal government holidays) from 6:00 a.m. to 12 midnight, Eastern Time.

20. Can a consortium apply for funding under a specific Purpose Area and individual Tribes forming that consortium apply for other Purpose Areas?

Yes. If a Tribe applies as part of a consortium for one Purpose Area, the member Tribes can still apply for other Purpose Areas individually, as long as the member Tribes meet the eligibility criteria for the specific Purpose Area to which they are applying.

21. Can a consortium apply for funding under a specific Purpose Area and the individual Tribes forming that consortium also apply under the same Purpose Area?

Yes. A Tribe can apply for a specific Purpose Area as part of a consortium and submit a separate individual application for the same Purpose Area, as long as the applications are for separate projects within the Purpose Area and, as such, would not result in the funding of the same tasks, services, supplies, personnel, etc., by both the consortium application and any individual Tribe's application.

22. If a consortium wishes to apply for funding through the CTAS does it need an authorizing resolution from each member tribe?

In the case of an application from a Tribal consortium, current authorizing resolutions should be submitted from each Tribe in the consortium, unless existing consortium bylaws allow action without support from all Tribes in the consortium. In that case, a copy of the bylaws should be submitted. This is no longer required at the time of application, but now must be received before a recipient can draw down funds.

23. For the Tribal Community and Justice Profile section of a consortium application, does the application need to address each member Tribe specifically or should it address the service area of the consortium as a whole?

The Tribal Community and Justice Profile for a consortium application should address the service area of the consortium as a whole.

24. How many performance measures do we need to have for each purpose area?

Please see section G, part IV of the solicitation. You should address all performance measures listed for each Purpose Area for which you are applying.

25. Is there a page limit on the number of “Other Attachments”?

There is a 15-page limit for the Tribal Community and Justice Profile and a 12-page limit for each Purpose Area narrative. There is no page limit for other attachments but there is a size limit. No single attachment may exceed 20 megabytes.

26. If we have a current grant under one of the Purpose Areas are we eligible under that area?

Yes, all federally-recognized Tribes are eligible for all Purpose Areas for Fiscal Year 2011. However, a Tribe with current funds that are not expiring should not seek funding for a project that is already covered by existing funding, but rather should seek funding to expand or enhance existing projects.

27. If we apply for 3 Purpose Areas, is it possible that only 1 or 2 Purpose Areas could get funded? Or is it all or none?

Each Purpose Area will be reviewed individually by the Department of Justice (DOJ) component that manages that Purpose Area. Once all Purpose Area narratives have been reviewed, the DOJ components will come together to discuss their funding recommendations and coordinate in making award decisions to address your needs on a more comprehensive basis. Therefore, it is not “all or none.” Where multiple awards are made, such awards will be managed by the awarding DOJ component in the same manner that grants are currently managed and you must maintain the grant funds separately and file all required reports for each grant awarded with the applicable DOJ component.

28. Can a Tribe or a department of a Tribe submit an application OTHER than to the Coordinated Tribal Assistance Solicitation?

Absolutely! The CTAS is a coordinated solicitation for certain Tribal government-specific grant programs, but the DOJ administers many other grant programs for which Tribes may be one of many eligible entities. Tribes or Tribal consortia may submit applications for any other DOJ grant funding opportunity for which Tribes are eligible. Please visit www.grants.gov on a regular basis for a listing of all funding opportunities.

29. There are two fewer Purpose Areas this year, does that mean that fewer grant programs are included in CTAS?

No. In fact, more actual grant programs have been included but they have been simplified into fewer Purpose Areas to make it easier for Tribes to apply for grant funding. This does mean however, that an application under one Purpose Area could result in multiple grant awards.

30. Is the Tribal Law and Order Act incorporated into the CTAS?

The Tribal Law and Order Act (TLOA) affected different grant programs in different ways. All of these changes were incorporated into the CTAS. For more information on the TLOA, see the www.tribaljusticeandsafety.gov which contains both a PowerPoint with highlights of the Act and a document showing line-by-line changes from the Act.

31. Are Alaska village corporations and regional corporations eligible to apply for the CTAS?

Yes. Both regional and village corporations established pursuant to the Alaska Native Claims Settlement Act are eligible to apply for all Purpose Areas under the CTAS based on the following statutory definition of “Indian Tribe” which applies to all Purpose Areas:

"Indian Tribe" means any Indian Tribe, band, nation, or other organized group or community, **including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act**

(85 Stat. 688) [43 USC §§ 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. [Emphasis added.]

32. Are political sub-units of Indian tribal governments (e.g., tribally-recognized chapters, or individual reservation(s)) under a larger federally recognized tribe eligible to apply for funding?

Yes, under limited circumstances, and only with prior approval to submit obtained from DOJ prior to the application deadline. Procedures and other information related to obtaining such approval are below.

In general, only one application will be accepted from each Tribe or Tribal consortium. If a Tribe or Tribal consortium (including all agencies within that Tribe or Tribal consortium) submits more than one application, only one application will be considered in the review process. However, in addition to accepting an application from each individual Tribe, DOJ may accept a single application from a political sub-unit of a federally-recognized Indian tribal government after DOJ review and approval of Tribal documentation in support of the political sub-unit's eligibility to submit a separate application for funding to serve citizens within that political sub-unit.

DOJ will review the eligibility of a political sub-unit to submit an application (separately from the federally-recognized Indian Tribal government that includes such sub-unit, or, the "parent Tribe") on a case-by-case basis. A political sub-unit of a federally-recognized Indian Tribal government seeking to apply under the FY 2011 CTAS **must** receive DOJ approval to submit an application **prior to the application deadline**.

Procedure for submitting a request for eligibility review:

In order to obtain DOJ approval to submit an application, a political sub-unit seeking to apply on its own must submit documentation that demonstrates the political sub-unit's legal authority to submit its own application (separately from a parent Tribe's application). The political sub-unit seeking such approval must submit this documentation to the attention of Rhonda Craig, Attorney Advisor, Office of the General Counsel, Office of Justice Programs, by E-mail, fax, or expedited/overnight mail (use of mail service with package tracking capability is strongly encouraged) that must be **received by OJP by no later than 9:00 p.m. Eastern Time on April 18, 2011**, in order for the political sub-unit's request to receive DOJ review and consideration.

Address information for submission of request for eligibility review:

E-mail: Rhonda.Craig@usdoj.gov (E-mail subject line should read: "CTAS Eligibility Review Request for [insert name of Tribal political sub-unit]")

Fax: 202-307-1419

Expedited/Overnight Mail: Rhonda M. Craig
Office of the General Counsel
Office of Justice Programs
Rm: 5414
810 7th Street, N.W.
Washington, D.C. 20001

HOW TO APPLY

1. How do I apply for CTAS funding?

Applications will be submitted through DOJ's Grants Management System ([GMS](#)). Applicants should begin the process immediately. DOJ highly recommends starting the registration process as early as possible to prevent submitting the application past the specified deadline.

Applicants are required to complete the following six steps:

1. **Acquire a DUNS Number.** A DUNS number is required to submit an application in GMS. The Office of Management and Budget requires that all businesses and nonprofit applicants for federal funds include a DUNS (Data Universal Numbering System) number in their application for a new award or renewal of an existing award. A DUNS number is a unique nine or thirteen-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling 1-866-705-5711 or by applying online at www.dunandbradstreet.com. Individuals are exempt from this requirement.
2. **Acquire or Renew Registration with the Central Contractor Registration (CCR) Database.** CCR registration is required to receive funding. DOJ requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. **Please note**, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov or by calling 866-606-8220. Applicants should ensure that their CCR registration is completed before starting the application process in GMS.
3. **Acquire a GMS Username and Password.** If you are a new user, please create a GMS profile by selecting the first time user link under the sign-in box of the [GMS](#) home page. For more information on how to register in GMS, go to www.ojp.usdoj.gov/gmscbt/. If you are a returning GMS user, please log into GMS with your current username and password. If necessary, please update your GMS profile containing your DUNS number and contact information. Please register in GMS at least one week prior to the application deadline.
4. **Search for the Funding Opportunity on GMS.** After you log into GMS or complete your GMS profile for your username and password, go to the Funding Opportunities link on the left-hand side of the page. Please select "Department of Justice" and "FY 2011 Coordinated Tribal Assistance Solicitation."
5. **Finalize Registration by Selecting the Apply Online Link Associated with the Solicitation Title.** The search results from step 4 will display the solicitation title along with the Registration and Application Deadlines for this funding opportunity. Please select the Apply Online button in the Action Column to create an application in the system.

Important Warning! Each Tribe or Tribal consortium will be allowed only one application submission. An application can be revised in GMS up until the application deadline, April 21, 2011. Please note that only the final version of an application submitted in GMS will be considered. If a Tribe submits more than one application, only one application will be considered in the review process.

6. Submit an Application Consistent with This Solicitation by Following the Directions in GMS. Once submitted, GMS will display a confirmation screen stating your submission was successful. **Important:** You are urged to submit your application at least 72 hours prior to the due date of the application.

Note: The budget detail and narrative worksheet requires Excel 2007 or 2010.

Note: DOJ's Grants Management System (GMS) does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

2. When should I register in GMS?

You are urged to register in GMS (steps 1-5 above) as early as possible and as soon as your Tribe believes it will apply for CTAS funding.

3. When should I submit my application in GMS?

You are urged to submit your complete application (step 6 above) at least 72 hours prior to April 21, 2011.

4. How many applications may I submit?

You will be allowed one application submission. It is critical that you hit the "SAVE" button in GMS to update, revise and save the application as necessary. Only when the application is complete and contains all requested information stated in the solicitation, should you hit the "SUBMIT" button in GMS.

5. What if I realize after I have successfully submitted my application in GMS, that I made an error in my application?

An application can be revised in GMS up until the application deadline, April 21, 2011. Please note that only the final version of an application submitted in GMS will be considered.

6. What if I experience technical difficulties with GMS?

If you experience technical difficulties at any point during this process, please e-mail the GMSHelpDesk@usdoj.gov or call 1-888-549-9901 (option 3), Monday-Friday (except federal holidays) from 6:00 a.m. to 12 midnight Eastern Time.

7. What if my Tribe has no Internet access and cannot submit an application electronically to GMS?

For applicants without Internet access who cannot submit an application electronically to DOJ's Grant Management System, please contact the Response Center at 1-800-421-6770.

8. I do not have an Excel version or PC that supports the Excel Budget Detail and Narrative worksheet provided for CTAS applicants. What should I do?

This document requires that Macros be enabled to work properly and functional with Excel 2007 or later models. Additionally, Excel 2008 version for Macintosh PCs may not run the macros for the CTAS Budget Detail and Narrative worksheet. If you are in this situation, you are permitted to use other application software (i.e., Microsoft Word) to capture the budget detail and narrative information for your tribe's grant application. You are not required to use the specific budget form, but you do need to capture the same information. Please view the sample budget at <http://www.tribaljusticeandsafety.gov/docs/budget-detail-narrative.pdf> to see what information you should include.

POST-AWARD

1. What is the Federal Funding Accountability and Transparency Act Subaward Reporting System?

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires, among other things, that information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

Applicants should anticipate that all recipients of awards of \$25,000 or more under this solicitation, consistent with FFATA, will be required to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients.

The FFATA Subaward Reporting System (FSRS), accessible via the Internet at www.frs.gov, is the reporting tool prime grantees under this solicitation will use to capture and report subaward information and any executive compensation data required by FFATA. The sub-award information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award, furthering Federal spending transparency.

Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the applicable reporting requirements should it receive funding.

For additional information, you can review the award condition "[Reporting Subawards and Executive Compensation \(October 2010\)](#)" on the www.tribaljusticeandsafety.gov website.

2. Am I required to maintain active Central Contractor Registration during my award period, if I receive a CTAS award?

Yes. An applicant must register with the Central Contractor Registration (CCR) database in order to receive funding. Should you receive an award, as an award recipient, you must maintain the currency of the recipient entity's information in the CCR until you submit the final financial report required under the award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

For additional information, you can review the award condition "[Central Contractor Registration and Universal Identifier Requirements](#)" on the www.tribaljusticeandsafety.gov website.

PURPOSE AREAS

1. Public safety and community policing (COPS – Tribal Resources Grant Program-Hiring and Tribal Resources Grant Program-Equipment/Training)

1. My Tribe is considering applying for Purpose Area #1 funding. How can I tell if my agency is eligible to apply?

Only federally-recognized Indian Tribal governments, as determined by the Secretary of the Interior, may apply. This includes Alaska Native villages, and Tribal consortia consisting of two or more federally-recognized Indian Tribes. Furthermore, to qualify under Purpose Area #1, applicants must have an established law enforcement agency or an existing contract with the Bureau of Indian Affairs for law enforcement services, or an existing contract with a state or local agency for law enforcement services. We will not provide funding for start-up agencies under this program; however, if the entity has passed appropriate resolutions establishing a police department, and have dedicated funding toward that department prior to the application deadline, they will be considered for funding.

2. What projects can be supported under Purpose Area #1?

Under Purpose Area #1, applicants may request funding for newly hired and/or rehired officers; law enforcement equipment/technology and law enforcement training, including and not limited to:

Strategic Planning: Strategic planning activities related to community policing.

Hiring: Approved entry-level salaries and fringe benefits of newly hired and/or rehired full-time sworn career law enforcement officers; Background investigations for newly hired officer positions.

Equipment: Law enforcement equipment, uniforms, bullet-proof vests, basic-issue equipment, and police vehicles, such as police cars, SUVs, ATVs, boats, etc. (as needed for law enforcement purposes); Technology such as: computer hardware and software, mobile data terminals, narrow-band radio upgrades, and dispatch and communication systems. Applicants who do not already have an information gathering system compatible with the FBI Uniform Crime Reporting (UCR) System are encouraged to apply for funds to pay for National Incident-Based Reporting System (NIBRS)/UCR compliant crime data systems.

Training: Law enforcement training, such as but not limited to, basic and comprehensive or specialized police training at a state academy or the Indian Police Academy in Artesia, New Mexico, as well as community policing, computer and crime reporting (e.g., Uniform Crime Reports) training.

Travel: Airfare, lodging, and mileage reimbursement for meeting or training costs related to Purpose Area activities, including costs associated with DOJ-required training.

3. What information must I include under the Purpose Area #1?

All applicants are required to provide information demonstrating how grant funding will be used to increase their involvement in community policing. Answers to the narrative questions in this section should be specifically linked to the community policing activities to be implemented or enhanced through the grant project. Applicants must address the following

elements in reference to the Public Safety issues identified in your problem statement and how grant funds will be used to enhance Community Policing:

1. Explain how the grant funded officers and equipment will be used to address the public safety problems identified above;
2. Explain how the Tribal agency plans to gain a better understanding of the stated public safety issues;
3. Identify current governmental and community initiatives which compliment or coordinate with the proposal and discuss the initial and ongoing level of community support including financial and tangible commitments;
4. Please explain how funding will result in changes to law enforcement personnel or Tribal agency management and how that organizational change will reorient the Tribal agency's mission and activities to initiate or enhance its involvement in community policing;
5. Address the inability of the Tribal agency to implement the proposed plan without federal funding; and
6. Identify the Tribal agency's source of funding and plan to retain grant hired officers for 12 months after the expiration of the grant.

4. My Tribal government has multiple components of law enforcement departments (e.g., Department of Public Safety and Fish and Wildlife Department) that we are including in our request under Purpose Area #1. Do we need to report cumulative full and part-time budgeted sworn force strength numbers for all departments?

Your application should report all cumulative, full- and part-time budgeted sworn force strength numbers for all law enforcement departments in your Tribe which would receive funding through this request if awarded.

5. How much funding is my Tribe eligible to receive under Purpose Area #1?

The COPS office plans to award approximately 60 grants at approximately \$450,000 to \$1,000,000 per award. However, the amount of funding for which your agency is eligible is determined by several factors including your Tribe's current sworn force strength. All funding is subject to availability.

6. Will my Tribe receive the total amount of funding we requested under Purpose Area #1?

Purpose Area #1 grants are intended to meet the most pressing, otherwise unfunded law enforcement needs of Tribal applicants. However, grant awards may be limited based on the availability of funding.

7. Is there a local match requirement under Purpose Area #1?

No. Purpose Area #1 grants will provide 100 percent of the funding for approved law enforcement hiring, equipment/technology and training costs.

8. What is the length of the grant award?

Purpose Area #1 grants are for a 36 month implementation period. If your Tribe is awarded a grant it will receive funding to cover the entry-level salary and benefits of awarded officer positions and/or one-time purchases for allowable costs incurred during the 36 months following the grant award start date unless an extension for additional time is granted.

9. My Tribe's law enforcement agency needs additional officer positions. Can we apply for funding to include these positions?

Yes. Purpose Area #1 grants for 2011 do include hiring grants for newly hired and/or rehired full time sworn officer and Village Public Safety Officer positions.

10. If we are awarded a grant, will our Tribal government be subjected to monitoring, reporting, and evaluation requirements?

Federal regulations require that any financial assistance from the federal government be monitored to ensure that those funds are spent properly. Awarded agencies will be responsible for submitting periodic programmatic progress reports and quarterly federal financial reports. In addition, the COPS Office is interested in tracking the progress of its programs and the development of its grantees' community policing plans. Therefore, all grantees will be required to cooperate with grant monitoring activities of the U.S. Department of Justice, including but not limited to the COPS Office, the Office of the Inspector General, or an entity designated by COPS.

The COPS Office Monitoring staff may take a number of monitoring approaches, such as site visits, office-based grant reviews, and periodic surveys to gather information. COPS may seek information including, but not limited to, your agency's compliance with nonsupplanting and financial requirements of the grant and progress toward achieving your community policing plan. COPS Grant Program and Monitoring Specialists as well as auditors are particularly interested in confirming that the purchase of approved items is consistent with the applicant's proposal.

11. Will my Tribe be responsible for submitting progress reports to the COPS Office for Purpose Area #1?

Yes. To assist in fulfilling the DOJ's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive grant funding must provide data that measures the results of their work. As part of the periodic progress reports, grantees must report on their progress toward implementing community policing strategies.

12. Would the COPS Office Purpose Area #1 allow for the purchase of a database system which would allow multiple databases throughout tribal departments to share information pertinent to law enforcement?

Yes.

13. Are Tribal Conservation Departments eligible to receive grant funding under Purpose Area #1?

Yes, if a Tribe's Conservation Department has primary law enforcement authority it is eligible to receive grant funding under Purpose Area #1 as part of a Tribe's single application. For clarification and as stated in the solicitation, applicants must have an established law enforcement agency, an existing contract with the Bureau of Indian Affairs (BIA) for law enforcement services, or an existing contract with a state or local agency for law enforcement services.

14. Can our police department request additional funding for Purpose Area #1 if they received a grant for this year already through COPS?

Yes, you can apply under Purpose Area #1 if you are an existing grantee.

15. Must the law enforcement agency retain hired officers after the grant period ends?

Yes. Tribe's must plan to retain grant hired officers for 12 months after the expiration of the grant.

16. Are applicants for Purpose Areas #1 required to sign the updated Assurances?

Yes. Applicants for Purpose Area #1 must sign and submit the updated Assurances form. The updated Assurances form contains two additional provisions related to this Purpose Area that were not included in the original Assurances form in GMS. Applicants for Purpose Area #1 may sign the updated Assurances electronically (by typing their name, date **AND** checking the

electronic signature box) and upload it as an attachment with their CTAS application or they may print and sign the updated Assurances form and return it to the Response Center at: U.S. DOJ, COPS Office Response Center, Attn: CTAS, 145 N Street, N.E., 11th Floor, Washington, DC 20530 (use 20009 if sending overnight); or fax to: (202) 616-8594.

17. How many officers should our Tribe request?

Although there is not a predetermined number of officers a Tribe may request funding for, the COPS office has provided sworn officer request guidelines that will help Tribes determine their need along with our evaluation criteria for funding. The guidelines and evaluation criteria can be found at www.tribaljusticeandsafety.gov.

18. What items may be requested under Purpose Area #1?

There are a variety of allowable costs Tribes can request under Purpose Area #1. The COPS Office has provided a list of allowable and unallowable costs, which can be found at www.tribaljusticeandsafety.gov

<p>2. Methamphetamine enforcement (COPS - Tribal Methamphetamine Initiative)</p>

1. What projects are supported under Purpose Area #2?

Under Purpose Area 2 applicants may request funding for hiring, equipment and training related to the proposed methamphetamine initiative of the Tribal community. Under this Purpose Area the applicant must focus on projects dealing with the education, enforcement and prevention of methamphetamine use and manufacturing/distribution within the Tribal community, including but not limited to:

Strategic Planning: Strategic planning activities related to community policing.

Hiring: Sworn officer salaries and fringe benefits for newly hired and/or rehired full-time entry-level sworn career law enforcement officers and Village Public Safety Officers directly related to the Tribal Meth project; and civilian salaries and fringe benefits exclusively for personnel directly related to Tribal Meth activities and projects.

Equipment: Purchase of new or enhancement of existing equipment/technology exclusively related to meth prevention, treatment or drug intelligence sharing. All items should be clearly linked to the enhancement or implementation of the Tribal Meth project.

Supplies: Supplies expended or consumed in furtherance of the grant-funded meth project. Such costs include paper, ink, pens, postage, etc.

Travel/Training costs: Grant-related travel for the grantee to attend meth-related training and technical assistance conferences, seminars, classes or to visit sites specified in the application; and contractors/ consultants hired for culturally appropriate training in furtherance of the grant-funded meth project.

Other costs: Such as, but not limited to, prepaid warranties or agreements, overtime costs, and other costs related to the overall meth project; and costs to conduct needs assessments and/or

improve personnel hiring manuals for law enforcement officers; enhance procurement systems to purchase and track equipment; etc.

2. What information must I include under Purpose Area #2

All applicants are required to provide information demonstrating how grant funding will be used to address methamphetamine issues facing the applicant's community. Applicants must address the following elements in reference to the methamphetamine issues identified and how grant funds will be used to address these issues:

1. Explain how the grant funded positions and equipment will be used to address the public safety problems identified above;
2. Explain how the Tribal agency plans to gain a better understanding of the stated public safety issues;
3. Identify current governmental and community initiatives which compliment or coordinate with the proposal and discuss the initial and ongoing level of community support including financial and tangible commitments;
4. Please explain how funding will result in changes to law enforcement personnel or Tribal agency management and how that organizational change will reorient the Tribal agency's mission and activities to initiate or enhance its involvement in community policing; and
5. Address the inability of the Tribal agency to implement the proposed plan without federal funding.

4. My Tribal government has multiple components of law enforcement departments (e.g., Department of Public Safety and Fish and Wildlife Department) that we are including in our request under Purpose Area #2. Do we need to report cumulative full and part-time budgeted sworn force strength numbers for all departments?

Your application should report all cumulative, full- and part-time budgeted sworn force strength numbers for all law enforcement departments in your Tribe which would receive funding through this request if awarded.

5. How much funding is my Tribe eligible to receive under Purpose Area #2?

The COPS office plans to award approximately 20 awards at approximately \$200,000 per award.

6. Will my Tribe receive the total amount of funding we requested under Purpose Area #2?

Purpose Area #2 grants are intended to meet the most pressing, otherwise unfunded law enforcement needs of Tribal applicants. However, grant awards may be limited based on the availability of funding.

7. Is there a local match requirement under Purpose Area #2?

No. Purpose Area #2 grants will provide 100 percent of the funding for approved costs supporting the proposed methamphetamine initiative.

8. What is the length of the grant award?

Purpose Area #2 grants are for a 36 month implementation period unless an extension of time is granted. Funding is provided for one-time purchases for allowable costs incurred following the grant award start date. Purpose Area #2 grants also provide funding for the annual salary and fringe benefits of newly hired and/or rehired sworn officers, Village Public Safety Officers and civilian personnel hired to directly support the methamphetamine project during the 36 month grant period.

9. My Tribe's law enforcement agency needs additional officer positions. Can we apply for funding to include these positions?

Yes. Purpose Area #2 grants for 2011 allow for hiring of newly hired and/or rehired sworn officers, Village Public Safety Officers and civilian personnel, however all hiring must be directly related to the proposed methamphetamine project.

10. If we are awarded a grant, will our Tribal government be subjected to monitoring, reporting, and evaluation requirements?

Federal regulations require that any financial assistance from the federal government be monitored to ensure that those funds are spent properly. Awarded agencies will be responsible for submitting periodic programmatic progress reports and quarterly federal financial reports. In addition, the COPS Office is interested in tracking the progress of its programs and the development of its grantees' community policing plans. Therefore, all grantees will be required to cooperate with grant monitoring activities of the U.S. Department of Justice, including but not limited to the COPS Office, the Office of the Inspector General, or an entity designated by COPS.

The COPS Office Monitoring staff may take a number of monitoring approaches, such as site visits, office-based grant reviews, and periodic surveys to gather information. COPS may seek information including, but not limited to, your agency's compliance with nonsupplanting and financial requirements of the grant and progress toward achieving your community policing plan. COPS Grant Program and Monitoring Specialists as well as auditors are particularly interested in confirming that the purchase of approved items is consistent with the applicant's proposal.

11. Will my Tribe be responsible for submitting progress reports to the COPS Office for Purpose Area #2?

Yes. To assist in fulfilling the DOJ's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive grant funding must provide data that measures the results of their work. As part of the periodic progress reports, grantees must report on their progress toward implementing community policing strategies.

13. Are Tribal Conservation Departments eligible to receive grant funding under Purpose Area #2?

Yes, if a Tribe's Conservation Department has primary law enforcement authority it is eligible to receive funding under Purpose Area #2 as part of a Tribe's single application. However to be eligible, your Tribe must have an established law enforcement agency, an existing contract with the Bureau of Indian Affairs (BIA) for law enforcement services, or an existing contract with a state or local agency for law enforcement services.

14. Can our police department request additional funding for Purpose Area #2 if they received a grant for this year already through COPS?

Yes, you can apply under Purpose Area #2 if you are an existing grantee.

15. Can funds from Purpose Area #2 be used to address various public safety issues facing the Tribal community?

No. All funds awarded from Purpose Area #2 must be used to support and address the methamphetamine issues and projects outlined within the grant application. Funds used for activities unrelated to the methamphetamine project are considered unallowable costs and may result in the Tribe repaying misspent funds.

16. Are applicants for Purpose Areas #2 required to sign the updated Assurances?

Yes. Applicants for Purpose Area #2 must sign and submit the updated Assurances form. The updated Assurances form contains two additional provisions related to this Purpose Areas that were not included in the original Assurances form in GMS. Applicants for Purpose Area #2 may sign the updated Assurances electronically (by typing their name, date AND checking the electronic signature box) and upload it as an attachment with their CTAS application or they may print and sign the updated Assurances form and return it to the Response Center at: U.S. DOJ, COPS Office Response Center, Attn: CTAS, 145 N Street, N.E., 11th Floor, Washington, DC 20530 (use 20009 if sending overnight); or fax to: (202) 616-8594.

17. What items are Tribes allowed to request under Purpose Area #2?

There are a variety of allowable costs Tribes can request under Purpose Area #2. The COPS Office has provided a list of allowable and unallowable costs, which can be found at www.tribaljusticeandsafety.gov

3. Justice systems, and alcohol and substance abuse (BJA-Tribal Courts Assistance Program and Indian Alcohol and Substance Abuse Prevention Program)

1. What projects can be supported under Purpose Area #3?

Allowable projects under this Purpose Area must focus on planning new or enhancing existing Tribal courts and/or controlling and preventing alcohol and other substance abuse and related crimes in Tribal jurisdictions. Funding strategies may include, but are not limited to: planning and implementing a single Tribal or intertribal court or enhancing the operation of existing tribal courts; including establishing a core structure for a tribal court, improving case management, training court personnel, developing civil and criminal code, acquiring equipment and software, enhancing prosecution and indigent defense, supporting pretrial and probation diversion and alternative sentencing, designing services and multidisciplinary protocols for juvenile victims of physical and sexual abuse, and structuring intertribal or tribal appellate systems; developing Tribal action plans for alcohol and substance abuse; identifying, apprehending and prosecuting individuals who illegally transport or distribute controlled substances in Tribal communities (subject to existing legal authority); integrating Tribal, federal, state, and local services and culturally appropriate treatment for offenders and their families; and developing and implementing programs designed to protect children from alcohol and drug use and/or production. Projects related to controlling and preventing alcohol and substance abuse related crimes can be prevention-based, law enforcement/adjudication-based, or correction-based.

Examples of projects that can be supported are:

Strategic planning: Developing Tribal Action Plans for alcohol and substance abuse; Increasing coordination with relevant non-Tribal agencies and organizations and among all levels of the Tribe; Engaging in strategic planning efforts to address the needs of the Tribe in the areas of justice systems and substance abuse.

Tribal Courts: Planning new or enhancing existing Tribal courts, such as peacemaking courts, healing to wellness courts, sentencing circles, and other alternative justice courts; Staffing of attorneys, advocates, probation and pretrial service officers, Tribal court judges and other court

staff, clerical support staff, etc.; Activities relating to the implementation of provisions of the Tribal Law and Order Act.

Law Enforcement: Identifying, apprehending, and prosecuting individuals who illegally transport, distribute, and abuse alcohol and controlled substances in Tribal communities (subject to existing legal authority); Increasing the capacity to collect and share justice system data on drug- and alcohol-related offenses.

Alternative Justice: Implementing Tribal justice system interventions for substance abusing offenders including diversion, drug courts or co-occurring drug and mental health courts, provision of substance abuse and other treatment in correctional facilities, and provision of treatment, aftercare, and other reentry supportive services to offenders reentering communities from correctional facilities.

Treatment: Integrating Tribal, federal, state, and local services and culturally appropriate treatment for offenders and their families.

Prevention: Protecting children from alcohol and drug use and/or production; Culturally relevant and appropriate substance abuse prevention programs.

Equipment: General office equipment such as computers, fax machines, printers, scanners, surveillance cameras, digital cameras, office furniture, courtroom furniture, computer networks, court management systems, etc.

Training: Registration fees and lodging costs associated with training events and related to Purpose Area activities; Costs associated with obtaining expert knowledge to assist with the development/enhancement of the program, such as culturally appropriate training, technical assistance, treatment, information technology, etc.

Travel: Airfare, lodging, and mileage reimbursement for meeting or training costs related to Purpose Area activities, including costs associated with DOJ-required training.

2. Can I request funding for both a Tribal court program and an alcohol and substance abuse program under purpose area #3?

Yes, you may request grant funding for either tribal court or alcohol and substance abuse related program or for both. This can be either one comprehensive project integrating the two areas or two distinct separate projects with separate program management depending on the needs of your Tribe. If you choose to request funding for two distinct programs, your application should show how the two projects are related and how, together, they will improve public safety and the overall justice system for your tribe.

3. Are grant deliverables subject to approval?

Yes, deliverables produced with grant funds must be reviewed and approved by BJA prior to the production and dissemination of said products. Examples of deliverables include: conferences, workshops, billboards, flyers, pamphlets, training curricula, etc.

4. Is a match required?

No, a match is not required.

5. Am I eligible to apply for Purpose Area #3 funds if I received a grant under the FY 2010 Indian Alcohol and Substance Abuse Program (IASAP) or Tribal Courts Assistance Program (TCAP) solicitations?

Yes, grant recipients of FY 2010 CTAS funding are eligible to apply for funds under Purpose Area #3 of this solicitation

6. Will DOJ offer any technical assistance to grant recipients under this program?

Yes, DOJ will partner with a technical assistance provider that will provide training and technical assistance to grant recipients via workshop(s) and ad hoc assistance.

7. Is it a requirement to have an advisory board?

No, an advisory board is not required. However, an advisory board is recommended. If the Tribe establishes an advisory board it should be sustained throughout the entire project period and should emphasize Tribal and non-Tribal partnerships. Advisory board members are encouraged to attend BJA training and technical assistance activities.

8. Who should be a part of the advisory board?

It is recommended that an advisory board consist of a minimum of seven members. The advisory board should be led by a member of the tribal council or a criminal justice partner (such as lead law enforcement official, tribal justice, lead correction official) depending on the focus of the criminal justice component of the program. The Co-Chair of the advisory board should be a lead representative from an alcohol, substance abuse agency or field. The advisory board should include representation from key stakeholders, and decision-makers within the Tribe to ensure successful strategy development and implementation. Applicants should give strong consideration to including representatives from tribal government, tribal law enforcement and tribal courts (if your Tribe has this structure), and other key partners and agencies within and outside tribal community addressing issues such as: treatment/health/mental health; adult and juvenile corrections/probation; education; economic development; social/family related services.

9. Can a Tribal government with a service population of less than 1,000 apply to plan, implement or enhance a Single Tribal Court System?

Yes, Tribes or Tribal consortia of any size can apply to plan, implement, or enhance a new tribal court system. However, Tribes with a service population of less than 1,000 are encouraged to consider applying as part of intertribal consortia.

10. Do Tribes have to allocate a specific amount over the project period to cover travel and other costs for attending BJA training/court-related meetings?

Technical assistance and training remains a critical component toward planning, implementing, enhancing, and sustaining tribal justice systems. You should budget for travel costs of up to two Department of Justice-sponsored grant meetings. You should estimate the costs of travel and accommodations for two staff to attend two meetings, with one trip to Washington D.C. and one in their region. The time period for each grant meeting will be approximately 3 days.

11. The solicitation indicates that in the combined PA #3 (combines Indian Alcohol and Substance Abuse Program and Tribal Courts Assistance Program) it is possible that two awards could be made out of the different funding streams. Does that mean that I should submit two purpose area narratives; one for IASAP and one for TCAP?

No, although there is the possibility that two awards might be made under one Purpose Area, you should still submit *only one* Purpose Area narrative for purpose area 3 describing all of the programmatic activities that you are proposing under the broad area of tribal courts and alcohol and substance abuse. Your narrative may encompass two different programs (1 court focused & 1 alcohol and substance abuse focused) but they must both be described within a single narrative. Staff at BJA will review each application carefully to determine which funding stream(s) is the best fit for the described program.

12. If my tribe is applying for both a tribal court and an alcohol and substance abuse project under PA #3 can we request \$500,000 for each project?

If you are applying for two programs within the combined PA#3 then the recommended range for funding would be up to \$750,000 total for both projects in the combined purpose area narrative.

4. Corrections and correctional alternatives (BJA - Correctional Facilities on Tribal Lands Program)

1. What projects can be supported under Purpose Area #4?

This Purpose Area can support efforts related to constructing and renovating facilities associated with the incarceration and rehabilitation of juvenile and adult offenders subject to tribal jurisdiction. Examples include the following:

Justice system planning efforts: Related to constructing and renovating facilities associated with the incarceration and rehabilitation of juvenile and adult offenders subject to Tribal jurisdiction; related to the development and implementation of correctional alternatives to meet the needs of the Tribe's population; comprehensive strategic planning.

Renovation or construction: Of a new or existing correctional/detention facility including adult and juvenile, multipurpose justice centers (including courts and police departments); renovation of correctional facilities that are no longer considered safe and secure to serve as holding facilities or multipurpose justice centers; constructing regional detention centers on Indian land for long-term incarceration of offenders subject to Tribal jurisdiction; renovation/construction of community-based correctional alternative facilities.

Other costs associated with construction or renovation of a facility: Such as roads, sewer, and water hook-ups, land preparation, and other items normally associated with construction site work; items associated with managing the planned construction or renovation process and construction materials necessary to build or renovate facilities and associated infrastructure; furniture, surveillance cameras, or other items affixed or integral to the facility; facility maintenance; contracts with private entities to increase the efficiency of the construction of Tribal jails.

Travel: Airfare, lodging, and mileage reimbursement for meeting or training costs related to Purpose Area activities and DOJ-required training.

2. If a Tribal government has received renovation/construction funds from BJA in previous years, is it eligible to apply for funding under the Purpose Area #4?

Yes. However, the tribe should demonstrate how the FY 2011 proposal complements, builds on, and/or differs from effort(s) funded in previous years.

3. Will BJA offer any technical assistance to grant recipients under this program?

Yes. BJA will provide training and technical assistance to grant recipients under this program.

4. Is it a requirement of applicants pursuing funds for Purpose Area #4 to have an advisory board?

Yes. Applicants that apply for funds to pursue justice planning efforts must establish a Strategic Planning Advisory board for the project. The advisory board should include a well-rounded representation of the Tribal criminal justice system including, but not limited to: representatives from Tribal government, criminal justice systems, treatment/health/mental health components, social/family-related services and community groups, local service providers, businesses, community-based organizations, faith-based service providers, media, and individuals within the proposed project's target population. An applicant may elect to establish only one Advisory Board for multiple Purpose Areas if the members include appropriate representation required for individual Purpose Areas. Applicants must be able to address in their application the composition of the advisory board and how the team members will support the implementation of the proposed project.

5. Is a budget match required?

No. Matching funds were eliminated for Purpose Area #4, Corrections and Correctional Alternatives.

6. Do Tribal governments have to allocate a specific amount over the project period to cover travel and other costs for attending BJA training/meetings?

You must budget for travel costs of up to two Department of Justice-sponsored grant meetings. You should estimate the costs of travel and accommodations for two staff to attend two meetings, with one trip to Washington D.C. and one in your region. The time period for each grant meeting will be approximately 3 days.

7. Do applicants have to submit a BIA correctional facility needs assessment that supports the Tribe's application submission?

Applicants are not required to submit a BIA needs assessment as part of the application. However, applicants who will rely on BIA support must describe BIA's role and contributions with the staffing, operations, and maintenance of the proposed facility renovation or construction. Also, applicants who will rely on BIA assistance should provide letters of support from BIA regarding staffing, maintenance, and operation of the facility. If applicants have received a BIA needs assessment, they are encouraged to reference it in the Purpose Area narrative of the grant application.

A Tribe may submit, by authorizing resolution, a commitment to fund future staffing, maintenance, and operation of the facilities renovated or constructed in lieu of BIA funding support letters, if the Tribe chooses to be responsible for this ongoing cost.

8. Will Purpose Area #4 grant recipients be required to submit project deliverables or data to the Bureau of Justice Assistance?

Yes. In addition to satisfying financial and progress reporting, grant recipients that receive funding under Purpose Area #4 will be required to submit a completed master plan to BJA prior to the end of the grant period. BJA will provide training and technical assistance to grant recipients to facilitate the master plan development process. Additionally, justice system planning grant recipients will be required to report on the status of planning activities as part of the grant performance measures reporting requirement. Data regarding planning activities will be captured in the form of a checklist included as a section within the grant performance measures for this Purpose Area.

9. Can I use funds to renovate or construct a police department or courthouse?

Yes. However, these components must be part of a multi-purpose justice center effort. In previous years, it was not statutorily allowable to use grant funds to construct police departments and courts. As the result of the recently enacted Tribal Law and Order Act, Purpose Area #4 funds may be used to fund these items. Changes to DOJ grant programs enacted with the passage of the Tribal Law and Order Act have been incorporated into the CTAS solicitation. For more information regarding the Tribal Law and Order Act, please visit www.tribaljusticeandsafety.gov.

10. Does the funded facility have to be located on tribal lands? How is “Tribal lands” defined?

Yes. Efforts funded under Purpose Area #4 must be located on Tribal lands. Tribal lands means:

- a. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- b. All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and
- c. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of way running through the same.

11. If my tribe received funds to renovate or construct a correctional facility previously, can I now apply for Purpose Area #4 funds to renovate or construct a police department and/or a courthouse?

Yes. However, the police department and/or courthouse must be part of a multi-purpose justice center that includes a detention component.

12. Can my tribe submit more than one application under Purpose Area #4?

No. Only one application will be accepted from each Tribe or Tribal Consortium, covering all Purpose Areas.

13. If my tribe received an American Recovery and Reinvestment Act (ARRA) CFTL construction or renovation grant, am I permitted to apply for FY 2011 CTAS Purpose Area #4 funds to add a new component for a multi-purpose justice center?

Yes. However, please be advised that ARRA funds that have been obligated are available for expenditure until **September 30, 2015**. Therefore, applicants should ensure that ARRA projects are completed by the deadline. Also, FY 2011 CTAS funding cannot be commingled with ARRA funds. There should be a clear separation of funding used to augment ARRA projects.

14. Can my tribe apply for more than one subcategory (i.e., planning, renovation/construction, correctional alternatives) under Purpose Area 4?

Yes. The tribe may apply for funding under one or all of the subcategories. However, the maximum amount requested should not exceed the \$1,000,000 for all subcategories combined. For example, a tribe may apply for renovation/construction and correctional alternatives for a cumulative total that should not exceed \$1,000,000. Also, please be advised that tribes applying for renovation/construction funds must ensure that the projects are “shovel ready.” It is not acceptable to apply for planning funds and renovation/construction funds for the same

project. For example, tribes applying to renovate or construct a correctional facility cannot also apply for planning funds to conduct planning activities for the same project.

15. If my tribe applies for more than one subcategory (i.e., planning, renovation/construction, correctional alternatives) under Purpose Area 4, does the 12 pages purpose area page limit apply for each subcategory that my tribe applies for?

No. The 12 page limit is cumulative for all subcategories that the tribe may apply for under Purpose Area 4. Applicants may not exceed the 12 page limit requirement for Purpose Area 4 if applying for more than one subcategory.

16. Can tribes submit an application under Purpose Area 4 to fund offender reentry activities such as transitional living facilities (halfway houses)?

Yes. Tribes can use funding under Purpose Area 4 to fund offender reentry activities.

5. Violence against women (OVW – Tribal Governments Program – Tribal Sexual Assault Services Program – TSASP)

1. Who is eligible to apply for Purpose Area #5 funding?

Individual Indian Tribes, tribal government consortia, and organizations acting as the authorized designee of an individual Tribe are all eligible to apply.

2. What projects may be supported with Purpose Area #5 funding?

Purpose Area #5 is focused on decreasing violence against women and girls, including developing services for victims of domestic violence, dating violence, sexual assault, and stalking, strengthening capacity of Indian Tribes to use their sovereign authority to respond to these crimes, and to make sure that people who commit these crimes are held responsible. Specific activities include the following:

Strategic Planning: Comprehensive strategic planning to develop and enhance governmental strategies to increase the safety of Indian women.

Staffing: Salary and fringe benefits for: victim advocates; prosecutors; Tribal court judges and other court staff; law enforcement officers; probation officers; domestic violence or sexual assault response team coordinators; staff for a domestic violence shelter, safe home, or transitional housing facility; civil legal assistance attorneys; Batterers' Intervention Program staff; staff for a supervised visitation and safe exchange center; paralegals; clerical support staff, etc.; Advocates, counselors, volunteer coordinators, manager positions to oversee staff, and any other position that provides or oversees staff providing direct assistance to victims of sexual assault; Individuals contracted to provide direct services to victims such as short-term individual counseling or support groups.

Victim Services: Rape crisis hotlines; emergency shelter services; accompaniment and advocacy; crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision; information and referrals; and development and distribution of relevant materials for sexual assault victims; Transitional housing assistance for victims; Legal advice or representation to victims who need assistance with legal issues that are caused by the abuse; Supervised visitation and safe exchange

programs to allow children to visit with their non-custodial parent in cases where one parent has committed domestic violence, sexual assault, or stalking against the other.

Training & Travel: Local mileage reimbursement for program staff; airfare, hotel, and per diem to travel to OVW-sponsored training and technical assistance events; Costs for training law enforcement, prosecutors, judges, and other criminal justice personnel on how to respond to crimes of violence against women; Costs for training medical professionals or lay health providers to perform sexual assault forensic examinations.

Equipment & Supplies: Equipment such as digital cameras; video cameras; general office equipment including computers, printers, fax machines, scanners, etc.; Office furniture for project staff; Furnishings and security systems for a domestic violence shelter, safe home, or transitional housing units; LCD projectors; Vehicles for use by program staff; Equipment necessary to establish a protection order registry, sex offender registry, or information-sharing database; Small appliances for a shelter, safe home, or transitional housing units; Supplies such as rape kits; general office supplies; postage; supplies necessary to create brochures, posters, fliers, resource manuals, and/or training manuals; Cleaning supplies for a shelter, safe home, or transitional housing units; Materials for traditional arts and crafts, etc.

Prevention: Outreach and awareness posters, service brochures, editorials/newspaper articles, PSAs, radio/TV ads, videos, fact sheets; Curriculum development, training, community teaching, training, and awareness efforts; Local meeting costs tied directly to an outreach strategy that promotes coordinated efforts within the community to address elder victimization and to aid victims; Strengthening the Tribal criminal justice system's ability to get involved with stopping violence against Indian women; Establishing culturally appropriate Batterers' Intervention Programs.

Cultural and Traditional Practices: Applicants are encouraged to incorporate cultural and traditional practices, including women's talking circles, healing ceremonies for women who have been sexually assaulted, gender-specific traditional gatherings for victims and survivors, and sweat lodges for women and adolescent girls, in proposed activities.

3. Are there additional eligibility requirements for Purpose Area #5?

Yes. All applicants must demonstrate that their application was developed in consultation with one of the three following collaborative partners: (1) a nonprofit, nongovernmental Indian victim services provider organization; (2) a nonprofit, nongovernmental tribal domestic violence or sexual assault coalition; or (3) an advisory committee which includes women from the community to be served by the proposed project.

Applicants that are selected for funding consideration will be required to submit a letter of support from its qualified collaborative partner. Some applicants may be exempt from this requirement. Please contact the Office on Violence Against Women (OVW) if you have questions regarding this requirement.

4. How can my organization demonstrate that it has been authorized to apply for Purpose Area #5 funding on behalf of a Tribe?

An organization that is applying as the authorized designee of an individual Tribe or a consortium of Tribes must submit a current resolution from the tribal government authorized it to apply for funding. The resolution must specify that: (1) the Tribe has authorized that the applicant to apply for funding; and (2) designated the organization to receive funding on behalf of the Tribe.

5. Are current OVW Tribal Governments Program or Tribal Sexual Assault Services Program grantees eligible to apply for Purpose Area #5 funding this year?

OVW will accept applications for funding from *all* current Tribal Governments Program grantees, including grantees who received funding in Fiscal Years 2007-2010. Current grantees are strongly discouraged from seeking funding to continue/maintain projects that were funded in Fiscal Years 2009-2010. Grantees who received funding in Fiscal Years 2009-2010 should instead request funding to enhance or expand the activities that were funded in those years.

6. What are the estimated award amounts for Purpose Area #5?

Eligible applicants that have never before received funding from OVW should request up to \$450,000. Eligible applicants who have a current Tribal Governments Program award are encouraged to think carefully about their need for continuation funding. It is unlikely that OVW will be able to award applicants who are seeking continuation funding more than \$900,000.

7. What is the award period for Purpose Area #5?

All awards will be made for a period of 36 months.

8. Can funding under Purpose Area #5 be used to assist victims of child abuse or victims of crime?

In general, no. Purpose Area #5 funding can generally only be used to address incidents of domestic violence, dating violence, sexual assault, and stalking committed against adult and adolescent victims. The funding cannot be used to provide direct services to victims of child abuse or victims of crimes other than domestic violence, dating violence, sexual assault and stalking. There is one limited exception. There is a small amount of funding for sexual assault specific services under the Tribal Sexual Assault Services Program, and this funding can be used to assist child victims of sexual assault.

9. What other information should I know about the Purpose Area requirements?

All applicants from the lower 48 will be required to budget \$20,000 to pay for costs associated with attending OVW-sponsored training and technical assistance events. Applicants from Alaska will be required to budget \$25,000 for this purpose.

10. The estimated award amounts under purpose area #5 are set between \$300,000-\$900,000. Does this allow grantees to apply for a "reasonable amount" anywhere between these amounts? Is it based on population?

New applicants should apply for awards of up to \$450,000. Current grantee requests for continuation of current projects must be reasonable. Due to limited funding it is unlikely that OVW will make continuation awards in excess of \$900,000. Awards under this Purpose Area are not based on population.

11. Is the OVW's Tribal Sexual Assault Services Program included in this year's Coordinated Tribal Assistance Solicitation?

Yes. The Tribal Sexual Assault Services Program and Tribal Governments Program are combined in Purpose Area #5.

12. Can child victims of sexual assault be served under Purpose Area #5?

Yes, but only with funding from the Tribal Sexual Assault Services Program. Applicants should clearly articulate in the purpose area narrative goals and activities pertaining to serving child victims of sexual assault.

13. What purpose area should be used if I want to provide services to sexual assault victims?

You should submit a request for Purpose Area #5. The Purpose Area narrative, budget detail and budget narrative should clearly outline what activities and personnel (and other budget items) pertain to serving sexual assault victims.

14. Are matching funds required?

No. Matching funds are not required for this Purpose Area.

6. Elder abuse (OVC - Tribal Elder Outreach Program)

1. Can funds be used to implement either a new victim assistance or tribal elder victim assistance program under Purpose Area 6?

Funds may only be used to augment ongoing crime victim assistance programs to aid in the development of comprehensive outreach strategies that provide special focus on tribal elder victimization (e.g., physical, sexual, financial).

2. What activities can be funded under the award?

Allowable activities and services include outreach and awareness, victim assistance services, and travel. Specific examples include the following:

Staffing: Staffing (not more than 50 percent of an award may be used for salary and fringe benefits).

Community Outreach/Education: Outreach and awareness posters, service brochures, editorials/newspaper articles, PSAs, radio/TV ads, videos, fact sheets; Curriculum development, training, community teaching, and awareness efforts; Local meeting costs tied directly to an outreach strategy that promotes coordinated efforts within the community to address elder victimization and to aid victims.

Victim Assistance: Community-based and culturally specific crime victim assistance services; development and distribution of protocols and toolkits.

Travel: Airfare, lodging, and mileage reimbursement for meeting or training costs related to Purpose Area activities, including costs associated with DOJ-required training.

3. What activities cannot be funded under the award?

Prevention- and construction-related costs are not allowed under this award.

4. What is meant by enhanced coordination among victim assistance/human services, courts/law enforcement, and community development/youth outreach and mentoring programs?

Applicants are encouraged to demonstrate strategies that are specific to their community and include collaboration with appropriate local agencies and organizations involved in assisting elder victims. They must also show their capacity to coordinate with other agencies serving crime victims such as U.S. Attorneys' Offices; Federal Bureau of Investigation field offices; state VOCA administrators; Bureau of Indian Affairs Law Enforcement Services; state and county law enforcement agencies; the Indian Health Service; mental health clinics, hospitals; and other appropriate tribal and nontribal agencies.

5. Can Tribes apply for more than the designated award totals?

Applicants may apply for the approximate award amount of \$215,000 covering a 3 year project period. DOJ has the discretion to negotiate the scope of work and budget with applicants prior to the awarding of a grant.

6. May the applicant designate which of the performance measures it wishes to address, or is the applicant expected to address all performance measures?

Applicants are expected to address all performance measures under this Program Area. They should describe their ability, through a formal process, to collect information related to the performance measures listed in the solicitation.

7. Are there budgetary restrictions? What restrictions pertain to personnel and fringe benefits?

If a position is supported with OVC funds, total costs associated with “salary and fringe benefits” may not exceed 50 percent of the federal grant amount under the Purpose Area. Additionally, if the applicant is (currently) funding a 1/2 time victim-related position with other federal funds, resources under Purpose Area 6 may complement that position as long as the applicant does not exceed the aforementioned stipulation. Match is not required.

7. Juvenile justice (OJJDP—Tribal Juvenile Accountability Discretionary Program)

1. What projects are supported under this Purpose Area?

This Purpose Area focuses on juvenile justice. Specific examples of activities include the following:

Staffing: Salary and fringe benefits for positions to support implementation of the program and oversee staff who provide direct assistance to youth participants; Consultant and contract services for professional support and for evaluation.

Equipment and Supplies: Computer hardware and software for Internet access and e-mail capability, cell phones, telephones, pagers, printers, fax machines, copiers, as needed for program implementation; General office supplies, postage, and other supplies necessary to create outreach materials such as posters, flyers, etc.

Construction and Operation: Costs to build, expand, renovate, or operate temporary or permanent juvenile correction, detention, or community corrections facilities. With respect to the cost of constructing juvenile detention or correctional facilities only, the federal share of a grant received under this Purpose Area may not exceed 50 percent of approved costs.

Travel: Airfare, lodging, and mileage reimbursement for meeting or training costs related to Purpose Area activities, including costs associated with DOJ-required training.

Strategic Planning: Comprehensive planning for Tribal justice systems to serve juveniles.

2. Are matching funds required?

Yes, matching funds are required. Purpose Area #7 funds may not exceed 90 percent of total program costs, including any funds the recipient sets aside for program administration. The

applicant must identify the source of the non-federal portion of the budget and how they will use match funds. Applicants may satisfy this match requirement with either cash or in-kind services. In addition, if an award recipient uses Purpose Area #7 funds to construct a permanent juvenile correctional facility, the recipient must meet a 50-percent match of the total project. Applicants may satisfy this match requirement with either cash or in-kind services.

Please go to www.tribaljusticeandsafety.gov for additional information about how to calculate matching funds.

3. How can I find out what costs are allowable/unallowable?

Please reference the OJP Financial Guide (www.ojp.gov/financialguide/index.htm) to determine whether program costs are allowable or unallowable.

4. What training and technical assistance requirements are associated with this award?

OJJDP requires all newly awarded grantees to attend a mandatory orientation meeting in Washington, DC, during year 1 of the project. OJJDP also requires grantees to attend an annual Tribal Grantee Regional Cluster Meeting in years 2 and 3 of the project.

In addition in the first year of the project, OJJDP will provide newly-funded grantees mandatory, intensive training and technical assistance to help them develop a comprehensive strategic plan and the capacity to collect and utilize performance management and program evaluation data. This training and technical assistance includes a mandatory Strategic Planning Training in year 1 of the project. Within 8 months of the first year of the grantee's project period (May 30, 2012), OJJDP will require the grantee to submit an approved comprehensive plan to implement, monitor, and sustain project goals and objectives and that documents the achievement of designated milestones. Please see the solicitation for more information, including how these requirements impact the applicant's budget.

5. What is the Purpose Area #7 "trust fund" requirement?

A Tribe that receives a grant under Purpose Area #7 must establish an interest-bearing trust fund to deposit program funds. A trust fund is defined as an interest-bearing account specifically designated for this Purpose Area. The recipient of grant funds must use the amounts in the trust fund (including interest) during a period not to exceed 36 months from the date of the award. Grant recipients may use trust funds for purposes within the scope of the approved program and for authorized program administration purposes.

To comply with the trust fund requirement, a recipient's account must include the following features:

- The account must earn interest.
- The recipient must account for the federal award amount.
- The recipient must account for the local match amount.
- The recipient must account for the interest earned.

6. What are Purpose Area #7 reporting requirements?

Grantees must submit a categorical assistance progress report (CAPR) through DOJ's Grants Management System (GMS) (<https://grants.ojp.usdoj.gov/>) annually on November 30 for the period October 1 through September 30 of the previous year. They must also submit their performance measure data for this same period through the Data Collection Technical Assistance Tool - DCTAT (www.ojjdp-dctat.org/) and upload a copy of this report into GMS along with their CAPR.

7. Under Purpose Area #7, may youth 18 years of age or older receive services under the award?

No. Services may only be provided to juveniles who have not yet reached their 18th birthday.

8. Under Purpose Area #7, may a Tribe implement a program for Native girls only?

A single-sex program or activity may be only be funded under this award if the recipient agrees to identify and refer any excluded individuals to, or provide them with, a comparable alternative program or service.

8. Tribal youth program (OJJDP – Tribal Youth Program- TYP)

1. What projects can be supported under this Purpose Area?

The goal of this program is to provide juvenile delinquency prevention services and support the ability of Tribes to respond to, and care for, juvenile offenders; and to encourage the accountability of Tribal governments to prevent juvenile delinquency and respond to, and care for, juvenile offenders; and to engage in comprehensive strategic planning for Tribal justice systems to serve juveniles. Examples of activities include:

Staffing: Staffing and fringe benefits for positions to support implementation of program and oversee staff who provide direct assistance to youth participants.

Strategic Planning: Comprehensive planning for Tribal justice systems to serve juveniles.

Prevention/Intervention/Treatment: Prevention services to impact risk factors for delinquency, including risk factor identification, anti-gang education, youth gun violence reduction programs, truancy prevention programs, school dropout prevention programs, afterschool programs, and parenting education programs; Interventions for court-involved Tribal youth, including graduated sanctions, restitution, diversion, home detention, foster and shelter care, and mentoring; Alcohol and drug abuse prevention programs and prevention services including drug and/or alcohol education, counselors, drug testing, and screening; Mental health program services, including development of comprehensive screening tools, crisis intervention, intake assessments, therapeutic services for co-occurring mental health and substance abuse disorders, drug testing, fetal alcohol syndrome screening, counseling, referral services, and placement services; Engaging at-risk Tribal youth in activities centered on cultural preservation, land reclamation, or green/sustainable Tribal traditions focusing on Tribal youth with chronic truancy or at risk of dropping out of school; Development and implementation of trauma-informed systems of care for programs and services that address child protection issues and interventions that address the effects and issues of childhood trauma; Development and implementation of Tribal best practices and traditional healing methods to support Tribal youth; Prevention and intervention services to teach native girls culturally appropriate skills needed to resist substance abuse, prevent teen pregnancy, prevent sexual abuse, foster positive relationships with peers and adults, learn self-advocacy, and build pro-social skills.

Tribal Courts and Juvenile Detention Centers:

Improvements to the Tribal juvenile justice system including the development and implementation of indigenous justice strategies, Tribal juvenile codes, Tribal youth courts, Tribal juvenile drug courts, intake assessments, advocacy programs, and gender-specific programming and enhancing juvenile probation services and/or reentry programs; Services for

youth residing within Tribal juvenile detention centers or soon to be released from such a center such as risk and needs assessments, educational and vocational programming, mental health services, substance abuse programs, family strengthening, recreational activities, and extended reentry aftercare to help successfully reintegrate the youth into the Tribal community; Enhance existing data systems, advance green technology and environmentally sustainable activities, and improve reporting capacity; Implement, monitor, and maintain Tribal juvenile detention standards.

Equipment: Computer hardware and software for Internet access and e-mail capability, cell phones, telephones, pagers, printers, fax machines, copiers, as needed for program implementation (**Note**: Applicants are encouraged to budget for one computer system with Internet access and e-mail capability, if one system is not already available); General office supplies, postage, and other supplies necessary to create outreach materials such as posters, flyers, etc.

Training: Consultant and contract services for professional support and expert knowledge to assist with the development/enhancement of the program, such as training, treatment, information technology, and evaluation; Mileage reimbursement, air travel, lodging, and per diem associated with mandatory training (see Part G, III).

Travel: Airfare, lodging, and mileage reimbursement associated with DOJ-required training.

2. What training and technical assistance requirements are associated with this award?

OJJDP requires all newly awarded grantees to attend a mandatory orientation meeting in Washington, DC, during year 1 of the project. OJJDP also requires grantees to attend an annual Tribal Grantee Regional Cluster Meeting in years 2 and 3 of the project.

In addition, in the first year of the project, OJJDP will provide newly-funded grantees mandatory, intensive training and technical assistance to help them develop a comprehensive strategic plan and the capacity to collect and utilize performance management and program evaluation data. This training and technical assistance includes a mandatory Strategic Planning Training in year 1 of the project. Within 8 months of the first year of the grantee's project period (May 30, 2012), OJJDP will require the grantee to submit an approved comprehensive plan to implement, monitor, and sustain project goals and objectives and that documents the achievement of designated milestones. Please see the solicitation for more information, including how these requirements impact the applicant's budget.

3. Are matching funds required?

Matching funds are not required under Purpose Area #8.

4. Under Purpose Area #8, may youth 18 years of age or older receive services under the award?

No. Services may only be provided to juveniles who have not yet reached their 18th birthday.

5. Under Purpose Area #8, may a Tribe implement a program for Native girls only?

A single-sex program or activity may only be funded under this award if the recipient agrees to identify and refer any excluded individuals to, or provide them with, a comparable alternative program or service.

Fiscal Year 2011: Coordinated Tribal Assistance Solicitation Guidance regarding Supplanting

Which DOJ Coordinated Tribal Assistance Solicitation (CTAS) programs prohibit supplanting?

Generally, recipients must use federal funds to supplement existing funds for program activities and may not replace (supplant) non-federal funds that they have appropriated for the same purpose. DOJ CTAS programs may vary by purpose area, however, with regard to treatment of supplanting. For example, a particular purpose area may have a specific statutory prohibition regarding supplanting that applies to the purpose area (or to a subset of the program activities within that purpose area) or, a program purpose area may permit the supplementation of existing non-federal resources with federal funds under certain circumstances. Also, the provisions of the DOJ awarding agency guidance documents for award administration with respect to supplanting generally apply, unless otherwise indicated here or in the solicitation for the Fiscal Year 2011 CTAS programs. For OJP funding recipients, the OJP Financial Guide includes the applicable general supplanting provisions. For OVW, the OVW Financial Grants Management Guide provides the applicable general supplanting provisions. For COPS funding recipients, the COPS Tribal Resources Grant Program Grant Owner's Manual and the COPS Tribal Methamphetamine Initiative Grant Owner's Manual include the applicable general supplanting provisions.

The following DOJ CTAS programs *do* have specific statutory provisions addressing supplanting.

- **Purpose Areas #1 and #2** – Public safety and community policing (COPS), and Methamphetamine enforcement (COPS)
- **Purpose Area #5** – Violence Against Women (OVW)
- **Purpose Area #7** – Juvenile justice (OJJDP)

The following DOJ CTAS programs *do not* have specific statutory provisions addressing supplanting, but fall under the general provisions of the applicable DOJ awarding agency guidance regarding supplanting.

- **Purpose Area #3** – Justice systems, and alcohol and substance abuse (BJA)
- **Purpose Area #4** – Corrections and correctional alternatives (BJA)
- **Purpose Area #6** – Elder abuse (OVC)
- **Purpose Area #8** – Tribal youth program (OJJDP)

What is Supplanting?

Generally, supplanting occurs when a State, local, or Tribal government reduces State, local, or Tribal funds for an activity specifically because federal funds are available (or expected to be available) to fund that same activity. When supplanting is not permitted, federal funds must be used to **supplement** existing State, local, or Tribal funds for program activities and may not replace State, local, or Tribal funds that have been appropriated or allocated for the same purpose. Additionally, federal funding may not replace State, local, or Tribal funding that is required by law. In those instances where a question of supplanting arises, the applicant or grantee will be required to substantiate that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds. (See "Documentation and Record Retention," below.)

Program-specific statutory restrictions on supplanting (with examples)

A. Public safety and community policing (COPS) – Purpose Area #1, and Methamphetamine enforcement (COPS) – Purpose Area #2

The underlying statute for these CTAS programs provides that—

Funds made available [for this program] to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds [for this program], be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs. 42 U.S.C. § 3799dd-3(a).

Example – CTAS: COPS Purpose Area #1

Tribe X was awarded a CTAS grant under Purpose Area #1 to purchase five police vehicles. Subsequently, Tribe X made adjustments to its local budget and shifted local funding that it budgeted to purchase five police vehicles to other law enforcement purposes.

Under this scenario, it may be considered a supplanting violation because Tribe X had already budgeted local funds to purchase the five police vehicles and is therefore replacing local funding with CTAS funding. Tribe X may not reallocate local funding that was previously budgeted for police vehicles as a result of receiving CTAS funding. Consequently, Tribe X may be required to repay the CTAS funding unless it can demonstrate through documentation that the budgeted local funds were not reallocated to other purposes because it received CTAS funding and that it would have shifted the funding in the absence of receiving the CTAS funding.

Example – CTAS: COPS Purpose Area #2

Tribe A is in the second year of a three-year Tribal Methamphetamine Initiative grant. The Tribal Council has just announced that all Departments must reduce their personnel budgets by 10% during the next fiscal year because of local fiscal distress. This reduction-in-force will eliminate approximately five locally-funded sworn officer positions from the Tribe's Police Department. Will this reduction-in-force violate the nonsupplanting requirement? What steps should the Tribe take to protect its grant funding?

Under this scenario there is no supplanting violation – the reduction is agency-wide, which demonstrates that the reduction in local funding would occur regardless of the Tribe's receipt of COPS funding and therefore, would have occurred even in the absence of COPS funding. However, the Tribe must maintain documentation in its grant file to show that the reduction-in-force was unrelated to the receipt of COPS funding in case of an audit or monitoring review. Such documentation includes: Tribal council or departmental meeting minutes; memoranda, notices, orders or other official documents; documentation identifying the total number of sworn officer positions and non-sworn positions eliminated from the Police Department; documentation identifying the total number of positions eliminated from other tribal departments' budget sheets and/or budget directives; tribal-wide budget and/or personnel cuts that impact other tribal departments; and any other supplemental information that supports the primary

source documentation such as audit reports, major disaster declarations, receivership, bankruptcy documents, or newspaper articles, etc.

Supplanting Provision Applicable to Purpose Area 5 . (See Examples B and C below.) The Violence Against Women Act provides that, "[a]ny Federal funds received [under an OVW grant] shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for [OVW grant] activities. . . ." 42 USC 13925(b)(4). This means that a grantee may not reduce State, local, Tribal or other non-Federal funds that have been allocated for an OVW-permissible activity because Federal funds are available (or expected to be available) to fund that same activity. Rather, Federal funds must be used to supplement existing State, local, Tribal or other funds for OVW program activities.

B. Violence Against Women (OVW) – Purpose Area #5

Example - CTAS: OVW Purpose Area #5

In FY 2011, Tribe X allocated \$300,000 to fund four (4) advocate positions to work with underserved populations and provide specialized sexual assault services. The tribe used non-federal funds to cover the costs of a fifth advocate. In September 2011, the tribe received OVW FY 2011 CTAS grant funding, which it used to pay for the fifth court advocate position and shifted the non-federal funds previously used to pay for that position to cover the costs of a staff divorce attorney to represent survivors.

Under these circumstances, supplanting **would** have occurred. Even though the tribe maintained the same level of Violence Against Women Act (VAWA) grant activity, that is, it did not eliminate the fifth advocate position, but rather used the new federal funds to pay for it, the new federal funds did not increase or "supplement" the VAWA grant activity the tribe had previously paid for with non-federal funds because those non-federal funds were diverted to an activity that could not be paid for with VAWA grant funds (the divorce attorney position). As a result, the new federal funding replaced or "supplanted" the non-federal funding the shelter had previously used for VAWA grant activity.

In FY 2011, Tribe X allocated \$300,000 to fund four (4) advocate positions to work with underserved populations and provide sexual assault services. The tribe also used non-federal funds to cover the costs of a fifth advocate. In September 2011, the shelter received OVW FY 2011 CTAS funding, which it used to pay for the fifth advocate position, and transferred the non-federal funds to pay for a new position to work with sexual assault victims and provide advocacy in hospital settings.

Under these circumstances, supplanting **would not** have occurred. The tribe transferred non-federal funds to fund a VAWA statutorily-permissible position, and used OVW FY 2011 CTAS funding to fund a statutorily-permissible position. In this instance, the use of OVW FY 2011 CTAS funds supplemented the non-federal funds being used by the tribe for VAWA grant activities.

C. Violence Against Women (OVW) – Purpose Area #5

Examples - CTAS: OVW Purpose Area #5

Tribe A has 2 prosecutors and wishes to hire a specialized domestic violence prosecutor. The tribe receives OVW FY 2011 CTAS funding for this purpose but

instead of hiring an inexperienced new prosecutor wishes to use one of the existing prosecutors for the specialized domestic violence prosecutor grant position and backfill the previous position, which does not focus on violence against women. Under these circumstances, supplanting **would not** have occurred because the tribe used federal funds to supplement OVW permissible grant activities.

D. Juvenile justice (OJJDP) #7

The law underlying this program provides that “[f]unds made available under this [program] to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this [program], be made available from State or local sources, as the case may be. 42 U.S.C. § 3796ee-5(d).

Examples - CTAS: OJJDP Purpose Area #7

Example 1 Tribe A has traditionally used Tribal funding to establish a series of training programs for court and police personnel on juvenile crime and delinquency issues. Due to funding constraints in FY 2010, Tribe A reduced its budgeted funding for the training programs by 50% for FY2011. In October 2010, Tribe A received an award, \$100,000 of which was for a training program. Tribe A used those federal funds to restore the 50% they had cut from the FY2011 budget.

Under these circumstances, supplanting would **not** have occurred as long as the Tribe's reduction of its training budget was not based on the anticipated receipt of federal funds for its training program.

Example 2 In FY 2010, Tribe B initially budgeted \$1 million for its training program for court and police personnel, and it received \$400,000 in federal grant funds for that same purpose. After receiving the federal award, the Tribe redirected \$400,000 in the Tribe's funds that it had budgeted for the training program, planning to use the federal funds instead to make up the difference

Under these circumstances, supplanting **would** have occurred. Tribe B used federal funds to support the training program that it would otherwise have funded with the Tribe's funds, and thus the federal funds were used to supplant the Tribe's funds.

Documentation and Record Retention

In a case where a question of supplanting may arise, a Tribal government that receives CTAS funds that are subject to a non-supplanting restriction should retain whatever documentation is produced during the ordinary course of government business that will help substantiate that supplanting has not occurred. Depending on the circumstances, relevant documents might include annual appropriations acts, executive orders directing broad reductions of operating budgets, or Tribal, city, or county council resolutions or meeting minutes concerning budget cuts and layoffs.

All Tribal governments that receive CTAS awards are reminded that the record retention and access requirements of 28 C.F.R. § 66.42, chapter 12 of part III of the OJP Financial Guide (for OJP and OVW programs only), and the Financial Records Maintenance section of the COPS Tribal Resources Grant Program Grant Owner's Manual (for COPS programs only) and the COPS Tribal Methamphetamine Initiative Grant Owner's Manual (for COPS programs only) apply to CTAS grants, as well as to other DOJ grants.

Monitoring and Audit

For CTAS programs that prohibit supplanting, potential supplanting will be the subject of monitoring and audit. DOJ monitors compliance with all grant requirements in a variety of ways. For example, a recipient may receive an on-site monitoring visit from the program office or an on-site financial monitoring visit from a DOJ financial officer, or it may be audited by the Department of Justice Office of the Inspector General.

For Additional Information

For answers to specific questions regarding supplanting, OJP applicants and grantees should contact the OJP Office of the Chief Financial Officer's Customer Service Center at 1-800-458-0786 or ask.ocfo@usdoj.gov. COPS applicants and grantees should contact the COPS Office Response Center at 1-800-421-6770. OVW applicants and grantees should contact OVW's Grants Financial Management Division at OVW.GFMD@usdoj.gov or 1-888-514-8556.

U.S. Department of Justice Fiscal Year 2011 - Coordinated Tribal Assistance Solicitation

Table of Statutory Authorities Listed by Purpose Area

Purpose Area	Authority
1. Public safety and community policing (COPS)	Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796dd, as amended; Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322
2. Methamphetamine enforcement	Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796dd, as amended; Violent Crime Control and Law Enforcement Act of 1994, Title I, Part Q, Public Law 103-322
3. Justice systems, and alcohol and substance abuse (BJA)	Department of Justice Appropriations Act, 2010, Division B, Title II, Public Law 111-117, 123 Stat. 3122, 3134 and Indian Tribal Justice Technical and Legal Assistance Act of 2000, Title II, Section 201, Public Law 106-559, as amended, 25 U.S.C. 3681; and Department of Justice Appropriations Act, 2010, Division B, Title II, Public Law 111-117, 123 Stat. 3122, 3134
4. Corrections and correctional alternatives (BJA)	Violent Crime Control and Law Enforcement Act of 1994, Title II, Subtitle A, Section 20109, Public Law 103-322, as amended, 42 U.S.C. 13709
5. Violence Against Women (OVW)	Violence Against Women and Department of Justice Reauthorization Act of 2005, Title IX, Section 906, Public Law 109-162, 42 U.S.C. 3796gg-10 and Section 3(b), Public Law 109-271, 42 U.S.C. 14043g and Omnibus Crime Control and Safe Streets Act of 1968, Title I, Part T, Section 2015, Public Law 90-351, as amended, 42 U.S.C. 3796gg-10
6. Elder abuse (OVC)	Victims of Crime Act of 1984, Title II, Chapter XIV, Section 1404, Public Law 98-473, as amended, 42 U.S.C. 10603 (c)(1)(A)
7. Juvenile justice (OJJDP)	Omnibus Crime Control and Safe Streets Act of 1968, Title I, Part R, Section 1801A, Public Law 90-351, as amended, 42 U.S.C. 3796ee-1
8. Tribal youth program (OJJDP)	Department of Justice Appropriations Act, 2010, Division B, Title II, Public Law 111-117, 123 Stat. 3122, 3136

TRIBAL LAW AND ORDER ACT

Redline Version for changes made to existing law by:

Pub.L. 111–211 [HR 725]

July 29, 2010

Title II of PROTECTION OF INDIAN ARTS AND CRAFTS ACT

SECTION 201

25 USC § 2801 NOTE

SHORT TITLE (“Tribal Law and Order Act of 2010”) and TABLE OF CONTENTS

SECTION 202. Findings; Purposes

25 USC § 2801 NOTE

(a) FINDINGS.--Congress finds that--

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

(2) Congress and the President have acknowledged that--

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

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

(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than 1/2 of the law enforcement presence in comparable rural communities nationwide;

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

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

(B) has been increasingly exploited by criminals; and

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

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

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

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

(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

2263(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.--The purposes of this title are--

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

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

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

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

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

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

SECTION 203/ SECTION 211(a). Definitions
--

(a) IN GENERAL.--In this title:

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

(2) INDIAN TRIBE.--The term "Indian tribe" has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.--The term "Secretary" means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.--The term "tribal government" means the governing body of a federally recognized Indian tribe.

25 USC § 2801. Definitions

For purposes of this chapter--

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

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

- (3) The term “employee of the Bureau” includes an officer of the Bureau.
- (4) The term “enforcement of a law” includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.
- (5) The term “Indian country” has the meaning given that term in [section 1151 of Title 18](#).
- (6) The term “Indian tribe” has the meaning given that term in [section 1301](#) of this title.
- (7) The term “offense” means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.
- (8) The term “Secretary” means the Secretary of the Interior.

(10) The term ‘tribal justice official’ means--

(A) a tribal prosecutor;

(B) a tribal law enforcement officer; or

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

SECTION 204. Severability

25 USC § 2801 NOTE

If any provision of this title, an amendment made by this title, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this title, the remaining amendments made by this title, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.

SECTION 205. Jurisdiction of the State of Alaska

25 USC § 2801 NOTE

Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.

SECTION 206. Effect

25 USC § 2801 NOTE

Nothing in this Act confers on an Indian tribe criminal jurisdiction over non-Indians.

Subtitle A – Federal Accountability and Coordination

SECTION 211. Office of Justice Services Responsibilities

25 USC § 2802. Indian law enforcement responsibilities

(a) Responsibility of Secretary

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

(b) OFFICE OF JUSTICE SERVICES. – There is established in the Bureau an office, to be known as the “Office of Justice Services”, that , under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for--

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

(c) Additional responsibilities of Division

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

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

to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

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

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

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

(I) criminal investigators;

(II) uniform police;

(III) police and emergency dispatchers;

(IV) detention officers;

(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and

(VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

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

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

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

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

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

(18) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations 2266 contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).

(d) Branch of Criminal Investigations; establishment, responsibilities, regulations, personnel, etc.

(1) The Secretary shall establish within the Office of Justice Services a separate Branch of Criminal Investigations which, under such inter-agency agreement as may be reached between the Secretary and appropriate agencies or officials of the Department of Justice and subject to such guidelines as may be adopted by relevant United States attorneys, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of [sections 1152 and 1153 of Title 18](#), within Indian country.

(2) The Branch of Criminal Investigations shall not be primarily responsible for the routine law enforcement and police operations of the Bureau in Indian country.

(3) The Secretary shall prescribe regulations which shall establish a procedure for active cooperation and consultation of the criminal investigative employees of the Bureau assigned to an Indian reservation with the governmental and law enforcement officials of the Indian tribe located on such reservation.

(4)(i) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Office of Justice Services. Such personnel shall not be subject to the supervision of the Bureau of Indian Affairs Agency Superintendent or Bureau of Indian Affairs Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with nonlaw enforcement Bureau of Indian Affairs personnel at the agency or area levels, or prohibit or restrict the right of a tribe to contract the investigative program under the authority of [Public Law 93-638 \[25 U.S.C.A. § 450 et seq.\]](#) or to maintain its own criminal investigative operations.

(ii) At the end of one year following the date of establishment of the separate Branch of Criminal Investigations, any tribe may, by resolution of the governing body of the tribe, request the Secretary to reestablish line authority through the Agency Superintendent or Bureau of Indian Affairs Area Office Director. In the absence of good cause to the contrary, the Secretary, upon receipt of such resolution, shall reestablish the line authority as requested by the tribe.

(e) Standards of Education and Experience and Classification of Positions.—

(1) Standards of Education and Experience.—

(A) In General. – The Secretary shall establish appropriate standards of education, experience, training, and other relevant qualifications for law enforcement personnel of the Office of Justice Services who are charged with law enforcement responsibilities pursuant to [section 2803](#) of this title.

(B) REQUIREMENTS FOR TRAINING.--The training standards established under subparagraph (A)--

(i) shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

(C) TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.--Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraph (A) through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university) that meets the appropriate Peace Officer Standards of Training.

(D) MAXIMUM AGE REQUIREMENT.--Pursuant to section 3307(e) of title 5, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.

[\(2\) The Secretary](#) shall also provide for the classification of such positions within the Office of Justice Services at GS grades, as provided in [section 5104 of Title 5](#), consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Office of Justice Services under paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal agencies in light of the responsibilities, duties, and qualifications required of such positions.

(4) BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFICIALS.--

(A) IN GENERAL.--The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

(B) TIMING.--If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.

(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.--Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including--

(1) a description of proposed activities for--

(A) the construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.

25 USC § 2803. Law enforcement authority

The Secretary may charge employees of the Bureau with law enforcement responsibilities and may authorize those employees to--

(1) carry firearms;

(2) execute or serve warrants, summonses, or other orders relating to a crime committed in Indian country and issued under the laws of--

(A) the United States (including those issued by a Court of Indian Offenses under regulations prescribed by the Secretary or offenses processed by the Central Violations Bureau); or

(B) an Indian tribe if authorized by the Indian tribe;

(3) make an arrest without a warrant for an offense committed in Indian country if--

(A) the offense is committed in the presence of the employee,

(B) the offense is a felony and the employee has probable cause to believe that the person to be arrested has committed, or is committing, the felony;

(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has probable cause to believe that the person to be arrested has committed, or is committing the crime; or

(D)(i) the offense involves--

(I) a misdemeanor controlled substance offense in violation of--

(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.); or

(cc) section 731 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (21 U.S.C. 865);

(II) a misdemeanor firearms offense in violation of chapter 44 of title 18, United States Code;

(III) a misdemeanor assault in violation of chapter 7 of title 18, United States Code; or

(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18, United States Code;

and

(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime;

(4) offer and pay a reward for services or information, or purchase evidence, assisting in the detection or investigation of the commission of an offense committed in Indian country or in the arrest of an offender against the United States;

(5) make inquiries of any person, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter relevant to the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the employee to enforce or carry out tribal laws;

(6) wear a prescribed uniform and badge or carry prescribed credentials;

(7) perform any other law enforcement related duty; and

(8) when requested, assist (with or without reimbursement) any Federal, tribal, State, or local law enforcement agency in the enforcement or carrying out of the laws or regulations the agency enforces or administers.

SECTION 212. Disposition Reports

25 USC § 2809. Reports to tribes

(a) COORDINATION AND DATA COLLECTION.--

(1) INVESTIGATIVE COORDINATION.--Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

(2) INVESTIGATION DATA.--The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including--

(A) the types of crimes alleged;

(B) the statuses of the accused as Indians or non-Indians;

(C) the statuses of the victims as Indians or non-Indians; and

(D) the reasons for deciding against referring the investigation for prosecution.

(3) PROSECUTORIAL COORDINATION.--Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

(4) PROSECUTION DATA.--The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including--

(A) the types of crimes alleged;

(B) the statuses of the accused as Indians or non-Indians;

(C) the statuses of the victims as Indians or non-Indians; and

(D) the reasons for deciding to decline or terminate the prosecutions.

(b) ANNUAL REPORTS.--The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)--

(1) organized--

(A) in the aggregate; and

(B)(i) for the Federal Bureau of Investigation, by Field Division; and

(ii) for United States Attorneys, by Federal judicial district; and

(2) including any relevant explanatory statements.

(c) EFFECT OF SECTION.--

(1) IN GENERAL.--Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

(2) FEDERAL RULES OF CRIMINAL PROCEDURE.--Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

(3) REGULATIONS.--The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.”

SECTION 213. Prosecution of Crimes in Indian Country
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28 USC § 543. Special attorneys

(a) The Attorney General may appoint attorneys to assist United States attorneys when the public interest so requires, including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country.

(b) Each attorney appointed under this section is subject to removal by the Attorney General.

(c) INDIAN COUNTRY.--In this section, the term ‘Indian country’ has the meaning given that term in section 1151 of title 18.

Amendment to the Indian Law Enforcement Reform Act (codified at 25 USC 2801 et seq.)

“SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

“(a) APPOINTMENT.--The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

“(b) DUTIES.--The duties of a tribal liaison shall include the following:

2269“(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

“(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

“(3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

“(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

“(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

“(6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

“(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

“(8) Coordinating with the Office of Tribal Justice, as necessary.

“(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

“(c) EFFECT OF SECTION.--Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

“(d) ENHANCED PROSECUTION OF MINOR CRIMES.--

“(1) IN GENERAL.--Each United States Attorney serving a district that includes Indian country is authorized and encouraged--

“(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when--

“(i) the crime rate exceeds the national average crime rate; or

“(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

“(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

“(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

2270“(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

“(2) SENSE OF CONGRESS REGARDING CONSULTATION.--It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.”.

SECTION 214. Administration.

25 USC § 3653. Definitions

For purposes of this chapter:

(1) Attorney General--The term “Attorney General” means the Attorney General of the United States.

(2) Director—The term “Director” means the Director of the Office of Tribal Justice

(3) Indian lands--The term “Indian lands” shall include lands within the definition of “Indian country”, as defined in section 1151 of Title 18; or “Indian reservations”, as defined in section 1452(d) of this title, or section 1903(10) of this title. For purposes of the preceding sentence, such section 1452(d) of this title shall be applied by treating the term “former Indian reservations in Oklahoma” as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by such Secretary as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on December 21, 2000).

(4) Indian tribe--The term “Indian tribe” means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(5) Judicial personnel--The term “judicial personnel” means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(6) Non-profit entities--The term “non-profit entity” or “non-profit entities” has the meaning given that term in section 501(c)(3) of Title 26.

(7) Office of Tribal Justice--The term “Office of Tribal Justice” means the Office of Tribal Justice in the United States Department of Justice.

(8) Tribal justice system--The term “tribal court”, “tribal court system”, or “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

Amendment to the Indian Tribal Justice Technical and Legal Assistance Act

“SEC. 106. OFFICE OF TRIBAL JUSTICE.

“(a) IN GENERAL.--Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

“(b) PERSONNEL AND FUNDING.--The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a component of the Department under subsection (a).

2271“(c) DUTIES.--The Office of Tribal Justice shall--

“(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

“(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

“(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect--

“(A) the trust responsibility of the United States to Indian tribes;

“(B) any tribal treaty provision;

“(C) the status of Indian tribes as sovereign governments; or

“(D) any other tribal interest.”

Amendment to the Indian Law Enforcement Reform Act (codified at 25 USC 2801 et seq.)

“SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.

“(a) ESTABLISHMENT.--There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the ‘Native American Issues Coordinator’.

“(b) DUTIES.--The Native American Issues Coordinator shall--

“(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

“(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

“(3) coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and

“(4) carry out such other duties as the Attorney General may prescribe.”.

Subtitle B – State Accountability and Coordination

SECTION 221. State Criminal Jurisdiction and Resources.

25 USC § 1321. Assumption by State of criminal jurisdiction

(a) Consent of United States--

(1) IN GENERAL.--The consent of the United States The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which could be affected by such assumption, such measure of jurisdiction over any or all of such offenses committed within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(2) CONCURRENT JURISDICTION.--At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United States shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.

(b) Alienation, encumbrance, taxation, and use of property; hunting, trapping, or fishing

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

18 USC § 1162. State jurisdiction over offenses committed by or against Indians in the Indian country

(a) Each of the States or Territories listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State or Territory to the same extent that such State or Territory has jurisdiction over offenses committed elsewhere within the State or Territory, and the criminal laws of such State or Territory shall have the same force and effect within such Indian country as they have elsewhere within the State or Territory:

State or Territory of	Indian country affected
Alaska	Indian country within the State, except that on Annette Islands, the

Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended

California	Indian country within the State
Minnesota	Indian country within the State, except the Red Lake Reservation
Nebraska	Indian country within the State
Oregon	Indian country within the State, except the Warm Springs Reservation
Wisconsin	Indian country within the State

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

(c) The provisions of sections 1152 and 1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction.

(d) Notwithstanding subsection (c), at the request of an Indian tribe, and after consultation with and consent by the Attorney General--

(1) sections 1152 and 1153 shall apply in the areas of the Indian country of the Indian tribe; and

(2) jurisdiction over those areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments.

SECTION 222. State, Tribal, and Local Law Enforcement Cooperation.

25 USC § 2815 NOTE

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of--

(1) improving law enforcement effectiveness;

(2) reducing crime in Indian country and nearby communities; and

(3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

Subtitle C - Empowering Tribal Law Enforcement Agencies and Tribal Governments

SECTION 231. Tribal Police Officers.

25 USCA § 2802. Indian law enforcement responsibilities

Amendments reflected in redlines at Section 211 above

25 USCA § 2804. Assistance by other agencies

(a) AGREEMENTS.--

(1) IN GENERAL.--Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary shall establish procedures to enter into memoranda of agreement for the use (with or without reimbursement) of the personnel or facilities of a Federal, tribal, State, or other government agency to aid in the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the Secretary to enforce tribal laws.

(2) CERTAIN ACTIVITIES.--The Secretary may authorize a law enforcement officer of such an agency to perform any activity the Secretary may authorize under section 2803 of this title.

(3) PROGRAM ENHANCEMENT.--

(A) TRAINING SESSIONS IN INDIAN COUNTRY.--

(i) IN GENERAL.--The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

(ii) INCLUSIONS.--The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

(B) MEMORANDA OF AGREEMENT.--

(i) IN GENERAL.--Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

(ii) SUBSTANCE OF AGREEMENTS.--Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 3(c).

(iii) AGREEMENT.--Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the Indian tribe.

(b) Agreement to be in accord with agreements between Secretary and Attorney General

Any agreement entered into under this section relating to the enforcement of the criminal laws of the United States shall be in accord with any agreement between the Secretary and the Attorney General of the United States.

(c) Limitations on use of personnel of non-Federal agency

The Secretary may not use the personnel of a non-Federal agency under this section in an area of Indian country if the Indian tribe having jurisdiction over such area of Indian country has adopted a resolution objecting to the use of the personnel of such agency. The Secretary shall consult with Indian tribes before entering into any agreement under subsection (a) of this section with a non-Federal agency that will provide personnel for use in any area under the jurisdiction of such Indian tribes.

(d) Authority of Federal agency head to enter into agreement with Secretary

Notwithstanding the provisions of section 1535 of Title 31, the head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with the Secretary under subsection (a) of this section.

(e) Authority of Federal agency head to enter into agreement with Indian tribe

The head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with an Indian tribe relating to--

(1) the law enforcement authority of the Indian tribe, or

(2) the carrying out of a law of either the United States or the Indian tribe.

(f) Status of person as Federal employee

While acting under authority granted by the Secretary under subsection (a) of this section, a person who is not otherwise a Federal employee shall be considered to be--

(1) an employee of the Department of the Interior only for purposes of--

(A) the provisions of law described in section 3374(c)(2) of Title 5, and

(B) sections 111 and 1114 of Title 18, and

(2) an eligible officer under subchapter III of chapter 81 of Title 5.

Amendment to the Indian Self-Determination and Education Assistance Act (codified at 25 USC 450 et seq.)

TITLE VII--INDIAN LAW ENFORCEMENT FOUNDATION

SEC. 701. DEFINITIONS.

In this title:

(1) BOARD.--The term 'Board' means the Board of Directors of the Foundation.

(2) BUREAU.--The term 'Bureau' means the Office of Justice Services of the Bureau of Indian Affairs.

(3) COMMITTEE.--The term 'Committee' means the Committee for the Establishment of the Indian Law Enforcement Foundation established under section 702(e)(1).

(4) FOUNDATION.--The term 'Foundation' means the Indian Law Enforcement Foundation established under section 702.

(5) SECRETARY.--The term 'Secretary' means the Secretary of the Interior.

SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.

(a) ESTABLISHMENT.--

(1) IN GENERAL.--As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation'.

(2) FUNDING DETERMINATIONS.--No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall--

(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of public safety or justice services to Indians.

(b) NATURE OF CORPORATION.--The Foundation--

(1) shall be a charitable and nonprofit federally chartered corporation; and

(2) shall not be an agency or instrumentality of the United States.

(c) PLACE OF INCORPORATION AND DOMICILE.--The Foundation shall be incorporated and domiciled in the District of Columbia.

(d) DUTIES.--The Foundation shall--

(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

(e) COMMITTEE FOR THE ESTABLISHMENT OF THE INDIAN LAW ENFORCEMENT FOUNDATION.--

(1) IN GENERAL.--The Secretary shall establish a committee, to be known as the 'Committee for the Establishment of the Indian Law Enforcement Foundation', to assist the Secretary in establishing the Foundation.

(2) DUTIES.--Not later than 180 days after the date of enactment of this section, the Committee shall--

(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the date on which the Board is established;

(C) establish the constitution and initial bylaws of the Foundation;

(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

(f) BOARD OF DIRECTORS.--

(1) IN GENERAL.--The Board of Directors shall be the governing body of the Foundation.

(2) POWERS.--The Board may exercise, or provide for the exercise of, the powers of the Foundation.

(3) SELECTION.--

(A) IN GENERAL.--Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

(B) REQUIREMENTS.--

(i) NUMBER OF MEMBERS.--The Board shall be composed of not less than 7 members.

(ii) INITIAL VOTING MEMBERS.--The initial voting members of the Board--

(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

(II) shall serve for staggered terms.

(iii) QUALIFICATION.--The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

(C) COMPENSATION.--A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

(g) OFFICERS.--

(1) IN GENERAL.--The officers of the Foundation shall be--

(A) a Secretary, elected from among the members of the Board; and

(B) any other officers provided for in the constitution and bylaws of the Foundation.

(2) CHIEF OPERATING OFFICER.--

(A) SECRETARY.--Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

(B) APPOINTMENT.--The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

(3) ELECTION.--The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

(h) POWERS.--The Foundation--

(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

(2) may adopt and alter a corporate seal;

(3) may enter into contracts;

(4) may acquire (through gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

(5) may sue and be sued; and

(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

(i) PRINCIPAL OFFICE.--

(1) IN GENERAL.--The principal office of the Foundation shall be located in the District of Columbia.

(2) ACTIVITIES; OFFICES.--The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

(j) SERVICE OF PROCESS.--The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

(k) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.--

(1) IN GENERAL.--The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

(2) PERSONAL LIABILITY.--A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

(l) RESTRICTIONS.--

(1) LIMITATION ON SPENDING.--Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of--

(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

(B) donations received from private sources during the preceding fiscal year.

(2) PERCENTAGES.--The percentages referred to in paragraph (1) are--

(A) for the first 2 fiscal years described in that paragraph, 25 percent;

(B) for the following fiscal year, 20 percent; and

(C) for each fiscal year thereafter, 15 percent.

(3) APPOINTMENT AND HIRING.--The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

(4) STATUS.--A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

(m) AUDITS.--The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

(n) FUNDING.--For each of fiscal years 2011 through 2015, out of any unobligated amounts available to the Secretary, the Secretary may use to carry out this section not more than \$500,000.

SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.

(a) PROVISION OF SUPPORT BY SECRETARY.--Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary--

(1) may provide personnel, facilities, and other administrative support services to the Foundation;

(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

(3) shall require and accept reimbursements from the Foundation for--

(A) services provided under paragraph (1); and

(B) funds provided under paragraph (2).

(b) REIMBURSEMENT.--Reimbursements accepted under subsection (a)(3)--

(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

(c) CONTINUATION OF CERTAIN SERVICES.--The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services are--

(1) available; and

(2) provided on reimbursable cost basis.

**Technical Amendments to the Indian Self-Determination and Education Assistance Act
(codified at 25 USC 450 et seq.)**

**** In the nature of redesignating Title and Section numbering ****

25 USC § 2804. Assistance by other agencies

(a) Agreement for use of personnel or facilities of Federal, tribal, State, or other government agency

The Secretary may enter into an agreement for the use (with or without reimbursement) of the personnel or facilities of a Federal, tribal, State, or other government agency to aid in the enforcement or carrying out in Indian country of a law of either the United States or an Indian tribe that has authorized the Secretary to enforce tribal laws. The Secretary may authorize a law enforcement officer of such an agency to perform any activity the Secretary may authorize under section 2803 of this title.

(b) Agreement to be in accord with agreements between Secretary and Attorney General

Any agreement entered into under this section relating to the enforcement of the criminal laws of the United States shall be in accord with any agreement between the Secretary and the Attorney General of the United States.

(c) Limitations on use of personnel of non-Federal agency

The Secretary may not use the personnel of a non-Federal agency under this section in an area of Indian country if the Indian tribe having jurisdiction over such area of Indian country has adopted a resolution objecting to the use of the personnel of such agency. The Secretary shall consult with Indian tribes before entering into any agreement under subsection (a) of this section with a non-Federal agency that will provide personnel for use in any area under the jurisdiction of such Indian tribes.

(d) Authority of Federal agency head to enter into agreement with Secretary

Notwithstanding the provisions of section 1535 of Title 31, the head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with the Secretary under subsection (a) of this section.

(e) Authority of Federal agency head to enter into agreement with Indian tribe

The head of a Federal agency with law enforcement personnel or facilities may enter into an agreement (with or without reimbursement) with an Indian tribe relating to--

(1) the law enforcement authority of the Indian tribe, or

(2) the carrying out of a law of either the United States or the Indian tribe.

(f) Status of person as Federal employee

While acting under authority granted by the Secretary under subsection (a) of this section, a person who is not otherwise a Federal employee shall be considered to be--

(1) an employee of the Department of the Interior only for purposes of--

(A) the provisions of law described in section 3374(c)(2) of Title 5, and

(B) sections 111 and 1114 of Title 18, and

(2) an eligible officer under subchapter III of chapter 81 of Title 5.

(g) ACCEPTANCE OF ASSISTANCE.--The Bureau may accept reimbursement, resources, assistance, or funding from--

(1) a Federal, tribal, State, or other government agency; or

(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.

SECTION 232. Drug Enforcement in Indian Country.
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21 USC § 872. Education and research programs of Attorney General

(a) Authorization

The Attorney General is authorized to carry out educational and research programs directly related to enforcement of the laws under his jurisdiction concerning drugs or other substances which are or may be subject to control under this subchapter. Such programs may include--

(1) educational and training programs on drug abuse and controlled substances law enforcement for local, State, tribal, and Federal personnel;

(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

(3) studies or special projects designed to assess and detect accurately the presence in the human body of drugs or other substances which are or may be subject to control under this subchapter, including the development of rapid field identification methods which would enable agents to detect microquantities of such drugs or other substances;

(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

(5) studies or special projects to develop more effective methods to prevent diversion of controlled substances into illegal channels; and

(6) studies or special projects to develop information necessary to carry out his functions under section 811 of this title.

(b) Contracts

The Attorney General may enter into contracts for such educational and research activities without performance bonds and without regard to section 5 of Title 41.

(c) Identification of research populations; authorization to withhold

The Attorney General may authorize persons engaged in research to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any Federal, State, tribal, or local civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

(d) Affect of treaties and other international agreements on confidentiality

Nothing in the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances, or other treaties or international agreements shall be construed to limit, modify, or prevent the protection of the confidentiality of patient records or of the names and other identifying characteristics of research subjects as provided by any Federal, State, or local law or regulation.

(e) Use of controlled substances in research

The Attorney General, on his own motion or at the request of the Secretary, may authorize the possession, distribution, and dispensing of controlled substances by persons engaged in research. Persons who obtain this authorization shall be exempt from State or Federal prosecution for possession, distribution, and dispensing of controlled substances to the extent authorized by the Attorney General.

(f) Program to curtail diversion of precursor and essential chemicals

The Attorney General shall maintain an active program, both domestic and international, to curtail the diversion of precursor chemicals and essential chemicals used in the illicit manufacture of controlled substances.

21 USC § 872a. Public-private education program

(a) Advisory panel

The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, tribal, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) Continuation of current efforts

The Attorney General shall continue to--

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State, tribal, and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

21 USC § 873. Cooperative arrangements

(a) Cooperation of Attorney General with local, State, tribal, and Federal agencies

The Attorney General shall cooperate with local, State, tribal, and Federal agencies concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, he is authorized to--

(1) arrange for the exchange of information between governmental officials concerning the use and abuse of controlled substances;

(2) cooperate in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States;

(3) conduct training programs on controlled substance law enforcement for local, State, and Federal personnel;

(4) maintain in the Department of Justice a unit which will accept, catalog, file, and otherwise utilize all information and statistics, including records of controlled substance abusers and other controlled substance law offenders, which may be received from Federal, State, and local agencies, and make such information available for Federal, State, and local law enforcement purposes;

(5) conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted;

(6) assist State, tribal, and local governments in suppressing the diversion of controlled substances from legitimate medical, scientific, and commercial channels by--

(A) making periodic assessments of the capabilities of State, tribal, and local governments to adequately control the diversion of controlled substances;

(B) providing advice and counsel to State, tribal, and local governments on the methods by which such governments may strengthen their controls against diversion; and

(C) establishing cooperative investigative efforts to control diversion; and

(7) notwithstanding any other provision of law, enter into contractual agreements with State, tribal, and local law enforcement agencies to provide for cooperative enforcement and regulatory activities under this chapter.

(b) Requests by Attorney General for assistance from Federal agencies or instrumentalities

When requested by the Attorney General, it shall be the duty of any agency or instrumentality of the Federal Government to furnish assistance, including technical advice, to him for carrying out his functions under this subchapter; except that no such agency or instrumentality shall be required to furnish the name of, or other identifying information about, a patient or research subject whose identity it has undertaken to keep confidential.

(c) Descriptive and analytic reports by Attorney General to State agencies of distribution patterns of schedule II substances having highest rates of abuse

The Attorney General shall annually (1) select the controlled substance (or controlled substances) contained in schedule II which, in the Attorney General's discretion, is determined to have the highest rate of abuse, and (2) prepare and make available to regulatory, licensing, and law enforcement agencies of States descriptive and analytic reports on the actual distribution patterns in such States of each such controlled substance.

(d) Grants by Attorney General

(1) The Attorney General may make grants, in accordance with paragraph (2), to State, tribal, and local governments to assist in meeting the costs of--

(A) collecting and analyzing data on the diversion of controlled substances,

(B) conducting investigations and prosecutions of such diversions,

(C) improving regulatory controls and other authorities to control such diversions,

(D) programs to prevent such diversions,

(E) preventing and detecting forged prescriptions, and

(F) training law enforcement and regulatory personnel to improve the control of such diversions.

(2) No grant may be made under paragraph (1) unless an application therefor is submitted to the Attorney General in such form and manner as the Attorney General may prescribe. No grant may exceed 80 per centum of the costs for which the grant is made, and no grant may be made unless the recipient of the grant provides assurances satisfactory to the Attorney General that it will obligate funds to meet the remaining 20 per centum of such costs. The Attorney General shall review the activities carried out with grants under paragraph (1) and shall report annually to Congress on such activities.

(3) To carry out this subsection there is authorized to be appropriated \$6,000,000 for fiscal year 1985 and \$6,000,000 for fiscal year 1986.

21 USC § 878. Powers of enforcement personnel

(a) Any officer or employee of the Drug Enforcement Administration or any State, tribal, or local law enforcement officer designated by the Attorney General may--

(1) carry firearms;

(2) execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of the United States;

(3) make arrests without warrant (A) for any offense against the United States committed in his presence, or (B) for any felony, cognizable under the laws of the United States, if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) make seizures of property pursuant to the provisions of this subchapter; and

(5) perform such other law enforcement duties as the Attorney General may designate.

(b) State and local law enforcement officers performing functions under this section shall not be deemed Federal employees and shall not be subject to provisions of law relating to Federal employees, except that such officers shall be subject to [section 3374\(c\) of Title 5](#).

21 USC § 872 NOTE

EFFECT OF GRANTS.--Nothing in this section or any amendment made by this section--

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SECTION 233. Access to National Criminal Information Databases.
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28 USC § 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall--

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); and

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, Indian tribes, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) INDIAN LAW ENFORCEMENT AGENCIES.--The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies--

(1) to access and enter information into Federal criminal information databases; and

(2) to obtain information from the databases.

(e) For purposes of this section, the term "other institutions" includes--

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal tribal, and State criminal justice agencies authorized to enter information into criminal information databases may include--

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection--

(A) the term "national crime information databases" means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term "protection order" includes--

(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

28 USC § 534 NOTE

(b) REQUIREMENT.--

(1) IN GENERAL.--The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) SANCTIONS.--For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.--Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SECTION 234. Tribal Court Sentencing Authority.

25 USC § 1302. Constitutional rights

(a) IN GENERAL.--No Indian tribe in exercising powers of self-government shall--

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense (except as provided in subsection (b));

(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of \$5,000, or both;

(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of \$15,000, or both; or

(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

(b) OFFENSES SUBJECT TO GREATER THAN 1-YEAR IMPRISONMENT OR A FINE GREATER THAN \$5,000.--A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3

years for any 1 offense, or a fine greater than \$5,000 but not to exceed \$15,000, or both, if the defendant is a person accused of a criminal offense who--

(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

(c) RIGHTS OF DEFENDANTS.--In a criminal proceeding in which an Indian tribe, in exercising powers of self-government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall--

(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

(3) require that the judge presiding over the criminal proceeding--

(A) has sufficient legal training to preside over criminal proceedings; and

(B) is licensed to practice law by any jurisdiction in the United States;

(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

(d) SENTENCES.--In the case of a defendant sentenced in accordance with subsections (b) and (c), a tribal court may require the defendant--

(1) to serve the 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 to be developed by the Bureau of Indian Affairs (in consultation with Indian 2281tribes) not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010;

(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

(D) in an alternative rehabilitation center of an Indian tribe; or

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

(e) DEFINITION OF OFFENSE.--In this section, the term 'offense' means a violation of a criminal law.

(f) EFFECT OF SECTION.--Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.”.

25 USC § 1302 NOTE

BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.--

(1) IN GENERAL.--Not later than 120 days after the date of enactment of this title, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal court pursuant to section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section), subject to the conditions described in paragraph (2).

(2) CONDITIONS.--

(A) IN GENERAL.--As a condition of participation in the pilot program described in paragraph (1), the tribal court shall submit to the Attorney General a request for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

(B) LIMITATIONS.--Requests for confinement shall be limited to offenders convicted of a violent crime (comparable to the violent crimes described in section 1153(a) of title 18, United States Code) for which the sentence includes a term of imprisonment of 2 or more years.

(C) CUSTODY CONDITIONS.--The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility, and imprisoned at the expense of the United States.

2282(D) CAP.--The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(3) RESCINDING REQUESTS.--

(A) IN GENERAL.--The applicable tribal government shall retain the authority to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) RETURN TO TRIBAL CUSTODY.--On rescission of a request under subparagraph (A), a tribal offender shall be returned to tribal custody.

(4) REASSESSMENT.--If tribal court demand for participation in this pilot program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(5) REPORT.--Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(6) TERMINATION.--Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established

42 USCA § 2996f. Grants and contracts

(a) Requisites

With respect to grants or contracts in connection with the provision of legal assistance to eligible clients under this subchapter, the Corporation shall--

(1) insure the maintenance of the highest quality of service and professional standards, the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2)(A) establish, in consultation with the Director of the Office of Management and Budget and with the Governors of the several States, maximum income levels (taking into account family size, urban and rural differences, and substantial cost-of-living variations) for individuals eligible for legal assistance under this subchapter;

(B) establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include--

(i) the liquid assets and income level of the client,

(ii) the fixed debts, medical expenses, and other factors which affect the client's ability to pay,

(iii) the cost of living in the locality, and

(iv) such other factors as relate to financial inability to afford legal assistance, which may include evidence of a prior determination that such individual's lack of income results from refusal or unwillingness, without good cause, to seek or accept an employment situation; and

(C) insure that (i) recipients, consistent with goals established by the Corporation, adopt procedures for determining and implementing priorities for the provision of such assistance, taking into account the relative needs of eligible clients for such assistance (including such outreach, training, and support services as may be necessary), including particularly the needs for service on the part of significant segments of the population of eligible clients with special difficulties of access to legal services or special legal problems (including elderly and handicapped individuals); and (ii) appropriate training and support services are provided in order to provide such assistance to such significant segments of the population of eligible clients;

(3) insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas;

(4) insure that attorneys employed full time in legal assistance activities supported in major part by the Corporation refrain from (A) any compensated outside practice of law, and (B) any uncompensated outside practice of law except as authorized in guidelines promulgated by the Corporation;

(5) insure that no funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, or State proposals by initiative petition, except where--

(A) representation by an employee of a recipient for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit an attorney or a recipient employee to

solicit a client, in violation of professional responsibilities, for the purpose of making such representation possible); or

(B) a governmental agency, legislative body, a committee, or a member thereof--

(i) requests personnel of the recipient to testify, draft, or review measures or to make representations to such agency, body, committee, or member, or

(ii) is considering a measure directly affecting the activities under this subchapter of the recipient or the Corporation.

(6) insure that all attorneys engaged in legal assistance activities supported in whole or in part by the Corporation refrain, while so engaged, from--

(A) any political activity, or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal advice and representation), or

(C) any voter registration activity (other than legal advice and representation);

(7) require recipients to establish guidelines, consistent with regulations promulgated by the Corporation, for a system for review of appeals to insure the efficient utilization of resources and to avoid frivolous appeals (except that such guidelines or regulations shall in no way interfere with attorneys' professional responsibilities);

(8) insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this subchapter and give preference in filling such positions to qualified persons who reside in the community to be served;

(9) insure that every grantee, contractor, or person or entity receiving financial assistance under this subchapter or predecessor authority under this chapter which files with the Corporation a timely application for refunding is provided interim funding necessary to maintain its current level of activities until **(A)** the application for refunding has been approved and funds pursuant thereto received, or **(B)** the application for refunding has been finally denied in accordance with section 2996j of this title;

(10) insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the Corporation, refrain from the persistent incitement of litigation and any other activity prohibited by the Canons of Ethics and Code of Professional Responsibility of the American Bar Association, and insure that such attorneys refrain from personal representation for a private fee in any cases in which they were involved while engaged in such legal assistance activities; and

(11) ensure that an indigent individual whose primary residence is subject to civil forfeiture is represented by an attorney for the Corporation in such civil action.

(b) Limitations on uses

No funds made available by the Corporation under this subchapter, either by grant or contract, may be used--

(1) to provide legal assistance (except in accordance with guidelines promulgated by the Corporation) with respect to any fee-generating case (which guidelines shall not preclude the

provision of legal assistance in cases in which a client seeks only statutory benefits and appropriate private representation is not available);

(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;

(3) to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act and the action is brought against an officer of the court or against a law enforcement official for the purpose of challenging the validity of the criminal conviction;

(4) for any of the political activities prohibited in paragraph (6) of subsection (a) of this section;

(5) to make grants to or enter into contracts with any private law firm which expends 50 percent or more of its resources and time litigating issues in the broad interests of a majority of the public;

(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, as distinguished from the dissemination of information about such policies or activities, except that this provision shall not be construed to prohibit the training of attorneys or paralegal personnel necessary to prepare them to provide adequate legal assistance to eligible clients;

(7) to initiate the formation, or act as an organizer, of any association, federation, or similar entity, except that this paragraph shall not be construed to prohibit the provision of legal assistance to eligible clients;

(8) to provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution;

(9) to provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any elementary or secondary school or school system, except that nothing in this paragraph shall prohibit the provision of legal advice to an eligible client with respect to such client's legal rights and responsibilities;

(10) to provide legal assistance with respect to any proceeding or litigation arising out of a violation of the Military Selective Service Act [[50 App. U.S.C.A. § 451 et seq.](#)] or of desertion from the Armed Forces of the United States, except that legal assistance may be provided to an eligible client in a civil action in which such client alleges that he was improperly classified prior to July 1, 1973, under the Military Selective Service Act or prior corresponding law; or

(11) to provide legal assistance in a manner inconsistent with the Assisted Suicide Funding Restriction Act of 1997 [[42 U.S.C.A. § 14401 et seq.](#)].

(c) Recipient organizations

In making grants or entering into contracts for legal assistance, the Corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body at least 60 percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation (1) shall, upon application, grant waivers to permit a legal services program, supported under [section 2809\(a\)\(3\)](#) of this title, which on July 25, 1974, has a majority of persons who are not

attorneys on its policy-making board to continue such a non-attorney majority under the provisions of this subchapter, and (2) may grant, pursuant to regulations issued by the Corporation, such a waiver for recipients which, because of the nature of the population they serve, are unable to comply with such requirement) and at least one-third of which consists of persons who are, when selected, eligible clients who may also be representatives of associations or organizations of eligible clients. Any such attorney, while serving on such board, shall not receive compensation from a recipient.

(d) Program evaluation

The Corporation shall monitor and evaluate and provide for independent evaluations of programs supported in whole or in part under this subchapter to insure that the provisions of this subchapter and the bylaws of the Corporation and applicable rules, regulations, and guidelines promulgated pursuant to this subchapter are carried out.

(e) Corporation president authorized to make grants and enter into contracts

The president of the Corporation is authorized to make grants and enter into contracts under this subchapter.

(f) Public notification

At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor, the State bar association of any State, and the principal local bar associations (if there be any) of any community, where legal assistance will thereby be initiated, of such grant, contract, or project. Notification shall include a reasonable description of the grant application or proposed contract or project and request comments and recommendations.

(g) Staff-attorney program study

The Corporation shall provide for comprehensive, independent study of the existing staff-attorney program under this chapter and, through the use of appropriate demonstration projects, of alternative and supplemental methods of delivery of legal services to eligible clients, including judicare, vouchers, prepaid legal insurance, and contracts with law firms; and, based upon the results of such study, shall make recommendations to the President and the Congress, not later than two years after the first meeting of the Board, concerning improvements, changes, or alternative methods for the economical and effective delivery of such services.

(h) Study and report to Congress on special needs of eligible clients

The Corporation shall conduct a study on whether eligible clients who are--

(1) veterans,

(2) native Americans,

(3) migrants or seasonal farm workers,

(4) persons with limited English-speaking abilities, and

(5) persons in sparsely populated areas where a harsh climate and an inadequate transportation system are significant impediments to receipt of legal services have special difficulties of access to legal services or special legal problems which are not being met. The Corporation shall report to Congress not later than January 1, 1979, on the extent and nature of any such problems and difficulties and shall include in the report and implement appropriate recommendations.

SECTION 235. Indian Law and Order Commission.

Amendment to the Indian Law Enforcement Reform Act (codified at 25 USC 2801 et seq.)

“SEC. 15. INDIAN LAW AND ORDER COMMISSION.

“(a) ESTABLISHMENT.--There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the ‘Commission’).

“(b) MEMBERSHIP.--

“(1) IN GENERAL.--The Commission shall be composed of 9 members, of whom--

“(A) 3 shall be appointed by the President, in consultation with--

“(i) the Attorney General; and

“(ii) the Secretary;

“(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

“(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

“(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

2283“(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

“(2) REQUIREMENTS FOR ELIGIBILITY.--Each member of the Commission shall have significant experience and expertise in--

“(A) the Indian country criminal justice system; and

“(B) matters to be studied by the Commission.

“(3) CONSULTATION REQUIRED.--The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

“(4) TERM.--Each member shall be appointed for the life of the Commission.

“(5) TIME FOR INITIAL APPOINTMENTS.--The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

“(6) VACANCIES.--A vacancy in the Commission shall be filled--

“(A) in the same manner in which the original appointment was made; and

“(B) not later than 60 days after the date on which the vacancy occurred.

“(c) OPERATION.--

“(1) CHAIRPERSON.--Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

“(2) MEETINGS.--

“(A) IN GENERAL.--The Commission shall meet at the call of the Chairperson.

“(B) INITIAL MEETING.--The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

“(3) QUORUM.--A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

“(4) RULES.--The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

“(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.--The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including--

“(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on--

“(A) the investigation and prosecution of Indian country crimes; and

“(B) residents of Indian land;

“(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to--

“(A) reducing Indian country crime; and

2284“(B) rehabilitation of offenders;

“(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

“(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

“(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on--

“(A) the authority of Indian tribes;

“(B) the rights of defendants subject to tribal government authority; and

“(C) the fairness and effectiveness of tribal criminal systems; and

“(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2010.

“(e) RECOMMENDATIONS.--Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of--

“(1) simplifying jurisdiction in Indian country;

“(2) improving services and programs--

“(A) to prevent juvenile crime on Indian land;

“(B) to rehabilitate Indian youth in custody; and

“(C) to reduce recidivism among Indian youth;

“(3) adjustments to the penal authority of tribal courts and exploring alternatives to incarceration;

“(4) the enhanced use of chapter 43 of title 28, United States Code (commonly known as ‘the Federal Magistrates Act’) in Indian country;

“(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

“(6) changes to the tribal jails and Federal prison systems; and

“(7) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

“(f) REPORT.--Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains--

“(1) a detailed statement of the findings and conclusions of the Commission; and

“(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

“(g) POWERS.--

“(1) HEARINGS.--

“(A) IN GENERAL.--The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

“(B) PUBLIC REQUIREMENT.--The hearings of the Commission under this paragraph shall be open to the public.

“(2) WITNESS EXPENSES.--

2285“(A) IN GENERAL.--A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

“(B) PER DIEM AND MILEAGE.--The fees and allowances for a witness shall be paid from funds made available to the Commission.

“(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.--

“(A) IN GENERAL.--The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

“(B) TRIBAL AND STATE AGENCIES.--The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

“(4) POSTAL SERVICES.--The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

“(5) GIFTS.--The Commission may accept, use, and dispose of gifts or donations of services or property.

“(h) COMMISSION PERSONNEL MATTERS.--

“(1) TRAVEL EXPENSES.--A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

“(2) DETAIL OF FEDERAL EMPLOYEES.--On the affirmative vote of 2/3 of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

“(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.--On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

“(i) CONTRACTS FOR RESEARCH.--

“(1) RESEARCHERS AND EXPERTS.--

“(A) IN GENERAL.--On an affirmative vote of 2/3 of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

“(B) NATIONAL INSTITUTE OF JUSTICE.--The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

“(2) OTHER ORGANIZATIONS.--Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

“(j) TRIBAL ADVISORY COMMITTEE.--

“(1) ESTABLISHMENT.--The Commission shall establish a committee, to be known as the ‘Tribal Advisory Committee’.

“(2) MEMBERSHIP.--

“(A) COMPOSITION.--The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

“(B) QUALIFICATIONS.--Each member of the Tribal Advisory Committee shall have experience relating to--

“(i) justice systems;

“(ii) crime prevention; or

“(iii) victim services.

“(3) DUTIES.--The Tribal Advisory Committee shall--

“(A) serve as an advisory body to the Commission; and

“(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

“(k) FUNDING.--For the fiscal year after the date of enactment of the Tribal Law and Order Act of 2010, out of any unobligated amounts available to the Secretary of the Interior or the Attorney General, the Secretary or the Attorney General may use to carry out this section not more than \$2,000,000.

“(l) TERMINATION OF COMMISSION.--The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (f).

“(m) NONAPPLICABILITY OF FACAA.--The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission

SECTION 236. Exemption for Tribal Display Materials.

18 USC § 845. Exceptions; relief from disabilities

(a) Except in the case of subsection (l), (m), (n), or (o) of section 842 and subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, this chapter shall not apply to:

(1) aspects of the transportation of explosive materials via railroad, water, highway, or air that pertain to safety, including security, and are regulated by the Department of Transportation or the Department of Homeland Security;

(2) the use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopeia, or the National Formulary;

(3) the transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof;

(4) small arms ammunition and components thereof;

(5) commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms as defined in section 921(a)(16) of title 18 of the United States Code, or in antique devices as exempted from the term "destructive device" in section 921(a)(4) of title 18 of the United States Code;

(6) the manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States; or to arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States and

(7) the transportation, shipment, receipt, or importation of display fireworks materials for delivery to a federally recognized Indian tribe or tribal agency.

(b)(1) A person who is prohibited from shipping, transporting, receiving, or possessing any explosive under section 842(i) may apply to the Attorney General for relief from such prohibition.

(2) The Attorney General may grant the relief requested under paragraph (1) if the Attorney General determines that the circumstances regarding the applicability of section 842(i), and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of such relief is not contrary to the public interest.

(3) A licensee or permittee who applies for relief, under this subsection, from the disabilities incurred under this chapter as a result of an indictment for or conviction of a crime punishable by imprisonment for a term exceeding 1 year shall not be barred by such disability from further operations under the license or permit pending final action on an application for relief filed pursuant to this section.

(c) It is an affirmative defense against any proceeding involving subsections (l) through (o) of section 842 if the proponent proves by a preponderance of the evidence that the plastic explosive--

(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful--

(A) research, development, or testing of new or modified explosive materials;

(B) training in explosives detection or development or testing of explosives detection equipment; or

(C) forensic science purposes; or

(2) was plastic explosive that, within 3 years after the date of enactment of the Antiterrorism and Effective Death Penalty Act of 1996, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located.

(3) For purposes of this subsection, the term “military device” includes, but is not restricted to, shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.

18 USC § 841. Definitions

As used in this chapter--

(a) “Person” means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(b) “Interstate” or foreign commerce means commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State. “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(c) “Explosive materials” means explosives, blasting agents, and detonators.

(d) Except for the purposes of subsections (d), (e), (f), (g), (h), (i), and (j) of section 844 of this title, “explosives” means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. The Attorney General shall publish and revise at least annually in the Federal Register a list of these and any additional explosives which he determines to be within the coverage of this chapter. For the purposes of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, the term “explosive” is defined in subsection (j) of such section 844.

(e) “Blasting agent” means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: *Provided*, That the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

(f) “Detonator” means any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

(g) “Importer” means any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

(h) “Manufacturer” means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

(i) “Dealer” means any person engaged in the business of distributing explosive materials at wholesale or retail.

(j) “Permittee” means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.

(k) “Attorney General” means the Attorney General of the United States.

(l) "Crime punishable by imprisonment for a term exceeding one year" shall not mean (1) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Attorney General may by regulation designate, or (2) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

(m) "Licensee" means any importer, manufacturer, or dealer licensed under the provisions of this chapter.

(n) "Distribute" means sell, issue, give, transfer, or otherwise dispose of.

(o) "Convention on the Marking of Plastic Explosives" means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

(p) "Detection agent" means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including--

(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

(4) Ortho-Mononitrotoluene (*o*-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

(5) any other substance in the concentration specified by the Attorney General, after consultation with the Secretary of State and the Secretary of Defense, that has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

(q) "Plastic explosive" means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.

(r) "Alien" means any person who is not a citizen or national of the United States.

(s) "Responsible person" means an individual who has the power to direct the management and policies of the applicant pertaining to explosive materials.

(t) INDIAN TRIBE.--The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).

SECTION 241. Indian Alcohol and Substance Abuse.
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25 USC § 2411. Inter-Departmental memorandum of agreement

(a) In general

Not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall develop and enter into a Memorandum of Agreement which shall, among other things--

(1) determine and define the scope of the problem of alcohol and substance abuse for Indian tribes and their members and its financial and human costs, and specifically identify such problems affecting Indian youth,

(2) identify--

(A) the resources and programs of the Bureau of Indian Affairs, Office of Justice Programs, Substance Abuse and Mental Health Services Administration, and Indian Health Service, and

(B) other Federal, tribal, State and local, and private resources and programs,

which would be relevant to a coordinated effort to combat alcohol and substance abuse among Indian people, including those programs and resources made available by this chapter,

(3) develop and establish appropriate minimum standards for each agency's program responsibilities under the Memorandum of Agreement which may be--

(A) the existing Federal or State standards in effect, or

(B) in the absence of such standards, new standards which will be developed and established in consultation with Indian tribes,

(4) coordinate the Bureau of Indian Affairs, Department of Justice, Substance Abuse and Mental Health Services Administration, and Indian Health Service alcohol and substance abuse programs existing on October 27, 1986, with programs or efforts established by this chapter,

(5) delineate the responsibilities of the Bureau of Indian Affairs, Department of Justice, Substance Abuse and Mental Health Services Administration, and the Indian Health Service to coordinate alcohol and substance abuse-related services at the central, area, agency, and service unit levels,

(6) direct Bureau of Indian Affairs agency and education superintendents, where appropriate, and the Indian Health Service service unit directors to cooperate fully with tribal requests made pursuant to section 2412 of this title, and

(7) provide for an annual review of such agreements by the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services.

(b) Character of activities

To the extent that there are new activities undertaken pursuant to this chapter, those activities shall supplement, not supplant, activities, programs, and local actions that are ongoing on October 27, 1986. Such activities shall be undertaken in the manner least disruptive to tribal control, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and local control, in accordance with section 2010 of this title.

(c) Consultation

The Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall, in developing the Memorandum of Agreement under subsection (a) of this section, consult with and solicit the comments of--

- (1) interested Indian tribes,
- (2) Indian individuals,
- (3) Indian organizations, and
- (4) professionals in the treatment of alcohol and substance abuse.

(d) Publication

The Memorandum of Agreement under subsection (a) of this section shall be submitted to Congress and published in the Federal Register not later than 130 days after the date of enactment of the Tribal Law and Order Act of 2010. At the same time as publication in the Federal Register, the Secretary of the Interior shall provide a copy of this chapter and the Memorandum of Agreement under subsection (a) of this section to each Indian tribe.

25 USC § 2412. Tribal Action Plans

(a) In general

The governing body of any Indian tribe may, at its discretion, adopt a resolution for the establishment of a Tribal Action Plan to coordinate available resources and programs, including programs and resources made available by this chapter, in an effort to combat alcohol and substance abuse among its members. Such resolution shall be the basis for the implementation of this chapter and of the Memorandum of Agreement under section 2411 of this title.

(b) Cooperation

At the request of any Indian tribe pursuant to a resolution adopted under subsection (a) of this section, the Bureau of Indian Affairs agency and education superintendents, where appropriate, , the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration, and the Indian Health Service service unit director providing services to such tribe shall cooperate with the tribe in the development of a Tribal Action Plan to coordinate resources and programs relevant to alcohol and substance abuse prevention and treatment. Upon the development of such a plan, such superintendents and director, as directed by the Memorandum of Agreement established under section 2411 of this title, shall enter into an agreement with the tribe for the implementation of the Tribal Action Plan under subsection (a) of this section.

(c) Provisions

(1) Any Tribal Action Plan entered into under subsection (b) of this section shall provide for--

(A) the establishment of a Tribal Coordinating Committee which shall--

(i) at a minimum, have as members a tribal representative who shall serve as Chairman and the Bureau of Indian Affairs agency and education superintendents, where appropriate, the Office of

Justice Programs, the Substance Abuse and Mental Health Services Administration, and the Indian Health Service service unit director, or their representatives,

(ii) have primary responsibility for the implementation of the Tribal Action Plan,

(iii) have the responsibility for on-going review and evaluation of, and the making of recommendations to the tribe relating to, the Tribal Action Plan, and

(iv) have the responsibility for scheduling Federal, tribal or other personnel for training in the prevention and treatment of alcohol and substance abuse among Indians as provided under section 2475 of this title, and

(B) the incorporation of the minimum standards for those programs and services which it encompasses which shall be--

(i) the Federal or State standards as provided in section 2411(a)(3) of this title, or

(ii) applicable tribal standards, if such standards are no less stringent than the Federal or State standards.

(2) Any Tribal Action Plan may, among other things, provide for—

(A) an assessment of the scope of the problem of alcohol and substance abuse for the Indian tribe which adopted the resolution for the Plan,

(B) the identification and coordination of available resources and programs relevant to a program of alcohol and substance abuse prevention and treatment,

(C) the establishment and prioritization of goals and the efforts needed to meet those goals,

(D) the identification of the community and family roles in any of the efforts undertaken as part of the Tribal Action Plan,

(E) the establishment of procedures for amendment and revision of the plan as may be determined necessary by the Tribal Coordinating Committee, and

(F) an evaluation component to measure the success of efforts made.

(3) All Tribal Action Plans shall be updated every 2 years.

(d) Grants

(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) of this section to provide technical assistance in the development of a Tribal Action Plan. The Secretary shall allocate funds based on need.

(2) There are authorized to be appropriated for grants under this subsection not more than \$2,000,000 for the period of fiscal years 2011 through 2015.

(e) Federal action

If any Indian tribe does not adopt a resolution as provided in subsection (a) of this section within 90 days after the publication of the Memorandum of Agreement in the Federal Register as provided in section 2411 of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall require the Bureau of Indian Affairs agency and

education superintendents, where appropriate, and the Indian Health Service service unit director serving such tribe to enter into an agreement to identify and coordinate available programs and resources to carry out the purposes of this chapter for such tribe. After such an agreement has been entered into for a tribe such tribe may adopt a resolution under subsection (a) of this section.

(f) Grants for training, education, and prevention programs

(1) The Secretary of the Interior may make grants to Indian tribes adopting a resolution pursuant to subsection (a) of this section to implement and develop community and in-school training, education, and prevention programs on alcohol and substance abuse, fetal alcohol syndrome and fetal alcohol effect.

(2) Funds provided under this section may be used for, but are not limited to, the development and implementation of tribal programs for—

(A) youth employment;

(B) youth recreation;

(C) youth cultural activities;

(D) community awareness programs; and

(E) community training and education programs.

(3) There are authorized to be appropriated to carry out the provisions of this subsection \$5,000,000 for fiscal years 2011 through 2015.

25 USC § 2413. Departmental responsibility

(a) Implementation

The Secretary of the Interior, acting through the Bureau of Indian Affairs, the Attorney General, and the Secretary of Health and Human Services, acting through the Indian Health Service, shall bear equal responsibility for the implementation of this chapter in cooperation with Indian tribes.

(b) Office of Alcohol and Substance Abuse

(1) ESTABLISHMENT.—

(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the “Office of Indian Alcohol and Substance Abuse” (referred to in this section as the “Office”).

(B) DIRECTOR.—The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

(i) on a permanent basis; and

(ii) at a grade of not less than GS-15 of the General Schedule.

(2) RESPONSIBILITIES OF OFFICE.—In addition to other responsibilities which may be assigned to such Office, it shall be responsible for--

(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;

(B) serving as a point of contact for Indian tribes and the Tribal Coordinating Committees regarding the implementation of this chapter, the Memorandum of Agreement, and any Tribal Action Plan established under section 2412 of this title; and

(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

(i) establish the goals and other desired outcomes of this Act;

(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

(iii) provides guidelines for resource and information sharing;

(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

(v) determines whether collaboration is feasible, cost-effective, and within agency capability.

(3) APPOINTMENT OF EMPLOYEES.—The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.

(c) Indian Youth Programs Officer

(1) There is established in the Office the position to be known as the Indian Youth Programs Officer. The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint the Indian Youth Programs Officer.

(2) The position of Indian Youth Programs Officer shall be established on a permanent basis at no less than the grade of GS-14 of the General Schedule.

(3) In addition to other responsibilities which may be assigned to the Indian Youth Programs Officer relating to Indian youth, such Officer shall be responsible for--

(A) monitoring the performance and compliance of the applicable Federal programs in meeting the goals and purposes of this chapter and the Memorandum of Agreement entered into under section 2411 of this title as they relate to Indian youth efforts, and

(B) providing advice and recommendations, including recommendations submitted by Indian tribes and Tribal Coordinating Committees, to the Director of the Office as they relate to Indian youth.

25 USC § 2414a. Review of programs

(a) In general

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall review and consider--

(1) the various programs established by Federal law providing health services and benefits to Indian tribes, including those relating to mental health and alcohol and substance abuse prevention and treatment,

(2) tribal, State and local, and private health resources and programs,

(3) where facilities to provide such treatment are or should be located, and

(4) the effectiveness of public and private alcohol and substance abuse treatment programs in operation on October 27, 1986,

to determine their applicability and relevance in carrying out the purposes of this chapter.

(b) Dissemination

The results of the review conducted under subsection (a) of this section shall be provided to every Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan.

25 USC § 2415. Federal facilities, property, and equipment; leasing of tribal property

(a) Facility availability

In the furtherance of the purposes and goals of this chapter, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall make available for community use, to the extent permitted by law and as may be provided in a Tribal Action Plan, local Federal facilities, property, and equipment, including school facilities. Such facility availability shall include school facilities under the Secretary of the Interior's jurisdiction: *Provided*, That the use of any school facilities shall be conditioned upon approval of the local school board with jurisdiction over such school.

(b) Costs

Any additional cost associated with the use of Federal facilities, property, or equipment under subsection (a) of this section may be borne by the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services out of available Federal, tribal, State, local, or private funds, if not otherwise prohibited by law. This subsection does not require the Secretary of the Interior, nor the Attorney General, nor the Secretary of Health and Human Services to expend additional funds to meet the additional costs which may be associated with the provision of such facilities, property, or equipment for community use. Where the use of Federal facilities, property, or equipment under subsection (a) of this section furthers the purposes and goals of this chapter, the use of funds other than those funds appropriated to the Department of the Interior, the Department of Justice, or the Department of Health and Human Services to meet the additional costs associated with such use shall not constitute an augmentation of Federal appropriations.

(c) Leases

(1) The Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services are authorized to enter into long-term leases of tribally owned or leased facilities to house programs established by this chapter where they determine that there is no Federal facility reasonably available for such purpose and the cost of constructing a new Federal facility would exceed the cost of such Federal lease unless they determine that mitigating factors favor such a lease.

(2) A tribally owned or leased facility may be leased pursuant to this authority to house a regional treatment center to be established pursuant to section 2474(b) of this title only if all the tribes within the Indian Health Service area to be served by such regional treatment center initially consent to such Federal lease.

25 USC § 2431. Review of programs

(a) Review

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services, in cooperation with the Secretary of Education shall review and consider--

(1) Federal programs providing education services or benefits to Indian children,

(2) tribal, State, local, and private educational resources and programs,

(3) Federal programs providing family and social services and benefits for Indian families and children,

(4) Federal programs relating to youth employment, recreation, cultural, and community activities, and

(5) tribal, State, local, and private resources for programs similar to those cited in paragraphs (3) and (4),

to determine their applicability and relevance in carrying out the purposes of this chapter.

(b) Publication

The results of the review conducted under subsection (a) of this section shall be provided to each Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan under section 2412 of this title.

25 USC § 2432. Indian education programs

(a) SUMMER YOUTH PROGRAMS.--

(1) IN GENERAL.--The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

(2) COSTS.--The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated to carry out the programs under this subsection \$5,000,000 for each of fiscal years 2011 through 2015.

(b) Use of funds

Federal financial assistance made available to public or private schools because of the enrollment of Indian children pursuant to--

(1) the Act of April 16, 1934, as amended by the Indian Education Assistance Act (25 U.S.C. 452 et seq.),

(2) the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa et seq.), and

(3) the Indian Education Act (20 U.S.C. 3385),

may be used to support a program of instruction relating to alcohol and substance abuse prevention and treatment.

25 USC § 2433. Emergency shelters

(a) In general

A Tribal Action Plan adopted pursuant to section 2412 of this title may make such provisions as may be necessary and practical for the establishment, funding, licensing, and operation of emergency shelters or half-way houses for Indian youth who are alcohol or substance abusers, including youth who have been arrested for offenses directly or indirectly related to alcohol or substance abuse. Half-way houses may be used as either intake facilities or aftercare facilities for youth admitted, or to be admitted, for long-term treatment of substance abuse. The Indian Health Service, the Bureau of Indian Affairs, and the tribes are authorized to use their respective resources to adequately staff and operate any such facility.

(b) Referrals

(1) In any case where an Indian youth is arrested or detained by the Bureau of Indian Affairs or tribal law enforcement personnel for an offense relating to alcohol or substance abuse, other than for a status offense as defined by the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C.A. § 5601 et seq.], under circumstances where such youth may not be immediately restored to the custody of his parents or guardians and where there is space available in an appropriately licensed and supervised emergency shelter or half-way house, such youth shall be referred to such facility in lieu of incarceration in a secured facility unless such youth is deemed a danger to himself or to other persons.

(2) In any case where there is a space available in an appropriately licensed and supervised emergency shelter or half-way house, the Bureau of Indian Affairs and tribal courts are encouraged to refer Indian youth convicted of offenses directly or indirectly related to alcohol and substance abuse to such facilities in lieu of sentencing to incarceration in a secured juvenile facility.

(c) Direction to States

In the case of any State that exercises criminal jurisdiction over any part of Indian country under section 1162 of Title 18 or section 1321 of this title, such State is urged to require its law enforcement officers to--

(1) place any Indian youth arrested for any offense related to alcohol or substance abuse in a temporary emergency shelter described in subsection (d) of this section or a community-based alcohol or substance abuse treatment facility in lieu of incarceration to the extent such facilities are available, and

(2) observe the standards promulgated under subsection (d) of this section.

(d) Standards

The Assistant Secretary of Indian Affairs shall, as part of the development of the Memorandum of Agreement set out in section 2411 of this title, promulgate standards by which the emergency shelters established under a program pursuant to subsection (a) of this section shall be established and operated.

(e) Authorization

(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated \$10,000,000 for each of fiscal years 2011 through 2015.

(2) For the staffing and operation of emergency shelters and half-way houses, there are authorized to be appropriated \$5,000,000 for fiscal year 1993 and \$7,000,000 for each of fiscal years 2011 through 2015.

(3) The Secretary of the Interior shall allocate funds appropriated pursuant to this subsection on the basis of priority of need of the various Indian tribes and such funds, when allocated, shall be subject to contracting or available for grants pursuant to the Indian Self-Determination Act [25 U.S.C.A. § 450f et seq.].

(4) Funds appropriated under the authority of this subsection may be used by any Indian tribe or tribal organization to purchase or lease any land or facilities if--

(A) the Secretary of the Interior determines that no Federal land or facilities are reasonably available for emergency shelters or halfway houses described in subsection (a) of this section to serve the needs of that Indian tribe or tribal organization, and

(B) the Indian tribe or tribal organization enters into an agreement with the Secretary of the Interior that requires the Indian tribe or tribal organization to use the land or facilities for emergency shelters or half-way houses described in subsection (a) of this section.

(5) Nothing in this chapter may be construed--

(A) to limit the authority for contracts with, or grants to, Indian tribes or tribal organizations under the Indian Self-Determination Act [25 U.S.C.A. § 450f et seq.] for the construction, improvement, renovation, operation, repair, land acquisition, or maintenance of tribal juvenile detention facilities, emergency shelters, or half-way houses, or

(B) to require a lease of tribal facilities to the United States to qualify for financial assistance for the facilities under this or any other Act.

25 USC § 2441. Review of programs

(a) Law enforcement and judicial services

In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services, in cooperation with the Attorney General of the United States, shall review and consider—

(1) the various programs established by Federal law providing law enforcement or judicial services for Indian tribes, and

(2) tribal and State and local law enforcement and judicial programs and systems

to determine their applicability and relevance in carrying out the purposes of this chapter.

(b) Dissemination of review

The results of the review conducted pursuant to subsection (a) of this section shall be made available to every Indian tribe as soon as possible for their consideration and use in the development and modification of a Tribal Action Plan.

25 USC § 2442. Illegal narcotics traffic on Tohono O'odham and St. Regis Reservations; source eradication

(a) Investigation and control

(1) The Secretary of the Interior shall provide assistance to--

(A) the Tohono O'odham Tribe of Arizona for the investigation and control of illegal narcotics traffic on the Tohono O'odham Reservation along the border with Mexico;

(B) the St. Regis Band of Mohawk Indians of New York for the development of tribal law enforcement and judicial systems to aid in the investigation and control of illegal narcotics traffic on the St. Regis Reservation along the border with Canada;

(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters; and

(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.

(2) The Secretary shall ensure that tribal efforts under this subsection are coordinated with appropriate Federal law enforcement agencies, including the United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration.

(3) AUTHORIZATION OF APPROPRIATIONS.--There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2011 through 2015.

(b) Marijuana eradication and interdiction

(1) The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of Title 18. The Secretary shall establish a priority for the use of funds appropriated under paragraph (2) for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated \$2,000,000 for each of fiscal years 2011 through 2015.

25 USC § 2451. Bureau of Indian Affairs law enforcement and judicial training

(a) TRAINING PROGRAMS.--

(1) IN GENERAL.--The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding--

(A) the investigation and prosecution of offenses relating to illegal narcotics; and

(B) alcohol and substance abuse prevention and treatment.

(2) YOUTH-RELATED TRAINING.--Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.

(b) Authorization

For the purposes of providing the training required by subsection (a) of this section, there are authorized to be appropriated \$2,000,000 for fiscal year 1993 and such sums as are necessary for each of fiscal years 2011 through 2015.

25 USC § 2453. Juvenile detention centers

(a) Plan

(1) IN GENERAL.—The Secretary of the Interior shall construct or renovate and staff new or existing juvenile detention centers.

(2) CONSTRUCTION AND OPERATION.—The Secretary shall ensure that the construction and operation of the centers is consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C.A. § 5601 et seq.].

(3) DEVELOPMENT OF PLAN.--

(A) IN GENERAL.--Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

(B) COORDINATION.--The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.

(b) Authorization

(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a) of this section, there are authorized to be appropriated \$10,000,000 forfor each of fiscal years 2011 through 2015.

(2) For the purpose of staffing and operating juvenile detention centers, there are authorized to be appropriated \$7,000,000for each of fiscal years 2011 through 2015.

SECTION 242. Indian Tribal Justice; Technical and Legal Assistance.

25 USC § 3613. Base support funding for tribal justice systems

(a) In general

Pursuant to the Indian Self-Determination and Education Assistance Act [25 U.S.C.A. § 450 et seq.], the Secretary is authorized (to the extent provided in advance in appropriations Acts) to enter into contracts, grants, or agreements with Indian tribes for the performance of any function of the Office and for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) Purposes for which financial assistance may be used

Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for--

- (1)** planning for the development, enhancement, and operation of tribal justice systems;
- (2)** the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles;
- (3)** training programs and continuing education for tribal judicial personnel;
- (4)** the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;
- (5)** the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;
- (6)** the development and operation of records management systems;
- (7)** the construction or renovation of facilities for tribal justice systems;
- (8)** membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and
- (9)** the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for--
 - (A)** alternative dispute resolution;
 - (B)** tribal victims assistance or victims services;
 - (C)** tribal probation services or diversion programs;
 - (D)** juvenile services and multidisciplinary investigations of child abuse; and
 - (E)** traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(c) Formula

(1) Not later than 180 days after December 3, 1993, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems that take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 3612 of this title and to relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, the American Bar Association, and appropriate State bar associations.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to--

(A) the caseload and staffing needs identified under paragraph (2);

- (B) the geographic area and population to be served;
 - (C) the volume and complexity of the caseloads;
 - (D) the projected number of cases per month;
 - (E) the projected number of persons receiving probation services or participating in diversion programs; and
 - (F) any special circumstances warranting additional financial assistance.
- (4) In developing and administering the formula for base support funding for the tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

25 USC § 3621. Tribal justice systems

(a) Office

There is authorized to be appropriated to carry out sections 101 and 102, \$7,000,000 for each of fiscal years 2011 through 2015. None of the funds provided under this subsection may be used for the administrative expenses of the Office.

(b) Base support funding for tribal justice systems

There is authorized to be appropriated to carry out section 103, \$50,000,000 for each of fiscal years 2011 through 2015.

(c) Administrative expenses for Office

There is authorized to be appropriated, for the administrative expenses of the Office, \$500,000 for each of the fiscal years 2000 through 2007.

(d) Administrative expenses for tribal judicial conferences

There is authorized to be appropriated, for the administrative expenses of tribal judicial conferences, \$500,000 for each of the fiscal years 2000 through 2007.

(e) Survey

For carrying out the survey under section 3612 of this title, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, \$400,000.

(f) Indian priority system

Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this chapter shall preclude a tribal government from supplementing any funds received under this chapter with funds received from any other source including the Bureau or any other Federal agency.

(g) Allocation of funds

In allocating funds appropriated pursuant to the authorization contained in subsection (a) of this section among the Bureau, Office, tribal governments and Courts of Indian Offenses, the

Secretary shall take such actions as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable to all tribal governments and is proportionate to base support funding under section 3613 of this title received by the Bureau, Office, tribal governments, and Courts of Indian Offenses.

(h) No offset

No Federal agency shall offset funds made available pursuant to this chapter for tribal justice systems against other funds otherwise available for use in connection with tribal justice systems.

25 USC § 3662. Tribal civil legal assistance grants

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of Title 26, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to Federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance (including guardians ad litem and court-appointed special advocates for children and juveniles) to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this chapter.

25 USC § 3663. Tribal criminal assistance grants

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of Title 26, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to Federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of defense counsel services to all defendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts, and/or other purposes consistent with this chapter. Funding under this subchapter may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

25 USC § 3666. Authorization of appropriations

For purposes of carrying out the activities under this subchapter, there are authorized to be appropriated such sums as are necessary for fiscal years 2011 through 2015.

25 USC § 3681. Grants

(a) In general

The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support--

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of--

- (A) tribal codes and sentencing guidelines;
- (B) inter-tribal courts and appellate systems;
- (C) tribal probation services, diversion programs, and alternative sentencing provisions;
- (D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and
- (E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) Consultation

In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) Regulations

The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this subchapter.

(d) Authorization of appropriations

For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2011 through 2015.

SECTION 243. Tribal Resources Grant Program.
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25 USC § 3796dd. Authority to make public safety and community policing grants

(a) Grant authorization

The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b) of this section.

(b) Uses of grant amounts

The purposes for which grants made under subsection (a) of this section may be made are--

- (1) to rehire law enforcement officers who have been laid off as a result of State, tribal, or local budget reductions for deployment in community-oriented policing;
- (2) to hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

(3) to procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community- oriented policing;

(4) to award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;

(5) to increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

(6) to provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

(7) to increase police participation in multidisciplinary early intervention teams;

(8) to develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State, tribal, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;

(9) to develop and implement innovative programs to permit members of the community to assist State, tribal, and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

(10) to establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

(11) to establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

(12) to establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;

(13) to develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

(14) to assist a State or Indian tribe enforcing a law throughout the State or tribal community that requires that a convicted sex offender register his or her address with a State, tribal, or local law enforcement agency and be subject to criminal prosecution for failure to comply;

(15) to establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members;

(16) to support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing; and.

(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).

(c) Preferential consideration of applications for certain grants

In awarding grants under this subchapter, the Attorney General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (g) of this section.

(d) Technical assistance

(1) In general

The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(2) Model

The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

(3) Training centers and facilities

The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(e) Utilization of components

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subchapter.

(f) Minimum amount

Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) of this section have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this section not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, "qualifying State" means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this subchapter.

(g) Matching funds

The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 3796dd-1(c)(8) of this title.

(h) Allocation of funds

The funds available under this subchapter shall be allocated as provided in section 3793(a)(11)(B) of this title.

(i) Termination of grants for hiring officers

Except as provided in subsection (j), the authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from September 13, 1994. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this subchapter and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

(j) GRANTS TO INDIAN TRIBES.--

(1) IN GENERAL.--Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

(2) PRIORITY OF FUNDING.--In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

(3) FEDERAL SHARE.--Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection--

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(4) AUTHORIZATION OF APPROPRIATIONS.--There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2011 through 2015.

(k) REPORT.--Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to--

- (1) the problem of intermittent funding;
- (2) the integration of COPS personnel with existing law enforcement authorities; and
- (3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.

SECTION 244. Tribal Jails Program.

42 USC § 13709. Payments for incarceration on tribal lands

(a) RESERVATION OF FUNDS.--Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve \$35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.

(b) GRANTS TO INDIAN TRIBES.--

(1) IN GENERAL.--From the amounts reserved under subsection (a), the Attorney General shall provide grants--

(A) to Indian tribes for purposes of--

(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

(iii) developing and implementing alternatives to incarceration in tribal jails;

(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and cor-rections services to address violations of tribal civil and criminal laws;

(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium de-termines to be appropriate.

(2) PRIORITY OF FUNDING.--in providing grants under this subsection, the Attorney General shall take into consideration applicable--

(A) reservation crime rates;

(B) annual tribal court convictions; and

(C) bed space needs.

(3) FEDERAL SHARE.--Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.

(c) Applications

To be eligible to receive a grant under this section, an Indian tribe or consortium of Indian tribes shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(d) LONG-TERM PLAN.--Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including--

(1) a description of proposed activities for--

(A) construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.”

SECTION 245. Tribal Probation Office Liaison Program.

**Amendment to the Indian Tribal Justice Technical and Legal Assistance Act of 2000
(codified at 25 USC 3681 et seq.)**

SEC. 203. ASSISTANT PROBATION OFFICERS.

To the maximum extent practicable, the chief judge or chief probation or pretrial services officer of each judicial district, in coordination with the Office of Tribal Justice and the Office of Justice Services, shall--

(1) appoint individuals residing in Indian country to serve as probation or pretrial services officers or assistants for purposes of monitoring and providing services to Federal prisoners residing in Indian country; and

(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.

SECTION 245. Tribal Youth Program.

42 USC § 5783. Grants for delinquency prevention programs

(a) Purposes

The Administrator may make grants to a State, to be transmitted through the State advisory group to units of local government that meet the requirements of subsection (b), or to federally recognized Indian tribe or consortia of federally recognized Indian tribes under subsection (d) of this section, for delinquency prevention programs and activities for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to juveniles and their families of--

- (1)** alcohol and substance abuse prevention services;
- (2)** tutoring and remedial education, especially in reading and mathematics;
- (3)** child and adolescent health and mental health services;
- (4)** recreation services;
- (5)** leadership and youth development activities;
- (6)** the teaching that people are and should be held accountable for their actions;
- (7)** assistance in the development of job training skills; and
- (8)** other data-driven evidence based prevention programs.

(b) Eligibility

The requirements of this subsection are met with respect to a unit of general local government if--

- (1)** the unit is in compliance with the requirements of part B of subchapter II of this chapter;
- (2)** the unit has submitted to the State advisory group a minimum 3-year comprehensive plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;
- (3)** the unit has included in its application to the Administrator for formula grant funds a summary of the minimum 3-year comprehensive plan described in paragraph (2);
- (4)** pursuant to its minimum 3-year comprehensive plan, the unit has appointed a local policy board of not fewer than 15 and not more than 21 members, with balanced representation of public agencies and private nonprofit organizations serving juveniles, their families, and business and industry;
- (5)** the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk juveniles and their families, including such programs as nutrition, energy assistance, and housing;
- (6)** the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this subchapter; and
- (7)** the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

(c) Priority

In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in--

- (1) plans for service and agency coordination and collaboration including the colocation of services;
- (2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;
- (3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention;
- (4) coordinating and collaborating with programs established in local communities for delinquency prevention under part C of this subtitle; and
- (5) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness.

(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.--

(1) IN GENERAL.--The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)--

(A) to support and enhance--

(i) tribal juvenile delinquency prevention services; and

(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

(2) ELIGIBLE INDIAN TRIBES.--To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

(3) CONSIDERATIONS.--In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the—

(A) juvenile crime rates;

(B) dropout rates; and

(C) number of at-risk youth.

(4) AUTHORIZATION OF APPROPRIATIONS.--There is authorized to be appropriated \$25,000,000 for each of fiscal years 2011 through 2015.

42 USC § 5616. Coordinating Council on Juvenile Justice and Delinquency Prevention

(a) Establishment; membership

(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold significant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

(2)(A) Ten members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

(iii) Three members shall be appointed by the President.

(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.

(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)--

(I) 1 shall be appointed for a term of 1 year;

(II) 1 shall be appointed for a term of 2 years; and

(III) 1 shall be appointed for a term of 3 years;

as designated at the time of appointment.

(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

(b) Chairman and Vice Chairman

The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) Functions

(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President, and to the Congress, at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 5633(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to improve Federal practices and facilities for holding juveniles in custody.

(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) of this section shall collectively--

(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 5614(a)(1) of this title; and

(B) not later than 180 days after November 4, 1992, submit such recommendations to the Administrator, the Chairman of the Committee on Education and the Workforce of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

(d) Meetings

The Council shall meet at least quarterly.

(e) Appointment of personnel or staff support by Administrator

The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this subchapter.

(f) Expenses of Council members; reimbursement

Members appointed under subsection (a)(2) of this section shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) Authorization of appropriations

Of sums available to carry out this part, not more than \$200,000 shall be available to carry out this section.

SECTION 247. Improving Public Safety Presence in Rural Alaska.

42 USCA § 3796dd NOTE

(a) DEFINITIONS.--In this section:

(1) STATE.--

(A) IN GENERAL.--The term "State" means the State of Alaska.

(B) INCLUSION.--The term "State" includes any political subdivision of the State of Alaska.

(2) VILLAGE PUBLIC SAFETY OFFICER.--The term "village public safety officer" means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.

(3) TRIBAL ORGANIZATION.--The term "tribal organization" has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b(l)).

(b) COPS GRANTS.--The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only an Indian tribe or tribal organization may receive a grant under the tribal resources grant program 2297 under subsection (j) of that section) on an equal basis with other eligible applicants for funding under that section.

(c) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.--The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under the Staffing for Adequate Fire and Emergency Response program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) on an equal basis with other eligible applicants for funding under that program.

(d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED UNDER COPS PROGRAM.--

(1) IN GENERAL.--Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) FUNDING.--Funding received pursuant to grants approved under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) may be used for training of officers at programs described in para-graph (1) or at a police academy in the State certified by the Alaska Police Standards Council.

SEC. 112. (a)

(1) There is established an Alaska Rural Justice and Law Enforcement Commission (hereinafter "Justice Commission"). The United States Attorney General shall appoint the Justice Commission which shall include a Federal Co-chairman, the Attorney General for the State of Alaska or his designee who shall act as the State Co-Chairman, the Commissioner of Public Safety for the State of Alaska, a representative from the Alaska Municipal League, a representative from an organized borough, a representative of the Alaska Federation of Natives, a tribal representative, a representative from a non-profit Native corporation that operates Village Public Safety Officer programs, and a representative from the Alaska Native Justice Center. The chief judge for the Federal District Court for the District of Alaska may also appoint a non-voting representative to provide technical support. The Justice Commission may hire such staff as is necessary to assist with its work.

(2) The Justice Commission shall review Federal, State, local, and tribal jurisdiction over civil and criminal matters in Alaska but outside the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough, the Matanuska-Susitna Borough, the City and Borough of Juneau, the Sitka Borough, and the Ketchikan Borough. It shall make recommendations to Congress and the Alaska State Legislature no later than May 1, 2004, on options which shall include the following--

(A) create a unified law enforcement system, court system, and system of local laws or ordinances for Alaska Native villages and communities of varying sizes including the possibility of first, second, and third class villages with different powers;

(B) meet the law enforcement and judicial personnel needs in rural Alaska including the possible use of cross deputization in a way that maximizes the existing resources of Federal, State, local, and tribal governments;

(C) address the needs to regulate alcoholic beverages including the prohibition of the sale, importation, use, or possession of alcoholic beverages and to provide restorative justice for persons who violate such laws including treatment; and

(D) address the problem of domestic violence and child abuse including treatment options and restorative justice.

(b)(1) The General Accounting Office shall immediately begin a review of Federal programs benefitting rural communities in Alaska including the name of each program and the department or agency that administers it, the amount of funds provided to *63 Alaska through each program, a list of the statutes and regulations governing use of funds for each program, and any data demonstrating the performance of each program. With respect to housing programs, the study shall determine the number of houses built by each Native housing authority including the cost per house. The Office shall submit a report of its findings to the House and Senate Committees on Appropriations, and to the Alaska Federation of Natives no later than April 30, 2004.

(2) The Alaska Federation of Natives, in consultation with the Alaska Municipal League, may review the delivery of Federal programs in Alaska and make recommendations to the Congress to reduce duplication, improve and consolidate delivery of services, streamline application and administrative procedures, improve accountability, mandate performance measures, and other actions to reduce costs and improve efficiency.

(c) The Federal Advisory Committee Act shall not apply to this section.

SECTION 251. Tracking of Crimes Committed in Indian Country.
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Amendments to the Violence Against Women and Department of Justice Reauthorization Act of 2005

SEC. 1107. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.--The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from--

- (1) the Federal Bureau of Investigation;
- (2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- (3) the Drug Enforcement Administration;
- (4) the Bureau of Prisons;
- (5) the United States Marshals Service;
- (6) the Directorate of Border and Transportation Security of the Department of Homeland Security;
- (7) the Department of Housing and Urban Development;
- (8) the Office of Justice Services of the Bureau of Indian Affairs
- (9) State and local law enforcement;
- (10) Federal, tribal, State, and local prosecutors;
- (11) Federal, tribal, State, and local probation and parole offices;
- (12) Federal, tribal, State, and local prisons and jails; and
- (13) any other entity as appropriate.

(b) INFORMATION.--The Center established under subsection (a) shall make available the information referred to in subsection (a) to--

- (1) Federal, State, and local law enforcement agencies;
- (2) Federal, State, and local corrections agencies and penal institutions;
- (3) Federal, State, and local prosecutorial agencies; and
- (4) any other entity as appropriate.

(c) ANNUAL REPORT.--The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

42 USC § 3732. Bureau of Justice Statistics

(a) Establishment

There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter as "Bureau").

(b) Appointment of Director; experience; authority; restrictions

The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau

The Bureau is authorized to--

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, tribal, and local justice policy and decisionmaking;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, tribal, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, tribal, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, tribal, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States and in Indian Country;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter;

(9) maintain liaison with the judicial branches of the Federal Government and State and tribal governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State, tribal, and local governments, and the general public on justice statistics;

- (11)** establish or assist in the establishment of a system to provide State, tribal, and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;
- (12)** conduct or support research relating to methods of gathering or analyzing justice statistics;
- (13)** provide for the development of justice information systems programs and assistance to the States, Indian tribes, and units of local government relating to collection, analysis, or dissemination of justice statistics;
- (14)** develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;
- (15)** collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;
- (16)** provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;
- (17)** provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State, tribal, and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by State, tribal, and local criminal justice agencies on their drug enforcement activities;
- (18)** provide for the development and enhancement of State, tribal, and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;
- (19)** provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;
- (20)** maintain liaison with State, tribal, and local governments and governments of other nations concerning justice statistics;
- (21)** cooperate in and participate with national and international organizations in the development of uniform justice statistics;
- (22)** ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal, tribal, and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VIII of this chapter.

(d) Justice statistical collection, analysis, and dissemination

(1) IN GENERAL.--To ensure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to--

(A) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(B) confer and cooperate with State, municipal, and other local agencies;

(C) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter;

(D) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records;

(E) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data; and

(F) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this subchapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) CONSULTATION WITH INDIAN TRIBES.--The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Furnishing of information, data, or reports by Federal agencies

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State, Tribal, and local government and judiciary

In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) REPORTS.--Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

SECTION 252. Criminal History Record Improvement Program.

42 USC § 3796h. Regional information sharing systems grants

(a) Authority of Director

The Director of the Bureau of Justice Assistance is authorized to make grants and enter into contracts with State, tribal, and local criminal justice agencies and nonprofit organizations for the purposes of identifying, targeting, and removing criminal conspiracies and activities and terrorist conspiracies and activities spanning jurisdictional boundaries.

(b) Purposes

Grants and contracts awarded under this subchapter shall be made for--

- (1) maintaining and operating regional information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;
- (2) establishing and operating an analytical component to assist participating agencies and projects in the compilation, interpretation, and presentation of information provided to a project;
- (3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;
- (4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and
- (5) other programs designated by the Director that are designed to further the purposes of this subchapter.

(c) Rules and regulations

The Director is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this section, including rules and regulations for submitting and reviewing applications.

(d) Authorization of appropriation to the Bureau of Justice Assistance

There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section \$50,000,000 for fiscal year 2002 and \$100,000,000 for fiscal year 2003.

Subtitle F – Domestic Violence and Sexual Assault Prosecution and Prevention.

SECTION 261. Prisoner Release and Reentry.

18 USC § 4042. Duties of Bureau of Prisons

(a) In general.--The Bureau of Prisons, under the direction of the Attorney General, shall--

(1) have charge of the management and regulation of all Federal penal and correctional institutions;

(2) provide suitable quarters and provide for the safekeeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise;

(3) provide for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States;

(4) provide technical assistance to State, tribal, and local governments in the improvement of their correctional systems;

(5) provide notice of release of prisoners in accordance with subsections (b) and (c);

(D) establish prerelease planning procedures that help prisoners--

(i) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

(ii) secure such identification and benefits prior to release, subject to any limitations in law; and

(E) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

(i) Health and nutrition.

(ii) Employment.

(iii) Literacy and education.

(iv) Personal finance and consumer skills.

(v) Community resources.

(vi) Personal growth and development.

(vii) Release requirements and procedures.

(b) Notice of release of prisoners.--**(1)** At least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to a new jurisdiction, written notice of the release or change of residence shall be provided to the chief law enforcement officers of each State, tribal, and local jurisdiction in which the prisoner will reside. Notice prior to release shall be provided by the Director of the Bureau of Prisons. Notice concerning a change of residence following release shall be provided by the probation officer responsible for the supervision of the released prisoner, or in a manner specified by the Director of the Administrative Office of the United States Courts. The notice requirements under this subsection do not apply in relation to a prisoner being protected under chapter 224.

(2) A notice under paragraph (1) shall disclose--

(A) the prisoner's name;

(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

(3) A prisoner is described in this paragraph if the prisoner was convicted of--

(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

(B) a crime of violence (as defined in section 924(c)(3)).

(c) Notice of sex offender release.--(1) In the case of a person described in paragraph (3), or any other person in a category specified by the Attorney General, who is released from prison or sentenced to probation, notice shall be provided to--

(A) the chief law enforcement officer of each State, tribal, and local jurisdiction in which the person will reside; and

(B) a State, tribal, or local agency responsible for the receipt or maintenance of sex offender registration information in the State or local jurisdiction in which the person will reside.

The notice requirements under this subsection do not apply in relation to a person being protected under chapter 224.

(2) Notice provided under paragraph (1) shall include the information described in subsection (b)(2), the place where the person will reside, and the information that the person shall register as required by the Sex Offender Registration and Notification Act. For a person who is released from the custody of the Bureau of Prisons whose expected place of residence following release is known to the Bureau of Prisons, notice shall be provided at least 5 days prior to release by the Director of the Bureau of Prisons. For a person who is sentenced to probation, notice shall be provided promptly by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts. Notice concerning a subsequent change of residence by a person described in paragraph (3) during any period of probation, supervised release, or parole shall also be provided to the agencies and officers specified in paragraph (1) by the probation officer responsible for the supervision of the person, or in a manner specified by the Director of the Administrative Office of the United States Courts.

(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.

[(4) Repealed. Pub.L. 109-248, Title I, § 141(h), July 27, 2006, 120 Stat. 604]

(5) The United States and its agencies, officers, and employees shall be immune from liability based on good faith conduct in carrying out this subsection and subsection (b).

(d) Application of section.--This section shall not apply to military or naval penal or correctional institutions or the persons confined therein.

18 USC § 4352. Authority of Institute; time; records of recipients; access; scope of section

(a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority--

(1) to receive from or make grants to and enter into contracts with Federal, State, tribal, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

(3) to assist and serve in a consulting capacity to Federal, State, tribal, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

(4) to encourage and assist Federal, State, tribal, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and tribal communities and with the State, tribal, and local agencies which work with prisoners, parolees, probationers, and other offenders;

(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, tribal, and local correctional agencies, organizations, institutions, and personnel;

(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

(12) to confer with and avail itself of the assistance, services, records, and facilities of State, tribal, and local governments or other public or private agencies, organizations, or individuals;

(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS-18 by section 5332 of title 5 of the United States Code.

[(b) Repealed. Pub.L. 97-375, Title I, § 109(a), Dec. 21, 1982, 96 Stat. 1820]

(c) Each recipient of assistance under this chapter shall keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

(e) The provision of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

SECTION 262. Domestic and Sexual Violence Offense Training.

25 USC § 2802. Indian law enforcement responsibilities

(a) Responsibility of Secretary

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

(b) Division of Law Enforcement Services; establishment and responsibilities

There is hereby established within the Bureau a Division of Law Enforcement Services which, under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for--

(1) carrying out the law enforcement functions of the Secretary in Indian country, and

(2) implementing the provisions of this section.

(c) Additional responsibilities of Division

Subject to the provisions of this chapter and other applicable Federal or tribal laws, the responsibilities of the Division of Law Enforcement Services in Indian country shall include--

(1) the enforcement of Federal law and, with the consent of the Indian tribe, tribal law;

(2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;

- (3)** the protection of life and property;
- (4)** the development of methods and expertise to resolve conflicts and solve crimes;
- (5)** the provision of criminal justice remedial actions, correctional and detention services, and rehabilitation;
- (6)** the reduction of recidivism and adverse social effects;
- (7)** the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;
- (8)** the assessment and evaluation of program accomplishments in reducing crime; and
- (9)** the development and provision of law enforcement training and technical assistance, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses.

(d) Branch of Criminal Investigations; establishment, responsibilities, regulations, personnel, etc.

(1) The Secretary shall establish within the Division of Law Enforcement Services a separate Branch of Criminal Investigations which, under such inter-agency agreement as may be reached between the Secretary and appropriate agencies or officials of the Department of Justice and subject to such guidelines as may be adopted by relevant United States attorneys, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of sections 1152 and 1153 of Title 18, within Indian country.

(2) The Branch of Criminal Investigations shall not be primarily responsible for the routine law enforcement and police operations of the Bureau in Indian country.

(3) The Secretary shall prescribe regulations which shall establish a procedure for active cooperation and consultation of the criminal investigative employees of the Bureau assigned to an Indian reservation with the governmental and law enforcement officials of the Indian tribe located on such reservation.

(4)(i) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Division. Such personnel shall not be subject to the supervision of the Bureau of Indian Affairs Agency Superintendent or Bureau of Indian Affairs Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with nonlaw enforcement Bureau of Indian Affairs personnel at the agency or area levels, or prohibit or restrict the right of a tribe to contract the investigative program under the authority of Public Law 93-638 [25 U.S.C.A. § 450 et seq.] or to maintain its own criminal investigative operations.

(ii) At the end of one year following the date of establishment of the separate Branch of Criminal Investigations, any tribe may, by resolution of the governing body of the tribe, request the Secretary to reestablish line authority through the Agency Superintendent or Bureau of Indian Affairs Area Office Director. In the absence of good cause to the contrary, the Secretary, upon receipt of such resolution, shall reestablish the line authority as requested by the tribe.

(e) Division of Law Enforcement Services personnel; standards of education, experience, etc.; classification of positions

(1) The Secretary shall establish appropriate standards of education, experience, training, and other relevant qualifications for law enforcement personnel of the Division of Law Enforcement Services who are charged with law enforcement responsibilities pursuant to section 2803 of this title.

(2) The Secretary shall also provide for the classification of such positions within the Division of Law Enforcement Services at GS grades, as provided in section 5104 of Title 5, consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Division of Law Enforcement Services under paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal Agencies in light of the responsibilities, duties, and qualifications required of such positions.

SECTION 263. Testimony by Federal Employees.
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Amendments to the Indian Law Enforcement Reform Act (codified at 25 USC 2801, et seq.)

SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.

(a) APPROVAL OF EMPLOYEE TESTIMONY OR DOCUMENTS.—

(1) IN GENERAL.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the ‘Director concerned’), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

(2) DEADLINE.—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

(b) APPROVAL.—

(1) IN GENERAL.—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

(2) FAILURE TO APPROVE.—If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.

SECTION 264. Coordination of Federal Agencies.
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Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.

SECTION 265. Sexual Assault Protocol.

Amendments to the Indian Law Enforcement Reform Act (codified at 25 USC 2801, et seq.)

SEC. 17. POLICIES AND PROTOCOL.

The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.

SECTION 266. Study of IHS Sexual Assault and Domestic Violence Response Capabilities.

(a) **STUDY.**—The Comptroller General of the United States shall—

(1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska

Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and (2) develop recommendations for improving those capabilities.

(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.