

1 sault, or stalking who attended an institution of
2 higher education that committed unfair, deceptive,
3 or abusive acts or practices, or otherwise substan-
4 tially misrepresented information to students, to be
5 able to seek a defense to repayment of the survivor’s
6 Federal student loan.

7 (5) The limitations faced by a survivor of do-
8 mestic violence, dating violence, sexual assault, or
9 stalking to obtain any relief or restitution on the
10 survivor’s Federal student loan debt due to the use
11 of forced arbitration, gag orders, or bans on class
12 actions.

13 **TITLE VIII—SAFETY FOR INDIAN**
14 **WOMEN**

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

17 **SEC. 801. FINDINGS AND PURPOSES.**

18 (a) FINDINGS.—Congress finds that—

19 (1) American Indians and Alaska Natives are—

20 (A) 2.5 times as likely to experience violent
21 crimes; and

22 (B) at least 2 times more likely to experi-
23 ence rape or sexual assault crimes;

1 (2) more than 4 in 5 American Indian and
2 Alaska Native women have experienced violence in
3 their lifetime;

4 (3) the vast majority of American Indian and
5 Alaska Native victims of violence—96 percent of
6 women victims and 89 percent of male victims—have
7 experienced sexual violence by a non-Indian pe-
8 trator at least once in their lifetime;

9 (4) Indian Tribes exercising special domestic vi-
10 olence criminal jurisdiction over non-Indians pursu-
11 ant to section 204 of Public Law 90–284 (25 U.S.C.
12 1304) (commonly known as the “Indian Civil Rights
13 Act of 1968”), restored by section 904 of the Vio-
14 lence Against Women Reauthorization Act of 2013
15 (Public Law 113–4; 127 Stat. 120), have reported
16 significant success holding violent offenders account-
17 able for crimes of domestic violence, dating violence,
18 and civil protection order violations;

19 (5) Tribal prosecutors for Indian Tribes exer-
20 cising special domestic violence criminal jurisdiction
21 report that the majority of domestic violence cases
22 involve children either as witnesses or victims, and
23 the Department of Justice reports that American In-
24 dian and Alaska Native children suffer exposure to

1 violence at one of the highest rates in the United
2 States;

3 (6) childhood exposure to violence can have im-
4 mediate and long-term effects, including increased
5 rates of altered neurological development, poor phys-
6 ical and mental health, poor school performance,
7 substance abuse, and overrepresentation in the juve-
8 nile justice system;

9 (7) according to the Centers for Disease Con-
10 trol and Prevention, homicide is—

11 (A) the third leading cause of death among
12 American Indian and Alaska Native women be-
13 tween 10 and 24 years of age; and

14 (B) the fifth leading cause of death for
15 American Indian and Alaska Native women be-
16 tween 25 and 34 years of age;

17 (8) in some areas of the United States, Native
18 American women are murdered at rates more than
19 10 times the national average;

20 (9) according to a 2017 report by the Depart-
21 ment of Justice, 66 percent of criminal prosecutions
22 for crimes in Indian country that United States At-
23 torneys declined to prosecute involved assault, mur-
24 der, or sexual assault;

1 (10) investigation into cases of missing or mur-
2 dered Indigenous women is made difficult for Tribal
3 law enforcement agencies due to a lack of resources,
4 including a lack of—

5 (A) necessary personnel, training, equip-
6 ment, or funding;

7 (B) interagency cooperation;

8 (C) appropriate laws in place; and

9 (D) access to Federal law enforcement
10 databases;

11 (11) domestic violence calls are among the most
12 dangerous calls that law enforcement receives;

13 (12) the complicated jurisdictional scheme that
14 exists in Indian country—

15 (A) has a significant impact on public safe-
16 ty in Indian communities;

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

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

23 (13) restoring and enhancing Tribal capacity to
24 address violence against women provides for greater

1 local control, safety, accountability, and trans-
2 parency;

3 (14) Indian Tribes with restrictive settlement
4 Acts, such as Indian Tribes in the State of Maine,
5 and Indian Tribes located in States with concurrent
6 authority to prosecute crimes in Indian country
7 under the amendments made by the Act of August
8 15, 1953 (67 Stat. 590, chapter 506), face unique
9 public safety challenges; and

10 (15) Native Hawaiians experience a dispro-
11 tionately high rate of human trafficking, with 64
12 percent of human trafficking victims in the State of
13 Hawai'i identifying as at least part Native Hawai-
14 ian.

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

16 (1) to clarify the responsibilities of Federal,
17 State, Tribal, and local law enforcement agencies
18 with respect to responding to cases of domestic vio-
19 lence, dating violence, stalking, sex trafficking, sex-
20 ual violence, crimes against children, and assault
21 against Tribal law enforcement officers;

22 (2) to increase coordination and communication
23 among Federal, State, Tribal, and local law enforce-
24 ment agencies;

1 (3) to empower Tribal governments and Native
2 American communities, including urban Indian com-
3 munities and Native Hawaiian communities, with
4 the resources and information necessary to effec-
5 tively respond to cases of domestic violence, dating
6 violence, stalking, sex trafficking, sexual violence,
7 and missing or murdered Native Americans; and

8 (4) to increase the collection of data related to
9 missing or murdered Native Americans and the
10 sharing of information among Federal, State, Tribal,
11 and local officials responsible for responding to and
12 investigating crimes impacting Indian Tribes and
13 Native American communities, including urban In-
14 dian communities and Native Hawaiian commu-
15 nities, especially crimes relating to cases of missing
16 or murdered Native Americans.

17 **SEC. 802. TRIBAL ACCESS PROGRAM.**

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

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

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

1 “(A) tribal law enforcement officials that
2 meet applicable Federal or State requirements
3 shall be permitted access to national crime in-
4 formation databases; and

5 “(B) technical assistance and training is
6 provided to Bureau of Indian Affairs and tribal
7 law enforcement agencies to gain access to, and
8 the ability to use and input information into,
9 the National Crime Information Center and
10 other national crime information databases pur-
11 suant to section 534 of title 28, United States
12 Code.”; and

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

15 (b) ACQUISITION, PRESERVATION, AND EXCHANGE
16 OF IDENTIFICATION RECORDS AND INFORMATION.—Sec-
17 tion 534(d) of title 28, United States Code, is amended—

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

21 (2) in the matter preceding subparagraph (A)
22 (as so redesignated) by striking “The Attorney Gen-
23 eral” and inserting the following:

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

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

2 “(2) TRIBAL ACCESS PROGRAM.—

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

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

16 “(3) INFORMATION SHARING.—To the extent
17 otherwise permitted by law, any report issued as a
18 result of the analysis of information entered into na-
19 tional criminal information databases or obtained
20 from Federal criminal databases shall be shared
21 with each Indian tribe of jurisdiction, including In-
22 dian tribes located in the State of Maine.”.

23 (c) IDENTIFICATION RECORDS.—The second para-
24 graph of the matter under the heading “SALARIES AND
25 EXPENSES” under the heading “FEDERAL BUREAU OF IN-

1 VESTIGATION” of the Department of Justice Appropria-
2 tion Act, 1973 (34 U.S.C. 41101) is amended—

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

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

7 **SEC. 803. BUREAU OF PRISONS TRIBAL PRISONER PRO-**
8 **GRAM.**

9 Section 234(c) of the Tribal Law and Order Act of
10 2010 (25 U.S.C. 1302 note; Public Law 111–211) is
11 amended—

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

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

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

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

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

1 **SEC. 804. TRIBAL JURISDICTION OVER COVERED CRIMES.**

2 Section 204 of Public Law 90–284 (25 U.S.C. 1304)
3 (commonly known as the “Indian Civil Rights Act of
4 1968”) is amended—

5 (1) in the section heading, by striking
6 “**CRIMES OF DOMESTIC VIOLENCE**” and insert-
7 ing “**COVERED CRIMES**”;

8 (2) by striking “special domestic violence crimi-
9 nal jurisdiction” each place it appears and inserting
10 “special Tribal criminal jurisdiction”;

11 (3) in subsection (a)—

12 (A) by redesignating paragraphs (1), (2),
13 (3), (4), (5), (6), and (7) as paragraphs (6),
14 (7), (8), (10), (11), (14), and (15), respectively;

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

17 “(1) **ASSAULT OF TRIBAL JUSTICE PER-**
18 **SONNEL.**—The term ‘assault of Tribal justice per-
19 **sonnel’** means any violation of the criminal law of
20 the Indian tribe that has jurisdiction over the Indian
21 country where the violation occurs that involves the
22 use, attempted use, or threatened use of physical
23 force against an individual authorized to act for, or
24 on behalf of, that Indian tribe or serving that Indian
25 tribe during, or because of, the performance or du-
26 ties of that individual in—

1 “(A) preventing, detecting, investigating,
2 making arrests relating to, making apprehen-
3 sions for, or prosecuting a covered crime;

4 “(B) adjudicating, participating in the ad-
5 judication of, or supporting the adjudication of
6 a covered crime;

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

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

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

16 “(A) the age of 18; and

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

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

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

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

7 “(A) assault of Tribal justice personnel;

8 “(B) child violence;

9 “(C) dating violence;

10 “(D) domestic violence;

11 “(E) obstruction of justice;

12 “(F) sexual violence;

13 “(G) sex trafficking;

14 “(H) stalking; and

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

16 (C) in paragraph (6) (as so redesignated),
17 by striking “violence committed” and inserting
18 “any violation of the criminal law of the Indian
19 tribe that has jurisdiction over the Indian coun-
20 try where the violation occurs that is com-
21 mitted”;

22 (D) by striking paragraph (7) (as so redesi-
23 gnated) and inserting the following:

24 “(7) DOMESTIC VIOLENCE.—The term ‘domes-
25 tic violence’ means any violation of the criminal law

1 of the Indian tribe that has jurisdiction over the In-
2 dian country where the violation occurs that is com-
3 mitted by—

4 “(A) a current or former spouse or inti-
5 mate partner of the victim;

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

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

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

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

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

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

3 “(12) SEX TRAFFICKING.—The term ‘sex traf-
4 ficking’ means conduct within the meaning of sec-
5 tion 1591(a) of title 18, United States Code.

6 “(13) SEXUAL VIOLENCE.—The term ‘sexual vi-
7 olence’ means any nonconsensual sexual act or con-
8 tact proscribed by the criminal law of the Indian
9 tribe that has jurisdiction over the Indian country
10 where the violation occurs, including in any case in
11 which the victim lacks the capacity to consent to the
12 act.”;

13 (G) in paragraph (14) (as so redesign-
14 ated), in the paragraph heading, by striking
15 “SPECIAL DOMESTIC VIOLENCE CRIMINAL JU-
16 RISDICTION” and inserting “SPECIAL TRIBAL
17 CRIMINAL JURISDICTION”; and

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

19 “(16) STALKING.—The term ‘stalking’ means
20 engaging in a course of conduct directed at a spe-
21 cific person proscribed by the criminal law of the In-
22 dian tribe that has jurisdiction over the Indian coun-
23 try where the violation occurs that would cause a
24 reasonable person—

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

3 “(B) to suffer substantial emotional dis-
4 tress.

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

8 “(A) occurs in the Indian country of a par-
9 ticipating tribe; and

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

12 “(i) prohibits or provides protection
13 against violent or threatening acts or har-
14 assment against, sexual violence against,
15 contact or communication with, or physical
16 proximity to, another person;

17 “(ii) was issued against the defend-
18 ant;

19 “(iii) is enforceable by the partici-
20 pating tribe; and

21 “(iv) is consistent with section
22 2265(b) of title 18, United States Code.”;

23 (4) in subsection (b)(1), by inserting after “the
24 powers of self-government of a participating tribe”

1 the following: “, including any participating tribes in
2 the State of Maine,”;

3 (5) in subsection (b)(4)—

4 (A) in the paragraph heading, by striking
5 “EXCEPTIONS” and inserting “EXCEPTION IF
6 VICTIM AND DEFENDANT ARE BOTH NON-INDI-
7 ANS”;

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

12 (C) by striking subparagraph (B);

13 (D) in subparagraph (A)—

14 (i) by striking the subparagraph des-
15 ignation and heading and all that follows
16 through “A participating” in clause (i) and
17 inserting the following:

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

19 (ii) by redesignating clause (ii) as
20 subparagraph (B) and indenting appro-
21 priately; and

22 (E) in subparagraph (B) (as so redesign-
23 ated), by striking “subparagraph” and insert-
24 ing “paragraph”;

1 (6) by striking subsection (e) and inserting the
2 following:

3 “(e) CRIMINAL CONDUCT.—A participating tribe may
4 exercise special Tribal criminal jurisdiction over a defend-
5 ant for a covered crime that occurs in the Indian country
6 of the participating tribe.”;

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

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

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

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

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

20 “(A) the applicant has exhausted the rem-
21 edies available in the Tribal court system;

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

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

4 “(g) NOTICE; HABEAS CORPUS PETITIONS.—A par-
5 ticipating tribe that has ordered the detention of any per-
6 son has a duty to timely notify in writing such person of
7 their rights and privileges under this section and under
8 section 203.

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

11 “(1) REIMBURSEMENT.—

12 “(A) IN GENERAL.—The Attorney General
13 may reimburse Tribal government authorities
14 (or an authorized designee of a Tribal govern-
15 ment) for expenses incurred in exercising spe-
16 cial Tribal criminal jurisdiction.

17 “(B) ELIGIBLE EXPENSES.—Eligible ex-
18 penses for reimbursement under subparagraph
19 (A) shall include expenses and costs incurred
20 in, relating to, or associated with—

21 “(i) investigating, making arrests re-
22 lating to, making apprehensions for, or
23 prosecuting covered crimes (including costs
24 involving the purchasing, collecting, and

1 processing of sexual assault forensic mate-
2 rials);

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

8 “(iii) providing indigent defense serv-
9 ices for 1 or more persons charged with 1
10 or more covered crimes; and

11 “(iv) incarcerating, supervising, or
12 providing treatment, rehabilitation, or re-
13 entry services for 1 or more persons
14 charged with 1 or more covered crimes.

15 “(C) PROCEDURE.—

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

1 “(ii) MAXIMUM REIMBURSEMENT.—

2 The rules promulgated by the Attorney
3 General under clause (i)—

4 “(I) shall set a maximum allow-
5 able reimbursement to any Tribal gov-
6 ernment (or an authorized designee of
7 any Tribal government) in a 1-year
8 period; and

9 “(II) may allow the Attorney
10 General—

11 “(aa) to establish conditions
12 under which a Tribal government
13 (or an authorized designee of a
14 Tribal government) may seek a
15 waiver to the maximum allowable
16 reimbursement requirement es-
17 tablished under subclause (I);
18 and

19 “(bb) to waive the maximum
20 allowable reimbursement require-
21 ments established under sub-
22 clause (I) for a Tribal govern-
23 ment (or an authorized designee
24 of a Tribal government) if the
25 conditions established by the At-

1 torney General under item (aa)
2 are met by that Tribal govern-
3 ment (or authorized designee).

4 “(iii) TIMELINESS OF REIMBURSE-
5 MENTS.—To the maximum extent prac-
6 ticable, the Attorney General shall—

7 “(I) not later than 90 days after
8 the date on which the Attorney Gen-
9 eral receives a qualifying reimburse-
10 ment request from a Tribal govern-
11 ment (or an authorized designee of a
12 Tribal government)—

13 “(aa) reimburse the Tribal
14 government (or authorized des-
15 ignee); or

16 “(bb) notify the Tribal gov-
17 ernment (or authorized designee)
18 of the reason by which the Attor-
19 ney General was unable to issue
20 the reimbursement; and

21 “(II) not later than 30 days after
22 the date on which a Tribal govern-
23 ment (or an authorized designee of a
24 Tribal government) reaches the an-
25 nual maximum allowable reimburse-

1 ment for the Tribal government (or
2 an authorized designee) established by
3 the Attorney General under clause
4 (ii)(I), notify the Tribal government
5 (or authorized designee) that the
6 Tribal government has reached its an-
7 nual maximum allowable reimburse-
8 ment.

9 “(D) ELIGIBILITY FOR PARTICIPATING
10 TRIBES IN ALASKA.—A Tribal government (or
11 an authorized designee of a Tribal Government)
12 of an Indian tribe designated as a participating
13 Tribe under subtitle B of title VIII of the Vio-
14 lence Against Women Act Reauthorization Act
15 of 2022 shall be eligible for reimbursement, in
16 accordance with this paragraph, of expenses in-
17 curred in exercising special Tribal criminal ju-
18 risdiction under that subtitle.

19 “(2) GRANTS.—The Attorney General may
20 award grants to Tribal governments (or authorized
21 designees of Tribal governments), including a Tribal
22 government (or an authorized designee of a Tribal
23 government) of an Indian tribe designated as a par-
24 ticipating Tribe under subtitle B of title VIII of the

1 Violence Against Women Act Reauthorization Act of
2 2022—

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

7 “(i) law enforcement (including the
8 capacity of law enforcement, court per-
9 sonnel, or other non-law enforcement enti-
10 ties that have no Federal or State arrest
11 authority agencies but have been des-
12 ignated by an Indian tribe as responsible
13 for maintaining public safety within the
14 territorial jurisdiction of the Indian tribe,
15 to enter information into and obtain infor-
16 mation from national crime information
17 databases);

18 “(ii) prosecution;

19 “(iii) trial and appellate courts (in-
20 cluding facilities maintenance, renovation,
21 and rehabilitation);

22 “(iv) supervision systems;

23 “(v) detention and corrections (includ-
24 ing facilities maintenance, renovation, and
25 rehabilitation);

1 “(vi) treatment, rehabilitation, and re-
2 entry programs and services;

3 “(vii) culturally appropriate services
4 and assistance for victims and their fami-
5 lies; and

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

9 “(B) to provide indigent criminal defend-
10 ants with licensed defense counsel, at no cost to
11 the defendant, in criminal proceedings in which
12 a participating tribe prosecutes covered crimes;

13 “(C) to ensure that, in criminal pro-
14 ceedings in which a participating tribe exercises
15 special Tribal criminal jurisdiction, jurors are
16 summoned, selected, and instructed in a man-
17 ner consistent with all applicable requirements;
18 and

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

24 “(i) SUPPLEMENT, NOT SUPPLANT.—Amounts made
25 available under this section shall supplement and not sup-

1 plant any other Federal, State, or local government
2 amounts made available to carry out activities described
3 in this section.

4 “(j) AUTHORIZATION OF APPROPRIATIONS.—

5 “(1) IN GENERAL.—There is authorized to be
6 appropriated \$25,000,000 for each of fiscal years
7 2023 through 2027—

8 “(A) to carry out subsection (h); and

9 “(B) to provide training, technical assist-
10 ance, data collection, and evaluation of the
11 criminal justice systems of participating tribes.

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

16 **Subtitle B—Alaska Tribal Public**
17 **Safety Empowerment**

18 **SEC. 811. FINDINGS; PURPOSES.**

19 (a) FINDINGS.—Congress finds that—

20 (1) according to the report of the Indian Law
21 and Order Commission established by section 15 of
22 the Indian Law Enforcement Reform Act (25 U.S.C.
23 2812), Alaska Native women—

24 (A) are overrepresented in the domestic vi-
25 olence victim population by 250 percent;

1 (B) in the State of Alaska, comprise—

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

4 (ii) 47 percent of reported rape vic-
5 tims in the State; and

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

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

11 (A) are often inaccessible by road; and

12 (B) have no local law enforcement pres-
13 ence;

14 (3) the Commission referred to in paragraph
15 (1)—

16 (A) determined that the Alaska Depart-
17 ment of Public Safety—

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

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

22 (B) recommended that “devolving author-
23 ity to Alaska Native communities is essential
24 for addressing local crime. Their governments
25 are best positioned to effectively arrest, pros-

1 ecute, and punish, and they should have the au-
2 thority to do so-or to work out voluntary agree-
3 ments with each other, and with local govern-
4 ments and the State on mutually beneficial
5 terms”; and

6 (4) the unique legal relationship of the United
7 States to Indian Tribes creates a Federal trust re-
8 sponsibility to assist Tribal governments in safe-
9 guarding the lives of Indian women.

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

11 (1) to increase coordination and communication
12 among Federal, State, Tribal, and local law enforce-
13 ment agencies; and

14 (2) to empower Indian Tribes to effectively re-
15 spond to cases of domestic violence, dating violence,
16 stalking, sex trafficking, sexual violence, and missing
17 or murdered Alaska Natives through the exercise of
18 special Tribal criminal jurisdiction.

19 **SEC. 812. DEFINITIONS.**

20 In this subtitle:

21 (1) ASSAULT OF TRIBAL JUSTICE PERSONNEL;
22 COVERED CRIME; OBSTRUCTION OF JUSTICE; PRO-
23 TECTION ORDER; VIOLATION OF A PROTECTION
24 ORDER.—

1 (A) IN GENERAL.—The terms “assault of
2 Tribal justice personnel”, “covered crime”, “ob-
3 struction of justice”, “protection order”, and
4 “violation of a protection order” have the mean-
5 ings given the terms in section 204(a) of Public
6 Law 90–284 (25 U.S.C. 1304(a)) (commonly
7 known as the “Indian Civil Rights Act of
8 1968”).

9 (B) APPLICATION.—For purposes of the
10 application of the definitions of “assault of
11 Tribal justice personnel”, “obstruction of jus-
12 tice”, and “violation of a protection order”, and
13 for purposes of the application of the defined
14 terms contained in the definition of “covered
15 crime”, under section 204(a) of Public Law 90–
16 284 (25 U.S.C. 1304(a)) (commonly known as
17 the “Indian Civil Rights Act of 1968”) to the
18 pilot program, the Attorney General shall mod-
19 ify any reference to “Indian country” to mean
20 the Village of a participating Tribe.

21 (2) INDIAN; INDIAN COURT; INDIAN TRIBE;
22 POWERS OF SELF-GOVERNMENT.—The terms “In-
23 dian”, “Indian court”, “Indian tribe”, and “powers
24 of self-government” have the meanings given the
25 terms in section 201 of Public Law 90–284 (25

1 U.S.C. 1301) (commonly known as the “Indian Civil
2 Rights Act of 1968”).

3 (3) PARTICIPATING TRIBE.— The term “par-
4 ticipating Tribe” means an Indian tribe that is des-
5 ignated under section 813(d)(1) as a participating
6 Tribe to exercise special Tribal criminal jurisdiction.

7 (4) PILOT PROGRAM.—The term “pilot pro-
8 gram” means the pilot program established by sec-
9 tion 813(d)(1).

10 (5) SPECIAL TRIBAL CRIMINAL JURISDIC-
11 TION.—The term “special Tribal criminal jurisdic-
12 tion” means the criminal jurisdiction that a partici-
13 pating Tribe may exercise under this subtitle but
14 could not otherwise exercise.

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

17 (7) VILLAGE.—The term “Village” means the
18 Alaska Native Village Statistical Area covering all or
19 any portion of a Native village (as defined in section
20 3 of the Alaska Native Claims Settlement Act (43
21 U.S.C. 1602)), as depicted on the applicable Tribal
22 Statistical Area Program Verification map of the
23 Bureau of the Census.

1 **SEC. 813. TRIBAL JURISDICTION IN ALASKA.**

2 (a) IN GENERAL.—Subject to title II of Public Law
3 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the
4 “Indian Civil Rights Act of 1968”), Congress recognizes
5 and affirms the inherent authority of any Indian tribe oc-
6 cupying a Village in the State to exercise criminal and civil
7 jurisdiction over all Indians present in the Village.

8 (b) TRIBAL CIVIL JURISDICTION TO ENFORCE PRO-
9 TECTION ORDERS.—

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

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

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

18 (2) INCLUSIONS.—The full civil jurisdiction to
19 issue and enforce protection orders under paragraph
20 (1) includes the authority to enforce protection or-
21 ders through—

22 (A) civil contempt proceedings;

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

25 (C) other appropriate mechanisms.

26 (c) SPECIAL TRIBAL CRIMINAL JURISDICTION.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, in addition to all powers of self-gov-
3 ernment recognized and affirmed under subsection
4 (a), the powers of self-government of a participating
5 Tribe include the inherent power of the participating
6 Tribe, which is hereby recognized and affirmed, to
7 exercise special Tribal criminal jurisdiction over a
8 defendant for a covered crime that occurs in the Vil-
9 lage of the participating Tribe.

10 (2) CONCURRENT JURISDICTION.—The exercise
11 of special Tribal criminal jurisdiction by a partici-
12 pating Tribe shall be concurrent with the jurisdic-
13 tion of the United States, the State, or both.

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

16 (A) IN GENERAL.—A participating Tribe
17 may not exercise special Tribal criminal jurisdic-
18 tion over an alleged offense of a covered
19 crime, other than obstruction of justice or as-
20 sault of Tribal justice personnel, if neither the
21 defendant nor the alleged victim is an Indian.

22 (B) DEFINITION OF VICTIM.—In this para-
23 graph and with respect to a criminal proceeding
24 in which a participating Tribe exercises special
25 Tribal criminal jurisdiction based on a violation

1 of a protection order, the term “victim” means
2 a person specifically protected by the protection
3 order that the defendant allegedly violated.

4 (d) PILOT PROGRAM FOR SPECIAL TRIBAL CRIMINAL
5 JURISDICTION OVER PERSONS WHO ARE NOT INDI-
6 ANS.—

7 (1) ESTABLISHMENT.—Subject to title II of
8 Public Law 90–284 (25 U.S.C. 1301 et seq.) (com-
9 monly known as the “Indian Civil Rights Act of
10 1968”), there is established a pilot program under
11 which the Attorney General, subject to paragraph
12 (5), shall designate not more than 5 Indian tribes
13 per calendar year as participating Tribes to exercise
14 the special Tribal criminal jurisdiction described in
15 paragraph (6) over all persons present in the Village
16 of the Indian tribe.

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

23 (3) DESIGNATION OF PARTICIPATING TRIBES.—

24 (A) IN GENERAL.—The Attorney General,
25 in consultation with the Secretary of the Inte-

1 rior and affected Indian tribes, shall establish a
2 process to designate Indian tribes to participate
3 in the pilot program, which process shall—

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

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

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

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

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

24 (B) DESIGNATION.—The Attorney General
25 shall designate Indian tribes to participate in

1 the pilot program under paragraph (1) using
2 the process established under subparagraph
3 (A).

4 (4) INTERTRIBAL PARTICIPATION.—

5 (A) IN GENERAL.—2 or more participating
6 Tribes (or the Tribal organization (as defined
7 in section 4 of the Indian Self-Determination
8 and Education Assistance Act (25 U.S.C.
9 5304)) of the participating Tribe, if the Tribal
10 organization is exercising delegated authority
11 from the participating Tribe)—

12 (i) may elect to participate jointly in
13 the pilot program by providing shared re-
14 sources to carry out the purposes of the
15 pilot program; and

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

21 (B) ADDITIONAL PARTICIPATING
22 TRIBES.—

23 (i) IN GENERAL.—Additional partici-
24 pating Tribes may elect to join an estab-
25 lished intertribal partnership under sub-

1 paragraph (A) at any time after the inter-
2 tribal partnership is established.

3 (ii) APPLICATION.—An intertribal
4 partnership that additional participating
5 Tribes elect to join pursuant to clause (i)
6 shall be considered to be a single partici-
7 pating Tribe for purposes of the maximum
8 number of participating Tribes under para-
9 graphs (1) and (5).

10 (5) MAXIMUM NUMBER OF PARTICIPATING
11 TRIBES.—

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

16 (B) EXCEPTION.—The limitation under
17 subparagraph (A) shall not apply if the Attor-
18 ney General submits to the Committee on In-
19 dian Affairs of the Senate and the Committee
20 on Natural Resources of the House of Rep-
21 resentatives, and publishes in the Federal Reg-
22 ister, a written notice of the intention to des-
23 ignate additional Indian tribes as participating
24 Tribes, including the rationale for the designa-

1 tion, by not later than the date that is 180 days
2 before the date of designation.

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

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

15 (e) SENTENCES.—In a criminal proceeding in which
16 an Indian court of a participating Tribe, in exercising spe-
17 cial Tribal criminal jurisdiction with respect to a covered
18 crime, imposes a sentence of imprisonment of more than
19 1 year on a defendant pursuant to section 202(b) of Public
20 Law 90–284 (25 U.S.C. 1302(b)) (commonly known as
21 the “Indian Civil Rights Act of 1968”), the Indian court
22 may require the defendant—

23 (1) to serve a sentence—

24 (A) in a Tribal correctional center that has
25 been approved by the Bureau of Indian Affairs

1 for long-term incarceration, in accordance with
2 guidelines set by the Bureau of Indian Affairs;

3 (B) at the expense of the United States, in
4 the nearest appropriate Federal facility pursu-
5 ant to the Bureau of Prisons Tribal Prisoner
6 Program established under section 234(e)(1) of
7 the Tribal Law and Order Act of 2010 (25
8 U.S.C. 1302 note; Public Law 111–211); or

9 (C) at the expense of the participating
10 Tribe and, subject to section 204(f)(1) of Public
11 Law 90–284 (25 U.S.C. 1304(f)(1)) (commonly
12 known as the “Indian Civil Rights Act of
13 1968”), reimbursable by the Attorney General,
14 in a detention or correctional center approved
15 by the State or a local government of the State
16 pursuant to a memorandum of agreement be-
17 tween the participating Tribe and the State or
18 local government of the State; or

19 (2) to serve another alternative form of punish-
20 ment, as determined by the Indian court pursuant to
21 Tribal law.

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

1 (1) to coordinate respective law enforcement ac-
2 tivities;

3 (2) to share equipment and other resources;

4 (3) to establish cross-deputization arrange-
5 ments;

6 (4) to coordinate appropriate training activities;

7 and

8 (5) to address any other matters that will facili-
9 tate the successful implementation of the pilot pro-
10 gram, including intergovernmental agreements re-
11 garding—

12 (A) the incarceration of convicted persons;

13 and

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

16 (g) ALASKA TRIBAL PUBLIC SAFETY ADVISORY COM-
17 MITTEE.—

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

1 (2) MEMBERSHIP.—The Committee shall con-
2 sist of 1 or more representatives from—

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

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

7 (C) Tribal nonprofit organizations pro-
8 viding victim services.

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

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

13 (B) increasing coordination and commu-
14 nication among Federal, Tribal, State, and local
15 law enforcement agencies.

16 (4) TRAVEL EXPENSES.—A member of the
17 Committee shall be allowed travel expenses, includ-
18 ing per diem in lieu of subsistence, at rates author-
19 ized for employees of agencies under subchapter I of
20 chapter 57 of title 5, United States Code, while
21 away from their homes or regular places of business
22 in the performance of services for the Committee.

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

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
3 this subsection such sums as may be necessary for
4 the period of fiscal years 2023 through 2027, to re-
5 main available until expended.

6 (h) REPORT TO CONGRESS.—Not later than 5 years
7 after the date of enactment of this Act, the Attorney Gen-
8 eral, in consultation with the Secretary of the Interior and
9 affected Indian tribes, shall submit to Congress a report
10 describing the results of the pilot program, including an
11 explanation of any modifications to law necessary to facili-
12 tate improved law enforcement in Villages.

13 (i) APPLICABILITY.—Nothing in this subtitle—

14 (1) limits, alters, expands, or diminishes the
15 civil or criminal jurisdiction of the United States,
16 the State, any subdivision of the State, or any In-
17 dian tribe in the State;

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

20 (3) affects the authority of the United States or
21 any authority delegated by the United States to the
22 State to investigate and prosecute a criminal viola-
23 tion in a Village.