

Calendar No. 534113TH CONGRESS
2D SESSION**S. 1474**

To encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mr. BEGICH (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 26, 2014

Reported, under authority of the order of the Senate of August 5 (legislative day, August 1), 2014, by Mr. TESTER, with an amendment

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

A BILL

To encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alaska Safe Families
3 and Villages Act of 2013”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

6 (1) residents of remote Alaska villages suffer
7 disproportionately from crimes and civil disturbances
8 rooted in alcohol abuse, illicit drug use, suicide, and
9 domestic violence;

10 (2) the alcohol-related suicide rate in remote
11 Alaska villages is 6 times the average in the United
12 States and the alcohol-related mortality rate is 3.5
13 times that of the general population of the United
14 States;

15 (3) Alaska Native women suffer the highest
16 rate of forcible sexual assault in the United States
17 and an Alaska Native woman is sexually assaulted
18 every 18 hours;

19 (4) according to the Alaska Native Tribal
20 Health Consortium, one in two Alaska Native
21 women experience physical or sexual violence;

22 (5) according to the 2006 Initial Report and
23 Recommendations of the Alaska Rural Justice and
24 Law Enforcement Commission, more than 95 per-
25 cent of all crimes committed in rural Alaska can be
26 attributed to alcohol abuse;

1 (6) the cost of drug and alcohol abuse in Alaska
2 is estimated at \$525,000,000 per year;

3 (7) there are more than 200 remote villages in
4 Alaska, which are ancestral homelands to Indian
5 tribes and geographically isolated by rivers, oceans,
6 and mountains making most of those villages acces-
7 sible only by air;

8 (8) small size and remoteness, lack of connec-
9 tion to a road system, and extreme weather condi-
10 tions often prevent or delay travel, including that of
11 law enforcement personnel, into remote villages, re-
12 sulting in challenging law enforcement conditions;

13 (9) less than 1/2 of remote Alaska villages are
14 served by trained State law enforcement entities and
15 several Indian tribes provide peace officers or tribal
16 police without adequate training or equipment;

17 (10) the lack of effective law enforcement enti-
18 ties in remote Alaska villages contributes signifi-
19 cantly to increased crime, alcohol abuse, drug abuse,
20 domestic violence, rates of suicide, poor educational
21 achievement, and lack of economic development;

22 (11) Indian tribes that operate within remote
23 Alaska villages should be empowered to participate
24 in local culturally relevant solutions to effectively

1 provide law enforcement entities in villages and ac-
 2 cess to swift judicial proceedings;

3 ~~(12) increasing capacities of local law enforce-~~
 4 ~~ment entities to achieve increased tribal involvement~~
 5 ~~in State law enforcement in remote villages will pro-~~
 6 ~~mote a stronger link between the State and village~~
 7 ~~residents; encourage community involvement; and~~
 8 ~~create greater local accountability with respect to vi-~~
 9 ~~olence and substance abuse; and~~

10 ~~(13) the United States has a trust responsi-~~
 11 ~~bility to Indian tribes in the State.~~

12 ~~(b) PURPOSES.—The purposes of this Act are—~~

13 ~~(1) to improve the delivery of justice in Alaska~~
 14 ~~Native villages by encouraging the State and Indian~~
 15 ~~tribes to enter into intergovernmental agreements~~
 16 ~~relating to the enforcement and adjudication of~~
 17 ~~State laws relating to drug and alcohol offenses; and~~

18 ~~(2) to enhance coordination and communication~~
 19 ~~among Federal, State, tribal, and local law enforce-~~
 20 ~~ment agencies.~~

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 ~~(1) ATTORNEY GENERAL.—The term “Attorney~~
 24 ~~General” means the Attorney General of the United~~
 25 ~~States.~~

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

3 (3) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given the term in section 102 of the
5 Federally Recognized Indian Tribe List Act of 1994
6 (25 U.S.C. 479a).

7 (4) PARTICIPATING INDIAN TRIBE.—The term
8 “participating Indian tribe” means an Indian tribe
9 selected by the Director to participate in the pro-
10 gram.

11 (5) PROGRAM.—The term “program” means
12 the Alaska Safe Families and Villages Self Govern-
13 ance Program established under this Act.

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

16 (7) TRIBAL COURT.—The term “tribal court”
17 means any court, council, or a mechanism of any
18 court or council sanctioned by an Indian tribe for
19 the adjudication of disputes, including the violation
20 of tribal laws, ordinances, and regulations.

21 **SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES SELF GOV-**
22 **ERNANCE PROGRAM.**

23 (a) IN GENERAL.—The Attorney General shall estab-
24 lish a program in the Office of Tribal Justice Programs
25 of the Department of Justice, to be known as the “Alaska

1 Safe Families and Villages Self Governance Program”, to
2 make grants to Indian tribes in carrying out intergovern-
3 mental agreements described in subsection (d).

4 (b) ADMINISTRATION.—

5 (1) IN GENERAL.—Each Indian tribe desiring
6 to participate in the program shall submit to the Di-
7 rector an application in accordance with this section.

8 (2) ELIGIBILITY.—To be eligible to participate
9 in the program, an Indian tribe in the State shall—

10 (A) request participation by resolution or
11 other official action from the governing body of
12 the Indian tribe;

13 (B) have for the preceding 3 fiscal years
14 no uncorrected significant and material audit
15 exceptions regarding any Federal contract or
16 grant;

17 (C) demonstrate to the Attorney General
18 sufficient governance capacity to conduct the
19 program, as evidenced by the history of the In-
20 dian tribe in operating government services (in-
21 cluding public utilities, children’s courts, law
22 enforcement, social service programs, or other
23 activities);

1 (D) certify that the Indian tribe has en-
 2 tered into an intergovernmental agreement with
 3 the State described in subsection (d);

4 (E) meet such other criteria as the Attor-
 5 ney General may promulgate, after providing
 6 public notice and an opportunity to comment;
 7 and

8 (F) submit to the Attorney General of the
 9 State a copy of the application.

10 (3) PUBLIC COMMENT.—Each application sub-
 11 mitted under this subsection shall be subject to pub-
 12 lic comment for a period of not less than 30 days
 13 after the date on which a notice of the application
 14 is published in a newspaper or other publication of
 15 general circulation in the vicinity of the Native vil-
 16 lage of the Indian tribe.

17 (e) USE OF AMOUNTS.—Each participating Indian
 18 tribe shall use amounts—

19 (1) to carry out a planning phase that may in-
 20 clude—

21 (A) internal governmental and organiza-
 22 tional planning;

23 (B) developing written tribal law or ordi-
 24 nances detailing the structure and procedures
 25 of the tribal court;

1 (C) developing enforcement mechanisms;
2 and

3 (D) negotiating and finalizing any inter-
4 governmental agreements necessary to carry out
5 this Act; and

6 (2) to carry out activities of the Indian tribe in
7 accordance with an applicable intergovernmental
8 agreement with the State.

9 (d) INTERGOVERNMENTAL AGREEMENTS.—

10 (1) IN GENERAL.—The State (including polit-
11 ical subdivisions of the State) and Indian tribes in
12 the State are encouraged to enter into intergovern-
13 mental agreements relating to the enforcement of
14 certain State laws by the Indian tribe.

15 (2) CONTENTS.—

16 (A) IN GENERAL.—An intergovernmental
17 agreement described in paragraph (1) may de-
18 scribe the duties of the State and the applicable
19 Indian tribe relating to—

20 (i) the employment of law enforcement
21 officers, probation, and parole officers;

22 (ii) the appointment and deputization
23 by the State of tribal law enforcement offi-
24 cers as special officers to aid and assist in

1 the enforcement of the criminal laws of the
2 State;

3 (iii) the enforcement of punishments
4 imposed by the Indian tribe under tribal
5 law;

6 (iv) the transfer of enforcement duties
7 for State drug- and alcohol-related mis-
8 demeanor offenses to the Indian tribe;

9 (v) the adjudication by the Indian
10 tribe of State drug- and alcohol-related
11 misdemeanor offenses;

12 (vi) the transfer of information and
13 evidence between tribal law enforcement
14 entities and the court system of the State;

15 (vii) the detention of offenders;

16 (viii) searches and seizures of alcohol
17 and drugs at municipal and State airports;

18 and

19 (ix) jurisdictional or financial matters.

20 (B) REMEDIES.—Subject to title II of
21 Public Law 90-284 (25 U.S.C. 1301 et seq.)
22 (commonly known as the “Indian Civil Rights
23 Act of 1968”), an intergovernmental agreement
24 described in paragraph (1) may include rem-
25 edies to be imposed by the applicable Indian

1 tribe relating to the enforcement of State law,
2 including—

- 3 (i) restorative justice, including circle
4 sentencing;
5 (ii) community service;
6 (iii) fines;
7 (iv) forfeitures;
8 (v) commitments for treatment;
9 (vi) restraining orders;
10 (vii) emergency detentions; and
11 (viii) any other remedies agreed to by
12 the State and Indian tribe.

13 (e) ANNUAL REPORT.—

14 (1) IN GENERAL.—Not later than May 1 of
15 each year, the Attorney General shall submit to the
16 Committee on Indian Affairs of the Senate and the
17 Committee on Natural Resources of the House of
18 Representatives an annual report that—

- 19 (A) describes the grants awarded under
20 the program;
21 (B) assesses the effectiveness of the pro-
22 gram; and
23 (C) includes any recommendations of the
24 Attorney General relating to the program.

1 (2) REQUIREMENTS.—Each report shall be pre-
2 pared in consultation with the government of each
3 participating Indian tribe and the State.

4 (f) NO LIABILITY FOR THE STATE OF ALASKA.—The
5 State, including any political subdivision of the State, shall
6 not be liable for any act or omission of a participating
7 Indian tribe in carrying out this Act, including any act
8 or omission of a participating Indian tribe undertaken
9 pursuant to an intergovernmental agreement described in
10 subsection (d).

11 (g) REGULATIONS.—The Attorney General shall pro-
12 mulgate such regulations as the Attorney General deter-
13 mines are necessary to carry out this Act.

14 (h) ELIGIBILITY FOR FEDERAL PROGRAMS.—

15 (1) IN GENERAL.—Participating Indian tribes
16 shall be eligible for the same tribal court and law en-
17 forcement programs and level of funding from the
18 Bureau of Indian Affairs and the Department of
19 Justice as are available to other Indian tribes.

20 (2) APPLICABILITY IN ALASKA.—Nothing in
21 this Act limits the application in the State of—

22 (A) the Tribal Law and Order Act of 2010
23 (Public Law 111–211; 124 Stat. 2261);

1 (B) the Violence Against Women Reau-
2 thorization Act of 2013 (Public law 113-4; 127
3 Stat. 54); or

4 (C) any amendments made by the Acts re-
5 ferred to in subparagraphs (A) and (B).

6 (i) EFFECT OF ACT.—Nothing in this Act—

7 (1) limits, alters, or diminishes the civil or
8 criminal jurisdiction of the State, any subdivision of
9 the State, or the United States;

10 (2) limits or diminishes the jurisdiction of any
11 Indian tribe in the State, including inherent and
12 statutory authority of the Indian tribe over child
13 protection, child custody, and domestic violence (as
14 in effect on the day before the date of enactment of
15 this Act);

16 (3) creates a territorial basis for the jurisdiction
17 of any Indian tribe in the State or otherwise creates
18 Indian country in any area of the State;

19 (4) confers any criminal jurisdiction on any In-
20 dian tribe in the State;

21 (5) diminishes the trust responsibility of the
22 United States to Indian tribes in the State;

23 (6) abridges or diminishes the sovereign immu-
24 nity of any Indian tribe in the State;

1 (7) alters the criminal or civil jurisdiction of the
2 Metlakatla Indian Community within the Annette Is-
3 lands Reserve (as in effect on the date before the
4 date of enactment of this Act);

5 (8) alters the authority of the State to file, in
6 the discretion of the State, a civil or criminal action
7 for the violation of State law;

8 (9) limits in any manner the eligibility of the
9 State, any political subdivision of the State, or any
10 Indian tribe in the State, for any other Federal as-
11 sistance under any other law; or

12 (10) affects the authority of the United States
13 or any State government that has been delegated au-
14 thority by the United States to investigate and pros-
15 ecute a criminal violation in Indian country, includ-
16 ing under section 1162 of title 18, United States
17 Code.

18 **SEC. 5. FUNDING.**

19 The Attorney General shall use amounts made avail-
20 able to the Attorney General for the Office of Tribal Jus-
21 tice to carry out the program under this Act.

22 **SEC. 6. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.**

23 Section 910 of the Violence Against Women Reau-
24 thorization Act of 2013 (18 U.S.C. 2265 note; Public Law
25 113-4) is repealed.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Alaska Safe Families*
3 *and Villages Act of 2014”.*

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 *(a) FINDINGS.—Congress finds that—*

6 *(1) residents of remote Alaska villages suffer dis-*
7 *proportionately from crimes and civil disturbances*
8 *rooted in alcohol abuse, illicit drug use, suicide, and*
9 *domestic violence;*

10 *(2) the alcohol-related suicide rate in remote*
11 *Alaska villages is 6 times the average in the United*
12 *States and the alcohol-related mortality rate is 3.5*
13 *times that of the general population of the United*
14 *States;*

15 *(3) Alaska Native women suffer the highest rate*
16 *of forcible sexual assault in the United States and an*
17 *Alaska Native woman is sexually assaulted every 18*
18 *hours;*

19 *(4) according to the Alaska Native Tribal Health*
20 *Consortium, one in two Alaska Native women experi-*
21 *ence physical or sexual violence;*

22 *(5) according to the 2006 Initial Report and*
23 *Recommendations of the Alaska Rural Justice and*
24 *Law Enforcement Commission, more than 95 percent*
25 *of all crimes committed in rural Alaska can be attrib-*
26 *uted to alcohol abuse;*

1 (6) *the cost of drug and alcohol abuse in Alaska*
2 *is estimated at \$525,000,000 per year;*

3 (7) *there are more than 200 remote villages in*
4 *Alaska, which are ancestral homelands to Indian*
5 *tribes and geographically isolated by rivers, oceans,*
6 *and mountains making most of those villages acces-*
7 *sible only by air;*

8 (8) *small size and remoteness, lack of connection*
9 *to a road system, and extreme weather conditions*
10 *often prevent or delay travel, including that of law*
11 *enforcement personnel, into remote villages, resulting*
12 *in challenging law enforcement conditions and lack of*
13 *ready access to the State judicial system;*

14 (9) *less than 1/2 of remote Alaska villages are*
15 *served by trained State law enforcement entities and*
16 *several Indian tribes provide peace officers or tribal*
17 *police without adequate training or equipment;*

18 (10) *the centralized State judicial system relies*
19 *on general jurisdiction Superior Courts in the re-*
20 *gional hub communities, with only a handful of*
21 *staffed magistrate courts outside of the hub commu-*
22 *nities;*

23 (11) *the lack of effective law enforcement and ac-*
24 *cessible judicial services in remote Alaska villages*
25 *contributes significantly to increased crime, alcohol*

1 *abuse, drug abuse, domestic violence, rates of suicide,*
2 *poor educational achievement, and lack of economic*
3 *development;*

4 *(12) Indian tribes that operate within remote*
5 *Alaska villages should be supported in carrying out*
6 *local culturally relevant solutions to effectively pro-*
7 *vide law enforcement in villages and access to swift*
8 *judicial proceedings;*

9 *(13) increasing capacities of local law enforce-*
10 *ment entities to enforce local tribal laws and to*
11 *achieve increased tribal involvement in State law en-*
12 *forcement in remote villages will promote a stronger*
13 *link between the State and village residents, encour-*
14 *age community involvement, and create greater local*
15 *accountability with respect to violence and substance*
16 *abuse;*

17 *(14) the United States has a trust responsibility*
18 *to Indian tribes in the State;*

19 *(15) the report of the Indian Law and Order*
20 *Commission to the President and Congress entitled “A*
21 *Roadmap to Making Native America Safer” and*
22 *dated November 2013 found that the crisis in crimi-*
23 *nal justice in the State is a national problem and*
24 *urged the Federal Government and the State to*
25 *strengthen tribal sovereignty and self-governance and*

1 *for Congress to create a jurisdictional framework to*
2 *support tribal sovereignty and expand the authority*
3 *of Indian tribes in the State; and*

4 *(16) it is necessary to invoke the plenary author-*
5 *ity of Congress over Indian tribes under article I, sec-*
6 *tion 8, clause 3 of the Constitution to improve access*
7 *to judicial systems in remote Alaska Native villages*
8 *and provide for the presence of trained local law en-*
9 *forcement.*

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

11 *(1) to improve the delivery of justice in Alaska*
12 *Native villages by—*

13 *(A) encouraging the State and Indian tribes*
14 *to enter into intergovernmental agreements relat-*
15 *ing to the enforcement and adjudication of State*
16 *laws relating to drug and alcohol offenses; and*

17 *(B) supporting Indian tribes in the State in*
18 *the enforcement and adjudication of tribal laws*
19 *relating to child abuse and neglect, domestic vio-*
20 *lence, and drug and alcohol offenses; and*

21 *(2) to enhance coordination and communication*
22 *among Federal, State, tribal, and local law enforce-*
23 *ment agencies.*

24 **SEC. 3. DEFINITIONS.**

25 *In this Act:*

1 (1) *ATTORNEY GENERAL.*—*The term “Attorney*
2 *General” means the Attorney General of the United*
3 *States.*

4 (2) *GRANT PROGRAM.*—*The term “grant pro-*
5 *gram” means the Alaska Safe Families and Villages*
6 *Self Governance Intergovernmental Grant Program*
7 *established under section 4.*

8 (3) *INDIAN TRIBE.*—*The term “Indian tribe” has*
9 *the meaning given the term in section 102 of the Fed-*
10 *erally Recognized Indian Tribe List Act of 1994 (25*
11 *U.S.C. 479a).*

12 (4) *PARTICIPATING INDIAN TRIBE.*—*The term*
13 *“participating Indian tribe” means an Indian tribe*
14 *selected by the Attorney General to participate in the*
15 *grant program or the tribal law program, as applica-*
16 *ble.*

17 (5) *REMOTE ALASKA VILLAGE.*—*The term “re-*
18 *mote Alaska village” means an Alaska Native Village*
19 *Statistical Area delineated for the Director of the*
20 *Census by the officials of the village for the purpose*
21 *of presenting data for the decennial census conducted*
22 *under section 141(a) of title 13, United States Code.*

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

1 (7) *TRIBAL COURT.*—*The term “tribal court”*
 2 *means any court, council, or a mechanism of any*
 3 *court or council sanctioned by an Indian tribe for the*
 4 *adjudication of disputes, including the violation of*
 5 *tribal laws, ordinances, and regulations.*

6 (8) *TRIBAL LAW PROGRAM.*—*The term “tribal*
 7 *law program” means the Alaska Safe Families and*
 8 *Villages Tribal Law Program established under sec-*
 9 *tion 5.*

10 **SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES SELF GOV-**
 11 **ERNANCE INTERGOVERNMENTAL GRANT**
 12 **PROGRAM.**

13 (a) *IN GENERAL.*—*The Attorney General shall estab-*
 14 *lish a program in the Office of Justice Programs of the De-*
 15 *partment of Justice, to be known as the Alaska Safe Fami-*
 16 *lies and Villages Self Governance Intergovernmental Grant*
 17 *Program, to make grants to Indian tribes acting on behalf*
 18 *of 1 or more Indian tribes to assist Indian tribes in plan-*
 19 *ning for and carrying out intergovernmental agreements*
 20 *described in subsection (d).*

21 (b) *ADMINISTRATION.*—

22 (1) *IN GENERAL.*—*Each Indian tribe desiring to*
 23 *participate in the grant program shall submit to the*
 24 *Attorney General an application in accordance with*
 25 *this section.*

1 (2) *ELIGIBILITY FOR GRANT PROGRAM.*—*To be*
2 *eligible to participate in the grant program, an In-*
3 *Indian tribe in the State shall—*

4 (A) *request participation by resolution or*
5 *other official action by the governing body of the*
6 *Indian tribe;*

7 (B) *have for the preceding 3 fiscal years no*
8 *uncorrected significant and material audit ex-*
9 *ceptions regarding any Federal contract, com-*
10 *pact, or grant;*

11 (C) *demonstrate to the Attorney General*
12 *sufficient governance capacity to conduct the*
13 *grant program, as evidenced by the history of the*
14 *Indian tribe in operating government services*
15 *(including public utilities, children’s courts, law*
16 *enforcement, social service programs, or other ac-*
17 *tivities);*

18 (D) *certify that the Indian tribe has entered*
19 *into, or can evidence intent to enter into negotia-*
20 *tions relating to, an intergovernmental agree-*
21 *ment with the State described in subsection (d);*

22 (E) *meet such other criteria as the Attorney*
23 *General may promulgate, after providing public*
24 *notice and an opportunity to comment; and*

1 (F) submit to the Attorney General of the
2 State a copy of the application.

3 (c) *USE OF AMOUNTS.*—Each participating Indian
4 tribe shall use amounts made available under the grant pro-
5 gram—

6 (1) to carry out a planning phase that may in-
7 clude—

8 (A) internal governmental and organiza-
9 tional planning;

10 (B) developing written tribal law or ordi-
11 nances, including tribal laws and ordinances de-
12 tailing the structure and procedures of the tribal
13 court;

14 (C) developing enforcement mechanisms;
15 and

16 (D) negotiating and finalizing any inter-
17 governmental agreements necessary to carry out
18 this section; and

19 (2) to carry out activities of the Indian tribe in
20 accordance with an applicable intergovernmental
21 agreement with the State.

22 (d) *INTERGOVERNMENTAL AGREEMENTS.*—

23 (1) *IN GENERAL.*—The State (including political
24 subdivisions of the State) and Indian tribes in the
25 State are encouraged to enter into intergovernmental

1 *agreements relating to the enforcement of certain*
2 *State laws by the Indian tribe.*

3 (2) *CONTENTS.—*

4 (A) *IN GENERAL.—An intergovernmental*
5 *agreement described in paragraph (1) may de-*
6 *scribe the duties of the State and the applicable*
7 *Indian tribe relating to—*

8 (i) *the employment of law enforcement*
9 *officers, probation, and parole officers;*

10 (ii) *the appointment and deputization*
11 *by the State of tribal law enforcement offi-*
12 *cers as special officers to aid and assist in*
13 *the enforcement of the criminal laws of the*
14 *State;*

15 (iii) *the enforcement of punishments*
16 *imposed by the Indian tribe under tribal*
17 *law;*

18 (iv) *the transfer of enforcement duties*
19 *for State drug- and alcohol-related mis-*
20 *demeanor offenses to the Indian tribe;*

21 (v) *the adjudication by the Indian*
22 *tribe of State drug- and alcohol-related mis-*
23 *demeanor offenses;*

1 (vi) the transfer of information and
2 evidence between tribal law enforcement en-
3 tities and the court system of the State;

4 (vii) the detention of offenders;

5 (viii) searches and seizures of alcohol
6 and drugs at municipal and State airports;

7 and

8 (ix) jurisdictional or financial matters.

9 (B) REMEDIES.—Subject to title II of Pub-
10 lic Law 90–284 (25 U.S.C. 1301 et seq.) (com-
11 monly known as the “Indian Civil Rights Act of
12 1968”), an intergovernmental agreement de-
13 scribed in paragraph (1) may include remedies
14 to be imposed by the applicable Indian tribe re-
15 lating to the enforcement of State law, includ-
16 ing—

17 (i) restorative justice, including circle
18 sentencing;

19 (ii) community service;

20 (iii) fines;

21 (iv) forfeitures;

22 (v) commitments for treatment;

23 (vi) restraining orders;

24 (vii) emergency detentions; and

1 (viii) any other remedies agreed to by
2 the State and Indian tribe.

3 (e) *ANNUAL REPORT.*—

4 (1) *IN GENERAL.*—Not later than May 1 of each
5 year, the Attorney General shall submit to the Com-
6 mittee on Indian Affairs of the Senate and the Com-
7 mittee on Natural Resources of the House of Rep-
8 resentatives an annual report that—

9 (A) describes the grants awarded under the
10 grant program;

11 (B) assesses the effectiveness of the grant
12 program; and

13 (C) includes any recommendations of the
14 Attorney General relating to the grant program.

15 (2) *REQUIREMENTS.*—Each report shall be pre-
16 pared in consultation with the government of each
17 participating Indian tribe and the State.

18 **SEC. 5. ALASKA SAFE FAMILIES AND VILLAGES SELF GOV-**

19 **ERNANCE TRIBAL LAW PROJECT.**

20 (a) *IN GENERAL.*—The Attorney General shall estab-
21 lish a project in the Office of Justice Programs of the De-
22 partment of Justice, to be known as the Alaska Safe Fami-
23 lies and Villages Self Governance Tribal Law Project, to
24 make grants to Indian tribes acting on behalf of 1 or more
25 Indian tribes to assist Indian tribes in planning for and

1 *carrying out concurrent jurisdiction activities described in*
2 *subsection (d).*

3 *(b) APPLICATION.—*

4 *(1) IN GENERAL.—Each Indian tribe desiring to*
5 *participate in the tribal law program shall submit to*
6 *the Attorney General an application in accordance*
7 *with this section.*

8 *(2) ELIGIBILITY.—To be eligible to participate*
9 *in the tribal law program, an Indian tribe in the*
10 *State shall—*

11 *(A) request participation by resolution or*
12 *other official action by the governing body of the*
13 *Indian tribe;*

14 *(B) have for the preceding 3 fiscal years no*
15 *uncorrected significant and material audit ex-*
16 *ceptions regarding any Federal contract, com-*
17 *pact, or grant;*

18 *(C) demonstrate to the Attorney General*
19 *sufficient governance capacity to conduct the*
20 *tribal law program, as evidenced by the history*
21 *of the Indian tribe in operating government serv-*
22 *ices (including public utilities, children’s courts,*
23 *law enforcement, social service programs, or*
24 *other activities);*

1 (D) meet such other criteria as the Attorney
2 General may promulgate, after providing for
3 public notice; and

4 (E) submit to the Attorney General of the
5 State a copy of the application submitted under
6 this section.

7 (3) *ADDITIONAL SUBMISSIONS.*—On completion
8 of the planning phase described in subsection (c), the
9 Indian tribe shall provide to the Attorney General—

10 (A) the constitution of the Indian tribe or
11 equivalent organic documents showing the struc-
12 ture of the tribal government and the placement
13 and authority of the tribal court within that
14 structure;

15 (B) written tribal laws or ordinances gov-
16 erning tribal court procedures and the regulation
17 and enforcement of child abuse and neglect, do-
18 mestic violence, drugs and alcohol, and related
19 matters; and

20 (C) such other information as the Attorney
21 General may, by public notice, require.

22 (c) *PLANNING PHASE.*—

23 (1) *IN GENERAL.*—Each participating Indian
24 tribe shall complete a planning phase that includes—

1 (A) *internal governmental and organiza-*
2 *tional planning;*

3 (B) *developing written tribal law or ordi-*
4 *nances detailing the structure and procedures of*
5 *the tribal court; and*

6 (C) *enforcement mechanisms.*

7 (2) *CERTIFICATION.—*

8 (A) *IN GENERAL.—Not later than 120 days*
9 *after receiving an application under subsection*
10 *(b), the Attorney General shall certify the com-*
11 *pletion of the planning phase under this section.*

12 (B) *TIMING.—The Attorney General may*
13 *make a certification described in subparagraph*
14 *(A) on the date on which the participating In-*
15 *Indian tribe submits an application under sub-*
16 *section (b) if the Indian tribe demonstrates to the*
17 *Attorney General that the Indian tribe has satis-*
18 *fied the requirements of the planning phase*
19 *under paragraph (1).*

20 (d) *CONCURRENT JURISDICTION.—*

21 (1) *IN GENERAL.—Unless otherwise agreed to by*
22 *the Indian tribe in an intergovernmental agreement,*
23 *beginning 30 days after the date on which the certifi-*
24 *cation described in subsection (c)(2) is made, the par-*
25 *ticipating Indian tribe may exercise civil jurisdic-*

1 *tion, concurrent with the State, in matters relating to*
 2 *child abuse and neglect, domestic violence, drug-re-*
 3 *lated offenses, and alcohol-related offenses over—*

4 *(A) any member of, or person eligible for*
 5 *membership in, the Indian tribe; and*

6 *(B) any nonmember of the Indian tribe, if*
 7 *the nonmember resides or is located in the remote*
 8 *Alaska Native village in which the Indian tribe*
 9 *operates.*

10 *(2) SANCTIONS.—A participating Indian tribe*
 11 *exercising jurisdiction under paragraph (1) shall im-*
 12 *pose such civil sanctions as the tribal court has deter-*
 13 *mined to be appropriate, consistent with title II of*
 14 *Public Law 90–284 (25 U.S.C. 1301 et seq.) (com-*
 15 *monly known as the “Indian Civil Rights Act of*
 16 *1968”) and tribal law, including—*

17 *(A) restorative justice, including commu-*
 18 *nity or circle sentencing;*

19 *(B) community service;*

20 *(C) fines;*

21 *(D) forfeitures;*

22 *(E) commitments for treatment;*

23 *(F) restraining orders;*

24 *(G) emergency detentions; and*

1 (H) any other remedies the tribal court de-
2 termines are appropriate.

3 (3) *INCARCERATION.*—A person shall not be in-
4 carcerated by a participating Indian tribe exercising
5 jurisdiction under paragraph (1) except pursuant to
6 an intergovernmental agreement described in section
7 4(d).

8 (4) *EMERGENCY CIRCUMSTANCES.*—Nothing in
9 this subsection prevents a participating Indian tribe
10 exercising jurisdiction under paragraph (1) from—

11 (A) assuming protective custody of a mem-
12 ber of the Indian tribe or otherwise taking action
13 to prevent imminent harm to that member or
14 others; and

15 (B) taking immediate, temporary protective
16 measures to address a situation involving an im-
17 minent threat of harm to a member of the In-
18 dian tribe by a nonmember.

19 (e) *ANNUAL REPORT.*—

20 (1) *IN GENERAL.*—Not later than May 1 of each
21 year, the Attorney General shall submit to the Com-
22 mittee on Indian Affairs of the Senate and the Com-
23 mittee on Natural Resources of the House of Rep-
24 resentatives a brief annual report that—

1 (A) details the activities carried out under
2 the tribal law program; and

3 (B) includes an assessment and any rec-
4 ommendations of the Attorney General relating
5 to the tribal law program.

6 (2) *REQUIREMENTS.*—Each report shall be pre-
7 pared—

8 (A) in consultation with the government of
9 each participating Indian tribe; and

10 (B) after the participating Indian tribe and
11 the State have an opportunity to comment on the
12 report.

13 **SEC. 6. ADMINISTRATION.**

14 (a) *EFFECT OF ACT.*—Nothing in this Act—

15 (1) limits, alters, or diminishes the civil or
16 criminal jurisdiction of the State, any subdivision of
17 the State, or the United States;

18 (2) limits or diminishes the jurisdiction of any
19 Indian tribe in the State, including inherent and
20 statutory authority of the Indian tribe over alcohol,
21 and drug abuse, child protection, child custody, and
22 domestic violence (as in effect on the day before the
23 date of enactment of this Act);

24 (3) creates a territorial basis for the jurisdiction
25 of any Indian tribe in the State (other than as pro-

1 *vided in section 5) or otherwise establishes Indian*
2 *country (as defined in section 1151 of title 18, United*
3 *States Code) in any area of the State;*

4 *(4) confers any criminal jurisdiction on any In-*
5 *Indian tribe in the State unless agreed to in an inter-*
6 *governmental agreement described in section 4(d);*

7 *(5) diminishes the trust responsibility of the*
8 *United States to Indian tribes in the State;*

9 *(6) abridges or diminishes the sovereign immu-*
10 *nity of any Indian tribe in the State;*

11 *(7) alters the criminal or civil jurisdiction of the*
12 *Metlakatla Indian Community within the Annette Is-*
13 *lands Reserve (as in effect on the date before the date*
14 *of enactment of this Act); or*

15 *(8) limits in any manner the eligibility of the*
16 *State, any political subdivision of the State, or any*
17 *Indian tribe in the State, for any other Federal as-*
18 *sistance under any other law.*

19 *(b) NO LIABILITY FOR THE STATE OF ALASKA.—The*
20 *State, including any political subdivision of the State, shall*
21 *not be liable for any act or omission of a participating In-*
22 *dian tribe in carrying out this Act, including any act or*
23 *omission of a participating Indian tribe undertaken pursu-*
24 *ant to an intergovernmental agreement described in section*
25 *4(d).*

1 (c) *REGULATIONS.*—*The Attorney General shall pro-*
2 *mulgate such regulations as the Attorney General deter-*
3 *mines are necessary to carry out this Act.*

4 (d) *ELIGIBILITY FOR FEDERAL PROGRAMS.*—

5 (1) *IN GENERAL.*—*Participating Indian tribes*
6 *shall be eligible for the same tribal court and law en-*
7 *forcement programs and level of funding from the Bu-*
8 *reau of Indian Affairs as are available to other In-*
9 *dian tribes.*

10 (2) *APPLICABILITY IN THE STATE.*—*Nothing in*
11 *this Act limits the application in the State of—*

12 (A) *the Tribal Law and Order Act of 2010*
13 *(Public Law 111–211; 124 Stat. 2261);*

14 (B) *the Violence Against Women Reauthor-*
15 *ization Act of 2013 (Public law 113–4; 127 Stat.*
16 *54); or*

17 (C) *any amendments made by the Acts re-*
18 *ferred to in subparagraphs (A) and (B).*

19 (e) *FULL FAITH AND CREDIT.*—

20 (1) *IN GENERAL.*—*Each of the 50 States shall*
21 *give full faith and credit to all official acts and de-*
22 *crees of the tribal court of a participating Indian*
23 *tribe to the same extent and in the same manner as*
24 *that State accords full faith and credit to the official*
25 *acts and decrees of other States.*

1 (2) *OTHER LAWS.*—*Nothing in this subsection*
2 *impairs the duty of the State to give full faith and*
3 *credit under any other law.*

4 **SEC. 7. TECHNICAL ASSISTANCE.**

5 (a) *IN GENERAL.*—*The Attorney General may enter*
6 *into contracts with Indian tribes in the State to provide—*

7 (1) *training and technical assistance on tribal*
8 *court development to any Indian tribe in the State;*
9 *and*

10 (2) *the training for proper transfer of evidence*
11 *and information—*

12 (A) *between tribal and State law enforce-*
13 *ment entities; and*

14 (B) *between State and tribal court systems.*

15 (b) *COOPERATION.*—*Indian tribes may cooperate with*
16 *other entities for the provision of services under the con-*
17 *tracts described in subsection (a).*

18 **SEC. 8. FUNDING.**

19 *The Attorney General shall use amounts made avail-*
20 *able to the Attorney General for the Office of Justice Pro-*
21 *grams to carry out this Act.*

22 **SEC. 9. REPEAL OF SPECIAL RULE FOR STATE OF ALASKA.**

23 *Section 910 of the Violence Against Women Reauthor-*
24 *ization Act of 2013 (18 U.S.C. 2265 note; Public Law 113–*
25 *4) is repealed.*

Calendar No. 534

113TH CONGRESS
2^D SESSION
S. 1474

A BILL

To encourage the State of Alaska to enter into intergovernmental agreements with Indian tribes in the State relating to the enforcement of certain State laws by Indian tribes, to improve the quality of life in rural Alaska, to reduce alcohol and drug abuse, and for other purposes.

AUGUST 26, 2014

Reported with an amendment