

in consultation with Indian tribes, determines to be necessary.

(Pub. L. 101-379, § 3, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§ 211(b), 231(a), 262, July 29, 2010, 124 Stat. 2264, 2272, 2299.)

REFERENCES IN TEXT

Public Law 93-638 and the Indian Self-Determination and Education Assistance Act, referred to in subsecs. (d)(4)(i) and (e)(4)(B), are Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-211, § 211(b)(1), inserted heading and substituted “There is established in the Bureau an office, to be known as the ‘Office of Justice Services’, that” for “There is hereby established within the Bureau a Division of Law Enforcement Services which” in introductory provisions.

Subsec. (c). Pub. L. 111-211, § 211(b)(2)(A), substituted “Office of Justice Services” for “Division of Law Enforcement Services” in introductory provisions.

Subsec. (c)(9). Pub. L. 111-211, § 262, inserted before semicolon “, 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”.

Subsec. (c)(10). Pub. L. 111-211, § 211(b)(2)(B)-(D), added pars. (10) to (18).

Subsec. (d)(1). Pub. L. 111-211, § 211(b)(3)(A), substituted “Office of Justice Services” for “Division of Law Enforcement Services”.

Subsec. (d)(4)(i). Pub. L. 111-211, § 211(b)(3)(B), substituted “Office of Justice Services” for “Division”.

Subsec. (e). Pub. L. 111-211, § 231(a)(1)(A), inserted heading.

Pub. L. 111-211, § 211(b)(4), substituted “Office of Justice Services” for “Division of Law Enforcement Services” in pars. (1) to (3).

Subsec. (e)(1). Pub. L. 111-211, § 231(a)(1), inserted heading, designated existing provisions as subpar. (A), inserted subpar. (A) heading, and added subpars. (B) to (D).

Subsec. (e)(3). Pub. L. 111-211, § 231(a)(2), substituted “agencies” for “Agencies”.

Subsec. (e)(4). Pub. L. 111-211, § 231(a)(3), added par. (4).

Subsec. (f). Pub. L. 111-211, § 211(b)(5), added subsec. (f).

§ 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;¹

(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.);²

or

(cc) section 865 of title 21;

(II) a misdemeanor firearms offense in violation of chapter 44 of title 18;

(III) a misdemeanor assault in violation of chapter 7 of title 18; or

(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18; 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.

(Pub. L. 101-379, § 4, Aug. 18, 1990, 104 Stat. 475; Pub. L. 109-162, title IX, § 908(b), Jan. 5, 2006, 119 Stat. 3083; Pub. L. 111-211, title II, § 211(c), July 29, 2010, 124 Stat. 2266.)

¹ So in original. The comma probably should be a semicolon.

² See References in Text note below.

REFERENCES IN TEXT

The Controlled Substances Act, referred to in par. (3)(D)(i)(I)(aa), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, referred to in par. (3)(D)(i)(I)(bb), is Pub. L. 104-193, Aug. 22, 1996, 110 Stat. 2105, Title IX of the Act enacted section 862b of Title 21, Food and Drugs, and sections 608a, 710, and 14016 of Title 42, The Public Health and Welfare, amended section 1693b of Title 15, Commerce and Trade, section 32 of Title 26, Internal Revenue Code, and sections 1396a, 1396g, 1397a, 1397b, 1437d, 1437f, and 1437z of Title 42, and enacted provisions set out as notes under section 32 of Title 26 and sections 601, 710, and 1396a of Title 42. For complete classification of this Act to the Code, see Short Title of 1996 Amendments note set out under section 1305 of Title 42 and Tables.

AMENDMENTS

2010—Par. (2)(A). Pub. L. 111-211, §211(c)(1), substituted “or offenses processed by the Central Violations Bureau); or” for “), or”.

Par. (3)(B), (C). Pub. L. 111-211, §211(c)(2)(B), substituted “probable cause” for “reasonable grounds”.

Par. (3)(D). Pub. L. 111-211, §211(c)(2)(A), (C), (D), added subpar. (D).

2006—Par. (3)(C). Pub. L. 109-162 added subpar. (C).

§ 2804. Assistance by other agencies**(a) Agreements****(1) In general**

Not later than 180 days after July 29, 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 July 29, 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 2802(c) of this title.

(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—