

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) 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).

(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), 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 458ccc-1(a)¹ of this title.

(Pub. L. 101-379, §5, Aug. 18, 1990, 104 Stat. 476; Pub. L. 111-211, title II, §231(b), (e), July 29, 2010, 124 Stat. 2273, 2278.)

REFERENCES IN TEXT

Section 458ccc-1(a) of this title, referred to in subsec. (g)(2), was in the original “section 701(a) of the Indian Self-Determination and Education Assistance Act”, and was translated as reading “section 702(a) of the Indian Self-Determination and Education Assistance Act”, meaning section 702(a) of Pub. L. 93-638, to reflect the probable intent of Congress, because Pub. L. 93-638 does not contain a section 701(a), and section 702(a) of Pub. L. 93-638 relates to establishment of the Indian Law Enforcement Foundation.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §231(b), inserted heading, designated first sentence as par. (1), inserted par. (1) heading, substituted “Not later than 180 days after July 29, 2010, the Secretary shall establish procedures to enter into memoranda of agreement” for “The Secretary may enter into an agreement”, designated second sentence as par. (2), inserted par. (2) heading, and added par. (3).

Subsec. (g). Pub. L. 111-211, §231(e), added subsec. (g).

§ 2805. Regulations

After consultation with the Attorney General of the United States, the Secretary may prescribe under this chapter regulations relating to the enforcement of criminal laws of the United States and regulations relating to the consideration of applications for contracts awarded under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] to perform the functions of the Branch of Criminal Investigations.

(Pub. L. 101-379, §6, Aug. 18, 1990, 104 Stat. 476.)

REFERENCES IN TEXT

The Indian Self-Determination Act, referred to in text, is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II 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.

§ 2806. Jurisdiction

(a) Investigative jurisdiction over offenses against criminal laws

The Secretary shall have investigative jurisdiction over offenses against criminal laws of

¹ See References in Text note below.