

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 5412(a)<sup>1</sup> 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 5412(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. 5321 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, which is classified principally to subchapter I (§ 5321 et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 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 the United States in Indian country subject to

an agreement between the Secretary and the Attorney General of the United States.

**(b) Exercise of investigative authority**

In exercising the investigative authority conferred by this section, the employees of the Bureau shall cooperate with the law enforcement agency having primary investigative jurisdiction over the offense committed.

**(c) Law enforcement commission or other delegation of prior authority not invalidated or diminished**

This chapter does not invalidate or diminish any law enforcement commission or other delegation of authority issued under the authority of the Secretary before August 18, 1990.

**(d) Authorities in addition to prior authority; civil or criminal jurisdiction, law enforcement, investigative, or judicial authority, of United States, Indian tribes, States, etc., unaffected**

The authority provided by this chapter is in addition to, and not in derogation of, any authority that existed before August 18, 1990. The provisions of this chapter alter neither the civil or criminal jurisdiction of the United States, Indian tribes, States, or other political subdivisions or agencies, nor the law enforcement, investigative, or judicial authority of any Indian tribe, State, or political subdivision or agency thereof, or of any department, agency, court, or official of the United States other than the Secretary.

(Pub. L. 101-379, § 7, Aug. 18, 1990, 104 Stat. 476.)

**§ 2807. Uniform allowance**

Notwithstanding the limitation in section 5901(a) of title 5, the Secretary may provide a uniform allowance for uniformed law enforcement officers under section 2803 of this title of not more than \$400 a year.

(Pub. L. 101-379, § 8, Aug. 18, 1990, 104 Stat. 477.)

**§ 2808. Source of funds**

Any expenses incurred by the Secretary under this chapter shall be paid from funds appropriated under section 13 of this title.

(Pub. L. 101-379, § 9, Aug. 18, 1990, 104 Stat. 477.)

**§ 2809. Reports to tribes**

**(a) Coordination and data collection**

**(1) Investigative coordination**

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

**(2) Investigation data**

The Federal Bureau of Investigation shall compile, on an annual basis and by Field Divi-

<sup>1</sup> See References in Text note below.

sion, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as Indians or non-Indians;
- (C) the statuses of the victims as Indians or non-Indians; and
- (D) the reasons for deciding against referring the investigation for prosecution.

**(3) Prosecutorial coordination**

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

**(4) Prosecution data**

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

- (A) the types of crimes alleged;
- (B) the statuses of the accused as Indians or non-Indians;
- (C) the statuses of the victims as Indians or non-Indians; and
- (D) the reasons for deciding to decline or terminate the prosecutions.

**(b) Annual reports**

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

- (1) organized—
  - (A) in the aggregate; and
  - (B)(i) for the Federal Bureau of Investigation, by Field Division; and
  - (ii) for United States Attorneys, by Federal judicial district; and
- (2) including any relevant explanatory statements.

**(c) Effect of section**

**(1) In general**

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

**(2) Federal Rules of Criminal Procedure**

Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

**(3) Regulations**

The Attorney General shall establish, by regulation, standards for the protection of the

confidential or privileged communications, information, and sources described in this section.

(Pub. L. 101-379, §10, Aug. 18, 1990, 104 Stat. 477; Pub. L. 111-211, title II, §212, July 29, 2010, 124 Stat. 2267.)

REFERENCES IN TEXT

Rule 6 of the Federal Rules of Criminal Procedure, referred to in subsec. (c)(2), is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2010—Pub. L. 111-211 added subsecs. (a) to (c) and struck out former subsecs. (a) to (d) which related, respectively, to reports by law enforcement officials of the Bureau of Indian Affairs or Federal Bureau of Investigation, reports by United States attorneys, case files included within reports, and transfer or disclosure of confidential or privileged communication, information, or sources to tribal officials.

**§ 2810. Assistant United States Attorney tribal liaisons**

**(a) Appointment**

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

**(b) Duties**

The duties of a tribal liaison shall include the following:

- (1) Coordinating the prosecution of Federal crimes that occur in Indian country.
- (2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.
- (3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.
- (4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.
- (5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.
- (6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.
- (7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.
- (8) Coordinating with the Office of Tribal Justice, as necessary.
- (9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

**(c) Effect of section**

Nothing in this section limits the authority of any United States Attorney to determine the