

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 declarations 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

duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

(d) Enhanced prosecution of minor crimes

(1) In general

Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28 to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

(i) the crime rate exceeds the national average crime rate; or

(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

(2) Sense of Congress regarding consultation

It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(Pub. L. 101-379, §13, as added Pub. L. 111-211, title II, §213(b)(1), July 29, 2010, 124 Stat. 2268.)

§ 2811. Native American Issues Coordinator

(a) Establishment

There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the “Native American Issues Coordinator”.

(b) Duties

The Native American Issues Coordinator shall—

(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

(3) coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and

(4) carry out such other duties as the Attorney General may prescribe.

(Pub. L. 101-379, §14, as added Pub. L. 111-211, title II, §214(b), July 29, 2010, 124 Stat. 2271.)

§ 2812. Indian Law and Order Commission

(a) Establishment

There is established a commission to be known as the Indian Law and Order Commission

(referred to in this section as the “Commission”).

(b) Membership

(1) In general

The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, in consultation with—

(i) the Attorney General; and

(ii) the Secretary;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

(2) Requirements for eligibility

Each member of the Commission shall have significant experience and expertise in—

(A) the Indian country criminal justice system; and

(B) matters to be studied by the Commission.

(3) Consultation required

The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) Term

Each member shall be appointed for the life of the Commission.

(5) Time for initial appointments

The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(6) Vacancies

A vacancy in the Commission shall be filled—

(A) in the same manner in which the original appointment was made; and

(B) not later than 60 days after the date on which the vacancy occurred.

(c) Operation

(1) Chairperson

Not later than 15 days after the date on which all members of the Commission have