

(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 Division, 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.)

Editorial Notes

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, re-