

SHORT TITLE

Section 1 of Pub. L. 101-379 provided that: "This Act [enacting this chapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare] may be cited as the 'Indian Law Enforcement Reform Act'."

§ 2802. Indian law enforcement responsibilities**(a) Responsibility of Secretary**

The Secretary, acting through the Bureau, shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country as provided in this chapter.

(b) Division of Law Enforcement Services; establishment and responsibilities

There is hereby established within the Bureau a Division of Law Enforcement Services which, under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for—

- (1) carrying out the law enforcement functions of the Secretary in Indian country, and
- (2) implementing the provisions of this section.

(c) Additional responsibilities of Division

Subject to the provisions of this chapter and other applicable Federal or tribal laws, the responsibilities of the Division of Law Enforcement Services in Indian country shall include—

- (1) the enforcement of Federal law and, with the consent of the Indian tribe, tribal law;
- (2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;
- (3) the protection of life and property;
- (4) the development of methods and expertise to resolve conflicts and solve crimes;
- (5) the provision of criminal justice remedial actions, correctional and detention services, and rehabilitation;
- (6) the reduction of recidivism and adverse social effects;
- (7) the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;
- (8) the assessment and evaluation of program accomplishments in reducing crime; and
- (9) the development and provision of law enforcement training and technical assistance.

(d) Branch of Criminal Investigations; establishment, responsibilities, regulations, personnel, etc.

(1) The Secretary shall establish within the Division of Law Enforcement Services a separate Branch of Criminal Investigations which, under such inter-agency agreement as may be reached between the Secretary and appropriate agencies or officials of the Department of Justice and subject to such guidelines as may be adopted by relevant United States attorneys, shall be responsible for the investigation, and presentation for prosecution, of cases involving violations of sections 1152 and 1153 of title 18 within Indian country.

(2) The Branch of Criminal Investigations shall not be primarily responsible for the rou-

tine law enforcement and police operations of the Bureau in Indian country.

(3) The Secretary shall prescribe regulations which shall establish a procedure for active cooperation and consultation of the criminal investigative employees of the Bureau assigned to an Indian reservation with the governmental and law enforcement officials of the Indian tribe located on such reservation.

(4)(i) Criminal investigative personnel of the Branch shall be subject only to the supervision and direction of law enforcement personnel of the Branch or of the Division. Such personnel shall not be subject to the supervision of the Bureau of Indian Affairs Agency Superintendent or Bureau of Indian Affairs Area Office Director. Nothing in this paragraph is intended to prohibit cooperation, coordination, or consultation, as appropriate, with nonlaw enforcement Bureau of Indian Affairs personnel at the agency or area levels, or prohibit or restrict the right of a tribe to contract the investigative program under the authority of Public Law 93-638 [25 U.S.C. 450 et seq.] or to maintain its own criminal investigative operations.

(ii) At the end of one year following the date of establishment of the separate Branch of Criminal Investigations, any tribe may, by resolution of the governing body of the tribe, request the Secretary to reestablish line authority through the Agency Superintendent or Bureau of Indian Affairs Area Office Director. In the absence of good cause to the contrary, the Secretary, upon receipt of such resolution, shall reestablish the line authority as requested by the tribe.

(e) Division of Law Enforcement Services personnel; standards of education, experience, etc.; classification of positions

(1) The Secretary shall establish appropriate standards of education, experience, training, and other relevant qualifications for law enforcement personnel of the Division of Law Enforcement Services who are charged with law enforcement responsibilities pursuant to section 2803 of this title.

(2) The Secretary shall also provide for the classification of such positions within the Division of Law Enforcement Services at GS grades, as provided in section 5104 of title 5, consistent with the responsibilities and duties assigned to such positions and with the qualifications established for such positions.

(3) In classifying positions in the Division of Law Enforcement Services under paragraph (2), the Secretary shall ensure that such positions are classified at GS grades comparable to those for other Federal law enforcement personnel in other Federal Agencies¹ in light of the responsibilities, duties, and qualifications required of such positions.

(Pub. L. 101-379, §3, Aug. 18, 1990, 104 Stat. 473.)

REFERENCES IN TEXT

Public Law 93-638, referred to in subsec. (d)(4)(i), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, known as the Indian Self-Determination and Education Assistance Act, which is classified principally to sub-

¹ So in original. Probably should not be capitalized.

chapter 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2801 of this title.

§ 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
 - (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, or
 - (B) the offense is a felony and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing, the felony;
- (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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2802, 2804, 2807 of this title.

§ 2804. Assistance by other agencies

(a) Agreement for use of personnel or facilities of Federal, tribal, State, or other government agency

The Secretary may enter into an 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 en-

force tribal laws. 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.

(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—

- (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.

(Pub. L. 101-379, §5, Aug. 18, 1990, 104 Stat. 476.)

§ 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.