§ 13709. Payments for incarceration on tribal lands

(a) Reservation of funds

Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.

(b) Grants to Indian tribes

(1) In general

From the amounts reserved under subsection (a), the Attorney General shall provide grants—

(A) to Indian tribes for purposes of—
   (i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;
   (ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and
   (iii) developing and implementing alternatives to incarceration in tribal jails;

(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

(2) Priority of funding

in providing grants under this subsection, the Attorney General shall take into consideration applicable—

(A) reservation crime rates;

(B) annual tribal court convictions; and

(C) bed space needs.

(3) Federal share

Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.

(c) Applications

To be eligible to receive a grant under this section, an Indian tribe or consortium of Indian tribes, as applicable, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(d) Long-term plan

Not later than 1 year after July 29, 2010, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

(1) a description of proposed activities for—
(A) construction, operation, and maintenance of juvenile (in accordance with section 2453 (a)(3) of title 25) and adult detention facilities (including regional facilities) in Indian country;
(B) contracting with State and local detention centers, on approval of the affected tribal governments; and
(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.

Footnotes
1 So in original. Probably should be capitalized.


Prior Provisions

Amendments
2010—Subsec. (a). Pub. L. 111–211, § 244(a), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Notwithstanding any other provision of this part other than section 13708 (a)(2) of this title, from amounts appropriated to carry out sections 13703 and 13704 of this title, the Attorney General shall reserve, to carry out this section—
“(1) 0.3 percent in each of fiscal years 1996 and 1997; and
“(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.”
Subsec. (b). Pub. L. 111–211, § 244(b)(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “From the amounts reserved under subsection (a) of this section, the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.”
Subsec. (c). Pub. L. 111–211, § 244(b)(2), inserted “or consortium of Indian tribes, as applicable,” after “Indian tribe”.