

Justification for Approval of Collection as an Emergency

The Tribal Law and Order Act of 2010 (TLOA), Pub. L. 111-211, 124 Stat. 2261, was signed into law on July 29, 2010. The purpose of the TLOA is to help the Federal Government and tribal governments better address the unique public-safety challenges that confront tribal communities.

Section 221(b) of the new law, now codified at 18 U.S.C. 1162(d), permits an Indian tribe with Indian country subject to State criminal jurisdiction under Public Law 280 to request that the United States accept concurrent jurisdiction to prosecute violations of the General Crimes Act and the Major Crimes Act within that tribe's Indian country. Within a few months of enactment of the TLOA, at least three Indian tribes had requested in writing that the Attorney General consent to the assumption of concurrent Federal criminal jurisdiction within the Indian country of the tribe.

The proposed collection was published in the *Federal Register* along with a proposed rule to establish the procedures for an Indian tribe whose Indian country is subject to State criminal jurisdiction under Public Law 280 (18 U.S.C. 1162(a)) to request that the United States accept concurrent criminal jurisdiction within the tribe's Indian country, and for the Attorney General to decide whether to consent to such a request. 76 Fed. Reg. 29675 (May 23, 2011). No comments were received as to the collection during the 45-day comment period for the rule.

The Department of Justice has submitted a draft final rule for expedited OMB review. Under the draft final rule, tribal requests for assumption of concurrent Federal criminal jurisdiction will be accepted by the Department beginning 30 days after publication of the final rule in the *Federal Register*. The Department also commits to make a decision within five months of receiving a request, if feasible. Among the criteria for deciding whether to consent to such a request are:

- (1) Whether consenting to the request will improve public safety and criminal law enforcement and reduce crime in the Indian country of the requesting tribe.
- (2) Whether consenting to the request will increase the availability of law enforcement resources for the requesting tribe, its members, and other residents of the tribe's Indian country.
- (3) Whether consenting to the request will improve access to judicial resources for the requesting tribe, its members, and other residents of the tribe's Indian country.
- (4) Whether consenting to the request will improve access to detention and correctional resources for the requesting tribe, its members, and other residents of the tribe's Indian country.

Both the requests and decisions are driven by serious public safety concerns. Delaying further the date on which the Department will begin to receive and process these requests is not in the public interest, [thus the Department sought 45 days of comment, instead of 60 days, to expedite the issuance of this rule.](#)