

**TESTIMONY OF
LAWRENCE S. ROBERTS
PRINCIPAL DEPUTY ASSISTANT SECRETARY – INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON
S. 3216, TO REPEAL THE ACT ENTITLED “AN ACT TO CONFER JURISDICTION ON THE STATE
OF IOWA OVER OFFENSES COMMITTED BY OR AGAINST INDIANS ON THE SAC AND FOX
INDIAN RESERVATION.”**

SEPTEMBER 14, 2016

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee, my name is Larry Roberts. I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to testify before the Committee on S. 3216, a bill to repeal the Act entitled “An Act to Confer Jurisdiction on the State of Iowa Over Offenses Committed By Or Against Indians On The Sac And Fox Indian Reservation” referenced as 62 Stat. 1161, Chap. 759. The Department supports S. 3216.

Criminal Jurisdiction in Indian Country

Improving public safety in Indian Country is a bi-partisan priority. We know that Tribes are best positioned to provide for the safety and well-being of their communities and that law enforcement is a federal trust and treaty responsibility. Under the repudiated policy of termination, Congress enacted legislation that displaced federal criminal jurisdiction and transferred that jurisdiction to certain States. As a result of these laws, criminal justice systems in Indian Country were understaffed and underfunded when compared to reservations of similar size and population that were not subject to such laws. Like other more recent enactments by Congress, S. 3216 reflects the modern federal Indian policies of self-determination and self-governance. S. 3216 clarifies a muddled and complex jurisdictional scheme. We support S. 3216 and similar legislation which clarifies jurisdiction and moves forward from the termination policy of the past.

The recent passage of the Tribal Law and Order Act (TLOA) in 2010, reflects the strong federal policy to promote collaboration among tribes and the federal government and to promote tribal self-determination and self-governance for criminal justice in Indian Country. This legislation for the Sac and Fox Indian Reservation reflects those policies.

S. 3216

S. 3216 is a bill to repeal the Act entitled “An Act to Confer Jurisdiction on the State of Iowa Over Offenses Committed By Or Against Indians On The Sac And Fox Indian Reservation.” By repealing 62 Stat. 1161, Chap. 759, criminal jurisdiction over offenses by or against Indians on

the Sac and Fox Indian Reservation would be exclusive to either the Tribe or the Federal Government under the Major Crimes Act.

The Sac and Fox Nation (“Tribe”) located in Iowa currently operates their own tribal court, law enforcement and detention facility. However, the Bureau of Indian Affairs, Office of Justice Services does not currently fund any of these activities. The only related funding the BIA provides to the Tribe is Consolidated Tribal Government Program (CTGP) funding, which the Tribe uses to support their tribal court operations through a P.L. 93-638 contract. Enactment of S. 3216 would ensure that the Tribe is treated similar to other Tribes across Indian country where either BIA or the Tribe provides those federal law enforcement services.

If enacted into law, the bill could have funding implications as current funding streams to existing tribes cannot be reduced in order to make funds available for the Tribe. The Department is aware that both the Tribe and the State of Iowa seek to repeal of 62 Stat 1161 Chap. 759 and support S. 3216.

Conclusion

Thank you for providing the Department the opportunity to testify on S. 3216. The Department supports S. 3216. I am available to answer any questions the Committee may have.