

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BEFORE THE**  
**SENATE COMMITTEE ON INDIAN AFFAIRS**  
**NOVEMBER 14, 2018**

Good afternoon Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, my name is Darryl LaCounte and I am the Acting Director for the Bureau of Indian Affairs at the Department of the Interior. I transitioned into this role from acting as the Deputy Director – Trust Services. My permanent role is Regional Director for the Rocky Mountain Region. As a Regional Director, I am responsible for all programs, services, and costs provided to and upholding the trust with Tribes in the region. Thank you for the opportunity to present this statement on behalf of the Department regarding S. 2788, a bill to repeal the Act entitled “An Act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devils Lake Indian Reservation”.

**Criminal Jurisdiction in Indian Country**

Improving public safety in Indian Country is a bipartisan priority. In the past, Congress has enacted legislation that allowed states to have criminal jurisdiction within Indian Country. As a result of this legislation, states were allowed to exercise criminal jurisdiction over tribal members on the reservation, removing the exclusive rights of the tribe to not have state law enforced on their tribal citizens on the reservation.

Secretary Zinke is an advocate for tribal sovereignty and self-determination. S. 2788 reflects the modern federal Indian policies of self-determination and self-governance. S. 2788 clarifies a muddled and complex jurisdictional scheme. Accordingly, the Department supports S.2788.

**S. 2788**

The Spirit Lake Tribe (“the Tribe”), located in North Dakota currently operates its own tribal court, and the BIA Office of Justice Services provides direct law enforcement and detention services. If the legislation were enacted, only the Tribe or the Federal Government would have criminal jurisdiction over offenses by or against Indians on the Devils Lake Indian Reservation.

Enactment of S. 2788 would ensure that the Tribe is treated similarly to others across Indian country where either the BIA or the Tribe provides public safety services.

**Conclusion**

Thank you for providing the Department the opportunity to testify on S. 2788. I am available to answer any questions the Committee members may have.