

struct and the BIA will not operate any alternative facilities, such as treatment centers or drug court programs. Yet these facilities are equally important to Indian country justice systems, especially if we are to avoid a cycle of locking up more and more of our own people.

VI. Tribal Eligibility for Justice Grant Programs

We encourage the Committee to consider adding a provision that would make tribes directly eligible for the full range of justice-related grants that are available to other governments. Section 302 would make this change for drug enforcement grants, and we encourage you to expand this section to include all other justice-related grants. In particular, tribes are not now directly eligible for Byrne Justice Assistance Grants, Byrne Formula Grants, Local Law Enforcement Block Grants, juvenile justice formula grants, and many other targeted grants offered by the Department of Justice. This should be corrected.

Thank you again for your work on this bill and for inviting me to testify today. The Standing Rock Sioux Tribe looks forward to working with Congress to improve and pass this legislation.

The CHAIRMAN. Mr. Chairman, thank you very much for being here. We appreciate your testimony.

Next we will hear from Mr. Joe Garcia, who is the head of the National Congress on American Indians and has done a lot of work and provided great leadership on these issues. Mr. Garcia, thank you for being here.

STATEMENT OF JOE A. GARCIA, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS

Mr. GARCIA. Thank you.

Good morning, everyone. I bring greetings Pueblo Country out in New Mexico.

If I may, Senator, we lost a Cherokee Indian patrolman, highway patrolman just last night or yesterday. So I would like to ask people to say in their own prayers, in their own way, prayers for him and for his family out in Cherokee Eastern Band.

Honorable Chairman and members of the Committee, thank you for the opportunity to testify today. Almost one year ago, NCAI provided testimony that outlined solutions to the public safety crisis in Indian Country. We urged the Committee to write legislation, work with the tribes and then pass legislation in this session of Congress.

I want to express my deepest appreciation to Senator Dorgan, Vice Chair Murkowski and Senators Kyl, Johnson, Thune, Burr, Barrasso, Akaka, Cantwell, and Tester, for taking up this important task. The legislation reflects first-rate work and provides common sense solutions. Indian communities have lived with high crime rates for many years. But this reality has finally gained broader attention. There is a window of opportunity right now to make constructive change.

I feel a tremendous responsibility to make improvements when they are possible. However, this is the time when we must listen to tribal leaders and take advantage of the insights they can provide. The draft legislation was circulated only last week, so we will need a little bit more time for better response. In particular, we have found that the best information often comes from people who work in the criminal justice system.

I am pleased that with the direction of the draft bill, it tackles a wide range of issues that have been raised by tribal leaders, including requiring the Department of Justice to track its declina-

tions and creating an office of Indian Country crime within the criminal division. The Department of Justice has the sole authority for investigating and prosecuting violent crimes and other felonies committed on Indian reservations.

Despite these laws, the violent crime rate on Indian reservations is two and a half times the national average. Indian women are victims of rape and sexual assault at three times the national average. Tribes are faced with an epidemic of drug trafficking.

For many years, tribal leaders have raised the concern that the U.S. Attorneys do not consider Indian Country crimes a priority. The recent Denver Post series confirmed these concerns. Between 1997 and 2006, Federal prosecutors rejected nearly two-thirds of the reservation cases brought to them by FBI and Bureau of Indian Affairs investigators, more than twice the rejection rate for all other Federal crimes.

We have a revolving cast of characters at DOJ committed to defending the status quo. No one is accountable, and the crime statistics continue to mount. We strongly approve the proposed reforms. In particular the declination reports will provide an important tool for measuring responsiveness and a specialized prosecuting unit will focus expertise and accountability.

The bill is filled with important provisions. I would like to mention just a few that we particularly appreciate: providing for special law enforcement commissions, creating flexibility for training tribal police officers, creating incentives for law enforcement cooperation, ensuring access to national crime data bases, expanding tribal court sentencing authority and creating a juvenile justice program to develop alternatives for incarceration.

I would also like to mention three issues that are not in the legislation. First and foremost, at every meeting, the biggest message from tribal leaders is the need for more funding for law enforcement. The Bureau of Indian Affairs has documented a \$200 million unmet need. We need your help to reach out to the Appropriations and Budget Committees.

In addition, we would like to streamline the funding available through the many grant programs at the Department of Justice and the Department of Health and Human Services into a single funding vehicle. The ad hoc system doesn't make sense.

Secondly, we are concerned that the legislation does not include a provision for tribal jurisdiction over all domestic violence offenders. Domestic violence rates against Indian women are three times the national average. According to DOJ's statistics, the vast majority of the offenders are non-Indian. Domestic violence cases are best handled by local law enforcement. A cycle of domestic violence requires intervention at the earliest possible stage, long before it escalates to extremely violent assaults. In addition, most families will reunite, and there is a much greater emphasis on counseling, training and family services. The Federal justice system is not designed to handle domestic violence cases.

We acknowledge the efforts to seek alternatives. Section 601 of the bill is a proposal to create a Federal crime for violating a tribal civil protective order. We would ask the Committee to also consider the development of a pilot project for domestic violence that would create a basis for considering the issue in the future.

Third, we are concerned that the legislation in its current form does not address the unique law enforcement issues in Alaska Native communities. Our primary recommendations are that the Federal Government provide direct funding for rural law enforcement in Alaska, strengthen tribal courts and restore local control over alcohol and substance abuse policies.

In conclusion, I want to thank the Committee for all the work that you have done on this legislation. We are strongly in support of your efforts and look forward to working with you in the coming weeks to prepare the legislation for passage into law.

Thank you so much for the opportunity.

[The prepared statement of Mr. Garcia follows:]

PREPARED STATEMENT OF HON. JOE A. GARCIA, PRESIDENT, NATIONAL CONGRESS OF AMERICAN INDIANS

Honorable Chairman and members of the Committee, thank you for the opportunity to testify today. Almost one year ago NCAI provided testimony that outlined the complex causes and potential solutions to the public safety crisis facing Indian communities. We urged the Committee to write legislation, work with the tribes to gain their insights and support, and then pass legislation in this session of Congress. We have the draft legislation in hand, and I want to express my deepest appreciation to Chairman Dorgan, Vice Chair Murkowski and Senators Kyl, Johnson, Thune and Tester for taking up this important task. The legislation reflects first-rate work and provides common-sense solutions for many problems with the justice system in Indian country.

Indian communities have lived with high crime rates for many years, but this reality has finally gained broader attention. Much of the momentum on this issue was sparked by the efforts of the Indian women leaders who have pushed the agenda on domestic violence and sexual assault. We have also been aided by countless visits by tribal leaders to Washington to raise this issue, federal crime reports that demonstrate the dramatically higher rates of violent crime on Indian reservations, the Amnesty International Report "Maze of Injustice," and many news articles that have highlighted the problems—most recently the national series in the Denver Post and South Dakota coverage in the Argus Leader. There is a window of opportunity right now to make constructive change. I feel a tremendous responsibility as NCAI President to push forward on the legislation to make improvements when they are possible.

However, this is the stage in the process where we must listen to tribal leaders and other interested parties and take advantage of the insights they can provide. The draft legislation was circulated only last week, so we will need time for response. In particular, we have found that the best information often comes from people who work in the criminal justice system—tribal police officers, tribal prosecutors, tribal judges and the like. I would encourage the Committee to make a special effort to reach out for their views on how the legislation can be strengthened.

I am very pleased with the direction of the draft bill. It tackles a wide range of issues that have been raised by tribal leaders, including:

- Requiring the Department of Justice to track its declinations to prosecute Indian cases;
- Creating an Office of Indian Country Crime within the Criminal Division at DOJ;
- Amending P.L. 280 to permit an Indian tribe to request federal assistance;
- Creating incentives for state-tribal cooperation;
- Providing for Special Law Enforcement Commissions;
- Creating flexibility for training Indian country police officers;
- Ensuring BIA and tribal police access to the national crime databases;
- Expanding tribal court sentencing authority; and
- Creating a Juvenile Justice program to develop alternatives to incarceration.

There are many excellent provisions in the legislation and NCAI has had a significant opportunity to provide input, so I would like to limit our initial comments to raising four issues that are not in the legislation, and then providing additional information on some of the provisions that NCAI has supported.