

TRANSCRIPT

Task Force on Changes to the Maine Indian Land Claims Settlement Implementing Act

Third Meeting : September 13, 2019

Criminal Jurisdiction

Senator Michael Carpenter:

Mark, you're back on. Whoever's next.

Mark Chaveree, Esq. Penobscot Nation Legal Counsel:

I think just in terms of the agenda, Senator Carpenter-

Sen. Michael Carpenter:

Or if you want to continue to discuss this, I'm okay with that as well.

Mark Chaveree, Esq. Penobscot Nation Legal Counsel:

No, no. We're just a little concerned about the agenda and some timing. I believe Attorney Binney has to depart around 1:30 so we were thinking if you wanted to have the break at 12:30, it might be better to advance our presentation on criminal jurisdiction and VAWA.

Sen. Michael Carpenter:

That would be fine. Would a half hour for-

Allison Binney Esq. Outside Legislative Counsel:

Yeah. I think you guys because you read the papers you could refer back it. It's complicated, but you'll get the general sense of the issue.

Sen. Michael Carpenter:

That would be fine. Thank you. We'll now switch to the criminal jurisdiction piece, which is somewhere here.

Allison Binney Esq. Outside Legislative Counsel:

So you guys were handed just a chart about criminal jurisdiction. It looks like this.

Sen. Michael Carpenter:

This one if you have it.

Rep. Donna Bailey:

I'll refer from the chart.

Allison Binney Esq. Outside Legislative Counsel :

It's the chart. It's really just the chart is all that's there, and oftentimes that's how it's portrayed even in Indian law classes because it's complicated. It started off pretty simple back when the US was formed. Since Tribal Nations pre-exist the US Constitution, they basically had all sovereign rights and the powers of Tribal Nations don't derive from the US Constitution. So they had criminal jurisdiction over anybody and anything on their lands. That obviously started presenting a problem once the United States was formed beginning in 1790, when laws like the Non-intercourse Act were passed. The Federal Government basically decided that they wanted to have some Federal Laws apply to crimes that occurred in Indian Country. So they passed, Congress passed what was called the General Crimes Act. And basically the General Crimes Act, which was originally passed in 1790 had been amended for almost a period of a 100 years basically extended Federal criminal jurisdiction over any crimes that occurred on Indian lands except in three instances.

And those instances were Indian versus Indian crime, that still remain solely within the jurisdiction of the Tribal governments. If it was an Indian versus anyone who'd already been prosecuted under Tribal law, so that would include non-Indians, then Tribes would still have exclusive criminal jurisdiction over that person. And the assumption there was non-Indians in those situations probably lived on Tribal lands or were married to Indians. So they were voluntarily making themselves, availing themselves to Tribal criminal jurisdiction. And then they're still, to this day, are examples of where there were treaties that are still in place that actually govern jurisdiction issues. So even today, there's not a consistent rule in Indian Country when it comes to criminal jurisdiction because there actually are a few examples [still] where there are treaties still in place that govern jurisdiction.

That seemed to work fine, the General Crimes Act, until about 1883 when there was an Indian versus Indian murder. The Feds did not have jurisdiction over that and that got sorted out through the Tribal judicial proceedings and the Feds didn't like the way that the Tribes sorted that out. And so Congress basically passed a law called the Indian Major Crimes Act in 1885, and essentially, in that law, it gave the Federal Government criminal jurisdiction over any Indian who commits any major crime on Indian lands; rapes, murders, felony assault, larceny. I forget what the original seven totally were, but the goal was Tribes were still able to exercise criminal jurisdiction in those instances, the Feds were just coming in with concurrent jurisdiction as well. So they want it to be the backdrop.

That pretty much has been in place, the Major Crimes Act is still in place. Some additional crimes have been added to it. And you heard about Public Law 280 which was passed by Congress in 1953. That was essentially a Federal law that delegated the Federal Government's criminal jurisdiction over down to six states. Six states were mandatory. There are about 10 States who could have the optional delegation to them and some States took that up and some States didn't. That was passed in 1953. So there were six States; Alaska, California, Minnesota, Nebraska, Wisconsin, where the Feds delegated their criminal jurisdiction down to the State

level. Again, Tribes still were able to exercise their authority as well. It's concurrent jurisdiction. So the states in those situations got concurrent Federal criminal jurisdiction. 1953, which was

Allison Binney Esq. Outside Legislative Counsel:

when Public Law 280 was passed, is significant because as you heard from Mr. Thiebaud, it was around the same time that Congress was in the process of actually terminating tribes.

It's interesting because Indian policy has evolved over the last few hundred years and the fix is never consistent fix either. So that's why you have these one offs and ad hoc situations. So 1950s, Congress wants to start terminating Tribes. A lot of those Tribes have since been restored to federal recognition, because as you heard from Mr. Thiebaud, 1968 President Richard Nixon comes out and realizes that the whole termination thing is not working at all. People aren't assimilating, and in fact, about half of those terminations were probably done improperly, which is why a lot of those Tribes that were terminated were able to actually sue and get judicial restoration. And those that didn't were able to go get Congress to legislatively restore them. So 1968, the Federal policy turns into one of self-determination and self-governance and it's really about Tribes starting to take full ownership onto everything that happens onto their lands.

1970s, particularly '76, '78, Indian Self-determination Act is passed by Congress, and that is essentially where the federal government changes its trust responsibility from one of the Federal Government to individual Indians, to one of the Federal Government to tribal governments. So it's now very much clarified as a government to government relationship. And that was always the case, but there were instances where even if you weren't a member of a Federally recognized Tribe and you were of a certain percentage of Indian blood, usually a quarter, you actually still had Federal benefits and responsibilities from the Federal Government to you as an individual Indian. And so late 1970s, Federal Government starts thinking this whole, our relationship to these individuals isn't really what was intended. It was really about a government to government relationship because Tribes are governments, they pre-exist the US Constitution and it is a Nation within a Nation and that's what exists for at least right now, 573 Tribes.

1990, there is a US Supreme Court case called *Duro V Reina*, and the US Supreme Court basically issues a decision that says because tribes are domestic dependents, even though they are nations within a nation, they are dependent on the Federal Government, that they were implicitly divested a criminal jurisdiction over non-member Indians. So basically what the US Supreme Court was saying in 1990 is yes, Tribes exercise criminal jurisdiction over Indians, but only of their own citizens. Congress was sort of, "Nah. That's not really what we intended when we passed the Major Crimes Act." And so Congress passed what was called a Duro Fix, and it basically reaffirmed. So it didn't delegate or create a new one, a new jurisdiction. It just reaffirm that Tribes exercise criminal jurisdiction over any Indian, regardless of whether they're members or not.

2007, Amnesty International issued a report that Congress did not ask them to do called the Maze of Injustice. And basically what the report focused on was the level of crime, particularly **Allison Binney Esq. Outside Legislative Counsel:**

domestic violence and sexual assault crimes, against Indigenous women here in the United States. And that the level of that crime was primarily committed by non-Indians and that the US government wasn't doing anything about it. So when the Federal Government gave itself Federal criminal jurisdiction over Indian Country in the late 1800s, at the time the population of the US was not as large as it was beginning in 1950. The resources that the Federal Government could put into Indian Country, and they oftentimes had FBI agents and Federal Law enforcement officers located on Indian reservations or nearby, was much significant than what it was probably after 1950 into the late 1970s.

So what Amnesty International found was as of 2000, the early 2000s and particularly as of 2007 when they issued the report, Indigenous women in this country are two and a half times more likely to be raped than non-Indigenous women. And that every two in three Native American women in this country had been sexually assaulted and usually by the time they reached adulthood. So a lot of it was occurring when they were younger than adulthood. They also found that 86% of rapes and sexual assault committed against Indigenous women in this country were committed by non-Indians. That led the United States Senate, in which I worked at the time, to do a series of hearings over a period of about two years to look into the matter and basically found that while the statistics might've been better or worse than what Amnesty International portrayed, there was a very significant problem.

So Congress passed what was called the Tribal Law and Order Act and the intent of that act, because there was a lot of discussion about whether to extend Tribal jurisdiction over non-Indians, and the debate at the time was whether Tribal Courts had the capacity to do that. So the Tribal Law and Order Act basically extended Tribal jurisdiction. Tribes had been restricted to only be able to sentence people up to one year in prison and up to a fine of \$5000 up until 2010. And what the Tribal Law and Order Act was intended to do was to at least expand the ability of Tribal Courts to sentence people, Indians, to three years in prison and up to \$15000 fine. The purpose and the debate in Congress was do Tribal Courts and Tribal judges really have the capacity to be fair to non-Indians in their court systems and exercise jurisdiction beyond misdemeanors? And what Congress wanted to prove and see was, yes, can that happen? So Tribal Law and Order Act was passed in 2010. It did not grant Tribes jurisdiction over non-Indians. It just extended Tribal courts jurisdiction to felony crimes.

There have been no big errors of Tribal courts since 2010. There have been no significant violations of civil rights that have led to any Court cases at least of people who've been convicted and sentenced by Tribal courts since 2010. So when the Violence Against Women

Act came up for reauthorization in 2013, Congress decided to include a pilot project in that law that would allow a small handful of Tribes to start exercising jurisdiction over non-Indians in cases of dating and domestic violence crimes, which was really the heart of the Amnesty International

Allison Binney Esq. Outside Legislative Counsel:

report. The pilot project went well and in 2015, the provision that was included in the 2013 Violence Against Women Act became available to all Tribes. Since 2015, there are now 25 tribes throughout the country who are exercising that what's called the Tribal special criminal domestic violence jurisdiction. Congress is in their [inaudible] since 2015.

Like I said, there's 25 tribes now who are exercising this expanded jurisdiction over non-Indians. Those people who are non-Indians who are prosecuted in Tribal court, have their constitutional rights and that the US Constitution guaranteed. They have rights of appeal, they have rights of a habeas corpus petitions to Federal Court for review if they want to challenge being sentenced. And basically they just have the same civil rights that they would otherwise have in any State or Federal Court. There have been, as far as I know, one or two challenges to the Tribal courts jurisdiction in those instances. They haven't really gone anywhere. We'll see if there's any others, but essentially it's been working fine. Still early on.

VAWA has expired. It's up for reauthorization right now. That criminal jurisdiction aspect has not expired. The funding part has, because with the Violence Against Women Act came Federal funding so Tribes could build their capacity for their Courts. So Congress is in the process now of reauthorizing that, and specifically what Congress is looking at is expanding the types of crimes that Tribes can prosecute non-Indians for. So it's not looking to expand the number of years that Tribal courts can sentence people to, it's really looking at expanding the types of crimes. So right now, it's domestic violence, dating violence. Some of the crimes they're looking at is assaults on Tribal law enforcement and correctional officers. They oftentimes, just like other law enforcement officers, will get attacked during arrest. Stalking is a common crime that is related to domestic violence, but Tribes currently don't have the authority to prosecute that, and essentially just an expansion of the types of crimes that are related to domestic violence and sexual assault.

That's in the process. I think it'll be done by the end of this year. As part of that, here in Maine, there's a State legislative effort to try to at least allow the Penobscot Nation and the Passamaquoddy tribe to exercise some form of what's called the VAWA jurisdiction at the State level. And the bill that at least was passed by the State legislature would at least allow those two Tribes to expand their jurisdiction to be able to sentence people up to a year. Does that sound right? A year and I forget the fine. I probably have it somewhere, but it's not the same as the Federal level is, I guess, the point of what I'm saying. Right now at the Federal level, Tribes can exercise jurisdiction to sentence people to three years, \$15000. And the Maine legislature is looking at expanding the jurisdiction of at least Penobscot and Passamaquoddy, but it would only be up to a year.

Current law here in Maine, and it's convoluted because you have the State Implementing Act and you have this Federal Maine Indian Claims Settlement Act, but essentially and you'll look at your chart and this is why the chart's done this way, is so you can try to compare what's the **Allison Binney Esq. Outside Legislative Counsel:**

default rule under Federal law versus what's the status quo currently in Maine under MICSA (Maine Indian Claims Settlement Act) and MIA. (Maine Implementing Act) The short story is that the State has full criminal jurisdiction over non-Indians in Maine who are within Indian Country. The State also has criminal jurisdiction over certain offenses committed by Indians in Indian Country. Penobscot and Passamaquoddy have this unique jurisdiction in that Penobscot and Passamaquoddy do get to exercise criminal jurisdiction over Indians on their lands, but only as spelled out in the Maine Implementing Act. And that's why there's the effort by the State legislature to at least expand that to cover some of the VAWA crimes that were included at the Federal level.

So aiming with what the State legislature's doing in Maine right now for Penobscot and Passamaquoddy, it won't be at the level as the Federal VAWA and what every other Tribe in the United States will have. And Micmac and Maliseet are just not included at all in the State legislative efforts currently. So they will still not be able to exercise jurisdiction over non-Indians for anything.

And that's the end of my presentation. I will say that's why if you go back to the original Redline that the Tribal leaders submitted to the Task Force, you'll see on the Redline, the essential purpose where they take the Implementing Act and they essentially, the proposal is to strike out just chunks of the part that deal with jurisdiction so that the Tribes in Maine essentially default to what the general federal rule of Indian law is throughout the rest of Indian Country. That's the purpose of the proposed Redline that was submitted to the Task Force. It was essentially to get the Tribes in Maine to a point to where they can exercise the same level of criminal jurisdiction that Tribes throughout the rest of the country are able to exercise. It's significant not just for those types of crimes, but I can only speak for Penobscot because I worked for them at the Federal level.

In 2013 when Congress passed the Violence Against Women Act that included the Tribal provisions, there was the pilot projects. Penobscot was actually chosen by the Department of Justice to be a pilot Tribe. They had actually gone and looked at Penobscot's Tribal Court and they had decided that that would be an excellent example of a pilot project for the Northeast. When there were objections raised by the State about whether that Federal VAWA applied to the Maine Tribes, there's actually quite a bit of debate about whether that was true or not. The Federal law actually says notwithstanding any other Federal law, any other law that these provisions apply to Tribes.

So the argument, at least from the Federal side, was the notwithstanding language that Congress put in makes the Tribal provisions in the 2013 VAWA applicable to every Tribe. And so every Tribe can petition to the US Department of Justice to be a participant in Tribe and then exercise the expanded jurisdiction, so long as they meet all the requirements of capacity that has to be put in place in order to exercise the expanded jurisdiction. For Penobscot, when they **Allison Binney Esq. Outside Legislative Counsel:**

were chosen to be a pilot Tribe for VAWA jurisdiction, it was really about getting Federal resources and dollars, not just to build the capacity so that they could exercise the expanded jurisdiction, but one of the key components of their Tribal Court is what's called the healing-to-wellness Court.

Maine both on the reservations and [inaudible] the entire State has an elevated level of opioid abuse, and with that actually comes increased amount of domestic violence, at least that's what the initial data is showing. So for Penobscot, being able to get the Federal resources and to expand their courts capacity, not just would allow them to be able to do the VAWA jurisdiction, it would actually expand the capacity of their Court system overall, which would help their Healing to Wellness Court process as well. That's what the Feds really liked about it. But because the questions were raised about the Maine Implementing Act, the Feds just decided there's too much at risk. We don't want to end up in a debate; in a fight with Maine and the Tribes. So we're going to focus on other Tribes to be pilot projects.

So we were looking at the numbers recently because we're now in the process of trying to get Maine included in this current reauthorization of the Violence Against Women Act, and our initial look at how much funding that Penobscot at least has lost out on from the Federal level since 2013 is over \$3 million. That would have gone directly into their Tribal court system as a whole. So there's a lot of benefits to just being able to access the Federal resources.

Sen. Michael Carpenter:

Thank you. Are there questions? Senator Bailey.

Rep. Donna Bailey:

Thank you, Mr. Chair. A quick question and you might've covered this. I did step outside briefly, but just so the Task Force understands when you're talking about criminal jurisdiction, when you're talking about the distinction between Indian and non-Indian that is based on membership, is that correct?

Allison Binney Esq. Outside Legislative Counsel:

It's not. There was a point in time when there was questions about whether it was, but I think when Congress passed its Duro Fix in 1990, Congress clarified that tribes get to exercise jurisdiction over any Indians. That's the federal level. Now in Maine-

Rep. Donna Bailey:

Let me clarify my question.

Allison Binney Esq. Outside Legislative Counsel:

Okay.

Rep. Donna Bailey:

And I see what you're answering is that you thought I meant over their own members. But my question was that when you're saying Indian versus non-Indian, again you're talking about someone who is a member of a recognized Indian tribe? Is that-

Allison Binney Esq. Outside Legislative Counsel:

I'm not.

Rep. Donna Bailey:

Okay. Okay.

Allison Binney Esq. Outside Legislative Counsel:

So it's-

Rep. Donna Bailey:

Clarify it for me, [crosstalk]

Allison Binney Esq. Outside Legislative Counsel:

When I say, and the only reason why I say this, and this is way too much in the needs for this purpose is there is no real clear definition of who's Indian at the Federal level. So very clearly, members of Indian tribes are Indians, but there are still on the books and Federal laws that say people of a certain blood quantum, typically a quarter or more, are Indians. There are also some cases, Federal cases, where if you are someone of Indian descent who is living on a reservation and might even have grown up there, you're basically going to be considered Indian from a Federal Court perspective, even if you're not a member of any Federally recognized Tribe.

Rep. Donna Bailey:

So there's nothing in any of the criminal jurisdiction laws, statutes, case law, that clarifies it?

Allison Binney Esq. Outside Legislative Counsel:

There are because there are so many different Federal Laws on it, that there are some definitions of Indian in some of the Federal Laws, but there are definitely not every federal law. There is a bit of an ad hoc system. That is something that is a bit of a debate now. It's not so much of a debate because usually Tribes, when they do exercise jurisdiction, are usually exercising ... They just voluntarily are only exercising jurisdiction over people that they view as clearly Indian. So it doesn't come up very often. I only mention it to you because as I guess being a nerd, I wouldn't want to give you an answer that sounds like it's clear because there actually are some nuances. So I wouldn't want you to think that it's completely clear. It's not

completely clear. It doesn't come up very often though because typically what Tribes will do if there is a question about whether someone's Indian or not, they will go to the State or the Feds and try to get them to exercise the jurisdiction. That's typically how it's handled.

Allison Binney Esq. Outside Legislative Counsel:

And so that does come up where sometimes people, if it's not clear that they're Indian, the Tribal law enforcement and Tribal court typically just work with the local State and Feds, if this State does exercise criminal jurisdiction in that matter. And if they don't, they'll go to the Feds and they'll say, "We want to work with you to get this person prosecuted." I just didn't want you think there's a very clear answer. There are some nuances there because it's Federal Indian law.

Sen. Michael Carpenter.:

Thank you. Other questions? Mr. Taub. Oh sorry.

Chris Taub Esq. Assistant Attorney General:

I just want to ask you, you had mentioned that in the Redline version, the provisions regarding the criminal jurisdiction of the State were struck out. So the Tribes would essentially revert back to the general model of jurisdiction and-

Sen. Michael Carpenter:

That's at least the intent.

Chris Taub Esq. Assistant Attorney General:

The intent, right? I just want to ask you, so in in the Federal Settlement Act, there's a provision that says the United States shall not have any criminal jurisdiction in the State of Maine under the provisions of sections 1152, 1153, 1154, 1155, 1156, 1160, 1161 and 1165 of title 18 of the US code. So I'm just wondering if the fact that those laws wouldn't apply, but certain criminal jurisdiction provisions are being struck, is that going to create any kind of vacuum or issues that you can see?

Allison Binney Esq. Outside Legislative Counsel:

So Chris, who I'm just meeting is clearly also be a nerd like me. So I've looked into this and I was ... So the Federal implementing the Federal Maine Indian Claims Settlement Act, actually the Feds in that give up jurisdiction. So very different from Public Law 280 where they delegate jurisdiction. In a Public Law 280 state where States exercise jurisdiction, there's still a Federal oversight involved. And in fact, in the Tribal Law and Order Act, there's now a process by which Tribes can request the Feds to take back on Federal jurisdiction and that's happened in some cases. There's also a process whereby the States, because if the States are going to exercise criminal jurisdiction and they're not, Tribes can actually start in some cases sue the State for the resources because they're not doing their job.

And so some States have started dialogue with the Feds that, "We don't want it. Take it back Feds, if you think you can do it better." So Chris is talking about in the Maine Indian Claims Settlement Act where the Feds give up their criminal jurisdiction. They do it in a way where they

basically give up their jurisdiction over very specific Federal laws. So one is the Original General Crimes Act that I talked about that was passed in 1790 and then subsequently amended for almost 100 years. That's the law that basically gave the Federal Government general criminal jurisdiction over crimes in Indian Country. So that's one of the ones that the Feds gave up that

Allison Binney Esq. Outside Legislative Counsel:

jurisdiction in the Maine Act. The other one is the Major Crimes Act, which is the one that I said came out of the Supreme Court case on the Indian versus Indian murder.

The other ones that are referenced in the Maine Indian Claims Settlement Act are these laws dealing with alcohol in Indian Country. They're just very archaic laws about selling alcohol in Indian Country and whatnot, probably not really relevant today. So that calls into question whether they are actually still is Federal jurisdiction on Indian Country here in Maine for those provisions in Federal Law that aren't the ones specifically specified in the Maine Indian Claims Settlement Act. And there are some, so there is probably still some Federal jurisdiction over Indian Country here in Maine. The Maine Indian Claims Settlement Act makes pretty clear if you read it in conjunction with the Maine Implementing Act that at least over Micmac and Maliseet, State gets to exercise criminal jurisdiction over Indian Country.

Penobscot and Passamaquoddy is what set forth in the Maine Implementing Act. So if you amend the Maine Implementing Act, at least for Penobscot and Passamaquoddy, that governs. If you do it for Micmac and Maliseet, you might have to make a subsequent amendment to the Federal Law. So I don't think there's a vacuum, but I think it's really nuanced that no one's really looked at yet. Does that make sense?

Chris Taub Esq. Assistant Attorney General:

It does from one nerd to another. Thank you. Yeah. That's very helpful.

Sen. Michael Carpenter.:

With another lawyer in the middle, they didn't get quite all of it, but maybe you got some of it. Other questions.

Allison Binney Esq. Outside Legislative Counsel:

The one thing I would say about it is-

Sen. Michael Carpenter.:

Oh you had [inaudible]-

Allison Binney Esq. Outside Legislative Counsel:

The Redline version that was submitted by the Tribal leaders would probably have to just be looked at a little closer because I think what Chris is saying is, are there a few things that could fall through the cracks? And there might be, but as I went back and looked at the Federal Law

and the Maine Implementing Act, I think there already are some things that likely are falling through the cracks. Just, it's never come up.

Chris Taub Esq. Assistant Attorney General:

And so that sounds like something, if we wanted to have a discussion offline-

Allison Binney Esq. Outside Legislative Counsel:

I definitely would recommend re-looking at the language and I think it has to be clarified a bit.

Chris Taub Esq. Assistant Attorney General:

And I assume that-

Allison Binney Esq. Outside Legislative Counsel:

To get to... [crosstalk]-

Chris Taub Esq. Assistant Attorney General:

You and I could could discuss it at some point...

Allison Binney Esq. Outside Legislative Counsel:

Yeah.

Chris Taub Esq. Assistant Attorney General:

If we wanted to work through that.

Allison Binney Esq. Outside Legislative Counsel:

Yeah.

Chris Taub Esq. Assistant Attorney General:

Okay. Thank you.

Sen. Michael Carpenter:

Thank you, Grace. Chief Francis. You.

Chief Kirk Francis, Penobscot Nation:

[inaudible].

Sen. Michael Carpenter:

Oh you're all good? Okay. Yes Paul.

Paul Thibeault, Esq Maine Indian Tribal State Commission, (Ex-officio/non-voting member of Task Force):

This is a little bit off the track, but because of your involvement with the Tribal Law And Order Act and VAWA do you happen to know why when the Tribal Law And Order Act was enacted, they picked three years as the maximum sentence?

Allison Binney Esq. Outside Legislative Counsel:

So I do, but it's not anything that's novel I would say. It's just the way the sausage making of Congress happens. It's similar to the debate that happens here. People are always afraid of what they don't know, and ultimately three years ended up being where a majority of, particularly in the US Senate, a majority of the senators felt comfortable enough allowing that to be extended for that long. With the understanding that, there had been so much dialogue at that point that the Department of Justice had already committed to because at the point that the Tribal Law and Order Act got passed, everyone became aware that the Violence Against Women Act was coming up for reauthorization in a couple of years. And so the dialogue around the Violence Against Women Act reauthorization had already started.

So the thinking was three years isn't really much of an increase. Let's start with that, and if there's no problems, by the time the VAWA bill comes up for reauthorization, we'll look to expand to non-Indians and then by the next time VAWA comes up for reauthorization and the Tribal Law and Order Act has some provisions that are sun setting too and there's actually an effort to reauthorize that as well, we can decide at that point if we wanted to further expand the jurisdiction, but also the sentencing periods. I'll tell you that right now there's dialogue on looking at the Tribal Law and Order Act and possibly expanding the sentencing terms and the dialogue has been basically, "Let's not expand it. Let's just focus on allowing more time for tribes to ..." Because there's only 25 that are currently doing the VAWA special criminal jurisdiction. The thinking is let's allow more time to go by and see how the three years and the VAWA provisions work and then at the next VAWA reauthorization effort after this one, we'll look at the Tribal Law and Order Act and see whether to expand beyond three years.

Sen. Michael Carpenter :

Thank you very much. I'm very cognizant of your travel schedule, so I think I'm going to stop things at this point. We're going to resume at 1:15. We're going to start talking about regulation of natural resources. Thank you.

Dillingham.

Rep. Kathleen Dillingham:

Thank you. I just wanted to let the council members here, I will not be able to be here for the afternoon session. I have to return to work. I could only get coverage for this morning, but my chief of staff will be here monitoring as well. Thank you.

Sen. Michael Carpenter:

Thank you. All right. 1:15. Thank you very much. That was a good morning. That was helpful.