

S. 2159, 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”

As ordered reported by the Senate Committee on Indian Affairs on July 24, 2019

By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No

S. 2159 would repeal a law enacted in 1946 that gave the state of North Dakota jurisdiction over crimes committed by or against Indians on the Devils Lake Indian Reservation. Under current law, the Bureau of Indian Affairs (BIA) provides assistance to the tribe for law enforcement and detention services. Because enacting S. 2159 would not affect the amount of assistance the tribe is receiving from BIA, CBO estimates that implementing S. 2159 would have no cost to the federal government.

The bill also would prohibit the state of North Dakota from exercising jurisdiction over crimes committed by or against Indians on the Devil’s Lake Indian Reservation. That prohibition would be a mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost of the mandate, in the form of forgone monetary penalties, would be minimal and would not exceed the threshold established in UMRA (\$82 million in 2019, adjusted annually for inflation).

S. 2159 contains no private-sector mandates as defined in UMRA.

The CBO staff contact for this estimate is Jon Sperl (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.