

STATEMENT OF
THE UNITED STATES DEPARTMENT OF JUSTICE
TO 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 22, 2016

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee, the Department of Justice appreciates the opportunity to provide comments to 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.

The Department of Justice views tribes as partners in ensuring public safety in Indian country, and is committed to maximizing tribal control over tribal affairs. It is our belief, informed by experience, that challenges faced by the tribes are generally best met by tribal solutions. Our work to enhance public safety has been, and continues to be, shaped by our commitment to empowering tribal governments; to improving coordination and collaboration at the federal, tribal, state, and local levels. We believe that S. 3216 will be an important tool in furthering our mission to improve public safety in Indian country by clarifying criminal jurisdiction on the Sac and Fox Indian Reservation.

S. 3216

As is made clear in its title, S. 3216 is a bill to repeal an earlier act of Congress which conferred jurisdiction on the State of Iowa over crimes committed by or against Indians on the Reservation to the same extent as the State had jurisdiction over these offenses outside of the Reservation. Currently, the Tribe, Federal government, and State concurrently exercise jurisdiction over crimes on the Reservation. With passage of S.3216 jurisdiction on the Sac and Fox Reservation over crimes involving Indian persons would be exclusive to either the Tribe or the Federal Government under the Major Crimes Act. As a result, jurisdiction on the Sac and Fox Reservation would be similar in operation to that seen on many Reservations across the country. 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.

Impacts of the Department of Justice

If enacted into law, we would expect that U.S. Attorney's Office for the Northern District of Iowa would see an increase in the number of criminal prosecutions referred to the Office; as well as well corresponding increase in investigative demands on the Federal Bureau of Investigation.

Conclusion

In consideration of the support of the Tribe and the State, as well as the jurisdictional clarity this bill would bring, the Department of Justice supports passage of S. 3216.