

Congress of the United States

Washington, DC 20515

June 26, 2023

The Honorable Gene Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

We are concerned about the extent to which complex jurisdictional rules governing criminal justice inside and outside of Indian Country impact American Indian and Alaska Native Tribes and communities, and we ask that GAO examine criminal justice outcomes in states that have jurisdiction over tribal lands as a result of Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360) (commonly referred to as “P.L. 280”) compared to other states.

GAO has previously reported that American Indian and Alaska Native communities are considered to be among the most vulnerable to violence, human trafficking, and involvement with the justice system, yet data on the prevalence of crises such as missing and murdered women, justice-involved youth, and human trafficking in Indian country are difficult to quantify and often unknown. The public safety crisis in rural Alaska is so great the Department of Justice declared it a federal emergency in 2019.

While federal agencies provide support to federally recognized tribes in Indian country and help tribes administer justice, states typically do not have jurisdiction to prosecute offenders in Indian country unless a federal law grants such jurisdiction. With some exceptions, P.L. 280 ceded criminal jurisdiction over tribal lands from the federal government to state governments in six states – Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin – granting these states jurisdiction to prosecute crimes by or against American Indians and Alaska Natives in Indian country. The law also allowed other states to elect to assume full or partial state jurisdiction (collectively, “P.L. 280 states”). Notably, when P.L. 280 was enacted into law, the federal government did not provide additional resources to states to offset the assumption of new criminal jurisdiction and law enforcement responsibilities. In addition, P.L. 280 was imposed on tribes without tribal consent, or even consultation.

As recently as 2021, GAO noted that tribes and tribal stakeholders expressed concerns about challenges with cross-jurisdictional cooperation and a lack of comprehensive national data on missing and murdered Indigenous cases, among other concerns.¹ We believe that P.L. 280 has created jurisdictional and funding challenges that result in crimes, particularly those committed by non-Native individuals, going uninvestigated and unpunished.

An additional consequence has been that without federal money appropriated to the Bureau of Indian Affairs in P.L. 280 states for “Public Safety and Justice” (PSJ) programs, federally recognized tribes in P.L. 280 states are denied the opportunity to exercise tribal sovereignty and fully operate PSJ programs, as authorized under the Indian Self-Determination and Education Assistance Act, reducing access to justice and judicial services even though tribes continue to have concurrent jurisdiction with the P.L. 280 states.

¹GAO, *Missing or Murdered Indigenous Women: New Efforts are Underway but Opportunities Exist to Improve the Federal Response* [GAO-22-104045](#) (Washington, D.C.: Oct. 28, 2021).

In light of these growing concerns, we ask that GAO provide information on and examine the following questions:

- 1) What state and federal criminal justice system data are available on criminal justice outcomes related to P.L. 280 states versus non-P.L. 280 states, and what does that data show?
- 2) What additional data is needed, if any, to better understand criminal justice outcomes in these states?
- 3) How does P.L. 280 impact law enforcement staffing, investigations, and outcomes for tribal communities in P.L. 280 states versus non-P.L. 280 states?
- 4) What concerns do stakeholders have on impacts of investigations of and protections for missing or murdered Indigenous women and people in P.L. 280 states versus non-P.L. 280 states?
- 5) What, if any, federal efforts are underway to address reported justice system inequities in P.L. 280 states?
- 6) Has the federal government provided comparable or equivalent resources to tribal and/or state governments in P.L. 280 states, including not just law enforcement, but also prosecutorial resources and recidivism measures? And how has P.L. 280 impacted public safety funding, infrastructure for tribal courts, police, and other tribal justice agencies?
- 7) What were the initial impacts of P.L. 280 on public safety for tribes and what are the reported present-day impacts? How have the impacts of P.L. 280 changed over time?
- 8) How does the public safety of tribes in P.L. 280 states, response times from local police, jurisdictional clarity, relationships with state and county public safety partners compare with those tribes in non-P.L. 280 states?
- 9) How has P.L. 280 impacted the development of tribal government law enforcement and court systems?
- 10) By state (P.L. 280 and non-P.L. 280), what federal money has been distributed to tribes and tribal organizations for public safety and justice?

Thank you for your consideration of our request, and we look forward to your response.

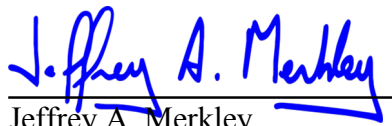
Sincerely,




Alex Padilla
United States Senator



Lisa Murkowski
United States Senator



Jeffrey A. Merkley
United States Senator



Jared Huffman
Member of Congress