

# United States Senate

WASHINGTON, DC 20510

April 4, 2023

The Honorable Jeffrey A. Merkley  
Chairman, Subcommittee on Interior,  
Environment, and Related Agencies  
Committee on Appropriations  
Washington, D.C. 20510

The Honorable Lisa Murkowski  
Ranking Member, Subcommittee on Interior,  
Environment, and Related Agencies  
Committee on Appropriations  
Washington, D.C. 20510

Dear Chairman Merkley and Ranking Member Murkowski:

As the Subcommittee develops spending priorities for Fiscal Year (FY) 2024, we strongly urge you to begin to provide parity to the more than 330 Tribal governments located in what are known as “PL-280 states.” We ask you provide an increase of at least \$165 million over the baseline funding for Bureau of Indian Affairs (BIA) public safety programs and direct those additional funds to Tribal governments in “PL-280 states.” Making this investment would begin providing transformational relief to Tribal Nations in “PL-280 states” and help to address the systemic public safety issues facing these tribes.

In 1953, Congress enacted Public Law 83-280, or “PL-280,” over the unanimous objection of Tribal governments and without any meaningful tribal consultation. The law ceded criminal jurisdiction over tribal lands from the federal government to certain states and transferred criminal jurisdiction from federal courts to state courts in those states. PL-280 mandated this transfer of jurisdiction from the federal government to state governments in Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin, and also allowed the additional states of Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, South Dakota, and Washington to opt in to assuming jurisdiction. Notably, when PL-280 passed, it did not provide *any* additional resources to states to offset the assumption of the new jurisdiction. The lack of resources and structural consequences of PL-280 have created a dire situation for public safety on affected tribal lands.

PL-280 has created jurisdictional challenges that result in crimes, particularly those committed by non-Native individuals, going uninvestigated and unpunished. This loophole is exploited by individuals, and the overall public safety on Tribal lands suffers as a result, particularly as it relates to the Missing and Murdered Indigenous Peoples crisis. Additionally, the BIA has taken the position that because PL-280 states provide law enforcement and exercise criminal jurisdiction, the tribes in those states do not need the same federal law enforcement funding provided to tribes in non-PL-280 states. As a result, Tribal governments in PL-280 states often struggle to interface with state or local law enforcement agencies.

An investment of an additional \$165 million in public safety funding for tribes in PL-280 states would help these tribes to build their own law enforcement capacity, improve crime response times, and support coordination with local and state law enforcement agencies. Providing this funding is critical to addressing chronic under-policing on tribal lands and allowing Tribal governments to protect their people through culturally appropriate community policing.

Thank you for your consideration of our request, and we stand ready to work with you to address the challenges that Tribal governments in our states face due to PL-280.

Sincerely,



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Alex Padilla  
United States Senator



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Tammy Baldwin  
United States Senator



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Tina Smith  
United States Senator



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Dianne Feinstein  
United States Senator



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Amy Klobuchar  
United States Senator