



Confederated Tribes of the Umatilla Indian Reservation
Written Testimony RE: Senate Bill 1011
Establishing a clearly articulated statutory process for tribal retrocession under Public Law-280

Thank you Chair Manning, Vice-Chair Thatcher, and Senate Committee Members for allowing this testimony in support of Senate Bill 1011.

One of the most basic and sovereign powers of any nation is to make its own laws and be ruled by them, and to perpetuate the fair administration of justice via the sovereign's own courts. These powers animate the concept of jurisdiction, which is the power to apply law. Tribal nations, which retain inherent sovereignty and the right to self-determination and self-governance, have faced numerous affronts to their jurisdictional powers, including through the enactment of Public Law 83-280 (PL-280).

Congressional adoption of PL-280 occurred in 1953, during a dark time known as the Termination era. Congress mandated that Oregon exercise PL-280 jurisdiction. All Tribal territory within Oregon's borders were subject to PL 280, except for the Warm Springs Indian Reservation. PL-280 stripped Tribes of jurisdiction and created an unfunded mandate on state courts.

In 1968, Congress amended PL-280 to allow states, including Oregon, to "retrocede" jurisdiction. Retrocession—the return of state-assumed jurisdiction under PL-280 to the federal government—is essential to improving tribal self-governance and is further acknowledgment by the State of Oregon of tribal sovereignty. "Retrocession" of jurisdiction may include criminal jurisdiction, civil jurisdiction, or both. Tribal nations supported this amendment in 1968, and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) support SB1011 for the following reasons:

The current process for retrocession requires that the State make one-off requests to the Department of the Interior, and that the Department accept the retrocession. For example, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) achieved criminal retrocession when Governor Vic Atiyeh issued Executive Order 80-8, signed on May 13, 1980. Since then, CTUIR has developed a robust tribal court system that, in turn, supports increased judicial economy in the County courts. CTUIR enforces criminal laws on the reservation with tribal police enforcement.



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No current Oregon law articulates a clear path forward should a Tribal nation subject to PL-280 request that Oregon retrocede its jurisdiction. A statutory process would provide:

1. **Clarity and Consistency:** Clear criteria, procedures, and timelines ensure all parties understand the retrocession process.
2. **Efficiency:** A formalized process allows for better coordination between state, federal, and tribal government, which reduces delays and eliminates ad hoc decision-making.
3. **Transparency:** A defined process ensures stakeholder input and promotes accountability, and reduces potential conflicts or legal challenges

The U.S. Department of Justice's Office of Tribal Justice has confirmed that Tribes subject to restoration statutes can pursue PL-280 retrocession under the federal retrocession statute. Including these Tribes in the proposed legislation ensures fairness and equal treatment while recognizing their unique legal histories and providing opportunities for self-governance.

Nothing in this bill mandates if or when Tribes seek retrocession; it simply outlines a process to work in good faith, consistent with Oregon's strong history of respecting tribal self-governance. A state statutory process is important to both Tribes and the State to ensure a clear and consistent approach when a Tribe requests retrocession. Neither should have to rely on an ad hoc and undefined process, nor be dependent on shifting political dynamics or individual decision-makers for retrocession to occur. The proposed legislation lays out a statutory pathway and includes a timeline by which the Governor must respond to such a request.

By supporting this legislation, Oregon can be an innovator among states by adopting a clearly articulated state statutory process.

Thank you.