

**EXAMINING PUBLIC SAFETY AND JUSTICE
RESOURCES IN NATIVE COMMUNITIES**

HEARING

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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MAY 22, 2024
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EXAMINING PUBLIC SAFETY AND JUSTICE RESOURCES IN NATIVE COMMUNITIES

WEDNESDAY, MAY 22, 2024

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:32 p.m. in room 628, Dirksen Senate Office Building, Hon. Brian Schatz, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

The CHAIRMAN. Good afternoon. I call this oversight hearing to order.

As this Committee well knows, one of the fundamental trust and treaty obligations to tribal nations is to protect the public safety on their lands. As early as the 19th century and as recently as 2022, Congress has affirmed and reaffirmed this obligation, from the General Crimes Act of 1817 to the Tribal Law and Order Act of 2010, and even more recently with the Savanna's Act, the Not Invisible Act and the reauthorization of the Violence Against Women Act. We have recommitted and doubled down on our obligation.

Yet, it is abundantly clear that public safety challenges persist. The Committee's record is filled with examples of these challenges: inadequate Federal funding and public safety resources, including law enforcement and corrections personnel; patchwork criminal jurisdiction; deteriorating and unsafe jails, or sometimes no jails at all; the crisis of missing and murdered indigenous people; and the devastating impacts of fentanyl, just to name a few.

With an evolving legal landscape, most notably with the Supreme Court's decision in *McGirt*, these resource-based challenges have become more acute. So when the Committee received renewed calls to focus on public safety matters, we answered.

First, with our listening session in March, when over 600 individuals listened in and commenters overwhelmingly listed MMIP and law enforcement officer recruitment and retention challenges as top priorities. Second, with our legislative hearing earlier this month on two bipartisan bills that would address both these priorities in meaningful ways.

And today with our oversight hearing, we will hear from Federal witnesses whose agencies are directly responsible for ensuring public safety and providing victim services in Native communities.

In short, this oversight hearing has been purposefully informed by priorities that tribal leaders and Native stakeholders uplifted in our listening session and legislative hearing. It gives the DOI, Justice and HHS the chance to respond and testify about how they are addressing unmet public safety needs and implementing the laws that Congress passed to address those needs.

It is also the Committee's opportunity to remind our Executive Branch partners that the United States must do everything it can to live up to the trust and treaty responsibility, to protect the public safety of American Indians, Alaska Natives, and Native Hawaiians.

Before I turn to Vice Chair Murkowski for her opening statement, I would like to thank all of our witnesses for joining us today.

Vice Chair Murkowski?

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman, and welcome to our witnesses. I really appreciate that we are having this oversight hearing today. I think it is one of those areas that, regardless of the part of the Country that you are from or your political party, this is something that we all care deeply about. I am honored to have worked with Native leaders in Alaska and across the Nation over multiple Congresses on these issues of public safety.

This Committee has been a great forum to both shed light on the need to improve public safety and justice in Native communities, and also taking concrete steps to address the problem. We saw that through passage of VAWA 2022, which included the tribal title that we authored.

My thanks to the Alaska Native Women's Resource Center, the Alaska Native Justice Center, the Alaska Federation of Natives and so many other powerful advocates who have partnered with us on solutions. Through listening to tribal leaders and advocates, we have learned how a lack of resources, combined with jurisdictional complexities, have contributed to a crisis of missing and murdered indigenous people at a disproportionately high rate of victimization.

Based on this record and testimony, I think we have seen some real concrete steps to empower tribes to strengthen their own justice systems, both through changing law and increasing Federal resources.

Tribes in P.L. 280 States have been calling for more support for tribal courts and law enforcement for years, even decades now. About a decade ago, the Indian Law and Order Commission issued its report which confirmed what all of us already knew, and that was Federal investment in tribal justice for P.L. 280 States is more limited than elsewhere in Indian Country.

So in 2015, we directed BIA and DOJ to report on the budgetary needs of tribal courts in these States. We were able to follow up with funding, and the next year appropriated \$10 million for tribal courts in P.L. 280 States. Since then, we have continued to build on that support. In the Fiscal Year 2024 Interior spending bill, we now have it at \$21 million.

This year, I was also able to include some language that directs BIA to conduct consultation on the budgetary needs in P.L. 280 States for tribal law enforcement as well as courts and other judicial needs, then to report back on available funding, whether that is at DOI or elsewhere. This all takes time, this is work. But know that there are so many of us that are really committed to keeping that momentum going.

In Alaska, we all know the need for additional law enforcement and justice systems is so great. As many as one in three Native villages lack any law enforcement presence at all. Recognizing that there is no better way to understand the impact of these unique challenges than to visit in person, I have hosted two U.S. Attorneys General up to Alaska to see the impacts of these challenges on the ground. So whether you are in Bethel, Napakiak, Napaskiak, Galena, Huslia, or Anchorage, everyone deserves to live in a safe community. We need the commitment of our Federal partners, and in this area, I think we are making some progress.

Last Congress, there were many of us here who helped to author and negotiate VAWA 2022. As part of that, I was able to include the Alaska Tribal Public Safety Empowerment Act. This pilot project supplements the work that the State of Alaska is doing with regard to public safety.

It was an Alaska-specific solution in that it did not create any new Indian Country, nor did it take away any jurisdiction from the State. Now we are in this critical moment when the tribes have a chance to implement some of these newly affirmed authorities.

The Alaska Intertribal Working Group met just a couple of weeks ago in Fairbanks for the very first time. I want to thank everyone who is working on those efforts. When we were thinking about how Alaska could be included as part of VAWA 2022, we knew that we were going to need an approach that would be Alaska-focused.

Native communities in different regions have such different needs and various obstacles to funding and resources. So I am going to be looking forward to hearing how DOJ is working to support tribes across the Country and in particular, how they can help address the well-documented law enforcement emergency in rural Alaska.

Of course, it is also important to set up systems that require coordination across all levels of government, such as what we have done with Savanna's Act. We have also gotten the recommendations from the Not Invisible Commission, which I was so pleased to be able to co-lead with my friend, Senator Cortez Masto.

But we have more to do to ensure proper implementation of these laws and taking action on the commission's recommendations. Now is the time for continued partnerships and building accountable systems across governments.

So I am looking forward to the testimony today and the discussion with our witnesses at this very, very important hearing.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Vice Chair Murkowski, and happy birthday.

Senator Cantwell?

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Yes, Mr. Chairman, happy birthday to the Vice Chair. I would sing, but I don't quite have a voice. She does have a Hawaiian lei on, maybe you should try. No?

[Laughter.]

Senator CANTWELL. I so appreciate the Senator from Alaska and her hard work on behalf of Indian Country and certainly on murdered and missing indigenous people. Thank you.

Thanks for having, this is the third hearing we have had on law enforcement. Very much appreciate that. According to the Bureau of Indian Affairs, tribal communities need over 13,600 additional law enforcement personnel just to meet the FBI's Community Safe standard. So that means that many tribes do not have enough law enforcement to tackle these big problems like fentanyl, or murdered and missing indigenous people.

So these hearings have shone a light on the importance of passing legislation to strengthen that effort. The Yakima Nation police department has less than one quarter of the police officers needed to patrol its 1.4 million acre reservation and serve 30,000 residents. So clearly, they need more support.

Currently, State and Federal law enforcement can provide retirement and other types of compensation benefits that tribes can't provide to law enforcement. So this disparity means even though tribes have been trying to keep up, we have had a great deal of problems keeping commissioned officers.

The Chief of the Tulalip Police Department testified before this Committee earlier this month. His department lost approximately 50 percent of their commissioned officers due to retirement and by non-tribal jurisdiction overtime. The Kalispell Tribe lost nine officers over a five-year period the same way. The Colville have struggled to keep three officers on duty per shift patrol. The Colville is basically the size of the State of Delaware, so it is a pretty big geography to patrol.

So that is why Senator Mullin and I introduced the Parity for Tribal Law Enforcement Act that we discussed, S. 2695. Mr. Chairman, I appreciate, many of us know how bad the fentanyl problem is, and part of it is if you know there is not adequate law enforcement, it becomes a haven for people to locate and to try to hide production or trade or sales of that product.

So helping law enforcement will help all our communities. Thank you for this hearing.

The CHAIRMAN. Thank you, Senator Cantwell.

We will now turn to our testifiers. First, we have the Honorable Bryan Newland, Assistant Secretary of Indian Affairs at the Department of Interior. We also are pleased to have the Honorable Patrice Kunesh, Commissioner, Administration on Native Americans at the U.S. Department of Health and Human Services, and Ms. Allison Randall, Principal Deputy Director, Office on Violence Against Women, at the United States Department of Justice.

We will remind the witnesses that we have your full testimony and it will be made part of the official record. Please keep your statements confined to five minutes or less.

With that, Assistant Secretary, please proceed with your testimony.

STATEMENT OF HON. BRYAN NEWLAND, ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. NEWLAND. Megwiich, Mr. Chairman. Thank you so much for having me back here again to testify. Aanii bozhoo, good afternoon, Chairman Schatz and Vice Chair Murkowski. Mino-dibishkaa, happy birthday from all of us as well.

I want to thank you for the opportunity to present the department's testimony on public safety and justice in Indian Country. As I say every time I come here, the United States has a trust relationship and trust obligation to each of the 574 federally recognized tribes in our Nation. All branches of our government have a trust obligation to protect the continued existence of Indian tribes and the physical safety of Indian people.

Congress has commissioned many reports to investigate the public safety concerns of tribal communities, and each report reaches the same conclusion: we need to address big structural changes to guarantee the safety of people in tribal communities.

The Department remains committed to strengthening tribal law enforcement agencies throughout Indian Country. Fulfilling our commitment requires us to increase funding, address jurisdictional complexities, and provide other much-needed resources for personnel.

Our 2021 Tribal Law and Order Act report to Congress estimate the total cost for public safety and justice programs in Indian Country is over \$3 billion; \$1.7 billion is needed for law enforcement programs; \$284 million is needed for existing detention facilities; and \$1.5 billion is needed for tribal courts.

In that same report, we explained that the BIA has spent \$246 million on tribal law enforcement, \$123 million for detention facilities, and \$62.8 million for tribal courts. It is clear that there is a massive gap between present funding levels and our total obligation to public safety in Indian Country.

In Fiscal Years 2022 and 2023 we were able to work with Congress to secure an additional \$131 million for public safety and justice programs in Indian Country. But even with those increases, we are still funding these programs at only 13 percent of our total need.

In addition, 52 percent of the increased funding was directed by appropriations to just 16 tribes. That left only \$11.5 million in additional funding to distribute across 182 tribes in our Nation.

Utilizing our current budget, the BIA has worked to improve our law enforcement operations by focusing on recruitment and cutting our attrition rate. One area where we have done that is our focus on pay parity for BIA law enforcement officers to ensure that they match their counterparts in other Federal agencies. We are continuing to reduce the time to hire for our own officers.

I recently appeared before this Committee to support legislation that would assist the BIA in eliminating one of the biggest obstacles to recruitment, the lengthy background investigation process, and expedite the hiring of qualified law enforcement officers.

Those officers must understand the complex jurisdictional issues within Indian Country. Jurisdiction in Indian Country depends on a matrix of the ownership status of the land and the tribal status of the individuals involved. Those issues must be resolved before an investigation can even begin, and if those issues aren't resolved, investigations can become stalled or overlooked entirely.

This patchwork of jurisdiction adds transaction costs to policing in Indian Country that other law enforcement agencies simply don't have to deal with. Congress has legislated to clarify and affirm tribal jurisdiction in Indian Country, including through the 2022 reauthorization of the Violence Against Women Act.

VAWA has reaffirmed Indian tribes' inherent jurisdiction to prosecute non-Indians for additional crimes committed in Indian Country. Reaffirming tribal criminal jurisdiction is consistent with the core principle of self-determination. The Indian tribes are the best situated to meet the health, welfare and safety needs of their communities.

We also ask law enforcement recruits to relocate to rural tribal communities where there is too often a lack of available housing. Poor roads generate greater wear and tear on public safety vehicles, and old communications equipment and internet service gaps put the safety of our officers at risk. Correctional facilities need to be updated or replaced, and tribal courts need to be fully staffed to ensure that their citizens are able to have justice.

A number of reports commissioned by Congress have affirmed that these structural challenges make it harder to keep people safe in Indian Country. We all know what we have to do. Addressing these challenges requires coordination across the Federal Government with Congress and with tribal leaders. It is a challenge we must meet.

Mr. Chairman, I want to thank you once again for having me back here today, and I look forward to answering questions from members of the Committee.

[The prepared statement of Mr. Newland follows:]

PREPARED STATEMENT OF HON. BRYAN NEWLAND, ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Aanii (Hello)! Good afternoon Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Bryan Newland, and I am the Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony on public safety and justice resources for Native communities.

The United States has a trust relationship with each of the 574 federally recognized Tribes and their Tribal citizens. Through these relationships, the United States has charged itself with obligations of the highest responsibility and trust-including the obligation to protect the existence of Indian Tribes and their citizens. This obligation is at its highest when it comes to protecting the physical safety and well-being of Indian people within Indian Country.

The Bureau of Indian Affairs (BIA) plays a crucial role in meeting this obligation on behalf of the United States.

Under President Biden and Secretary Haaland's leadership, the Department has been working to improve our ability to meet our trust obligations to Indian Country, and to partner with Tribes to make their communities safer. For example, Secretary Haaland established the Missing and Murdered Unit (MMU) within the BIA just months after taking office. The MMU works closely with the Department of Justice, especially the Federal Bureau of Investigation (FBI), to coordinate a centralized intake process for missing and murdered case referrals and conduct investigative activities on current and previously unsolved investigations. On May 25, 2022, Presi-

dent Biden issued Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,” to ensure agencies across the federal government, including public health agencies, are working together to improve the recruitment, retention, and mental well-being of public safety officers. On November 22, 2022, the Department executed a new inter-agency agreement with the Department of Justice to ensure better coordination with the FBI on criminal investigations in Indian Country.

The BIA has also partnered with Tribes to step up enforcement operations to combat the trafficking of illicit drugs in communities on Reservations across the nation. Drug trafficking and drug-related crime, including the ongoing opioid and methamphetamine crises, continue to escalate throughout Indian Country. Tribal officials have consistently called for action toward addressing an increasingly common cause of Indian Country crime by strengthening drug enforcement capabilities throughout the Nation. The Office of Justice Services (OJS) Division of Drug Enforcement (DDE) operates the largest nationwide network of drug enforcement agents dedicated solely to Indian Country. Table 1 and Table 2 demonstrate that the OJS DDE is making an impact by intercepting illicit drugs in Indian Country.¹

And the Administration has worked with this Committee, and with all of Congress, to support legislation and enact laws to improve public safety in Indian Country, including the historic reauthorization of the Violence Against Women Act.

Yet, there are many structural challenges that make it difficult for federal agencies and Tribes to fully ensure public safety in communities across Indian Country. I would like to focus on those structural challenges below.

Funding

Presently, the Department funds public safety and justice services for only 198 out of the total 574 federally recognized Tribes. On March 4, 2024, the Department issued the “Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021” (2021 TLOA report).² This report contains data for funding costs in Indian Country. In 2021, total BIA spending for law enforcement was \$446.7 million, \$125 million for detention facilities, and \$65.3 million for Tribal courts. The 2021 TLOA report estimates the total cost for public safety and justice programs is \$1.7 billion for law enforcement programs, \$284.2 million for existing detention centers, and \$1.5 billion for Tribal courts. Thus, the total estimated unmet obligations identified in the 2021 TLOA report for Tribal law enforcement, detention, and courts funding are just over \$3 billion. The total estimated public safety and justice staffing need for Indian Country is 29,436 full time equivalent personnel. These numbers demonstrate the continued need for additional investment to improve the ability of Tribal public safety systems to fully serve their communities.

To get more boots on the ground, BIA is utilizing different methods to increase the recruitment and retention of law enforcement officers and staff. The recruitment and retention of law enforcement officers and staff for Tribal law enforcement agencies continue to face unique challenges. These challenges include pay parity, the length of background investigations, lack of applicants, and officer wellness.

Currently, our foremost strategy is addressing pay parity by increasing BIA law enforcement pay levels to match with other federal law enforcement. To accomplish this, we completed an upgrade to our uniformed police officer positions during FY 2023, which increased career advancement opportunities, along with corresponding pay increases up to an additional \$30,000 annually for BIA law enforcement officers. We are also utilizing available hiring flexibilities and recruitment and retention bonuses to increase current staffing levels and better support those interested in fulfilling the Department’s unique mission in Tribal communities.

On November 1, 2023, the Department released “Not One More: Findings and Recommendations of the Not Invisible Act Commission” report³ (NIAC report) in coordination with the Department of Justice. The Commission provided recommendations to the Secretary of the Interior and the Attorney General on six topic areas, including the recruitment and retention of Tribal and BIA law enforcement.

To increase recruitment and retention, the Commission recommended that Congress make Tribal law enforcement eligible for federal retirement benefits. The BIA testified in several hearings in support of the proposed legislation to extend federal

¹For example, Table 1 below contains drug seizure data from the Division of Drug Enforcement from 2015 to 2023. Table 2 contains fentanyl seizure data from fiscal years 2018 to 2023.

²See: https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf

³See: https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf

benefits to Tribal law enforcement. This legislation will help with Tribes' ability to recruit and retain law enforcement and increase the overall safety of their communities.

The Department's Law Enforcement Task Force (Task Force) also released their 2023 report on October 27, 2023, which includes a list of findings and recommendations to improve all the Department's law enforcement programs.⁴ That list includes a finding from all Bureaus within the Department citing the length of time to complete background investigations as an impediment to filling open positions in a timely manner. The Task Force recommends streamlining the background investigation process to increase the timeliness of the hiring process.

The BIA has testified in strong support of streamlining the background investigation process as proposed in introduced legislation, specifically the Parity for Tribal Law Enforcement Act. The BIA Office of Justice Services assists Indian Tribes in conducting background investigations for Tribal law enforcement recruits and welcomes a demonstration program to eliminate one of the biggest obstacles to recruitment—the lengthy background investigation process—which would result in the expedited hiring of qualified law enforcement recruits. Currently, our team meets on a weekly basis to ensure the hiring process and background checks move as quickly as possible.

In the past 20 years, Congress has commissioned several reports assessing the state of Tribal law enforcement and public safety, including through the Not Invisible Act, Savanna's Act, and the Tribal Law and Order Act. The Department has contributed to various reports on the state of Tribal law enforcement. The Department has also provided information for many Government Accountability Office and Congressional Research Service reports. Each report reaches many of the same conclusions, including that Tribal law enforcement needs more funding. Strengthening the Department's continued support of 198 federally recognized Tribal police forces and working toward fully funding all 574 Tribes remains a top priority.

Jurisdiction

The jurisdictional framework between Indian Tribes, the federal government, and states is complex, especially with respect to determining criminal jurisdiction. Congress and the courts have tied criminal jurisdiction to several factors to determine who exercises jurisdiction. These factors include type of crime, Indian or non-Indian status of the defendant, Indian or non-Indian status of the victim, and whether or not the crime scene lies within Indian Country. These factors impose significant transaction costs on officers, policymakers, attorneys, judges, and advocates working to address public safety challenges in Indian Country. In Indian Country, determining these factors is often a complex element to be resolved before beginning an investigation.

However, Congress, has legislated to clarify and affirm criminal jurisdiction in Indian Country. These enactments include:

- The 1968 amendments to P.L. 83–280 (P.L. 280), which required states to obtain the consent of the Indian Tribe prior to exercising criminal jurisdiction in Indian Country and permitted states to withdraw from the jurisdictional arrangement;
- The 1991 amendments to the Indian Civil Rights Act, which affirmed Indian Tribes' inherent criminal jurisdiction over non-member Indians;
- The 2010 Tribal Law and Order Act, which enhanced the criminal sentencing authority of Tribal courts;
- The 2013 reauthorization of the Violence Against Women Act, which recognized and affirmed Indian Tribes' inherent jurisdiction to prosecute non-Indians for certain crimes committed in Indian Country;
- The 2022 reauthorization of the Violence Against Women Act, which expanded and reaffirmed Indian Tribes' inherent jurisdiction to prosecute non-Indians for additional crimes committed in Indian Country.

These enactments demonstrate that Indian Tribes themselves can best meet the public welfare and safety needs of communities within their jurisdiction. Despite the successful restoration of jurisdiction over certain crimes, the Supreme Court of the United States (SCOTUS) added more complexities to the framework.

In *McGirt v. Oklahoma*, SCOTUS held that the Muscogee Creek Nation continued to have criminal jurisdiction over all the land reserved for the Tribe in an 1866 Treaty. This decision was complicated by the Court's decision in *Castro-Huerta v. Oklahoma*. In *Castro-Huerta*, SCOTUS determined that the federal government and

⁴See: <https://www.doi.gov/sites/doi.gov/files/doi-letf-aspiration-to-action.pdf>

states have concurrent jurisdiction over non-Indians who commit crimes against Indians in Indian Country. This recognition of states' expanded jurisdiction occurred without the consent of sovereign federally recognized Tribes, and without regard to the weight of the historical understanding of the limits on state authority in Indian Country, which Congress has relied upon in enacting legislation involving Indian Country jurisdiction, including 18 U.S.C. § 1152. These decisions combined with P.L. 280 jurisdiction make Indian Country jurisdiction more complex, confusing, and ripe for unintended consequences.

The NIAC report contained recommendations on addressing the jurisdictional complexities within Indian Country. These recommendations include (1) amending P.L. 280 to allow Tribes to opt out of state jurisdiction and (2) restoring jurisdiction to Tribes to be able to prosecute all crimes that occur on Tribal lands.

Tribal Courts

Tribal courts are an essential aspect of Tribal sovereignty and are an opportunity for Tribes to run their own justice systems. There are approximately 400 Tribal justice systems throughout the nation. The focus of all these courts is to address the underlying causes of issues "upstream" to prevent tragic crimes from occurring which debilitate Native communities. Tribes are better suited to provide best practices and discuss challenges with their peers.

Many Tribes are reforming or creating judicial systems which incorporate traditional and cultural aspects to create a more effective measure to address trauma induced circumstances within their communities through Healing to Wellness Tribal Courts.

Healing to Wellness courts have provided positive results in healing and strengthening Tribal communities. These courts address child dependency and family matters brought by the Tribal Social Service Directorate and play an essential role in family reunification by providing support and services needed for parents who wish to complete a family reunification plan. Tribes have seen an improvement in the reunification process when relatives and community members provide encouragement and support to those families needing assistance. Reunification is more successful through the Healing to Wellness court process, as is addressing addiction issues, which often go hand in hand with child dependency cases.

Additional resources are needed to ensure the continued success of Tribal courts. The NIAC report recommended increasing funding for Tribal Courts for safety, equipment, and technology.

Other Resource Challenges

Many resources are needed to help fully staff Tribal public safety agencies. This includes housing, updated equipment, and the improvement of Tribal public safety data collection.

Housing for Tribal public safety staff is important for recruitment and retention. Many Tribal communities are in remote areas and law enforcement recruits often must relocate to those communities for their jobs. It is no secret that housing needs within Tribal communities are very high. Housing conditions vary from community to community, but homes are often overcrowded, lack running water and heat, and need replacement. These conditions combined with traveling long distances from home to work contribute to fatigue on Tribal law enforcement staff and the faster deterioration of public safety equipment.

The Task Force report and NIAC report specified that Department law enforcement officers identified having updated equipment and technology resources as one of the top priorities needed to support their safety. Ensuring all Tribal officers have access to reliable, top-tier equipment can contribute to their safety in the field. Because many Tribal communities and homes are located in remote areas with unpaved roads, public safety vehicles accumulate greater wear and tear and need to be routinely replaced. Tribal law enforcement officers often respond to highrisk calls alone in remote areas and face greater rates of death in the line of duty. They heavily rely on field communications, like land mobile radios, to respond to calls and maintain officer safety. Expanded radio coverage would minimize "no coverage" areas, and video and data capabilities should be included to increase officer safety and reduce the stress of uncertainty regarding whether assistance will be available.

Another component to ensuring Tribal law enforcement officer safety is access to law enforcement data systems. State and federal law enforcement agencies utilize their own data systems to track important information like warrants, missing individuals, unsolved crimes, evidence, and the level of danger a person charged with or convicted of a crime poses. These systems often do not communicate with each other and contribute to data gaps in Tribal communities. Tribal law enforcement agencies also do not always have access to these systems. Even if they do have ac-

cess, individuals must be trained to use federal systems and many Tribal law enforcement agencies often do not have the staff to take advantage of that training. Consolidating those existing law enforcement systems would improve the capture of public safety data, and allowing Tribal law enforcement agencies to access that consolidated system would also ensure Tribal officer safety in the field.

Conclusion

Under the historic leadership of Secretary Haaland, the Department and BIA continue to develop and work on meaningful solutions to assist Tribal law enforcement and Tribal communities. This work includes prioritizing and reinforcing Tribal sovereignty and self-determination by supporting Tribal Nations and delivering important resources to increase public safety in Tribal communities.

Chairman Schatz, Vice Chairman Murkowski, and members of the Committee, thank you for the opportunity to provide the Department's views. We look forward to working with Congress to affirm and support Tribal sovereignty and public safety within Tribal communities. I am happy to answer any questions that you may have.

TABLE 1—Amount of Drugs Seized (pounds) Note: Totals may not add due to rounding.

| | 2015 Achieved | 2016 Achieved | 2017 Achieved | 2018 Achieved | 2019 Achieved | 2020 Achieved | 2021 Achieved | 2022 Achieved | 2023 Achieved |
|-----------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Cocaine Powder | 1.00 | 105.70 | 54.15 | 34.19 | 96.8 | 38.5 | 797.4 | 173.513 | 67.112 |
| Cocaine Crack | 0.758 | 0.375 | 0.60 | 110.56 | 1.0 | 1.4 | 0.56 | .6134 | 1327.460 |
| Heroin | 5.74 | 67.88 | 16.49 | 47.89 | 42.1 | 64.5 | 162.9 | 40.580 | 10.193 |
| MDMA (Ecstasy) | .002 | 29.16 | 0.29 | .33 | 7.7 | 2.6 | 1.5 | 101.416 | 4.789 |
| Meth Crystal | 64.90 | 64.21 | 56.13 | 248.21 | 72.6 | 336 | 188.36 | 2866.958 | 514.399 |
| Meth Powder | 0 | 20.93 | 34.88 | 264.46 | 475.7 | 1,019.9 | 880.4 | 636.095 | 1295.247 |
| Processed Marijuana | 1,725 | 2,173 | 6,223.89 | 19,413.62 | 5,460.9 | 4,413.5 | 50,660 | 6988.911 | 6429.285 |
| Prescription Drugs Seized | 96.58 | 96.21 | 8.0 | 53.66 | 106.2 | 12.3 | 54.04 | 28.539 | 34.343 |
| Other Drugs Seized* | 72.29 | 70.78 | 409 | 227.63 | 15,220.6 | 125.2 | 764.3 | 3361.338 | 693.693 |
| Marijuana (# Plants = lbs.) | 24,453 | 13,979 | 6,097 | 666.1 | 10,862.7 | 232,455 | 3531.78 | 119,276 | |
| | | 42,201 | | | | | | | |
| Totals in Pounds | 26,419 | 16,607 | 12,900 | 62,601.49 | 22,149.6 | 16,876.6 | 285,964.11 | 17,729.75 | 10,492.80 |

*This category includes drug seizures conducted within Indian Country by other law enforcement agencies that did not involve BIA Office of Justice Services or Division of Drug Enforcement, including seizure of fentanyl. Table 2 below provides seizure information for fentanyl only.

Table 1 depicts the overall drugs seized in Indian Country from FY 2015 through FY 2023. The totals were derived from the Office of Justice Services crime statistics database, which includes the monthly drug reports submitted by Tribal programs, the Department of the Interior Incident Management, Analysis and Reporting System, and the BIA Division of Drug Enforcement case logs.

TABLE 2—Division of Drug Enforcement Fentanyl Seizures

| Fiscal Year | Sum of Fentanyl Powder (lbs.) | Sum of Fentanyl Pills (drug units) |
|-------------|-------------------------------|------------------------------------|
| 2018 | | 17,900.00 |
| 2019 | 0.014 | 3,463.00 |
| 2020 | 8.92 | 257,491.00 |
| 2021 | 38.42 | 108,064.97 |
| 2022 | 45.50 | 263,411.00 |
| 2023 | 74.69 | 498,103.08 |
| Total | 167.54 | 1,148,433.05 |

Table 2 depicts the overall fentanyl seizures conducted by the BIA Division of Drug Enforcement.

The CHAIRMAN. Thank you very much.

Ms. Kunesh, please proceed with your testimony.

**STATEMENT OF HON. PATRICE KUNESH, COMMISSIONER,
ADMINISTRATION FOR NATIVE AMERICANS, U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Ms. KUNESH. [Greeting in Native tongue.] Chairman Schatz, Vice Chair Murkowski, and distinguished members of the Committee, thank you for the opportunity to testify today and to offer our thoughts on behalf of the U.S. Department of Health and Human Services. My name is Patrice Kunesh, and I am the Commissioner of the Administration for Native Americans. I am also the Deputy Assistant Secretary for Native Affairs in the Administration for Children and Families, and I serve as the Chair of the HHS Intradepartmental Council on Native American Affairs.

My grandfather was born in 1902 on the Fort Berthold Reservation in North Dakota, home of the Three Affiliated Mandan, Hidatsa, and Arikara Tribes, and he grew up in Fort Yates on the Standing Rock Reservation. Like most Native American families at the time, he also was impacted by painful separations due to boarding schools like the Carlisle Indian Industrial School.

At the time he was born, Native Americans were not considered citizens of the United States. It feels remarkable that his granddaughter is now leading a Federal agency whose sole mission is to support the social and economic development of Native people and promote tribal governance and the revitalization of their languages and cultures.

HHS has been tackling these and many other issues head-on for some time, providing a full spectrum of integrated and culturally appropriate care to the Native peoples it serves. It is deeply engaged in providing health and human services in every Native community.

For example, my agency, ANA, has long provided grant funding to tribes and Native organizations that support trauma-informed services and prevention efforts, as well as culturally grounded programs such as Native languages, indigenous art, agricultural practices, tribal co-development, as well as workforce training. Even

broader work is being done through our HHS partners to address consequences of violence in Indian Country, much of which is highlighted in the recommendations of the Not Invisible Act Commission, or NIAC, which lays out a whole-of-government response to the public safety crisis in Indian Country.

I was honored to be one of three HHS commissioners on the NIAC, and part of the drafting team for the report and recommendations. It has also been a privilege to partner with my Federal partners here, DOI and DOJ, in the interagency ICWA work group to strengthen child welfare practices across the Country.

ACF's work in preventing violence and human trafficking and supporting victims and survivors is guided by our ACF Missing and Murdered Indigenous Peoples Action Plan. It is supported also by the Office on Trafficking in Persons, which leads national efforts to prevent trafficking and protect survivors, helping them rebuild their lives and become self-sufficient.

OTIP does this through programs such as the Victims of Human Trafficking in Native Communities Demonstration Program, and the Look Beneath the Surface campaign. For 40 years, FVPSA tribal grants have helped tribes deliver programs that prevent family violence, domestic violence, and dating violence and provides immediate shelter and supportive services to victims.

Our child welfare capacity building collaborative also is just one of a wide range of programs and resources provided by ACYF to address MMIP and human trafficking prevention needs of Native communities. ACF also funds four hotlines that collectively offer access to assistance and services for those impacted by MMIP and survivors of human trafficking.

In addition, the Biden-Harris Administration has advanced rule-making to allow HHS and Federal partners to better understand the status and experiences of children and families in Native communities, and to remove institutional barriers that impede their well-being.

Thank you for the opportunity to address the health and well-being and safety needs of our Native peoples throughout the United States. I am happy to address your questions. Wopila tanka.

[The prepared statement of Ms. Kunesh follows:]

PREPARED STATEMENT OF HON. PATRICE KUNESH, COMMISSIONER, ADMINISTRATION FOR NATIVE AMERICANS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Introduction

Chairman Schatz, Vice Chairman Murkowski, and distinguished Members of the Committee, thank you for the opportunity to join my colleagues from the U.S. Departments of Justice and the Interior to appear before you today on behalf of the U.S. Department of Health and Human Services (HHS or the Department). My name is Patrice Kunesh, and I am the Commissioner of the Administration for Native Americans (ANA). I also am the Deputy Assistant Secretary for Native Affairs in the Administration for Children and Families (ACF) and serve as the Chair of the HHS Intradepartmental Council on Native American Affairs.

My grandfather was born in 1902 on the Fort Berthold Reservation in North Dakota, home of the Three Affiliated Mandan, Hidatsa, and Arikara Tribes, and he grew up in Fort Yates on the Standing Rock Reservation. Like most Native families at the time, his also was impacted by painful separations due to boarding schools like the Carlisle Indian Industrial School. Those scars lasted a lifetime, and the trauma was passed on to the next generations. At the time he was born, Native Americans were not considered citizens of the United States. This year marks the

100th anniversary of the Indian Citizenship Act of 1924, which granted him and other Native Americans full citizenship and paved the way for their voting rights. Growing up, I heard his stories about the hard life of the “old days”, and it feels remarkable that his granddaughter is now leading a federal agency whose sole mission is to support the social and economic development of Native people and promote Tribal governance and the revitalization of their languages and cultures.

I first learned about the ANA as a law student and then a staff attorney at the Native American Rights Fund (NARF). My first assignment at NARF was to review the procedural protections of the Indian Child Welfare Act (ICWA) of 1978 and assess the gaps in state court proceedings and options for Tribes to strengthen their programs to rebuild the bonds of families. This extensive, multi-year project was supported by ANA funding. ANA was established by the Native American Programs Act of 1974, so we have cause to celebrate another significant milestone—ANA’s 50th anniversary—and reflect on ANA’s legacy of impactful investments in Native people and communities for five decades.

I am pleased to have the opportunity to share some of HHS’s efforts to promote public safety and the well-being of American Indian, Alaska Native, and Native Hawaiian people and communities. My testimony will focus on the human and social service supports provided by HHS in addressing two of the most dire public safety crises in Indian Country—missing and murdered Indigenous peoples (MMIP) and human trafficking.

Research indicates that Native people have long experienced violence and crime victimization at exceptionally higher rates than non-Native people. This chronic exposure to violence originates in large part from the federal government’s inhumane reservation and boarding school policies aimed at separating Native people from their land and cultures and Native families from their children. While Native communities have inherent strengths to cope with such generational trauma, mainly through language and cultural lifeways, generations of hostility and loss have left a legacy of broken systems of care and poor health outcomes.

The Department is the federal agency responsible for enhancing social and human services at the state and Tribal levels, and for protecting the welfare of children and families. Thus, HHS holds a critical role in the federal government’s collective responsibility to address this legacy and to mend the wounds of generations of trauma and violence against Native people. The Department is committed to honoring our Nation’s obligations to support the health and well-being of Native people and to enhancing our coordination of these services and responses with our federal partners. In doing so, we also recognize the responsibility to elevate the capacity of Tribal governments and recognize their essential roles in delivering programs and making decisions about their use of funding and resources.

HHS Partnership and Federal Coordination

HHS provides a full spectrum of integrated and culturally appropriate care to the Native peoples it serves. From the front-line health and triage care provided by the Indian Health Service to the mental and behavioral health services and supports provided by the Substance Abuse and Mental Health Services Administration (SAMHSA), as well as the trauma-informed care provided by ACF, HHS is deeply engaged in providing health and human services in every Native community.

Much of what is being done within HHS to address the consequences of violence in Indian Country is highlighted in the recommendations of the Not Invisible Act Commission (NIAC), which lays out a whole-of-government response to the public safety crisis in Indian Country. I was honored to be one of the three NIAC commissioners for HHS and part of the drafting team for the report and recommendations. The NIAC Commissioners seek real action and substantial investments in public safety and social and human services to prevent further harm and distress to Native people and then to catalyze the healing of whole families and communities. In addition, as Chair of the Interdepartmental Council on Native American Affairs, I am leading HHS’s response to the NIAC Report. We anticipate submitting HHS specific responses to supplement the March 5, 2024 submitted NIAC Report in the coming weeks.

The Commissioner of the Administration for Children Youth and Families (ACYF), which oversees the Children’s Bureau, and I also are extensively engaged in the interdepartmental ICWA Interagency Work Group, along with principals from the Departments of the Interior and Justice. The ICWA Work Group meets regularly to address interagency issues such as data interoperability, Tribal representation and capacity building, and regulatory changes. For instance, we recently met to review *The Way Forward Report of the Alyce Spotted Bear & Walter Soboleff Commission on Native Children* and discuss how each of our agencies can implement its recommendations.

HHS has been tackling these issues head-on for some time. Our approach can generally be described as providing services and grant funding specifically related to the prevention, intervention, and healing of all forms of trauma and violence to Native people. HHS has a strong track record in Indian Country funding programs and services to address behavioral health and substance use, as well as shelters and emergency and temporary housing, community supports for Tribal governments, and valuable data collection services. The ANA, for example, has long provided grant funding to Tribes and Native organizations that support trauma-informed services to victims of violence, including combat veterans, and culturally grounded programs such as Native languages, Indigenous art and agriculture ecologies, peer counsellors, Tribal code development, as well as work force training. Some of the most important work we are doing in ANA is helping to preserve and revitalize Native languages, which is central to Native identity and cultural ways of life, and integral to healing and resilience.

Even broader work is being done through our HHS partners. In the area of behavioral health in Native communities, for instance, SAMHSA has promoted Project AWARE (Advancing Wellness and Resiliency in Education). This program provides treatment, support, and recovery services to survivors of violence by funding four Tribal-only grant programs that aim to address mental health and substance use disorders and crisis response in Tribal communities. In addition, the Centers for Disease Control and Prevention, recognizing the importance of accurate data on Native Americans to understand the scope of the crisis of murdered, missing, and trafficked persons, conducts the National Intimate Partner and Sexual Violence Survey (NISVS). This survey collects the most current and comprehensive national and state-level data on intimate partner violence, sexual violence, and stalking victimization in the United States. The data inform both intervention strategies and prevention efforts. These are just some of the ways HHS is working to positively impact the health and well-being in Native communities.

ACF Actions to Address MMIP and Human Trafficking in Native Communities

ACF is especially committed to preventing violence and human trafficking and ensuring that victims and survivors of all forms of violence have access to meaningful services and supports across the country, including in Native communities. This work is closely informed by both Tribal leaders through our Tribal Advisor Committee and the Native communities we serve.

We know that the MMIP and human trafficking epidemics encompass a wide scope of crimes, including domestic violence. ACF's work in this area is guided by the ACF MMIP Action Plan, which identifies specific ways to leverage ACF's grant funding, community engagement, and rulemaking authority to expand and create more flexibility in funding programs and services to Tribes and Native communities. For example, ACF recently recommended, and the Department of the Interior approved, Tribes to integrate ACF's Family Violence Prevention and Services Act (FVPSA) programs related to the Public Law 102-477, the Indian Employment, Training, and Related Services Demonstration Act of 1992 (477 Program)/TribalTribal. The integration of this and other ACF programs not only enhances funding by streamlining service delivery and also empowers Tribes to address their particular needs in the most culturally appropriate ways.

Our research and experiences here tell us two things: 1) the most successful and long-lasting work is community-driven, especially in Indian Country; and 2) culture is prevention—the evidence shows that culture is a protective social determinant of health for Native people. One of ACF's most engaged programs in this area is the Office on Trafficking in Persons, OTIP, which supports and leads systems that prevent trafficking and protect survivors, helping them rebuild their lives and become self-sufficient. OTIP serves Native communities in several ways:

- The Victims of Human Trafficking in Native Communities Demonstration Program, providing funding to organizations such as the Alaska Native Justice Center (Anchorage, Alaska), Child and Family Service (Ewa Beach, Hawaii), and the YMCA of the North (Minneapolis, Minnesota), to build, expand, and sustain community and organizational capacity to provide services to Native peoples who have experienced human trafficking.
- The Look Beneath the Surface Campaign raises public awareness about human trafficking and the factors that make certain communities more at risk.
- OTIP and ANA are holding a listening session on Native Children Missing from Care, both virtual and in-person, to better understand the definition of a “missing” child, gaps in government responses and resources, and services needed for the children and youth in these situations. Specifically, this OTIP and ANA

joint listening session will hear directly from stakeholders and partners across the country about their lived experiences so we can develop strategies to intervene and prevent further tragedy.

In addition, ACF's Office of Family Violence Prevention Services (OFVPS) administers FVPSA programs. For 40 years, FVPSA Tribal grants have helped Tribes deliver programs that prevent family violence, domestic violence, and dating violence, and provide immediate shelter and supportive services. I accompanied OFVPS' Tribal team in their visit to one of these programs on the Standing Rock Reservation in South Dakota, my mother's community, and was quite impressed by the extensive services it provides to community members from both North and South Dakota and the adjoining Cheyenne River Sioux Reservation. The FVPSA-funded programs screen for and identify survivors of human trafficking, survivors of domestic violence, and those who have experienced dating violence. Appropriate services are provided to support their unique needs, including temporary housing and child care.

Further, in fiscal year (FY) 2023, OFVPS awarded \$7.5 million of FVPSA funding to support 35 cooperative agreements—such as with the Pacific Community of Alaska, the Nevada Urban Indians, Inc., and the South Dakota Network Against Family Violence and Sexual Assault. These agreements support Culturally Specific Domestic Violence and Sexual Assault grants for Native-serving organizations to build and sustain their organizational capacity in delivering trauma-informed, developmentally sensitive, culturally relevant services for children, individuals, and families affected by sexual assault, domestic violence, and other traumas. In addition to these awards, OFVPS supports the StrongHearts Native Helpline. This service offers support to Native survivors of domestic violence and dating violence, including peer support, crisis intervention, personalized safety planning, and referrals for Tribal and Native-centered supportive services to callers. StrongHearts also maintains a Native-specific referral database of over 318 Native-centered direct service providers.

ACF's ACYF also provides a wide range of programs and resources to address the MMIP and human trafficking prevention needs of Native communities. For example, ACYF's Children's Bureau (CB) funds the Child Welfare Capacity Building Collaborative (Collaborative), a partnership among the Center for States, the Center for Tribes, and the Center for Courts. The Collaborative provides tailored technical assistance to jurisdictions that request assistance and resource supports to peer groups on Preventing and Addressing Sex Trafficking. One of these groups, the Preventing and Addressing Human Trafficking in Child Welfare Peer Group, promotes collaboration among child welfare professionals responsible for coordinating the response to human trafficking and the multidisciplinary partners they work with, including law enforcement, courts, and service providers. In addition, CB's Capacity Building Collaborative and Regional Offices support Tribal child welfare programs, provide grants to strengthen Tribal courts' capacity to oversee child welfare cases, and funding to strengthen State-Tribal partnerships that promote best practices in Indian child welfare proceedings. Further, Tribes can request technical assistance specifically for issues around sex trafficking from CB's Capacity Building Center for Tribes.

Finally, in addition to the StrongHearts Native Hotline, ACF funds three other hotlines that collectively offer access to assistance and services for MMIP and survivors of human trafficking. These include: (1) the National Human Trafficking Hotline, a 24/7, confidential, multilingual resource that provides information and service referrals for people at risk for, currently experiencing, or who have experienced human trafficking; (2) The 24/7 National Runaway Safeline, which operates the National Communication System for Runaway and Homeless Youth program; and (3) The 24/7 National Domestic Violence Hotline, which provides information and assistance to victims, advocates, government officials, law enforcement agencies, and the public.

Regulatory Action

Investing in Native communities by providing them the services and supports they need to improve their health and well-being is a high priority for HHS. In addition to the efforts and programs mentioned above, recent regulatory actions by the Biden-Harris Administration will advance this priority by allowing HHS and our federal partners to better understand the status and experiences of children and families in Native communities and removing institutional barriers that impede their well-being.

Adoption and Foster Care Analysis and Reporting System—Indian Child Welfare Act

As noted above, information systems are integral to intervention and prevention strategies. ACF has one of the most robust data systems for collecting and assessing

encounters in the child welfare system, which is also crucial to reducing family separation where possible. One such tool is the Adoption and Foster Care Analysis and Reporting System (AFCARS), the data from which are used for a variety of requirements, including providing national statistics on the child welfare population and sex trafficking data.

On February 28, 2024, HHS issued a notice of proposed rulemaking that would require state title IV–E agencies to report additional information related to ICWA procedural requirements. This additional AFCARS information would help HHS, researchers, and policymakers better understand the status and experiences of American Indian and Alaskan Native children and families interacting with the state child welfare systems and better address their continuing overrepresentation in foster care and other poor outcomes. Further, the proposed additional data collection would enable HHS, other Federal agencies, states, and Tribes to target policy development, training, and technical assistance to specific areas of need to mitigate disproportionality for American Indian and Alaskan Native children and families, support pathways to timely permanency for these children, and help maintain the integrity of families and communities.

Kinship Final Rule

ACF believes that families belong together, and we aim to strengthen and rebuild the bonds of Native families. Today, millions of children across the country are cared for primarily by their grandparents, aunts and uncles, and other relatives, who provide a safe and loving home when parents are unable to do so. Research shows the benefits of keeping children with their own relatives when parents are unable to take care of them, highlighting the importance of close family and community connections, preservation of cultural identity, and enhanced placement stability when compared to non-relatives. However, despite ICWA protections, Native children are overrepresented in state foster care at a rate almost three times greater than their proportion in the general population. Nearly every Native family in the United States has been deeply affected by government-induced family separation. Removing Native children from their families has become normalized and systemic—it is done bureaucratically through child welfare systems, court proceedings, and social services.

On September 27, 2023, HHS issued a final regulation that allows states to remove barriers to kin caregivers by creating separate licensing standards for kin caregivers. Importantly, this includes recognizing Native kinship care and Tribal government kinship care licensing procedures. Under this rule, family care providers may become licensed foster care providers and receive full financial support from the state. Previously, all foster homes needed to meet the same licensing standards, regardless of whether the caregiver was family. While all kin caregivers will continue to be subject to criminal background checks, states can now create a more straightforward path to financially supporting kinship care. Each state will determine how to operationalize this opportunity. To date, CB has already approved five states and two Tribes to operate licensing standards designed for relative providers, and plans submitted by three additional jurisdictions are under review.

Increasing Investment

The President's FY 2025 Budget supports the Department's mission to promote the health and well-being of all Americans. This budget outlines increases in Indian Country for the Indian Health Service and specifically for Public Safety, for Opioid and Substance Use (\$21 million), and Maternal Health (\$7 million). In addition, the President's FY 2025 budget offers a historic opportunity for ACF programs to enhance how we support human service delivery to children, families, and communities across the country. The budget reflects our nation-to-nation commitment to Tribes with a request of \$66 million for Native American Programs, which is a \$5 million increase for Native American Language Programs. In addition to supporting up to 20 new grant awards, the increase includes \$2 million to support a survey on the use of Native American languages in the United States, as required by the Durbin Feeling Native American Languages Act of 2022. The budget also includes a legislative proposal to provide Tribes the authority to create Tribally determined, culturally informed, high-quality early childhood services for young children and their families.

Conclusion

Thank you again for the opportunity to address this Committee on the health, well-being, and safety of Native people throughout the United States. I appreciate the Committee's attention to this vitally important issue. Please let me know if you have any questions. Wopila tanka.

The CHAIRMAN. Thank you very much.
Ms. Randall, please proceed with your testimony.

**STATEMENT OF ALLISON RANDALL, PRINCIPAL DEPUTY
DIRECTOR, OFFICE ON VIOLENCE AGAINST WOMEN, U.S.
DEPARTMENT OF JUSTICE**

Ms. RANDALL. Thank you, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee for inviting me to speak about public safety and justice resources in Native communities.

Combatting domestic violence, sexual assault, stalking and sex trafficking by implementing the Violence Against Women Act and the recommendations of the Not Invisible Act Commission are essential to improve public safety and reduce violent crime. That is not just because the rates of these crimes are staggering and disproportionate, though they are; it is also because reducing these crimes reduces other types of crimes. People who use violence in their communities use violence at home. Addressing the crimes of domestic and sexual violence can stop those perpetrators from committing other types of violence.

This is just one crucial reason why recognizing tribes' inherent authority over non-Indian perpetrators of an expanded set of crimes was so important. I want to thank the Committee for your work to make that happen.

Thanks to VAWA 2022, tribes can prosecute more crimes of domestic violence as well as sexual violence, stalking, sex trafficking, and more. They can hold perpetrators accountable before there is a murder, before someone goes missing. Accountability is prevention. There are now at least 32 tribes exercising some type of STCJ, with 12 exercising jurisdiction over the expanded set of crimes. Just last week, we announced funding for 14 tribes under our new VAWA program to reimburse expenses incurred in exercising special tribal criminal jurisdiction, and the President's budget request more than doubled last year's funding for that STCJ grant and reimbursement program.

Two other crucial initiatives have been creating a framework for the pilot program for Alaska Native villages to exercise STCJ and providing dedicated funding for any Alaska tribe to undertake activities, updating codes or hiring prosecutors that they would need to have in place to exercise STCJ.

I just returned from that convening in Fairbanks, and with a boost from Senator Murkowski, we had an overflowing crowd. I expect more Alaska tribes to take advantage of DOJ support this year. That support is desperately needed.

At OVW's annual tribal consultation in 2022, Gloria George and her colleagues from the Asa'carsarmiut tribe testified about the horrific abuse they had experienced and the need for law enforcement, housing, broadband internet, and flexible funding. Gloria ended by saying, you know, we are here with so much hope, all of us, hoping that we make a change. When you all go back to Washington, you carry all of our hopes back with you.

Then we learned that shortly before she spoke, her niece had been founded murdered. But still Gloria entrusted us with her hope.

As a Not Invisible Act commissioner, I am proud to say that DOJ is actively working to address this crisis and respond to every NIAC recommendation within our statutory authority. We are launching the Healing and Response Teams initiative, funding more tribal special assistant U.S. attorneys, allowing victims of Crime Act funding to support families and search efforts for missing persons.

And I have to say, making it easier to get and then manage Federal funding was one of the most frequent committees on the NIAC committees on which I served. All three DOJ grant components are prioritizing this. We are making progress.

The Knik tribe recently told me that one of our streamlined applications was so much simpler that for the first time, they had been able to submit a complete application for an OVW grant. But there is so much more that needs to be done. DOJ leadership and staff are committed to making that happen.

Our acting associate attorney general is in New Mexico today meeting with the Pueblo of Acoma. I do a lot of site visits to see first-hand what is happening on the ground in tribal and Native Hawaiian communities, and to build trust. I have promised that we would keep coming back, and we are. We have even hired staff based across Indian Country and Alaska.

DOJ knows that the best solutions to public safety challenges come from the communities and the survivors we serve. So we will keep listening and keep asking to be held accountable for our efforts to improve. We will take that hope we were entrusted with and turn it into action.

Thank you, and I welcome the opportunity to answer your questions.

[The prepared statement of Ms. Randall follows:]

PREPARED STATEMENT OF ALLISON RANDALL, PRINCIPAL DEPUTY DIRECTOR, OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEPARTMENT OF JUSTICE

Thank you, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee for inviting me here to speak with you today regarding implementation of the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) and the Department of Justice's (the Department or DOJ) response, in coordination with the Department of the Interior, to the recommendations of the Not Invisible Act Commission. It was an honor for me to serve on that Commission alongside Tribal leaders, survivors, family members of victims, federal partners, law enforcement, and service providers, and I am grateful to Department leadership, including our Office of Tribal Justice, for their commitment to addressing the crisis of missing or murdered Indigenous persons and human trafficking.

As Principal Deputy Director for the Department's Office on Violence Against Women (OVW), I am dedicated to carrying out the mandates of the Violence Against Women Act (VAWA) and its reauthorizations, which include carefully crafted provisions designed to end domestic violence, dating violence, sexual assault, stalking, and sex trafficking in Tribal and Indigenous communities. OVW administers financial and technical assistance to communities across the country working to prevent and respond to these crimes and improve support for victims/survivors, including Tribes, Tribal organizations, and Native Hawaiian and other culturally specific communities. Advancing Tribal sovereignty, increasing public safety in Indian country, Alaska Native Villages, and Native Hawaiian communities, and supporting community-driven solutions that respond to the unique history of Hawai'i are all of great importance to the Department and OVW. OVW recognizes the diverse strengths and challenges of the differently situated Tribes, including those in Alaska, and Native Hawaiian communities.

This work cannot be done without partnerships with American Indian, Alaska Native, Native Hawaiian, and other Indigenous communities. OVW consults with

Tribes formally once per year—through its Annual Government-to-Government Violence Against Women Tribal Consultation—and informally throughout the year to obtain feedback and specific recommendations as to how OVW's Tribal Affairs Division (TAD) can best support current and potential Tribal grantees in obtaining and administering grant funding. OVW consults informally with Native Hawaiian communities through outreach, meetings, and site visits. In the last six weeks, I have traveled to both Hawai'i and Alaska, as well as all three Pacific Territories; in addition I have made multiple prior trips to Indian country and Alaska and to meet with Urban Indian Organizations.

In addition to increased engagement, we have strengthened our staff support for American Indian, Alaska Native, Native Hawaiian, and other Indigenous communities. OVW's TAD is an integral part of OVW's work in responding to the sometimes rapidly evolving needs of different Tribal communities. TAD is led by Sherriann Moore, Rosebud Sicangu' Lakota, who serves as OVW's Deputy Director for Tribal Affairs and coordinates OVW's annual Tribal consultation. In recent years, TAD has experienced tremendous growth: OVW heard from Tribal leaders and advocates that they needed more support from OVW staff and, as a result, TAD has more than doubled its staffing to 14 staff members, many of whom are located in Tribal communities and have extensive experience working with Tribes. In addition, we have hired a Senior Policy Advisor on Culturally Specific Communities (a position created by VAWA 2022) and increased staffing for our culturally specific grant programs.

VAWA 2022

Congress has responded to the shocking rates of violence against American Indian and Alaska Native (AI/AN) women by strengthening VAWA and recognizing the impact of historical trauma in Tribal and Indigenous communities. In 2021, the rate of homicide involving AI/AN victims was nearly four times higher than the rate of homicides involving non-Hispanic white victims.¹ In Alaska the previous year, the homicide rate was nearly 10 times higher for AI/AN populations than it was for whites.² According to data from the Centers for Disease Control and Prevention, from 2003 to 2018, 45 percent of homicides of female AI/AN victims involved intimate partner violence, similar to women of other racial/ethnic groups.³ According to the National Intimate Partner and Sexual Violence Survey, more than two in five (non-Hispanic) AI/AN (43.7 percent) women were raped in their lifetime⁴ and more than half (57.7 percent) of (non-Hispanic) AI/AN women reported experiencing intimate partner violence (contact sexual violence, physical violence, and stalking).⁵ In an examination of data regarding violence against AI/AN men and women, the National Institute of Justice reported that AI/AN peoples were significantly more likely to have experienced violence by a perpetrator of a different race at least once in their lifetimes.⁶

Native Hawaiian women are also impacted by disproportionate rates of violence. Nearly 18 percent of Native Hawaiian adult women have experienced intimate partner violence in their lifetimes, which is almost twice the rate of non-Native Hawai-

¹CDC works to prevent violence against American Indian and Alaska Native people. (2022). Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. <https://www.cdc.gov/injury/pdfs/tribal/Violence-Against-Native-Peoples-Fact-Sheet.pdf>. (Analyzing National Vital Statistics System data.)

²Web-based Injury Query and Reporting System (WISQARS). Centers for Disease Control and Prevention. Accessed on April 10, 2024. <https://www.cdc.gov/injury/wisqars/index.html>.

³Petrosky, E., Mercer Kollar, L.M., Kearns, M.C., et al. (2021, November). Homicides of American Indians/Alaska Natives—National Violent Death Reporting System, United States, 2003–2018. *MMWR Surveillance Summaries*, 70(8), pp. 1–19. DOI: <http://dx.doi.org/10.15585/mmwr.ss7008a1>.

⁴Basile, K.C., Smith, S.G., Kresnow, M., Khatiwada S., & Leemis, R.W. (2022). The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Sexual Violence. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. <https://www.cdc.gov/violenceprevention/pdf/nisvs/nisvsReportonSexualViolence.pdf>.

⁵Leemis R.W., Friar N., Khatiwada S., Chen M.S., Kresnow M., Smith S.G., Caslin, S., & Basile, K.C. (2022). The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. https://www.cdc.gov/violenceprevention/pdf/nisvs/NISVSReportonIPV_2022.pdf.

⁶Rosay, AB (2016). Violence against American Indian and Alaska Native women and men: 2010 findings from the national intimate partner and sexual violence survey. <https://www.ojp.gov/pdffiles1/nij/249736.pdf>.

ians in the state of Hawai‘i.⁷ In a recent study on sex trafficking in Hawai‘i, 64 percent of sex trafficking victims self-identified as being all or part Native Hawaiian.⁸

In VAWA 2022, Congress—with leadership from members of this Committee—sought to address the deeply disturbing lifetime incidence of violence experienced by AI/AN people by recognizing Tribal criminal jurisdiction over non-Indian offenders who commit an expanded set of covered crimes (known as Special Tribal Criminal Jurisdiction or STCJ) and updating and expanding other crucial Tribal provisions. The Department has been working diligently to implement these provisions, including by creating a framework for the Alaska Pilot Program—a multifaceted initiative addressing public safety needs in Alaska Native communities by supporting Alaska Native Villages interested in pursuing designation by the Attorney General to exercise STCJ. The Alaska Pilot Program, while still in its early stages, represents a collaboration across multiple DOJ components, including OVW, to develop a structure, process, and procedures for interested Alaska Tribes that are responsive to Tribal feedback and Tribes’ understandable desire to exercise autonomy over the public safety needs of their Villages. The Department hopes that, through its implementation, this Pilot Program will provide Alaska Native Villages with much needed access to funding opportunities, training, and other forms of criminal justice capacity building.

In addition, since VAWA 2022’s enactment, OVW has rolled out a newly authorized program to reimburse Tribes nationwide for expenses incurred in exercising STCJ. The President’s FY 2025 Budget, which requests a \$14 million increase for grants to support expanded Tribal criminal jurisdiction (including funding for Tribes in Alaska) and the Tribal Reimbursement Program, reflects the Administration’s steadfast commitment to supporting the sovereign authority of Tribes to address public safety in their communities.

While these activities have been our main focus, OVW also has been deeply engaged in finding new and creative ways to improve Tribes’ access to and administration of grant funds by making Tribal grant applications and progress reports simpler, reducing documentation requirements, holding regional workshops across the country (including in Alaska) and office hours with Tribal grantees and potential grantees, and extending the duration of grant awards. OVW takes seriously the directive in Executive Order 14112, Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, to reform our grant processes wherever possible to better live up to the federal government’s trust responsibilities and support for Tribal self-determination. We have a mandate from this Committee and Congress as a whole to maximize flexibility for Tribes, incorporate the voices of AI/AN and Native Hawaiian survivors, and preserve and protect the VAWA dollars allocated specifically for Tribes’ sovereign responses to domestic violence, dating violence, sexual assault, stalking, and sex trafficking in their communities.

Furthering our commitment to supporting Native communities, OVW is also engaged in targeted outreach to Native Hawaiian organizations to increase awareness of available OVW grants and facilitate their access to funding. This effort includes implementing the VAWA Technical Amendment Act of 2022, enacted in December 2022, which broadened eligibility under OVW’s Tribal Coalitions Program to include certain Native Hawaiian organizations. OVW is working to identify Native Hawaiian organizations, as well as advocates from Native Hawaiian communities, who can potentially form a coalition and apply for Tribal Coalitions Program funding. At the same time, OVW has set aside the first-ever training and technical assistance funding that will support capacity- and coalition-building among victim service organizations, advocates, and allied professionals serving Native Hawaiian and Pacific Islander survivors.

Implementation of Special Tribal Criminal Jurisdiction

The Violence Against Women Reauthorization Act of 2013 (VAWA 2013), codified at 25 U.S.C. § 1304, sought to address a critical public safety gap by recognizing the inherent authority of participating federally recognized Tribes to exercise “Special Domestic Violence Criminal Jurisdiction” (SDVCJ) over non-Indian offenders who commit certain domestic and dating violence crimes against Indian victims in Indian country. VAWA 2013 also identified the rights that participating Tribes must pro-

⁷Hawai‘i Health Data Warehouse (2017). Hawai‘i Department of Health, Behavioral Risk Factor Surveillance Survey (BRFSS). Data cited in Office of Hawaiian Affairs (2018). Haumea—Transforming the Health of Native Hawaiian Women and Empowering Wahine Well-Being. <https://www.oha.org/wp-content/uploads/OHA-Womens-Health-Report-Book-1.pdf>.

⁸Roe-Sepowitz, D. & Jabola-Carlous, K. (2020). Sex Trafficking in Hawai‘i: Sex Trafficking Experiences Across Hawai‘i. <https://hoolanapua.org/wp-content/uploads/2020/06/Final-Report-Sex-Trafficking-in-Hawaii-Part-III-01092020.pdf>.

vide to defendants in SDVCJ cases. The Department launched a statutorily mandated pilot project, under which five Tribes implemented the jurisdiction on an accelerated basis, and created an Inter-Tribal Technical Assistance Working Group (ITWG) for Tribes to share strategies, resources, viewpoints, concerns, and questions with other Tribes planning to exercise the jurisdiction. This group has continued to convene in-person twice a year since its inception, as well as holding monthly virtual meetings. OVW has supported its work through technical assistance funding since 2014.

After the end of the pilot period, an additional 26 Tribes reported implementing SDVCJ. A March 2018 report published by the National Congress of American Indians, *VAWA 2013's Special Domestic Violence Criminal Jurisdiction (SDVCJ) Five-Year Report*, documented the successes and gaps in SDVCJ implementation.⁹ Successes included convictions of defendants with documented histories of violent behavior, along with acquittals and only one *habeas* petition—testaments to Tribes' ability to safeguard the rights of defendants. Gaps included crimes that could not be prosecuted, such as child abuse, sexual assault, and stalking, and barriers to implementing the jurisdiction in Alaska.

In VAWA 2022, Congress extended its recognition of the inherent authority of Tribes to exercise jurisdiction over non-Indian offenders, which it re-named Special Tribal Criminal Jurisdiction (STCJ). STCJ expands the list of covered crimes that Tribes can prosecute to include sexual violence, stalking, sex trafficking, child violence, assault of Tribal justice personnel, and obstruction of justice, with these last two crimes not requiring that the victim be an Indian. VAWA 2022 also removed the VAWA 2013 requirement that non-Indian offenders have substantial ties to the Tribe exercising jurisdiction.

OVW moved quickly after enactment of VAWA 2022 to compete and issue a new technical assistance award to the Tribal Law and Policy Institute to continue to support the ITWG and to expand its focus to address the VAWA 2022 changes to STCJ. OVW also made adjustments to its grant program supporting implementation of VAWA 2013's Tribal jurisdiction provision to allow existing and new grantees to use grant funds to prepare for and exercise STCJ under VAWA 2022.

Implementation of the Alaska Tribal Public Safety Empowerment Act

The Alaska Tribal Public Safety Empowerment Act, which is a subtitle of VAWA 2022's Tribal title, also created a pathway for federally recognized Tribes in Alaska to begin exercising jurisdiction over non-Natives for covered crimes. First, the Act recognized and affirmed the inherent authority of any Indian Tribe occupying a Village in Alaska to exercise criminal and civil jurisdiction over all Indians present in the Village (which is defined to mean the Alaska Native Village Statistical Area covering all or any portion of a Native village, as depicted on Census Bureau's applicable Tribal Statistical Area Program Verification map¹⁰). 25 U.S.C. § 1305(a). Second, it recognized the authority of Tribal courts in Alaska to exercise full civil jurisdiction to issue and enforce protection orders involving any person in matters arising within the Tribe's Village or otherwise within the Tribe's authority. *Id.* § 1305(b). And third, it established a pilot program under which the Attorney General designates up to five Alaska Tribes per calendar year as participating Tribes to exercise STCJ over all persons present in their Villages. *Id.* § 1305(d). The Alaska Tribal Public Safety Empowerment Act directed the Attorney General, in consultation with the Secretary of the Interior and affected Tribes, to establish a process to designate participating Tribes, including (1) a preference for Tribes whose Villages have predominantly Indian populations and lack permanent State law enforcement presence, and (2) a requirement that the Attorney General determine that a Tribe has adequate safeguards to protect defendants' rights—similar to the mandate of the VAWA 2013 pilot project. Per statute, not more than five Tribes can be designated per calendar year and, at most, 30 Tribes can be designated in total—possibly more with Congressional notification.

The Department held consultations with Tribal leaders throughout summer and fall of 2022, at which Tribes recommended that the Pilot Program include processes for Alaska Tribes not ready to exercise STCJ, that DOJ support Alaska-specific technical assistance, and that federal agencies coordinate with Alaska Tribes and each other to ensure consistent, sustained funding for the infrastructure required to exercise the jurisdiction. Department leadership convened a working group of DOJ components with relevant expertise to develop a proposed framework reflecting these

⁹The report is available at https://www.ncai.org/resources/ncai-publications/SDVCJ_5_Year_Report.pdf.

¹⁰VAWA 2022 § 812(7), Pub. L. No. 117–103, div. W, 136 Stat. 840, 905–06 (codified at 25 U.S.C. § 1305 note).

recommendations, on which we sought further Tribal input at OVW's annual consultation last August and which the Attorney General and other DOJ officials discussed with Alaska Native leaders and representatives at an August 2023 roundtable in Anchorage, Alaska. Accordingly, DOJ created a flexible and inclusive three-track system for Alaska Native Villages in different stages of readiness to exercise STCJ, which then-Associate Attorney General Vanita Gupta announced at the annual meeting of the Alaska Federation of Natives in October 2023. The three-track process is intended to identify gaps in criminal justice infrastructure that may prevent a Tribe from receiving designation and address those gaps with training and technical assistance, peer-to-peer support, and information about funding opportunities.

As requested by Tribal leaders during consultations, DOJ also created an Alaska-specific Inter-Tribal Technical Assistance Working Group (Alaska ITWG) to facilitate the delivery of technical assistance, provide peer-to-peer support, and encourage the sharing of information among interested Alaska Native Villages. OVW is supporting the Alaska ITWG through a technical assistance award to the Alaska Native Justice Center, which is partnering in this project with the Rural Alaska Community Action Program, the University of Alaska Fairbanks, the Alaska Native Women's Resource Center, the Tanana Chiefs Conference, and the Association of Village Council Presidents. The first Alaska ITWG meeting, which I attended, took place on May 9–10, 2024, in Fairbanks, Alaska, and was open to all Alaska Native Tribes as a way to learn more about STCJ, the Pilot Program tracks, and available funding, training, and technical assistance. There were 110 registered attendees and 95 of them represented Alaska Tribes, Tribal coalitions, and other Tribal organizations.

The Alaska ITWG is the crucial first step of the three-track process. Track One invites Tribes to join the Alaska ITWG and does not require any demonstration of capacity or readiness to exercise STCJ. In Track Two, the Preliminary Pilot Program Tribes complete a questionnaire that closely follows the statutory requirements to exercise STCJ and are assigned a Federal Liaison who—along with the Alaska STCJ Technical Assistance Provider—works with the Tribe to assess their areas of need, investigate potential resources to meet those needs, and create a Readiness Plan. In Track Three, a Federal Review Team comprised of DOJ experts reviews a Tribe's final questionnaire and recommends either (a) Attorney General designation as a Participating Pilot Program Tribe, (b) maintaining the Tribe's status as a Preliminary Pilot Program Tribe (if applicable), or (c) inviting the Tribe to become a Preliminary Pilot Program Tribe.

In addition to supporting the Department's efforts to launch the Alaska Pilot Program, OVW issued a special solicitation in FY 2023 to provide funding under its Tribal Jurisdiction Grant Program to Alaska Tribes interested in preparing to seek Attorney General designation to exercise STCJ. Two Tribes, the Village of Dot Lake and Chickaloon Native Village, received five-year awards of \$1.5 million each in September 2023 under this solicitation. OVW plans to issue another \$3 million to Alaska Tribes under this initiative in FY 2024.

Last summer, the Department also heard from Tribal leaders in Alaska who asked us to clarify the provision in VAWA 2022 confirming that Alaska Tribes have inherent authority to exercise both civil and criminal jurisdiction over "all Indians present in [their Villages]." In response, in October 2023, the Department's Office of Tribal Justice issued a memorandum reaffirming VAWA 2022's statement and describing the settled legal precedent that Alaska Native Tribes retain inherent criminal jurisdiction over Indians in their Villages.

STCJ Tribal Reimbursement Program

Prior to the 2022 reauthorization of VAWA, Tribal leaders and officials identified costs, including unplanned costs, as one of the most serious obstacles that Tribes face in exercising criminal jurisdiction over non-Indian offenders. In response, VAWA 2022 created the Tribal Reimbursement Program, which will reimburse Tribes for expenses incurred in exercising STCJ. Under the Tribal Reimbursement Program, eligible expenses for reimbursement include expenses and costs associated with investigating, making arrests, or prosecuting covered crimes; detaining, providing supervision of, or providing services for offenders (including costs associated with providing health care); providing indigent defense services; and incarcerating, supervising, or providing treatment, rehabilitation, or reentry services for offenders.

VAWA 2022 required that the Attorney General issue regulations governing the Tribal Reimbursement Program, including setting a maximum annual reimbursement amount per Tribe and establishing a process and conditions for waivers of the maximum amount. OVW issued an interim final rule on April 11, 2023, after extensive consultation with Tribal leaders and listening sessions with Tribal experts, as well as meetings with other federal agencies that manage reimbursement programs.

Following issuance of the rule, OVW collaborated with our Tribal technical assistance providers and the ITWG to educate Tribes about how the new program would operate and to urge implementing Tribes to participate.

In selecting a structure for the program, OVW considered Tribes' recommendations that the reimbursement process ensure (1) a predictable, stable source of funding, (2) a fair share of available funds for each Tribe, and (3) access to reimbursement funds early in a calendar year because some Tribes lack adequate resources to front the expenses of exercising STCJ. OVW also considered Tribal requests that the reimbursement rules be flexible and impose few administrative burdens. Based on this feedback, the interim final rule provides that each Tribe requesting reimbursement will receive, as an initial allocation, the same dollar amount for the maximum allowable reimbursement (except that the amount may not exceed the amount the Tribe expended the previous year in exercising STCJ). The maximum allowable reimbursement serves as a form of "base funding," where each Tribe will have access to this amount early in the calendar year and can draw it down as expenses are incurred. At the end of the calendar year, Tribes may submit a waiver request seeking the actual amounts expended on exercise of STCJ during the calendar year. Each Tribe will receive the same percentage of their total actual expenses in excess of the maximum allowable reimbursement. This process will ensure that, if appropriations cannot cover Tribal expenditures on STCJ, remaining available funding will be equitably distributed at the end of the year.

OVW issued the first Notice of Reimbursement Opportunity for the Tribal Reimbursement Program in December 2023, and made 14 reimbursement awards totaling \$559,825 in mid-May 2024. OVW has approximately \$3,140,175 remaining to respond to Tribes' waiver requests at the end of the year based on their actual expenses for calendar year 2024.

Outreach to Native Hawaiian Organizations

OVW's targeted engagement with Native Hawaiian organizations is designed to deepen OVW's understanding of the existing resources and capacities of, and identify opportunities to support, organizations that are or could address the needs of survivors of domestic violence, dating violence, sexual assault, sex trafficking, and stalking in their communities. OVW officials have made several trips to Hawai'i, engaging directly with both Native Hawaiian organizations and other entities that serve the Native Hawaiian community. I recently returned from one of these trips and saw firsthand both the significant barriers to safety that survivors face, and the remarkable ways advocates are leveraging cultural and community strengths to serve survivors and hold offenders accountable.

We have met with organizations serving or representing Native Hawaiian domestic violence and sexual assault survivors such as Pouhana O Na Wahine and EPIC 'Ohana. On my recent trip, EPIC 'Ohana told me not only about the profound work they are doing with children and youth, but also how they are addressing domestic and sexual violence. For example, they have developed Pu'uohonua 'o Ka Ululehua, which is a culturally specific program for Native Hawaiian survivors of domestic violence, sexual assault, and family violence. Pu'uohonua 'o Ka Ululehua creates healing cohorts for survivors and creates spaces for survivors to "participate in Native Hawaiian practices that promote individual and family wellbeing and healing." They provide "culturally relevant, trauma-informed, and evidence-informed practices" that are transformative.

We have spoken with the Office of Hawaiian Affairs, the Queen Lili'uokalani Trust, Papa Ola Lokahi, and many others, because we recognize that addressing domestic violence, sexual assault, and stalking extends beyond victim services organizations and includes Native Hawaiian child welfare organizations and health systems. Every advocate with whom we met talked about the importance of programming that is deeply rooted in culture, community, spirituality, connection to the land, and family. This comprehensive engagement has helped us refine our approach to supporting advocates and organizations who can effectively shape responses to domestic violence, sexual assault, and stalking that are rooted in this culturally specific work, and we plan to build on and grow this outreach over the next year.

Our immediate priority is to ensure that organizations serving Native Hawaiians have the information and support they need to apply for a wide range of OVW grant programs, including the Culturally Specific Services grant program, Legal Assistance for Victims Program's Expanding Legal Services Initiative, Transitional Housing Program, Restorative Practices Program, Abuse in Later Life Program, and many others. Once organizations are funded, we look forward to assisting them in managing these funds effectively. This effort also involves working with the State of Hawai'i's STOP Violence Against Women and Sexual Assault Services Formula

grant administrator to support their outreach to Native Hawaiian and other culturally specific organizations to receive subgrants under OVW's formula funding to the state.

In addition, the VAWA Technical Amendment Act of 2022 amended the definition of "tribal coalition," 34 U.S.C. § 12291(a)(42), and the authorizing language for the Tribal Coalitions Program, 34 U.S.C. § 10441(d), to include certain organizations addressing domestic violence and sexual assault against Native Hawaiian women through services to Native Hawaiian communities.¹¹ These changes were effective on December 28, 2022. We incorporated these updates into OVW's FY 2023 Tribal Coalitions Program solicitation and related program materials, and we have conducted targeted outreach to identify organizations eligible for this funding.

To date, OVW has not received any requests from Native Hawaiian organizations for Tribal Coalitions funding. However, several organizations have expressed interest in submitting future applications. We anticipate that our continued engagement will foster the formation of a new coalition supporting Native Hawaiian survivors and advocates. In the interim, OVW will continue to make its grantmaking application process accessible to more organizations by enhancing application assistance support, eliminating unnecessary application requirements, increasing the use of plain language in solicitations, and offering webinars to potential applicants to walk through the grant programs and their specific application requirements.

Our commitment extends beyond simply providing access to funding; it encompasses strengthening the capacity of Native Hawaiian organizations to serve survivors effectively. OVW staff have engaged with the University of Hawai'i at Manoa to learn about the University's work hosting capacity-building events for local and Native Hawaiian organizations. These meetings were crucial for assessing the needs of Native Hawaiian community-based nonprofits in terms of organizational capacity-building, ensuring that services for survivors are sustained.

Currently, OVW supports a technical assistance project at the Asian Pacific Institute on Gender-Based Violence, which includes a staff member based in Hawai'i dedicated to working with Asian American, Pacific Islander, and Native Hawaiian communities. However, based on information learned from recent engagements, OVW's FY 2024 Training and Technical Assistance Solicitation called for proposals to provide specialized technical assistance and training to victim service organizations, advocates, and allied professionals serving Native Hawaiian and Pacific Islander survivors of domestic violence, sexual assault, dating violence, and stalking. The project is expected to establish and maintain a peer-to-peer network and to develop resources and training focused on victim services programming, capacity building and sustainability, and leadership development. OVW anticipates making an award for this project by September 30, 2024.

Not Invisible Act Commission (NIAC) Response

Effectively addressing the disproportionately high rates of American Indian and Alaska Native people who are reported missing, experience human trafficking, or suffer from violent crime, including murder, continues to be a priority at the Department. These matters of public safety imperil individual well-being and the well-being of whole communities; the impact of a loved one disappearing from a community or suffering from violence is devastating. When tragedy strikes, families and communities deserve urgent, sustained, and meaningful responses from authorities.

DOJ efforts to address violent crime in Native communities, including missing or murdered Indigenous people (MMIP) and human trafficking, are years-long and Department-wide. DOJ is grateful for Congress's partnership on these issues over the years, which has included legislation such as the Not Invisible Act and Savanna's Act, both of which have been instrumental in focusing our resources and efforts.

Support for the NIAC

On May 5, 2022, as mandated by the Not Invisible Act of 2019 (Pub. L. No. 116-166), the Secretary of the Interior announced the 41 members of the Not Invisible Act Commission (Commission or NIAC). The Commission included individuals who have expertise in or are dedicated to addressing the MMIP crisis and human trafficking, including Tribal officials, law enforcement personnel, mental health professionals, victim advocates, scholars, survivors, and family members of victims.

DOJ welcomed the opportunity to work with such a diverse Commission. As required by the Act, DOJ named six DOJ experts from the Federal Bureau of Investigation (FBI), the Civil Rights Division, OVW, the Office for Victims of Crime, the National Institute of Justice, and the U.S. Attorney community to serve as Commissioners. At the request of the Commission, the Department later provided additional

¹¹ See Pub. L. No. 117-315, 136 Stat. 4404.

representatives from the FBI and DOJ's National Native American Outreach Services Liaison. Supporting the work of the Commission and addressing its recommendations have been and will continue to be priorities for the Department.

The Commission delved into some of the most challenging Tribal public safety issues of our day, including criminal jurisdiction; resources; law enforcement coverage and coordination; victim rights and services; and the factors that increase individual vulnerability, including housing insecurity, substance use, and past victimization. To develop its recommendations, the Commission held seven in-person hearings in different regions of the country and a two-day virtual session to hear directly from survivors, family members, law enforcement, and subject matter experts. In total, the Commission collected over 260 testimonies, which were instrumental in developing the final recommendations. DOJ wishes to particularly thank the survivors and family members of victims who participated in the development of the Commission's report, both those who served on the Commission and those who testified before the Commission about their heartbreaking experiences. The recommendations reflect the lived experiences of these survivors and family members of victims, which are essential to our efforts to finding lasting solutions to address MMIP and human trafficking.

On November 1, 2023, DOJ and the Department of the Interior (DOI) received the Commission's final report, entitled "Not One More: Findings and Recommendations of the Not Invisible Act Commission." Of the 300 recommendations included in the final report, 148 are directed at DOJ and 48 are directed at DOI; the other 114 are directed at other agencies or branches of government. The recommendations reflect how seriously the Commission took the charge laid out in the Not Invisible Act itself. The depth and breadth of the recommendations would not have been possible without the broad expertise and experience of the Commissioners. DOJ is profoundly grateful for the work of the Commission, and its recommendations will be critical to our work going forward.

DOJ and DOI issued a joint response addressing those recommendations focused on our agencies on March 5, 2024.¹² DOJ strove to respond to the recommendations with the same spirit of respect and dedication evident in the Commission's final report and has dedicated resources across the Department to ensure that implementation of the joint response significantly advances DOJ's efforts to promote public safety in Native communities and address MMIP and human trafficking.

Responses to Commission Recommendations

DOJ and DOI recognized how important it was to work together to support the Commission and to collaborate on the responses. This collaborative approach will be instrumental as the two agencies focus on implementing commitments made in the response document. As the Commission finalized its recommendations, it called on agencies, particularly those participating in Commission meetings, not only to respond to the recommendations but also to provide greater transparency where possible. DOJ took that to heart, so the response document provides a good deal of background information and context in the hope that the document is useful for a wide range of readers.

In response to the thoughtful and focused recommendations of the Commission, DOJ made a variety of commitments that implicate a broad span of the Department's public safety work in support of Native communities, committing to continue or expand ongoing initiatives and to engage in new activities. Out of the 148 recommendations directed at DOJ, there are 24 that the Department is not able to move forward on in whole in or in part because the recommended actions go beyond the Department's current authorities. For example, some recommendations involve state or local authorities, such as medical examiners, or would require statutory changes, such as revising allowable uses of federal grant funds.

The following are some examples of DOJ commitments from the response document. *Tribal Access Program (TAP)*: The Commission supported expanding this program, which provides Tribes with access to national crime information systems for federally authorized criminal justice and non-criminal justice purposes. Using TAP, Tribes have shared information about missing persons; registered convicted sex offenders; entered domestic violence orders of protection for nationwide enforcement; run criminal histories; identified and arrested fugitives; entered bookings and convictions; and completed fingerprint-based record checks for non-criminal justice purposes such as screening employees or volunteers who work with children.¹³

¹² Available at <https://www.justice.gov/tribal/media/1341181/dl?inline>.

¹³ <https://www.justice.gov/opa/pr/justice-department-tribal-access-program-will-continue-improve-exchange-criticaldata>.

TAP has been expanded every year since its 2015 launch and now serves 132 Tribes with over 400 participating Tribal government agencies. DOJ expects to announce the next TAP expansion opportunity in summer 2024.

MMIP Regional Outreach Program and Improved Collaboration: This program, coordinated by the Department's Executive Office for United States Attorneys, aids in the prevention of and response to MMIP through the permanent placement of 10 attorneys and coordinators in five designated regions to provide specialized support to United States Attorneys' Offices (USAOs). This support includes assisting in the investigation of unresolved MMIP cases and related crimes, and promoting communication, coordination, and collaboration among Tribal, federal, and state governmental and non-governmental partners. The program complements the significant MMIP-related work of the existing local Tribal Liaisons and Indian country prosecutors and the work of DOJ's National Native American Outreach Services Liaison and National Indian Country Training Initiative Coordinator.

In consultations prior to the creation of the Commission, and during discussions with the Commission, DOJ heard a call for a permanent MMIP outreach program, which DOJ then rolled out in June 2023. DOJ representatives were able to discuss implementation plans with the Commission, and the Department expects that the program will continue to benefit from the Commission's recommendations, including with respect to improving coordination across federal agencies on MMIP and human trafficking efforts. To that end, DOJ newly committed throughout the response document to collaborating more closely with our federal partners to align and coordinate our efforts to address MMIP and human trafficking, including engaging with the Department of Homeland Security to better understand its existing programs that can address MMIP-related matters and working with DOJ's Missing and Murdered Unit to establish review teams within the five program regions to conduct case solvability assessments and develop investigative strategic plans, among other activities.

Tribal Special Assistant United States Attorneys: The Commission recommended that DOJ expand the designation of Tribal Special Assistant United States Attorneys (Tribal SAUSAs), recognizing the importance of these cross-designated Tribal prosecutors in improving coordination and prosecution efforts related to violent crime offenses such as domestic violence and sexual assault, which are often precursors to MMIP-related events. The Department encourages USAOs to integrate Tribal SAUSAs into regular operations to increase the likelihood that every violent offense that is appropriate for prosecution is prosecuted in either federal or Tribal court. In addition, DOJ grantmaking components—including OVW—have funded Tribes to hire prosecutors, identified in collaboration with their local USAOs, to be designated as SAUSAs. Tribal SAUSAs are trained in federal law, procedure, and investigative techniques and complement the work of Tribal Liaisons and Indian country prosecutors to strengthen relationships between Tribes and USAOs. OVW has five open Tribal SAUSA grant awards and expects to make additional awards by the end of FY 2024. As resources allow, DOJ is committed to expanding this successful model.

Collaborative Law Enforcement: In accordance with the Commission's recommendations that the U.S. Marshals Service recognize Tribal warrants, DOJ has developed a legislative proposal that would extend USMS' existing authority to execute arrest warrants—which includes investigating and executing state and local arrest warrants for serious violent felons—to assist, at the request of a Tribe, in the apprehension of serious violent Tribal felons. The Department has shared it with Members of the Committee and looks forward to working with lawmakers to get this legislative proposal enacted into law.

Prosecutions: USAOs with Indian country responsibilities have operational plans that are updated annually in consultation with Tribal partners to ensure that clear protocols are established between federal, Tribal, and state law enforcement partners to effectively respond to violent crime in Tribal communities. In a July 13, 2022, memorandum, Deputy Attorney General Monaco declared it a Department priority to address the disproportionately high rates of violence experienced by American Indians and Alaska Natives, and relatedly, the high rates of Indigenous persons reported missing, and she charged the USAOs to address violence against women and children and MMIP in their operational plans. In response, USAOs have designated Tribal Liaisons and Assistant U.S. Attorneys assigned to Indian country work to enhance day-to-day intergovernmental relationships with Tribal communities to ensure that cases are identified and prosecuted in coordination with Tribal partners. The Commission's recommendations underscored the need for DOJ to continue efforts to prioritize prosecutions of crime in Indian country and coordinate effectively with Tribal agencies.

Training: The Department's National Indian Country Training Initiative (NICTI) is a robust training program committed to meeting the training needs of not only federal prosecutors and law enforcement working in Indian country, but also Tribal and state partners, in a format that is accessible to as many federal, Tribal, and state partners as possible. These trainings are offered free of charge to federal, Tribal, and state law enforcement partners including criminal justice entities, social service organizations, medical providers, and Tribal leaders. In the past year alone, NICTI organized more than 25 separate trainings related to violence against women and children and issues related to MMIP. NICTI will continue to expand its reach in response to the NIAC's recommendations and in consultation with federal and Tribal partners.

Savanna's Act Guidelines: Savanna's Act guidelines are intended to improve the federal government's response to MMIP matters. All USAOs in federal judicial districts with Tribal lands, including Public Law 280 states, have had Savanna's Act guidelines in place since the spring of 2022. As recommended by the Commission and with the assistance of DOJ's MMIP Regional Outreach Program, USAOs with Indian country responsibilities will continue to refine and update their guidelines with input from federal, Tribal, state, and local partners to ensure that the guidelines remain effective in enhancing inter-jurisdictional cooperation as victims' families await word on their loved ones.

Tribal Community Response Plans (TCRPs): As recommended by the Commission, USAOs, with assistance from the MMIP Regional Outreach Program, will continue to support and assist Tribal communities in the development of TCRPs, which are cross-jurisdictional protocols tailored to a specific Tribal community that govern law enforcement and community responses to emergent missing person cases in a Tribal community. In addition, in FY 2023, the Department's Office of Community Oriented Policing Services (COPS Office) funded a project with the National Criminal Justice Training Center to support community-led TCRPs.

Supporting Survivors of Crime and Improving Communication with Families: The Office of Justice Programs' (OJP) Office for Victims of Crime (OVC) administers the Tribal set aside from Victims of Crime Act funds as the Tribal Victim Services Set-aside Formula Grant Program (TVSSA Program). OVC has responded to Tribal feedback, including feedback received at its annual consultation, by ensuring funds can be used for culturally responsive services for family members of MMIP victims, and changing the TVSSA Program policy to permit Tribal governments to use grant funding to support—in limited circumstances—private search efforts for missing persons led by friends and family members of a missing person, generating awareness of individual missing person cases, and supporting Tribal efforts to establish TCRPs. OVC committed to holding a listening session on issues related to the NIAC recommendations, including on how community-based feedback and culturally relevant program evaluation can be used to inform grantfunded services. One of those listening sessions took place in Anchorage in February; three more are planned for other parts of the country before the end of the year. OVC committed to exploring ways to better address the connection between MMIP and domestic violence, dating violence, sexual assault, stalking, and sex trafficking, and has requested funds in the FY 2025 President's Budget to support Healing and Response Teams, a specific recommendation from the Commission. In addition to the funding opportunities available to Tribes to support services for victims of crime, DOJ will continue to review and enhance existing practices and protocols to improve timely and consistent communication with victims and families of victims regarding investigations and prosecutions. DOJ will use the updated Attorney General Guidelines for Victim and Witness Assistance to reinforce how federal prosecutors and law enforcement agencies should engage with and provide culturally appropriate assistance to victims and their families. Finally, the National Native American Outreach Services Liaison represents DOJ in efforts to amplify the voices of victims and their families as they navigate all stages of the criminal justice system. The Commission rightly focused on support for survivors of crime throughout its report, and DOJ appreciates the renewed focus and recommendations aimed at strengthening the Department's work to ensure victims of crime receive the services they need.

Research and Studies: Commissioners identified the need for additional analysis to focus resources and identify patterns. DOJ committed to exploring the possibility of several new studies to examine the causes of homicide and violent deaths of AI/AN people, to identify barriers and challenges in using federally funded information sharing resources such as NamUs and the National Center for Missing and Exploited Children, and to assess the feasibility of collecting data on law enforcement acceptance of missing persons reports from healthcare providers and other entities.

Access to Funding: The Commission included recommendations to make DOJ funding more accessible and better aligned with Tribes' needs. DOJ committed to

building on existing efforts to streamline grant funding pursuant to Executive Order 14112 and to further engaging with Tribes to identify and apply improvements to public safety funding models, including strategies to improve public safety implementation in Alaska and potential reforms of P.L. 280 to ensure it is consistent with the current and future era of self-determination. In response to Commission recommendations related to law enforcement needs, including access to grants and resources addressing officer training, mental health, and wellness, the response document both described existing programs funded by the COPS Office and OJP's Bureau of Justice Assistance and pointed to DOJ's Tribal Justice and Safety website with consolidated information on DOJ grant funding opportunities open to Tribes and Tribal organizations (www.justice.gov/tribal/grants).

Media Use: The Commission identified a need for more partnerships and discussions on making effective use of the media, including social media, when someone is reported missing. DOJ committed to exploring further development of relationships with Tribal organizations to ensure public information is readily available to disseminate via appropriate channels, including social media. DOJ also committed to holding roundtables to help develop guidelines and best practices to promote accurate and complete media coverage of MMIP and human trafficking cases and identify the types of media/social media coaching that would be most useful to support families and communities.

Missing or Trafficked Youth: The Commission recommended that DOJ take steps to address the factors that may lead children and youth to go missing, including the risk that children and youth in foster care, child welfare, and juvenile justice systems face for being trafficked. OJP's Office of Juvenile Justice and Delinquency Prevention committed to considering appropriate opportunities to convene a roundtable to discuss children and youth who voluntarily go missing to better understand what is currently happening in the field and discuss possible solutions.

Implementation

Since issuing its March 5th response, DOJ has begun implementing the commitments made in the response document. DOJ's MMIP Steering Committee, in place since November 2021, is instrumental in shepherding and overseeing the Department's work to respond to the MMIP crisis and will be central to implementation efforts. DOJ knows that our ability to make progress on these issues will depend heavily on our ability to coordinate closely with our Tribal partners, across the federal government, and across jurisdictions.

Conclusion

Close and productive collaborations—within DOJ, with other federal agencies, and with our Tribal and Native Hawaiian partners—have been the linchpin of the Department's work to implement VAWA 2022, support and respond to the NIAC, and broaden access to the Department's funding. DOJ is committed to continuing these collaborations going forward. It has long been DOJ's philosophy that the best solutions to public safety challenges come from the communities and survivors we serve, which has been borne out time and again in the Department's efforts to support American Indian, Alaska Native, and Native Hawaiian communities. In her 2021 memorandum creating a Steering Committee to Address the Crisis of Missing or Murdered Indigenous Persons, Deputy Attorney General Lisa Monaco stated that, "the Department recognizes that challenges faced by Tribes are best met by Tribal solutions."

In this spirit, DOJ's work will continue to be rooted in consultation and coordination with Tribal governments and Indigenous communities. DOJ will schedule government-to-government consultations and listening sessions with Tribes—including OVWs 19th Violence Against Women Tribal Consultation, to be held November 19–21, 2024, in Santa Fe, New Mexico—and work with other agencies, as appropriate, to ensure that implementation efforts are responsive to the needs of Tribal governments. Similarly, we will continue our partnership and engagement with Native Hawaiian organizations to expand crucial services to survivors of domestic violence, sexual assault, dating violence, and stalking.

I appreciate the time and attention of the Committee and welcome the opportunity to answer any questions you may have.

The CHAIRMAN. Thank you very much.

I will start with you, Ms. Randall. DOJ does not officially report its staffing levels in Indian Country. My staff inquired with the department. Just this morning, we learned that 145 assistant U.S. attorneys, 25 DEA agents and 348 FBI personnel serve Indian Coun-

try. But they were unable to provide us with any details on vacancy rates. These are just funded positions. We all know that doesn't mean that there is a person out there doing the work.

In contrast, DOI has to report its staffing levels, not just the FTEs, authorized and funded, and the unmet needs, to Congress annually. I don't want to have to make a law in this space. It seems like a goofy thing to make a law about. It should be just part of our give and take where you tell us what the vacancy rates were.

The word we got back from DOJ is, we don't count that. I don't actually believe that. I think it might be a pain to figure it out, but you have to have some way to know what positions are filled and not.

Can you assure me that we are going to get fidelity on that data, and that we don't actually have to make a Federal law about it?

Ms. RANDALL. Senator, I can assure you that increasing the resources, including staffing in Indian Country and Alaska, is a high priority. We will definitely bring that concern back to the department.

The CHAIRMAN. That was not a yes.

Ms. RANDALL. We will do everything that we can to provide you with the information. I don't know what exactly the department has available. But we will do everything that we can, Senator.

The CHAIRMAN. Okay. If DOI can get us vacancy rates, you guys can figure it out. It may be a data base problem, maybe you have to assign a quarter-time staffer to collate the information. I do not find it acceptable that you just say, we will take it under advisement. This is something that the Department of Justice should know. Certainly, whatever version of your HR department is aware of where the vacancies are.

So it may not be that easy to just run a report, because maybe your software is old. But you can jot it down and get back to us, you can give us a range. I just need a little more of a firm commitment that you are going to get us the information that we need one way or the other.

Ms. RANDALL. I hear that concern and the urgency; we will get you everything that we can as quickly as we can.

The CHAIRMAN. Okay. I am not sure what that means, but I guess I will move on.

The OVW is doing outreach to the Native Hawaiian community and we are learning more about their unique needs, particularly your work with EPIC 'Ohana and its focus on culturally relevant trauma informed care. How is OVW increasing access to public safety and victim services grants for Native Hawaiian organizations like EPIC 'Ohana?

Ms. RANDALL. I just came back a month or so ago from Hawaii. We have been engaged for the last two years in really targeted outreach to the State, but specifically to Native Hawaiian serving organizations. The work that EPIC 'Ohana does is amazing. Their Pu'uhonua 'o Ka Ululehua is amazing, the way they have developed a very specific domestic violence program within their greater work.

So what we wanted to ensure is that organizations have access to all of our funding, whether that is our tribal coalitions funding or restorative practices, culturally specific services. To date so far

this year, our applications from organizations in Hawaii to competitive discretionary grant programs has gone from the unacceptable number of one to nine. So I sincerely hope that we are making progress, Senator.

The CHAIRMAN. Thank you.

Commissioner Kunesh, does the ANA work with Native Hawaiian organizations to support trauma-informed services?

Ms. KUNESH. Yes, thank you for that question, Senator. We certainly do. We have quite a lot of Native Hawaiian organizations that we serve, one of which is the Pua'a Foundation, which supports Native Hawaiians who are involved in the criminal justice system but also have interactions perhaps with violence, perhaps with missing, murdered indigenous as well as human trafficking.

The CHAIRMAN. Could HRSA assist in collaborating with OVW, given its role with Native Hawaiian health care systems?

Ms. KUNESH. Yes, is that a request?

The CHAIRMAN. That is a request for you.

Ms. KUNESH. Yes, a request, yes, absolutely. And in fact, ANA does also support the EPIC program as well.

The CHAIRMAN. I am not tricky. I am sometimes unpleasant, but not tricky.

[Laughter.]

The CHAIRMAN. Thank you very much.

Vice Chair Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. I don't know about being unpleasant.

Ms. Randall, thank you for going to Fairbanks to be part of the Alaska Intertribal Working Group. I think every amount of engagement on the ground is so much more beneficial.

I know for certain that you heard what I hear when I am talking to those who are trying to make some headway when it comes to public safety. When we had Attorney General Barr in the State, his follow-on was to provide some assistance through grants.

We explained to Attorney General Garland when he came later that what we need if we are going to do these long-term transformational changes, it hinges on flexible funding streams. I think Attorney General Garland seemed to agree with me, and I think that is why he directed the Office of Tribal Justice and the DOJ grant-making offices to figure out, let's figure out what all the options are here, including legislation, for improving these funding opportunities.

So the question is whether or not you are looking at proposing legislation. We all know that the clock is running on advancing legislation. But are you considering initial consultation on any legislative proposals? If the answer is yes to all this, I would like to see the direction that you are taking with any proposed legislation.

Ms. RANDALL. The department is looking at every level, from what can we do right now to improve the flexibility and access to our funds, to what type of legislative proposals might allow us to better streamline and address public safety and victim services. For any big issues, we absolutely want to consult and then of course work very closely with your office.

Senator MURKOWSKI. Again, as you are looking, legislation is going to be one aspect of it. If you are in that position, we would

like to see the direction and some proposal before we go on the August break. We all spend a lot of time up in the State then. And knowing the direction that you are looking would be important.

When you think about the frustration with competitive funding and again, the effort to try to move toward formula grants, DOJ's Office of Victim Services, OVC, the Tribal Victim Service set-aside program, is a good example where we have seen that you can actually put this into place. Is there anything in statute that prevents other grant programs from being converted to formula from the competitive like OVC did with the tribal victims set-aside? Is that also in your array of options that you are looking to?

Ms. RANDALL. Yes, looking at how we can make these funds more easily accessible, such as through formula, is absolutely something that we think about. We consulted on it last year, in fact, and have consulted on it before.

Senator MURKOWSKI. What is the status on that consultation?

Ms. RANDALL. Our challenge is that there was very mixed feedback from the tribes. Whenever you have a smaller pool of funding, we have less funding available than OVC, that means that there would be a number of tribes receiving incredibly small grant programs. So opinion varies widely from tribe to tribe, and there is not consensus on doing so.

With additional resources, it would be easier for us to convert to a formula.

Senator MURKOWSKI. Okay, well, again, we understand that you are going to have different perspectives that are going to influence one way or another. I am trying to make sure that as you are taking these initial steps, again, there is a sharing of information back and forth. I wanted to ask you, Assistant Secretary Newland, in my opening comments, I noted that we had directed the BIA to conduct consultation on the budgetary needs in P.L. 280 States for tribal law enforcement. They are supposed to report back on the available funding.

Can you share with me the timelines for your consultations as we directed in the Interior bill and where you are with that?

Mr. NEWLAND. Thank you, Madam Vice Chair. I don't have that information for you this afternoon. I could likely get you an answer to that by tomorrow morning.

Senator MURKOWSKI. All right. Are you participating in the Alaska Intertribal Work Group meetings as they advance, as part of Interior?

Mr. NEWLAND. I am not, no.

Senator MURKOWSKI. But is somebody within Interior part of that?

Mr. NEWLAND. I will have to get back to you, Madam Vice Chair. I apologize, I don't have that information.

Senator MURKOWSKI. I get it, and I understand that. I am just looking at, there is so much intersect, there is so much interplay between Department of Justice, Department of Interior and Department of Health and Human Services. We can't have DOJ over here not talking and intersecting with what Interior and HHS is. So it is a little bit of cross-pollination that is going to allow us to leverage all of this.

I would hope that it is not just when we bring you together for an oversight hearing that you are learning more about what is going on, but that this is actually happening interagency, inter-departmental.

Mr. NEWLAND. Madam Vice Chair, I can tell you that we do collaborate, not only with Ms. Randall's office at DOJ at weekly and monthly meetings with our counterparts at the department on the criminal justice and law enforcement side. That is something that is a priority, and Madam Vice Chair, if I may just, on the flexibility for funding, too, emphasize that the President has issued an executive order to direct all Federal agencies to make tribal access to funding and grants more flexible and direct all of us as agencies to work to streamline that process and make sure that funds are available to tribes.

Senator MURKOWSKI. Thank you. Thank you, Mr. Chairman.
The CHAIRMAN. Senator Cortez Masto?

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, Mr. Chairman, and our Ranking Member, for all the great work you are doing in this space.

Ms. Randall, I am going to take advantage of having you in front of me from DOJ to ask you a couple of questions that I need clarification on. It is hard to, as you can tell, get answers from the U.S. Attorneys offices at times.

Here is my challenge. In your testimony you highlight that the DOJ's MMIP regional outreach program staff is assisting U.S. Attorneys offices in updating and refining their Savanna's Act guidelines. The DOJ response to the Not Invisible Commission report states that all U.S. Attorneys' offices and Federal judicial districts with tribal lands have established guidelines.

I need verification that one, every single U.S. Attorneys office across this Country has established those guidelines; and two, I want verification they actually have assigned staff to focus, not just an AUSA, but the FBI and anyone else within DOJ to focus on this work. I can't get those answers.

I kind of want clarification here. I worked as an AUSA here in the Washington, D.C. office. Is it still set up that the Associate Attorney General oversees programs including your office of Violence Against Women? Is that correct?

Ms. RANDALL. Yes.

Senator CORTEZ MASTO. Okay. And then the Deputy Attorney General oversees a separate division that includes the U.S. Attorney's office, DEA and FBI. Is that still set up the same way?

Ms. RANDALL. Yes.

Senator CORTEZ MASTO. So the Associate Attorney General has nothing to do with the FBI, the U.S. Attorney's office, but the Deputy Attorney General does, correct?

Ms. RANDALL. The Deputy Attorney General also oversees broadly our work.

Senator CORTEZ MASTO. Right. But the Associate Attorney General does not?

Ms. RANDALL. No.

Senator CORTEZ MASTO. So you cannot sit here and guarantee us that there will be that connection, oversight, and information, because you have to go back to the Deputy Attorney General to get this information, correct?

Ms. RANDALL. Well, some information I have, such as that every U.S. Attorney with tribal obligations has had their Savanna's Act guidelines in place since 2022. They are, of course, meant to be living documents, that those U.S. Attorney's offices must consult and continue. They all have not just AUSAs, but they have —

Senator CORTEZ MASTO. So you have that information, but you don't have the information on how many have been assigned to focus in this area from AUSAs, FBI, and DEA?

Ms. RANDALL. I apologize that I don't have all the information.

Senator CORTEZ MASTO. And I am not putting you on the spot, in other words, maybe you are not entitled to have that. Maybe you shouldn't have that. Maybe it should be in another area of DOJ. But those are the answers we want. If you are not the right person, maybe we need the Deputy here to answer those questions.

Because this is my challenge all along. I can't say this, stress this enough, as somebody who worked in the U.S. Attorney's office, but also in the State of Nevada, worked as the Attorney General, working with our tribal communities, working with BIA, working with the FBI, working with the U.S. Attorneys, I also know that not every single U.S. Attorney's office focuses in this space. Nor do they assign enough staff.

With that said, it may be that they are understaffed and under resourced. I know the BIA is, because I talk to BIA agents in Nevada. Their geographic territory is ridiculous, and there are very few of them. But there are very few AUSAs assigned and FBI agents as well.

So this is the information we need. If we are going to provide the support for the resources, you need to address all these issues that we are now asking you to take a look at through Savanna's Act and the Not Invisible Act.

That is what I want to pull from you, is that if anything you take back, please take it back to the top management at DOJ. We just need answers. We want to work together, but we need answers to some of these questions. Because I am tired of hearing from my tribal communities, and rightfully so, that they are just not getting any support. Not every tribal community in my State has the opportunity to have law enforcement. So they do have to rely on Federal partners, and they are just not there all the time.

I can't get answers as to why DOJ is not there. So please take that back.

I am going to jump to Assistant Secretary Newland. Thank you for being here.

Can you talk a little bit about, in BIA's Missing and Murdered unit, it provides critical criminal justice services for MMIP. The DOI's response to the Not Invisible Act Commission report highlights that shortages of BIA law enforcement can lead to missing and murdered unit personnel to be temporarily reassigned to other public safety needs.

At the time of the report response in March 2024, DOI stated that only 32 of the 66 positions nationwide within the Missing and

Murdered unit were actually filled. So can you address that? What progress has DOI made to staffing these 34 remaining positions?

Mr. NEWLAND. Thank you, Senator. I will just briefly if I can, Mr. Chairman, with the time, we have added some staff. We have had just a persistent problem in our hiring process of really breaking through and getting close to full staffing, both within the MMU and across OJS nationwide.

The parity initiative has helped slow or stall our attrition rate within BIA law enforcement. It has made some improvements around the margin. I do think additional changes are needed, as I testified at the recent hearing.

So we have added some additional staff to the MMU. But we are not close to full staffing yet, and that is something that we are putting a lot of emphasis on with our human capital team and looking for levers that we can pull where we have authority right now.

Senator CORTEZ MASTO. I know I am going over my time, but just so I understand, it is not for lack of having the people that are interested in the job, it is the challenges with pay and other challenges that need to be addressed, background checks?

Mr. NEWLAND. It is an all of the above, Senator. It is a matter of recruitment, but it is also a challenge getting folks hired in a timely manner. We are competing against States, cities and counties for police officers as well. It is frustrating, but it is a point of emphasis for us.

Senator CORTEZ MASTO. Thank you.
The CHAIRMAN. Senator Rounds?

**STATEMENT OF HON. MIKE ROUNDS,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator ROUNDS. Thank you, Chairman Schatz and Vice Chair Murkowski. And thank you to our witnesses for taking the time to attend today's hearing.

Residents of tribal communities on the northern plains are experiencing a public safety crisis. According to recent crime data, numerous tribes are encountering violent crime rates five times higher than the U.S. national average.

In the last year, three tribal governments in the State of South Dakota have declared a state of emergency in response to public safety threats. With low personnel numbers and a high number of calls for assistance, tribal law enforcement officers often struggle to respond to respond to emergencies in a timely manner. One tribal law enforcement agency in South Dakota relies on a total of three officers per shift to patrol over 1.6 million acres of land.

In response to the police shortages, some residents of tribal communities have even resorted to establishing citizen patrols to look out for crime. Criminal entities are taking note of the lack of manpower and are directly targeting reservation communities. As a result, tribal law enforcement officers are encountering higher volumes of illegal drugs, including fentanyl.

I look forward to hearing ways that the witnesses believe the Federal Government can help improve law enforcement services in Indian Country, especially as tribal members continue to deal with serious threats to public safety.

Let me close by saying that tribal members from South Dakota are frustrated, really deeply frustrated by the inaction of the Department of the Interior. Look, I really appreciate the fact that the Chairman and the Vice Chair have held this really important hearing today and provided us with an opportunity for some oversight. I have just a few questions I wanted to ask.

I am going to begin with Assistant Secretary Newland. As you know, the majority of prospective tribal officers, including direct service and 638 officers, are required to receive training at the Indian Police Academy in Artesia, New Mexico. According to several tribal leaders, this distance has hampered recruitment efforts on the northern plains.

On April 3rd, I had sent a letter specifically about this particular issue to you. I am just curious, Secretary Newland, will you commit to exploring possible alternative training options on the northern plains? It is my hope that not only will you consider that but you would agree to meet with us and see if we can't find a path forward, so that we can actually fill law enforcement positions that we can't fill today.

Mr. NEWLAND. Thank you, Senator. I would be happy to work with anyone who wants to help us address these challenges. I will note that the BIA law enforcement accepts people as recruits who have completed State academy training, so long as it is supplemented with the appropriate Federal training that is required to become a BIA law enforcement agent.

Senator ROUNDS. And I think that is part of the problem, is that even after they have done the local law enforcement training, they are still required to leave and go to basically Artesia in order to get training. In doing so, we are losing qualified candidates. So once again, I am just simply, I think there is an opportunity here, and I know the State of South Dakota has offered to assist in training. But most certainly, if they still have to leave, we are going to lose those officers.

I just ask, would you try to work with us to find an alternative path to get the same types of training that right now we are not able to get, and keep these officers in with our tribes?

Mr. NEWLAND. Absolutely, Senator.

Senator ROUNDS. Thank you.

Then also, Assistant Secretary Newland, in the last two years several tribal leaders have asked the BIA for additional resources to deal with the uptick in serious crime. This has included requests for increased funding and personnel.

When a tribal law enforcement agency is encountering significant threats to public safety, does the BIA offer any emergency resources to officers on the ground?

Mr. NEWLAND. Thank you, Senator. That is a tough question. It goes back to Senator Cortez Masto's question. Right now, we are in a position where, when there is an emergency or crisis on the ground, that if we have to detail officers, we are taking them out of a community where they are already understaffed as well. So what we have proposed, including the President's Fiscal Year 2025 budget, is additional funding to help us address this issue nationwide.

I want to note that the President's budget would allow us to add 222 additional Federal and tribal law enforcement officers across the Country, with the 198 tribes and locations that we fund.

So that is our best bet for a long-term solution. Otherwise, we are pulling, detailing officers out, and then we hear justifiable criticism and concern from tribal leaders in those communities when we are moving officers out to address a crisis elsewhere.

Senator ROUNDS. Thank you. Mr. Chairman, thank you for the time to be able to ask these questions. I don't think this is just in the northern plains. I think this is across a large swath of Indian Country. And I think we really have to get back in and take a look at whether or not the resources that are provided and those additional resources that are being offered, if we could streamline the process to get back down to the tribes, boots on the ground, see if we can't find a way so that these individuals that are coming in and right now are being required to leave their homes and communities for six months or more for training, if we can't get that done in a more local area where we can actually get them to be on the job and then to be able to stay on the job.

Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Rounds.

Assistant Secretary Newland, you previously testified that 23 of the 96 detention centers in Indian Country are in poor condition and replacing them will cost at least \$590 million. The President's budget only requests \$156 million. Why the delta?

Mr. NEWLAND. That is a tough question, Chairman. I know our proposed budget in Fiscal Year 2025 would add over \$30 million for new construction, which would allow us to replace on average about one facility. This is something that we are working to add money to.

I will note if I may, Mr. Chairman, that if you look at the Tribal Law and Order Act report, the three categories where we note that we are falling short with police officers, courts and detention, the area where we are the closest actually right now is full funding for detention. But that excludes construction.

So if you were to add construction on top of that, the Tribal Law and Order Act would show about a \$730 million—

The CHAIRMAN. So what is the \$590 million, repair?

Mr. NEWLAND. Pardon?

The CHAIRMAN. What does the \$590 million represent, if it is not construction?

Mr. NEWLAND. Repair and replacement.

The CHAIRMAN. Okay. Repair and replacement, so some construction. Just not new build. Your person is nodding, so maybe that is right?

Mr. NEWLAND. Yes, some construction, correct.

The CHAIRMAN. Okay, thank you for that.

I will just note that 16 of the 23 poor condition jails are located in States represented by members of the Senate Committee on Indian Affairs. So this is something that we ought to work together on, on a bipartisan basis.

Ms. Randall, increasing the number of tribal specialist assistant U.S. attorneys is one of the Not Invisible Act recommendations, or the commission's recommendations. DOJ agreed with the commis-

sion in its response but the President's budget only requests flat funding for this program, \$3 million.

This seems to me to be a really inexpensive way to have a greater law enforcement presence. I understand resource constraints, and I understand it is a tough question. You say this is so important, and your real answer is, well, OMB didn't let me, right? I understand what happens here.

But \$3 million for this very important approach that will make just such an outsized difference, I really think we have to kind of rethink how we deploy our resources here. To the extent that we all cared about the Not Invisible Act and we are anxious to hear their recommendations, and they kind of came up through a real process that we are all pretty proud of, now it is time to do the things that they are saying we should do. And \$3 million is not going to get it done.

Can we work together to increase the resources in this space and get the DOJ sort of full-throatedly behind not just the funding aspect but the implementation?

Ms. RANDALL. We would be delighted to work together to increase resources. If I may, just one example, the Mississippi Band of Choctaw, with their tribal SAUSA award, they brought some of the first Federal prosecutions stemming from the reservation, the first ever habitual domestic violence offender indictment and a homicide case. They have received and accepted over 90 VAWA cases and prosecuted 30 so far, just this tribal AUSA.

So this is something we think could be very successful.

The CHAIRMAN. My understanding is there is something called the Monaco Doctrine, which basically encourages DOJ to, the Monaco Memo, excuse me, that encourages DOJ to use this technique. So I am sure she is not necessary just staring at a screen watching an oversight hearing, but I would like for you to communicate back that we want full implementation of this idea, which is, hey, if we deputize folks, we can have a bigger law enforcement presence.

I am so excited about this idea, and I am so frustrated at what I would consider the lackluster implementation. The good thing about this one is it is a solvable problem.

Senator Daines, are you ready, or should I go to Senator Murkowski?

**STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM MONTANA**

Senator DAINES. I am ready.

The CHAIRMAN. Okay, Senator Daines.

Senator DAINES. Chairman Schatz, thank you. Vice Chairman Murkowski, happy birthday. And thanks for the opportunity to discuss public safety in Native communities.

Each time I meet with tribal leaders across Montana, law enforcement has become their number one priority. Indian Country is in crisis. Tribal leaders I have spoken with have told me they feel like they are at war. That is the word they use to describe what is happening.

Multiple reservations in Montana have declared a state of emergency in response to the massive influx of fentanyl and meth flow-

ing in from the southern border. Cartel members are operating with impunity on reservations. They are embedding themselves in the community. They are exploiting the lack of law enforcement resources and some of the jurisdictional gaps we see in Indian Country.

In fact, according to our attorney general in Montana, his office, fentanyl seizures are up 11,000 percent since 2019. Montana's tribal communities are ground zero for this destruction. You don't always think about Montana being a border State. You think about it being a Canadian border State. But you look at the way the logistics system works, there is just a very short amount of time it takes for the fentanyl to get from where the cartels produce it in Mexico, cross the southern border into Montana, a matter of 48 hours.

While the cartels operate unchecked, violent crime, crimes against women, crimes against children and human trafficking are happening more frequently as this influence spreads. I was proud to introduce a resolution to designate May 5th as a national day of awareness for missing and murdered Native women and girls, so it brings much-needed attention to this issue.

However, there is much more work to be done to address the MMIW crisis and all crime that is going on in Indian Country.

The BIA, alongside Federal partners like the DEA and the FBI, has a responsibility to enforce the law and protect our tribal communities.

Assistant Secretary Newland, a vast majority of tribal law enforcement agencies operate under 638 self-determination contracts and self-governance compacts, including several in Montana. These agreements maximize tribal sovereignty and tribal autonomy by allowing the tribe to police their own communities and use resources as they see fit.

But I am concerned that the funding is not being appropriately allocated to tribes that enter into the 638 arrangements with the BIA. Tribal governments, from Northern Cheyenne, Fort Belknap, have sued the BIA over stagnant and inadequate 638 funding for law enforcement activities. The Northern Cheyenne saw an increase in funding as a result of those suits.

The tribes shouldn't have to take the BIA to court to squeeze out more resources to serve their communities. I hear from our tribes in Montana that funding for 638 contracts is too low. It never gets raised. And it is much lower than the funding provided to run similar BIA programs.

Here is my question. What specific measures does the BIA have in place to assure that transparency and accountability in the decision making process for tribes will fund law enforcement programs to the 638 agreements?

Mr. NEWLAND. Thank you, Senator. I appreciate that question and I have had the opportunity to spend time at Northern Cheyenne, as we have shared with you. The 638 process for any program with law enforcement at the BIA is fairly transparent. One of the challenges that we have is with the funding that we have, we cannot reduce funding for some tribes as new tribes or as tribes take on new contracts. So we have to use the funding that we have.

As I was explaining in my prepared oral statement, we saw some funding increases for law enforcement for Indian Affairs in 2022 and 2023. But when you dive into those increases, only \$11 million of those increases was available to increase the funding nationwide. So we had \$11 million in new funds to spread across 182 tribes.

I know this is a concern. I have heard directly through the tribal Interior budget committee; we have walked tribal leaders through how this funding gets from the appropriation stage into tribal accounts through 638 contracts. I would be happy to have our team meet with your staff, Senator, to walk them through that as well.

I very much want to get more funding out to tribes to address these issues. I think everyone here agrees.

Senator DAINES. Thanks for visiting and engaging our tribes on the ground. I think it is really, really important, because you all, sometimes it feels like you are a long way away. Which you are, physically speaking, geographically speaking.

But our tribes are exasperated. The 638 program empowers them to kind of take control of their destiny. I hope you do all you can to make sure they are resourced appropriately. This is literally a life and death situation going on in Indian Country.

Mr. NEWLAND. Thank you, Senator.

Senator DAINES. Thanks, Mr. Chairman.

The CHAIRMAN. Senator Smith?

**STATEMENT OF HON. TINA SMITH,
U.S. SENATOR FROM MINNESOTA**

Senator SMITH. Thank you, Mr. Chair and Vice Chair. And thanks to all our panelists. It is nice to see you again, especially my friend Commissioner Kunesh from Minnesota. Thank you.

I think in a way I am following up on what Senator Daines is raising as he is talking about 638 authority, and how we can create a better system for tribes to be able to exercise their inherent authority to provide public safety on tribal lands. We have heard so often about this sort of revolving door that occurs when non-Native people come onto tribal land and commit horrible crimes, are arrested, then they are released and it happens over and over again.

So I am going to start with you, Ms. Randall. Can you briefly tell me, why do you think it is that Federal prosecution rates are so low in Indian Country?

Ms. RANDALL. Federal prosecutions are essential. As you know, this is a top priority for the Deputy Attorney General who has said that this is not just a top priority overarchingly for the department, but that we must bring every charge that we can. Her memo says that these offenses should be investigated wherever credible evidence of a violation of Federal law exists, and offenses should be prosecuted when the department's principles of Federal prosecution are met.

At the Office of Violence Against Women, we are hoping to help reduce the declination of meritorious cases wherever they may be. These cases can be really hard to prosecute, whether you are Federal, State or local.

We just on Monday released a framework to help prosecutors really successfully bring, for example, domestic violence and sexual assault cases.

Senator SMITH. Okay. So the prosecution rates are not what they should be, not what they could be, and you are working to improve them. I think we would maybe agree that one of the challenges we have are some of these, as we have discussed earlier, some of the jurisdictional issues that make it difficult and complicated, as you were saying, Secretary Newland, to make these prosecutions.

I happen to think that I don't really know that we are doing enough in Congress. I think that we know that the best solutions for Indian Country are going to come from Indian Country. This is especially true in public safety. And we have learned this from the special tribal criminal jurisdiction that we are creating, that we have created in response to missing and murdered indigenous women and relatives.

So I know that many of us are committed to working on this on this Committee. I believe, as I said, that I don't think we have done enough.

Assistant Secretary Newland, could you address this? What, in your experience as a tribal leader and as Assistant Secretary have shown you about is working about this special tribal criminal jurisdiction?

Mr. NEWLAND. Thank you, Senator. I am sorry, just to understand your question, what is working about the VAWA jurisdiction?

Senator SMITH. Yes. What are we learning from this experience that we might be able to apply to other circumstances where similar special jurisdictions might help us to get better prosecution rates?

Mr. NEWLAND. I think, Senator, it is the core principle of self-determination, which you were alluding to, is that tribes are able to be first responders to public safety concerns. The U.S. attorneys, we know, handle just an enormous case load. So it makes it difficult for them to get to all of these cases in a timely manner that tribal prosecutors and tribal courts just don't have to deal with, because they are local.

I have had the chance to visit some communities that are exercising that jurisdiction like Pascua Yaqui in Arizona, and see what they have been able to do with their courts and their law enforcement agency. It is incredible.

Senator SMITH. Yes, they are getting great results.

Mr. NEWLAND. Yes.

Senator SMITH. Yes, I think that is right. I think there are really important lessons to be learned, and as you said, the most important one of them is that if we recognize tribes' inherent authority to be able to provide for public safety in their nations, that we get better results for all the reasons that you outlined.

Mr. Chair and Vice Chair, and all members of the Committee, I think this is something that we can do some more work on. We have learned a lot from what we have accomplished with the special tribal jurisdiction with VAWA. We should be looking at other ways we can do this, and other ways we can extend this knowledge to prosecuting, for example, drug crimes as well.

I look forward to working with my colleagues on this. I think there is more we can do.

The CHAIRMAN. Senator Hoeven?

**STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

Senator HOEVEN. Thank you, Mr. Chairman, thanks to both you and the Ranking Member Murkowski for calling this hearing on public safety on the reservations. It is just incredibly important.

Thanks to all of our witnesses for being here. I really think that the key is, we have to get more law enforcement officers out there on the ground. BIA is coming nowhere near to filling the positions that they have available. We have to do more to get those positions filled.

Right now, according to the testimony received by this Committee, there is a 39 percent, almost 40 percent vacancy rate for all positions in the BIA Office of Justice Services. One of the things, Senator Cortez Masto and I have introduced the Bridging Agency Data Gaps and Ensuring Safety, or BADGES Act, to try to expedite getting more officers into these positions. That would allow BIA to basically pilot a program to conduct background checks to try to expedite that service.

But we have to recruit and train more agents. Of course that is why we started the Advanced Training Center at Camp Grafton. We have the program at Artesia, which you are all very well familiar with, but you have an incredibly even higher vacancy rate in the northern Great Plains. Part of it is proximity, just getting people recruited and going to these schools. Of course, it is harder to get them to go down to New Mexico, and if they did, to come back to the northern Great Plains. So that was the whole concept.

It is working, but we have to do more. The last data I have is that in 2021, BIA put almost 5,500 people through the law enforcement and public safety training programs, 5,429. Of those, 3,920, so about 5,500, almost 4,000, went through the advanced training center.

But we have to do more. We have a 40 percent vacancy rate. I brought this up to Secretary of Interior Haaland, and you will be pleased to know Secretary Haaland identified you as the guy I should talk to. So I am talking to you.

So tell me, what can we do to get more people through, Artesia, too, but certainly through the advanced training center, and get these positions filled?

Mr. NEWLAND. Sure, thank you, Senator. I would be happy to make sure we get the BIA's vacancy rate in the record. Before this hearing we went and checked. It was not 40 percent, it was closer, it was 30 or just under 30. Not where we want to be, certainly.

Senator HOEVEN. In North Dakota, we are authorized for 256, we have about 81. In the northern Great Plains, it is higher.

Mr. NEWLAND. I agree, Senator. With respect to training, I would love to find ways, as I indicated to Senator Rounds, would love to find ways to come up with all kinds of solutions on the recruitment and retention. I was honored to come and support the BADGES Act a few weeks ago before the Committee.

Senator HOEVEN. Thank you for that.

Mr. NEWLAND. We will be happy to work with you on training opportunities.

Senator HOEVEN. Yes, let's make this a priority. I mean, there is a lot of things we need to do out there. But having more law en-

forcement on the ground, particularly where we can get folks to come from their home area and go back to their home area, that makes a big difference, everything from role model to understanding and knowing the people and all those things. We just have to do better recruiting, getting more people this training, and getting them back on the ground.

So that has to be a priority, and my office will work with you, however we can accomplish that.

The other thing I want to bring up is the SURVIVE Act. Essentially the point of that was to have a 5 percent tribal set-aside for the Crime Victim Fund. So I want to ask Director Randall, are you tracking tribal-specific, I mean, the whole idea was to make sure we help you tribal victim services.

Are you tracking that? How is it going? What is working? What is not? What are your recommendations to improve it?

Ms. RANDALL. Well, on behalf of my colleagues at the Office of Victims of Crime, I can say they are working so hard to ensure that funds get to tribes. They allow an interview process to complete an application. They have gone out to Alaska and on the ground even interviewed people to reach those funds.

So I know that they are doing everything possible to make sure that those dollars get into the hands of the tribes.

Senator HOEVEN. Do you have any specific recommendations on what else we can do to help victims and make the program more effective?

Ms. RANDALL. Overarchingly, the Victims of Crime Act Fund is incredibly successful. It faces some funding challenges, as you well know. I know that there are proposals before Congress to continue to support the health of the Crime Victims Fund. When I am out in the field talking with organizations, they tell me how much they depend on those Victims of Crime Act funds.

Senator HOEVEN. Good. Again, thanks to all of you for being here. Thanks, Mr. Chairman.

The CHAIRMAN. Senator Luján?

**STATEMENT OF HON. BEN RAY LUJÁN,
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you, Mr. Chairman.

Director Randall, last month other members of this Committee and I sent a letter to the Department of Justice on declination rates in Indian Country, which in 2021 stood at 18 percent. I appreciate that agency staff briefed us on this matter, but I fully expect a written response to all seven questions in my letter.

Will you make sure that I get those responses in writing?

Ms. RANDALL. Senator, I presume that we can get you and Mr. Schatz all of the answers in writing for everything that we have available.

Senator LUJÁN. I like yeses and noes. Is the answer yes, or no?

Ms. RANDALL. Well, I don't work on those, so I can't say yes. We will absolutely be taking it back to my colleagues at the Office of Legislative Affairs.

Senator LUJÁN. Mr. Chairman, if I may?

The CHAIRMAN. Please.

Senator LUJÁN. This notion of the line of question that you asked for from the Administration to get that data back should not take a subpoena. We are talking about the life and safety of people that have been getting killed and murdered and have been ignored. Nobody sees them, nobody goes in. We see declination rates with prosecution and the best that we can get to getting answers to this from the United States Department of Justice is, let me look at this, let me think about this. That is not how the Administration should work with the Legislative Branch in the United States Senate.

I don't understand this. I am going to get back to my line of questioning so I can lower my blood pressure, Mr. Chairman. I just don't understand why it is so hard to get a yes or no on we are going to give you what we have. The staff are answering questions; I want them in writing so we can hold them accountable.

The CHAIRMAN. Senator Luján, you wrote a letter to the Department of Justice, and they owe you —

Senator LUJÁN. And other members.

The CHAIRMAN. And they owe you an answer in writing.

My question, just to be fair, my question was about data collection. I was assuming that Ms. Randall was hedging a little bit because she doesn't know exactly what data exists. I found it irritating, but at least explainable.

But when a member reduces to writing a question or series of questions, it is not, "I presume we will get back to you," but "We will get back to you." There is a difference between the thing I was asking for and the thing Senator Luján was asking for.

Ms. RANDALL. I am certain that we will be getting back to you in writing.

The CHAIRMAN. Thank you.

Senator LUJÁN. Thank you, Mr. Chairman.

The Department of Justice is required under the Tribal Law and Order Act to submit a yearly report to Congress on Indian Country investigations and prosecutions. Is that one of your responsibilities?

Ms. RANDALL. That is not one of my responsibilities, Senator.

Senator LUJÁN. The last time the Department of Justice published covered data was from 2021. Are you familiar with this requirement to the Department of Justice?

Ms. RANDALL. Yes, I have looked at that report.

Senator LUJÁN. Has anyone shared with you when Congress might get the next report, since the last one we received was information going back to 2021? If I am correct, it is 2024 now.

Ms. RANDALL. Yes, Senator. That is in clearance right now.

Senator LUJÁN. So the answer is soon?

Ms. RANDALL. Soon.

Senator LUJÁN. So I will assume that soon we will get that information. I appreciate that.

Assistant Secretary Newland, I have heard from several Pueblos and leaders in New Mexico, when there are efforts to try to cross-commission tribal police, BIA officers, with sheriffs' offices and things of that nature, that it cannot be secured because of concerns of liability or things of that nature. I am assuming from the local

law enforcement agencies that there is a limited liability for cross-commissioning of BIA or tribal officers.

So the question that I have for you is, yes or no, are BIA 638 tribal law enforcement officers and other Justice staff covered under the Federal Tort Claims Act for liability purposes?

Mr. NEWLAND. Are BIA officers? Yes.

Senator LUJÁN. Are 638 tribal law enforcement officers?

Mr. NEWLAND. I believe so; I can confirm afterwards.

Senator LUJÁN. The reason I am interested here, maybe we can all submit that in writing, is I want to provide assurance to local law enforcement agencies in New Mexico that in fact there is coverage. Because I share the same concern that Mr. Hoeven was just raising, and that members of this Committee have been raising, the lower numbers of law enforcement in communities. When I was younger, I remember cross-commissioning being an important tool. There was more of a presence, where everyone was working to keep communities safer. I felt safer.

I am concerned now that there is some rationale that reduces that. So I am hoping that we can provide that certainty going forward, and if there is anything missing in tort law that maybe it is something we could consider, find some bipartisan solutions to this, and see if we can help in this particular area.

Mr. NEWLAND. We can get that to you, Senator.

Senator LUJÁN. I appreciate it very much. Thanks, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Luján.

Vice Chair Murkowski?

Senator MURKOWSKI. Thank you. At the end of my round of questioning, I had asked, or I had encouraged, that there be this cross-pollination amongst agencies. One of the things that we know is that programs that may work in one department are models that we should be looking to.

So in that vein, when we think about the 477 Program that authorizes tribes to consolidate Federal funding from across all the Federal agencies into one more streamlined program for, that is designed by the tribes, we see how that works. We are aware that DOJ recently transferred to DOI two discretionary grant programs as proposed by a tribe. And these were the OVC Tribal Victims Service set-aside and VAWA funds.

We saw that in a letter to the chair of the House Natural Resources Committee DOJ stated that the department has concluded that "In this circumstance, to transfer to Interior funds under the two discretionary grant programs."

So, Director Randall, do you agree that the Department of the Interior has the authority to integrate programs into a 477 plan as mandated under that law? Do you think we have that ability to do that?

Ms. RANDALL. Yes, Senator. Following 477 is very important to us, and something that the Department fully supports. The Violence Against Women Act has a lot of very specific mandates, and my office has not yet consulted on how, for tribal communities who are implementing VAWA, this will play out.

So we are looking forward to some continued dialogue and consultation. I believe the National Congress of American Indians Vio-

lence Against Women Task Force will also be having a listening session very soon.

Senator MURKOWSKI. Again, the efficiencies that are created, we have seen them in play. That is what we are looking for here, as well.

In another area, this relates to technical assistance, one of the things that Attorney General Garland had heard about, or we had raised with him, was this desire to ensure that there is culturally appropriate technical assistance that is available to the tribes. I have heard from some tribes who are accessing OVW funding that every program has a different technical assistance provider. Sometimes these providers have zero Alaska expertise.

The FVPSA office, though, has provided funding to Alaska Native Women's Resource Center to provide comprehensive technical assistance to tribes and tribal organizations since 2017. It works. This is a model that is comprehensive, it is flexible TA to the tribes in our State. People know that this is something that can work.

I guess the ask is, is whether OVW can look to the successful implementation of what the FVPSA office at HHS has done, and pattern this. We need technical assistance for tribes and tribal organizations that really works, not just, call them, but you can't get anywhere.

Again, I am encouraging the intersect here between your departments and your agencies.

Ms. RANDALL. Absolutely. We have funded the Alaska Native Women's Resource Center recently for some Alaska-wide technical assistance, in addition to our awards for Alaska-specific special tribal criminal jurisdiction assistance.

While the VAWA programs are incredibly diverse, covering a huge range of professionals, it is essential to us that that cultural specificity be there. When responses are culturally specific, they are significantly more effective. So we are committed to continuing to work on this.

Senator MURKOWSKI. Sometimes it is easier to have somebody be that assistance in some community somewhere else in America where they have no idea they are speaking to people who have no way out of a village, there is no road, the weather is down, and no resources, no shelter. I think what we have seen through FVPSA is a good model and I would commend you to that.

Last question is for you, Assistant Secretary Newland. Our tribes are exploring some different ways to set up intertribal appellate court systems in Alaska and regional courts. We often work, you are very familiar with the tribal consortia throughout the State, and exercise of self-determination throughout.

But if tribes in a region want assistance through the PL-280 tribal court program to set up a regional court and the consortia then has a resolution that designates that authority from each member tribe, are you able to fund the consortia's request? If not, share with me what obstacles there may be to that approach. As you well know, economies of scale in so many of these areas are so important to the success of any program out there when you have these very, very small villages, again, who are kind of operating in a very independent way.

Are we okay with the consortia model and being able to fund them that way?

Mr. NEWLAND. Madam Vice Chair, so long as there are tribal governments that agree to it, we ought to be. I don't want to misspeak here in the Committee and say yes, if the answer is no, because I know you would want to help solve that.

So if I can follow up with an answer, I would be happy to get that to your team in writing.

Senator MURKOWSKI. I think your team behind you is nodding affirmatively.

Mr. NEWLAND. They are telling me yes. They know.

Senator MURKOWSKI. Okay, good. You make sure that he gets all that positive encouragement there.

[Laughter.]

Senator MURKOWSKI. Because again, this is what we are trying to do: We are trying to build some efficiencies, but that efficiency is going to come when we leverage the resources of everybody. So I cannot underscore enough how important this is for Department of Justice, Department of Health and Human Services, Department of Interior, and all the agencies and all the folks underneath, as we are working to build out a model that is unique to our region, unique to our State, working with different constructs than you are going to have from anybody else who is sitting up at this dais.

Please, work with us, be with us, come to the State. We have lots of space for you this summer and even more during the winter.

[Laughter.]

Senator MURKOWSKI. Thank you for the effort.

Mr. Chairman, I think it is significant for this Committee to have had the level of participation that we have had on this issue. We have all raised different things, but we all kind of come back to the same thread: limited resources, what are we doing to make sure we are leveraging them. And the need is just too great.

The CHAIRMAN. Thank you, Vice Chair Murkowski, and again, happy birthday.

If there are no more questions for our witnesses, members may also submit written follow-up questions for the record. The hearing record will be open for two weeks. I want to thank all of the witnesses for their time and their testimony. This hearing is adjourned.

[Whereupon, at 3:58 p.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. W. FRANK ADAMS, CHIEF, UPPER MATTAPONI TRIBE

Introduction

My name is W. Frank Adams, and I am the Chief of the Upper Mattaponi Tribe (“Tribe”). In January 2018, Congress enacted a law extending federal recognition to six Indian tribes located in the boundaries of the State of Virginia including the Upper Mattaponi Tribe. Our ancestors were the first people to encounter Europeans in North America. We have endured centuries of hardships at the hands of multiple sovereigns including the State of Virginia, but we never gave up in our fight for official recognition of the Tribes.

Last year, the Upper Mattaponi Tribe adopted a new Constitution that includes a judicial branch of government. We have confirmed three highly qualified justices to the Tribe’s highest Court. The Tribe also recently acquired its first Reservation trust land. The requirement to govern the Tribe’s territory and people in a fair and just manner is now a reality for the Tribe.

Statement of the Issue: BIA Denial of Federal Funds to the Tribe for Judicial Services

The Upper Mattaponi Tribe, and all the other newly-recognized Tribes in Virginia, have been denied federal funding for judicial services—funding that is available to all other Indian tribes in the United States—simply because the date of the Tribe’s recognition is more recent than other tribes that were federally-recognized years ago. Federal law requires federal agencies to treat the Tribe, and all tribes, in an equal manner, regardless of the date of federal recognition, including providing judicial services funds on an equitable basis. As a federally-recognized Indian tribe, the Upper Mattaponi Tribe is entitled to its share of federal funding for judicial services, and the Congress should appropriate funds for such purposes to the Eastern Region of the Bureau of Indian Affairs (BIA).

Testimony

The date of a tribe’s federal recognition does not dictate whether or not a tribe receives funding from the BIA. Federal law requires the BIA to treat all federally-recognized Tribes in an equal manner regardless of the date of federal recognition of the tribe. The Upper Mattaponi Tribe, as well as the other tribes located within Virginia, are entitled to receive those BIA judicial services funds provided to other tribes.

Law—Equal Footing (Thomasina E. Jordan Act)

Congress enacted the Thomasina E. Jordan Federal Recognition Act (“Act”) extending federal recognition to the Upper Mattaponi Tribe. Section 303 of the Act expressly requires the federal government to treat the Tribe in the same manner as other tribes when it states:

”(a)(2) Applicability of Laws. *All laws* (including regulations) of the United States *of general applicability to Indian or nations, Indian tribes, or bands of Indians* (including the Act of June 18, 1934 (25 U.S.C. 461 *et seq.*) that are not inconsistent with this title *shall be applicable to the Tribe and tribal members.*

(b)(1) In General. On and after the date of enactment of this Act, *the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes* without regard to the existence of a reservation for the Tribe. (Emphasis added).

Law—Equal Footing (Indian Reorganization Act)

All federally-recognized Indian tribes, like all recognized U.S. states, are on an equal footing. Federal law requires federal agencies to treat all tribes on an equal basis and on equal footing. For example, the State of Hawaii is treated the same

as the State of Delaware even though Delaware is the 1st state and Hawaii is the 50th state.

Federal law makes no distinction between earlier-recognized tribes and later-recognized tribes, *i.e.*, once a tribe is federally-recognized, the exact date of such recognition is rendered moot. In fact, Congress enacted the 1994 amendment to the Indian Reorganization Act (“IRA”) to require all existing federal regulations, and all new federal regulations, to treat tribes on an equal footing basis. The IRA, at 25 USC § 1523(f) and (g), states:

(f) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; PROHIBITION ON NEW REGULATIONS.—Departments or agencies of the United States shall not promulgate any regulation or make any decision or determination pursuant to the Act of June 18, 1934 1 (25 U.S.C. 461 et seq., 48 Stat. 984) as amended, or any other Act of Congress, with respect to a federally recognized Indian tribe that classifies, enhances, or diminishes the privileges and immunities available to the Indian tribe relative to other federally recognized tribes by virtue of their status as Indian tribes.

(g) PRIVILEGES AND IMMUNITIES OF INDIAN TRIBES; EXISTING REGULATIONS.—Any regulation or administrative decision or determination of a department or agency of the United States that is in existence or effect on the date of enactment of this Act and that classifies, enhances, or diminishes the privileges and immunities available to a federally recognized Indian tribe relative to the privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes shall have no force or effect. (Emphasis added).

Federal law and federal regulations are clear. Federal law applies to all tribes in the same manner, and a federally-recognized Indian tribe must be afforded the same privileges and immunities as other federally-recognized tribes. Federal agencies, including the BIA, cannot grant privileges to one tribe while denying the same privilege to another tribe, including the awarding of judicial services funds to some tribes but not to other tribes.

BIA Denial of Tribe’s Request For Judicial Services Funds

On September 21, 2023, the Upper Mattaponi Tribe requested 638–Self Determination Act funding from the BIA for the Tribe’s new judicial branch of government. On December 18, 2023, after returning and redirecting the Tribe’s request for annual judicial services funding to another BIA department, the Tribe submitted its third request and application for 638-contract funding for judicial services.

In a January 4, 2024, letter to the Tribe, the BIA Eastern Regional Office denied the Tribe’s request for Self-determination Act funding because the BIA Eastern Region, unlike other BIA Regions, “. . . does not have a Tribal Court Program” and has “. . . no Tribal Court Funding”. The BIA Regional Director provided no further explanations. The BIA Eastern Regional Office directed the Tribe to request an appropriation of additional funds to the BIA, specifically to the BIA Eastern Region, for judicial services programs for tribes in the Region.

Conclusion

The Upper Mattaponi Tribe is a federally-recognized Tribe eligible for federal programs and services like other federally-recognized Indian tribes, including funds to assist with the operation of the Tribe’s judicial branch of government. Recently, the BIA denied the Tribe federal funds for its judicial branch of government simply because the federal government extended federal recognition to the tribe more recently, and that no funds had been appropriated for the BIA Eastern Region for such purposes.

The Tribe worked tirelessly for decades to achieve federal recognition as an Indian tribe. The Tribe should not have to continue to fight for access to programs and services that are regularly provided to other Indian tribes, as we have the same needs for judicial services. The Upper Mattaponi Tribe has the same as other Indian tribes to protect its land and people, and Congress should provide judicial services funds to the BIA Eastern Region for such purposes.

PREPARED STATEMENT OF HON. JEFFREY STIFFARM, PRESIDENT, FORT BELKNAP INDIAN COMMUNITY

Dear Chairman Schatz, Vice-Chair Murkowski, Senator Daines, Senator Tester, and Members of the Committee:

The Fort Belknap Indian Community (FBIC) appreciates the Senate Committee on Indian Affairs dedicating the time and attention to these important matters of

Public Safety and Justice Resources. The purpose of this correspondence is to provide the FBIC's written comment to the May 22, 2024, Oversight Hearing titled, "Examining Public Safety and Justice Resources in Native Communities."

Hon. Bryan Newland, Hon. Patrice Kunesh and Ms. Allison Randall provided some key insights to these matters of Public Safety and Justice Resources in our Native Communities. There are several points from their testimony and the FBIC's history and experience that needs to be stressed and considered. In particular, we agree with Hon. Bryan Newland that our Public Safety and Law Enforcement are seriously underfunded and ill-equipped and more resources and funding opportunities are needed. We also agree with Hon. Patrice Kunesh that our Native Languages need to be funded. Due to many atrocities that have impacted out Native Communities our Native languages have suffered. Our children and grandchildren need the knowledge of our language and culture to restore the knowledge of who they are and who they come from. And we agree with Ms. Randall; the Not Invisible Act Recommendations need to be immediately implemented.

The Fort Belknap Reservation is located in north central Montana and is comprised of 652,000 acres (1,014 square miles) almost as large as the State of Rhode Island, and has nearly 7,000 members living on or near our Reservation. FBIC has 638-funding for 9 Law Enforcement Officers to provide 24/7 Law Enforcement Services to our Reservation. Tribal law enforcement is seriously underfunded by the federal government and by BIA Officers lack equipment and are untrained to handle this crisis and most importantly underfunded. In the 638-contracting process, the federal government offered \$1.2 Million dollars to Fort Belknap to administer our own Law Enforcement in 1997, and 27 years later in 2023 offers \$1.3 Million. Other similar Tribes to Fort Belknap, have been awarded over \$5 million for Law Enforcement Services. Due to this incredible disparity, the Fort Belknap Community has a pending federal lawsuit against the United States government due to its breach of contract and trust responsibilities owed to our People. The United States has trust responsibilities that is not being met in particular FBI and border patrol.

FBIC is at War with Drugs and it deeply impacts our Public Safety and Justice Resources. On behalf of the FBIC, I offer 6 recommendations to Congress: (1) Fully-Restore Tribal Criminal Jurisdiction in Indian Country (2) Increase Funding for Law Enforcement, Tribal Courts, and U.S. Attorneys (3) Congressionally Mandate the Coordination of Federal Services (4) Secure the South Border of the United States, (5) Congressional Legislation for more sever federal punishment on drugs such as fentanyl and methamphetamine (6) Implement the 2023 Not Invisible Act Commission Report Recommendations.

The United States Supreme Court's *Oliphant* decision limits the ability of Native Nations to try and punish non-Indians. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). Currently Tribal Governments across Indian Country do not have the ability to exercise criminal jurisdiction over non-Indians committing drug-related crimes in Indian Country. When a non-Indian commits a crime, our Law Enforcement is required to contact either the County and/or the FBI. Tribes need the ability to detain, arrest, prosecute, and punish all who come onto our Homeland and cause harm.

A few weeks ago, we had a non-Indian Drug Dealer dealing drugs and living on our Reservation, In the course of a Tribal Law Enforcement investigation, this non-Indian Drug Dealer was found with a large amount of methamphetamine he had a scale, drug paraphernalia, had beaten a Tribal Member, and a history of committing other Drug crimes. The local County was called, as well as the FBI. Due to the on-going criminal behavior of this non-Indian Drug Dealer, the Tribal Court issued a preliminary Order to Exclude him from our Reservation as per the Fort Belknap Indian Community's Constitution. The non-Indian Drug Dealer violated within the week of the issuance of the Order.

On May 22, 2024, our Tribal Council had an Exclusion Hearing to require the non-Indian Drug Dealer to be excluded from our Reservation indefinitely, During the Hearing, the non-Indian Drug Dealer stood before our Tribal Council and boasted: YOU HAVE NO JURISDICTION OVER ME. THE COUNTY MIGHT, THE FEDS MIGHT, BUT YOU DON'T. He further boasted that when he violated the Court's Order, he did so by driving onto our Reservation on a "State Highway" implying that our Tribal Council had no authority to exclude him because he was on a State Highway driving on our Reservation in violation of the FBIC's Order to Exclude.

Drug Dealers and Drug Cartels have targeted reservation communities because of the rural terrain, history of community addiction, and limited law enforcement resources. Cartels are specifically targeting Indian Country because of a dangerous combination of under-resourced law enforcement, legal loopholes, sparsely populated communities, and exorbitant profits, and it is devastating Tribal reservations as

well. Profits for these cartels soar the farther they get from the southern border. A fentanyl pill that costs less than \$1 in Mexico and southern states, can go for over \$100 on our Reservation.

As the drug cartels seep deeper into Indian Country they know of the limited resources that we have. Montana is 147,040 square miles—Montana is slightly larger than Japan. It is the 4th largest State in the United States behind, Texas, Alaska and California. In 2024, it is reported that only 20 DEA Agents cover the entire State of Montana. The DEA sends drug testing to their Crime Lab located in California and the test results are not known until at least 8 months or more—after the crimes are committed which also raises speedy-trial issues. The cartels know this—so it is easy for them to attempt take-over of reservations.

On April 23 2024, our Tribal Council met Jesse Laslovich and Amanda Myers with the United States Attorney's Office. Fort Belknap Indian Community Council requested that Jesse Laslovich and DEA attempt to work With the Montana State Crime Lab in order to receive faster drug test results and more prosecutions. As to the Montana United States Attorney's Office, currently there are a total of 6 Assistance United States Attorneys (AUSA) in Montana. 3 are located in Great Falls (4 hours from Fort Belknap), 2 in Billings (3 hours from Fort Belknap) and 1 in Helena (4 hours from Fort Belknap). Two (2) of these 6 ASUAs are assigned to serve all of Indian Country in Montana: an 7 Reservations! And the last federal budget cuts1 cut a proposed AUSA Prosecutor from Montana. We need more AUSAs not less.

It was reported to our Tribal Council that prior to AUSA Jesse Laslovich's appointment in Montana, there was 1 violent crime case prosecuted from fort Belknap prior to his arrival, 3 violent crimes prosecuted the year he arrived, 11 violent crimes prosecuted the next year and it was reported that they currently have 7 violent crime cases pending prosecution. While the United States Attorney's Office attempts to meet with our Law Enforcement monthly, our Tribes very rarely see any FBI presence. There appears to be an ongoing disconnect between the FBI and AUSA and Fort Belknap Law Enforcement as to the evidence gathering and prosecution of cases. Our Law Enforcement reports crime to the federal agencies and yet we get limited to no feedback from the FBI as to the status of any pending case. On April 23, 2024, our Tribal Council made a specific request through Jesse Laslovich to have the FBI present at the Council Meeting Discussions and the ongoing monthly case-staffing.

Our Tribes are finding that the FBI is reactive not proactive. And this is frustrating. The FBI has jurisdiction over non-Indians, our Tribal Law Enforcement Officers' hands are tied because we only have jurisdiction over Tribal Members. So we get into a situation where if the FBI has jurisdiction over a criminal case and that person is not immediately arrested, the County Sheriff won't arrest because they say the FBI has jurisdiction. So the Suspects are not arrested and allowed to continue to victimize Tribal Members of our Community. Further the federal punishment is less severe with the federal-side for drugs than it is for the State/County Prosecutions. And the Border Patrol on the other hand cannot initiate contact with anyone that they believe may be illegal unless there is a local law enforcement agency that makes contact first and requests them. Which also slows the process when the Northern Border is within 40 Miles of our Reservation.

The National Congress of American Indians authored a Report to Congress in 2006 which put the federal government on notice that drug cartels were moving onto the Reservations but they did nothing. The other federal government arm that fails us is the Border Patrol. They know Mexican or other illegal aliens are on Reservations but do nothing. Our People get harassed when they cross the Border with sacred objects even though our Border crossing rights are supposed to be protected by the Jay-Treaty, yet the cartel seem to be able to get right through.

The Detention of our Tribal Members is administered by the BIA-OJS. Our Tribal Members are transported to a Detention Facility in Oklahoma, where they are detained with little to no contact with family. Yet, there is a +400 Cell Detention Facility in Hardin, Montana wherein the BIA Staffs it for 20 Inmates rather than the +400 capacity. What a waste of transportation costs to Oklahoma when our Tribal Members could be detained within the State of Montana. Further, the FBIC Court had to recently issue a Complaint against a BIA Detention Officer for subjectively releasing Inmates which violated Court Orders of Detainment.

BIA Law Enforcement Training is located in Artesia, New Mexico, which is located 1,279.5 Miles away from the Fort Belknap Indian Community. If Law Enforcement Applicants are trained by State Law Enforcement Training, they are required to receive the additional federal training in Artesia, New Mexico. Our Law Enforcement recruitment and retention challenges are hard enough with the basic requirements of needing the Training. BIA needs to be on-board with finding Law Enforce-

ment Training locations in the Great Plains Region or work with State Law Enforcement Trainings to implement federal law enforcement requirements.

It is repeatedly reported to us that drug cartels are targeting our Native women and using homes on reservations as safe houses and distribution hubs. They are able to operate with impunity because of complex jurisdictional rules and the fact that Tribal law enforcement agencies have been under-resourced and under-staffed for decades. This problem is directly connected to our War on Drug Crisis, our communities are reporting more instances of sexual abuse, human trafficking, child abuse and domestic violence. And it creates an environment of a scary place of lawlessness. Why should we be afraid in our own Country? Congress funds billions in federal aid to foreign countries to protect its borders and to kill. The Fort Belknap Indian Community needs the funding to protect the Fort Belknap Indian Community's Borders in order to live.

As recent as November 2023, the Not Invisible Act Commission Congressional Report, the Commission reported Indian Country's response to Congress regarding the lack of law enforcement, lack of federal coordination and cooperation with Tribal and Local Governments, the lack of training of Law Enforcement, lack of jurisdictional understanding, lack of jurisdictional coordination, and lack of funding. And the Commission developed specific recommendations Congress should implement. Fort Belknap Indian Community agrees with the Not Invisible Act Commission's recommendations and urges Congress to implement the recommendations. Congress and Indian Country have proven, through these Commission Reports, that in order to protect ourselves, Tribal governments need to have the financial resources and the ability to exercise Tribal Criminal jurisdiction over all People and all crimes that occur within our Reservations. (See also Commission Reports from the Tribal Law and Order Act of 2010 (TLOA) and the Violence Against Women Reauthorization Act (VAWA) of 2013 and its 2022 Amendments.)

We cannot continue to allow cartels to take advantage of the holes in our justice system and we cannot win this War on Drugs by ourselves. I encourage you to do everything possible to ensure we have the tools and resources we need to keep our communities safe.

In Conclusion, as recently as yesterday, June 4, 2024, during the Committee on Natural Resources Subcommittee on Oversight and Investigations Oversight Hearing. BIA Director Darryl LaCounte testified that the BIA is funded to meet 13 percent of Indian Country's NEED! 13 percent is NOT ACCEPTABLE. Nearly 100 Years Ago, Congress Passed the Indian Citizenship Act of June 2, 1924. Congress mandated United States Citizenship to all Native Americans born in the United States, Many of our Treaties—the Supreme Law of the Land—promised Protection of our People. By the promises of our Treaties and the Indian Citizenship Act of the United States: Congress has an absolute legal and moral duty to protect Us—and not at 13 percent. Congress needs to start with the legislative action to restore our Criminal Jurisdiction, and to provide the resources and funding to Protect the Borders of our Reservations and Tribal Homeland.

AMERICAN BAR ASSOCIATION
May 20, 2024

Hon. Jeff Merkley;
Hon. Lisa Murkowski;
Hon. Mike Simpson;
Hon. Chellie Pingree;
Washington, DC.

RE: FUNDING FOR TRIBAL COURTS TO ENSURE ACCESS TO JUSTICE

Dear Chair Merkley, Ranking Member Murkowski, Chair Simpson, and Ranking Member Pingree:

On behalf of the American Bar Association (ABA), the largest voluntary association of lawyers and legal professionals in the world, I write to express our concerns over inadequate funding of tribal criminal justice that has contributed to staggering rates of violent crime and victimization on many Indian reservations. This is not a new problem.

The underfunding of the tribal justice systems has been well-documented in report after report for over two decades.¹ Most recently, in 2024, the Bureau of Indian

¹U.S. Civil Rights Commission 1991 Report *The Indian Civil Rights Act: A Report of the United States Commission on Civil Rights*; the U. S. Civil Rights Commission 2003 Report *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*; the Indian Law and Order

Affairs (BIA) submitted its *Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021* estimating that \$1.5 billion was needed for tribal courts to provide a minimum base level of service to all federally recognized tribal nations in 2021. According to the same report, however, funding for tribal courts in FY 2021 was only \$65.3 million.

Notably, the methodology used by the BIA to estimate the funding needs of tribal courts does not take into account an important recent Supreme Court decision that dramatically increased the caseload of tribal nations in Oklahoma. In July 2020, the United States Supreme Court recognized the inherent tribal jurisdiction over Native American sovereign lands in Oklahoma. In its decision in *McGirt v. Oklahoma*, the Court recognized that simply because a State encroaches onto sovereign Indian lands, that does not give the State authority to exercise jurisdiction to prosecute state law crimes in contravention of treaty provisions. As a result, tribal and federal courts and law enforcement must now devote substantial resources to criminal cases that had been heard in state court prior to the decision in *McGirt*.

The ABA has long affirmed that tribal justice systems are the primary and most appropriate institutions for maintaining order in tribal communities. We have repeatedly urged the United States government “to support quality and accessible justice by ensuring adequate, stable, long-term funding for tribal justice systems.”² Despite urgent pleas by tribes, tribal courts, and concerned organizations representing myriad disciplines for the U.S. government to appropriate the funds that are needed to provide the more than 350 tribal justice systems with the resources they need to do this important work, there is a critical funding shortfall that needs to be recognized and rectified as we enter the FY 2025 budget cycle. The funding of tribal courts is an area of longstanding neglect and requires immediate attention.

We understand that the Tribal Interior Budget Council³ and the Not Invisible Act Commission⁴ have both urged Congress to appropriate funding sufficient to meet the estimated needs of tribal courts. We, likewise, urge you to address this important funding priority and stand ready to assist you in whatever way we can.

Sincerely,

MARY SMITH, PRESIDENT

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO
HON. PATRICE KUNESH

Question 1. Not One More: The Not Invisible Act Commission Final Report (Final Report) includes more than 20 recommendations directed to the Department of Health and Human Services (HHS). Per your testimony, HHS is planning to issue a formal response to these recommendations. What is the timing for issuing this response? Please provide the Committee with a copy of HHS’ response.

Answer. HHS is planning to issue a formal response to these recommendations at the later this summer and will provide the Committee with a copy.

Question 2. In 2022, the Department of Justice (DOJ)’s Office for Victims of Crime and HHS’s Office on Trafficking in Persons partnered on a joint initiative to develop standards of care for anti-trafficking service providers. What is the status of the joint initiative?

Answer. The Standards of Care (SOC) Technical Working Group (TWG) subcommittees have completed drafts of the first five themes: accessibility, cultural responsiveness, collaboration, organizational ethics, and Diversity, Equity, Inclusion, and Belonging. The TWG subcommittees are reviewing and providing feedback on the content drafted by their peers through July 2024. Once the review is complete, the themes will move forward to for collective opinion and feedback from panel members (utilizing the Delphi Process).

Commission 2013 report *A Roadmap for Making Native America Safer: Report to the President & Congress of the United States*; the U.S. Department of Justice, Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence 2014 Report *Ending Violence So Children Can Thrive*; and the U. S. Civil Rights Commission 2018 report *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*; the Not Invisible Commission 2023 Report *Not One More*; and the Alyce Spotted Bear & Walter Soboleff Commission on Native Children 2024 Report *The Way Forward*.

²The ABA has adopted extensive policy supporting tribal court funding, accessible at: <https://www.americanbar.org/content/dam/aba/administrative/crsj/native-american-concerns.pdf>.

³Tribal/Interior Budget Council FY 2025 Tribal Budget Submission For the President’s FY 2025 Budget Request to Congress, May 1, 2023, available at https://archive.nci.org/initiatives/tibc/TIBC_FY_2025_Tribal_Budget_Submission_FY_5.1.23_FINAL.pdf.

⁴Not Invisible Act Commission Report, *Not One More*, 2023, pg. 12.

This year, there have been two quarterly sessions with the TWG (March 5th and June 4th) where they discussed SOC themes and overall project progress. The SOC award recipient continues meeting with the U.S. Department of Justice (DOJ) and HHS federal representatives monthly. DOJ awarded a 12-month No-Cost Extension to the SOC award recipient which extended the project period end date to September 2026.

Question 2a. In light of the Final Report's recommendation urging more collaboration across federal agencies to support organizations serving Native survivors of human trafficking and other violent crimes, is HHS developing other initiatives or other programs with DOJ?

Answer. In April 2024, the Office on Trafficking in Persons (OTIP) within the Administration for Children and Families finalized a Memorandum of Agreement (MOA) with DOJ's Office for Victims of Crime to coordinate and enhance programs addressing child trafficking, including the Victims of Human Trafficking in Native Communities Demonstration Program. The MOA includes a commitment to:

- Convene regularly scheduled bi-monthly meetings specifically focused on our agencies' efforts to combat child and youth trafficking;
- Engage OVC in the efforts of the National Advisory Committee on the Trafficking of Children and Youth in the U.S. supported by OTIP;
- Identify opportunities to improve coordination and build capacity of grant program services and assistance focused on minors who have experienced or at-risk for human trafficking in underserved communities;
- Coordinate on the development and dissemination of training and technical assistance for grant recipients serving minor victims of human trafficking; and
- Develop and disseminate resources to increase awareness and educate the public about child and youth trafficking.

Question 3. In April, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued a final rule allowing jails and prisons to treat inmates with methadone as appropriate to manage substance use disorder as a secondary condition, as long as they register as a hospital or clinic with the Drug Enforcement Agency. This rule will increase access to treatment for opioid use disorder in jails and prisons across the country. Are Tribal detention facilities captured in the rule? If not, how is HHS addressing treatment of substance use disorder in Tribal detention facilities?

Answer. The flexibility described in the question and found in 42 CFR 8.11(h)(3) of the revised rule is a restatement of existing law (DEA Hospital/Clinic designation to dispense methadone in accordance with stipulations outlined in 21 C.F.R. § 1306.07(c)). 42 CFR part 8 does not explicitly define a 'correctional facility' nor the jurisdiction that administers such facilities. For questions concerning the scope of 21 C.F.R. § 1306.07(c), SAMHSA defers to the Drug Enforcement Administration, which administers this regulation.

Question 4. Existing resources available through the Health Resources and Services Administration (HRSA), including the Rural Communities Opioid Response Program (RCORP-Overdose Response and RCORP-Behavioral Health Care Support Program), promote healing in Indian Country by working to address substance use disorder and other behavioral health needs in Indian Country. How is HHS promoting these resources to Tribes and are they fully subscribed?

Answer. HRSA is committed to promoting grant opportunities for which Tribes are eligible, including through regular engagements during the Secretary's Tribal Advisory Committee and the HRSA-specific Tribal Advisory Committee. HHS also promotes these resources to Tribes through HRSA's Office of Tribal Affairs' Monthly Newsletter communications and the Federal Office of Rural Health Policy's Weekly Announcements. We also promote these resources through the bi-weekly HHS Tribal Affairs Newsletter, sent out to over 6,000 subscribers by the HHS Office of Intergovernmental and External Affairs. Lastly, HRSA shares grant opportunities and other resources through partnerships with the Substance Abuse and Mental Health Services Administration's Tribal Opioids Response program and Indian Health Service's Division of Behavioral Health. The Rural Communities Opioid Response Programs are highly competitive and HRSA awards all available funding.

Question 5. The Administration for Children and Families (ACF)'s Office on Trafficking in Persons (OTIP) established the Victims of Human Trafficking in Native Communities demonstration program, which currently provides funds to six community-based organizations, including Child and Family Service in Ewa Beach, Hawai'i. Given the reported success of the program, how does OTIP plan to expand the reach of this program to address human trafficking across Hawai'i?

Answer. Within current funding, OTIP plans to disseminate the learnings from the program in Ewa Beach to inform the replicability of efforts in other localities.

Question 6. In 2022, ACF's Family Violence Prevention and Services Act Program provided funds to Pouhana O Nā Wāhine to serve as the Native Hawaiian resource center on domestic violence. How has this funding strengthened the capacity of Native Hawaiian organizations to offer culturally-appropriate support to victims of family, domestic, and dating violence?

Answer. Over the past eighteen months Pouhana O Nā Wāhine (PONW), the Native Hawaiian Resource Center on Domestic Violence, funded through ACF, has strengthened the capacity of Native Hawaiian (NH) organizations to offer culturally specific support to victims of family, dating and domestic violence.

PONW's focus is dedicated to recognizing and restoring the voices and teachings of ka pae 'āina o Hawai'i-O'ahu, Hawai'i, Maui, Lāna'i, Moloka'i, Kaua'i, and Ni'ihau. Their goal is to address the foundational need for domestic violence intervention and prevention in Hawaii, ensuring their impact is felt deeply within the community and is sustained. PONW provides leadership and support by engaging with relevant social services systems and conducting research to help restore safety for Kanaka Maoli (Hawaiian) survivors and their children. Advocating for a Kanaka Maoli voice in the effort to eradicate high levels of violence against Kanaka Maoli victims is a critical component of their mission.

PONW offers culturally relevant technical assistance and solution-based strategies that are survivor-centered, trauma-informed, and grounded in Kanaka Maoli, values that are based on a Hawaiian world view. The organization's collectivistic approach factors into their resilience as Kānaka Maoli understanding that there can be many approaches to domestic violence prevention and response efforts. PONW recognizes and shares unique local histories tied to 'aina kupuna (ancestral land) through the lessons from 'ike kupuna (ancestral knowledge) of each community to build resilience and prevent domestic violence.

PONW has developed a road map for Native Hawaiians organizations to provide culturally specific intervention and prevention strategies to address domestic violence in their communities.

Training and Technical Assistance

PONW has continued to increase the number of training events held, the number of staff at Native Hawaiian organizations trained, and the number of responses to technical assistance requests. For instance, PONW developed a curriculum that is culturally specific and is offered across all islands in Hawai'i. These curriculum sessions were created by and for survivors and communities and are based upon the work of Native Hawaiian elders. These sessions, called Papa 'Ōlelo, honor and create a space for everyone affected by domestic violence to come forward into a safe space to share their experiences. These sessions support Native Hawaiian organizations and communities to explore and promote culturally grounded responses that are specific to each unique community. Kānaka Maoli healing interventions have been used in these spaces to support participants. PONW staff have both behavioral health and Kanaka Maoli healing experiences and skills to support survivors as they address challenges to healing. Papa 'Ōlelo sessions have taken place on O'ahu, Hawai'i Island, Kaua'i, and Molokai and is continuing on all Hawaiian islands. The sessions have been successful across the islands with new communities and Native Hawaiian organizations requesting new and additional sessions facilitated by PONW.

The sharing of Kānaka Maoli practices reinforces culture as a protective factor for communities and individuals, as evidenced by the feedback received by partners and participants. Through sharing of Kanaka Maoli, PONW has helped to build the capacity of communities and Native Hawaiian organizations to address violence in ways that are specific to each community.

In addition, PONW developed a training to connect with Native Hawaiian kane (men) who are survivors and/or have used violence in their relationships. PONW staff designed the training to share cultural knowledge of the practices and wisdom of a revered Native Hawaiian kupuna/elder who cared for the health and well-being of the Native Hawaiian community. These sessions emphasized self-care and self-assessment exercises designed to build accountability to self and the wellbeing of the community. PONW continues to move forward by approaching domestic violence from a path not normally taken, by addressing the vast needs of, and by creating, finding, and providing solutions to increase safety for wahine (women).

In 2023, PONW hosted a resource fair that allowed local agencies to network and build new partnerships. They co-sponsored a conference on Native Hawaiian culture, values and storytelling designed to end gender-based violence.

Last year, they launched a three-part webinar series on Native Hawaiian health and its intersection with domestic violence as identified through Papa 'Ōlelo and other community engagement sessions.

As PONW continues to create space for conversation and collective sharing of the challenges caused by domestic violence, NH organizations and non-NH organizations seek out PONW to bring forth the knowledge they carry forward to shed light on the issues at hand and to open up opportunities to create solutions together. This reflects the concept of *kākou*, where each person of the unit has a function, has an honorable role. This could be within a community, an organization, a church, a club, and especially within the *'ohana*. This concept emotes a life of perpetual unity and harmony that is based on a foundation of Aloha. This has opened up further opportunities between PONW leadership and Native Hawaiian leaders.

Missing and Murdered Native Hawaiian Women and Girls

PONW is involved in the Missing and Murdered Native Hawaiian Women and Girls Task Force in Hawaii and assisted in the research and development of the Missing and Murdered Native Hawaiian Women and Girls (MMNHWG) Report. The work done on MMNHWG in Hawai'i is part of the larger, Missing and Murdered Indigenous Women and Girls (MMIWG) movement that originated on Turtle Island (the North American continent) in response to the disproportionate rates of violence experienced by Indigenous women. PONW has been a Task Force partner on the report since the Task Force was convened in 2022 and has been instrumental in the creation and dissemination of the first MMNHWG report that was released in December 2022.

PONW has hosted and attended community awareness events to discuss the MMNHWG research process and findings and the applicability of the research to specific communities and agencies. PONW hosts the Missing and Murdered NH Women and Girls/MMIWG Week of Action in May of each year. MMNHWG research will offer practical tools such as checklists and recommendations to NH organizations and other service providers and professionals to respond to and prevent violence in communities. PONW is developing guidelines on program policies, screening tools, and promising practices to support NH survivors of domestic violence and families and communities impacted by intimate partner violence.

The research for the MMNHWG is by and for Native Hawaiians and takes the methodological approach of community-based action research. Aligned with PONW's mission and vision, the ultimate goal of the MMNHWG research is to raise awareness about the various ways that Native Hawaiians experience violence and contribute, by way of advocacy and community awareness/education, to ending violence against Kanaka 'Ōiwi.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO HON. BRYAN NEWLAND

Question 1. The Bureau of Indian Affairs (BIA)'s ongoing efforts to increase recruitment and retention of law enforcement officers include a pay parity initiative and wellness benefits. How have these ongoing efforts addressed BIA's double-digit vacancy problem?

Is BIA filling vacancies at a faster rate than before its pay parity initiative?

For 638 Tribes, is the agency doing anything similar to address pay parity for these officers?

Answer. The pay parity initiative brings BIA direct service law enforcement pay levels in line with other Federal law enforcement; this change results in up to an additional \$30,000 in annual salary for BIA law enforcement officers, as well as more robust career advancement opportunities. We have completed the process of converting current staff to the new pay levels, and openings for new vacancies are being advertised at this higher pay rate.

The Office of Justice Services (OJS) is now seeing law enforcement officers return from employment elsewhere to OJS to work for Indian Country. As of May 2024, OJS has also retained about four more current officers than last year. OJS hopes the numbers will gradually increase.

For 638 Tribes, the Indian Self-Determination and Education Assistance Act (ISDEAA) provides authority for Tribes to set their own pay levels. If Tribal programs choose to increase pay levels or employ the use of other recruitment and/or retention incentives, as OJS did, they have the discretion to do so through their own resources.

Question 2. During the hearing, you testified that the President’s proposed Fiscal Year 2025 budget would add “over \$30 million” for new construction of Tribal detention facilities, which is enough to fund the replacement of a single facility. According to your previous testimony in the House of Representatives, 23 of the 96 detention centers in Indian Country are in “poor” condition. Assuming “poor” condition includes facilities that require replacement/new construction—What is BIA’s existing process for replacing facilities in poor condition?

Answer. BIA utilizes the Facility Condition Index (FCI) to identify facilities in poor condition. Once identified, the location enters the Indian Affairs, Public Safety and Justice (PS&J) Construction Site Assessment and Capital Investment (SA–CI) Program. The program implements a comprehensive approach to assessing conditions of PS&J-funded facilities, based on empirical data, with an emphasis on improving detention, law enforcement, and judicial facilities. The program establishes a methodology for determining eligibility and selecting PS&J facilities for annual site assessments, third-party technical assessments, on-site reviews, recommendations, Facilities Investment Review Board (FIRB) review, and approved project planning.

At the end of FY 2023, out of the sixty-five OJS facilities, twenty-three were identified as in poor condition. Of the twenty-three facilities in poor condition, we currently have full funding to replace five of them. We estimate the cost of replacing the remaining eighteen facilities to be over \$600 million, which will be accomplished as appropriations become available. Currently, Indian Affairs is appropriated a funding level that would fund about one new facility replacement a year.

Question 2a. Is there a replacement priority list, and if so, how is it developed? What are the criteria for identifying and listing such facilities?

Answer. The replacement priority list is developed through the PS&J SA–CI Program, as described in the response to question 2(a).

The Indian Affairs, PS&J SA–CI Program implements a comprehensive approach to assessing conditions of PS&J-funded facilities, based on empirical data, with an emphasis on improving detention, law enforcement, and judicial facilities. The program establishes a methodology for determining eligibility and selecting PS&J facilities. Criteria for identifying and listing such facilities includes, but is not limited to, the FCI, age of facility, life safety and health issues, facility intended use, inmate population, population trend analysis, proximity to healthcare facilities, and proximity to Tribal courts.

Question 2b. What is BIA’s long-term plan to address growing replacement and construction costs for poor condition facilities as part of future budget requests and communications with Congress?

Answer. Facility needs are addressed through appropriations. The 2025 budget includes a total of \$51.6 million for Public Safety and Justice Construction, which is \$5.6 million above the FY 2024 enacted amount. This additional investment will replace facilities in poor condition, expand employee housing, and address deferred maintenance needs.

Question 3. In April, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued a final rule allowing jails and prisons to treat patients with methadone when registered with the Drug Enforcement Agency as a hospital or clinic. This rule will increase access to treatment for opioid use disorder in jails and prisons across the country. Does BIA plan to expand access to substance use treatment in BIA jails?

Answer. Yes, we currently coordinate through the Indian Health Services Pharmaceutical Division for inmate prescriptions while in custody. We are developing a Memorandum of Agreement for the use of Narcan in BIA and Tribal jails with training for staff. The BIA OJS Pathways to Wellness Recidivism Reduction Initiative currently partners with SAMHSA in areas pertaining to screening, intervention, healing to wellness court treatment, and aftercare-re-entry. BIA OJS welcomes further opportunities to partner with SAMHSA and/or the Drug Enforcement Agency to make access to methadone treatment a new partnership.

Question 4. Three commenters at the Committee’s March 20, 2024 listening session on Public Safety and Justice Resources in Native Communities specifically recommended establishing a Tribal Justice Advisory Committee to advise the Department of the Interior (DOI) and the Department of Justice (DOJ) on addressing public safety and justice concerns within Indian Country, including complex criminal jurisdictional issues. Such an Advisory Committee could assist the agencies in responding to the Not Invisible Act Commission’s Final Report recommendations, including:

- reviewing public safety budgets across federal agencies;

- exploring how Tribal courts can be used by victims of domestic violence;
- advising on policies regarding communication among agencies, providers, and advocates, and on ensuring communication with families and Tribes is clear, accessible, and appropriate;
- advising on the creation of a process for victim advocacy and information sharing, centered around those directly impacted by violence; and
- advising on policies related to information access for family members and victims (police reports, for example) and appropriate return of human remains and belongings.

Will DOI commit to working with DOJ to support such a committee to elevate Tribal interests within each agency and to advise on public safety matters, including how best to advance and implement recommendations included in *Not One More: the Not Invisible Act Commission Final Report*? Would DOI support legislation to create such an advisory committee?

Answer. DOI would be supportive of such an effort, but it is important to highlight the current work DOI does with other federal agencies.

During the 2021 White House Tribal Nations Summit, Secretary Haaland announced the formation of the Department's first-ever Secretary's Tribal Advisory Committee (STAC). The STAC ensures Tribal leaders have direct and consistent communication with current and future Department officials regarding intergovernmental responsibilities, exchanging views, sharing information, and providing advice and recommendations on Departmental programs and funding that impact Tribal Nations. Additionally, Tribal leaders are able to voice their priorities and concerns on the Public Safety and Justice workgroup through the Tribal Interior Budget Council, which works directly with DOI bureaus overseen by the Assistant Secretary for Indian Affairs.

DOI also currently coordinates with the Department of Justice (DOJ) in a taskforce-like manner to address public safety and justice concerns within Tribal communities. In March 2024, DOI coordinated with DOJ to issue the Federal Response to *Not One More: the Not Invisible Act Commission Final Report*. In November 2022, the FBI and BIA finalized a new MOU to establish guidelines on the respective jurisdictions in certain investigative matters and for the effective and efficient administration of criminal investigations in Indian country.

In July 2022, DOI and DOJ published a joint strategy (available at <https://www.justice.gov/tribal/page/file/1553226/dl?inline>) to prevent and respond to violence against Native Americans, including addressing missing or murdered Indigenous persons. This strategy underscores the agencies' support for the work of the Not Invisible Act Commission and a recognition that the Departments' work going forward will be informed by the findings and recommendations of the Commission.

The Department continues to prioritize and reinforce Tribal sovereignty and self-determination by providing support and resources to improving public safety in Indian Country.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. STEVE DAINES TO
HON. BRYAN NEWLAND

Question 1. Assistant Secretary Newland, Tribal leaders from Montana have indicated to me that while BIA detention facilities in Montana operate significantly below capacity, Montana Tribal members have been bussed as far as Oklahoma to serve jail and prison time, over one thousand miles away. Similar reports that Tribal members, upon release, have been forced to wait as long as seven days for transportation back to Montana are troubling. Does the BIA utilize facilities operated by county, state, or other federal partners if the nearest BIA facility is deemed insufficient?

Does the BIA prioritize housing Tribal members in neighboring jurisdictions when the closest facility is deemed insufficient?

Please explain the process and coordination between the BIA and county, state, and other federal partners in the decision to house a Tribal inmate in another facility if the nearest BIA facility is deemed insufficient.

Answer. The BIA Corrections program has an operating procedure that addresses the inmate population and works to keep the staff and inmates safe and secure in a healthy environment. The process in determining placement is based on an inmate's sentence, medical condition, and release date. BIA Corrections also operates a transport program for the movement of inmates for certain locations and assists with long-range transports.

Question 2. The 1975 Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, requires the Secretary of the Interior to enter into 638 contracts with tribes who are willing to provide law enforcement which otherwise would have been provided by BIA at the same amount of funding the BIA would use if it were providing the service. Does PL 93-638 require the BIA to fund Tribal law enforcement activity based on a historical funding basis?

Answer. A funding level is established for a Tribally contracted/compact program under ISDEAA when the contract/compact first incorporates the law enforcement function. When that incorporation occurs, BIA establishes a funding level equal to the current amount the Secretary would have otherwise provided for operation of the program, as required by the ISDEAA. This amount is commonly referred to as the Secretarial Amount, and it may be increased by BIA in subsequent years if additional appropriations are received. That amount cannot be decreased unless Congress specifically reduces appropriations for the corresponding BIA budget line item. Thus, a Tribe's Secretarial Amount can change over the years, but comparing Secretarial Amounts can only be relevant in the initial year. However, if a function or service is not currently being provided by BIA, then there are no funds available for a Tribe to contract/compact under ISDEAA.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BRIAN SCHATZ TO
ALLISON RANDALL

Question 1. How many Assistant United States Attorneys currently serve Indian Country? Please provide the number and state/district locations for these positions.

Answer. Given the broad scope of casework that each United States Attorney's Office faces, the majority of the Assistant United States Attorney (AUSA) positions provided to each USAO come with the flexibility to direct their efforts towards any type of casework that the office may face, provided that such casework is not otherwise prohibited. For this reason, vacancy rates for specific categories of casework are not available, as most AUSAs are not allocated for a specific category. However, across all USAOs and for all types of casework combined, our overall attorney vacancy rate averages approximately 12 percent.

While vacancy rates for specific categories of casework are not available, we do track the quantity of AUSA workyears directed towards specific categories of casework. As it relates to Indian country cases, our latest records indicate that a total of 171 attorney Full-Time Equivalents (FTE) are currently serving Indian country in FY 2024. No vacancies are included in the 171 figure.

Included within the workyears attributable to Indian country are the efforts of 51 Tribal Liaisons, with one assigned for each USAO whose judicial district contains Indian country. Tribal Liaisons are AUSAs who specifically focus on communication, collaboration, and coordination with the federally recognized Tribes within their districts. Tribal Liaisons, as well as Indian country AUSAs and other AUSAs, are responsible for prosecuting matters in Indian country.

Tribal Liaisons positions are statutorily required and filled by AUSAs who are designated by the USAs. They assume responsibilities in addition to or as part of their regular work. As a result, there are no vacancies in the Tribal Liaison positions. If someone were to leave a USAO or stop serving as a Tribal Liaison, the USA would appoint someone else from within the office to serve.

Question 2. In its Final Report, the Not Invisible Act Commission recommended increasing the number of Tribal Special Assistant U.S. Attorneys (SAUSAs) throughout Indian Country. In its response to the Final Report, the Department of Justice (DOJ) agreed with the Commission, but to date, eligible Tribal SAUSA applicants have been limited to seven Tribes in seven states even though DOJ "encourages" U.S. Attorney's offices across the country to integrate Tribal SAUSAs in their operations per the Monaco memorandum. How many Tribal Special Assistant United States Attorneys (SAUSAs) currently serve Indian Country? Please provide the number and state/district locations for these positions.

Answer. Based on a recent survey of United States Attorney's Offices (USAOs) with Indian country responsibilities, at least 23 Tribal Special Assistant United States Attorneys (SAUSAs) positions are available to serve Indian county, including positions that are federally funded and positions that are solely funded by their Tribe. Based on that survey, eight USAOs partner with Tribal communities to host these 23 SAUSAs: Arizona (15 SAUSAs, including one federally funded SAUSA funded under an Office on Violence Against Women (OVW) grant award to the partner Tribe), Colorado (one OVW federally funded SAUSA), Minnesota (one SAUSA), Southern District of Mississippi (one OVW federally funded SAUSA), Montana (two SAUSAs, including one OVW federally funded SAUSA), Western District of Okla-

homa (one OVW federally funded SAUSA), Oregon (one SAUSA), and Western District of Washington (one High Intensity Drug Trafficking Area federally funded SAUSA). Some districts host more than one Tribal SAUSA. As noted above, multiple SAUSA positions are compensated through two DOJ grants, including the OVW Violence Against Women Tribal SAUSA initiative and specialized drug enforcement funding. Four of the OVW-funded positions in the list of 23 above are currently open (i.e., vacant) and in the process of being filled (Colorado River Indian Tribes, Southern Ute, Mississippi Band of Choctaw Indians, and Blackfeet Nation.) In addition, OVW plans to make four new awards under its Tribal SAUSA initiative in fiscal year 2024, which will support four additional Tribal SAUSAs. If these awards are made, USAOs will partner with the Tribal communities to fill the awarded the positions.

Question 2a. What is DOJ's plan to integrate and increase the use of Tribal SAUSAs in Indian Country operations?

Answer. The Department encourages USAOs to integrate Tribal SAUSAs into regular operations to increase the likelihood that every violent offense that is appropriate for prosecution is prosecuted in either federal or Tribal Court. See *Memo-randum on Promoting Public Safety in Indian Country from the Deputy Attorney General (DAG) to Director, ATF, et al. (July 13, 2022)*. SAUSAs complement the work carried out by Tribal liaisons and Indian country prosecutors in Indian country districts. The benefits of integrating Tribal SAUSAs include successful prosecutions of unresolved cases, stronger relationships between Tribes and USAOs, and victims coming forward with confidence that their cases will be seriously considered. SAUSAs, including qualified Tribal prosecutors and other qualified attorneys, may be appointed under 28 U.S.C. § 543 to assist USAOs in prosecuting federal offenses committed in Indian country. As indicated above, numerous districts with Indian country responsibilities leverage federally funded and non-federally funded SAUSA appointments, governed by a memorandum of understanding between the USAO and the participating Tribe.

Since fiscal year 2012, OVW has administered its Violence Against Women Tribal SAUSA initiative, which was initially launched as a pilot project in response to requests from Tribal leaders. Beginning in fiscal year 2022, OVW has received annual appropriations to continue the initiative, which, since its inception, has awarded funds to 16 federally recognized Tribes to help them work with their local USAOs to hire or retain mutually agreed-upon Tribal prosecutors to be cross designated as SAUSAs. These cross-designated prosecutors maintain active caseloads involving the Violence Against Women Act (VAWA) crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking in Tribal court, federal court, or both (OVW-funded TSAUSAs cannot prosecute non-VAWA crimes.) Cross-designated OVW-funded TSAUSAs help promote higher-quality investigations and better inter-governmental communication between Tribes and USAOs. Overall, the OVW TSAUSA initiative has achieved some notable successes, including enhanced collaboration between federal and Tribal partners and federal prosecutions of unresolved cases. On occasion, Tribal grant recipients have difficulty recruiting and retaining qualified candidates for OVW Tribal SAUSA positions, which has slowed or prevented expenditure of grant funds. In some instances, the OVW-funded Tribal SAUSAs have been hired by their USAOs, which may result in vacancies but demonstrates the development of a successful Tribal-federal partnership.

In the absence of grant funding, USAOs coordinate and collaborate whenever possible with Tribal partners and appoint non-federally funded SAUSAs to assist with Indian country prosecutions. Depending on Tribal resources and Tribal court obligations, Tribes may be unable to cross-designate a Tribal prosecutor or attorney as a SAUSA. In those instances, USAOs work collaboratively with the Tribal prosecutor's offices to ensure communication regarding Tribal and federal prosecutions.

The Department appreciates the Committee's interest in the utilization of federally funded and Tribally funded Tribal SAUSAs in USAOs with Indian country responsibilities. Working in collaboration with Tribal partners and Department grant components, USAOs will continue to use and expand the use of SAUSAs whenever possible.

Question 3. The Bureau of Prisons (BOP) Tribal Prisoner Program was made permanent by the reauthorization of the Violence Against Women (VAWA) Act in 2022. Recently, DOJ briefed Committee staff and shared that, as of May 2024, there are 49 participants from eight Tribes in five states—nearly half of the 100-person cap set by law. Does DOJ expect demand for the Program to exceed the 100 Tribal offenders cap? If so, how soon does the BOP expect demand to exceed the current cap?

Answer. As of July 2024, there are 55 participants from eight Tribes in five states. Based on the increased volume in Tribal Prisoner Program applications and refer-

erals received, and increased public awareness of the Program, BOP expects demand for the Program to exceed the 100 Tribal offenders cap in approximately 12 to 14 months.

Question 3a. Has DOJ conducted Tribal consultation to improve BOP Tribal Prisoner Program access and participation from additional Tribes in more states? If so, how has the Department integrated feedback from Tribes, and what barriers exist to expanding this program to ensure Tribes in every state are able to transfer eligible offenders?

Answer. DOJ held nationwide Tribal consultations on October 3 and 6, 2022, to discuss implementation of the BOP Tribal Prisoner Program established in the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022). The discussions were extremely substantive and helpful to the BOP in both identifying unique considerations and refining the program design. The *final report* available on DOJ's Tribal Justice and Safety website provides a detailed summary of the BOP's response to ideas and feedback received during these consultations. Currently, Tribes in Oklahoma, Washington, Arizona, Idaho, Kansas, and Wyoming are participating in the *Program*. DOJ will continue to promote participation in this program. There are no barriers to eligibility—Tribes in every state are already eligible to participate. However, due to the location of many BOP facilities, participation may mean that individuals placed with BOP may be located far from their Tribal communities, which is a concern for some Tribes. As with any adult in custody, BOP makes every effort to designate an individual to a facility as close as possible to the individual's release residence and community ties after taking into account a variety of factors.

Question 4. Tribes have pointed to untimely notification from DOJ declining to prosecute concurrent jurisdiction crimes as negatively impacting their ability to undertake prosecution themselves. Specifically, Tribes have complained that such late notice has allowed the statute of limitations to bring charges and prosecute to run out. What is DOJ's existing process to timely notify Tribes of its intent to decline prosecution? If none exists, will DOJ commit to creating one?

Answer. Consistent with 25 U.S.C. § 2809, if a United States Attorney's Office (USAO) declines to prosecute, or terminates the prosecution of, an alleged violation of federal criminal law in Indian country, the USAO is required to inform Tribal law enforcement and prosecutors of the decision and coordinate with those officials on the use of evidence relevant to the case.

The same requirements extend to law enforcement personnel if the investigation is not referred to a USAO for prosecution decision. See 25 U.S.C. § 2809(a)(1). All USAOs with Indian country responsibilities and law enforcement partners were reminded of their statutory obligations in July 2022. See *Memorandum on Promoting Public Safety in Indian Country from the Deputy Attorney General (DAG) to Director, ATF, et al. (July 13, 2022)*. As noted in the DAG's memorandum, USAO and law enforcement partners were encouraged to promptly inform Tribal law enforcement and prosecutors of investigative and declination decisions.

Each USAO is required to address coordination of prosecution decisions within their Indian Country Operation Plan. The timing of prosecution decisions is often dictated by investigation complexities, including witness cooperation, available forensic evidence, and available law enforcement resources. Therefore, USAOs regularly communicate, coordinate, and collaborate with Tribal law enforcement and prosecutors on investigations through either multi-disciplinary team (MDT) meetings or investigator meetings to provide case status updates.

USAOs comply with their obligation to provide timely notice to Tribes concerning prosecution and declination decisions, as required by 25 U.S.C. § 2809. However, there is no Department-wide process or protocol governing such notice. Generally, USAOs are mindful of Tribal statutory limitations and strive to ensure prosecutorial decisions are promptly communicated and evidence is made available to their Tribal partners. The Department will explore and evaluate whether a Department-wide process or protocol is necessary to ensure prompt notification of prosecution decisions to Tribal law enforcement and prosecutors and considerations when providing notifications of such decisions.

Question 5. A report issued by the Office of Inspector General in 2004 recommended that DOJ meet with Tribes and the Bureau of Indian Affairs (BIA) to develop a strategic plan for jail replacement and renovation. Has DOJ met with BIA and Tribes to fulfill this recommendation? If not, why not?

Answer. Since 2009, DOJ's Office of Justice Programs (OJP), through its Bureau of Justice Assistance (BJA), has consulted with BIA on the strategy regarding detention infrastructure projects funded under the competitive Tribal Justice System Infrastructure Program (TJSIP) solicitation. In response to the DOJ Office of Inspector General Tribal Justice System Infrastructure Program Audit (January 2017),

BJA has worked with BIA to improve coordination to ensure that appropriately sized facilities can be funded, completed, opened, and fully operational. The coordination improvement effort included developing a formal agreement between BJA and BIA to document the roles and responsibilities of each agency, expectations of each agency, and areas of coordination as it relates to justice infrastructure projects. The formalized Memorandum of Understanding (MOU) between the two agencies was executed in 2018 and continues to be in effect. BJA shares all TJSIP grant proposals related to corrections, courts, and law enforcement with BIA for review and comment. As part of this process, BJA ensures that there is adequate operational funding available to support new permanent facilities as well as the expansion or renovation of existing tribal justice facilities. Additionally, BJA reporting provides guidance for any BJA-funded projects to the submit design reviews and life safety review for facilities as appropriate. As memorialized in the MOU, BJA confers with BIA regarding significant changes to the TJSIP grant solicitation, participates in bi-monthly federal partners meetings with BIA, collaborates with BIA on tribal-justice related training events, works with BIA on efforts to operationalize justice facilities, and cooperates with BIA in other mutually beneficial areas as needed.

Question 5a. Has DOJ developed a strategic plan? If not, why not?

Answer. The 2004 Office of the Inspector General (OIG) report states Department of Interior (DOI) should work with BIA, tribes, and DOJ to develop strategic plans for jail replacement and renovation. DOJ/BJA has been responsive in our collaboration with BIA, as governed by the MOU, and documented in the response to the TJSIP Audit.

As DOI indicated in the 2016 OIG report update to the 2004 OIG report, the DOI/BIA Office of Justice Services (OJS) continues to work with DOJ in providing guidance to tribes receiving planning, renovation, and construction grants as needed and/or requested. They further highlighted that OJS continues to work with DOJ on ranking of tribes applying for new construction and renovation.

Question 6. In 2022, DOJ's Office for Victims of Crime and HHS's Office on Trafficking in Persons partnered on a joint initiative to develop standards of care for anti-trafficking service providers. What is the status of the joint initiative?

Answer. In September 2022, under the *OVC FY 2022 Human Trafficking Training and Technical Assistance Program* solicitation, *Freedom Network USA* was awarded a cooperative agreement to work with OJP's Office for Victims of Crime (OVC) and HHS's Office on Trafficking in Persons (OTIP) to develop *National Standards of Care for Anti-Trafficking Service Providers*. The project consists of multiple phases. Phase 1 "Project Planning and Research" has been completed, and Phase 2 "Drafting, Public Comment, Peer Review, and Publication" has commenced. Phase 2 is anticipated to be completed in Fall 2026. OVC and OTIP also anticipate supporting future phases of this project associated with dissemination, training, and technical assistance (TTA), and implementation.

Question 6a. In light of the recommendation included in the Not Invisible Act Commission's Final Report urging more collaboration across federal agencies to support organizations serving Native survivors of human trafficking and other violent crimes, is DOJ developing other initiatives or other programs with HHS?

Answer. In April 2024, the Office for Victims of Crime finalized a Memorandum of Agreement (MOA) with HHS's Office on Trafficking in Persons (OTIP) to coordinate and enhance programs addressing child trafficking. The MOA includes a commitment to:

- Convene regularly scheduled bi-monthly meetings specifically focused on our agencies' efforts to combat child and youth trafficking;
- Engage in the efforts of the National Advisory Committee on the Trafficking of Children and Youth in the U.S. supported by OTIP;
- Identify opportunities to improve coordination and build capacity of grant program services and assistance focused on minors who have experienced or are at-risk for human trafficking in underserved communities;
- Coordinate on the development and dissemination of training and technical assistance for grant recipients serving minor victims of human trafficking; and
- Develop and disseminate resources to increase awareness and educate the public about child and youth trafficking.

The Not Invisible Act Commission (NIAC) conducted several hearings throughout 2023 and the final report included a recommendation to combat violent crime against American Indian and Alaska Native (AI/AN) people on tribal lands by providing tribes with information to enhance leveraging of federal funding to support all crime victims.

The Office for Victims of Crime's (OVC) Tribal Division and the Office on Violence Against Women (OVW) have discussed strategies and activities to address how tribes can better leverage federal funding. In developing a plan to support Tribes on how to strategically make use of Victims of Crime ACT (VOCA) and Violence Against Women Act (VAWA) grants, DOJ's Office for Victims of Crime (OVC) and Office on Violence Against Women (OVW) recognized the need to include HHS's Office of Family Violence and Prevention Services (OFVPS), which administers funding for AI/AN victims of domestic violence and their families, in this work. OVC, OVW, and OFVPS formed a new working group to collaborate on the development of a searchable database to support the improved use of funding managed by all three offices.

Question 7. Three commenters at the Committee's March 20, 2024, listening session on Public Safety and Justice Resources in Native Communities specifically recommended establishing a Tribal Justice Advisory Committee to advise the Department of the Interior (DOI) and DOJ on addressing public safety and justice concerns within Indian Country, including complex criminal jurisdictional issues. Such an Advisory Committee could assist the agencies in responding to the Not Invisible Act Commission's Final Report recommendations, including:

- reviewing public safety budgets across federal agencies;
- exploring how Tribal courts can be used by victims of domestic violence;
- advising on policies regarding communication among agencies, providers, and advocates, and on ensuring communication with families and Tribes is clear, accessible, and appropriate;
- advising on the creation of a process for victim advocacy and information sharing, centered around those directly impacted by violence; and
- advising on policies related to information access for family members and victims (police reports, for example) and appropriate return of human remains and belongings.

Will DOJ commit to working with DOI to support such a committee to elevate Tribal interests within each agency and to advise on public safety matters, including how best to advance and implement recommendations included in Not One More: the Not Invisible Act Commission Final Report? Would DOJ support legislation to create such an advisory committee?

Answer. DOJ is fully committed to working collaboratively, in partnership with fellow agencies and with Tribes, to further its efforts to promote public safety within American Indian and Alaska Native communities. The Departments of Justice and the Interior (DOJ and DOI, respectively) deeply value the input we receive from Tribes and Tribal organizations on how we can better meet their needs, and both agencies have established Tribal advisory councils to incorporate Tribal input and perspectives to discussions and decisionmaking at the highest levels in each Department. The Secretary's Tribal Advisory Group and Tribal Budget Council are the active advisory councils at DOI. The Attorney General's Tribal Nations Leadership Council (TNLC), established in 2010, is comprised of a group of Tribal leaders selected by Tribal governments from each of twelve regions across the country. The TNLC is charged with providing the Attorney General with advice and perspective on emergent and ongoing issues facing Indian Country as well as providing feedback on DOJ activities in support of Tribes in each region. DOJ holds monthly meetings with the TNLC. These Tribal advisory groups were established in consultation with, and with the support of, Tribal governments. They currently serve meaningful and valuable roles in each agency that meet the goals outlined in the above question. DOJ would support increasing opportunities for the established advisory groups to work together and would like to explore the possibility of jointly holding a portion of our meetings with DOI.