

**INTERIOR, ENVIRONMENT, AND RELATED
AGENCIES APPROPRIATIONS FOR 2025**

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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**INVESTIGATING THE CRISIS OF MISSING AND
MURDERED INDIGENOUS WOMEN**



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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2025

WEDNESDAY, NOVEMBER 20, 2024

INVESTIGATING THE CRISIS OF MISSING AND MURDERED INDIGENOUS WOMEN

WITNESSES

EUGENIA CHARLES-NEWTON, LAW AND ORDER COMMITTEE CHAIR AND MEMBER OF THE NAVAJO NATION;

ABIGAIL ECHO-HAWK, EXECUTIVE VICE PRESIDENT AT SEATTLE INDIAN HEALTH BOARD AND DIRECTOR OF THE URBAN INDIAN HEALTH INSTITUTE AND MEMBER OF THE PAWNEE NATION;

CHERYL HORN, MEMBER OF THE MONTANA MISSING INDIGENOUS PERSONS TASK FORCE AND MEMBER OF THE ASSINIBOINE TRIBE OF FORT BELKNAP;

MARY JANE MILES, VICE-CHAIRMAN OF THE ELDREDGE: PERCE TRIBAL EXECUTIVE COMMITTEE (NPTEC) AND MEMBER OF THE NEZ PERCE TRIBE;

MAULIAN BRYANT, WABANAKI ALLIANCE INCOMING EXECUTIVE DIRECTOR AND MEMBER OF THE PENOBSCOT NATION;

BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS AND CITIZEN OF THE BAY MILLS INDIAN COMMUNITY (OJIBWE);

PATRICE KUNESH, COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, AT THE ADMINISTRATION FOR CHILDREN AND FAMILIES IN THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES;

DARON CARREIRO, ACTING DIRECTOR OF THE OFFICE OF TRIBAL JUSTICE (OTJ) AT THE DEPARTMENT OF JUSTICE AND ENROLLED MEMBER OF THE CHICKASAW NATION;

RICHARD "GLEN" MELVILLE, DEPUTY BUREAU DIRECTOR, OFFICE OF JUSTICE SERVICES AND MEMBER OF MAKAH TRIBE OF WASHINGTON

OPENING STATEMENT OF HON. MICHAEL E. SIMPSON, CHAIRMAN OF SUBCOMMITTEE ON INTERIOR, OF COMMITTEE ON APPROPRIATIONS

Mr. SIMPSON. The committee will come to order. Good morning, everyone, and thank you for being here. I would like to extend a special thanks to our Tribal witnesses who traveled here to share their experiences on this tragic issue. I would also like to welcome the Agency officials who will be joining us on the second panel.

Before we begin, I would also like to thank Chairman Cole for joining us today. As the first Native American to serve as chair of the Appropriations Committee and a member of the Chickasaw Nation, he continues to be one of the biggest champions in Indian

Country and for the job that we do on the Appropriations Committee. I sincerely appreciate that Chairman Cole took the time to be here this morning to discuss and address the ongoing crisis of missing and murdered indigenous women.

According to the Centers for Disease Control and Prevention, more than 2 in 5 American Indians and Alaska Native women are raped in their lifetime. Homicide is the number 3 leading cause of death for American Indians and Alaska Native females between the ages of 10 and 24 and the number 5 leading cause of death for 25 to 34 year olds. Forty percent of all victims of sex trafficking are identified as American Indians and Alaska Native women. In 2023, over 5,800 American Indians and Alaska Native females were missing, and 74 percent were children. This is tragic and unacceptable. I even see this in my own home State of Idaho. The Idaho Missing Persons Clearinghouse 2023 reports there is a total of 79 missing Native Americans, and the average rate of missing indigenous people is almost 19 per 100,000 people. This is nearly double the rate for non-Native Americans in Idaho. Again, this is completely unacceptable, and I will continue to use my role in Congress to address this issue.

The Fiscal Year 2025 House Interior Appropriations Bill provided a \$191 million increase for the Bureau of Indian Affairs' Public Safety and Justice programs. Included in that is an additional \$141 million for criminal investigations and police services. We also provided an additional \$13.5 million, for a total of \$30 million, for the Missing and Murdered Indigenous Women's Initiative to help address this crisis, including resources for criminal investigators, software platforms, and evidence recovery equipment. The bill also expanded on the work being done to combat drug abuse and distribution in Indian Country by creating a Narcotics Reduction Task Force. This task force will dismantle and disrupt opioid, heroin, and other dangerous drug distribution networks. Language was also included to support strengthening efforts to take down international cartels targeting Tribal communities for human and drug trafficking. These steps are just the beginning. Beyond the Interior bill, I vow to continue to do all I can to support all the Federal agencies that are working to address this crisis. This is a bipartisan issue, and I know that my colleagues on the other side will continue to join us in supporting this as well as they always have.

In terms of the hearing today, our first panel will consist of a group of Tribal members and representatives who have dedicated their work to addressing this crisis. I would like to personally thank each one of you for your tireless work. I am here to listen and to learn and will do what I can to support all of your efforts. On the second panel, it will consist of representatives from the Department of Interior, the Department of Health and Human Services, and the Department of Justice.

Before I go on, I just want to say I am not here to point fingers or anything else. I don't think any of us are. We are here to solve a problem, and to solve the problem, we want to know what is working, what is not working, things that might need to be changed, and that is the purpose of this hearing. This hearing will continue into the future as we try to address some of these things. We being the Appropriations Committee, we are responsible for

funding a lot of these programs, and as I said, we increase the funding dramatically of what we spend in Indian Country in this bill, and we will continue to do so because it is the right thing to do.

Anyway, I appreciate all of you being here today, and I look forward to your testimony with a broken heart.

Mr. SIMPSON. Congresswoman Pingree.

OPENING STATEMENT OF HON. CHELLIE PINGREE, RANKING MEMBER OF THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES OF COMMITTEE ON APPROPRIATIONS

Ms. PINGREE. Thank you so much, Mr. Chair, and thank you, in particular, for hosting this hearing, and thank you to Chairman Cole for being here. Your expertise on these issues is extremely valuable, so I really appreciate you taking the time to be with all of us.

Good morning to our two panels. Thank you for being with us here today to discuss your work on missing and murdered indigenous women and to share your firsthand and often very painful knowledge. I want to particularly thank formally Ambassador Maulian Bryant, now soon to be Director Bryant, who has traveled from Maine to participate in this hearing. Thank you so much for all the work you do in Maine, in particular, the work you have done on domestic violence. We appreciate the insights and all the information that you will share with us today.

As we all know, this is a complex crisis, and where there has been growing awareness and focus on resolving unsolved cases, understanding and addressing other contributing factors, such as drug and human trafficking, domestic violence, poverty, housing issues, they are all equally important to confront the scale and severity of this issue. The Not Invisible Act and Savanna's Act have heightened our awareness of the challenges associated with data collection and law enforcement, as well as the need for additional funding for staffing and public safety and justice programs that can comprehensively address this crisis. That is why it is imperative we pass a full-year Interior appropriations bill and not have programs constrained by operating under a continuing resolution.

For decades, Native-American and Alaska-Native communities have dealt with the challenges of high rates of assault, abduction, and murder of Tribal members. The statistics are truly sobering: 4 in 5 American-Indian and Alaska-Native women, 85 percent, have experienced violence in their lifetime, including over 50 percent who have experienced sexual violence. The Center for Disease Control and Prevention reports that indigenous females experienced the second highest rate of homicide in 2020, and homicide was in the top 10 leading causes of death for indigenous females aged 1 to 45. Overall, more than 1.5 million indigenous women have experienced violence in their lifetime. The Bureau of Indian Affairs (BIA) estimates that there are approximately 4,200 missing and murdered cases that have gone unsolved. While these rates are staggering, research shows that even that less than half of violent victimizations against women are ever even reported to the police, and that even though approximately 71 percent of indigenous

women live in urban areas, research is missing on the rates of murder and violence for these women.

Some steps have been taken to address the crisis, such as establishment of Operation Lady Justice in 2019 to pursue these unresolved cases, the creation of Missing and Murdered Unit (MMU) within the Bureau of Indian Affairs' Office of Justice Services in 2021 to provide leadership and direction for cross-Department and interagency work, and the 2023 launch of the Department of Justice' Missing or Murdered Indigenous Person Regional Outreach Program, which permanently places 10 attorneys and coordinators in five designated regions across the United States to help respond to cases, as well as the grant funding and public service announcements from the Administration for Native Americans. We need to do so much more to ensure that people feel safe and secure and that they are safe and secure in their homes and communities.

I know this is going to be an important and, as the chair said, a heartbreaking conversation today, but it will shed more light on the crisis. It will help us to come to a better agreement of how to move forward and do more to solve these problems. I can't thank you enough for coming here, telling your personal stories, telling us about the work that you have been doing. You have all made a tremendous difference, but, really, it is up to us to make sure we get this across the finish line and reduce those numbers and really change the situation. Again, I want to thank the chair for holding this subcommittee, and I know we will want to work together as a subcommittee to resolve this issue. Thank you.

Mr. SIMPSON. Thank you, Congresswoman Pingree.

Mr. Cole. I guess I should say Chairman Cole.

OPENING STATEMENT OF HON. TOM COLE, CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS

Mr. COLE. Just "Tom" will do. Before I go into my formal remarks, I just want to reflect personally a minute here and, number one, thank all our witnesses for coming. I know this is a challenging topic to talk about, but it is important that we talk about it. We appreciate that. I look forward to the next panel as well with what our folks that are dealing with this challenge with the resources. This was actually the first committee room that I was ever in as a new member of the Appropriations. It was the subcommittee I wanted to be on, and I eventually got to this very chair, sitting next to this very chairman who is back here for a second deal, and to my left, three distinguished former chairmen of this committee and now chairman again. This is an interesting committee because it is a contentious committee on a lot of areas, but not on this area.

You know, I couldn't say enough good things about my friend, Betty McCollum, and my friend, former Chairwoman Pingree, and my friend. On these things, they work together. As a matter of fact, I think the very first request I got as the new chairman was Ms. Pingree coming up to me and saying, Tom, if you can give us more money, we will spend it on law enforcement. You know, Simpson and I will work together on this stuff.

I know how much from his first term as chairman because Mike talked about this crisis in law enforcement all across Indian Coun-

try, you know, very movingly and did what he could with the limited budgets we had in that period, but this is a priority. Well, we have got great members here. You know, Mr. Cloud is a good friend, and he is from Texas, but he got educated in the right State, in Oklahoma, so he knows something about Indians.

[Laughter.]

Mr. COLE. My friend, Mr. Zinke. Nobody cares more about Indians. He proved that both in Congress and when he was Secretary of the Interior. Jake another Texan, they don't know too much about, you know, Indians as a rule. One of the first things he did as a freshman was come up to my office and say I want to get to know more about this topic because I know it is an important topic, and I appreciate his contribution.

Finally, I was just in North Carolina with my friend, Mr. Edwards, to look there at storm damage, but of course, he represents the Eastern Band, and that is a great Tribe. The people here, whatever their partisan differences or regional differences, are very, very focused on trying to do something meaningful on this issue, and I will assure you I am very focused on following their lead. The solutions will come from here, but we have to write a check, and I want to make sure they get the resources they need to followup on these kinds of needs because it is something that bears Federal action that I do not think we have had enough of, but this hearing is a very good start.

Let me just go to my formal comments. As an enrolled member of the Chickasaw Nation of Oklahoma and the longest-serving Native American House of Representative, Tribal issues have always been at the forefront of the policy decisions I have made and advocated for as a Member of Congress and as a member of this important committee. Native-American and Alaska-Native women and girls continue to be disproportionately targeted by dangerous predators. The Center for Disease Control and Prevention data indicates that native women and girls experience a murder rate 10 times higher than the national average. Tragically, I have seen these stats firsthand in my home State of Oklahoma, which ranks number two on the list of the top 10 States with Native-American and Alaska-Native missing person cases.

While these statistics are alarming, data collection is, unfortunately, still lacking, and it will require sufficient awareness and resources to solve this crisis once and for all. I have supported and cosponsored several bills aimed at increasing data collection, recordkeeping, and reporting, including the Savanna's Act and Not Invisible Act, both of which were signed into law in 2020. I also continue to join resolutions recognizing the crisis of violence against native women and girls and recognizing May 5 of each year as the National Day of Awareness for Missing and Murdered Indigenous Women and Girls. Because of the extreme lack of resources, statutory roadblocks, and several other barriers, this crisis will not be solved without the work and partnership of leaders of the Federal, State, Tribal, and local law enforcement. To put it into perspective, I often use the phrase "Fishermen know where to fish, hunters know where to hunt, and predators know where to prey," and we cannot give predators a place to prey anywhere, but especially in Indian Country. I have been and will remain committed to ensur-

ing that Federal Government provides the services and resources needed to protect Native Americans throughout Indian Country. Ending violence against indigenous women will take all of us working together.

I want to thank Chairman Simpson and Ranking Member Chellie Pingree for holding this hearing and their continued leadership on this issue. Through this subcommittee, Chairman Simpson has increased funding for Tribal law enforcement programs, including an 82-percent increase for the Missing and Murdered Indigenous Women Initiative. The Interior bill also provides a 33-percent increase for the Violence Against Women Act to support prevention and responses to domestic violence, sexual assault, dating violence, and stalking. This bill clearly illustrates Chairman Simpson and this committee's commitment to ending violence against indigenous women and girls.

I look forward to hearing testimony from each of our witnesses and engaging with each of you directly to understand what can be done to provide Tribes and Federal agencies with what they need to protect these women and girls. Thank you, Chairman Simpson and Ranking Member Pingree. I particularly appreciate both of your leadership on this issue. I would say that, frankly, about all the members up here, but I want to single out my friend Ms. McCollum again. You do not have to wonder where these people are going to be, and, you know, we actually have more robust funding in this bill than our Senate counterparts. I do not think that is because they do not care. I just think we will win that debate if we can get to negotiation because that will not be a Democrat or a Republican position, that will be a House position, and, frankly, I think the Senate will follow in that. I think we have a rare opportunity here thanks to the leadership on this committee on both sides of the aisle to make a major step forward if we can just get to the negotiating table.

This is not going to be one of the areas where we disagree. I think it is one of the areas where we already agree, and I think it is one of the areas where this chamber will prevail in a negotiation. Our friends in the Senate will work with us on this. They are not going to be at odds with us on either side of the aisle. With that, again, Mike, thank you very much for holding this hearing. I yield back.

Mr. SIMPSON. Thank you, Chairman. I hope you are right. I hope we can get to a negotiation eventually and get this done. That is a whole different issue.

We will begin with our panelists. Before I do, I should say we have an empty witness chair sitting on just the other side of Mr. Cole as to represent the missing and murdered indigenous women across this country. They are listening.

Our first panel includes Eugenia Charles-Newton, Law and Order Committee chair and member of the Navajo Nation; Abigail Echo-Hawk, a very famous name in Idaho, executive vice president at Seattle Indian Health Board, and director of the Urban Indian Health Institute, and member of the Pawnee Nation; Cheryl Horn, member of the Montana Missing Indigenous Persons Task and Member of the Assiniboine.

Mr. SIMPSON. Mary Jane Miles, member of the Nez Perce Tribal Executive Committee and member of the Nez Perce Tribe; and Maulian Bryant, Wabanaki Alliance incoming director and member of the Penobscot Nation.

Each panel will present their opening statements, and then members will be provided an opportunity to ask questions of all of them.

Eugenia, you are up.

STATEMENT OF EUGENIA CHARLES-NEWTON, LAW AND ORDER COMMITTEE CHAIR AND MEMBER OF THE NAVAJO NATION

Ms. CHARLES-NEWTON. Thank you. Good morning, everyone, and thank you for the opportunity to give my statement here today. I want to begin by reading aloud some of the names of those who are currently missing: Paul Begay, who is a male Dine relative from Dilkon, Arizona, who is the earliest known missing Dine man that we have in our records. He was last seen in California in 1972. Anna Curley, a female Dine relative from Kayenta, Arizona, who is the earliest known missing woman we have in our records. Ms. Curley was last seen in Kayenta, Arizona. Ella Mae Begay, an elderly masaani, who was a grandmother from Sweetwater, Tolikan, Arizona, who went missing June 15, 2021, which was the same day Ranelle Bennett also went missing from the community that I represent in Shiprock. Everett Charlie was a classmate of mine, who I remember danced to Michael Jackson in our first grade class. I did not even know he was missing. These are a few of the names that I want to read aloud so they know they are not forgotten.

The total number of Dine relatives missing on the Navajo Nation that we know of is 75 as of today. The total number of Dine relatives murdered, we do not have that number. It is unaccounted for because we lack the manpower to track those cases properly and we also lack the infrastructure to record all cases. We still have 3G on our Nation in certain places on the Navajo Nation and no cell coverage in large areas of our Nation, but I digress.

The two major issues that hinder justice for missing, murdered Dine relatives on the Navajo Nation are jurisdictional lines that many families and relatives do not see in non-communication and/or miscommunication amongst law enforcement and non-communication and/or miscommunication with families. Invisible jurisdictional lines you probably are asking what is that, so let me explain. When crimes begin in towns that border the Navajo Nation, they are sometimes passed along to the Navajo Nation law enforcement for jurisdictional reasons. Sadly, because the person is Navajo, it is sometimes assumed that Navajo will handle the case. In essence, the buck gets passed, and because the Navajo Nation lacks funding, has shortage of law enforcement, and faces recruitment and retention issues, cases go unresolved. They lose momentum, and cold cases become frozen cases in time. As time marches on, the communication stops, and everybody assumes that somebody is doing the work.

I have a good friend of mine. Her name is Vangie Randall. I knew her since high school. She had a son named Zachariah Juwaun Shorty. Zach went missing in the midst of COVID, July

21, 2020. When she reported the situation to Farmington, New Mexico, the Farmington Police Department, which borders the Navajo Nation, they told her that the Navajo Nation law enforcement would be taking the case. Four days after she reported Zach missing or she tried to report him missing, he was found dead in a field in Nenahnezad, New Mexico on the Navajo Nation. The jurisdictional issues prevented the case from being properly investigated, and it also prevented the communication that was supposed to be going on between law enforcement and Ms. Vangie. Vangie talks about her son all the time. She takes part in the Missing and Murdered Indigenous Women (MMIW) marches. Zach was only 23 when he was murdered, and his murderer still walks free today. Vangie says that she starts her day every day with a prayer, not to find the person who killed her son, but a prayer for herself and for those who are also experiencing MMIW.

As with many Nations and reservations, the Navajo Nation lacks the proper number of personnel to investigate crimes, and when someone goes missing, little to no resources are devoted to the case, and if there are resources that are available, it is only for the first few days that these resources are allowed to be used. The Navajo Nation is 27,000 square miles and has roughly 200,000 Navajos living on the Navajo Nation. Our Nation spans across three States—Arizona, New Mexico, and Utah—and is the size of West Virginia. We are the largest Tribe in the United States, and we have roughly 400,000 Navajo citizens who are registered as Navajos.

In terms of law enforcement, we have an estimated 218 law enforcement officers, when the national average per the Tribal Law and Order Act reports that 2.8 officers are needed per 1,000 members of the service population. That would mean that we would need 560 officers to meet the national average. As for criminal investigators, the Navajo Nation has 32. These investigators are responsible for investigating crimes committed by an Indian and those crimes that fall under the Major Crimes Act, 18 U.S.C. Section 1153. These 32 investigators work in conjoint cooperation with the Federal Bureau of Investigations and United States Attorney's Office.

On Navajo, because of the lack of personnel, our investigators also serve in the unique capacity of being not only investigators, but also coroners and medical examiners. Instead of spending their time investigating crimes and looking for our Dine relatives who are missing or murdered, our investigators spend 75 percent of their time investigating all deaths, even those that are better considered to be natural deaths. They complete and certify death certificates, review medical records, assess medications, conduct home assessments, administer external examinations of bodies, draw fluids. They do all of the stuff that coroners and medical examiners normally do. Be mindful that Navajo proposed for 2-year funding to establish a medical legal death investigation system, and, if approved, this would allow the Navajo Nation to be the first Tribe to hire coroners and possibly one medical examiner to handle deaths on the Navajo Nation. This would allow our criminal investigators to spend more of their time investigating major crimes, such as missing and murdered crimes.

Public safety and justice should be a bipartisan issue. I appreciate the time. Yes, thank you for hearing my words. My name is Eugenia Charles-Newton. I proudly serve my Dine people as a council delegate on the 25th Navajo Nation Council. I represent the largest community on the Navajo Nation, which is Shiprock, New Mexico. I am Bit'ahnii, born for Ashiihi. My maternal grandfathers are Tlaashchi'I and my paternal grandfathers are Tabaaha.

[The prepared statement of Ms. Charles-Newton follows:]



My name is Eugenia Charles-Newton and I am Dinè (Navajo). My clans are Bi'tahnii, born for the Ashiihii. My maternal grandfather is Tlaaschi'l and my paternal grandfather is Tabaaha.

I currently am serving as a Council Delegate on the 25th Navajo Nation Council.

As a member of Council, I was appointed to serve on one of five committees and was elected to be the Chairwoman for one of the Committees, the Law and Order Committee. In my role as Chairwoman, I lead the Committee (LOC) in overseeing the Navajo Nation Judicial Branch, Navajo Nation Division of Public Safety, Navajo Nation Department of Justice, Ethics and Rules, and many more Divisions and Departments that deal with public safety and justice. I also serve as Chairwoman of the Gaming Subcommittee working with the Gaming Compact for the State of Arizona.

In addition to serving the Nation, I also co-chair the Public Safety and Justice Subcommittee at the Tribal Interior Budget Council (TIBC) working alongside the Department of Interior as a tribal leader to help appropriate funds across Indian Country.

I hold a Juris Doctorate from the University of Kansas, School of Law, where I also obtained a Certificate for Tribal Law and Policy. I attained my Master's Degree in Library Science from the University of Arizona and am currently on pause from my Ph.D. program in Higher Education, from the Texas Tech University School of Education.

I have a diverse work history that includes working at Burger King as a cashier (where I met my husband; he was a customer), to being a jet welder building 6' suction tanks for oil fields, to being a law librarian where I had the distinct pleasure of teaching Legal Research at Texas Tech School of Law from May of 2011 to December of 2014.

In 2016, I returned home to the Navajo Nation and served as a Prosecutor for the Navajo Nation until my inauguration to the 24th Navajo Nation Council in January of 2019.

I am family oriented. I have been married to my husband Leroy for 27 years and have one son. I live on a small farm in Shiprock, New Mexico where I raise my donkey Brand-E, 16 sheep, 7 dogs, 2 cats, 2 geese, and my llama Cloud.

TESTIMONY: House Appropriations

1. Read aloud the NAMES OF THOSE MISSING:
 - a. Paul Benally
 - i. Male Dine relative, from Dilkon, Arizona; the earliest known missing Dine we have in our records; Mr. Benally was last seen in California in 1972.
 - b. Anna Curley
 - i. Female Dine relative from Kayenta, Arizona who is the earliest known missing woman we have in our records; Ms. Curley was last seen in Kayenta, Arizona.
 - c. Ella Mae Begay
 - i. An elderly masaani (grandma) from Sweetwater (Tolikan), Arizona who went missing on June 15, 2021.
 - d. Ranelle Bennett
 - i. A beautiful young lady from my community of Shiprock, who also went missing the same day as Grandma Ella Mae, June 15, 2021.
 - e. Everette Charley
 - i. A classmate of mine who I remember danced to Michael Jackson in our 1st grade class; I didn't even know he was missing.
 - f. These are a few of the names I want to read aloud so they know they are not forgotten.
2. Read STATISTICS
 - a. Total number of Dine relatives missing? 75 as of May 1, 2024.
 - b. Total number of Dine relative murdered? That number is unaccounted for since the Navajo Nation lacks the manpower to track those cases properly and lacks the infrastructure to record all cases. We still have 3G on our Nation in certain places on the Navajo Nation and no cell coverage in large areas of our Nation but I digress.
3. 2 MAJOR ISSUES that hinder justice for missing murdered Dine relatives: Jurisdictional lines that many families and relatives don't see, and non-communication and/or miscommunication amongst law enforcement, and non-communication and/or miscommunication with families.
 - a. Invisible jurisdictional lines? Let me explain, crimes that begin in towns that border the Navajo Nation are sometimes passed along to our Navajo Nation law enforcement for jurisdictional reasons. Sadly, because the person is Navajo it is sometimes assumed that Navajo will handle the case. In essence, the buck gets passed.
 - b. And because the Navajo Nation lacks funding, has shortage of law enforcement, and faces recruitment and retention issues, cases go unresolved, lose momentum, and cold cases become frozen cases in time.
 - c. As time marches on, the communication stops and everybody assumes that somebody is doing the work.
 - i. I have a good friend, Vangie Randall, that I have known since high school. She had a loving, kind, caring son named Zachariah Juwaun Shorty.

- ii. On July 21, 2020, Zach was reported missing to the Farmington Police Department in Farmington, New Mexico. Like any mom who finds themselves in that situation, Vangie launched her own missing person party and started looking for Zach. She traveled between friends who lived on and off the Navajo Nation hoping to find him but on July 25, 2020, 4 days after reporting Zach missing, Vangie was informed that her son was found deceased in a field located in Nenahanzaad, New Mexico, on the Navajo Nation.
- iii. Vangie said that when Zach left this world, “a part of me died with him; I am not the same person I used to be.” Vangie wanted me to share with you all today that her fight for justice continues and often starts with a word of prayer.
 - 1. Zach was only 23 years old when he was murdered; and his murderer still walks free.
 - 2. Vangie explained the jurisdictional issues she experienced when she reported Zach missing. The Farmington Police Department, where Vangie went to report her son missing, said Shiprock police department had the case but Shiprock PD said FBI had the case;
 - 3. Vangie said there was no communication between law enforcement about the case and even worse, there was no communication with Vangie about the case.
 - 4. The message I share from Vangie today is she wants justice. She wants Zach to forever be remembered; she said to me, “I want equality with all cases and when someone goes missing, it should be taken seriously and everybody should be communicating.”
- iv. As with many Nations and reservations, The Navajo Nation lacks the proper number of personnel to investigate crimes and when someone goes missing, little to no resources are devoted to the case. And if there are resources available, it often is only for the first few days.
 - 1. The Navajo Nation is 27,000 square miles and has roughly 200,000 Navajo living on the Nation.
 - 2. Our Nation spans across 3 states (Arizona, New Mexico, and Utah) and is said to be the size of West Virginia.
 - 3. We are the largest tribe in the Nation with about 400,000 Navajo citizens registered as Navajo.
 - 4. In terms of law enforcement, we have an estimated 218 law enforcement officers when the national average, per the Tribal Law and Order Act, reports that 2.8 officers are needed per thousand members of the service population. We would need 560 officers to meet the national average.
 - 5. As for Criminal Investigators? The Navajo Nation has 32. These Investigators are responsible for investigating crimes committed by an Indian and those crimes that fall under the Major Crimes Act, 18 USC section 1153.

- a. These 32 Investigators work in join cooperation with the Federal Bureau of Investigations (FBI) and the United States Attorney's Office.
 - b. On Navajo, because of the lack of personnel, our Investigators also serve in the unique capacity of being not only investigators, but also coroner and medical examiner.
 - i. Instead of spending their time investigating crimes and looking for our Dine relatives who are missing, our Investigators spend 75% of their time investigating all deaths, even those that are natural. They complete and certify death certificates, review medical records, assess medication(s), conduct home assessments, administer external examinations of the body, draw fluids for lab analysis, review lab reports, conduct interviews, and do much more, to determine cause and manner of death.
 - c. Be mindful that Navajo proposed for 2 year funding to establish a medicolegal death investigation system. If approved, this would allow the Navajo Nation to be the first tribe to hire coroners and possibly 1 medical examiner to handle deaths on the Navajo Nation. This would allow our criminal investigators to spend more of their time investigating major crimes such as missing and murdered crimes.
4. CONCLUSION
- a. Aheeh. Thank you for hearing my words.
 - b. My name is Eugenia Charles-Newton. I proudly serve my Dine people as a Council Delegate on the 25th Navajo Nation Council. I represent the largest community on the Navajo Nation, Shiprock, New Mexico.
 - c. I am bitahnii, born for ashii, my maternal grandfathers are clah chii and my paternal grandfathers are twoi baha.

Mr. SIMPSON. Thank you, Eugenia.
Abigail.

**STATEMENT OF ABIGAIL ECHO-HAWK, EXECUTIVE VICE
PRESIDENT AT SEATTLE INDIAN HEALTH BOARD, DIRECTOR
OF THE URBAN INDIAN HEALTH INSTITUTE AND MEMBER
OF THE PAWNEE NATION**

Ms. ECHO-HAWK. Thank you. It is an honor and a privilege to be here today, and I want to start by thanking this committee for doing something I did not think would be done, and that is answer the call of the community, to recognize that accountability is necessary and needed as we look at what has happened previously with legislation like Savanna's Act and Not Invisible Act, the resources that are supposed to be available across the Department of Justice through Tribal carveouts and through resources that are supposed to flow through counties into Tribal communities. I was not sure I would ever sit at a table where I would be able to talk to you about what the accountability looks like, so thank you. I am in deep gratitude for your answer to the call that we put forward to have this hearing.

I am Abigail Echo-Hawk. I am an enrolled citizen of the Pawnee Nation of Oklahoma on my father's side. I was born and raised in the heart of Alaska with the Upper Ahtna and Athabaskan people of Mentasta Lake, Alaska. I live and serve in the city of Seattle on the land of the Coast Salish people as the executive vice-president of the Seattle Indian Health Board, which is an Indian healthcare provider in an urban setting, in addition to a federally qualified health center. I am blessed to serve my community in the darkest of times that could ever be experienced, and that is when your loved one goes missing, when your child is gone and you never hear from them again, or when your loved one is found under the ground that held them, waiting for justice, justice that they often never see.

In 2018, I co-authored the very first report on missing and murdered indigenous women and girls, the very first data report that put into the hands of the Tribal warriors who sit in our Tribal councils, those who operate in our urban settings, the families and the community members and the grassroots organizers who have been screaming for justice for their invisible loved ones, not for 10 years, 20 years, but for more than 500 years. That data report showed that we had places like Oklahoma who ranked second for the most missing and murdered people, the State of Washington, and others, but what we had actually focused on was those that were missing in urban settings. This report was used because we also found that the then drafts of Savanna's Act would not have affected Savanna Greywind, Savanna Greywind who was brutally murdered, her baby cut from her, taken while she died. Savanna Greywind, in the initial writings of that legislation, would not have been affected because she was killed off reservation. That report was focused on the urban Indians like myself.

I want to be very clear: urban is where I live; Tribal is who I am. That is the same for all of our populations who have deep ties to their Tribal communities, whether they live in cities, whether they are able to migrate back and forth for ceremony, for family, or whether, because of imposed poverty, they have never been able to leave those cities. After being forced, they will be removed during the relocation. These people are suffering in the same way that our Tribes are suffering, like my relative here just shared about her reservation. In that report, we found that not only were people missing and murdered, but that law enforcement was not collecting the data, and we saw here at the Capitol, this data conversation begin to rage in a way that was so beautiful that we saw it in Savanna's Act and the Not Invisible Act. When it was signed into law, we were ecstatic because not only at that point had we worked with Members of Congress to ensure that urban Indians were represented in Savanna's act and the Not Invisible Act, but that also the resources for our Tribal people were going to be there.

However, for those of us serving in the urban settings, the promises of Savanna's Act and the Not Invisible Act have never come. The urban Indians have been left behind in resources. We have been left behind in resources and trainings. The law enforcement officers that I work with often tell me we know it is a problem in our city, and we have no idea how to address it. They do not know how to access the trainings that the Department of Justice says

they have. They do not know how to get the trainings on how to work with Tribal communities and to communicate with them when their loved ones go missing.

When that report first came out, I remember presenting it to a group of Tribal leaders, and afterwards, an elder came up, and she held my face in her hands and she pulled me toward her, and she said, Abigail, I have buried every one of my sisters covered in bruises, and not a single one of them have I ever seen justice for. She said, I will carry you in my heart and in my prayers as you, the team, and all of the advocates that I am on this table with right now carry and push for justice.

We are not seeing justice with Savanna's Act and the Not Invisible Act, and, in fact, it took more than almost 2 years for them to just appoint members to the Not Invisible Act Commission. I have heard from both the Commission members and from the community that that was a rushed process as a result of them trying to rush through, and according to the Government Office of Accountability Report, they said it was a result of COVID is what slowed them down. Well, COVID was what affected the community of members I was working with as we saw an increase in both murder and violence as a direct result of being quarantined with abusers, stories of individuals who were in the Midwest and burned alive in the middle of a field, of families who had their loved ones taken and trafficked away from them. It was not just happening, it was actually happening more, and that delay harmed us. That rushed process, which resulted in some really fantastic recommendations, what our leaders were able to do in a rushed amount of time was amazing, but our families were not able to come and give the testimony that they wanted to as a direct result of this rushed process. They need to do better.

Our urban communities must be involved, and we have to ensure that all of our people, regardless of where we live, have the opportunity to see justice, like the young woman who walked up to our agency from a mile away in downtown Seattle to our clinic. She had been beaten, assaulted, her face covered in blood, her clothes taken from her, where she walked in her underwear and a T-shirt all the way up to our facility, and not a single police officer, not a single community member, nobody stopped or helped her until she walked into our clinic, sat in a chair, and our traditional Indian medicine people came and cared for her, which is why it is so important right now for CMS to ensure that we can get reimbursed for traditional Indian medicine and why it is integral to ensure that we have the full funding of the Indian healthcare system because my community and I are the ones caring for these people when the law enforcement simply leave them behind.

There is continuous opportunity, however. We have actually seen efforts by the FCC to copy what we have done in Washington State, where I sit on the Task Force for Missing and Murdered Indigenous Women and Girls for Washington State, where I assisted in co-authoring the very first legislation to create the Red Alert, which is a missing endangered persons alert that was then used as a template for the Feather Alert in California. The conversations began at the FCC level, well, what could this look like if we were going to do it, you know, across the Nation, and there was prom-

ising conversations. When in March 2024 a new alert was announced by the FCC, it was one that encompassed all missing, endangered people, not just American Indians and Alaska Natives. We need more than that. What these alert systems have shown in both California and in Washington is incredible success when we issue these alerts and we use naming conventions, like the Feather Alert, like the Red Alert, to find young people, like the story of a young person who was kidnapped, trafficked, and found at a border.

We have to do better, and I urge you all to think about authoring legislation because now the FCC has not done what we had hoped they would. There is opportunity to have legislation that would establish a national alert system for missing and endangered American Indians, Alaska Natives, and indigenous people. The Tribal consultations have already started. We have members of the FCC, and this has very minimal fiscal impact as it uses the already-established systems of the Amber Alert, the Silver Alert, and what is now the Missing and Endangered Persons Alert, these loved ones that are taken from us.

Recently, I was told the story of two trafficked individuals, and this woman told me the story—they were teenagers at the time—where they would be raped and assaulted by those that had kidnapped them, and they were parked down by the water, and they would rape them and they would beat them. She remembers picking up her friend and carrying her to the water that was next to where they were parked, and she carried her friend into the water because she was too beaten and too bruised and too harmed to walk herself. She bathed her in that stream to wash away what had happened to her, and then it kept happening again and again. An alert system like the Red Alert, like the Feather Alert at the Federal level that holds accountability, also creates training and opportunity for law enforcement, and it also creates more awareness from law enforcement and surrounding communities of this because I do not want our loved ones to keep having to carry each other to the water to wash away the trauma that they are experiencing.

My family, the Echo-Hawk family, has for many years since the inception of the U.S. Government has served in our armed forces. Our native people, it is one of our proudest achievements is our serving in the armed forces. At this point in time, we represent a little over 1 percent of all of those in the active armed services and our communities have dedicated ourselves to service to this country. However, we do know that those in the military often suffer as a direct result of this crisis, and it is something we have not talked about, nor has it been addressed by any of the legislation that has been passed, nor any of the efforts that we are aware of at the State level, except for now in the State of Hawaii and the State of Alaska. We know that our active-duty service members who are American Indian/Alaska Natives suffer high rates of sexual assault, domestic violence. However, finding that data on what actually is happening is very, very difficult.

Then when we look at the crisis of those active-duty service members who are not serving in the way like my Uncle Brummett did. My Uncle Brummett was a Pawnee code talker. He was a man

who was dedicated to service to his community that instilled into us what it meant to serve in the armed forces. There are members in our armed forces who are not serving in the way that my Uncle Brummett did, that many of your constituents do, and instead, we see them victimizing those Tribal communities and indigenous communities around them. My organization is currently funding the work in the State of Hawaii to look at the impact of missing and murdered indigenous women and girls on native Hawaiians. In their very first report, they found in one particular sting operation that of those who were online soliciting sex from an identified 13-year-old girl, 38 percent of those who were arrested as a result of that sting were active-duty military. This is a crisis that we have to address, and it is one that is important to me.

I was a young girl who was affected by this violence. I experienced sexual assault first at the age of 6. I attempted suicide at the very first time when I was 9 years old. The Creator must have had a plan for me because I don't know how I lived. As a result of that trauma, the way that I acted as a teenager was not always the way we would want our loved ones to do. In February, I sat in a room with other people in Alaska, and we talked about in that room about the active trafficking of young girls like me to the military bases in Alaska. The reason I was part of that conversation is because I had been part of being victimized. I remember being 16 years old, looking up on the wall of a barrack that I should not have been in and seeing my name written down along with other women that I knew, other girls, and I realized it was a list that this military man that I was with was making of the girls that he was victimizing, including myself, and he had written our names on the wall. I can see that in my head right now in a picture my name and other names.

We have to address what is going on in the Department of Defense, and we need to know, and right now, we do not know the baseline of what is happening. What I am asking for is that we ask the military, and there is opportunity within the National Defense Authorization Act for them to compile a report of currently available data on human trafficking, sexual assault, domestic violence, and also homicide of both active-duty military who are affected by this and those who are perpetrators in the active-duty military. We need to know what the impact is of the military on this crisis and of those active-duty service members. They deserve safety, too. I carry their stories with them.

I was with the women in Hawaii who were doing this work recently, and she handed me her baby, who was about 4 months old, and I was holding him on my chest. I thought about that elder who said she carried me in prayer, and I thought about the woman who washed her sister off in that stream by the river as they were being trafficked, and I thought about this young baby who I could feel his breath on my cheek, his hand reaching up to pull my hair, just like I am sure many of you have held your babies and your grandchildren. I thought this cannot be the outcome for this young child. Our opportunity is now, the accountability is now, and 4 years from now, I do not want to be sitting in the same chair 8 years after the signing of Savanna's Act and Not Invisible Act screaming into nothingness that urban Indians are still not in-

cluded. Please ensure that there is accountability for urban Indian populations as we move forward in doing everything we can to achieve justice. Thank you.

[The prepared statement of Ms. Echo-Hawk follows:]

Abigail L. ECHO-HAWK
Citizen of the Pawnee Nation of Oklahoma

SUMMARY

I have a continuous record of accomplishment as a research and policy professional, specializing in tribal government and urban Indian relations.

I sit on multiple boards and advisory committees as the cultural and tribal government expert and outreach specialist. I have also successfully led teams of Native and non-Native public health professionals to develop health and policy interventions with tribal communities across the United States.

I have provided cultural expertise on working with rural and urban Native American communities for many agencies. These services include: facilitating focus groups and community meetings to gather input and disseminate information, providing training for those new to working in tribal communities and tribal government relations, and advising on the implementation of \$450 million in grant and public levy funds.

Additionally, I am an experienced print and television media spokesperson with national credits including NPR and Associated Press.

EDUCATION

Master of Arts in Policy Studies, University of Washington, Bothell, WA – June 2009

Bachelor of Arts, University of Washington, Seattle, WA – 2007 American Studies with a Minor in Human Rights

MANAGEMENT

Seattle Indian Health Board <i>Executive Vice President</i>	12/2020- Present
Seattle Indian Health Board <i>Chief Research Officer</i>	10/2017 – 12/2020
Urban Indian Health Institute <i>Director</i>	10/2016 – Present
Washington State University Partnerships for Native Health <i>Co-Director</i> <i>Affiliate Professor, College of Nursing</i>	09/2015 – 10/2016

University of Washington
Institute for Translational Health Sciences
Partnerships for Native Health
Associate Director/Tribal Liaison

03/2010 – 08/2015

LEADERSHIP AND PROFESSIONAL MEMBERSHIPS

American Medical Association (AMA) Center for Health Equity Research Advisory Group	2023- Present
Office of AIDS Research Advisory Council	2022- Present
National Academies on Sciences, Engineering, and Medicine (NASEM) Committee on Racial and Ethnic Health Inequalities	2022- Present
Washington State Missing and Murdered Indigenous Women and People Taskforce	2021- Present
Robert Wood Johnson Foundation (RWJF) National Commission to Transform Public Health Data Systems	2021
University of Washington Population Health Initiative External Advisory Board	2021- Present
King County Racism as Public Health Crisis Community Oversight Committee	2021- Present
National Institute on Drug Abuse (NIDA) American Indian and Alaska Native Collaborative Research Engagement Workgroup	2020- 2021
Data for Indigenous Justice Board	2020- Present
Robert Wood Johnson Foundation, Health Equity Advisory Board	2019
King County Board of Health, Public Approach to Sexual Assault, Domestic Violence Prevention and Missing and Murdered Indigenous Women	2019

NIH All of Us Precision Medicine Tribal Advisory Board	2018- Present
Northwest Portland Area Indian Health Board, Dental Health Aid Therapist Education Advisory Committee	2017-Present
March of Dimes, Health Equity Workgroup	2017-2022
King County, Children and Youth Advisory Board	2016- 2022
Center for Indigenous Law and Justice	2015- Present
Native American Women in Dialogue on Infant Mortality	2010- Present

PEER REVIEWED PUBLICATIONS

Pete, D., Erickson, S. L., Jim, M. A., Hatcher, S. M., **Echo-Hawk, A.**, Dominguez, A.E. (2022). COVID-19 Among Non-Hispanic American Indian and Alaska Native People Residing in Urban Areas Before and After Vaccine Rollout-Selected States and Counties, United States, January 2020-October 2021. *American Journal of Public Health*. 2022; 112(10):1489-1497. DOI #: 10.2105.

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Stephens, K. A., Lin, C., Baldwin, L., **Echo-Hawk, A.**, Keppel, G. A., Buchwald, D., Whitener, R., Korngiebel, D., Berg, A. O., Black, R. A., & Tarczy-Hornoch, P. (2012). LC Data QUEST: A technical architecture for federated data sharing across community primary care practices. *AMIA Summits Translational Science Proceedings, Mar 19, 2012*, 57-62. PMID: PMC3392065

Lin, C., Stephens, K. A., Baldwin, L., Keppel, G. A., Whitener, R. J., & **Echo-Hawk, A.**, Korngiebel, D. (in press). Developing governance for federated community-based EHR data sharing. *AMIA Summits Translational Science Proceedings*. PMC Journal

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Polansky, L., Ferronato, H., and **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *Service as Ceremony: A Journey Toward Healing*. Seattle, WA: Urban Indian Health Institute.

Polansky, L. and **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *Building the Sacred: An Indigenous Evaluation Framework for Programs Serving Native Survivors of Violence*. Seattle, WA: Urban Indian Health Institute.

Baker, L. Goforth-Ward, M. May, K. **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *Supporting the Sacred: Womxn of Resilience*. Seattle, WA: Urban Indian Health Institute.

Apok CA, Villegas M, **Echo-Hawk A.** Potts JJ. We are calling to you: Alaska's missing and murdered Indigenous womxn and girls . *Data for Indigenous Justice*. <https://dataforindigenousjustice.com/we-are-calling-to-you/>. Published February 17, 2021.

Dodge, L. **Echo-Hawk, A.** Urban Indian Health Institute, Seattle Indian Health Board (2021). *COVID-19 Impact on Urban Indians in Washington State: An Assessment of Washington Urban Direct-Service Organizations*. Seattle, WA: Urban Indian Health Institute.

Urban Indian Health Institute (2021). *Data Genocide of American Indians and Alaska Natives in COVID-19 Data*. Seattle, WA: Urban Indian Health Institute.

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KEY PRESENTATIONS

- American Society for Bioethics and Humanities Annual Conference- Plenary, October 2022
- CityMatch Leadership and MCH Epidemiology Conference- Closing Plenary, September 2022
- Public Health Law Practitioner Convening: Afternoon Plenary: “Rebuilding after COVID, addressing systemic issues with practical examples involving law and policy,” August 2022
- National Network of Public Health Institutes Annual Conference: Keynote. May 2022
- School of Data Science- Datapalooza 2022: “Advancing Health Equity Panel,” April 2022.

AWARDS

- Pass it on Giving Circle for Womxn Leaders Award, 2023
- University of Washington Martin Luther King, Jr. Distinguished Service Award, 2022
- Native Action Network, Sister Spirit Award, 2021
- 25th Annual National Indian Women’s Supporting Each Other, Woman of the Year, 2020
- The Seattle Globalist, Globalist of the Year, 2019
- Washington State Public Health Association Secretary of Health Award, 2019
- Coalition to End Gender-Based Violence, Take Action Award, 2019
- National Organization of Women, Rising Shero Award, 2018
- University of Washington, Bothell, Hall of Alumni Excellence Award, 2017
- National Center for American Enterprise Development, Native American 40 Under 40 Award, 2015
- National Indian Health Board, Local Impact Award, 2015
- University of Washington, Distinguished Staff of the Year, 2014
- University of Washington, Bothell Distinguished Alumna of the Year, 2011
- University of Washington, Seattle, 1-year Research Merit Award, 2008
- YWCA Washington, Volunteer of the Year Award, 2007



Abigail Echo-Hawk, MA
Director, Urban Indian Health Institute

**Testimony of Abigail Echo-Hawk, MA
Director, Urban Indian Health Institute
House Committee on Appropriations – Subcommittee on Interior, Environment,
and Related Agencies
November 20, 2024**

Members of the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies, my name is Abigail Echo-Hawk, and I am an enrolled citizen of the Pawnee Nation of Oklahoma, currently living in an urban Indian community in Seattle, Washington. I am the Executive Vice President of the Seattle Indian Health Board (SIHB) and Director of the Urban Indian Health Institute (UIHI), an Indian Health Service (IHS) designated Tribal Epidemiology Center (TEC), where I oversee our policy, research, data, and evaluation initiatives. I have a continuous record of accomplishment as a research and policy professional, specializing in tribal government and urban Indian relations, and sit on multiple boards and advisory committees as the cultural and tribal government expert and research specialist. I have successfully led teams of Native and non-Native public health professionals to develop health and policy interventions with tribal communities across the United States, and have provided cultural expertise on working with rural and urban Native American communities for many local, state, and federal agencies. I have worked tirelessly to address the crisis of Missing and Murdered Indigenous Women and People (MMIWP) through the publishing of groundbreaking national reports, such as the first data report *Missing and Murdered Indigenous Women and Girls*¹ in 2018 and most recently *A Step Toward Justice: Community Informed Law Enforcement MMIP Websites*,² and through collaboration with community and government entities which led to the passage of numerous state bills that include creating an alert system for MMIWP in Washington and California and a new cold case investigation unit for MMIWP cold cases in Washington.

Failure of the DOJ to Implement Savanna's Act and Not Invisible Act

On October 10th, 2020, the Not Invisible Act became law, and required that by February 7th, 2021, members be appointed to a Joint Commission on Reducing Violent Crimes Against Indians, with the Commission to make recommendations by April 10th, 2022. By October 15, 2021, 8 months after the deadline for appointments, no appointments had been made to the Joint Commission. These failures were highlighted in a Government Accountability Office report titled *Missing or Murdered Indigenous Women: New Efforts Are Underway but Opportunities Exist to Improve the Federal Response*.³ After a delay of almost two year, in November 2023, the *Not One More: Findings and Recommendations of the Not Invisible Act Commission*⁴ report was released illustrating

¹ Urban Indian Health Institute. (2018). Missing and Murdered Indigenous Women & Girls. Retrieved from: <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls/>

² Urban Indian Health Institute. (2024). A Step Toward Justice: Community Informed Law Enforcement MMIP Websites. Retrieved from: <https://www.uihi.org/resources/a-step-towards-justice-community-informed-law-enforcement-mmip-websites/>

³ U.S. Government Accountability Office. (2021). Missing or Murdered Indigenous Women: New Efforts Are Underway but Opportunities Exist to Improve the Federal Response. Retrieved from: <https://www.gao.gov/products/gao-22-104045>

⁴ Not Invisible Act Commission. (2023). Not One More: Findings and Recommendations of the Not Invisible Act Commission. Retrieved from: https://www.justice.gov/d9/2023-1104%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf

that federal policies, programs, and services continue to underserve our community and remain complicit in perpetuating the violence against American Indian and Alaska Native (AI/AN) people. The Department of Justice (DOJ) and Department of Interior's (DOI) subsequent response,⁵ released in March 2024, did nothing more than cite existing resources and efforts to address concerns raised in the report while agencies like the Administration for Children and Families (ACF) began to assess resources and opportunities to implement the report's findings. This disparate response illustrates the barriers we face in addressing this crisis, when despite congressional intent, federal agencies tasked under Savanna's Act and Not Invisible Act are unwilling to implement change at the necessary, and legislatively mandated scale. I urge you to champion revolutionary change within the federal government to combat the high rates of violence experienced by AI/AN people and communities. I ask that you hold the DOJ and the DOI accountable for addressing the recommendations of the Not Invisible Act Commission. I also urge you to make greater investments in IHS to expand gender-based violence services and violence prevention programming, investments in clinics to establish Sexual Assault Nurse Examinations (SANE), and investments in primary care and behavioral health resources to support victims in the hand of trusted providers.

In 2018, the Seattle Indian Health Board's research division, the Urban Indian Health Institute released the first ever data report on Missing and Murdered Indigenous Women and Girls at the US Capitol alongside our sponsor, Sen. Lisa Murkowski. This report focused on 71 urban cities across the US and found that our women were going missing and murdered at disproportional rates. But most important was what we did not find. We identified that law enforcement was not entering race and ethnicity data of Indigenous victims, limiting our ability to assess the full impact of this crisis. This report was the first of its kind and was utilized by tribal leaders and urban Indian communities alike to push for accountability and resources to address a crisis of immense magnitude. Legislation, including Savanna's Act and Not Invisible Act, was passed as a direct result of this report as it gave, for the first time, concrete numbers on this crisis. Our report also highlighted that the initial drafts of Savanna's Act would not have benefited Savanna Greywind, who it was named after, as she was killed off tribal lands in an urban setting. Our team worked tirelessly to ensure those living off tribal lands experiencing this crisis, often referred to as urban Indians, were included in this legislation. We were ecstatic to see both bills pass and signed into law by President Trump with urban Indians included. That joy was short lived as the implementation of both pieces of legislation have failed to appropriately include urban Indian populations. We are still dying, our people still missing, and DOJ is failing to address this crisis in urban areas as our families cry in silence.

Four years later, DOJ has still not been held accountable for their lack of response and inaction to address this crisis in urban areas, in addition to their failings for the tribes. While there are hard fought, but minimal mentions of the urban Indian communities in

⁵ U.S. Department of Justice and U.S. Department of the Interior. (2024). Section 4(c)(2)(C) Response of the Departments of Justice and the Interior to Not One More: Findings and Recommendations of the Not Invisible Act Commission Pursuant to Public Law 116-166. Retrieved from: <https://www.justice.gov/triba/imedia/1341191df/inline>

the Not Invisible Act commission report, we continue to see apathy and non-action to address this crisis that is impacting the approximately 78% of AI/AN living off reservation in urban areas across the US. The law enforcement agencies that serve us in urban areas are suffering as a direct result of lack of training, lack of technical expertise, and lack of data systems to appropriately collect the race and ethnicity of victims. I have spoken to many law enforcement agencies and individuals with many expressing that they want to do better, but don't have the expertise or resources to do so.

DOJ is failing these law enforcement communities, and my agency refused to let our people die in silence so we did what DOJ wouldn't. We have created trainings for law enforcement in conducting culturally specific investigations, coordinating with tribal law enforcement, and building robust data systems and reporting. We did this with no federal financial resources. I am the trainer, and I raised the funds via speaking fees to create this which has been successfully implemented by the King County Prosecuting Attorney's Office in Washington, with additional trainings scheduled with law enforcement agencies such as the San Jose, California, police department later this year. However, accountability is necessary. We tried to implement this in Seattle, received a contract to do so, but the administration of the police department unduly restricted our efforts, and I ended that contact and returned the funds as token efforts are meaningless and harmful.

I continue to question why a small, national, Indigenous not-for-profit organization is doing the work DOJ was mandated to do? I urge you to hold DOJ accountable in addressing this crisis in urban Indian communities and providing local law enforcement the appropriate training and resources to halt it.

National Alert Code for Missing and Endangered Indigenous People

As co-chair of the Washington State MMIWP taskforce, I co-authored legislation creating the nation's first Missing Indigenous Person Alert (MIPA) system, referred to as the Red Alert, in Washington State. The following year, this legislation was utilized by the California state legislature for the creation of the Feather Alert, a missing AI/AN alert system. Following the successful implementation of these state alert systems, the Federal Communications Commission (FCC) announced the launch of an Emergency Management System (EMS) for Indigenous populations in March 2024. Unfortunately, the initial alert code that was ultimately approved by the FCC, the Missing and Endangered Persons (MEP) Alert, did not meet the intent of addressing violence against AI/AN people. The MEP alert has become an overarching alert covering all people not already covered by AMBER and Silver Alerts, demonstrating once again that despite an intent to address this crisis, federal agencies ultimately fall short of what is needed. I sent a letter on March 22, 2024, to the FCC and provided these specific comments previously at a consultation held at the National Congress of American Indians in October of 2023. I strongly believe a specific alert for missing AI/AN is a necessary step to successfully begin to address this crisis as has been illustrated in Washington and California. Including AI/AN in the MEP alert does not appropriately address the

disproportionate rates at which AI/AN go missing, nor the need for a specific alert system. If the naming of the alert system does not reflect a designated code that specifically identifies the AI/AN population, it introduces the potential for misalignment and use for other purposes outside of the AI/AN population for which it is intended for, as has been illustrated by the creation of the MEP alert. We urge you to pass legislation for an AI/AN alert code with an appropriate name building on the success illustrated in Washington and California. The appropriate name must be created for an alert system to be responsive to missing cases involving AI/AN people while being swiftly implemented. This alert system would utilize already established technical alert systems such as the successful Amber and Silver Alerts, thus having minimal fiscal impact with the potential for astronomical impact for AI/AN families and communities to find their loved ones. In the last tribal consultation regarding the alert, the FCC left open the possibility that a new, separate, event code could be created for AI/AN people, with the chair of the FCC speaking at National Congress of American Indians on October 29th, 2024 saying that the alert “will save lives in Tribal communities and all across this country.” At this point our people are still missing and we need more than words, we need action. I urge you to work with your congressional partners to take this action and work to pass legislation to establish an AI/AN alert code.

Holding the Military Accountable for Violence Against Indigenous People

Over the last four years, a gap in our understanding of this crisis continues to be illuminated. AI/AN have a long and illustrious relationship with the US military with AI/AN serving at higher rates than other racial and ethnic groups. In 2022 we made up 1.1% of those in active-duty military service. And we know they are also impacted by this crisis, we have heard stories of sexual assault, trafficking, domestic violence and murder of active-duty AI/AN. However, available reports are sparse. The Department of Defense must make this data more readily available and issue a report specific to AI/AN service members.

Even more urgent is an understanding of the impact of the US military facilities across the US, many of which are located next to tribal lands across the US and the state of Hawaii. An Alaska Native family from Fairbanks, Alaska, shared the story of their daughter who was murdered in a domestic violence instance on a local military base by her military husband who had a history of domestic abuse. Due to the restrictions on prosecution of these military involved cases, the family had no idea what happened during the trial nor why the man received such a light sentence. Her mother said, “I just wanted to know, and I just wanted them [military] to apologize.”

This story is just one of hundreds I, and other working on MMIWP, have heard and is echoed by the Native Hawaiian community. My organization is the largest funder of MMIWP and Mahu research in Hawaii as they, alongside AI/AN communities, have received no resources to investigate this crisis. I work diligently to find and secure resources, but these resources should not be dependent on one person, and one organization, yet at this point it is. In the first MMIWP/Mahu report in Hawaii, they found

that 38% of those arrested for soliciting sex from a thirteen-year-old online were active-duty military personnel. This is deeply disturbing and illustrates the need for a comprehensive Department of Defense report on the impact of active-duty military on sexual violence, domestic violence, human trafficking, and missing and murdered Indigenous people. I ask you to hold a hearing with the Department of Defense and require them to present the most current data on victimization of AI/AN active-duty military personnel and report the data on active-duty military personnel who are perpetrators of this violence against Indigenous people. We are asking for accountability from the Department of Defense and urge you to work with us.

Addressing the Crisis of MMIWP

Four years after the passing of Savanna's Act and the Not Invisible Act, Indigenous people are still missing in life, in the media, and in the data. Today I ask this subcommittee to stand with us, demand accountability, allocate appropriate resources and ensure that four years from now we see a different outcome.

I thank you for the opportunity to testify on this panel today, and I look forward to answering questions on how to implement these and other changes.



Seattle Indian Health Board
For the Love of Native People
 611 12th Avenue South
 Seattle, WA 98144
 (206) 324-9360
www.sihb.org

<i>Indian Health Service Funding</i>			
Project Name	Budget Period Award	Start Date	End Date
IHS ALZ (FAIN H1H8IHS0008)	\$199,881	09/01/2023	08/31/2024
IHS ALZ (FAIN H1H8IHS0008)	\$199,881	09/01/2024	08/31/2025
IHS SDPIP 2022 (FAIN H1D1IHS0165)	\$630,315.77	01/01/2021	12/31/2022
IHS SDPIP 2023 (FAIN H1D1IHS1202)	\$351,002	01/01/2023	12/31/2023
IHS SDPIP 2024 (FAIN H1D1IHS1202)	\$438,753	01/01/2024	12/31/2024
IHS EP1 (FAIN U1B1IHS0006)	\$2,905,997	09/30/2021	09/29/2022
IHS EP1 (FAIN U1B1IHS0006)	\$2,894,957	09/30/2022	09/29/2023
IHS EP1 (FAIN U1B1IHS0006)	\$3,488,350	09/30/2023	09/29/2024
IHS EP1 (FAIN U1B1IHS0006)	\$3,476,397	09/30/2024	09/29/2025
IHS ETHIC (FAIN H1H9IHS0003)	\$198,590	09/01/2022	09/01/2023
IHS ETHIC (FAIN H1H9IHS0003)	\$198,590	09/01/2023	08/31/2024
IHS ETHIC (FAIN H1H9IHS0003)	\$198,590	09/01/2024	08/31/2025
IHS Portland (Contract 75H71320C00002)	\$5,145,574	10/01/2021	09/30/2022
IHS Portland (Contract 75H71320C00002)	\$5,545,443	10/01/2022	09/30/2023
IHS Portland (Contract 75H71320C00002)	\$5,515,303	10/01/2023	09/30/2024
UIHP2 4-in-1 (FAIN H722IHS0134)	\$645,595	04/01/2021	03/31/2022
UIHP2 4-in-1 (FAIN H722IHS0134)	\$645,595	04/01/2022	03/31/2023
UIHP2 4-in-1 (FAIN H722IHS0134)	\$762,031	04/01/2023	03/31/2024
UIHP2 4-in-1 (FAIN H722IHS0134)	\$703,813	04/01/2024	03/31/2025

IHS ARPA Construction (Contract 75H71322C00002)	\$3,325,453	09/13/2022	03/13/2023
IHS ARPA Community Health (Contract 75H71322C00002)	\$19,476,476	3/30/2023	
Total	\$56,946,587		

Mr. SIMPSON. Thank you, Abigail.
Cheryl.

**STATEMENT OF CHERYL HORN, MEMBER OF THE MONTANA
MISSING INDIGENOUS PERSONS TASK FORCE AND MEMBER
OF THE ASSINIBOINE TRIBE OF FORT BELKNAP**

Ms. HORN. Good morning, everybody. I would also like to repeat what she said in thanking you for bringing us to the table. I am just the same as her. Let me start over. Hello. My name is Cheryl Horn [Speaking native language]. Standing in the Rain is my name. I was named by my grandfather, Gilbert Horn, Sr., who also came to Washington on many visits and advocated for our people, and he was a code talker. I just want you to know that my name came from when he was standing in the Himalayan Mountains in the rain for 30 days, so I try to stand tall and take what I can, you know.

I am a grassroots advocate who came to Missing and Murdered Indigenous People (MMIP) as a family member of two missing girls, Tristen Gray and Selena Not Afraid. My nieces were both found deceased, so I choose to speak up at any table I can. With Selena, she was missing for 20 days, and she last left a rest stop, and the authorities left the rest stop, but us as a family, we did not leave. We stayed there. We camped there. We slept there. We were the search party while the county sat across the road at the other closed rest area. The State of Montana turned the power on for us at this closed rest area, and we were watched by the county, and we had to fight for investigation. We had to fight for everything.

Then on day eight, Operation Lady Justice showed up, and when he showed up, he told me they showed up because I would not be quiet. Day eight, he showed up and I thought, Okay, we are going to leave. Well, no, it includes a profile. First, they will profile your child, so they didn't look on day eight. We had to stay until day 13 when Operation Lady Justice brought the official search team, and we were able to pack up, go back into the urban city of Billings and resume our search efforts there, at the same time, having people watch the rest area for us, you know, just to verify that something is happening.

My niece was found on day 20 on a grid search. I believe she was found on day 19 and we found out day 20, but the grid search from Operation Lady Justice brought her home. When I was standing there with my sister looking out into a dark field with my uncle, a Marine veteran who was 60-something years old protecting us, that is all we had, and my boyfriend, a 60-year-old Marine vet in the middle of nowhere. When I stood there and I looked out there and I told my sister, do you think she is here, and she said, no.

I said, I do not either, but we get her back because we are going to get her back. We are not going to quit until we get her back, one way or the other. When I get her back, I will not stop because when she moves, there is another girl standing behind her. How can I turn and walk away after I have done that work to get my niece and made noise?

From there, you know, I just became a grassroots advocate working on zero budget, having people call me because I went through it. Here I am trying to heal and trying to deal with my stuff, but at the same time we were at the rest area, I was in Billings helping a sex-trafficked victim get back to South Dakota at 3 a.m., in the morning. I was providing her food, clothes, water, and security, and in that little time she went from Seattle to me, there was a black man already trying to get her to Alabama in that short of time. From Billings to Rapid City, here we were crossing our fingers praying that she got off in Rapid City, and she did. I had to kind of tell him some untruth about me. He is like, are you a flag, and I was wearing my pajamas and I said, yes. In every stop you go, there is going to be one just like me.

You know, there are things you have to do as families to get the ball rolling and to get somebody to hear you, and I believe our biggest barrier is the lack of proper investigation and prosecution. I come from a Tribal level, but I have been on county and State issues, too. I am on the Montana Task Force, and we recently had a search and rescue training, and this is just an example of what we have to deal with at home. I had a hard time getting law enforcement to come to our free training. We had a missing person at the time, so they sent their drug dog officer. We went through all the training, and when he was done, I tried to talk to him about plans I had for our community, and he looked at me and said I am too busy. I probably would not even be doing this, after he wasted his time, everybody's time coming to that. That is what we deal with on a Tribal level.

You know, my MMIP budget is zero, yet I help people. I advocate for a lady that lives in Richmond, Virginia. Her daughter was killed in a domestic violence situation in Montana. I am her advocate. She is not a Native American. I advocate for everybody. I don't ask you where you come from, what color you are, anything. You call me, I help you. I try to find resources. That is all I can do. I cannot give resources unless I have money in my pocket from my paycheck. You know, I do not have resources. I do come from a Tribe that supports my efforts, and if I do come with a serious enough issue, I do get the support from my chairman, you know, but unfortunately, Tribal programs, they are not a resource for us. I cannot go to a Tribal program for a girl. The treatment programs, they are taking them off to California, Oklahoma, everywhere for treatment, getting them hooked up in their system with Medicaid and then kicking them out. When you are out, Okay, all of a sudden, you are missing again, right? Your family doesn't know where you are in another State. I have no resources to get her home. I have to beg on my Facebook page for people to donate. She is probably not even coming to my reservation. She is probably coming somewhere else, but we want to get her home.

We have formed a network where there was none. When my nieces went missing, I stood in Billings' rooms and hollered because nobody heard me with my first niece. Nobody heard me when I looked for Tristen. You know what? We found her. We found her killer because we made the cops look at the airport evidence, and he got out after he ran over my niece. He looked at her and he got back in his vehicle and he left. Three years later when they closed his case, the county attorney in Billings, Montana looked at me and said, he feared for his life when he hit her, so he is free. We are not pressing any charges on him because he feared for his life when he ran over my niece. That is a concept that now is catching on in Montana. We have other people now who have got hit, but they feared for their life, so they get out of things. This fearing for your life is an excuse, and the only person who should be fearing for their life is the victims.

I guess I have not heard much on the Not Invisible Act since it came into effect. When it comes to Operation Lady Justice, Selena was the only case I can ever say that had any effect. I have never had anybody reach out to me on all the States and all the advocates I have to say that they were affected. I made such a noise, my niece was helped, and that is not right because not everybody is brave to stand up, not everybody is brave to sit in front of you, but when their people missing, they have to turn to somebody.

I guess in closing, I want to thank you for sharing this space for me, you know. There are a lot of families that are working on healing, and myself as a family, as advocate, I had to step back, and you know what? I tried to step back, and I could not. I had to take some mental health myself to heal from my niece, but the whole time I was doing that, I felt guilt because I knew people were not reaching out to me. I knew they did not know what to do. I want to tell you on the plane ride here, I stopped in Minnesota and I turned my phone on. I had a message from a young girl in my community. She had recently been held by gunpoint by her boyfriend and beat up, and she has not heard from anybody. She does not know where it is. She is scared to come back to our reservation, you know. We do not have any followup as victims. We do not have a recourse. We sit and wait for nothing. We sit and wait for no updates. This young girl, I cannot help her today, but when I go home, I will do my best to help her, which means asking the officers where the investigation is, you know, just seeing where her case is, and getting her some answers back.

Very seldomly do we address the mental health of this. As an advocate, I went through it, so my main purpose is I try to heal people. Not personally heal. I am not a healer, but I try to find resources and I work toward healing with them. I encourage them very much to heal and not be angry because if we have anger, we are not getting anywhere, we are not going to get anything done. I have heard it before. It is non-party. We are humans, and I am not here just for every Native-American girl. I am here for everybody who has been through this injustice of murder, domestic violence, killings.

You know, I have a few names. If you can remember one and Google one, my job has been done today because my point is that these people are humans: Kaysera, Kaimani, Casey, Freeman,

Leon, Thomasine, Preston, Claiborne, Selena, Tristen, Ashley, Cole, Willie. These are names I sat and wrote as I sit here. These are not everybody I advocate. These are just the names that popped in my cloudy head right now, you know, to remind myself this is why I am here, and Shacaiah Blue Harding is still missing. That is another thing, as her and her mom and another victim of her perpetrator, we tracked him down. We went on social media and found him when the Billings police told us they could not find him. We could not get him to speak up for Shacaiah, but we got his DNA. We got them to test his DNA, and he popped hot on some backed-up raped kits in the State of Montana. He is in jail on rape, but he will not tell us where Shacaiah Blue Harding is, and he was the last person with her. He was her boyfriend at the time, and she was hiding from him at the time. All we can do is continue to talk about Shacaiah, and if she is somewhere, let her know we won't give up on her.

I just want to thank you again, everybody, because from the very beginning, this is where I pictured myself. I tried to manifest this to come to Washington, D.C. When I finally got it, I was really shocked, so I kind of stuttered to them, you know. I am starstruck. When I was screaming out into a field in the middle of the night, telling her that everybody who cares is here, it was just our family. I am all for data, but I am all for the resources that need to trickle down to the actual mental health of families, the resources of families going to look for their kids. Luckily, we have some nonprofits that have been formed to do this, but even they are moving away from it.

Thank you for letting us come to the table and keeping our ball rolling because this is a crisis. It is not an issue. It is a crisis, and it is a crisis all across the United States, and it is not just Indian Country. It is everybody. Everybody gets injustice and everybody deserves justice. Thank you again for allowing me.

[The prepared statement of Ms. Horn follows:]



My name is Cheryl Horn, Magazu Nahzi (Standing in the Rain), an Assiniboine from Ft Belknap, MT. I became a member of the Missing Murdered Indigenous Women Men (MMIWM) family in July of 2018 with my niece Tristen Gray and again in 2020 with her sister, Selena Bell Not Afraid. I am an advocate for families and survivors of missing, murdered and trafficked individuals as well as Domestic Violence victims. We work hard to change laws, find resources, media, lawyers, and more advocates for our families. I want to bring awareness and prevention to everyone by sharing our experiences as a family. In 2022, I was awarded USA Today National Woman of the Year along with 10 other very distinguished recipients. With this award, it has brought opportunities for our families to tell their stories. We are their voice. I proudly serve as a board member for the Pretty Eagle Resource Board. I also serve on the Montana ACLU board as the Affiliate Equity Officer. I have also recently been appointed by my tribe to the Montana Missing Indigenous Persons Task Force. I represent Ft Belknap with MMIWM. My goal is to bring healing opportunities to all MMIWM families. I believe the best course for us as the families left behind is to work toward healing. We must work on keeping our mental health in a positive space while advocating for our loved ones. I believe as families, we can heal together. I am trained in Trauma Informed Care, which I believe is crucial training when working with people. I bring life experience and support/resources to the table when advocating for victims of crime. I have worked with many podcasts, documentaries, short films, art work, social media, news media, walks, runs, softball games, basketball games and powwows, all who represent/honor MMIP. I do my best to insure a can find support and heal.

Hello, my name is Cheryl Horn, Nahzi Magazu (Standing in the Rain) and I am here today to bring information to you regarding the crisis we call MMIW/MMIP. I am a grassroots advocate who came to MMIP as a family of 2 missing girls. Tristen Gray and Selena Not Afraid, my nieces. Both were found deceased so I choose to speak up at any table I can. To get a better understanding, Indigenous people, particularly women, girls, and 2 spirit individuals face disproportionately high rates of violence, disappearances, and homicides in the United States. The crisis reflects centuries of systemic inequality, neglect, and lack of appropriate law enforcement response.

As a family and advocate, I believe our biggest barrier is the lack of proper investigation and prosecution. Families have been investigators and reporters when the authorities have not. Operation Lady Justice worked for my niece Selena. Now we have the Not Invisible Act. In reality, they are merely a dream team that does not exist. The resources do not trickle down to more police, investigators, or even advocates. My MMIP program runs on a \$0 budget, yet I help people all over the United States. I do this with the help of the community. Very seldom does a tribal program allow to bring victims home or to travel and search for a loved one. Fortunately, Fort Belknap is very supportive of the MMIP efforts I put forth. We are building non-profits and healing programs by collaborating and sharing knowledge. We are working towards healing and moving forward for our families. Support and mental health are 2 areas I advocate and train to help others with.

We need more support for the Not Invisible to Act and Savannah's Act, both work to provide more resources for Indigenous communities. We also need to work on our Amber Alerts so ALL missing are included in the alert. Victim services are slowly growing. Unfortunately, most federal programs are limited as data collectors and not actual resources for the missing, murdered, and domestic violence victims. I advocate for a few families that live outside of Montana and are non-natives. This was a promise I made when my niece was returned to us: When we get Selena back, I will continue to help ALL families.

I would love to see the resources and funding reach the community level and not just provide jobs for data collecting. In closing, thank you all for allowing me to share this space with you. I hope we can all work together towards justice and healing for families.

Mr. SIMPSON. Thank you, Cheryl.
Mary Jane.

**STATEMENT OF MARY JANE MILES, VICE-CHAIRMAN OF THE
ELDRIDGE: PERCE TRIBAL EXECUTIVE COMMITTEE (NPTEC) AND
MEMBER OF THE NEZ PERCE TRIBE**

Ms. MILES. [Speaking native language]. Good morning. I am Mary Jane Miles. I am an elected representative serving on the Nez Perce Tribal Executive Committee. I am also an ordained Presbyterian minister in the Presbyterian Church USA. The Nimiipuu, the Nez Perce people, want to thank this committee and administration for their efforts, again, to understand the needs of Indian Country and for the hand of friendship to hear my thoughts on an issue very important to me and to many others.

Missing and murdered indigenous people was first introduced to me as a policy issue during my visit to Vancouver, B.C. I heard how the First Nations were lamenting the murder of women in that day that were not being investigated and the invisibility of Native women in the crimes against them. I then began to understand that there were unsolved murdered and missing indigenous persons in the United States and that this is not an isolated problem. Sometimes I feel that the Native Americans are so few that we are very easy to forget. As you can see, I am an older Native-American woman who knows of the turbulence in a relationship as I myself am a domestic violence survivor. During the time I endured that relationship, I wondered why and how our Tribal people came to this dark time with fractured relationships with no accountability. I believe that diseases like drug and alcohol abuse play a big part in the overall problem but also the poverty on the reservations as well.

My inner being agonizes over the lack of worth given to Native women and the senseless acts that lead to their harm. In the past, people in power have not cared about native women, but their families and their Tribes do. One instance that touches my heart is the loss of a young woman I counseled who was strangled by her partner. I had also counseled the perpetrator beforehand, and I just happened to be a friend to his father. I conducted the funerals of both the young woman after the crime and the perpetrator's dad, who died shortly thereafter. This was an awful time of unrest and sadness that tore our community apart.

Women continue to be the backbone of our Tribal communities. I like the way we handle life, the way we handle difficult situations. Men need to be a part of that solution to this very real problem on the reservation. As our Tribes grow and change alongside the communities around us, some of the traditional roles of the men have been taken away from them. Native men have historically been providers, but with the advent of reservation life, this role was taken away from them. We need to get to work, combating the root of the problem, which include gaps in law enforcement and the lack of communication between jurisdictions. We need to work on establishing and funding recovery centers, extended family support programs, and fully supporting Tribal law enforcement and detention centers. We will use some of the funding to assist with training our police force and to assist with investigations.

Another proposed program is designed to help persons who are vulnerable to becoming victims of human trafficking by providing backpacks that contain personal safety alarms and a flashlight as well as other safety items. We are also strengthening our data collection for vulnerable persons by creating a data base with information that can be provided to law enforcement if a person goes missing. We are also working to coordinate information sharing with other regional Tribes to lessen the time it takes for us to know when a person has gone missing on a sister reservation.

In closing, I would like to say that I am encouraged that there are movements to highlight this issue and hearings like today to help recognize and address the wrongs to the native women and men and help prevent them in the future. I am tired of crying out loud on this issue, and I do not want to do that anymore. I want to experience progress, and I want to thank you again for your time.

[The prepared statement of Ms. Miles follows:]

MARY JANE MILES
NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

Born on March 3, 1940, Mary Jane Miles is an enrolled member of the Nez Perce Tribe ("Tribe"). She currently serves as Chaplain for the Nez Perce Tribal Executive Committee ("NPTEC"), the nine-member governing body of the Tribe. Ms. Miles has served many terms and held various offices as a member of the NPTEC, including chairman, vice-chairman, and chaplain.

Ms. Miles is an ordained Minister of the Word and Sacrament of the Presbyterian Church (USA). She has ministered on the Navajo Nation Reservation in Tuba City, Arizona, the Tohono O'odham Nation Reservation in Sells, Arizona, and Indian Presbyterian churches on the Nez Perce Reservation.

Ms. Miles graduated from Lapwai High School on the Nez Perce Reservation. She earned an associate degree from Bacone College in Muskogee, Oklahoma, a Bachelor of Science Degree in Social Science from Lewis-Clark State College in Lewiston, Idaho, a Master of Divinity Degree from Fuller Theological Seminary in Pasadena, California, and a Doctor of Ministry Degree from Pittsburgh Theological Seminary in Pittsburgh, Pennsylvania.

House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
Statement of Mary Jane Miles
Nez Perce Tribe
November 20, 2024

Good morning. I am Mary Jane Miles, and I am an elected representative serving on the Nez Perce Tribal Executive Committee. I am also an ordained minister in the Presbyterian Church (USA). The *Nimipuu* (Nez Perce People) want to thank this Committee and the Administration for their efforts to understand the needs of Indian Country and for the hand of friendship to hear my thoughts on an issue very important to me and many others.

Missing and murdered Indigenous people (MMIP) was first introduced to me as a policy issue during a visit to Vancouver, B.C. I heard how the First Nations were lamenting the murder of women in that town that were not being investigated and the “invisibility” of Native women in the investigation of crimes against them. I then began to understand that there are unsolved murder and missing persons cases involving Native women in the United States and that MMIP is not an isolated problem. Sometimes I feel that Indians are so few that we are easy to forget.

I am an older Native American woman who knows of the turbulence in a relationship as I myself am a domestic violence survivor. During the time I endured that relationship, I wondered why and how our tribal people came to this dark time with fractured relationships and no accountability. I have come to believe that diseases like drug and alcohol abuse play a part in the overall problem, but also that poverty on reservations contribute as well.

My inner being agonizes over the lack of worth given to Native women and the senseless acts that lead to their harm. In the past, people in power have not cared about Native women, but their families and tribes do care. One instance that touches my heart is the loss of a young woman I counselled who was strangled by her partner. I had also counselled the perpetrator and was a friend of his father. I conducted the funerals of both the young woman and the perpetrator’s dad, which happened soon thereafter. This was an awful time of unrest and sadness that tore two communities apart. We don’t want to lose these people as our culture is diminished with even one loss.

Women continue to be the backbone of the tribal community. I like the way we handle life, the way we handle difficult situations. Men need to be part of the solution to this very real problem. As our tribes grow and change alongside the communities around us, some of the traditional roles of many of our men have changed or disappeared. Native men have historically been providers but with the advent of reservation life, this role was taken away from some of them. There is much less freedom to hunt and fish and women have taken on the role of breadwinner.

We need to get to work on combating the root of the problem: drugs, poverty, lack of family support, gaps in law enforcement, and the lack of communication between jurisdictions. We need to work on establishing and funding recovery centers, family support programs, and fully supporting tribal law enforcement and detention centers. The Nez Perce Tribe is working on innovative responses to address the different aspects of this issue.

We will use some grant funding to assist with training for our police force and to assist with investigations. Another proposed program is designed to help persons who are vulnerable to becoming victims of human trafficking by providing backpacks that contain a personal safety alarm and a flashlight as well as other safety items. We are strengthening our data collection for vulnerable persons by creating a database with information that can be provided to law enforcement if a person goes missing. We are also working to coordinate information sharing with other regional tribes to lessen the time it takes for us to know when a person has gone missing on another reservation.

Because of the intersection of sexual assault with MMIP, we are using a sexual assault program grant to enhance our response and integrate efforts across various departments and programs that support victims of sexual assault. We will serve victims accessing the teen shelter, *niwi* (home), Children's Home, Sober Living Home, and other social service programs by providing crisis intervention, advocacy, accompaniment, referrals, and counseling services. This will broaden the scope of services, outside of the Nez Perce Tribe *Uyini Kima* (New Beginnings) Program, to include a wider range of survivors, such as victims of sex trafficking who have also experienced sexual assault, adults abroad as children, male survivors, child and youth survivors, and adults sexually assaulted by non-intimate partners.

In closing I would like to say that I am happy that there are movements to highlight this issue and hearings like today to help recognize and address the wrongs to the Native women and help prevent them in the future. I am tired of crying on this issue, I do not want to cry anymore, I want to see progress. Thank you.

Mr. SIMPSON. Thank you, Mary Jane. Maulian.

STATEMENT OF MAULIAN BRYANT, WABANAKI ALLIANCE INCOMING EXECUTIVE DIRECTOR AND MEMBER OF THE PENOBSCOT NATION

Ms. BRYANT. Chairman Simpson, Ranking Member Pingree, and honorable members of this committee, I so appreciate you holding this hearing and giving us space today. I have served as a Tribal Ambassador for my Tribe, the Penobscot Nation, for over 7 years. I will soon advocate for all of the Wabanaki Tribes in Maine as the incoming Executive Director for the Wabanaki Alliance [Speaking native language]. My name is Maulian Bryant. I am from the Penobscot Nation, and these warrior women here today have given me the courage to say that I am also a domestic violence victim. A man once looked me in the eye and said, I could kill you right here, and nobody would ever know. He was right, and I am so lucky he did not. I am a mother to three daughters. Iris is two, Layla is 15, and Carmela just turned 18. Their safety and well-being has driven much of my work and advocacy on the issue of missing and murdered indigenous women and people.

One in three indigenous women will be the victim of a violent crime in her lifetime, and there are four of us in my immediate family. The societal component of this crisis and why it has been so hard to combat and address cannot be overlooked. When I was young and watched the Walt Disney movie, "Peter Pan," it was the first time I can recall seeing stereotypes about my people. The Indian encampment scene and the use of stereotypes around Tribal women are a sad example of this. Tiger Lily, the Indian princess, she is a child but made to look exotic and tempting. The older women in the camp are brash and mean and called racial slurs.

Even the Disney version of “Pocahontas,” which tells a story meant to portray progress and honor, gets it wrong. Pocahontas was likely 14 when she met the English soldiers. She was taken to Europe where she died of disease, away from her family, culture, and homelands. These stereotypes have broadly applicable implications, and, unfortunately, have been propagated throughout our society. A lot of our experience as real indigenous women has been minimized and at times silenced altogether while Americans embrace these false creations of us instead of seeing us as real people. It makes us objects and it makes us less than human, and candy coating our history and reality does not help anything. It makes us more invisible.

When an indigenous woman goes missing, there is not the same attention and action as when a Caucasian woman does. The primary reasons for this are three-fold: societal indifference, jurisdictional and coordination issues, and a lack of resources for Tribal law enforcement agencies. The false conceptions of our people often lead to victim blaming and attitudes that minimize attention given to these cases. If an indigenous woman goes missing from a bar or a boyfriend’s home or if she has addiction or family issues, she is often seen as putting herself in harm’s way, and she is often seen as the problem. It is a fact that a lot of “negative behaviors and dysfunction” are a lasting consequence of the horrors inflicted on our people in the colonization of this country, be it the theft of land, the pandemics, the residential school policy, and the theft of our children, the outlawing of our religion. We are real people deserving of equal rights and treatment, and we are healing from so much.

Jurisdictional issues are equally harmful. There needs to be clear duties and processes delineated before, during, and after these crimes occur. Until recently, the Wabanaki people in Maine lacked equal access to the Tribal provisions of the Violence Against Women Act due to our outdated and oppressive 1980 Maine Indian Land Claims Settlement Act. Fortunately, after years of work and lots of support from Ranking Member Pingree, we were able to address this, and now Violence Against Women Act (VAWA) cases within the Penobscot Nation’s jurisdiction are being fully handled by our Tribe. Ensuring that indigenous people report the crimes and feel safe and supported, doing so is important because due to a lack of justice, which you have heard all about, victims can feel like it is not worth the time or effort in an already traumatic situation to take the needed steps.

Our own Tribal law enforcement agencies need additional support. While Tribal law enforcement funding has increased in recent years, the increases are far from meeting the actual level of need. One of the largest barriers is actually the growth of unrelated line items connected with contract support costs and 105(l) leases, which are taking up a larger and larger portion of Congress’ allocation toward our budgets. It is critical that these be moved to the mandatory side of the budget so that funding increases go toward real program improvements and services rather than fulfilling mandatory contract obligations.

Funding the key programs for our people in the Federal budget and upholding the trust responsibility helps keep our communities

safe. It helps us in terms of health, stewardship of natural resources, public safety, and keeping our communal and cultural connections strong. All of the appropriations decisions you all make in this room impact this crisis because in order for our people to protect each other and heal from past trauma, we need to have resources and means to survive.

Thank you so much for the invitation to come here today. I am deeply, deeply honored to be on this panel with these amazing women putting in such hard heartbreaking work. [Speaking native language]. Thank you very much.

[The prepared statement of Ms. Bryant follows:]

Materials for House Interior Appropriations Committee
Hearing date November 20, 2024 10am

Bio for Maulian Bryant, Penobscot Nation

Maulian Bryant was appointed to serve as the first Tribal Ambassador by Penobscot Nation Chief Kirk Francis in September 2017. As Ambassador, Ms. Bryant was responsible to act as a representative of the Penobscot Nation and to serve as a liaison for the Nation at the local, state and federal levels of government in order to educate and advocate for policy and laws that impact and protect the Penobscot Nation's sovereignty, culture, natural resources and the general welfare of the Penobscot people. She has since accepted the position of Executive Director the Wabanaki Alliance, a non profit advocacy group focusing on advancing issues of tribal sovereignty and self determination as well as educating and building relationships. She now advocates on behalf of all the Wabanaki Tribal Nations; the Penobscot, Passamaquoddy, Mi'kmaq, and Maliseet.

Prior to serving as Ambassador, Ms. Bryant served as an elected member of the Penobscot Nation Tribal Council. She grew up on Indian Island within the Penobscot Nation's Reservation and is the daughter of former Penobscot Nation Chief Barry Dana, who served from 2000-2004. Ms. Bryant graduated from the University of Maine in Orono with a degree in political science. In 2022 Colby College presented her with an honorary doctorate for her work on equity issues and policy. Prior to being elected to Tribal Council, she was the Human Resources Director for the Penobscot Indian Nation Enterprises (PINE). Before that, she worked at the Penobscot Nation Cultural & Historic Preservation Department and as a substitute school teacher at the Nation's school.

Ms. Bryant is an outspoken advocate on the issue of derogatory mascots and imagery. Her advocacy resulted in the State of Maine recently enacting a law to change the annual Columbus Day in October to Indigenous Peoples Day, and prohibit public schools from using derogatory mascots. In the years leading up to the Maine Legislature taking action, she represented the Penobscot Nation in the effort to have the Skowhegan High School drop their "Indian" mascot. Her other passion is finding ways to strengthen and expand programs that help to preserve and teach the customs and traditions of the Penobscot people. She is a loving mother to three daughters and centers them in much of her work making the state and country a safer and more equitable place for her children and all tribal people.

Opening Statement

Maulian Bryant, Executive Director of the Wabanaki Alliance, Penobscot Nation

Chairman Simpson, Ranking Member Pingree, and honorable members of the committee. I sincerely appreciate you holding this hearing and giving space for us to reflect on this crisis and collaborate with you on ways to go forward together. I have served as the Tribal Ambassador for my Tribal Nation and now work on advocacy for all of the Wabanaki Tribes in our homelands now called Maine as the incoming Executive Director for the Wabanaki Alliance. Most importantly, I am a mother to three daughters. Iris who is 2, Layla who is 15, and Carmella who just turned 18. From my little toddler to my newly turned adult I am constantly thinking about their safety and wellbeing. It has driven much of my work and advocacy on the issue of Missing and Murdered Indigenous Women and People. One in three Indigenous women, statistically speaking, will be the victim of a violent crime in her lifetime. There are four of us in my immediate family.

This issue has been a crisis for a few different reasons. The societal and cultural component cannot be overlooked. When I was 6 years old I knew I was a Penobscot person. My parents are both Penobscot and took time to teach me the songs, language, stories, and values. When I saw the Walt Disney movie Peter Pan it was the first time I can recall seeing stereotypes about my people played out by mainstream society. This "Indian Encampment" scene is problematic for many reasons but the use of the stereotypes around tribal women stands out. There is Tiger Lily, the Indian Princess, the Chief's daughter. She is no doubt a child yet made to look older and exotic and tempting to Peter Pan. There is the older woman who is brash and mean and called a racial slur by the men in the tribe. Both of these stereotypes have deep implications and have been consequential in our society, even if subconsciously. A lot of our experience as real Indigenous women through the generations has been minimized and at times silenced all together and Americans embraced these false creations of us instead of seeing us as real people. Even the Disney version of Pocahontas, which tells a story meant to portray progress and honor, gets it wrong. Pocahontas was likely 14 when she met the English soldiers. In her tribe the children would have parts of their hair shaved. She was kidnapped and taken to Europe where she died of disease away from her family, culture, and homelands. By presenting her as an adult woman with skimpy clothes and the ability to make consenting decisions we are doing a disservice to not just her legacy but to all Indigenous women who deserve truth about our history. Candy coating it does not make it better. It makes us more invisible.

When an Indigenous woman goes missing there is not the same attention and action as when a caucasian woman is. In the case of Gabby Petito, the young woman who was missing before it came to light she was murdered by her boyfriend a few years ago, we all saw her face and knew her name. That is how it should be and we don't begrudge her family and loved ones for working so hard to make it so. However, we all had a moment of sharp reflection knowing that people from our Tribal Nations are often missing and the victims of ghastly crimes and nobody is looking for us. Nobody outside of our communities knows our names and faces. These stereotypes and false portrayals of our people that I have articulated serve to dehumanize us and freeze us into an image or idea instead of giving space to the full and vast reality of who we

are. Indigenous women for the most part do not resemble what Disney has drawn. We are living and breathing dynamic people who don't fit into this box not created by us. The more you see and hear from us the more visible we are. It has been a powerful thing to watch as people like Deb Halaand and Sharice Davids have risen to places of power in a government that was not built for us. The visibility and presence needs to continue and help shine a light on our people no matter who is in power. We hope and pray it helps us get the same recognition and help when we need it. The false conceptions of our people often lead to some of the attitudes about us and we see lots of victim blaming. If an Indigenous woman was missing from a bar or a boyfriend's home or if she has addiction issues or family issues she is often seen as putting herself in harm's way and there is a dismissive approach at times. It is a fact that lots of negative behaviors and dysfunction are a lasting consequence of the horrors inflicted on our people in the colonization of this country be it the land theft, pandemics, residential school policy, outlawing of our religion, etc. All of that aside, no matter the perceived character of the woman she is worth saving and protecting.

The other reason there is often a lack of justice in these cases are jurisdictional issues between tribal, state, federal, and other law enforcement agencies. There needs to be clear duties and processes delineated before, during, and after these crimes occur. We cannot have these cases slip through the cracks simply because one hand doesn't know what the other is doing. Supporting tribal law enforcement is a key piece, and as we all discussed back at the hearing in May that has been lacking in many tribal communities. At Penobscot Nation we have since partnered with a neighboring municipality to help fill in the gaps in coverage. Supporting the research component to this and data tracking is also a step we can take. Ensuring that Indigenous people report the crimes and feel safe and supported doing so is also something we can all work on. Due to the lack of justice in many of these cases victims can feel like it is not worth the time or effort in an already traumatic time to take these steps. Making the system work better for everyone can help instill credibility and much needed trust.

In Maine an issue related to this work is domestic violence and sexual assault on tribal lands where the victim is a tribal citizen and the perpetrator is not. Before the federal Violence Against Women Act tribes lacked the authority to handle these cases in tribal courts and it added to the brokenness of the system I have explained. When the tribal provisions of this law were authorized the Wabanaki people in Maine could not initially take advantage of it due to the outdated and oppressive 1980 Maine Indian Claims Settlement and Implementing Acts which effectively blocks us from accessing federal Indian law that the state determines may impact their jurisdiction. It took us many years but we were able to work towards a state statute granting us VAWA jurisdiction and we also worked with our delegation, Representative Pingree included who is always a steadfast advocate for us, to be mentioned in the most recent federal reauthorization. Now tribes with tribal courts in Maine have access to this important law. The Penobscot Nation is actively handling VAWA cases and that is a step in the right direction.

In the time we have here together today I wanted to give a personal take on how my experience as an Indigenous woman and mother who has been steeped in the work of policy and representation for nearly twenty years shapes my views on this crisis. I would encourage

you to read the studies that have been published and I have no doubt my fellow panelists will do our people proud. Funding the key programs for our people in the Interior budget and keeping to the fiduciary responsibility helps our communities in terms of health, stewardship of natural resources, public safety, and keeping our communal and cultural connections strong. All of the appropriations decisions you all make here impacts the MMIW crisis because in order for our people to protect each other and heal from past trauma we need to have resources and means to survive. The apology from President Biden regarding the atrocities committed against our children and families under the United States Boarding School Policy was a genuine and heartfelt one. It can be just empty words or it can have lasting meaning and impact. The choices lay ahead and we hope it is the latter.

Thank you so much for the invitation to come share here and I am happy to be in this work with you and to take any questions.

Mr. SIMPSON. Thank you, and thank all of you for being here, and we will go to members' questions here in just a minute. I want to tell you, I do not know if you know this, Mary Jane, but I have been on this committee for 22 years, so I have been dealing with funding for Indian Country for a number of years, learned an awful lot from my chairman here, so I am involved. I listen to the news all the time. I knew nothing about this issue until about a year ago. I was watching Idaho reports, and I believe it was you that was on the program talking about murdered/missing indigenous women. I am sitting there and I am stunned, and then I am pissed off or PO'd after that and said we have got to do something about this. We have got to do better.

I think all five of you demonstrated this picture up here. When I first became chairman of this committee the first time, I asked Assiniboine Tribe to give me something to hang on the wall, and they had one of their artists paint this. They explained to me, this is an attempt to demonstrate, and I think in the narrative there, it says, "The strength of Native-American Women," as you all just demonstrated it. Mr. Cole.

Mr. COLE. Thank you very much. I look at that picture and I think, well, that is typical. You give the Federal Government something, you never get it back. First, I want to join the chairman, thank you for your testimony. That is difficult testimony. I know it is very difficult for you personally to talk about some of these experiences, but it is important. It is important for people to understand the reality. We can talk numbers and jurisdiction and statistics. There is nothing as powerful as a personal story to drive home a point, and so thank all of you for doing that.

I have just got some general questions that I would ask, you know, just start if I could, you move across, and if it is something you do not care to comment about, that is fine, too, but I am very interested in your perspective. If you had to identify, and you did a little bit of this, a couple of you in your testimony, what is the greatest needs that Tribes are facing, and what exactly should Congress do about it to specifically deal with this problem? I will start, if I can, with you, Eugenia.

Ms. CHARLES-NEWTON. Thank you for that question, Chairman Cole, and thank you for being a supporter of Indian Country and for the work that you do. I do want to State that we have a booklet that we passed out. I know that there are some who believe that

data is not really important. We just recently started collecting our data, and we have that all within our booklet. If you turn to page 16, there is actually a picture of all of the people in our Tribe who have gone missing or who are missing. Again, we do not have actual pictures of those who are murdered, but we do have the information within the booklet for those who have gone missing. There it is. We also have information on there about the criminal cases that have been declined by the U.S. Department of Justice.

I think, to answer your question, it is easy to say that money is going to solve everything, but in reality, it is not. We get money to help assist with some of the issues. However, there is so much red tape involved, red tape at the Federal level that make it almost impossible for us to spend money the way that we see fit, and I say that specifically because we are a 638 contract Tribe, so we do receive 638 funding. However, there is so much limitations on those fundings that make it hard for us to be able to look at the issue that is in front of us and say we are going to use these funds toward this issue. Again, I think it is easy for us to say that money is going to solve it, but I don't think it is.

What I would like to ask this committee and for the new incoming Members of Congress, is to say that understanding is very important. Knowing who we are as a people is very important, knowing that there are 575 Tribes, separate Tribes that are different from each other, that have different issues, that are treated differently, I think is really the first step in understanding. Just as you stated, Chairman Simpson, you did not really know about the issues until just up a year ago. There are many issues within Indian Country that you know we face, that all contribute to what is happening with missing, murdered indigenous women. I think I would have to say it is just that understanding and that education that everybody should have that responsibility of taking on, especially if you are going to be representing us as a people. Thank you.

Mr COLE. Thank you very much. I will say this, just comment, and then I will move on, obviously, to Abigail. The numbers are important because we know domestic abuse and rape and violence occurs in every ethnicity and every part of the country. When it is this staggeringly out of scale compared to other groups, and it is horrible no matter who it happens to, no matter what the circumstances, but it was the thing that caught my eye as I began and you actually had some of these statistics, Mr. Chairman, in your opening remarks, this is way out of proportion to what happens in other areas.

We clearly have a very unique problem. We clearly have a lack of jurisdiction in many cases. I still do not think we empower Tribal law enforcement enough on their own lands with their own people. That is just my personal opinion. We clearly have enormous resource problem, and there is a differential here. It is not the same for everybody. Anyway, thank you for your work. Abigail, if we may, your thoughts on what we should do? If Congress could do two or three things, where would you focus the effort?

Ms. ECHO-HAWK. Treaty and trust responsibility is not in because we stepped off of Tribal land. A recognition, again, that enrolled members, federally recognized Tribes, State-recognized Tribes, there is the necessity to ensure that our safety is a priority

regardless. Those statistics, which some have been talked about here, from my 2018 report that I co-authored, which we had no resources for, no funding. In fact, I self-funded it with speaking fees I charged with \$20,000 we were able to assist in mobilizing the country to pass Savanna's Act and Not Invisible Act. What if we had \$200,000? What if we had \$2 million?

When it comes to ensuring that we have the appropriate collection of data, which is also a problem across the Department of Justice, and I am adding in the Department of Defense where there is not only a lack of data, but a lack of data standards and operability where they can share data across data systems, is an area that definitely needs investment and accountability. In fact, there was an evaluation of DOD data specifically related to violence in the military in 2023, and they found that DOD was not in compliance with the basic standards of Office of Management and Budget (OMB) in regards to race and ethnicity. That is definitely an area of investment that is needed.

To also ensure somebody like Savanna Greywind is not just used as a name on a piece of legislation, but the actual impacts of this crisis in urban settings are held up and given the appropriate resources that are needed, including getting law enforcement the appropriate trainings and working with a family who had a family member who was killed in the city, and worked with them to communicate with their Tribe. They were able to get family communication that assisted them in the conviction of her killer. Then at the sentencing of the man who murdered her, the Tribe was also given the opportunity—not just the family members, it is normally just family members, and those impacted—the Tribal council was able to make a statement, so providing those resources and trainings, and particularly on how to work with our Tribal communities.

I am a citizen of the Pawnee Nation of Oklahoma. My Tribe cares what happens to me, and they deserve to know and to be a part of that. Allocation of resources, training, and accountability to ensure that urban Indians are appropriately represented, and recognizing treaty and trust responsibility did not end because I stepped off our reservation.

Mr COLE. I think it is a hugely important point, and this committee deals with this in the healthcare. It is one of the reason why we have Indian healthcare clinics that are not on Tribal lands. Certainly, that is why it is in Oklahoma City, for instance, and they do fantastic work, but you are exactly right. Just because you are not on a reservation does not mean that you lost, the government gets to get out of trust and treaty responsibilities, so that is extraordinarily important. If we can, Cheryl, go on to you.

Ms. HORN. On this, I guess if you ask me, where I work is with the families and with the courts, with the law enforcement. Recently, we have a man murdered. He missed the first time, so he pumped his gun and shot him again a second time. He feared for his life, according to the feds who came to our reservation, and when our family started asking them questions, they walked out on them. They left the meeting, and the family has questions. We all have questions, and it does not hurt to answer them. If they are not going to charge somebody for a murder, who is holding them

accountable for not doing their job? If they are picking and choosing what cases, who is holding them accountable for letting people down?

I am right now advocating for our Tribal courts to pick up these cases. We are only allowed to hold people in jail for 1 year, and a lot of people do not deserve to be out around the public in 1 year. You go down to our Tribal courts and they are weak. Our Tribal courts are weak. My court could not even get a jury selection together for a jury trial, so I was picked on. I got a letter last week, five juries for five things, and I asked why. They only have about a pool of 60 jurors on a reservation where we know each other already, so this is a court failure. This is oversight of the court's failure, oversight of the whole Tribal government's failure when our courts are not picking up these cases for our people.

Selena was murdered by six people, six adults. One person was charged for endangered and welfare of a child, and she was not even one of those six. She was the adult. She had permission to go for a ride with, and the lady charged wasn't even with the ones who took my niece. Not one of them, six people, were charged for anything, not even contributing to a child, alcohol to her. They kept saying she was full of alcohol, and she passed out. She had no alcohol in her. Her autopsy showed nothing. We get excuses and we get the door closed in our face.

I strongly, strongly hope that somewhere, somebody can put the hatchet down, put the hammer down on our Tribal systems to pick up for our people, where, instead of just blaming the Feds, because I worked both with the Feds and law enforcement. I asked law enforcement, why are they not taking them? What are they telling you? They are getting us on little things in the investigation, so we are doing better. We are handing these complete investigations over now, and they are not prosecuting them, and nobody is held accountable. Nobody has to sit at the table with these families. They can walk out the door, and I do not think that is Okay. I really would like to see this funding that comes down.

I also want to see some change, some strictness in our Tribal government. I want our Tribal governments to get stronger in our Tribal courts where we have the chance to, if it is murder, we got 1 year, if it is domestic violence, we got 1 year. Instead, they are waiting for three domestic violences to add up so they can turn it over to the feds. That is my wish, is I could ask for more funding, but when we get to more funding, are we going to mismanage it? I want to see more accountability from the Federal Government all the way down to our Tribal law enforcement, everybody at the table because if you are just walking out and slamming the door on families and nobody is asking you why you did that, you are going to continue to do that.

I would just like things to get stronger on the level that I am to help, you know, because that is the barriers I am running into. Like, this girl that called me, she is just a young girl in her early, early 20's, was held at gunpoint, and he is still free. Actually, I think he might be the one who drove a car that killed another man, if I think hard enough. He is still free. The bottom line is he is still free in my community, and that is what I want to see go away. I want accountability, and I want people to do their jobs.

Mr. COLE. Thank you.

Mary Jane.

Ms. MILES. Thank you. I like to feel comfortable with the empty chair that Mickey put. Is that a shawl? Yeah, and that is what we do in our celebrations, and it made me feel accepted. I just pray a lot, as a minister, that you would want to know us more and you would want to read our histories more. We travel to all the memorials for the Chief Joseph attempt to get into Canada, and it means so much for the younger people to understand what their forefathers have done for them and to set up a government system with a Tribal government, much like the United States. We look at you, and we would like you to look at us and see us as a people.

I liked your remark on the women up there. I saw a picture, a portrait of women in buckskin dresses, and underneath the caption was, "They are only as beautiful as their men take care of them." The men was hunting and fishing for them, providing for them, and they were the backbone of the family unit. When reservation life came, there is nothing but clerical jobs. We took over the bringing home the bacon and kind of stripped the men of being the head of the family. There are things that you need to know that we are about and we are not a stoic people. We have Indian humor, and it goes from Tribe to Tribe. I can understand her humor or her humor. If she would tell me some joke, I would laugh my head off, probably because it is similar. Do not think we are stoic Indians because we are not. We enjoy life. We enjoy life, and the beauty of our culture is beautiful. I am looking at her ring down there. It is beautiful. We have talents, so look at us and get inquisitive about how we live.

Mr. COLE. Thank you very much. I am going to butcher. Pronounce that for me.

Ms. BRYANT. Maulian.

Mr COLE. Maulian.

Ms. BRYANT. Yes.

Mr COLE. Thank you very much.

Ms. BRYANT. Perfect. A lot of great things have been said. Probably going last, there is not too much to add. I had a couple of sort of broad thoughts. You know, it is not hard to hear our sharing humanity here and want to help, and want to act and want to do things. This permeates a lot of other areas of Tribal issues. I think when we are talking about Tribal sovereignty and self-determination and natural resources and health. It is all connected. I would encourage all members to, you know, when you are approaching sort of a Tribal bill, remember this interaction and remember that everything we talked about is likely impacted by a lot of things you are seeing about Tribal people. This is not, you know, existing in a silo. It is all interconnected.

Then I will speak quickly to sort of an extra barrier we have in Maine, that Representative Pingree is quite familiar with, and I mentioned. Back in 1980, we had a very large case settled between the State because we had discovered that roughly two-thirds of the State was rightly ours, and it was taken illegally because the treaties were never ratified. I think this is tale as old as time for a lot of Tribal Nations, but we have this settlement that our leaders agreed to, likely under some duress, you know, the time of living

in poverty and a lot of these things we have talked about through the generations. They were promised a settlement dealing with land and money, and we did get some land back and we settled this lawsuit, but the State was very adept at their negotiating, and it has kept us oppressed and held back from our full experience as federally recognized Tribal Nations. Should there ever be an opportunity to look at fixing this situation in the State of Maine and restoring our access to Federal Indian law that right now we can have access to it, but there are a lot of games to be played with the State, that would help our people quite a bit. The Wabanaki Confederacy is Penobscot, Passamaquoddy, Maliseet, and Mi'kmaq, and we are heavily impacted by this restrictive settlement, and it impacts this crisis as well.

Mr COLE. Thank you very much. A lot of other questions, but I know there is a limit on time, so I will yield back, Mr. Chairman.

Mr. SIMPSON. Ms. Pingree.

Ms. PINGREE. Great. Thank you, all. Really, I just appreciate your just extremely rich testimony so much and sharing your personal stories, but also the amazing work you have already been doing to try to work on this issue, and you often didn't have the support or assistance that you need. I was thinking of asking the same question as Chair Cole just because I think for us trying to get down to, you know, what can we get done at this moment in time? Clearly, it is a very multilayered issue and a lot of things that we have to do, so I appreciate all the things you have already covered from the data, the lack of law enforcement, or funding for law enforcement. I think when we had our witness day, it seems to me it was something like 13 percent of the need that was actually being funded by the Federal Government. It was under 20 percent at any rate, so no community could operate at that level of funding.

I think we cannot discount that the number of investigators and just all of the things. I really appreciated the thoughts about the specific alert system. We all now see on our phones an alert when someone wanders off who has dementia, or all those things all the time, or a missing child, and I had never really thought about how the specificity of that would also bring a lot of attention to this particular problem. I think, as others have said, the magnitude of this problem is little understood by most people. As women, we have a lot of concerns about domestic violence and rape crisis and all the other things that happen to women, but to know that this is orders of magnitude worse, and, you know, it is historic, and it is just not changing.

I think the other two questions I might ask you to just go into a little bit more as a group is sort of this jurisdictional issue because I think that confuses many of us, and obviously there have been court cases that have made it even cloudier, and that it is different from Tribe to Tribe, so I think maybe if you all want to comment about that a little bit more. Also just wanted to appreciate what Chairman Cole said as well about the urban issue because I think we often do not separate out this, and you think, oh, well, you are in an urban area, you have excellent law enforcement. It is not the same as a Tribe where there is jurisdictional issues, but

the fact is, if people aren't properly trained or don't understand, the stories are horrific.

I am just going to start with Director Bryant, so thank you. Thank you for sharing your own personal story, and then I will ask all of you to go down through this, but I would be interested in your thought about the Tribal courts and the jurisdictional issues. If you just want to take that one step further, I appreciate you pointing out that the Maine Tribes as so many different Tribes have different constraints on them, but ours, we feel, is uniquely difficult and challenging. You know, VAWA was a great example because we assume that is one thing that has been really important. Just describe a little bit more that either the hoops that we had to go through or that is an example of the Federal funding that does not naturally come to our Tribes in the way it does to others. Asking you that, and then asking all of you, just any comments you have about the jurisdictional issues.

Ms. BRYANT. Yes, it is a great example to talk about the Federal Violence Against Women Act. The jurisdictional issues we talk about, a big part of this is before VAWA, if you had a domestic violence situation on Tribal land, of course, so keeping in mind that inequity there in urban areas. If the perpetrator was not a Tribal member, you often could not bring that into Tribal court, and that added to this level of confusion where a lot of courts were like, well, those are Tribal people, that is probably not our thing, and then Tribal courts were like, well, we do not have the jurisdiction here. That is hard, that is traumatizing to victims, dragging them around different places and having them retell these stories and then not getting justice.

The Tribes in Maine, because of the Settlement Act, there is a provision in there that says if a law passes at the Federal level meant to benefit federally recognized Tribal Nations, the State can decide at any time that they do not want us to have access to that law if it impacts their jurisdiction. In the 2015 reauthorization of VAWA, the Penobscot Nation was ready to start handling these cases. We assumed that this law would apply to us. We actually got chosen to be part of a pilot program nationwide, and then the State stepped in and said slow down. We think this might impact our jurisdiction. We don't want you having access to this law.

Then it took 7 years of advocacy, of lobbying, of working at the State level and the Federal level to be mentioned in the most recent reauthorization of VAWA. In that time of the domestic violence incidences at Penobscot Nation, we got zero convictions because they were all getting kicked out to State courts and not going through the right process and zero justice. Those are just the crimes that are reported and someone is charged and arrested, not even speaking about everything that else is going on. That is one example of the specific barrier that we are facing and looking at.

There has been 150 or so Federal pieces of legislation that have passed since 1980 that we have had the same issues with. Some of them we have been able to work around and use, and a lot of them have been blocked by the State. We are working at the State and Federal level right now to fix this and this heavily impacts this crisis when we are talking about VAWA.

Ms. PINGREE. Thank you so much.

Ms. BRYANT. Thank you.

Ms. PINGREE. Anyone else want to comment, or do you want to just go down? Any thoughts you have about the complicated jurisdictional issues?

Ms. MILES. I just want to speak about VAWA, too. I went to a conference with a judge of our Tribal court, and she had wanted me to go hear what the native people were saying. Most of the Indian women there, my age and older, were really hopping mad because they wanted to know how this came about, who wrote it, and had they ever been on a reservation, and they said, I don't think so. That was really an angry time for a lot of the native older women.

I think they are the ones that always speak out, too, because it is really confusing to be stopped by a cop on the reservation. I was stopped for speeding and it was a Tribal cop, and I knew him. I saw him grow up and everything. I said, do you have jurisdiction here or is this a State highway or a county highway, you know, and he was really irritated with me because I was pushing his buttons, but that is how confusing it is. Then the case that I reported in my report, when the perpetrator was taken to jail, then they are taken to the Federal court. They are talking about, are we being tried twice? Indian law on each reservation is different.

I like the remark about the urban Indians with the treaty. They still retain their treaties because I have been in the Los Angeles area for a while as well, and I wondered that, too. Do not I have sovereignty as a Nez Perce Tribal person? We have a lot of questions that need to be studied.

Ms. PINGREE. Thank you.

Ms. HORN. I guess I will speak from criminal jurisdiction because that is kind of where I am at. In Montana, we have Tribal, county, State, and Federal. With my niece, Selena, she was last seen in Billings with a group, and then she left and she went into Big Horn County, so you have two people. Also keep in mind that none of these jurisdictions want this case. Keep that in mind. With our last recent missing person, missing from our reservation, and if you do not know, there is a thing called border towns and border counties. He goes over to the border town, and that is the last place he is seen. Okay. Well, then every time I went to the Tribal cops and the Tribal investigator, they blamed the county, and I go to county, I do not get no answer.

With my niece, Selena, I guess, like I said, there was one charge, and it went back into Billings. I never did get any charges, not one charge on the six people who killed her, and that was put on Big Horn County. I guess, from then on, me and Big Horn County kind of rubbed elbows and whatever else you would say because I want to speak up. I want these jurisdictions clearly laid out, but I do not want jurisdiction used as an excuse to not do it, which I am seeing in Montana, which I see even from my own Tribal investigators and police. Oh, he was in town, and that is it. That was it for them. They stopped the search. The only people searching on the reservations was the family.

I guess to use it as an excuse is becoming common, so I would like these lines drawn a little clearer, and like I said, I really want my Tribal court to be stronger. We need our court systems to be

stronger. When it comes to county, State, and Federal, I have to hear, oh, we only take slam dunk cases. Oh, this judge will only take slam dunk. That is not what I want to hear, and that is not what I want to relay to a family. I guess, when it comes to jurisdictions, I watch too much TV, number one, where people want crime solved. Jurisdiction needs to be clearly stated, and I would love to see them all work together because that is what is needed. That is how my niece was found. She was not found by Big Horn County. She was not found by Billings. She was not even found by the Crow Tribe because we had not had any proof she went to the res, but they offered their services. By us not leaving, Big Horn County was forced to ask for Operation Lady Justice's help.

This also goes back to a comment I heard earlier about not knowing about MMIP. In 2018, it was my first niece. Nobody heard me. When I Googled MMIP, all I got was ribbon skirts from a newly-formed task force that was just formed. In 2020, I knew I had to be loud for Selena. I knew I had to do everything I could. I went to the social media. I went to all the news outlets, and the local station would not cover us. The Billings Gazette would not do a story, so about 3, 4 days in, I got Wyoming News, their news, their radio station that goes all over. A reporter from the New York Times heard it, so I had the New York Times at this rest area before I had the local newspaper. Later that day, when the local newspaper sent out their reporter, I told her, you tell your editor to copy the story from the New York Times. At this time, families were coming to me at the rest area. I pointed to a man that was missing his daughter in Billings. I said, you go over there and talk to him. Get his story out because I got my story out. I got the New York Times. That man standing over there needs the Billings Gazette. Jurisdiction, it can be a tricky, tricky game, but I do not like it used as an excuse not to do their job.

Ms. PINGREE. Thank you.

Ms. ECHO-HAWK. The maze of jurisdiction has created an opportunity for predators to utilize it to ensure that they can move from reservation to reservation, community to community. We call it res-hopping in the work that I do. I worked with a family. We found out this individual had moved across five different reservations, avoiding prosecution as domestic violence perpetrator because of the maze of jurisdiction that was not allowing for the arrest and prosecution of a non-Indian on Tribal land, and in the fifth reservation, he killed her. The utilization of predators who have identified this opportunity, because that is what it is, and we have to look at why was it created.

Why does this maze of jurisdiction maintain itself in a way that has not only exasperated the issue, but allowed it to continue in a way that all the statistics that we are all talking about are going to continue to grow, unless we address this maze of jurisdiction on our Tribal lands? Cases of individuals. For example, there was a case in Montana, where the young woman was placed about 800 feet off of the reservation, and then they could not decide. You know, she had been killed on the reservation, but her body was found off the reservation, so whose jurisdiction was it, and they fought about jurisdiction instead of investigating the case. We

think that this only applies on the reservations, and I must say that it is a huge issue, and it must be addressed.

I am working with a family right now who had a loved one who was beaten and left for dead underneath a bus stop in a city. Four months later, her family contacts me and my organization and asks us to help because they had not heard anything from the police in that jurisdiction, the city police. When we reach out and we talk to them, they are like, oh, well, we did not know whose jurisdiction it was because the bus stops are the county's jurisdiction. If she had been found 6 inches outside of that bus stop, it would have been the city. The city is the one who discovered her body and then transported it to the hospital, where 5 days later, her mother watched her die, holding her hand. It took them 4 months and a small native non-profit, working with a Tribe in another State to push them toward assigning an investigator, who, by then, most of the evidence was gone, and her death was ruled undetermined because there was nothing left for them to investigate.

This maze of jurisdiction is an excuse. We published a report in 2018 looking at urban native women and found that 94 percent of them had been sexually assaulted in their lifetime. Only 8 percent of those who reported it in those urban jurisdictions saw the conviction of those that assaulted them and said they faced victim blaming of what was she drinking, was she a runaway, all of the things that many women face. This maze of jurisdiction is rampant and used by predators on the reservations, and then it is used as an excuse by those in the urban areas to simply not pay attention to those they do not care about, and the ones they do not care about look like me and the rest of these women sitting here today in front of you.

Ms. CHARLES-NEWTON. Thank you for asking that question in terms of jurisdiction. That was one of the issues that I spoke about in regards to what is happening here in Indian Country. As I stated earlier at the very beginning, when cases begin, usually legally, it is where the crime was committed. At least that is what we are taught. I did go to law school, was a former prosecutor for 2 years before becoming an elected official for my nation. That is what we are taught for criminal cases is where did the crime begin or where was it committed, but in Indian Country, I think it was said already before, it is Tribal people. It is Tribal court or it is Tribal people, it becomes a Tribal issue. They pass that buck around, kind of just pushing it back and forth. I would like to see our law enforcement work together and to communicate with each other, and to communicate with victims and to communicate with families. The jurisdictional issues have really just become an excuse, an excuse to not do the job. I really like the statement made earlier about holding people accountable. Why are we not doing that, because I think that that is something that I would like to see.

I grappled with the idea of sharing this story, but I feel like it needs to be said now. When I was 17 years old, I took a coke from a man, and I woke up in his shack tied up. I could not see. I could not see him. I was in his shack for about maybe 7 to 9 days, tied up. He raped me repeatedly. He beat me. He broke my ribs, broke my cheekbones. He tried to carve his initials into my pubic area. I was 17 years old. I had just graduated from high school. They did

not know, because I did not know where I was being kept, where the shed was located, they could never identify the jurisdiction, and the man who I knew, I knew this man. I said his name. They never prosecuted him. I was 17 years old. The worst part, I think, of this story is today I represent this man in my community, and this man has reached out to me on two occasions asking me for help.

Now, you guys are elected officials. You know that we have a responsibility to the people who have elected us. We have a responsibility to all of our people. When we are talking about the jurisdictional issues, I think back because I repressed that memory for over 20 years. I never talked about it because I was told you do not talk about those things. I never said anything. I never shared my story with people. I have gone back and I have questioned, was it the jurisdictional issue because I remember they kept asking me, where is this shed located. I do not know where it was located. I was tied up. I did not know what was happening. I did not know, you know. I just remember falling in and out of consciousness. That is all I remember. I remember the smell of mulch. I remember Red Hot Chili Peppers being played in the background, which to this day I cannot stand Red Hot Chili Peppers or the smell of mulch.

I do not know why my case was never prosecuted. I wish I could say that this was why they never communicated with me. When I asked for a copy of the police report, they never did. I was missing for over 7 days and nobody came looking for me. Nobody asked where I was at. In my community, with my family, with my parents, they trusted the police. When the police told them that maybe I just wanted to just get up and just leave, they believed them. They believed that there was no missing person. They did not believe that I was taken or that anything bad was happening to me because they trusted them. In many of our Indian communities, that is how many of our elders are. They trust the police because that is what we are taught. That is what we are told. We are told to trust, to trust the government, to trust those in leadership who are making decisions for us.

The question that you asked about jurisdiction, what I can say is that a lot of cases, they do not ever get to see justice because nobody wants to work the cases. Everybody wants to say it belongs to somebody else, or it is their problem, or it is just a case that just, you get to say that it has been closed. I think to answer your question, I wish we had law enforcement where everybody took their job seriously. I wish we had people who cared. I wish we had people who could ask questions when we go to them and not make it sound like it is our fault, or that we wanted to leave, or that our case is not important.

I think that communication is really important, not only between law enforcement, but communication with the victims and communication with the families. These jurisdictional issues with border towns, with counties, with States, with Indian Country, it is always that question, who has jurisdiction, and that should not be the question. The question should be, how can we help and who did this? Let's hold them accountable. Those should be the questions that we should be asking. Thank you.

Ms. PINGREE. Well, thank you so much, and thank you for sharing that story and so deeply personal. Thank you all. I mean, I am

so sorry that you all have such stories to share about yourselves or your family members, and I really appreciate you bringing that to us. In particular, your last story, thank you for choosing to become an elected official and to help others and be a lawyer, given your experiences. I am just so, so sorry that that happened to you and happened to all of you, so I hope we can all do something today. Thank you, Mr. Chair.

Mr. SIMPSON. Mr. Ellzey.

STATEMENT OF HON. JAKE ELLZEY, MEMBER OF SUB-COMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES OF COMMITTEE ON APPROPRIATIONS

Mr. ELLZEY. Thank you, Mr. Chairman. Thank you for holding this hearing. It is evident to everybody how much you care about this. I would like to thank our panel for being here today.

Mary Jane, you mentioned something about stoicism. I am glad you brought that up because no more will I misconstrue stoicism for self-control. When I look at this panel here talking about this subject that has been such a problem, a crisis for your people for so long that it requires self-control to maintain composure when talking about something that does not seem to be fought for. As I look in this room, every time we have hearings like this, the room is full of people who are in self-control but not stoicism because they feel that there is no justice for their people, specifically on this subject, but in others as well, unseen, unheard, uncared for, and forgotten, but you are not. We all care.

I am honored to be on this committee. I do not have any Tribes in my district, but we do have 20,000 urban Tribal members in the Dallas-Fort Worth area. I am glad the FCC has taken a start, but it is time to do better. My family is not coming to the inauguration on January 20 because I don't know what is going to happen. The reason I told them I do not want to come to inauguration is I don't know what is going to happen, and I am going to be in warrior mode. Twenty years in the Navy, my colleague here, twenty years in the Navy. I know I will be in warrior mode that day, more interested in protecting my family than watching inauguration. I said, I can't be a good daddy, husband, and host if I am in warrior mode.

What we need now is across all Tribal lands, and, Mary Jane, when you mentioned that the reservation system has taken the provider mission of your men away from you, this should be their mission. This should be our mission, and their mission is warrior mode to protect your people. We need to get rid of the cross-jurisdictional problems. If we only have 218 on 27,000, they need to be volunteering and getting in warrior mode so that you have 600, 700, 800, to where people cannot come onto the res where evil goes, where there is no prevention of crime. Evil will go and predators will survive, and evil must be fought.

I want to see men of all types standing up and volunteering to be warriors for your people, and until we can get the notification system fixed, that is job one. Let's get this notification system fixed along with tracking capabilities, along with air support, 27,000 miles. We need to have air support for you so that we can track down people who are missing. We got people in the air, so we can be looking for these folks. Training for law enforcement, Tribal

lands wide, hiring those cops and volunteers, and then fixing the cross-deputization.

We need guys to get in warrior mode everywhere. The attention at this committee, subcommittee, and in lame duck session, where there is really not a whole lot going on, I want to work with my fellow warriors on this committee to make sure that this problem comes to an end. I have asked my staff to put 20 of the most recent missing women and children on a poster, which we will make available to whomever wants it. If you don't know about these problems, and it is not in the media, it is not on the national news, it is not anywhere, you don't know it exists, but we do now. Thank you, thank you, and thank you. Justice should be served soon, and I look forward to working with my fellow warriors, men and women, on this committee to help make that happen. Thank you.

Mr. SIMPSON. Thank you, Congressman Ellzey.

Ms. McCollum.

STATEMENT OF BETTY McCOLLUM, MEMBER OF SUB-COMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES OF COMMITTEE ON APPROPRIATIONS

Ms. MCCOLLUM. Thank you, Mr. Chair, and I would like to thank you and Ranking Member Pingree for doing this. Chairman Cole has left. We both serve on the Defense Committee, and Ms. Hawk, I have not been happy—Ms. Echo-Hawk, excuse me. Your whole name deserves to be said. I am not happy with the way the Department of Defense has been handling sexual assault cases, and so you have just given more fuel to my fire, so thank you for pointing that out. I know Chairman Cole, who is on the committee with me, heard you loud and clear, as well as Chairman Calvert, who is the chair right now, was also a chair member of this committee where we worked non-partisanly on Tribal affairs.

I want to just take a second to lead up and paint a question to all of you, but to you in particular, Ms. Echo-Hawk. Minnesota has been working very hard to lead on efforts on this. This is a crisis that I have been aware of since the 1970's, since I was a child. People did talk about it quietly between the Tribal nations in Wisconsin and Minnesota. I was very fortunate to have Tribal friends, as well as my grandmother trading, as she like to put it, with Tribal women and hearing their stories.

Our lieutenant Governor, Peggy Flanagan, a member of the White Earth Band, has been an advocate in 2019, along with Senator Mary Kunesh, who is in my constituency, the first indigenous woman elected to the Minnesota Senate. They chair the Missing and Murdered Indigenous Women Task Force, which delivered a report to the State legislature highlighting some of the same heart-breaking, infuriating statistics that our witnesses shared today, and I will not break down Minnesota's numbers. One is too many, period.

The report resulted in the development of a permanent office in the State for missing and murdered indigenous relatives, but even with the focus of the crisis in Minnesota, and by the way, Minnesota's paying for this. We are not getting money from the Federal Government to do this. This is our legacy, this is our wrong, and this is something we are working together as one Minnesota with

Governor Walz and leadership. We are looking for permanent solutions, and that is the same thing that the chairman and the ranking member are asking from all of us again today.

Jurisdiction comes up over and over and over again, and here is one of our challenges with jurisdiction for what you have touched upon in your report, thank you, the report from Navajo Nation. Your funding is spread across all over. We have some funding that we can put into what we do for Tribal nations, primarily healthcare and education, but some other things in here, too, but you also have funding in the committee that oversees the Justice Department. You have funding in housing. We need more funding for families in crisis, whether it is domestic violence or just housing in general to reduce some of the stress that Tribal nations and their communities are facing. Even transportation. We have heard over and over again about how many miles of bad roads we have. Some of that is in our jurisdiction, but some of it is in the Department of Transportation's system.

One of the things that I have been working on since I got to Congress, and we have been making improvements, but I think you could help us make improvements even faster with your voices. We need a whole-of-Indian-Country document for your budget so a Tribal nation knows this portion is from here, this portion is from here, that portion is from there, so we can knit it together, including just broadband and better communications, which is in, believe it or not, the Ag bill, which the two of us have worked on a little bit. How do you stitch anything whole-of-government when your funding is spread out all over? I think we can be of help to paint a better picture with that, but we need you also to put the pressure that has been put on the Bush administration, the Obama administration, the Trump administration, the Biden administration, now the Trump administration again. We make headwinds with OMB, but we are not where we need to be for you yet, and it would be so helpful for us as well.

Then there is the other jurisdiction. I am a border State, North Dakota, South Dakota, Tribally-enrolled members going back and forth, urban, St. Paul, Minneapolis, Duluth. We know that there are problems, we are working on it, but there are also problems with jurisdiction with the Coast Guard with women who are trafficked and abused out of Lake Superior. I know the same thing is happening out of Lake Michigan as well, too, so we need to open up this jurisdiction and think big when we are talking about it, including the Coast Guard and then working with Canada, the provinces, and the First Nations. You know, someone goes back and forth between International Falls into Canada, Fort Frances. They are traveling all the time. We cannot let jurisdiction be a barrier. I thank you for you pointing this out.

I want to take this down a slightly different track because I want to get this right when we do do this. I am going to take a second and just read a little history. I am a social studies teacher. Our territorial Governor, Ramsey, he served as the mayor of St. Paul. He did a lot of really nasty things. He even served up here in the House. When he came to Minnesota, he was in his position of Governor and superintendent of affairs in 1891. He played a key role in obtaining Dakota leaders. I live on the land of the Dakota peo-

ple, and he did a lot of things, but he also led to a conflict in 1862. A group of Dakota, hungry, with what they were entitled to locked up, provisions not being put out by Governor Ramsey, led to what we call the Sioux Uprising, and the Sioux were right to uprising. Minnesota has the largest history of hanging Native Americans after that uprising. One of the things that came out of all of that was the term “redskin” and bounties placed on redskins.

I have worked with Tribal leaders and allies for a long time about eliminating the term “red,” so when I heard you refer to code red, I thought, I wonder what my Tribes would think about that. I am not asking for a big discussion on that right now, but that is the connotation it even has for me as a non-Native American to use that and to hear that term in Minnesota. We need to do something to kind of separate things out, but I would hope that Members of Congress would reflect on your choices and your wishes for what we call that. It needs to be universal so that when you go from State to State in my 5-State area—Wisconsin, North Dakota, South Dakota, even into Canada—that people know what that means when that goes on. We do need that because it will not only, I believe, hopefully save lives, but it will also bring constant attention to what is happening.

To my sisters who testified today, my sisters in the audience, my sisters here and our great allies, thank you for today. This is personal for me for some of the reasons some of you shared. It is also personal for me because I have a very close family member who has worked and chosen—we laugh about her taking a vow of poverty—to work with domestic violence victims. To your point, you need to take care of yourself because I stress this person needs to take care of herself. She was so frustrated with jurisdictional things happening, she decided to move into the court system and work with families. You are not alone, but there is so much work to be done [Speaking native language].

Ms. ECHO-HAWK. Thank you so much for those comments and especially in the naming convention, which is one of the recommendations that we have made to the FCC, is that any time you are making an effort in Indian Country, appropriate Tribal consultation is needed, which is why the Red Alert, which is making reference to the red hand over individuals’ faces, is appropriate in the State of Washington, the Feather Alert was appropriate in the State of California, but what does that look like at the national level? The only way we will be able to determine that is through Tribal consultation that has begun, but needs to be, again, continued out because an alert system like this has the ability to do what we have not been able to do, and that is touch both the reservations, the urban areas, the rural areas, and offer an opportunity to ensure that our loved ones have visibility when they go missing. The naming convention is very important and must be done in Tribal consultation to meet all of the needs, exactly what you just stated. Thank you.

Ms. MCCOLLUM. Mr. Chair, I will have to excuse myself for a Defense meeting shortly. I have staff here, and I am going to watch you on, you know, the YouTube channel, so thank you.

Ms. HORN. Can I say just something really quickly? In terms of what you asked for, I guess, like, all of the weaving of funds that

we do receive, what I can tell you is that I have been keeping close watch on the Department of Interior's funding when it comes to public safety and justice. We know that in the last budget year, the U.S. Department of Interior received \$14.8 billion. Two-point-four-six billion went to the Bureau of Indian Affairs, which is where our public safety and justice within Indian Country falls under that particular line item. There are 164 self-determination Tribes and 33 locations where Office of Justice Services is located. That \$555.56 million gets divided into criminal investigations and police services, detention and corrections, inspection, internal affairs, law enforcement, Indian police academy, Tribal justice support, law enforcement program management, facility operations and maintenance, and then to Tribal courts.

What we can do is what we have been advocating for, is to look at the sectorial amount that is actually within the law. It is the base funding that is determined for Public Safety and Justice within Indian Country, and it is something that we have been advocating for. If Chairman Cole was still here, he would probably be shaking his head because we have had many conversations with him to ask how do we change that sectorial amount which will allow us to change the amount that we receive in Indian Country for public safety and justice.

That is just for the Department of Interior, the Bureau of Indian Affairs. That is not including Indian Health Services. That is not including the U.S. Department of Justice. That is not including any other agencies out there. I keep close watch on this because as chairwoman for Law and Order Committee, our funding comes out of the BIA funding, and there is concern right now with the new administration coming in and the proposal to get rid of a lot of the Bureau of Indian Affairs, or, I guess, across the board, a lot of employees within different agencies. If Department of Interior Bureau of Indian Affairs were to receive less money, that would be less money for public safety and justice across Indian Country. I ask all of you here to speak up for the Department of Interior, the Bureau of Indian Affairs, the Office of Justice Services, and I ask that those funds stay where they are at or that it increases so that we can address public safety and justice in Indian Country. Thank you.

Mr. SIMPSON. Mr. Edwards.

STATEMENT OF HON. CHUCK EDWARDS, MEMBER OF SUB-COMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES OF COMMITTEE ON APPROPRIATIONS

Mr. EDWARDS. Wow, there is a lot to talk about. First of all, thank you, Mr. Chair. I appreciate you bringing this hearing to the forefront and helping us all better understand the issue. Like you, a year ago, it wasn't an issue nearly to the degree that I now understand. It is just out of my circles and not recognized within the folks that I interact with, so thank you for bringing it to the forefront. To all of you, thank you very much for taking the time to be here and for being brave and sharing your stories. I know that is very difficult. I could hear the difficulty in the tone and all of your voices at some point, and I believe that all the Tribal nations

are extremely fortunate that they have folks like you willing to advocate on the behalf of Indian Tribes everywhere.

The issue of jurisdiction has come up a number of times. I am kind of a simple thinker, and I have been scratching my head through this wondering why that is such a complicated topic. I have got a couple of ideas I will be sharing with my staff to see how we can resolve that very easily. Another thing that might not be as simple, and I can't read your nametag. I am sorry.

Ms. CHARLES-NEWTON. Eugenia Charles-Newton.

Mr. EDWARDS. Yeah. Eugenia leaned over to me and was sharing some data and as well put together a document during some of the testimony and pointing out the number of cases that have not been prosecuted. I will just be curious on a couple of things from any of you that might have a perspective. What are some of the reasons that you are aware that cases might not be prosecuted, and who would be responsible for that? I know in the State of North Carolina, we have elected prosecutors that we would hold accountable if they were not to do their job. Is it something similar in all Tribal nations? Is it different from nation to nation? What efforts are being made locally inside of your Tribal nations to spotlight those folks that refuse for whatever reason to prosecute the folks that are committing these crimes? It is a lot to unpack there, but any perspective that you have got to help us understand would be useful.

Mr. SIMPSON. Go ahead, Eugenia.

Ms. CHARLES-NEWTON. Thank you so much for asking that question, Congressman Edwards. I really appreciate it. In North Carolina, actually, you do have some Tribes within North Carolina that are State recognized, so I think that you probably do have many American Indians that you do represent. You just don't know it, but you will. Within the booklet—

Mr. EDWARDS. They are right back there in the corner. I know where they are.

Ms. CHARLES-NEWTON [continuing]. Chairman, on page 23, Navajo did put together our data and statistics, and, again, I am very much about numbers. I like to see numbers, and I like to be able to take a look at those numbers and cross them out or lower those numbers. That is one of my duties as an elected official. I can say for Navajo, from 2016 to 2024, we had 525 cases that were declined for Federal prosecution. In terms of understanding the jurisdictional issues within Indian Country, if the crimes are committed on reservations, on federally recognized Tribal nations, those get prosecuted at the Federal level, unless they are Public Law 280. Then State does have jurisdiction in those cases to prosecute, but many times many of our cases go unprosecuted as is the case here with the Navajo Nation.

To answer your question, within the booklet, you will see that 172 cases were declined, and those cases dealt with child sexual assault or abuse. A hundred sixteen was assault, which also included aggravated assault, I guess, resulting in serious bodily injury with a deadly or dangerous weapon. The reasons for declination, and this is according to the United States Attorney's Office, there were 182 cases—sorry, my glasses are getting a little bit dirty here—182 of those cases were declined for insufficient evidence or lack of evidence. In that time, the U.S. Attorney's Office failed in many cases

to inform our law enforcement of the lack of evidence. Two hundred and five of those cases, they were declined for insufficiently confidence in likelihood of convictions.

What we are seeing within Indian Country and the U.S. Attorney's Office is that Indian Country is turning into a stepping stone. Many attorneys do go to the U.S. Department of Justice. They do start off there in Indian Country. They like to see their likelihood of convictions, the numbers at a higher rate so that they can get a better job somewhere else, and so many of our cases get pleaded out without any communication with families. That is within the booklet that we did provide, and this is just for Navajo Nation. Every Tribe does get letters for cases that are not prosecuted, and we have, again, just barely started collecting this information. Right now, it is being collected in a booklet because we do not have the infrastructure in place, but all of that information is within the booklet, and that is how I can answer on behalf of Navajo. Thank you, Congressman Edwards, for asking that question.

Ms. ECHO-HAWK. In the urban communities, we have seen no accountability at all. We are simply a population that people do not know exists in their cities, that they do not realize that the declining a prosecution and the victim blaming, if that happens, that allows for excuses. For example, the story I told, a woman who was beaten, left under a bus stop and died 5 days later, there would have been no accountability for even starting an investigation unless her Tribe had not reached out to a friend of a friend who knew me. This cannot depend on one person. This cannot depend on one organization. It must be a systematic approach that upholds accountability. The one report we have that I said again, that of those that reported their assaults, only 8 percent of them saw a conviction, and there is no accountability as to why is there not resources dedicated, why isn't this paid attention to.

We do know the stereotypes that have existed in this country, going from, you know, Pocahontas, who was a trafficked woman who died in captivity, is what this country thinks about native people that has helped buildup these stereotypes. Then in instances where people are suffering as a result of the trauma they have experienced and they treat their wounds through alcohol, through opiates, through behaviors that may have them living on the streets, that additional stigma attaches to them, and we see absolutely no accountability for it. It is something that we have been calling for, and no one has been willing to take up the cause to say all law enforcement, regardless of where they reside, are responsible for the public safety of everybody in their communities, and that absolutely includes the first people of this land, American Indian/Alaska Natives and the indigenous people of this land and territories.

Ms. HORN. I guess I have named 15 people. Selena got a misdemeanor charge against her perpetrators, and Kaysera, her family is still fighting. She went missing before Selena, and so when Selena went missing, they told me Selena is number twenty-eight in Big Horn County that is missing. Twenty-eight. You know what I said? I don't believe that. I think there are more. There are more mothers sitting at their table waiting for the sheriff to come up and update them. Out of those 15 I named, they come from different

jurisdictions—State, Tribal, Federal. Kaysera’s family was recently returned her jawbone. The Big Horn County returned a jawbone to her when they illegally cremated her. Where did that jawbone sit for all these years? Whose desk? Whose drawer? Who had a jawbone that it pops up all these years later? This family has to go through it again. You get a jawbone back. What is that going to do to you? That is going to tear you up. They had to go through it all again because somebody found her jawbone. I cannot fathom that at all.

Out of those 15 people, you got one misdemeanor, endangering the welfare of a child. Selena has got six. Kaysera’s got one. Kaimani has got a group. Casey is unknown. Freeman was his wife. Kaz was a group. Thomasine was her boyfriend. Preston was a cop. Claiborne was a cop. All of these people are known in our communities, and nobody has been held accountable, so it goes back to trauma. We are going to go re-trauma everybody. We are trauma-ing our children right now because our court systems are trauma-ing their parents, their grandparents. It is a trickle effect when they tell us what not to do.

My granddaughters, we do not even let them go in the store alone. My daughter in California, she messages me, “I am scared in California.” I cannot help her. I am in Montana, and I empower her. That is all I can do is empower her, tell them you have this. You have the strength in you. You know, you are important. You are needed. You matter. Just jurisdiction, again, is an excuse, and it is hard to explain that to a family.

Ms. MILES. I had never thought of that as being an excuse. Thank you. I just want to go back to VAWA. When I first was introduced to VAWA, the judges I traveled with, I was asking questions like the other old ladies were asking, too. The question I had asked was, well, what happened to this case where they took a young girl from the. Well, she was legal to get into the only bar we have under reservation. A couple of white men came and took her in a van, took her off the reservation, kept her for a week and raped her repeatedly, bullied her, and now she is in a State that is pitiful. What happened? They went to the State penitentiary. Why? It was off the reservation. They should be in a Federal prison. I feel that we need to look at the laws on the reservation and work with the Tribal people. It is going to be a long haul, but I just sometimes think I do not even know. Like, I told a story about the little Tribal police chasing me. You know, I do not even know who has jurisdiction. I am 84 years old and I should know, but I don’t. That is a big biggie that needs to be worked on.

Ms. BRYANT. I think a lot of good, reasonable people would look at this and think there is a baseline for justice, there is a baseline that people are human beings and deserve full treatment under the law no matter who they are, where they come from, and that is not our reality. I think Abigail did a beautiful job talking about these specific examples of where this traumatic history has led some of our people. They fall through the cracks, and nobody cares enough to pick them back up in any sense, you know, besides our communities, especially in the justice system. I think back to a few weeks ago when President Biden apologized to our Tribal nations for the United States’ boarding school policy. That is not ancient history.

I am 40 years old, and that is a generation or two above me. This is not a long, long time ago. It was policy for the U.S. Government to come into our communities, take children as young as 2 or 3, take them away to these schools, away from their families, abuse them for speaking their language or honoring their culture. It is horrific what we have been through.

As we sort through that and we are also losing people in these ghastly crimes, that is a lot for us to shoulder, as you have heard today. You know, we are sharing this with each other today as much as we are sharing it with you. We are spreading our burden out right now, and it is a beautiful thing. When we think about these things are terrible, how can this be going on, it begs the question to look deeper into why these crimes happen in the first place and why nobody knows about it, and it is so much more than laws and jurisdiction. It is where we have been sort of placed in society, in our indigenous homelands in a country that we are serving to protect even before we had the right to vote. We love this place, and we need it to love us back.

Mr. SIMPSON. Thank you all. This is kind of unusual in that we generally do not have hearings in November during the lame duck, as you said, but this is obviously a vitally important issue to all of us. We want to work with you to make sure that we can address it, and it brings up many questions, and, you know, only some of them were funding.

I keep hearing the jurisdictional issue. I will tell you that first time I was chairman of this committee, I bought a book, and it was the "Rights of Tribes and Indians." It was about this thick. You go through it and it talks about the different things. I understood how PL 280 Tribes came about and all this kind of stuff, and then you get to the chapter on law enforcement. I have probably read it 7 or 8 times and still don't know what the hell it says. Then you realize that every Tribe is different. It is like having the same issues in Boise, Idaho as you have in Shelley, Idaho. Those two communities are substantially different. One is 250,000 and one is 1,000, you know, so their needs are different, and that is the same with Tribes. We should not have to figure out whose jurisdiction this is if someone is missing or whatever, you know.

You brought up an interesting question or an interesting thought, Abigail. When I am sitting here listening to this, and I am going just because we put more money into Tribal justice, that does not mean it is going to help Tribal members in urban areas because that is going to go to the reservations and their Tribal systems most likely. We need to re-examine this, and as Ms. McCollum said, we need a whole-of-Indian-Country approach, and that is more than what this committee can do. What we can do is focus attention on it, and when we do our appropriation bills, concentrate on it and work with the authorizing committees to see how we need to address this, to fix this. As I said in my opening statement, this is just unacceptable, and we have a responsibility. You know, forget the treaty responsibility, we have a moral responsibility as human beings, so we are going to keep working on this.

I sincerely want to thank all of you for coming and sharing your stories with us today. As Tom said, personal stories make things real, but I want to get to the Agency people and talk to them about

what is going on and what thoughts they might have, how we might improve this system. Thank you all.

Ms. ECHO-HAWK. Can I just say one thing? I just want to clarify, when it comes to serving the urban population, we want to ensure that we never touch any Tribal carveout dollars that have been put aside to ensure the public health and safety of our communities. It needs to be more.

Mr. SIMPSON. Yeah.

Ms. ECHO-HAWK. We cannot forget those of us who live in the urban areas and that we are Tribal people regardless of where we live. Increase those Tribal dollars and also be sure that you are considering the urban populations. Thank you.

Ms. CHARLES-NEWTON. Chairman Simpson, can I also say that crime and the failure to prosecute cases does not stop during lame duck, so the work should not stop just because we are in lame duck.

Mr. SIMPSON. Absolutely.

Ms. CHARLES-NEWTON. Thank you.

Mr. SIMPSON. You bet.

Ms. MILES. I just want to say, too, that usually the urban Indians were relocated via a government relocation program. That is how my family got to Los Angeles. It was the government that sent us there.

Mr. SIMPSON. Thank you all. Our second panel is the Department of Interior, Bureau of Indian Affairs, Bryan Newland, the assistant secretary for Indian Affairs and a citizen of the Bay Mills Indian Community; Richard Glen Melville, the deputy bureau director, Office of Justice Services and member of the Makah Tribe of Washington; Department of Health and Human Services, Patrice Kunesh, the commissioner of the Administration for Native Americans at the Administration for Children and Families in the U.S. Department of Health and Human Services and of Standing Rock Lakota descent; and from the Department of Justice, Daron Carreiro, the acting director of the Office of Tribal Justice at the Department of Justice and an enrolled member of the Chickasaw Nation. Bryan, you are first.

STATEMENT OF BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS AND CITIZEN OF THE BAY MILLS INDIAN COMMUNITY (OJIBWE)

Mr. NEWLAND. You bet, yeah. Thank you, Mr. Chairman, Ranking Member Pingree. [Speaking native language]. Good afternoon. I am glad to be with you today. My name is Bryan Newland. I have the privilege of serving as Assistant Secretary and have had this privilege for the last 4 years now under Secretary Haaland's leadership and President Biden.

Mr. Chairman, before I go any further, I just want to thank you and the Ranking Member for the way you have structured this committee. As you know, typically those of us coming from the agencies appear first and oftentimes will scurry out of the room, and I appreciate you putting the community members and the Tribal leaders first. Those are the people we serve and on every issue, but especially this issue, we should be hearing from them and following their lead, so thank you for structuring it this way.

The United States has a trust relationship with each of the 574 federally recognized Tribes, and that means we have a trust responsibility to protect the existence of Indian Tribes and Indian people, no matter where those Indian people are found, on the reservation or in urban communities. The Department and the Bureau of Indian Affairs (BIA) play crucial roles in upholding this responsibility through our interagency work in coordination with Tribes. For decades, native communities have struggled with disproportionately high rates of assault, abduction, and murder of Tribal members, and American-Indian and Alaska-Native women make up an overwhelming portion of those who are missing and those who have been murdered, as we have already heard here today. This shameful fact is a legacy of Federal policies of forced removal and forced assimilation, and today, structural problems prevent Tribes and Federal agencies from effectively addressing this crisis.

Our most recent report mandated by the Tribal Law and Order Act estimates that the total cost of public safety and justice programs in Indian Country to be more than \$3 billion. However, today we only fund 13 percent of the total amount needed for adequate public safety and justice in Indian Country. In addition to a lack of funding, there is a complex patchwork of laws that we have heard about today that makes it more difficult for law enforcement officers and judges to do their jobs in Indian Country. Criminal jurisdiction over a crime or investigation in Indian Country can shift based upon the Tribal status of the victim, the offender, as well as the ownership status of the land where it occurs. In some cases, different offenders could be prosecuted in different jurisdictions for the same event.

Congress passed Public Law 280 in 1953 when it was in the process of terminating the existence of Indian Tribes. That law places criminal jurisdiction over crimes in Indian Country with State and local prosecutors. For decades, that law has been used by courts to diminish rather than strengthen the ability of Tribes to control public safety on their lands. Cases like *Oliphant* and *Castro-Huerta* have eroded Tribal sovereignty and made it more difficult to carry out police work on Tribal lands and in Tribal communities. In recent years, Congress has commissioned a number of studies and reports to examine the MMIW crisis and public safety challenges in Indian Country, and those reports have consistently affirmed that the work of keeping people safe in Indian Country is unnecessarily complex and unnecessarily expensive and that we don't invest enough funding to do that work.

We know what must be done. We have to invest more in more Tribal officers in Tribal communities, better and safer jails, Tribal court systems, and Tribal wellness programs. We also have to strengthen the ability of Tribes, not States or Federal agencies, to lead efforts to keep their own communities safe by affirming their criminal jurisdiction over crimes on their lands, and we have to ensure that Federal agencies have the resources needed to support Tribes in States and coordinating investigations that cross over reservation boundaries. Just as importantly, we have to support families and communities and victims in these communities in both preventing and healing from these crimes.

In the past several years, we have attempted to do that by establishing the Missing and Murdered Unit at the BIA to address this crisis. We have increased the number of Tribes participating in the Tiwahe Initiative, which helps support Tribal programs addressing these challenges at the local level. We have worked to increase pay rates for BIA law enforcement officers so that they are paid on a similar scale to their counterparts in other Federal agencies at the department. We have proposed additional funding for Tribal law enforcement, Tribal courts, wellness courts, and jails, even constructing two new BIA jails for the first time in more than a decade. We have also worked with Members of Congress to support legislation like the BADGES Act, which would speed up our ability to hire more officers at the BIA, and we have also supported the Parity and Tribal Law Enforcement Act, which would improve the ability of Tribes to recruit and retain police officers.

As someone who lives in Indian Country, and who has led Tribal and Federal law enforcement agencies, and who has served as the chief judge of a Tribal court, I am grateful to see the bipartisan commitment in addressing these challenges. In these past several years, I have enjoyed working with Members of Congress in both houses and from both parties to try to make Indian Country safer, and going forward, I am sure that our dedicated team at the Bureau of Indian Affairs will continue to work with you, Mr. Chairman, and other Members of Congress, to make life better for Indian people. I want to thank you again for the opportunity to appear before the committee today, and I will look forward to answering any questions you have. Thanks, Mr. Chairman.

[The prepared statement of Mr. Newland follows:]



U.S. Department of the Interior Indian Affairs

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Biographical Statement of Bryan Newland Assistant Secretary – Indian Affairs U.S. Department of the Interior

Bryan Newland, an enrolled member of the Bay Mills Indian Community, a federally recognized Ojibwe (Chippewa) Tribe in Michigan, is the 14th Assistant Secretary – Indian Affairs. He was confirmed by the United States Senate on August 7, 2021, and officially sworn into office on August 25, 2021. A ceremonially swearing in by Interior Secretary Deb Haaland was held on September 8, 2021.

The Assistant Secretary – Indian Affairs assists the Secretary of the Interior in fulfilling the Department’s trust responsibilities to American Indian and Alaska Native Tribes and individuals. The post was established in the late 1970s under the authority contained in 43 U.S.C. 145.

Prior to his current appointment, Mr. Newland had served as the Principal Deputy Assistant Secretary – Indian Affairs since March 29, 2021. He joined the Department in February 2021 as Senior Advisor to the Secretary after having served as president of the Bay Mills Indian Community since 2017. From 2009 to 2012, he served as counselor and senior policy advisor to Assistant Secretary – Indian Affairs Larry Echo Hawk. He was acknowledged by Assistant Secretary Echo Hawk as, among other accomplishments, being “pivotal” in working on the Helping Expedite and Advance Responsible Tribal Home ownership (HEARTH) Act, a major piece of legislation that advances tribal self-determination and sovereignty over Tribal lands.

After leaving Federal service in 2012, Mr. Newland spent four years as chief judge of the Bay Mills Indian Community’s Tribal court.

Mr. Newland was raised on the Bay Mills Indian Community reservation and graduated from Brimley High School in 1999. He matriculated at Michigan State University, where he went on to become the first graduate of MSU’s College of Law’s Indian Law Program in 2007. After several years working at one of Michigan’s largest law firms, he joined the Obama Administration in 2009. In 2011, he was among that year’s recipients of the National Center for American Indian Enterprise Development’s “Native American 40 Under 40” award.

In addition to spending time with his family, he enjoys hiking and kayaking along the shores of Lake Superior, as well as being a nature photography enthusiast.

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Office of Public Affairs – Indian Affairs
U. S. Department of the Interior
1849 C Street, N.W., MS-4660-MIB
Washington, D.C. 20240
newsmedia@bia.gov

**STATEMENT OF
BRYAN NEWLAND
ASSISTANT SECRETARY FOR INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

November 20, 2024

Aanii (Hello), Chairman Simpson, Ranking Member Pingree, and members of the Subcommittee. 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 challenges and opportunities for addressing Missing and Murdered Indigenous People (MMIP).

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) with our federal partners at Department of Justice (DOJ) and Department of Health and Human Services (HHS), play 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 built on efforts from the previous administration and established the Missing and Murdered Unit (MMU) within the BIA Office of Justice Services (OJS) just months after taking office. The MMU works closely with the DOJ, 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, President 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, work together to improve the recruitment, retention, and mental well-being of public safety officers. On November 22, 2022, the Department executed an updated interagency agreement with the DOJ to ensure better coordination with the FBI on criminal investigations in Indian Country.

The Department has also taken other strategies to address MMIP. 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.

We have filled 38 positions in the MMU. The MMU and the Department's information technology staff worked together to develop the cloud-based Solution Trust Accountability Tracker (STAT), which catalogues information on missing person, murder, and human trafficking cases related to American Indians and Alaska Natives. A referral in STAT is tracked until it is determined if the referral has an Indian Country nexus, and if not, it is referred to the proper jurisdiction. The MMU will use this information to improve suspect identification and increase public awareness of the crisis facing Indigenous communities and ensure cases are directed to the proper jurisdiction.

MMU Victim Services and BIA OJS Corrections are also working together to implement a prevention and awareness project for incarcerated juveniles at BIA OJS Correctional Facilities in Indian Country. This proactive approach will bring awareness to juveniles and the correctional staff relating to the missing and murdered risk factors of human trafficking and sex trafficking. In addition, from June 1, 2024, through September 30, 2024, the FBI, with the assistance of the MMU, BIA conducted "Operation Not Forgotten." The primary goal of Operation Not Forgotten was to, through focused efforts by additional investigator, move cases closer to resolution, provide victim services, and to bring offenders to justice.

While we have made progress, many structural challenges still exist that make it difficult for federal agencies and Tribes to broadly address the safety of Indian people 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).¹ 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 to meet the need in Indian Country 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. This means the federal government is only funding 13% of the estimated need. 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.

The FY 2025 President's Budget

Increasing the number of law enforcement officers and staff is an important investment we can make to address MMIP and other public safety challenges such as combatting illicit drugs.

¹ See: https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf

Having sufficient staff on the ground means a greater opportunity to prevent crimes before they happen, including MMIP. To increase the number of officers in tribal communities and get the BIA budget moving in the right direction, the FY 2025 budget request includes \$651.2 million for Public Safety and Justice operations, an increase of \$95.7 million above the 2024 Enacted level. Increased operational funding will support the expanding Tribal needs in policing, detention, and Tribal courts. The budget includes a \$33.5 million operational capacity program increase in Criminal Investigations and Police Services, specifically targeted to increase the number of officers and investigators on the ground in Indian Country. The request also includes a requested increase of \$14.0 million to address operational needs at detentions and corrections facilities including adding staff at existing facilities and at two new detentions centers coming online in FY 2025.

Within the total amount requested for Public Safety and Justice activity in FY 2025, \$16.5 million is requested to address the crisis of MMIP. The budget supports costs that include law enforcement and analytical staff, equipment and operational costs for evidence collection and maintenance, information systems, and MMIP training at the Advanced Training Center. The MMU engages in cross-departmental and interagency collaboration to identify gaps in information sharing and data collection to more effectively investigate these cases. As part of the proposed expansion to the Tiwahe Initiative, the budget includes a program increase of \$1.9 million for the Office of Tribal Justice Support to provide technical assistance to Tribes looking to develop and operate Healing to Wellness courts. These courts serve as alternatives to incarceration and provide a culturally appropriate forum to support those within the criminal justice system by assisting in addressing underlying behavioral health and substance abuse issues which contribute to the MMIP crisis.

I want to thank the Subcommittee for recognizing the importance of Tribal Public Safety and Justice programs in the House passed FY 2025 appropriations bill which included a substantial increase for these programs. Consistent with the Administration's request, broadly allocated funding increases are the most effective way of enhancing capacity for all Tribes. When appropriation increases are targeted for specific program areas or a smaller set of Tribes, it limits the number of Tribes receiving increases.

For example, the FY 2023 appropriation included an \$11 million increase for Criminal Investigations & Policing but only \$4 million of the total increase was available to all BIA funded law enforcement programs. The remaining \$4 million general increase was available for allocation among the existing 198 law enforcement programs funded in the BIA's budget, which provided a budget increase of just 1.3 percent over FY 2022, or an average of \$20,202 per Tribe. The average increase amount was not sufficient to fund an additional officer at the Tribal level. Accounting for inflation, at the FY 2024 appropriated level which did not fund fixed cost increases included in the 2024 budget, all 198 Tribes experienced a five percent decrease in the purchasing power of their public safety funding. The unfortunate result is nearly all Tribes can afford fewer officers today than in 2022.

Capacity Building

In addition to funding, BIA uses 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 continues to pose 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 pay levels for BIA direct service law enforcement employees 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. These strategies are allowing us to make gradual progress.

On November 1, 2023, the Department released "Not One More: Findings and Recommendations of the Not Invisible Act Commission" report² (NIAC report) in coordination with the DOJ. 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 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 of the Department's law enforcement programs.³ 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 OJS 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

²See: https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf

³ See: <https://www.doi.gov/sites/doi.gov/files/doi-letf-aspiration-to-action.pdf>

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; and,
- 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 and established a pilot program for Alaska Native Villages.

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 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 high-risk 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 access, 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.

Mr. SIMPSON. Thank you, Bryan.
Patrice.

STATEMENT OF PATRICE KUNESH, MISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, AT THE ADMINISTRATION FOR CHILDREN AND FAMILIES IN THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICE

Ms. KUNESH. Chairman Simpson, Ranking Member Pingree, and distinguished members of the committee [Speaking native language.], and thank you for the opportunity to testify on behalf of the Department of Health and Human Services. My name is Patrice Kunesh. I am the Commissioner of the Administration for Native Americans. I am also the Deputy Assistant Secretary for Native American 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, 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, such as the Carlisle Indian Industrial School. At the time he was born, Native Americans were not considered U.S. citizens. It feels remarkable to me 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 public safety issues in Indian Country head-on for some time, particularly missing, murdered indigenous people and human trafficking, and we are deeply engaged in providing health and human services in every native community. Our full spectrum of integrated and culturally appropriate care is focused on prevention, intervention, and healing. For example, my Agency, ANA, provides significant grant funding to Tribes and native organizations that support trauma-informed services to victims of violence and culturally grounded programs such as native languages, Tribal capacity building, as well as workforce training. Even broader work is being done throughout HHS 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 crises in Indian Country. I was honored to be one of the three NIAC commissioners for HHS and was part of the drafting team for the report and recommendations. I also spearheaded a separate HHS response to the NIAC report to put our actions and our intentions on the record.

The Indian Health Service provides critically necessary services in this area of trauma-informed care and ensures healthcare providers receive culturally appropriate training, education, and technical assistance to become specialists in examining the incidences

of sexual assault. ACF's work on preventing violence and human trafficking and supporting victims and survivors is centered around our Missing Murdered Indigenous Action Plan and is incorporated into all of our programs and services. Our Office on Trafficking in Persons supports and leads systems that prevent trafficking and protect survivors, and help them rebuild their lives and become self-sufficient through programs such as the Victims of Human Trafficking in Native Communities Demonstration Program and the Look Beneath the Surface Campaign. For 40 years, the Family Violence Prevention and Services Administration has provided Tribal grants to help deliver programs that prevent violence of all kind and provide immediate shelter and supportive services. Our Child Welfare Capacity Building Collaborative, overseen by our Children's Bureau, is just one of many programs and resources to address MMIP and human trafficking prevention needs of native communities.

It has been a privilege for ACF to partner with Department of Interior (DOI) and Department of Justice (DOJ) on the Indian Child Welfare Act (ICWA) Interagency Workgroup as well to collaborate around data collection and services to Native children and families. Importantly, ACF also funds four or five hotlines that collectively offer assistance and services to those impacted by MMIP and survivors of human trafficking. The President's Fiscal Year 2025 budget offers a historic opportunity for HHS to enhance how we support health and human service delivery to native children, native families, and native communities across the country, and also reflects our nation-to-nation commitment to Tribes. Thank you for this opportunity to address the health, welfare, and safety of our Native peoples throughout the United States. [Speaking native language].

[The prepared statement of Ms. Kunesh follows:]

Patrice H. Kunesh, of Standing Rock Lakota descent, is the commissioner of the Administration for Native Americans, at the Administration for Children and Families in the U.S. Department of Health and Human Services. In her role as Commissioner, she serves as the Deputy Assistant Secretary for Native Affairs and as Chair of the HHS Intradepartmental Council on Native American Affairs.

Kunesh has worked at the Native American Rights Fund, where she began her legal career, and has served as in-house counsel to the Mashantucket Pequot Tribal Nation. She also served on the faculty at the University of South Dakota School of Law.

Kunesh held appointments as the deputy undersecretary for rural development at the U.S. Department of Agriculture and as the deputy solicitor for Indian affairs at the U.S. Department of the Interior. In addition, she established the Center for Indian Country Development, an economic policy research initiative, at the Federal Reserve Bank of Minneapolis.

She founded Peñín Haha Consulting, a social enterprise committed to fostering culturally-centered Native economic development, and she was appointed to the U.S. Treasury Community Development Advisory Board (CDFI Fund) as the representative for Native communities.

Kunesh holds a J.D. from the University of Colorado School of Law and an M.P.A. from the Harvard Kennedy School of Government.



Testimony of

**Patrice H. Kunesh
Commissioner of the Administration for Native
Americans and
Deputy Assistant Secretary for Native Affairs
Administration for Children and Families
U.S. Department of Health and Human Services**

Before the

**House Interior, Environment and Related Agencies
Appropriations Subcommittee**

November 20, 2024

Introduction

Chairman Simpson, Ranking Member Pingree, 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 family 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 as 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 today 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 rates exceptionally higher 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 of Health and Human Services 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 improving 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 contained in its final report entitled *Not One More: Findings and Recommendations of the Not Invisible Act Commission*.

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 led HHS's subsequent and more

detailed response to the NIAC Report, recently submitted to DOI, DOJ, and Congress on November 15, 2024.

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 have collaborated on the implementation of the recommendations of *The Way Forward Report of the Alyce Spotted Bear & Walter Soboleff Commission on Native Children*, as well as recommendations from the Department of the Interior's *Federal Indian Boarding School Initiative Investigative Report*.

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 of funding programs and providing direct 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. For example, ANA 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. As you know, HHS includes the Indian Health Service (IHS), which provides comprehensive primary health care and disease prevention services to more than 2.8 million American Indian and Alaskan Natives through a network of over 600 hospitals, clinics, and health stations on or near Indian reservations. IHS' work is expansive, but relevant to the topic of today's hearing, I'd like to highlight the work IHS has done in the field of Forensic Nursing, including ensuring the availability of culturally appropriate training, education, and technical assistance for healthcare providers to become Sexual Assault Nurse Examiners/Sexual Assault Examiners/Forensic Nurse Examiners and receive ongoing training and education.

For example, in March 2023, the IHS forensic healthcare team funded programs to support building a community's capacity through forensic healthcare program development and expansion through training opportunities for healthcare providers. The five-year program awarded six applicants, serving 15 federally-operated IHS sites, for a total distribution of \$10 million.

IHS also awarded a Forensic Nursing Consultation Program contract in September 2023 to the Texas A&M University Center of Excellence in Forensic Nursing. This contract will ensure IHS, Tribal, and Urban Indian facilities (I/T/U) forensic programs and healthcare providers receive specialized education to care for patients who have experienced violent crimes, across the lifespan. The contract will offer 40+ hours of forensic healthcare training, clinical hands-on skills training, webinars, mentorship opportunities, and more.

Another example in the area of behavioral health in Native communities is SAMHSA's 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 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 support across the country, including in Native communities. This work is closely informed by both Tribal leaders through our Tribal Advisory 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, Tribal Plans to integrate ACF's Family Violence Prevention and Services Act (FVPSA) programs under the Indian Employment, Training, and

Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.). The integration of this and other ACF programs not only enhances funding by streamlining service delivery, it 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-designed and driven, especially in Native communities; 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, provides funding to organizations such as the Alaska Native Justice Center (Anchorage, Alaska), Child and Family Services (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 held 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 heard

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

- OTIP is also building relationships with the IHS' Forensic Nursing team to identify areas where we can more closely collaborate on human trafficking prevention in tribal communities.

In addition, ACF's Office of Family Violence Prevention Services (OFVPS) administers FVPSA programs in Native communities. 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 on 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 support 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 support 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 to remove 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's robust data systems for collecting and assessing encounters in the child welfare system are 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 engaging with child welfare systems, 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 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 Native kinship care. Each state will determine how to operationalize this opportunity. To date, CB has already approved 7 states and 4 tribes to operate licensing standards designed for relative providers.

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, Opioid and Substance Use (an increase of \$10 million for a total of \$21 million). In addition to these funding requests, this Administration has also requested non-budgetary legislative changes that would allow Indian Health Service to better recruit and retain qualified clinical staff. Appropriately funding and

staffing Indian health systems is critical to ensuring the well-being and safety of Native Communities.

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 also reflects our nation-to-nation commitment to Tribes with a request of \$66 million for Native American Programs, which is a \$5 million increase specifically 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.

Mr. SIMPSON. Thank you, Patrice.
Mr. Carreiro.

**STATEMENT OF DARON CARREIRO, ACTING DIRECTOR OF
THE OFFICE OF TRIBAL JUSTICE (OTJ) AT THE DEPART-
MENT OF JUSTICE AND ENROLLED MEMBER OF THE CHICK-
ASAW NATION**

Mr. CARREIRO. Good afternoon, Chairman Simpson, Ranking Member Pingree, members of the committee. My name is Daron Carreiro. I am currently serving as DOJ's acting director of the Office of Tribal Justice. Thank you all for the invitation to speak here today. It was also an honor to see Chairman Cole here today. I want to express the Department's gratitude for the ongoing work of this committee to address issues like public safety, MMIP, Indian healthcare, which I know was mentioned earlier. There are so many others that are at the core of our solemn responsibility to uphold Federal trust and treaty obligations to Tribal Nations, so we are appreciative for that.

MMIP, in particular, is not an issue that can be resolved by one agency or one department, so we are especially grateful for our partnerships. That includes partnerships with Tribal nations, Members of Congress, Federal colleagues who are here with me at the table, State and local governments, as well as the advocates that appeared on Panel 1 today. I will say I have worked with a few of them in other capacities throughout my career. I have a tremendous amount of respect for them and their testimony. I guess I will also say of the names that were mentioned, these are heart-breaking cases. I want to assure you, we are familiar with them, and in some cases I know the families personally. My own family has been a part of the outreach. We take the testimony very seriously and it is meaningful.

Testifying on behalf of DOJ today, our work to address MMIP now, it builds on this tremendous work that was done under Operation Lady Justice, so I was glad to hear that mentioned today. It really laid the foundation for so much of our ongoing efforts, and I want to thank the members of the committee who were a part of that as well as the other legislative efforts that we have discussed. I do want to highlight the Department's recent successes, progress to address MMIP and other public safety issues, acknowledging, of course, that there is far more to be done. First, I want to highlight some of the operational work from key components like the U.S. Attorney's Offices and FBI, and second, I will describe some of our recent grant-making efforts that strengthen Tribal law enforcement systems and Tribal courts and Tribal public safety efforts.

Starting with our own operational work, one of our key components in this effort are the United States attorney's offices, and there are 51 around the country that have some type of Indian Country jurisdiction. These are the Federal prosecutors responsible for prosecuting violent crime, child abuse, sexual assault, domestic violence, and other Indian Country crimes. To briefly highlight some initiatives in this area, as was mentioned, the Department established its MMIP Regional Outreach Program last year. This program takes five MMIP regional coordinators as well as five assist-

ant U.S. attorneys, places them in five regions around the country, and their exclusive mission is to work on MMIP issues, and they do it in three areas. One is the casework, but the other is outreach to communities, and the other is training, which is a real pillar of their work. This year, they have had successes in each of the areas, so I hope we get a chance to talk about that today. They work closely with Tribal leaders and Tribal State, local law enforcement, as well as BIA's Missing and Murdered Unit.

Our U.S. attorney's offices also house the Tribal special assistant U.S. attorneys, Tribal SAUSAs. These are actually Tribal prosecutors, Tribal employees that we cross-designate in Federal court, and they are right there on the front end to help with Federal prosecution efforts, but they are also empowered to prosecute cases in Federal court or in Tribal court. Consistent with the recommendations of the Not Invisible Act Commission, we have sought to expand the designation of Tribal SAUSAs, encouraging U.S. attorney's offices to integrate them into regular operations, assisting Tribes to leverage DOJ grant funding to hire more Tribal SAUSA positions, and there are currently 23 Tribal SAUSAs in eight districts around the country doing that work.

On the operational side, that is some of the work out of the U.S. attorney's offices. Because of time, my written testimony submitted today on behalf of the Department includes additional details about other efforts from FBI, DEA, ATF, the Marshals Service. I do want to highlight one initiative in particular, though, because it is important and shows the collaborative effort, which is FBI's Operation Not Forgotten.

For 3 months this summer, the FBI pulled resources from all over the Nation and surged them into Indian Country through the Operation Not Forgotten to work unresolved cases, the types of cases we are talking about. It deployed 51 FBI personnel that included 47 agents, and for the first time ever, this surge was a joint operation with Interior's Missing and Murdered Unit. In just those 3 months, that surge team tackled 300 investigations, led to the over 40 arrests, 11 indictments, and the identification and recovery of nine child victims. In addition, and another important role that we play, is that over 400 victims and next-of-kin impacted by this crisis and by these cases were provided support service by FBI victim specialists. That is some of our ongoing operational work.

Just a final word on the important role that DOJ plays in providing funding to Tribal Nation's own law enforcement and public safety and justice programs. Whereas BIA is responsible for base funding, for basic law enforcement, DOJ provides supplemental funding through our COPS Office, our Office on Violence Against Women (OVW), and our Office of Justice Programs. Together, these offices awarded \$210 million to Tribes in October of this year. That is nearly a quarter of a billion dollars awarded last month for law enforcement officers, equipment, Tribal courts, Tribal SAUSAs, like we mentioned, victim services, including a new Healing and Response Team initiative, as well as other new efforts that are directly responsive to the Not Invisible Act Commission's recommendations. We are committed to finding ways to improve our funding, and we are doing that administratively, and we meet with Tribes regularly on how to do that. We are also engaged in formal

consultation with Tribes on what legislative changes could be made to make our grant programs work better.

Chairman Simpson, Ranking Member Pingree, thank you again for the opportunity to be here. I will say working an entire lifetime for Tribes, including my own and others, and now in Federal service to Indian Country, I have sort of always waited and hoped for the day that an appropriator might say, what can we do, and it would be an honor to answer that question should we get to it today. Thank you.

[The prepared statement of Mr. Carreiro follows:]

DARON CARREIRO

**Acting Director
Office of Tribal Justice
U.S. Department of Justice**

Daron T. Carreiro is the Acting Director of the Office of Tribal Justice (OTJ) at the Department of Justice (Department). OTJ is the primary point of contact for the Department of Justice's government to government relationship with Indian tribes. OTJ also serves as a source of Indian law expertise for the Department.

Prior to his current position, Mr. Carreiro served as a trial attorney at the Department in the Indian Resources Section of the Environment and Natural Resources Division (ENRD). As a trial attorney, he handled litigation involving federal reserved Indian water rights, tribal treaty rights, reservation boundaries, taxation, tribal jurisdiction, and agency actions affecting tribal interests. He previously served as Senior Counsel for Native American Affairs to the Assistant Attorney General at ENRD, where he provided counsel to the Assistant Attorney General and other members of ENRD's front office on Indian country issues. Mr. Carreiro recently returned to the Department after serving as the Senior Policy Advisor for Native Affairs at the White House Domestic Policy Council. Before joining the Department, he worked in private practice representing clients in complex civil litigation matters. Prior to law school, Mr. Carreiro worked for the Chickasaw Nation, representing the Tribe before Congress and federal agencies. Daron is an enrolled member of the Chickasaw Nation and a past president of the Native American Bar Association of Washington, DC.

TESTIMONY OF DARON T. CARREIRO
OFFICE OF TRIBAL JUSTICE
U.S. DEPARTMENT OF JUSTICE

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
NOVEMBER 20, 2024

Good morning, Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee. My name is Daron Carreiro. I am the Acting Director of the Office of Tribal Justice. Thank you for inviting me here to speak with you today about the Department of Justice's ongoing work to tackle the missing or murdered Indigenous people (MMIP) crisis and other pressing public safety challenges that continue to disproportionately impact American Indian and Alaska Native communities. The Department's efforts to partner with Tribes to address violent crime in Tribal communities, including MMIP, are years-long and Department-wide. Nonetheless, the Department recognizes that more must be done across the federal government and in communication, coordination, and collaboration with our federal and Tribal partners to resolve the longstanding public safety issues within Tribal communities.

Background

The Department has continued to enhance its efforts to address MMIP issues for more than five years. In 2019, the Department partnered with the Department of the Interior and the Department of Health and Human Services under the Operation Lady Justice Task Force, a two-year task force established by Executive Order 13898 that sunsetted in 2021. Through the Task Force and related work, the Department participated in Tribal consultations, developed best practices guides and resources for Tribal communities and law enforcement, and deployed 11 MMIP Coordinators to assist Tribal communities within 11 federal judicial districts in developing and implementing Tribal Community Response Plans (TCRPs).

Executive Order 14053 and the Department's MMIP Steering Committee

President Biden's 2021 Executive Order 14053 was developed to build on the work of Operation Lady Justice and ongoing work across the executive branch. EO 14053 included broader aims, including the improvement of public safety and criminal justice in American Indian and Alaska Native communities in addition to addressing issues of MMIP, and directed the Department, along with the Departments of the Interior, Health and Human Services, and Homeland Security, to work together with Tribal nations to address the persistent public safety issues within Tribal communities. The Department, along with the Department of the Interior, released a required report to the White House in July 2022, which outlined the Department's coordinated and comprehensive federal law enforcement strategy to address violent crime, including MMIP cases, in Tribal communities.

To assist in developing this strategy and to prepare for future work, the Department launched the Steering Committee to Address the Crisis of Missing or Murdered Indigenous Persons in November 2021. The Steering Committee, which included policy, law enforcement,

and grant-making components within the Department, was tasked—in close coordination and consultation with Tribal leaders and stakeholders—with reviewing the Department’s relevant guidance, policies, and practices to improve the law enforcement and MMIP response in Tribal communities. Following the Steering Committee’s review, the Deputy Attorney General issued a directive to all United States Attorneys and law enforcement component heads addressing public safety in Indian Country. The directive required all United States Attorneys with Indian Country jurisdiction to update and develop new plans to address public safety in Indian Country to include MMIP.

The Steering Committee continues to evaluate and enhance existing efforts to support coordinated federal law enforcement response in Tribal communities, including developing strategies to support victims and their families in federal matters; enhancing coordination with and support for the Department’s Tribal, state, and local partners; building on the Department’s efforts to improve data collection, data access and sharing, and education and outreach about federal databases; and assessing how the Department can best address the root causes of MMIP cases by supporting intervention and prevention efforts within Tribal communities.

Congressional interest in these issues has been critical to agency progress over the years and continues to be a key component to focusing our efforts and resources to address public safety, including MMIP. The passage of Savanna’s Act and the Not Invisible Act have been important catalysts to agency efforts since 2020. MMIP is not an issue that can be addressed by a single agency, so the Department is especially grateful for the partnerships that enable our progress. Partnership with the Tribes, sister agencies, Congress, as well as state and local agencies is fundamental to the Department’s ongoing efforts.

The NIAC’s Report and Recommendations and the Department’s Response

On May 5, 2022, as mandated by the Not Invisible Act of 2019, the Secretary of the Interior announced the members of the Not Invisible Act Commission (NIAC), a commission created to make recommendations to the Department of the Interior and the Department of Justice to improve intergovernmental coordination and establish best practices for state-Tribal-federal law enforcement to combat the epidemic of missing persons, murder, and trafficking of American Indians and Alaska Natives (AI/ANs). The NIAC included individuals who are experts in or are dedicated to addressing the MMIP crisis, including Tribal officials, law enforcement personnel, mental health professionals, victim advocates, scholars, survivors, and family members of victims. Six Department employees were named as members of the NIAC. Through its significant work hearing from survivors, family members of victims, scholars, law enforcement personnel, and others, the NIAC developed comprehensive recommendations to address the MMIP crisis.

On November 1, 2023, the Department and the Department of the Interior received the NIAC’s final report, entitled “Not One More: Findings and Recommendations of the Not Invisible Act Commission.” Of the more than 300 recommendations included in the final report, 148 recommendations were directed to the Department. In a March 2024 joint response with the Department of the Interior, the Department made a variety of commitments. In addition to continuing to work to address both MMIP and human trafficking and provide effective services to survivors of crimes, the Department committed to the following:

- Collaborating more closely with our federal partners to align and coordinate our efforts to address MMIP and human trafficking;
- Exploring the possibility of new studies on the underlying causes of MMIP and human trafficking, reducing barriers to accessing Department resources, and examining data sharing opportunities with healthcare systems;
- Further engaging with Tribes to improve Department funding models;
- Working with Tribes and advocates to improve the use of social media and engage effectively with media;
- Reviewing existing practices and protocols to improve communication with families;
- Convening multi-jurisdictional working groups to further address the underlying factors that lead to youth voluntarily going missing; and
- Implementing fully our MMIP Regional Outreach Program, which is discussed in more detail below.

The Department's response to the NIAC report and recommendations and commitments made therein are a cornerstone of the Department's work to assist Tribes to address public safety and MMIP issues within Tribal communities. The Department is working through the previously established MMIP Steering Committee to oversee its response to the MMIP crisis and implement the commitments made in the NIAC response. In fulfilling these commitments, the Department acknowledges that it must communicate, coordinate, and collaborate closely with Tribal partners, amongst federal agencies, and across jurisdictions to ensure success.

Whole-of-the-Department Approach to Address MMIP Issues

The Department takes a whole-of-the-Department approach to honor its commitments to Tribal communities and address the MMIP and greater public safety crises within Tribal communities. The Department has engaged its policy, law enforcement, and grant-making components to work closely with Tribal partners, across federal agencies, and across jurisdictions. Outlined below are highlights of the work that has been done and is currently being completed across the Department to address the MMIP crisis.

The Department's MMIP Regional Outreach Program

In response to feedback received during Tribal listening sessions, the Department established the MMIP Regional Outreach Program in June 2023 to build upon the 2020 MMIP Coordinator program. The program endeavors to aid in the prevention and response to MMIP through the permanent placement of five MMIP Assistant United States Attorneys (AUSAs) and five MMIP coordinators in five designated regions across the United States. In close coordination with United States Attorneys' Offices and Tribal, state, and local governmental and non-governmental partners, the regional program works to address and combat MMIP issues through three core areas: cases, outreach, and training. Currently, eight of ten are in place to serve MMIP Regional AUSAs, and MMIP Regional Coordinators are in place to serve the five designated regions. Recent work through the program includes coordination with the Department of Interior's Bureau of Indian Affairs Missing and Murdered Unit (MMU), prosecutions and case coordination in MMIP-related cases, participation in and coordination with Tribal, state, and local MMIP task

forces, coordination with and outreach to Tribal, state, and local victim organizations, and training and assistance in the development of TCRPs in Indian Country.

Tribal Special Assistant United States Attorneys

The NIAC recommended that the Department 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 U.S. Attorneys' Offices (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, or both. In addition, DOJ grantmaking components—including the Office on Violence Against Women (OVW)—have funded grants to Tribes to hire prosecutors, who are 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. As resources allow, the Department is committed to expanding this successful model.

Safe Trails Task Forces

The FBI collaborates with Tribal law enforcement each day to address violent crime, including MMIP. Much of this FBI collaboration occurs through the Safe Trails Task Force (STTF) program and through the development of partnerships in areas where there are no STTFs. The FBI currently leads 26 Safe Trails Task Forces (STTFs). Established in 1994, STTFs consist of teams of local, state, Tribal, and federal law enforcement partners dedicated to enforcement of federal law in and around reservation lands and Tribal communities. The STTF model enhances law enforcement in Indian Country by maximizing investigative and prosecutorial collaboration across jurisdictions. STTFs combat the most violent crimes and the most dangerous offenders in Indian Country through enforcement of the Major Crimes Act, including crimes that have led to the MMIP crisis we see in Native communities today. In Fiscal Year (FY) 2024, the FBI created two additional STTFs to address the increasing violent crime threat in Indian Country. In the same time period, the FBI Indian Country Crime and International Violent Crime units partnered with the Drug Enforcement Administration (DEA) to establish a DEA Liaison to each of the FBI's 26 Safe Trails Task Forces. The DEA Liaison will partner with the STTFs going forward to conduct joint investigations to combat drug trafficking in Tribal communities.

FBI Operation Not Forgotten

In 2023 and 2024, for three months each summer, the FBI has surged resources into Indian Country through "Operation Not Forgotten" to focus on pending, unresolved cases. Cases prioritized in this surge effort included investigations of child physical and sexual abuse, child sexual abuse material, serious violent assaults, domestic violence, and death investigations. Operation Not Forgotten has produced excellent results, demonstrating what is achievable when federal resources are devoted to Indian Country.

For the 2024 operation, 51 FBI personnel were deployed in support of this operation. Those personnel included 47 Special Agents and 4 Intelligence personnel. For the first time in 2024, this surge was a joint operation with the Department of the Interior's Office of Justice Services and MMU. The joint nature of this operation significantly strengthened the federal effort and temporarily ameliorated the impact on public safety from a significantly underfunded law enforcement need in Indian Country. As a result of this surge effort, over 300 cases received investigative assistance, focusing on those cases with the most vulnerable victims, including child physical and sexual abuse, serious violent assaults, and domestic violence and death investigations. In just three months, Operation Not Forgotten led to over 40 arrests; 11 indictments; the identification and recovery of 9 child victims from situations of abuse or neglect; and over 400 victims and next-of-kin impacted by these cases being provided support by FBI victim service specialists.

U.S. Marshals (USMS) National Missing Indigenous Children Initiative

In furtherance of the DOJ's MMIP efforts, the USMS is piloting the *Missing Indigenous Children Initiative* (MICI). This initiative commenced on October 1, 2024, and will last throughout FY 2025, ending on September 30, 2025. This Initiative has four primary goals:

1. Demonstrate the USMS's commitment to underserved Indigenous communities throughout the United States;
2. Promote the missing child program and create lasting partnerships with Tribal law enforcement to better position Tribal law enforcement and the USMS to locate future missing Indigenous children;
3. Recover high-risk missing Indigenous children, remove them from dangerous situations, and facilitate victim services to help reduce the potential for future victimization; and
4. Locate long-term missing Indigenous children who have reached the age of majority and update national databases accordingly.

On May 6, 2024, the USMS Missing Child Unit (MCU) conducted community outreach at the Newewaipaipian Missing and Murdered Indigenous Women conference in Elko, NV, and on August 27, 2024, at the Native American Law Enforcement Conference in Las Vegas, NV.

In addition, during August and September 2024, the USMS in the Northern District of Oklahoma conducted Operation Relentless Search to assist Tribal law enforcement agencies with missing child investigations. The goal was to locate missing Indigenous children who were at risk of trafficking or other harm. As a result, five children who were at high-risk of endangerment were safely recovered and an additional three children were located in safe locations and allowed to remain at the direction of Tribal authorities.

On October 19, 2024, MCU hosted a table at the 2024 New Mexico Missing Person's Day held in Shiprock, NM. The event, hosted by the New Mexico Department of Public Safety, brought in law enforcement, Human & Social Services, non-profit organizations, as well as the New Mexico Secretary of Indian Affairs and other representatives from the New Mexico Indian Affairs Department. Throughout the day, families from New Mexico attended the event to learn about resources for those who have a loved one who has gone missing.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) MMIP Internal Detail

To support MMIP investigations and prosecutions involving fire as a weapon, gun violence, or the recovery of firearm(s), ammunition and/or ballistic evidence, the Department's Bureau of Alcohol, Tobacco, Firearms and Explosives dedicated a special agent to assist federal and Tribal law enforcement in the review and investigations of MMIP cases for two years. The assigned special agent has worked extensively with law enforcement partners to address cases throughout Tribal communities. Presently, the ATF MMIP detail has three active cases in Indian Country where fire was the weapon used to commit homicide.

National Native American Outreach Services Liaison

The Department announced the first National Native American Outreach Services Liaison (NAOSL) in November 2022. The position was created as directed by Executive Order 14053. The NAOSL serves as a critical point of contact for American Indian and Alaska Native victims of crime. The NAOSL is available to coordinate with victims and their families on individual cases to help ensure that they have a voice as they navigate the federal criminal justice system. The NAOSL coordinates with the MMIP Regional Outreach Program on MMIP cases.

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 NIAC 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 they remain effective in enhancing inter-jurisdiction cooperation as victims' families await word on their loved ones.

Tribal Community Response Plans (TCRPs)

As recommended by the NIAC, 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) funded a project with the National Criminal Justice Training Center to support community-led TCRPs.

Healing and Response Teams

In response to the NIAC findings and recommendations, OVW launched a new initiative in May 2024 to support the creation, training, and sustainability of Healing and Response Teams (HRT) in Tribal and urban Indian communities. HRTs are designed to provide victim-centered support, advocacy, resource liaisons, healing pathways, and systems navigation assistance using a Tribal-based model of care in responding to MMIP cases that involve domestic violence, dating

violence, sexual assault, stalking, and sex trafficking crimes. OVW provided \$2 million to the Minnesota Indian Women's Sexual Assault Coalition to assess HRT models and expand their use across Tribal and urban Indian communities. The FY 2025 President's Budget requests an additional \$10 million to build on this initial award and directly fund HRTs in Tribal communities.

Tribal Access Program

The Department's Tribal Access Program (TAP) provides Tribes with access to national criminal information systems for federally authorized criminal justice and non-criminal justice purposes. Using TAP, Tribes share information about missing persons; register convicted sex offenders; enter domestic violence orders of protection for nationwide enforcement; run criminal histories; identify and arrest fugitives; enter bookings and convictions; and complete fingerprint-based record checks for non-criminal justice purposes such as screening employees or volunteers who work with children. The Department has continued to expand TAP to additional Tribes each year since the program launched in 2015 and currently supports 149 Tribes with over 460 participating Tribal government agencies.

Resolution of MMIP cases through NamUs

The National Institute of Justice's (NIJ) Missing and Unidentified Persons System (NamUs) program improves the resolution of missing or unidentified Native persons by strengthening the case information of missing, unidentified, and unclaimed American Indian and Alaska Native persons in the NamUs database. Further, the NIJ's NamUs program has direct support for Tribal forensic service requests to assist in the identification of Native persons cases. Finally, NIJ's NamUs Tribal Liaison facilitates trainings for Tribal law enforcement and community members to better understand how to use NamUs to address cases of missing, unidentified, or unclaimed human remains.

AMBER Alert in Indian Country

The Department's AMBER Alert in Indian Country Program provides training and technical assistance to Tribal leadership, law enforcement, emergency responders, and other stakeholders in Tribal communities to support the safe recovery of endangered missing or abducted children. Through the program, Tribal communities may receive a technology toolkit that contains equipment needed when responding to an urgent missing child report. Additionally, the program works with Tribal agencies to develop and deliver a variety of training based on the needs of the community, such as Child Abduction Response Team training and certification.

Interagency Human Trafficking Summits

The Department's Human Trafficking Prosecution Unit (HTPU) and the National Indian Country Training Initiative (NICTI) Coordinator have partnered with the MMU to enhance the MMU's capacity to conduct victim-centered, trauma-informed, culturally sensitive investigations into human trafficking and related crimes impacting indigenous persons and communities. In August 2024, the HTPU and NICTI Coordinator held the second annual human trafficking summit with the MMU.

Tribal Justice, Safety, and Wellness Summits

The Department, in partnership with the Department of the Interior, hosts multi-faceted training summits for federal, Tribal, state, and local partners to address public safety issues, including MMIP, in Indian Country. Training tracks include resources, MMIP, criminal justice law enforcement and prosecution, and technology. Most recently, a summit was held in July 2024. The three-day virtual event featured several key presentations and panels on public safety taught by nationally recognized subject matter experts working in American Indian and Alaska Native communities. More than 900 participants, including federal, Tribal, and state law enforcement officials, prosecutors, advocates, court staff, victim/witness services staff, and Tribal leaders, attended the Summit.

Multi-Jurisdictional Collaboration in MMIP Cases Training

The Department's COPS Office partners with Tribal, state, and local agencies to provide multiple MMIP-related services. In January 2024, the COPS Office launched an eLearning course that explores how partnerships between Tribal law enforcement and local, state, federal, and private sector agencies can strengthen the prevention and response to MMIP cases using a fair, victim-centered and trauma-informed approach. The course details how employing Memorandums of Understanding or Agreement can enhance law enforcement partnerships and strengthen responses to MMIP.

Grant and Program Support

The Department is also using DOJ's grantmaking power to support Tribal Justice systems and strengthen law enforcement responses. In October 2024, the Department of Justice awarded more than \$210 million to American Indian and Alaska Native communities to support their public safety and justice operations. These funds help enhance Tribal justice systems and strengthen law enforcement responses; improve the handling of child abuse cases; combat domestic, sexual, and dating violence; stalking, and sex trafficking; support Tribal youth programs; and fund an array of services for American Indian and Alaska Native crime victims. Funding from the Department continues to be an important source of support in addressing crime, the MMIP crisis, improving and enhancing Tribal criminal and juvenile justice systems, and providing critical services to survivors of crime and family members. Specifically, grantees under the Office for Victims of Crime's (OVC) [Tribal Victim Services Set-Aside](#) program may use funding to provide financial assistance and support to the families of missing persons, raise awareness about MMIP issues and missing person's cases, and create MMIP response protocols.

The Department remains committed to improving the way we provide funding support to Tribal nations. We continually meet with Tribes to receive input on our grantmaking processes. We make improvements every year based on that feedback. Recently, in recognition of requests from Tribes that the Department consider additional or even alternative funding models, we issued a Dear Tribal Leader Letter and Framing Paper in early October of this year, launching formal Nation-to-Nation consultation throughout October and November to explore those ideas. We have engaged in two in-person consultation sessions already, as well as two virtual sessions, with a final in-person consultation scheduled this week and written comments accepted through November 25.

In accordance with the Department's consultation policy, we will publish a report that summarizes what we hear from Tribes and other organizations as well as the Department's response to the findings.

The Department is committed to working with its partners, with other federal agencies, and with the Tribes to continue to improve public safety and other law enforcement issues in Indian country. We will continue to work with Tribes, state and local law enforcement, and other partners to address these issues and to ensure that all law enforcement agencies are working together to address public safety in Indian country.

Mr. SIMPSON. Thank you, and thank you all for being here, and thank you. As was mentioned, we usually have administration officials testify first, but thank you for sitting and listening to the testimony of these five women. Usually, we have a clock, you know. We did not put that out today. These are stories that need to be told, and one of my main focuses is somehow the American people got to know about this.

I spoke to the Boise Chamber of Commerce last month, and I said to them that we were going to hold a hearing on this. I said, do you know that we lose close to 6,000 Native Americans every year that are in the murdered and missing persons category, and you could see people kind of going, they have never heard that before. Somehow we have got to educate the public that this is an issue, and I am disgusted that our news media does not ever seem to pick up on this. It is like it is not an important story.

I know you all oftentimes get the blame and the finger pointed because it is like I tell my Forest Service friends that work in the Forest Service, everybody out there that lives in Idaho could do a better job of managing our forests than the Forest Service because we are all armchair quarterbacks. I know you get fingers pointed at you all the time. That is not what we are here about. Nobody wants to solve this problem more than you all do.

I am going to ask a question, and it is not a fair one because you are all members of Tribes, and you are all members of the Administration also. If I could make you king for a day or queen in your case, what would you do? What is the one or two things you might do to make this work better? You all heard the testimony of the jurisdictional issues, which just baffles me how that works and the confusion that that causes. As they said, you know, we sit and argue about who has jurisdiction over this for, you know, 2 weeks and then it is done. What would you do to change this? I realize that appropriation funding is part of the problem, but it is not all of the problem, so tell us what you would do. I will start with you.

Mr. CARREIRO. Thank you, Chairman, and I know you said one or two. I may do four, with your permission.

Mr. SIMPSON. Okay. That is fine.

Mr. CARREIRO. The first one, and this one is going to sound really odd coming from a Department of Justice official, but number one is more base funding for the Department of the Interior, and I feel comfortable saying that because I have heard Attorney General Garland say it to Tribal leaders. When we have traveled around the country and met with Tribal leaders about DOJ public safety

and justice, the first issue that comes up is base funding at the Department of the Interior.

Mr. SIMPSON. I will make sure that Mr. Cole hears that.

Mr. CARREIRO. Secondly, though, the Department of Justice funding is incredibly important. I know I talked a lot about operations and could do that for a long time, but our grant funding is incredibly important for Tribal Nations. Our COPS Program are what funds law enforcement officers. It funds equipment. OJP is incredibly important. Our Office on Violence Against Women is funding Tribal court systems. It is strengthening capacity to exercise special Tribal criminal jurisdiction. It is funding Tribal SAUSAs. A lot of the Savanna's Act work was increasing uses of our funding, so now you can, like, get money from the Federal Government to do your MMIP reporting through OVW, and we have two programs that allow for that. The new Healing and Response Team initiative. They came up with \$2 million to dedicate to the Minnesota Indian Women's Sexual Assault Coalition to deliver this trauma-informed healing for Tribal communities. We have a request for \$10 million that they be able to continue to do that work around the country, so that is on the DOJ funding side.

There are legislative changes that aren't just dollar amounts that we are looking at. We have three proposals in particular that we are consulting with Tribes on. We are doing that this week, in fact, but two specific to DOJ is a lot of our grants are competitive. Thanks to Congress, we have been able to do the Tribal Victim Services Set-Aside Fund as a formula, really effective. We have been asked to do it for other programs, too, and that is something that we could use Congress' help in doing. Related to that is a PL-477-like program, which has been so effective among 12 agencies for pooling together job training and labor and employment costs to put in grants from all over the country for a Tribe, put them in one fund and let them use it. We have heard from Tribes the desire to do that in the public safety and justice space, too, and we are consulting on what that might look like and what range of services.

I will close up quickly because you did say jurisdiction. Some of the jurisdictional gaps Congress has been really effective at closing, I am thinking of the Duro fix. When we strip Tribes of jurisdiction to exercise a certain type of criminal jurisdiction, Congress restored it. The Violence Against Women Act, of course, has been making great strides. I love the reference to Maine today because that was really powerful for those Tribes that have been dealing with that gap in their own. I think there are members of this committee who are working on or may have introduced bills aimed at getting at the non-Indian drug traffickers in Indian Country and being able to subpoena social media, which the DEA tells us is the super-highway of drug traffickers, but Tribes cannot go after them right now. Finally, just on the recruitment and retention component, DOJ really supports the BADGES Act as well as the Parity Act.

Mr. SIMPSON. I appreciate that, and you are absolutely right. I was on the city council in Blackfoot, and that is the Northern side of the Shoshone-Bannock Tribe, Fort Hall Reservation, and Pocatello was on the Southern border of it. When I was on the city council, we used to love to hire Tribal officers from the reservation because they had the same training as our State police do, you

know, so that was the training ground for both Pocatello and Blackfoot. It is hard to keep these officers, not only police officers and so forth, but fire department officials. It is hard to keep them on the reservation because they can, you know, drive 12 miles and get twice the pay and benefits and everything. That is something that we have got to work on. I do not know yet how to address it, but it is something that we have got to work on. I know there are people in Congress working on it. Okay. You are queen for a day.

Ms. KUNESH. As queen for the day and cognizant that this is a committee that oversees Indian Health Service, I would also like to expand it to a broader context of HHS. First, I would like to highlight that violence is and will remain a healthcare issue and that healthcare and human services go together, so that is why we need this collaboration with HHS, IHS, and so forth. Secondly, I think what we have heard from this amazing, astounding first panel of our sisters and aunts and grandmothers is that we need to mend the wounds, we need to heal the trauma, and we need to prevent the violence and take the steps to intervene in these horrible human trafficking issues.

One of the things that I think is really going well and I think is really worth additional investment is the Forensic Nurse Examiner Program out of Indian Health Service. IHS sees thousands and thousands of patients, clients, you know, every year, urban, Tribal, and so forth, but the majority of these patients are not given a safety screening. What we have been able to do, and IHS is changing that practice particularly around hiring forensic nurse examiners. This is really an amazing program where not just safety screenings, but they are also taking on forensic investigation of sexual assault, of trauma, of all sorts of violence and also homicide. Amazingly, they have been able to invest a total of \$10 million over 5 years. It is distributed to 16 sites, and they are going to be doing this more medical forensic services related to these community-based programs. It is not us doing those services. It is those services being done in the community.

One thing we know for sure is that long-term sustainable work and successful work is done in the community. One thing that I wanted to highlight as well is that IHS has contracted with the Texas A&M Center for Excellence in Nursing for a specialized educational program for patient care across all sorts of violent crimes, and, again, these services are available to Indian Tribal and urban healthcare facilities as well. It is really worth the investment and support of those services. In the President's budget for 2025, we have asked for \$15 million for domestic violence programs and services, and that is just not prevention of violence. Again, it is the care and support for victims and their families, and you can see and hear from the first panel that the sphere of trauma extends out to families and siblings and communities. We also know that opioid use disorder is a scourge in every native community, and it affects violence, but it also affects behavioral and mental health concerns as well. We have asked for \$21 million to support opioid use disorder. Something that is not often talked about is maternal child healthcare, and we know when mothers and children are doing well, the families can do well, so we have asked for \$7 million in maternal child healthcare.

Second or third, data. We have heard a lot about data, and we know that oftentimes our data does not talk to each other. From DOJ to DOI to HHS, a really solid good example of data coming out of HHS is from the Center for Disease Control. We heard about that a little bit earlier, and their National Intimate Partner and Sexual Violence Survey really provides some very robust data, but we also need to connect it to the community. We also need to connect it to native communities, and we need to really understand the impact so we can design policies and prevention and intervene, to really get a handle on the violence. My own Agency, the Administration for Children and Families, has Adoption and Foster Care Analysis and Reporting System (AFCARS), and this is child welfare, child well-being. This really tracks Indian child welfare cases. So much trauma and disruption and harm, we have heard about family separations, can really be addressed by examining the AFCARS data and, again, sharing it across our agencies.

Finally, we have our Office of Trafficking in Persons and our violence prevention services that are looking at human trafficking, and we need to look at human trafficking from a native lens. There is not good data on this. There is not reliable sources on this to really understand the magnitude. We know it is there, and we know it is very, very, very serious. Then finally, I will give a plug for my Agency, the Administration for Native Americans, because what we do is support native languages in a big, big way, and we know that when native people know their language, they build identity, they build resiliency. Resiliency is healing. We have asked for \$66 million, which is a \$5 million increase, not a substantial amount, but it really supports the core, you know, native identity and who we are connected to the land, to the people, and to each other. Thank you.

Mr. SIMPSON. Okay. Thank you for that. I can tell you how important preserving these Native languages are. I have been to a couple of the schools and watched them in their immersion program, and you can see in these kids' eyes, this is not like going to school to them. This is, like, learning their history. It is fantastic. If we ever let these native languages die, shame on us.

Ms. KUNESH. It is shame.

Mr. SIMPSON. Yeah.

Ms. KUNESH. Just give another plug. Learning native languages as a child is brain development.

Mr. SIMPSON. Absolutely.

Ms. KUNESH. It is resiliency as much as identity, and it has such long-lasting impacts.

Mr. SIMPSON. Yeah.

Ms. KUNESH. Yeah. Thank you.

Mr. SIMPSON. Bryan.

Mr. NEWLAND. Thank you, Mr. Chairman. First, Director Melville is a career civil servant. I do not want to taint his reputation by association with me, but, Mr. Chairman and Ranking Member, in appropriations, if I am king for a day, you are looking where can we spend money that is going to get us the most bang for our buck here, and I will give you two, one place to spend your money and one way to make it go further.

The first way to make it go further is to put Tribes in the driver's seat of addressing this problem in their communities. Because of laws like Public Law 280, and because of cases like Castro-Huerta and Oliphant, Tribes don't get to set the public safety agenda within their own lands the way that a city does or a county or State. Mr. Chairman, if you were and I were in downtown Boise and got into a tussle, not that I would be eager for that, we have an idea of which police agency would show up and where we would get prosecuted. In Indian Country, if that happened, the sheriff might show up and you might get prosecuted in the county. For me, the Tribal police could show up, and I could be prosecuted in the Tribal court or potentially a Federal court, and it forces police officers on the scene to play lawyer.

It raises the cost of police work in Indian Country, and it takes these policymaking decisions out of the hands of the Tribal government officials. Reducing that complexity makes it cheaper to do police work in Indian Country, and it lets the people closest to the problem solve the problem. On that point, we have 574 federally recognized Tribes in the country. Because of these complex laws, we only fund law enforcement for 200 of them, so fewer than half of the Tribes in the country are having the Federal Government even attempt to meet its trust obligation to provide for public safety.

The second area would be to provide more funding, as Daron said, to us at the Department of the Interior for these public safety places. If you are looking for a place to start, you know, the Tribal Law and Order Act lays out the three broad areas where we are underfunding Indian Country. Tribal courts would be a good place to start that. Our latest report says the estimated need is \$1.5 billion, and we are presently funding Tribal courts at \$81 million, and that increasing the capacity there will then translate. When we increase the funding for police and fix these jurisdictional issues, they will have judges and courts in place that are capable of resolving these cases, so that would be a good place to start. Those are two things I would, if I were king for a day, I would tackle right away, Mr. Chairman.

Mr. SIMPSON. Well, thank you for those suggestions. I can tell you, and I still see that attitude. While it is going away, it is still there. When I was a kid growing up, most of the Fort Hall students came to Blackfoot to go to school, to middle school and high school. A lot of them was friends, played football with them and all of that type of thing, so I got to know them pretty good, and then I worked out on the reservation for a farmer and all that kind of stuff as I was growing up. The word around town—I will not say it was a spoken word, it was just everybody knew it—is that Tribal courts, man, do not go to Tribal courts because you are a white guy and they are going to throw you in jail or whatever, I mean, and they were seen as very unsophisticated and all of that type of thing.

That is changing as they have advanced law enforcement and also the Tribal court system. As one of the witnesses said today, she would like to see her Tribal court get better than what it is, and that is something we need to continually improve on. When the general public has more confidence in the Tribal courts, I think you will see a lot of that change, but they ought to be able to do

their own jurisdiction of what the issues are. I fully agree with you. It is this whole issue of jurisdiction, I do not know what to do about it, and I am not egotistical enough to think I have the answer to it. We need all of your input on how do we do that, how do we change that because that is going to be a big job, and make it so that it works for the future, and so that it makes it work for Tribes, so that we address some issues that we are talking about today. I appreciate that. Thank you.

Ms. PINGREE.

Ms. PINGREE. Yes, thank you, Mr. Chair. Thank you all for the work that you have been doing and for your testimony today. Really appreciate you being here, and it is a sort of a great followup to the what do we do next. Maybe I will just start with the next stage of that question on jurisdiction since you sort of brought it up. In light of the current court cases, which I think are a little baffling and make it even more confusing, are you thinking about potential sort of a law that Congress could craft that made this more clear? If so, exactly how would that look?

Mr. NEWLAND. Thank you, Ranking Members. I used to teach Indian law. I am going to try to not subject you to my old Indian law class.

Ms. PINGREE. Well, he has read the entire book, so I think projected him.

Mr. NEWLAND. I will just use Public Law 280 as an example. You know, that law was passed as part of a national agenda to terminate Tribes, and we are beyond that now. In fact, we are in the opposite policy, that law is still on the books, and it not only affects the Tribes that come under that law, but we have seen over and over in the last 70 years, courts point to that law to make judicial rulings to erode Tribal sovereignty, and we saw that again in Castro-Huerta just a couple of years ago.

We have the ability to allow Tribes to reclaim their criminal jurisdiction in some cases, and we have done this in Washington State a few times where we have retroceded jurisdiction back to Tribes, making that process easier and increasing its availability to Tribes and also clarifying that Public Law 280 should not be interpreted to further diminish Tribal jurisdiction beyond what is in the plain text of the law. Those are areas I think, where, again, you can get a lot of bang for your buck with little legislating. I think what I am hearing here is there is a lot of support for clarifying this.

Ms. PINGREE. When it comes to the, you know, the paltry number of Tribes where we actually fund law enforcement, is that just based on the limited amount of funding? That 13 percent figure is really appalling to me, but is that about the dollar amount or are there certain Tribes where there is a reason we are not also supplying funding?

Mr. NEWLAND. Thank you, Ranking Member. That is a great question. With laws like Public Law 280, and there are so many Tribes that fall under that, and with our limited funding, we look to the States because that is what Public Law 280 says in those areas to be the first responders and have the criminal jurisdiction. We cannot because we do not have enough funding as it is to even meet our obligations with the non-PL 280 Tribes. We cannot extend

it to those Tribes in PL 280 States, and that is how we get into this situation.

Ms. PINGREE. Thanks. I could ask you so many more questions, but I do really appreciate the work that you are doing there, and I know the focus needs to be on the resources, but thank you for the current work that you are doing.

Ms. Patrice—I will not try “Kunesh,” yeah, again—thank you for your testimony and the work that you are doing. I really appreciate, not only based on some of the testimony that we heard today, but your approach to understanding that it is just a healing process, healing for all of the wrongs that we have heard discussed that have gone on for hundreds of years, but then also how families are treated and the victims and women themselves. I was really fascinated by the Forensic Nursing Program you were talking about, and that seems like one of those places where not a huge investment is making a big difference, and how could we expand that. Many of the programs that we often hear about that are great, we will hear this is being done in four Tribes or in three communities, or what would it take to make sure that that was an essential part of all Indian health, and that level of support and trauma-informed care is there for everyone?

Ms. KUNESH. It would be awesome to have this integrated throughout. We are out there in 16 sites right now, but at the very basic level, having support in the community immediately, notwithstanding the law enforcement jurisdiction and authorities surrounding the situation to have this scientific medical investigation capacity along with trauma-informed care, is just to have that immediate opportunity for services and investigation together would just be pretty phenomenal because I know that the IHS is really working through this forensic nursing team to identify areas also where it can expand and support and closely collaborate in a lot of other areas as well.

One of the things we have heard about is workforce capacity, and this is a good way to get in a medical forensic examiner—that was recommended by the NIAC report—that can do double, triple duty, and they are there to do sexual assault. They are there to receive and do ongoing training and support and coordinate services. I think there is, as I think Bryan said, a good bang for the buck in investing in forensic nursing throughout native communities. They are the first line and they are often overwhelmed, and the case-loads are just so intense as well, but we also use this work through multidisciplinary teams. We also do this work through community crisis response teams, so it is really, truly community based.

Ms. PINGREE. Thank you for that, and thank you, Mr. Carreiro, for the work that you are doing and your history and working with this. You talked about so many important things that the Justice Department does, and, of course, this jurisdictional issue also is one that you are challenged by. I thought it was interesting when one of the witnesses today did mention Operation Lady Justice and how sometimes that surging, and you talked about some of that happening this summer as well with the FBI. Can you talk a little bit more?

I mean, one of the things that she mentioned was it actually seemed to have made a difference in that particular case in Mon-

tana, but then her comment was I have actually never heard about them at any other case that I have ever heard about. Now, that is just anecdotal in one region of the country, but knowing that there is limited capacity in so many places, is that the kind of thing that we should be expanding more so, the idea of a team or a trained team that comes in very quickly and collects the evidence and does so many of these things that we hear about are not there when the time comes to try to get a conviction. Just elaborate more on that kind of idea.

Mr. CARREIRO. Yes, thank you for the question. I think it is not just a combination of the surge of agents, but, really, the teamwork and task forces, and that is sort of part of the answer to the jurisdictional question, too. It is not all of them, but because the crisis we have heard around urban communities, FBI's criminal jurisdiction, unless it is some other Federal crime, but it is Indian Country jurisdiction is on those reservation lands and so often lack jurisdiction, but teaming up in a task force setting.

We are running 26 FBI-led Safe Trails Task Force which team with BIA law enforcement, also State and local. We have now assigned DEA agents to each of those just to the connection between fentanyl and human trafficking and all the vulnerabilities that lead to MMIP. We are sending DEA agents as liaisons too. We are accepting BIA agents on our task forces. There is CLEX, which are law enforcement commissioning, so federally commissioning Tribal law enforcement. Not to take credit for that, that is a BIA program. We do the training on it, though, and so we are training, I think, something like 500 officers a year for BIA's program.

I think it is not just the surging and part of the successive operation, not forgotten this year, and they ran it for last summer too, slightly fewer staff. The results not as high, but also not partnered with Missing and Murdered Unit (MMU). The collaboration with BIA with Tribal law enforcement. I mean, really, the State and local law enforcement were often, they are the ones that have the jurisdiction to prosecute these cases is incredibly important.

Ms. PINGREE. That is great. Well, thank you for that. Thank you, Mr. Chair..

Mr. ELLZEY. Thank you, Mr. Chairman. Thank you all for being here. This is an incredible day for all of us. Commissioner Kunesh, let's say today you are the Secretary of the Department of Indigenous Affairs, and you are also an attorney and—

Mr. SIMPSON. Is that all? I made her queen for the day.

Mr. ELLZEY. Did you? I was out. I am sorry. Sorry for the demotion. You have the ability to craft a bill, the cross-deputization, the who has got what. You have 30 seconds to answer. How do we craft that bill, in English, not lawyer.

Ms. KUNESH. Cross-deputization is really a marvel when it works really well and there is trust and there is respect between the different jurisdictions. It exists out there. What a bill would take, what would a bill do would focus on the shared training, the shared responsibility, the shared roles in terms of the protection, safety, prosecution, and support for justice services, I think it needs to be as explicit as that that everyone—

Mr. ELLZEY. Can it be simplified in a page?

Ms. KUNESH. [continuing]. I think it could be, and I know Bryan is a fellow law professor, put our heads together. I think so.

Mr. ELLZEY. Okay. For whomever wants to answer, the Navajo Nation put out a booklet on their requirements, and they are 27,000 square miles, 218 police when they need 600, and failing jails. It seems from 30,000 feet, not living there, that that should be a simple fix on what three of their jurisdictions do not have any law enforcement facility whatsoever. How is that? What can we do? What can they do? Public-private partners, Congress, Tribe, how do we fix that? This is probably going to one of you three. Glen has been notoriously silent today, so I do not know, so in no particular order, how do we fix it?

Mr. NEWLAND. Thank you, Congressman. I will try to speak, not speak lawyer, and just say that the council delegate from Navajo Nation mentioned a term called secretarial amount, which is when they take the BIA funding for law enforcement, that is the amount we determine that we give them. It is the cost that we would spend if we were doing it ourselves from the Bureau of Indian Affairs. We are not allowed to look at Navajo Nation and say we are under funding you by X percent so we are going to take it from another Tribe that is also getting that funding. The only way we can increase our funding to meet those needs is to lift the funding overall because the way that the Indian Self-Determination Act works is we cannot reduce one Tribe's funding to increase another Tribe's funding, and so that is a good law. I am not advocating for changing it, no. The only tool available for us to get them more money is to have Congress appropriate more money overall.

Mr. ELLZEY. Okay. It needs to be more like a block grant for new buildings and then they decide where it needs to be. Those were atrocious, 1970-built jails, 50-year-old facilities, that should be a rounding error for us to be able to accomplish. Okay. Yesterday, I was with Bruce Westerman. The Committee on Natural Resources held a wonderful hearing similar to this, and we were talking about 1 year to get background checks completed. Even if you wanted to hire your own home-based police, 1 year on the background checks, whoever is doing that needs to be fired. That is unconscionable. If I can go in cold in Texas and go purchase a weapon, and in less than 3 days, and in fact, online, I have got a mixed check, and they know my history, how on earth does it take a year? That is unconscionable, and it is certainly hurting your ability to do your jobs.

STATEMENT OF RICHARD "GLEN" MELVILLE, DEPUTY BUREAU DIRECTOR, OFFICE OF JUSTICE SERVICES AND MEMBER OF MAKAH TRIBE OF WASHINGTON

Mr. MELVILLE. Thank you, Congressman and Mr. Chairman, for having me here today. Background investigations are extremely difficult, especially in Indian Country because under 25 CFR, all Tribal law enforcement officers are supposed to have background investigation that is equal to a Federal agent, and so OPM has put out that level of security that we need. We in the Bureau of Indian Affairs, we have both top secret and secret background clearances, so those Tribal agencies are getting them at that as well.

For the Tribes, we have actually been able to do a little bit better. I have in the Bureau of Indian Affairs, Office of Justice Services a background investigation unit that the Tribes can submit their backgrounds to, and we have agents that go out and do the exact same job that OPM does through their contractor. Now, that does not take a year. That takes weeks. The big holdup on the background investigations is through OPM and their contractor, through the Department of Defense, because we are all-of-government, and all-of-government goes to OPM for their background investigations, so it is not really prioritized. It goes on to a stack of, Okay, these need to be done. We will get to them when we get to them, so we do not really have control over a government contractor for another government agency to get our background investigations done.

We have supported the BADGES Act, where it is a pilot project where I would be able to do background investigations on my own agents that I am bringing in under OJS through our background investigation unit, and just like the FBI does. The FBI does their own, DEA does their own, everybody else has to go through OPM, but I believe our people can do as good a job as any and get that and turn that time around in weeks instead of months.

Mr. ELLZEY. Okay. That is something we could work on and must be done. Let's say for the Navajo Nation, is there a line of folks on the res that are willing to serve, and then cannot because—

Mr. MELVILLE. Unfortunately, not. Law enforcement is not a very popular career to go into nowadays. It has been villainized, it has been demonized, and not a lot of people are looking up to law enforcement and going for law enforcement careers. Many other things are glamorized. You get more people want to be, do we call them, social media influencers. That is how old I am. I do not even know what that is, but more people are more interested in that than going into law enforcement. When you talk about working on Indian reservation, which is even a smaller segment of people, and when you want Indian preference, that is an even smaller segment of people that are willing to go out there and do the job. Finding those people is one of my main jobs, is trying to recruit and develop those people to help bring law enforcement services to Indian reservations.

We have instituted a youth program. It is the Youth Indian Police Academy that we hold in conjunction with the Bureau of Indian Education out of the Riverside Indian School. It is a 2-week indoctrination for kids across the Nation, ages 14 to 18. They go through 2 weeks, they hang out with our investigators, our police officers, our detention officers. We bring in other Federal agencies, Tribal agencies, we even invite the firefighters because we are trying to help out, get every service that we can involved. It has been very successful, and we are going to continue doing that so we can engage in the youth and see if we keep people interested in law enforcement again.

[Mr. Melville's Bio follows:]

**RICHARD "GLEN" MELVILLE
DEPUTY BUREAU DIRECTOR, OFFICE OF JUSTICE SERVICES
BUREAU OF INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR**

Richard "Glen" Melville, an enrolled member of Makah Tribe of Washington, is the deputy bureau director, Office of Justice Services. Melville joined the Bureau of Indian Affairs in 1997 and served a 29-year career with the bureau and Tribal law enforcement programs before retiring in 2021 as the deputy associate director for the Office of Justice Services. He returned from retirement in 2022 to lead OJS's public safety programs.

Melville began his career as a police officer with the Makah Tribe in Washington in 1995. He advanced through numerous leadership law enforcement positions with the National Park Service and Homeland Security's Coast Guard Investigative Services before continuing his career with the BIA in 2012 as the assistant agent in charge of District I in Aberdeen, South Dakota, and then special agent in charge of District VII in Portland, Oregon, before becoming the deputy associate director.

Melville has also served as the acting regional director for Great Plains Region in 2018 and the acting regional director for the Eastern Region in 2020.

Melville is a graduate of the Department of the Interior's Senior Executive Service Candidate Development Program, the Federal Law Enforcement Training Center Criminal Investigations Training Program, the Naval Criminal Investigations Service Training Program, the FBI Command College, and the Indian Police Academy.

When not working, Melville enjoys spending time outdoors hunting and fishing with his family and volunteering as a soccer coach at the local high school.

Mr. ELLZEY. [continuing]. Okay. There are 200,000 folks on the Navajo reservation, and assuming that it is half men, and then of that pool, there are 30,000 who are age and physical capable, we cannot get enough recruits. That is we got to turn that around somehow. Finally, based on the discussion we have had today on sexual assault amongst indigenous women. Is there a rape kit availability problem, coupled with law enforcement, coupled with medical clinic problems, where there is not enough available or not being processed?

Ms. KUNESH. I do not know the answer to that specific question on rape kits, but we do know from the Forensic Nurse Examiner Program that this is an intensive, extensive need to have someone in the community to do that kind of forensic medical examination of sexual assault that supports the investigation and any other services, but I don't know about the rape kit situation.

Mr. ELLZEY. Is there a cultural impediment to it to or a shame aspect to indigenous women reporting rape, either people from outside the res or within?

Ms. KUNESH. We have found in several of our survey instruments that there is a significant underreporting for many different reasons, shame or intimidation or what have you. We know from the human trafficking perspective, also, that it is woefully underreported, so the numbers that we do report probably are not accurately reflecting the true magnitude of the problems.

Mr. ELLZEY. Is there a sense that if they report, it is not going to be prosecuted anyway or investigated?

Ms. KUNESH. Yes, there is a sense of futility. We heard that from our witnesses in the first panel as well.

Mr. ELLZEY. Okay.

Ms. KUNESH. That is part of it.

Mr. ELLZEY. Thank you all for your time. I yield back.

Mr. SIMPSON. Let me just followup on that. In comparison to the white population, is it underreported, I mean, because it is underreported in the white population also. I mean, there is a sense of I do not want to deal with it and all that kind of stuff. Is it different in Indian Country?

Ms. KUNESH. I think it is, and I would invite my fellow panel members to answer that as well. Something we heard from earlier is, you are native, you do not matter, and you are not treated well, and even if you do report it hoping to get investigation and justice, it is not going to go anywhere. I think it is this, the Not Invisible Act. We do not want to be invisible anymore, and these are the things we need to do to make ourselves heard and seen and these situations addressed properly.

Mr. SIMPSON. Thanks for bringing up the issue of getting security clearances. Also, I will tell you just a short, brief story. When I became chairman of the Energy and Water Subcommittee, Angie became the clerk from it, and she had been the water person on staff. She had to get a security clearance, had to get a Q clearance because we deal with the National Nuclear Security Administration (NNSA) and a few things, year and a half. I was about ready to set my hair on fire. It is nuts how long that takes. Anyway, Mr. Edwards.

Mr. EDWARDS. Thank you, Mr. Chair. I just want to followup real quick on my friend, Representative Ellzey's, question on rape kits. I can't help but think that after hearing the testimony from the previous panel, particularly from the standpoint that there are so many crimes that are not prosecuted because there is a lack of evidence, that maybe you should know the answer to rape kit availability. That seems quite obvious to me, having dealt with this issue in North Carolina, and we should all know the answer to rape kit availability. That is the cornerstone of the evidence that would be needed for prosecution in so many cases. Mr. Newland, I think that you made a point a while ago that really, to me, encompasses the crux of the problem here, and that is when you said that we should put Tribes in the driver's seat for investigating and prosecuting the crimes, and that really was the pretense of a question I asked the previous panel. It seems to me like it would be in the best interest, and nobody would be more motivated in investigating and prosecuting these types of crimes than the Tribes who are affected most by such criminal acts.

We have heard lots of folks names mentioned here to today. I would like to put a face to a name, and that is the lady over my left shoulder here.

Mr. EDWARDS. This is Cheyenne Toineeta of the Wolftown Community of the Eastern Band of Cherokee Reservation that was murdered in Nashville, Tennessee 3 days before Christmas in 2015. She was found on the ground in front of a friend's house. After her friend helped her inside, Cheyenne said that her ribs hurt and then she became unresponsive. Police reports suggest that she may have

been injured during an altercation with a man just days before her death, and it was determined that she died of blunt force trauma to her torso. The police have investigated her death as a homicide, and as we near Christmas this year, almost 9 years later, her murder has not been solved. The Eastern Band of Cherokee Indians stepped in to offer a \$20,000 reward for any person that provides information that leads to an arrest and conviction of Cheyenne's death. The family of Cheyenne Toineeta, including her three daughters, are still mourning her loss. They have had difficulty in getting information about the investigation from local police, and it was not until Cheyenne's aunt, Brenda Toineeta, pipe stemmed justice on the Cherokee Supreme Court, contacted former Senator Bill Frist of Tennessee for help, and communication at that point improved. Cheyenne is recognized as one of 23 missing and murdered indigenous women among the Eastern Band of Cherokee Indians.

In connecting this face and this crime to your statement earlier, my question is, how might we go about putting Tribes in charge of or in the driver's seat of investigating and prosecuting such cases that are alleged to be off of Tribal boundaries?

Mr. NEWLAND. Thank you, Congressman, and thank you also for advocating for your constituents and telling the stories of the actual people who are harmed by this. By affirming Tribal jurisdiction and the ability of Tribes to take control over public safety on their own reservations, what that does is it frees up the ability of the Department of Justice, BIA's missing and murdered unit, to coordinate with other agencies off the reservation for these cases that cross over Tribal and sometimes State boundaries because what we have right now in places where there is clear Federal jurisdiction is we have U.S. attorneys, you know, effectively serving as local prosecutors and the investigation team said that support that, you know, doing local police work, and it takes away from their ability to handle these cases. This is another area where by putting the local stuff in the hands of the local government, in this case, the Tribes, like we would anywhere else, will then allow the Federal Government to do what it is really good at and what its real mission is, which is to coordinate these complex cases that go across reservation and State boundaries.

Mr. SIMPSON. Do you have anything else? Again, I want to thank you all for being here today. The one thing that, I guess not the one thing, there are a bunch of things, but the thing that kind of puzzles me here demonstrates the problem that we have in Indian Country, is that it is obvious that criminals, drug cartels, those kind of things are going to look at places where they are safest from being arrested or being caught.

We have a lot of America that is rural. It is not on reservations, just, I mean, rural Idaho or rural Montana or stuff. You find the problem on reservations because they know they do not have the same law enforcement on there, that they are less likely to get caught on the reservation than they are if they committed in Camas County, Idaho because there you are going to have private feds, the State police, the local county, everything else, and this jurisdiction issue has got to be solved. If I get arrested on the reservation for whatever, for speeding, I do not know where my re-

sponsibility is. Do I go to the Tribal court to pay my fine, or do I go to, you know, and right now that is even confusing.

I thank you all for being here. Thank you for being here for the entire testimony of the brave woman that came and testified before. We will be looking to you because I am sure we have spurred ideas among our members that about how to address this and we will be looking to you for ideas and to tell us whether these ideas make sense of things that come up. I suspect you are going to see a lot of different thoughts on this over the next year or so.

Thank you all for being here today, and this is a subject that is not going away till we fix it. Thank you all. The committee is adjourned.

[Whereupon, at 1:36 p.m., the subcommittee was adjourned.]

[Questions and answers submitted for the record follows:]

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Investigating the Crisis of Missing and Murdered Indigenous Women Hearing
November 20, 2024

Questions from Chairman Mike Simpson (ID-02)

Not Invisible Act Commission

Chairman Simpson: Commissioner Kunesh, I understand you served on the Not Invisible Act Commission tasked with developing recommendations the federal government can take to help combat violent crime against Indians and within Indian lands.

Chairman Simpson Q1: Can you talk a little about what was included in that recommendation, including the role of the Indian Health Service?

HHS Response:

HHS published a report supporting the NIAC recommendation, available at the following link: <https://www.acf.hhs.gov/sites/default/files/documents/ana/hhs-supplemental-response-to-niac.pdf>

Below are a few key highlights from the findings (see the full report for additional details):

- Recommendation I2 calls for culturally appropriate services for human trafficking survivors. In response, IHS launched the *Forensic Nursing Consultation Program* in September 2023, a five-year contract focused on training and supporting healthcare providers to become certified in forensic nursing roles.
- Recommendation B2 urges the creation of a task force to develop and implement a Holistic Health Program for BIA and Tribal law enforcement departments. IHS supports this through *Trauma-Informed Care Training* for all employees, ensuring culturally sensitive care for affected individuals.
- Recommendation A3 emphasizes the need for long-term services for survivors and families. IHS has allocated \$10 million over five years to 16 sites, offering medical forensic services and resources for those impacted by violence, including assault, abuse, and trafficking.

IHS plays a vital role in addressing the Missing and Murdered Indigenous People (MMIP) crisis, focusing on mental health and trauma in American Indian and Alaska Native communities.

HHS acknowledges its critical role in addressing violence against American Indians and Alaska Natives and providing essential supports for the prevention of violence and healing that extends to individuals, families, and whole communities.

As the federal agency responsible for enhancing the health and well-being of all Americans, HHS is committed to helping mend the wounds, prevent the violence, and support the overall health and well-being of Native people.

HHS is further committed to enhancing its coordination of services and response with tribes and our federal partners. In doing so, we recognize the responsibility to honor our Nation-to-Nation responsibility and elevate the capacity of Tribal governments by recognizing their essential roles in delivering programs and making decisions about their use of funding and resources.

Three representatives from HHS Services were designated federal Commissioners on the NIAC:

- Indian Health Service, Senior Advisor to the Director, Joshua Marshall
- Substance Abuse & Mental Health Services Administration, Director of the Office of Tribal Affairs and Policy, Captain Karen Hearod
- Commissioner of the Administration for Native Americans, Patrice H. Kunesh

In addition, HHS provided mental health support to the Commissioners and the hearing participants. This support was outside the scope of the Not Invisible Act, but a necessary and meaningful resource to individuals sharing traumatic experiences and those bearing witness.

Chairman Simpson Q2: Can you also talk about what, if any, movement you have seen since your report, and the response from DOI and DOJ, have been released?

HHS developed the [Supplemental Response to the NIAC Findings and Recommendations](#) in order to have a record of the ways HHS is taking action on the recommendations. For example, there were many recommendations related to improving the federal support for Indian child welfare services. The Administration for Children and Families (ACF) is committed to working with tribes, as well as our federal partners at the Department of the Interior and the Department of Justice to ensure effective implementation of the Indian Child Welfare Act (ICWA).

ACF recognizes that effective implementation of ICWA is critical to promoting healing by ensuring that Native children can remain connected to their families, cultures and Tribal communities.

The Children's Bureau in ACF provides funding to Tribal, State, and local agencies through grant programs that work to address issues and strengthen child and family services. The Children's Bureau also provides training, and technical assistance through funding the Capacity Building Centers for States, Courts and Tribes. ACF also provides funding resources through regional offices, to support Tribal child welfare programs, as well as grants to strengthen Tribal courts' capacity to oversee child welfare cases, and grants to strengthen State-Tribal partnerships to promote best practices in Indian child welfare.

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Investigating the Crisis of Missing and Murdered Indigenous Women Hearing
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Questions from Chairman Mike Simpson (ID-02)

Jurisdiction

Chairman Simpson: Assistant Secretary Newland or Director Melville, I understand that the complex jurisdiction rules make law enforcement difficult in Indian Country. For example, in a non-PL 280 state, if the offender is Indian, the victim is Indian, and the crime is a “Major” crime, the Federal government and the Tribal government split jurisdiction. However, if a “Non-Major” crime is committed under the same scenario, it is solely Tribal jurisdiction. Additionally, the Supreme Court’s decision in *Castro-Huerta v. Oklahoma* determined that the federal government and states have concurrent jurisdiction over non-Indians who commit crimes against Indians in Indian Country.

Chairman Simpson Q1: What can we do to limit confusion when it comes to responsibility?

Answer: Strengthen Tribal criminal jurisdiction over their own lands and reservations and empower Tribes to set the public safety agenda for their own communities.

Under the current legal framework, a strategy to really limit confusion is cross-training and cross-deputizations. Cross-training on jurisdiction with agencies in and surrounding a reservation will help law enforcement better understand the jurisdictions. Cross-deputization will allow law enforcement to take action no matter who they encounter or where they are encountered.

Recruitment and Retention

Chairman Simpson: Assistant Secretary Newland, I understand that there continues to be difficulty recruiting and retaining Tribal law enforcement officers which hampers agencies’ responses to missing persons and crimes.

Chairman Simpson Q2: What are some of the barriers that Tribal law enforcement agencies face in hiring and retaining law enforcement officers, including those agencies operating under a 638 contract and those operated by BIA?

Answer: The Bureau of Indian Affairs (BIA) and Tribes face a number of barriers to recruit and retain staff. Key factors are the remote locations of our facilities and lack of housing in these locations. Additionally, background checks can take a long time and we lose some applicants to other law enforcement agencies because their background checks take several months. Most

tribal law enforcement agencies are not able to compete with their local and state agencies when it comes to pay and benefits.

Chairman Simpson Q3: Is it solely a matter of pay and retirement benefits, or are there other recruitment issues?

Answer: Pay and benefits are critical but as the issues raised above point out there are other factors like remoteness of locations that constrict applicant pools and the length of time to complete background checks for those willing to apply. Also, it is necessary for Indian Affairs' Office of Human Capital Management to have sufficient funding to improve recruitment through higher staffing levels and improved data systems to help streamline recruitment processes.

Chairman Simpson Q4: What steps can Congress take to address some of these barriers?

Answer: I recommend that Congress strengthen Tribal jurisdiction, make progress addressing the funding shortfall identified in the Tribal Law and Order Act report, and implement policy recommendations in the Not Invisible Act Commission report. Congress could also enact the BADGES Act (118th Congress H.R. 1292/S. 465), which DOI testified to support, which would allow BIA's Office of Justice Services (OJS) to conduct their own background checks on BIA direct service law enforcement personnel.

Other specific actions Congress could take include providing additional funding for facilities improvement and repair and facility replacement as well as additional funds for recruitment and retention incentives and human capital servicing capacity, consistent with the FY 2025 President's Budget. Additional facility funding helps ensure our facilities are modern and safe and we are able to build additional housing units to support recruitment and retention. Additional funding for law enforcement programs will allow BIA to support higher levels of staffing and offer recruitment incentives such as hiring or retention bonuses. Improved recruitment and retention also requires additional human capital staffing and improved data systems to streamline the recruitment process. The FY 2025 President's budget requests an increase of about \$900,000 to enhance BIA's human capital capability.

BIA and FBI Agreement

Chairman Simpson: Director Melville, I understand that the Bureau of Indian Affairs and the Federal Bureau of Investigation have an agreement related to the administration of criminal investigations in Indian Country.

Chairman Simpson Q5: Can you tell us a bit about how this agreement has supported the work of BIA's Office of Justice Services?

Answer: The BIA-Federal Bureau of Investigation (FBI) Memorandum of Agreement (MOA) clearly outlines the resources and responsibilities of each law enforcement agency during use of force incidents, police involved shootings, and in-custody death. Before the MOA, FBI involvement was discretionary and responsibilities were not outlined. Improved partnering with

the FBI was exemplified recently in Operation Not Forgotten, conducted during June through September of 2024, in which the MMU worked jointly with the FBI with the goal of moving cases closer to resolution, providing services to victims, and bringing offenders to justice. In total, 304 cases received investigative assistance, including direct MMU assistance on five cold case murder investigations. As a result of the successful collaboration, the FBI and MMU plan on working a similar joint operation during 2025.

Questions from Chairman Tom Cole (OK-04)

Overcrowding at Correctional Facilities

Chairman Cole: Assistant Secretary Newland, I continue to hear from Tribes across the country about the lack of space for inmates at correctional facilities. I have even heard that Tribes are sending inmates to other states – I know for a fact that this is happening in my home state of Oklahoma.

Chairman Cole Q1: Can you talk a little about what the agency is doing to address the issue?

Answer: In the Tribal Law and Order Act report we estimate the annual operational needs for existing detention and corrections programs throughout Indian Country at \$284 million per year, which is well above our current funding level. Additionally, it would cost over \$400 million to replace the 12 detention facilities in poor condition that do not have full funding for replacement as of the end of FY 2024. These are the resource needs just to maintain existing detention capacity nationwide.

Under current funding levels, a key strategy is to improve our implementation of facility improvement and repair projects and facility replacement projects. Among the facilities on BIA's facility inventory, there are 14 total facilities in poor condition as of the end of FY 2024. While other facilities are not in poor condition, they need to be modernized to keep up with industry standards and provide a better environment to work in and house incarcerated individuals. In FY 2025, we will have two new fully functional facilities opened, which will increase capacity. The FY 2025 President's budget requests additional funding for facility construction to keep up with growing costs and increase the number of facility replacement projects implemented. The need for additional funds is particularly true to provide detention facilities in places where there are no BIA owned facilities such as areas impacted by the *McGirt v. Oklahoma* Supreme Court decision. The recent levels of enacted funding, including FY 2024, allows BIA to slowly make progress replacing existing facilities. For BIA to make notable progress addressing new detention center needs in places where they don't exist, a substantial funding increase would be necessary.

The Department's Office of the Assistant Secretary for Indian Affairs (Indian Affairs) is also working with Tribes on utilizing Indian Self Determination and Education Assistance Act 105(l) Tribal leases to maintain law enforcement facilities and build new ones. For example, in FY 2024 the Gila River Indian Community took out a loan to build a new law enforcement center and 105(l) Tribal lease funds will compensate them for the principal and interest for the facility.

While this particular law enforcement facility is not a detention center, it is an example of an approach that could be taken to build new detention centers and increase capacity across Indian Country. 105(l) Tribal leases are likely to increasingly become a more important tool to fund adequate law enforcement facilities if appropriated construction funding does not grow to meet the need.

Chairman Cole Q2: What additional support can Congress provide to help with corrections infrastructure?

Answer: There are three critical actions Congress can take. First, increase funding for Public Safety and Justice Facility Improvement and Replacement construction and move the Detentions and Corrections program funding level closer to that identified in the 2021 Tribal Law and Order Act report which is available at www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf. At current appropriations levels we can only fund replacement for about 1 facility per year, and there are 14 facilities in poor condition. Second, provide mandatory funding for the 105(l) Tribal lease program, as proposed in the FY 2025 President's Budget. Tribes can leverage the 105(l) Tribal lease program to build their own law enforcement facilities and maintain them. However, the growth of these legally required payments in a flat budget scenario means that supporting 105(l) Tribal leases can come at the expense of other programs like law enforcement operations if Congress does not authorize mandatory funding or sufficient discretionary increases to cover the growth in cost of 105(l) Tribal leases. Third, ensure that sufficient administrative funding is included in annual appropriations or mandatory funding for the processing of 105(l) Tribal leases. At current funding levels we only have enough funding to support a few staff to address a growing set of leases which currently exceed 800 105(l) leases annually. This has resulted in a backlog to process leases. Sufficient administrative funding is necessary to ensure that Indian Affairs can keep up with Tribal demand for 105(l) Tribal leases, in particular 105(l) leases that support Tribes' corrections facilities.

Drug Crisis

Chairman Cole: Assistant Secretary Newland, we know that addressing the Tribal drug crisis requires a more holistic approach, including improving everyday life on reservations.

Chairman Cole Q3: How will addressing the drug crisis and the prevalence of cartels across the U.S. support efforts to combat human trafficking in Indian Country?

Answer: By acknowledging that cartels exploit a dual-crisis situation with drug trafficking and human trafficking, law enforcement can target and dismantle intersecting organizations and networks, reducing the reach of traffickers and span of their organizations. Strengthening laws and policies related to traffickers and organizations engaging in interconnected activity and proposing laws targeting cartels that directly impact Indian Country are crucial. Combining efforts and enhancing collaboration between federal, Tribal, and state agencies that investigate

and enforce laws, along with an enhanced legal framework, are vital strategies to combat these dual threats effectively.

One effective example of this combined approach is the Tiwahe Initiative, which completed a five-year strategic planning process in September 2024. This strategic plan will guide the work of the Tiwahe Initiative across the fiscal years 2025-2029 which includes building a strong programmatic structure to support Tribal demonstration sites and their Tiwahe operations. Tribes receive \$7.6 million in Tiwahe Tribal Court funding and \$2.0 million in Tiwahe Healing to Wellness Court funding per year. A request for an additional \$1.9 million in Healing to Wellness Court funding was included in the FY 2025 President's Budget.

The Tiwahe Tribal Court funding supports judges, prosecutors, defenders, and other necessary court functions. This funding allows Tribal Courts to exercise sovereignty over their members in a whole host of cases including drug prosecutions, domestic violence matters, child welfare matters. This function is essential in holding Tribal drug dealers and traffickers accountable while also supporting victims.

The Tiwahe Healing to Wellness Court funding supports both cultural approaches to helping those with substance abuse disorders and providing training and technical assistance to Tribes who want to start these courts. Healing to Wellness courts provide holistic, wrap around services centered on culture and tradition to individuals with substance abuse disorders. Many individuals moving through these courts achieve sobriety, and some end up working at the healing to wellness court to provide mentorship and services. Tribes like these approaches to rehabilitation and recovery because they are flexible enough to allow Tribes to use their traditional approaches to criminality and/or addiction in their communities while achieving community safety and wellness goals.

The Tiwahe Program also funds social services, Indian Child Welfare Act services, housing, job placement and training, and recidivism reduction. The FY 2025 budget requested \$28.6 million in additional funding to further expand the Tiwahe Program. Drug crimes and substance abuse disorder are a symptom of communities unable to fully support their members. Through Tiwahe's holistic and flexible funding models, Tribes are able to design approaches to community well-being that make sense for their specific Tribal needs and are rooted in culture and tradition. During the last 10 years of the Tiwahe program, Tribes are seeing reductions in substance abuse, fewer child removals due to neglect or abuse, lower crime rates, and fewer cases of domestic violence. In addition, more people are getting jobs and moving off of government assistance and are more connected to community. By providing flexible Tiwahe funding to Tribes to support prevention and intervention services, these communities and their members are thriving.

Healing to Wellness Courts in Indian Country have proven effective in addressing the drug crises within our communities. While these courts are effective currently about 27 Tribes receive funding from BIA to support Healing to Wellness Court related activities given current appropriations levels extensive additional funding would be needed to provide access to this successful strategy to all Tribes. Healing to Wellness Courts, can serve as drug courts, and are often initiated by the tribal team members conducting extensive interviews with the participant to

identify trauma and identify needs that will combat recidivism. These interviews provide insight into family trauma history and focus on needs such as housing, employment, family issues, and legal issues etc. Further, these Courts help to braid services not only for the participant, but at times, also include the participant's extended family. Tribal justice systems which include healing to wellness courts are conducted by community members inherently familiar with traditional cultural aspects as well as knowledge of western services available to combat continued drug use. This also allows for cultural approaches in providing service, such as joining or family referrals to the Wellness program without criminal activity first.

In order to be effective best leverage Healing to Wellness programs in combatting human and drug trafficking and, it is imperative that housing issues be addressed and funded, as indicated by the request for Housing Program increases in the FY 2025 President's Budget. Furthermore, mental health and behavior health services, when provided by the Healing to Wellness Courts have proven very effective.

Tribes using some version of Healing to Wellness Courts include: Penobscot Nation, Lac Corte Oreilles Band of Lake Superior Chippewa Indians, and Yurok Tribe, all of which work with in conjunction with their State Counterparts to address reservation issues and also issues near the reservation. Confederated Salish and Kootenai Tribes (CSKT), Muscogee (Creek) Nation, and Choctaw Nation focus on meeting identified needs to combat recidivism, such as housing and back to work programs, along with behavioral health components.

The Choctaws and CSKT also provide a type of probation focused on services to assist in combating recidivism. Rather than punitive and limited conditions of release, these Tribes have a number of behavioral health, housing options as well as additional legal options to assist in creating a productive member of society.

Missing and Murdered Indigenous Women

Chairman Cole: We know the Missing and Murdered Indigenous Women crisis requires support from the federal government, states, and Tribes. It is also clear that these issues are complex and involve an in-depth understanding of Tribal governments and jurisdictions.

Chairman Cole Q4: How has your agency engaged with Tribes and law enforcement?

Answer: The BIA OJS Missing and Murdered Unit (MMU) is comprised of four regions with Special Agents who have been strategically positioned throughout Indian Country to better provide investigative services to the Tribes we serve and Tribal law enforcement programs we work with daily. The MMU has participated in numerous federal, state, Tribal, and local meetings, summits, presentations, and trainings throughout Indian Country. All of these initiatives and collaborative efforts involved the investigation of Missing and Murdered Indigenous Persons (MMIP) crisis and the investigations of Human Trafficking in Indian Country. The MMU has initiated Tribal listening sessions where the primary focus is to engage with Tribal leadership and law enforcement to conduct reviews of their unsolved missing or

murder investigations and to learn what resources they need and how MMU can better provide investigative services to address the MMIP crisis.

Chairman Cole Q5: How are you ensuring your staff are properly educated on these unique issues?

Answer: As with any strategy effective work requires maintaining strong relationships with Tribes. We start with ensuring our team develops a healthy relationship with the Tribes and Tribal members. The BIA OJS Division of Drug Enforcement (DDE) agents and officers are encouraged to enhance their focus on the emerging dual threat of human trafficking and drug trafficking. DDE agents and officers attend specialized training programs, workshops, seminars, and other continuing education opportunities to improve their investigative skills and response to continually evolving threats that they investigate. DDE agents and officers continue to increase their interagency collaboration by joining and working with new and various task forces investigating human trafficking, and participate in efforts to apply new and advanced technology and data analysis tools aimed at identifying trafficking patterns and identities of those responsible.

The Missing and Murdered Unit (MMU) is comprised of federal special agents, program analysts, victim services coordinators, and administrative personnel whose primary jobs are the analysis, investigation, and operational support of the investigation of missing, murdered, and human trafficking cases involving American Indian and Alaskan Natives. In order to address the Missing and Murdered Indigenous Person (MMIP) crisis, MMU has identified specific objectives and training needs to ensure all MMU staff have the required skills and knowledge to competently and efficiently investigate these complex cases. The MMU is also committed to the continuous improvement of the Unit to provide the best possible service to the American Indian and Alaskan Natives we serve in Indian Country.

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