



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: House Committee on Natural Resources Republican Members
From: Indian and Insular Affairs Subcommittee staff, Ken Degenfelder
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Date: Tuesday, November 14, 2023
Subject: Oversight Hearing: *“Opportunities and Challenges for Improving Public Safety in Tribal Communities”*

The Subcommittee on Indian and Insular Affairs will hold an oversight hearing titled *“Opportunities and Challenges for Improving Public Safety in Tribal Communities”* on **Tuesday, November 14, 2023, at 2:15 p.m. in 1334 Longworth House Office Building.**

Member offices are requested to notify Ransom Fox (Ransom.Fox@mail.house.gov) by 4:30pm on Monday, November 13, 2023, if their member intends to participate in the hearing.

I. KEY MESSAGES

- Adequate public safety and law enforcement in Indian country have been a long-standing issue. American Indians and Alaska Natives (AI/ANs) experience violence at a higher rate than other communities with more than four in five AI/AN adults (83 percent) reporting that they have been a victim of some form of violence in their lifetime.¹
- The ability of the Bureau of Indian Affairs (BIA) and tribal law enforcement agencies to recruit and retain qualified law enforcement and public safety personnel is strained due to a lack of parity for pay and benefits, long background check approvals, and number of qualified applicants.
- Determining jurisdiction in Indian country is complicated, which can result in loss of investigative time or a lack of information sharing depending on which governmental authority is exercising jurisdiction over a crime. This can create further complications when concurrent jurisdiction exists (i.e., where two or more governments have the authority to investigate or prosecute a crime).
- External issues that affect communities across the United States, like influxes of illegal drugs, can have an outsized impact on Indian country due to the challenges tribes already face related to issues unique to their communities. These can include the inability to prosecute some crimes because a different governmental authority has jurisdiction over a particular person or crime, or the tribal law enforcement

¹ National Institute of Justice, “Five Things About Violence Against American Indian and Alaska Native Women and Men,” U.S. Department of Justice, <https://www.ojp.gov/pdffiles1/nij/249815.pdf>.

investigation proceeds slowly because there is a lack of awareness on tribal prosecutorial authority for certain crimes.

- Hearing from tribal leaders about the successes, opportunities, and challenges in these areas will help Congress develop legislative fixes and highlight oversight opportunities that can improve public safety in Indian country.

II. WITNESSES

- **The Hon. Bryan Newland**, Assistant Secretary—Indian Affairs, U.S. Department of the Interior, Washington, DC
- **The Hon. Dustin Klatush**, Chairman, Confederated Tribes of the Chehalis Reservation, Oakville, WA
- **The Hon. Lloyd Goggles**, Chairman, Arapaho Business Council, Northern Arapaho Tribe, Ethete, WY
- **Mr. Chris Sutter**, Police Chief, Tulalip Tribes, Tulalip, WA
- **Mr. Jonodev Chaudhuri**, Ambassador, Muscogee Creek Nation, Okmulgee, OK
[*Minority witness*]

III. BACKGROUND

This hearing will focus on three areas of opportunities and challenges for public safety in tribal communities: recruitment and retention of public safety personnel for both the BIA and for tribal police departments, the complex criminal jurisdiction system that frequently overlaps tribal, local, state, and federal authorities, and how external crime trends, like human and drug trafficking, can exacerbate challenges that already exist in Indian country and tribal communities.

“Indian country” is a legal term of art that generally refers to all lands within a federal Indian reservation, all dependent Indian communities, and all tribal member allotments.² “Indian” is also a legal term of art for federal and tribal criminal jurisdictional purposes, that generally refers to an individual who is considered a member of a federally recognized tribe.³ Indian country is usually policed by federal and tribal law enforcement. However, state and local law enforcement can also exercise jurisdiction in Indian country depending on whether the state has jurisdiction over Indian country within its borders pursuant to Public Law 280 (commonly referred to as Public Law 280 or P.L. 280)⁴ or if there is a memorandum of agreement between a tribe and local law enforcement for cross deputization.⁵

The Indian Law Enforcement Act of 1990 and its implementing regulations provide the main statutory and regulatory authority for the BIA’s Office of Justice Services (OJS) to carry out law

² 18 U.S.C. §1151. For an overview discussion of types of tribal lands see: CRS “Tribal Lands: An Overview” Oct. 14, 2021. <https://www.crs.gov/reports/pdf/IF11944>.

³ Dept. of Homeland Security, Federal Law Enforcement Training Centers “Indian Law Handbook” 2nd Ed. March 2017. p. 57-58. available at: <https://www.fletc.gov/sites/default/files/2017%20Indian%20Law%20Handbook.pdf>. (hereinafter “FLETC Indian Law Handbook, 2017”)

⁴ P.L. 83-280.

⁵ Tribal Law and Policy Institute, Cooperative Agreement Database, <http://walkingoncommonground.org/state.cfm?topic=12>.

enforcement functions in Indian country.⁶ The BIA provides basic police and corrections services while other federal agencies such as the Department of Justice (DOJ), the Federal Bureau of Investigations (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) also have responsibilities to investigate crimes in Indian country.⁷

To carry out law enforcement activities, the BIA can either provide “direct” service (i.e. with federal employee law enforcement officers) or it can contract or compact with a tribe to carry out the functions the BIA would otherwise provide, pursuant to the Indian Self Determination and Education Assistance Act (ISDEAA).⁸ Tribally operated law enforcement agencies in the U.S. increased from 178 in 2008 to 234 in 2018, increasing by 32 percent in 10 years, indicating that tribes want to have more involvement in policing their lands and populations.⁹ However, Special Law Enforcement Commission (SLEC) agreements from BIA are required for tribal or local law enforcement officers to enforce federal criminal laws in Indian country.¹⁰ For Indian tribes in some regions of the country, obtaining SLEC agreements and renewing those agreements has proven administratively difficult and some tribal officers are unable to respond in certain instances.¹¹

Recruitment and Retention of Law Enforcement Officers

Both tribes and the BIA have consistently faced challenges recruiting and retaining law enforcement officers and other public safety personnel. While this has been a long-standing issue for Indian country, it is similar to current recruitment and retention challenges that other law enforcement agencies across the U.S. endure. The overall population of the U.S. has increased at a rate far exceeding the increase in law enforcement jobs contributing to the overall decline in police officer to citizen ratio.¹² There is also a shortage of individuals willing and qualified to pursue law enforcement work, with the International Association of Chiefs of Police finding that 78 percent of agencies were facing difficulties in hiring qualified individuals, 65 percent of agencies reported a lack of overall applicants, and 75 percent reported that recruiting is far more difficult now than it was even five years ago.¹³

⁶ 25 U.S.C. §2801.

⁷ “Testimony before the Senate Committee on Indian Affairs: Federal Declinations to Prosecute in Indian Country” Director William Patrick Ragsdale, Sept. 18, 2008.

⁸ 25 USC 5301 et seq.

⁹ *Tribal Crime Data Collection Activities*, 2023. DOJ. Bureau of Justice Statistics. July 2023.

<https://bjs.ojp.gov/document/tcdca23.pdf>

¹⁰ “Training Fulfills Key Requirement of Tribal Law and Order Act, Makes Tribal Police Eligible to Enforce Federal Laws.” DOI, Mar. 21, 2011 <https://www.bia.gov/as-ia/opa/online-press-release/justice-and-interior-departments-launch-national-criminal-justice>.

¹¹ “Testimony before the Senate Committee on Indian Affairs: Tribal Law and Order Reauthorization Act of 2017,” Honorable Bryan Rice, Oct. 25, 2017,

<https://www.indian.senate.gov/sites/default/files/10.25.17%20Bryan%20Rice%20Testimony.pdf>.

¹² Shelley Hyland, Full-Time Employees in Law Enforcement Agencies, 1997-2016, Statistical Brief NCJ 251762 (Bureau of Justice Statistics, August 2018), <https://www.bjs.gov/content/pub/pdf/ftelea9716.pdf>.

¹³ A Crisis for Law Enforcement. The International Association of Chiefs of Police. https://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf.

The BIA's OJS currently has a vacancy rate of 30 percent for all positions, with many of those positions being in remote locations that generally have a higher vacancy rate.¹⁴ OJS has also cited that lack of applicant pools, lack of available housing, and length of background investigations, along with the remote locations of vacant positions, all contribute to the high vacancy rate.¹⁵

In recent years, OJS has focused their efforts to increase recruiting for law enforcement positions, and plans to continue to leverage recruitment and retention incentives based on an assessed difficulty in hiring for hard to fill positions and duty locations.¹⁶ OJS cited that improved pay parity between BIA law enforcement and other federal law enforcement has resulted in improved retention of officers, and even an anecdotal report of an officer returning to OJS after moving to a different federal law enforcement agency because of the previous discrepancy of benefits and pay.¹⁷

OJS also instituted a system to keep in continuous contact with applicants as they go through background check investigations, ensuring applicants are able to effectively complete their background check application and be informed on the investigation process and timeline. Since 2019, the Defense Counterintelligence and Security Agency (DCSA) has been the lead agency on background checks and security clearances conducting around 95 percent of all background investigations for executive branch departments and agencies, including BIA.¹⁸ For OSJ applicants, the average completion time is 58 days for low risk/moderate risk investigations and 106 days for Security Clearance positions.¹⁹ For those applicants that made it through the background check investigation, but ultimately declined a job offer, the length of time for a background check was generally a factor, with some applicants choosing to take a state or local law enforcement position in part because of the shorter wait before they could begin working.²⁰

For tribal law enforcement agencies, similar challenges arise, particularly with matching benefits and pay that public safety personnel would receive at either federal, state, or local law enforcement agencies. There were 3,834 full-time sworn officers in tribally operated law enforcement agencies in 2018.²¹ Those tribal law enforcement agencies operating under a ISDEAA compact or contract receive funds that BIA would spend if the agency provided federally employed public safety personnel. Tribes then use those funds to fund their tribal law enforcement agencies, including, if they can, providing retirement and other non-salary benefits. That funding can be supplemented by non-BIA funds, but for many tribes additional funding may not be available due to fewer economic development opportunities and general lack of funding for tribal governments.

¹⁴ BIA-OJS briefing to HNR Staff. November 2, 2023.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ "Security Clearance Process: Answers to Frequently Asked Questions" CRS <https://www.crs.gov/Reports/R43216>

¹⁹ BIA-OJS briefing to HNR Staff. November 2, 2023.

²⁰ *Id.*

²¹ "Tribal Law Enforcement in the United States, 2018" Bureau of Justice Statistics, <https://bjs.ojp.gov/library/publications/tribal-law-enforcement-united-states-2018>.

For example, the Confederated Tribes of the Chehalis Reservation have cited that they are able to provide competitive pay but cannot compete with federal benefits that are provided to BIA or other federal law enforcement personnel. The Chehalis tribe has experienced situations where newly trained new officers will depart as they are then generally qualified to work for a federal law enforcement agency that can offer better benefits. This results in high turnover for the Chehalis Tribal Public Safety Department, which impacts the community at large.²²

Congress should consider ways to improve recruitment and retention by reviewing incentives available for other federal law enforcement agencies that could be applied to the BIA. Congress could also allow tribal law enforcement officers to enforce federal law in Indian country without a SLEC, if they meet certain requirements, and allow tribal law enforcement officers access to federal benefits if they are acting as law enforcement officers. These last two ideas are goals of the Parity for Tribal Law Enforcement Act, introduced by Rep. Newhouse (R-WA).²³

Congress should also continue oversight of policies that may lengthen the amount of time it takes to hire law enforcement officers and public safety support staff. This could include conducting oversight of the current background check system and examining efficiencies that can be brought to the system. Congress may also consider supporting efforts to establish early education opportunities for AI/AN youth on law enforcement careers and focus on Indian preference and recruitment strategies that support and encourage tribal members to work and police in their home communities.

Determining Jurisdiction and Challenges for Local, State, Federal, and Tribal Authorities

Jurisdiction over crimes committed in Indian country varies by the type and seriousness of the crime, whether the offender or victim is an Indian or non-Indian, and the location of the offense. This can be further complicated by concurrent jurisdiction exercised by federal, state, local, or tribal criminal justice agencies, depending on what statutes or court decisions apply in the area.²⁴

Both Congress and the courts have acted to define which government authority has jurisdiction in Indian country. Congress has plenary power over Indian affairs²⁵ and legislates under that authority.²⁶ U.S. federal courts have supplemented and interpreted Congress's actions or inactions in specific cases as they have emerged.²⁷ The legal definitions of "Indian country" and "Indian" mentioned previously, assist in determining which entity—state or local, tribal, or federal—can exercise jurisdiction, either exclusively or concurrently, when a criminal offense involve tribes, tribal members, tribal lands, and non-Indians. This determination can become

²² Meetings with HNR Staff and Confederated Tribes of the Chehalis Reservation leadership.

²³ H.R. 4524 in the 118th Congress, available at: <https://www.congress.gov/bill/118th-congress/house-bill/4524>

²⁴ Bureau of Justice Statistics. <https://bjs.ojp.gov/topics/tribal-crime-and-justice#:~:text=Crimes%20committed%20in%20Indian%20country%20among%20AIANs%20may%20be%20subject,280>.

²⁵ U.S. Const. Art. I, Sec. 8 and Art. II, Sec. 2.

²⁶ "American Indian Law: A Beginner's Guide" Legislation, <https://guides.loc.gov/american-indian-law/Legislation>.

²⁷ "American Indian Law: A Beginner's Guide" Court Cases, <https://guides.loc.gov/american-indian-law/Cases>.

very technical, as shown by the Indian Country Jurisdictional Chart maintained by the DOJ to provide clarity to their department personnel as well as key parties.²⁸

In 1832, the Supreme Court held in *Worcester v. Georgia* that state law did not have force in Indian country.²⁹ Subsequently, Congress passed the *General Crimes Act* in 1817³⁰ and the *Major Crimes Act* in 1885³¹ establishing federal jurisdiction in Indian country and enabling federal law to apply in Indian country and to Indians. In general, tribal jurisdiction operates concurrently with federal jurisdiction, unless Congress (or the courts) have changed or preempted it.

The Supreme Court has narrowed the general grants of federal and tribal jurisdiction over time. The Court has held that states have exclusive jurisdiction over crimes in Indian country involving non-Indians as both the perpetrator and the victim³² and that tribal courts do not have criminal jurisdiction over non-Indian offenders.³³ However, Congress has allowed tribes to exercise jurisdiction over non-Indian offenders since *Oliphant* for certain crimes. For example, under the 2022 reauthorization of the *Violence Against Women Act* (VAWA).³⁴ Generally, Congress requires that tribal courts protect certain due process rights for tribal jurisdiction to be extended to non-Indians.³⁵

Congress has also granted certain states criminal jurisdiction in Indian country within their state borders through Public Law 83-280, passed by Congress in 1953. Under P.L. 280, several states (Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin) were required to assume jurisdiction over crimes occurring in Indian country, with some exceptions, meaning that the state's law and jurisdiction would prevail, unless the crime involved only Indians within a tribe's reservation.³⁶

Since Congress has turned to support policies encouraging tribal self-determination starting in the 1970s, Congress has acted to expand the ability of tribes to exercise jurisdiction over certain crimes and with certain requirements. In 2010, Congress passed the *Tribal Law and Order Act*³⁷ (TLOA), which aimed to enhance tribal authority to prosecute and punish criminals, expand efforts to recruit, train and keep BIA and tribal law enforcement, and provide BIA and tribal police officers with greater access to criminal information sharing databases.³⁸ DOJ has

²⁸ Department of Justice. Indian Country Criminal Jurisdiction Chart. October 2022. https://www.justice.gov/d9/pages/attachments/2020/08/10/indian_country_criminal_jurisdictional_chart_-_october_2022_version.pdf.

²⁹ *Castro-Huerta*, Slip. Op. at 5 (quoting *Worcester v. Georgia*, 6 Pet. 515, 516. (1832)).

³⁰ 18 U.S.C. 1152 (also called the *Indian Country Crimes Act*).

³¹ 18 U.S.C. 1153.

³² *United States v. McBratney*, 104 U.S. 621 (1881).

³³ *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).

³⁴ P.L. 117-103, Division W “Violence Against Women Act Reauthorization of 2022” Sec. 804. VAWA grants tribal courts jurisdiction over non-Indian offenders for under certain covered crimes, like domestic violence, child violence, and stalking.

³⁵ P.L. 90-284, Sec. 202 (amended through P.L. 117-103 (2022)), requiring certain protections of rights be applied by tribes exercising self-government.

³⁶ FLETC Indian Law Handbook, 2017. p. 66.

³⁷ P.L. 111-211.

³⁸ “Tribal Law and Order Act” DOJ, <https://www.justice.gov/tribal/tribal-law-and-order-act>.

continued to be engaged and coordinate resources on these issues, especially with recent legislation passed in the 116th Congress to address the Missing and Murdered Indigenous Persons (MMIP) crisis.³⁹

Most recently, the Supreme Court again in Indian jurisdictional litigation, holding in *Oklahoma v. Castro-Huerta*⁴⁰ in 2022, that states have inherent criminal jurisdiction over non-Indians that committed crimes against Indians within their state territory (including in Indian country within the state's borders), except where such jurisdiction is preempted by 1) federal law, or 2) the interests of tribal self-government.⁴¹ While *Castro-Huerta* had a primary impact in eastern Oklahoma, the case itself and the further litigation related to the decision highlights the challenges of investigating and prosecuting crimes in Indian country when jurisdictional lines are not clear or change over time because of federal policy changes.

Lack of clarity over jurisdiction can impact law enforcement officers responding to calls in and near Indian country. Officers must ask questions about who can make an arrest and under what governmental authority, along with who should collect evidence and how will the chain of custody be maintained, particularly if the prosecuting jurisdiction is determined to be different than the responding or investigating law enforcement entity.⁴²

The relationships between jurisdictions also impact the ability to share information between tribal and local or state law enforcement agencies. In locations where intergovernmental recognition of authority has occurred, the rates of arrests, confidence in public safety, and interdiction of crime have increased.⁴³ Additionally, in areas where intergovernmental has ended or deteriorated, the tribal lands were seen as a "safe harbor" for illegal drug activities, as seen by the Mille Lacs Band of Ojibwe after a cooperative law enforcement agreement between the tribe and the county was ended in 2016, before being reinstated in 2018.⁴⁴

While it is not the federal government's role to force cooperation between jurisdictions, highlighting successes and considering what incentives can be provided to encourage information sharing, collaboration, and cooperation would likely lead to better outcomes in tribal and local communities.⁴⁵

³⁹ "About DOJ Efforts to Address MMIP" DOJ, <https://www.justice.gov/tribal/mmip/about>. Both Not Invisible Act (P.L. 116-166) and Savanna's Law (P.L. 116-165) are cited as being implemented by DOJ.

⁴⁰ *Oklahoma v. Castro-Huerta*, 597 U.S. ____ (2022).

⁴¹ *Oklahoma v. Castro-Huerta*, 597 U.S. ____ (2022). Slip Op. at 21-22, available at https://www.supremecourt.gov/opinions/21pdf/21-429_8o6a.pdf.

⁴² Indian Law and Order Commission. "A Roadmap for Making Native America Safer: Report to the President and Congress of the United States," at 7 November 2013, https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf (hereinafter A Roadmap for Making Native America Safer).

⁴³ A Roadmap for Making Native America Safer at 99.

⁴⁴ "Lack of agreement between Mille Lacs Band county leaves tribal offices without policing power," <https://www.mprnews.org/story/2017/10/10/lack-of-agreement-between-mille-lacs-band-county-leaves-tribal-officers-without-policing>; and meeting with HNR Staff and Mille Lacs Chairwoman Melanie Benjamin, 11.06.23

⁴⁵ A Roadmap for Making Native America Safer at 99.

External Crime Trends Affecting Policing in Tribal Communities and Indian Country

Similar to the challenges of recruitment and retention of law enforcement personnel, the types of crimes and community issues that tribal and BIA law enforcement encounter are also generally similar to what other communities across the U.S. encounter. Human trafficking, drug trafficking and sales, and domestic violence are issues facing tribal communities. These issues can be exacerbated by under policing from a lack of law enforcement officers affected by recruitment and retention and jurisdictional challenges.

What is not similar is the outsized experience of crime or violence that AI/ANs experience, compared to non-AI/ANs. More than four in five American Indian and Alaska Native adults (83 percent) have been the victim of some form of violence in their lifetime, equating to roughly 3 million people who have experienced a form of violence.⁴⁶ The victimization rate over the lifetime of an AI/AN woman is 1.2 times higher than that of a white woman, and 1.3 times as likely for men.⁴⁷ AI/ANs are also more likely to face violence at the hands of a non-AI/AN offender rather than from an AI/AN offender.⁴⁸ The 2013 and 2022 VAWA reauthorizations expanded tribal authority regarding prosecution and sentencing related to crimes against women to address some of these issues.

Opioid use has also had an impact in Indian country and has been well documented. In 2021, the opioid-related overdose mortality rate for AI/ANs was 38.7 deaths per 100,000 which was higher than the national average of 20.1 deaths per 100,000.⁴⁹ Among the three waves of opioid overdose deaths as defined by the Albuquerque Area Southwest Tribal Epidemiology Center, synthetic opioids, like fentanyl, have increased exponentially from 1.2 deaths per 100,000 in 2013 to 33.6 deaths per 100,000 in 2021.⁵⁰

As tribes seek to address these issues through tribal law enforcement agencies, tribal courts, and other programs, they have faced challenges and roadblocks because of their tribal status. For example, the Tulalip Tribes has faced challenges to obtain information requested by tribal law enforcement from social media companies for MMIP related investigations. According to the tribe, Facebook has not responded to several warrants or requests for information from the Tulalip Tribes but has responded when Tulalip Tribe's law enforcement has worked with local law enforcement to get that information.⁵¹

Another example related to the opioid crisis is the Mille Lacs Band of Ojibwe court battle with Mille Lacs County in Minnesota after the county terminated its cooperative law enforcement agreement with the tribe in 2016, resulting in tribal law enforcement officers being unable to

⁴⁶ National Institute of Justice, "Five Things About Violence Against American Indian and Alaska Native Women and Men," U.S. Department of Justice, <https://www.ojp.gov/pdffiles1/nij/249815.pdf>

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Albuquerque Area Southwest Tribal Epidemiology Center, "The Opioid Crisis" at 1. https://www.aastec.net/wp-content/uploads/2023/04/Opioids_Impact_Fact_Sheet_8.5x11_2023.pdf.

⁵⁰ *Id.* at 2.

⁵¹ HNR Staff conversation with Tulalip Tribes counsel, Nov. 6, 2023.

enforce state law.⁵² A new cooperative agreement was signed in 2018, but the lawsuit and disagreement over the tribe’s reservation boundary is still exists.⁵³ During the time without a cooperative agreement, the tribal lands were seen as a “safe harbor” for illegal drug activities, with tribal leaders and tribal members seeing an increase of illegal drug use and drug trafficking within their community that still is being dealt with.⁵⁴ The chief executive of the tribe, Melanie Benjamin, relayed a story that the tribe discovered one of the Department of Housing and Urban Development houses on the reservation was housing non-native drug dealers, giving them unfettered access to the community.⁵⁵

There remains an opportunity to improve collaboration and coordination of cross-jurisdictional investigation resources and information sharing between law enforcement agencies. This was detailed in a report by the Not Invisible Act Commission.⁵⁶ This past year, tribes in Washington State held their first Tribal Opioid/Fentanyl Summit bringing together tribal, state, and local governments and stakeholder to discuss the issues, and Tulalip Tribes hosted the 2023 National Tribal Opioid Summit for tribes from across the U.S. to do the same.

House Republicans, including this committee, have worked to showcase the growing drug issues related to the Biden administration’s failure to secure the southern border.⁵⁷ Drug use and drug related crimes are issues of high concern for tribes, and the failure to secure the border affects the flow of illicit drugs into the United States and tribal communities. Customs and Border Control reported seizures of 25,500 pounds of fentanyl from October 2022 to August 2023, an 800 percent increase from Fiscal Year 2019. This equates to enough fentanyl to kill roughly 11.6 billion people, or enough to kill the entire U.S. population 35 times over.⁵⁸

⁵² “Mille Lacs tribe, county at odds over law enforcement deal and boundaries,” <https://www.mprnews.org/story/2016/06/30/mille-lacs-band-objibwe-denounces-county-ending-law-enforcement-deal>.

⁵³ “Federal judge rules Mille Lacs County illegally restricted tribe’s policing powers on reservation,” <https://www.mprnews.org/story/2023/01/13/judge-rules-mille-lacs-county-illegally-restricted-tribes-policing-powers-on-reservation>.

⁵⁴ “Lack of agreement between Mille Lacs Band county leaves tribal offices without policing power,” <https://www.mprnews.org/story/2017/10/10/lack-of-agreement-between-mille-lacs-band-county-leaves-tribal-officers-without-policing>; and Conversation with HNR Staff and Mille Lacs Chairwoman Melanie Benjamin, 11.06.23.

⁵⁵ Conversation with HNR Staff and Mille Lacs Chairwoman Melanie Benjamin, 11.06.23.

⁵⁶ “Not One More: Findings and Recommendations of the Not Invisible Act Commission” at 15-16. https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf.

⁵⁷ The House Homeland Security Committee held a subcommittee on Border Security and Enforcement hearing entitled, “Protecting the U.S. Homeland: Fighting the Flow of Fentanyl from the Southwest Border” <https://homeland.house.gov/2023/07/11/tomorrow-at-2pm-subcommittee-hearing-on-fighting-the-flow-of-fentanyl-from-the-southwest-border/>. The House Committee on Natural Resources has also held several hearings on border issues, including: Oversight Hearing titled, “Securing Our Border, Saving Our National Parks,” (<https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414953>); Legislative Hearing on H.R. 1727, H.R. 5283, H.R. ___ (Rep. Tiffany), “Trash Reduction And Suppressing Harm from Environmental Degradation (TRASHED) at the Border Act and H.R. ___ (Rep. Westerman), “Ensuring Border Access and Protection on Federal Land Act”; <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414965>.

⁵⁸ 4 CBP, “CBP Releases August 2023 Monthly Update,” September 22, 2023, <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-august-2023-monthly-update#:~:text=In%20August%202023%2C%20the%20U.S.,Title%2042%20has%20significantly%20decreased>.

Congress must continue its oversight work regarding drug and human trafficking, as well as provide further resources for MMIP taskforces and initiatives. Since several different federal agencies are working on these issues with many different tribal, state, and local law enforcement agencies, further oversight of the implementation of these initiatives is warranted. Congress can do this by looking at what further incentives can be provided to encourage multijurisdictional cooperation, while identifying and removing barriers to information sharing for law enforcement agencies.