



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 06 2020

The Honorable Ruben Gallego
Chairman, Subcommittee for Indigenous Peoples
of the United States
Natural Resources Committee
United States House of Representatives
Washington, DC 20515

Dear Chairman Gallego:

Enclosed are responses to the follow-up questions from the September 11, 2019, oversight hearing entitled "Reviewing the Trump Administration's Approach to the Missing and Murdered Indigenous Women (MMIW) Crisis" before your Subcommittee. These responses were prepared by the Bureau of Indian Affairs.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

Cole Rojewski
Director
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Paul Cook
Ranking Member

Questions for the Record
House Natural Resources
Subcommittee for Indigenous Peoples of the United States
Oversight Hearing entitled “Reviewing the Trump Administration’s
Approach to the Missing and Murdered Indigenous Women (MMIW) Crisis.”
September 11, 2019

Questions from Chairman Ruben Gallego

In your testimony, you mention that gaps in data pose great obstacles to Murdered and Missing Indigenous Women (MMIW) investigations and that the alleviation of such gaps remains of importance to BIA.

Question 1: What initiatives has your agency undertaken to alleviate the gaps in MMIW data?

Response: The Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) works with federal, state, local and tribal law enforcement agencies to ensure that missing persons reports and unidentified deceased persons reports are made to the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Systems (CJIS), National Crime Information Center (NCIC). The FBI CJIS databases are the official location where law enforcement officers across the nation enter these records. Under federal law, reports of persons under the age of 21 who go missing are entered within 2 hours of receipt of the information.

BIA OJS collects monthly crime statistics from Tribal and BIA law enforcement programs and submits the information to the FBI each quarter. The information collected is specific to the data required for the FBI Uniform Crime Report (UCR) (which collects information on eight crimes, Part I offenses (one of which is murder and nonnegligent homicide)), is very limited. That data collection is not case specific and thus is not of assistance in solving crimes, but rather is instructive to amounts and types of a limited number of crimes. UCR is also transitioning to the National Incident-Based Reporting System (NIBRS), which is an Incident-based reporting system to more closely drill down on specifics with regard to crime details.

BIA OJS has partnered with the Department of Justice (DOJ) National Missing and Unidentified Persons System (NamUs), a program of the National Institute of Justice, to create new data fields in their system to specifically capture tribal enrollment or affiliation of missing indigenous persons and where an indigenous person went missing (e.g., tribal land). The new fields were implemented and went live in late February 2019. These additional data fields will assist law enforcement agencies across jurisdictions with tracking and investigating missing persons throughout the country.

Additionally, BIA OJS will work with Tribal law enforcement programs to capture and report missing persons and domestic violence data in their monthly crime statistics. While BIA OJS homicide investigations are thoroughly documented, BIA OJS has developed a policy and worked to enhance our internal records management capabilities to ensure more data are collected specifically on missing persons cases.

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Question 2: Please provide any timelines that outline these initiatives to this Committee.

Response: Submission of crime statistics to the FBI UCR is ongoing. BIA OJS continues working with the NamUs staff on Indian Country statistics to enhance the system to aid Indian Country public safety. Work with Tribal law enforcement programs is ongoing.

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Questions from Representative Raúl Grijalva

Recently, it has been publicized that the Trump Administration hosted a roundtable discussion on the theme of “Reclaiming Our Native Communities” with tribal stakeholders. In BIA’s testimony you acknowledge these discussions and note that the roundtable occurred in Sacaton, Arizona last May. However, DOI’s online press release states that the discussion occurred in Sacaton, Arizona on June 11th. Representatives from BIA and ANA were both present at the “Reclaiming Our Native Communities” discussion, however it remains unclear how many of these discussions occurred—as evidenced by these date discrepancies—and what was established at them.

Question 1: Please provide a read-out, transcript, notes and list of participants from this roundtable to this Committee.

Response: The roundtable was a closed meeting, therefore a read-out, transcript or notes are not available.

Departmental leadership, the Office of Intergovernmental Affairs, the Department of Health and Human Services, and the Administration for Native Americans, the Department of Justice, Tribal leaders, stakeholders and advocates participated in the roundtable.

Question 2: Will the information or notes collected from this listening session be made public?

Response: As law enforcement operations were discussed at the roundtable, information or notes will not be publicly available.

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Questions from Rep. Haaland

BIA’s Office of Justice Services (OJS) reports different data to both FBI and the National Institute of Justice’s (NIJ) crime databases—violent crimes resulting in death get sent over to the FBI, while missing persons data are sent to NIJ. This sounds awfully inefficient and difficult to navigate.

Question 1: Has BIA considered proposing and/or supporting the establishment of a single database for MMIW cases?

Response: Missing persons cases and murder cases are separated for the purpose of where the information is reported. For missing persons, the FBI CJIS NCIC contains a crime database in which missing persons are currently reported by law enforcement across the nation and tracked, including removal of the entry once a person is located. It is called the Missing Persons file, and contains law enforcement reports on missing persons, including their age, gender, and ethnicity. This file is for law enforcement use, and CJIS is required to issue a report every year which details general numbers about the reports.

In addition, BIA OJS also works with NamUs, which is a database of long-term missing persons and unidentified remains cases, and it has both a law enforcement side and a public-facing side; it is not a crime database. The NamUs system was developed specifically to capture missing and unidentified person information, but also has many other features such as interaction with the public and DNA services.

Murder case information is reported to FBI CJIS through the UCR/NIBRS collection of information, as well as when an arrest is made.

Question 2: Has BIA done any work towards this?

Response: Given that both FBI CJIS and NamUs currently have missing persons databases which serve different uses, establishing a third database would not improve investigations. Ensuring that federal, state, local and tribal law enforcement enter every report of a missing person into the FBI CJIS Missing Persons file, and into NamUs if the case is not closed within thirty days, would be the best way to ensure that missing persons are reported and tracked.

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Question 3: How can Congress help consolidate this information to get more accurate data?

Response: More accurate data could be compiled if Tribal law enforcement programs receiving federal funding were required to submit monthly reports for both crime and missing persons. Although the FBI has granted NCIC access to multiple law enforcement components within the BIA OJS, BIA OJS would benefit with access to all FBI Indian Country case files to assist in its review and prioritization of active cold cases.

Question 4: You mentioned during your testimony that your agency is looking into working on and reopening cold cases regarding MMIW. How many cold cases exist? If an exact answer isn’t feasible, how many cold cases do you/your agency estimate to exist?

Response: Cold cases span both cold murder cases and cold missing persons cases across multiple agencies, so BIA OJS cannot provide an exact answer.

Question 5: How many years back do these cases span to be considered a “cold case?”

Response: There is no universal time period defining a cold case, and the matter may be different for a murder case versus a missing persons case. Some Indian Country cold cases could go back more than 20 years.

Question 6: What level of priority do these cases receive compared to more recent cases?

Response: Prioritizing occurs with all cases and depends upon several factors including available resources, specific facts of each case and the level of solvability. Since BIA OJS does not currently have a team of agents specifically designated to work cold cases, cold cases are investigated with existing resources.

Question 7: Are additional agency resources or other sources of funding available to help with these cold case investigations? If not, where can such resources come from to aid in these cold cases?

Response: In FY 2020, one million dollars was appropriated to solve Missing and Murdered Indigenous Women cold cases.

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Question 8: In October 2018, the Office of Justice Services offered information about its work on sexual and domestic violence in Indian country under the “Victim Assistance” tab. This information is no longer available online and was replaced with DOJ, HHS, and State Department links. To note, the Administration for Native Americans (ANA) is a much smaller department than BIA and they’ve already released online resources regarding the MMIW crisis. Why has this information been taken down/deleted from your agency’s website within the last year?

Response: The “Victim Assistance” webpage was not taken down or deleted from the BIA OJS website. It remains at: <https://www.bia.gov/bia/ojs/victim-assistance>.

Question 9: Does BIA plan to provide online resources for the MMIW crisis?

Response: BIA OJS is researching resource options to assist law enforcement with collecting intelligence or eliciting tips, such as tip lines, to help solve these cases.

Question 10: Will BIA release the information generated from its listening sessions to the public?

Response: As law enforcement operations were discussed at the listening sessions, information will not be publicly available.

Question 11: As a general matter, emergency response training for tribal police department officers is needed to decrease officer response time to MMIW cases and to address the inflated levels of violence/domestic violence on reservations. Additional safety measures like the installation of surveillance cameras in areas of high crime/gang activity and the expansion of patrol vehicle units also disincentivize the continuation of these crimes. Is BIA working on preventative measures similarly to those described above to reduce crime on reservations?

Response: BIA OJS continues to work on strategies to reduce violent crime on reservations. BIA OJS has a Program Analyst in each District office who uses crime statistics received from Indian Country law enforcement programs to develop and update crime reduction plans for every BIA OJS law enforcement program. These crime reduction plans assist the agency managers in identifying crime trends and allocating resources to areas where crimes are occurring.

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Question 12: What is BIA’s funding priority related to these preventative measures?

Response: BIA prioritizes public safety and justice funding to performing all public safety functions, to include preventative measures.

**Question 13: What is BIA’s funding priority and distribution for law enforcement?
How are these amounts calculated? And, how do they compare to tribally-owned law
enforcement?**

Response: All new funding received by the BIA OJS is allocated to all eligible BIA and Tribally contracted/compact programs currently funded under OJS through our OJS funding methodology. The funding methodology includes numerous factors such as: 1) Violent Crime Rates; 2) Staffing levels/shortages by standard parity ratio; 3) Size – land base/trust acres to be patrolled/serviced or location – proximity to other detention facilities for transport; and 4) Recorded prevalence of drugs/gang activity. This funding methodology allows every eligible tribal law enforcement program to receive an equitable share of the new funding as it relates to their program demographics.



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AUG 05 2020

The Honorable John Hoeven
Chairman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Hoeven:

Enclosed are responses to the follow-up questions from the March 4, 2020, legislative hearing to receive testimony on S. 2610 & S. 2891 before your Committee. These responses were prepared by the U.S. Fish & Wildlife Service.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

Cole Rojewski
Director
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Tom Udall
Vice Chairman

Questions from Vice Chairman Udall

Question 1: Please provide a list of Tribes who have received funding for wildlife corridors in the last five years out of U.S. FWS' Tribal wildlife grants program, along with a brief summary of each project.

Response: The requested information is not compiled.

Question 2: Please provide an update on the implementation of Secretarial Order 3362 and discuss efforts to collaborate or work cooperatively with Tribal wildlife agencies as part of that implementation.

Response: Secretarial Order 3362 (Order) was signed in February 2018, and a Coordinator was hired in May 2018. In less than two years, the Department has made considerable progress working cooperatively and collaboratively with eleven State fish and wildlife agencies. In the first year of implementation, the Department developed State Action Plans based on information provided by the eleven respective States. These plans were updated in year two with new information and analysis. The Department has provided funding and technical support to help the States gather data to identify big game migration corridors or winter range areas. The Department has also provided funding, through an internal and external grant process, for habitat projects within the migration corridors or winter range areas.

If Tribal land is identified within one of the State-defined priority migration corridors or winter range areas, those lands are eligible for project support under the Order. Partners, including Tribes, State agencies, non-profit organizations, then develop projects within these priority areas to address the needs identified in the State Action Plans.

Question 3: Has climate change played any role in reducing the quantity or quality of big-game winter range and migration corridor habitat on federal lands under the management jurisdiction of the Department of the Interior? If so, how can wildlife corridor protection help to address the effects of climate change on wildlife?

Response: Of the States that have completed the process for identifying their priority big game migration corridors and winter range areas pursuant to Secretarial Order 3362 none have noted climate change as a direct risk factor.

Question 4: Has the U.S. Fish and Wildlife Service observed any benefits of wildlife corridors in the protection of endangered or threatened wildlife?

Response: Yes, since habitat loss is one of the key factors affecting a majority of endangered or threatened species, connecting areas of suitable habitat is beneficial to many listed species. For example, the Recovery Plan for the Eastern Indigo Snake (2019), a federally threatened species, lists protection of habitat as the number one recovery action for the species, particularly where it provides connectivity between populations. Utilizing authority under the Cooperative Endangered Species Conservation Program, the Service recently approved a Recovery Land Acquisition grant to help connect tracts of suitable habitat for the eastern indigo snake, gopher tortoise (a candidate species), and other species along the Canoochee River in Bryan County, GA. The parcel provides a connected, protected corridor of habitat suitable for eastern indigo snakes, gopher tortoises, and other high-priority species associated with this ecosystem.

Question 5: How would the *Tribal Wildlife Corridor Act* support current and future efforts to protect wildlife corridors on state and federal lands?

Response: S. 2891, the Tribal Wildlife Corridors Act, would allow Tribes to nominate a habitat corridor for fish, wildlife, or plants on Indian land to be designated as a “Tribal Wildlife Corridor.” This designation would further enable Tribes to consult with the Department and coordinate with the U.S. Forest Service to improve habitat connectivity between the Tribal Wildlife Corridor and federal public lands. The legislation would complement existing efforts of the Department and the U.S. Fish and Wildlife Service to protect wildlife corridors, including Secretarial Order 3362, to improve habitat quality in western big game winter range and migration corridors for pronghorn, elk, and mule deer; the North American Waterfowl Management Plan and migratory bird joint ventures, which are partnerships to conserve birds and habitats within certain geographic areas; Neotropical Migratory Bird Conservation Act grants, which conserve migratory bird habitat on a continental scale; and the National Fish Passage Program, which works with partners to improve fish habitat, remove barriers to fish movement, and reconnect aquatic habitats.