BIDEN'S BORDER CRISIS: EXAMINING EFFORTS TO COMBAT INTERNATIONAL CRIMINAL CARTELS AND STOP ILLEGAL DRUG TRAFFICKING TARGETING INDIAN COUNTRY

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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OVERSIGHT HEARING ON BIDEN'S BORDER CRISIS: EXAMINING EFFORTS TO COMBAT INTERNATIONAL CRIMINAL CARTELS AND STOP ILLEGAL DRUG TRAFFICKING TARGETING INDIAN COUNTRY

Tuesday, June 4, 2024
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 2:07 p.m. in Room 1324, Longworth House Office Building, Hon. Paul Gosar [Chairman of the Subcommittee] presiding.

Present: Representatives Gosar, Rosendale, Collins, Westerman, Hageman, Crane, Bentz; and Stansbury.

Dr. GOSAR. The Subcommittee on Oversight will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on Biden's border crisis, examining the efforts to combat international criminal cartels and stop illegal drug trafficking targeting Indian Country.

Under Committee Rule 4(f), any oral opening statements at the hearing are limited to the Chairman and the Ranking Minority Member. I, therefore, ask unanimous consent that all other Members' statements will be part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I ask unanimous consent that the following Members be allowed to sit and participate in today's hearing: the gentleman from Oregon, Mr. Bentz; the gentleman from Alabama, Mr. Carl; the gentlewoman from Wyoming, Ms. Hageman; and the gentleman from Arizona, Mr. Crane.

Without objection, so ordered.

I now recognize myself for my opening statement.

STATEMENT OF THE HON. PAUL GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Dr. GOSAR. First of all, I would like to take a moment and give a very special thanks to our witnesses for coming before the Committee today.

A few months ago, before this very Subcommittee, tribal leaders bravely spoke about death threats, yes, death threats, they received from the international criminal cartels. Tribal leaders received death threats for daring to testify in front of Congress about the very real dangers their constituents are facing on a daily basis because of the cartel activity present in their communities.

Let that sink in for just a moment. International criminal cartels, not something you read about in the paper, not actors in movies, are actually threatening American citizens for testifying before Congress. The threat is real, and it is ongoing. It is imperative that we continue this conversation and move forward with some solutions.

Today, we will discuss how law enforcement is currently working with these tribes to focus on these threats, and better understand the opportunities for improving interagency communications and operations in the future.

I do want to mention that both the FBI and the Department of Homeland Security were invited to testify today, and both agencies declined. While I would have preferred to hear from them in person, as their presence is key to resolving this matter, it is my understanding they are offering briefings in the near future. Without cooperation between the tribes and these agencies, it will be nearly impossible to move forward.

During our last hearing, President Jeffrey Stiffarm of Fort Belknap Indian Community stated, "One thing you really seem to overlook all the time are the threats, death threats we get from the cartel members. The threat of the cartels is real for our tribal communities, and it is imperative that we work to address it." However, the Biden administration has presented a seismic challenge to addressing the issue at the border. From Day 1, the Administration has rolled back Trump administration policies such as Remain in Mexico, and allowed for open border policies to resume.

Since President Biden assumed office, the Border Patrol has lost a quarter of its workforce. This can be at least partially attributed to President Biden's catch-and-release policy, which allows illegal immigrants to remain in the United States while they await processing.

The reduction in CBP agents exacerbates the border crisis, allowing the influence of the international criminal cartel activity to flourish nationwide. They have moved from a southern border nuisance to a nationwide pandemic, targeting tribal communities who can least afford to fight the scourge.

Aside from the Biden administration's lax immigration policies, this crisis is intensified by the jurisdictional confusion among law enforcement agencies. During the prior hearing, the Committee received alarming information regarding the working relationship between the tribes and law enforcement.

President Stiffarm informed the Committee that on one occasion he spoke with the FBI agents patrolling the reservation. Reportedly, agents assigned to the area were unable to identify the tribes they were actually working for. During his testimony, he mentioned the lack of assistance from Federal agencies such as the FBI, DEA, BIA, and the Border Patrol. According to this testimony, the lack of communication and cooperation among entities is one of the key reasons cartels target tribal lands.

Simply put, they know the laws won't be enforced, and they can simply over-run by some sheer force.

Jurisdiction in Indian Country is exercised by Federal, state, local, and sometimes tribal criminal justice agencies, depending on

the crime and the local agreements. However, different laws, rules, and court cases have been made clarifying jurisdictional boundaries difficult in some cases, or sharing jurisdiction nearly impossible in others. This has impacted the ability of law enforcement to respond to calls in and out of Indian Country. In other areas, recruitment and retention of law enforcement officers is a primary barrier to success.

Aside from all the barriers that may exist, the goal here that I believe we can all agree on, no matter what side of the aisle, is to ensure that we eliminate the influence of the cartel activity on tribal lands, and ensure that tribes have a path forward for justice in their own communities.

I look forward to hearing from the witnesses today to learn more about what is working and what is not. We will continue to work with partner agencies to identify solutions to help ensure that Federal law enforcement agents and the tribal police forces are able to work together and have the resources that they do so need.

I now recognize the Ranking Member, Ms. Stansbury, for her opening statement.

STATEMENT OF THE HON. MELANIE A. STANSBURY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. STANSBURY. Thank you, Mr. Chairman.

Director, thank you so much for joining us today.

This is the second of a series of hearings that the Majority has called on this topic. And as I said in our April hearing on the same topic, I think it is clear to anyone who is working on issues around public safety and behavioral health in our tribal communities that it has been truly devastating to see the ways in which the fentanyl crisis has touched down in our tribal communities. In fact, the data that we do have available shows us that just last year over 1,590 fatal overdoses happened in our tribal communities from methamphetamine and fentanyl alone.

But I think it is important that we not just sit here in Washington, DC and talk about these issues, but actually address them through the tools that we have available to us. Over the last several months we have been working with tribal leaders, tribal organizations, law enforcement, and others to really understand. How do we stem the tide of these substances ending up in our communities? How do we help our Tribal Nations and empower our tribal law enforcement to tackle these issues on the ground? And how do we help those individuals who are suffering from addiction, and struggling with the daily challenges of what it means to be an addict? It means investing in our communities.

While I appreciate and understand very deeply the challenges that it presents on the ground in terms of keeping these substances out of our communities, in fact, I just spent much of the last week talking to Border Patrol in New Mexico and Homeland Security, and it is true, in fact, we do need to have more law enforcement, more resources, more technology, and more manpower to keep these substances out of our communities. The solutions within our tribal communities are well known.

Our Tribal Nations have been asking the U.S. Government not just for years, but for generations to make good on their treaty and their trust responsibilities by the U.S. Government to properly fund tribal law enforcement. It was literally written into the treaties that the United States signed with many of our Tribal Nations, that safety and protection would be provided.

So, I do want to take today to actually talk about solutions, since we have the benefit of having our Director of the Bureau of Indian Affairs here. And I want to put on the table what I hope that we can get behind in a bipartisan basis, which is that we need to take seriously our responsibilities as a Federal Government to appropriately fund and support these programs.

So, Mr. Chairman, I hope that I can ask for your support and others on this side of the aisle, as well, as we put forward an endeavor to work with our tribes to try to put together a comprehensive law enforcement and drug interdiction bill. Over the next few months, we will be talking more to our Tribal Nations, doing consultation, working hopefully with all of you to talk about what is actually needed.

First of all, we know that our tribes need funding. Whether they are direct service and receiving tribal law enforcement services from the BIA, or whether they are contracting and have their own law enforcement programs, we know that these programs are severely underfunded. In fact, Bryan Newland, who is our Assistant Secretary, stated that the underfunding is on the order of at least $3 billion across our 570-plus Tribal Nations.

We also know from our tribes that mandatory funding would help them address the deficiencies that they face year to year. And I know that it is one of the significant things that Congress could do, in addition to other efforts to pass mandatory funding for water rights, for our other programs that support health care, like IHS and contract support costs.

Secondly, we need to help our law enforcement officers. Our tribes are struggling to recruit and retain tribal law enforcement. There is already a Republican bill that Mr. Dan Newhouse has put forward which would provide for parity for our tribal law enforcement. I strongly support this bill.

Finally, we need a significant and substantive investment in addiction treatment and prevention services. And the only way we are going to get there is if we properly fund the Indian Health Service and BIA and other contract services that tribes use to help support their communities.

So, in closing, I do hope that we can keep this hearing focused on the substance. I hope we can keep it focused on what our tribal leaders have told us. And I hope that we do not turn this into a partisan dog and pony show that takes our tribes for granted.

With that, I yield back.

Dr. GOSAR. I will now introduce our witness for the first panel. Mr. Darryl LaCounte with the Bureau of Indian Affairs.

Let me remind the witness that under Committee Rules, you must limit your oral statements to 5 minutes.

You will see when you first get started the light will be green, then it will go to the yellow. Once you see that yellow, you have 1 minute to wrap it up. Regardless, your whole testimony will be

placed in the record. If you go much past the red light, we will ask you to kind of sum it up.

I now recognize Director LaCounte for his 5 minutes.

STATEMENT OF DARRYL LACOUNTE, DIRECTOR, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. LACOUNTE. Thank you. Good afternoon, Chairman Gosar, Ranking Member Stansbury, and members of the Subcommittee. My name is Darryl LaCounte. I am the Director of the Bureau of Indian Affairs at the U.S. Department of the Interior. Thank you for the opportunity to discuss the Department's efforts in stopping illegal drug trafficking in Indian Country.

The United States has a trust relationship with each of the 574 federally recognized tribes. With that trust relationship, we have a responsibility to protect the continued existence of Indian tribes and the safety of their communities. The Department and BIA plays a crucial role in upholding this responsibility through interagency coordination.

Coordination with tribes and other Federal law enforcement agencies leads to successful investigations that disrupt and take apart drug trafficking organizations. On May 27, just recently in 2024, the Division of Drug Enforcement, under the Office of Justice Services, BIA, stopped a vehicle for speeding on Interstate 40 in the Pueblo of Laguna, New Mexico. The DDE officer searched the vehicle and discovered 311,800 fentanyl pills valued at $12,472,000.

Our investigations also target conspirators in and outside of Native communities to dismantle drug trafficking organizations. We also develop more cohesive responses to drug trafficking within Native communities, and train tribal law enforcement officers on how to spot and root out illegal drug traffickers.

Our operations have successful outcomes, but we need to strengthen our efforts and address the structural challenges that affect the safety of Native communities. These structural challenges are documented in many reports commissioned by Congress to investigate the public safety concerns in Native communities. Each report reaches the same conclusion: We need to address these big, structural challenges to guarantee the safety of people in Native communities.

The big structural challenges are increasing funding, addressing jurisdictional complexities, as you so pointed out, Chairman Gosar, and providing other needed resources for tribal justice personnel.

Our 2021 Tribal Law and Order Act report estimates the total cost for public safety and justice programs in Indian Country is over $3 billion: $1.7 billion of that $3 billion for law enforcement programs, including tribal programs; $284.2 million for existing detention centers; and $1.5 billion for tribal courts. In that same report, the data shows that the BIA spent $246.3 million on tribal law enforcement; $123.1 million for detention facilities; and $62.8 million for tribal courts, with only a small amount reaching tribes in public law, 280 states. This means that public safety and justice programs in Indian Country are funded at just 13 percent of the total need.

And the BIA is forced to heavily prioritize where funding is spent, leaving some areas underfunded, and that our first responders are forced to use outdated or minimally functional equipment. With our current budget, the BIA has focused on pay parity to increase our recruitment of qualified law enforcement officers. We are continuing to reduce the time to hire for the Bureau's officers, but the lengthy background investigation process is one of the biggest obstacles to officer recruitment. Expediting the background investigation process would greatly help us recruit and hire qualified law enforcement candidates, which is why the BIA supports the passage of the BADGES Act.

Qualified law enforcement officers must also understand the complex jurisdiction in Indian Country before starting an investigation. The complex matrix depends on who owns the land and the tribal status of those involved. If these issues are not resolved, investigations can be stalled and eventually overlooked. The patchwork of jurisdiction adds transaction costs to tribal policing that other agencies do not have to deal with. Congress has legislated several times to ensure tribes can protect their communities by reaffirming tribal jurisdiction over crimes committed within Indian Country.

However, these jurisdictional mazes still exist. Reaffirming tribal jurisdiction is consistent with the core principle of self-determination and demonstrates our understanding that tribal governments are best situated to meet the health, welfare, and safety of their citizens.

Reaffirming jurisdiction is not enough. We have to make sure that tribal law enforcement officers have access to housing and improved roads. Old communication equipment must be modernized. Internet service gaps need to be closed. Law enforcement gear such as license plate readers, facial recognition software, and the MX-908 multi-mission portable mass spectrometers are needed to keep investigations effective at stopping illegal drugs from entering Native communities.

Chair Gosar, Ranking Member Stansbury, and members of the Subcommittee, thank you for the opportunity to provide the Department's views. We look forward to working with Congress to affirm and support tribal sovereignty and public safety within tribal communities.

I am happy to answer any questions you may have.

[The prepared statement of Mr. LaCounte follows:]

PREPARED STATEMENT OF DARRYL LACOUNTE, DIRECTOR, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon, Chair Gosar, Ranking Member Stansbury, and members of the Subcommittee. My name is Darryl LaCounte, I am the Director of the Bureau of Indian Affairs (BIA) at the U.S. Department of the Interior (Department). Thank you for the opportunity to discuss how the Bureau is addressing illegal drug trafficking in Native communities.

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

The BIA plays a crucial role in meeting this obligation on behalf of the United States and partnering with other Federal agencies to continue meeting this important obligation.

Current Actions

Interagency coordination is key to eradicating the presence of illegal drug trafficking. The BIA currently works with other Federal agencies, such as the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Department of Homeland Security, Border Patrol, and the High Intensity Drug Trafficking Area task forces to combat illegal drug trafficking in Tribal communities.

Our interagency investigations often target conspirators on and off Indian lands to effectively dismantle drug trafficking organizations. The BIA leverages internal intelligence analysis in cooperation with other Federal, State, and Tribal law enforcement agencies to combat the increasing amounts of controlled substances being trafficked into reservations through the United States Mail, Federal Express, private shipping companies, and Amtrak.

The Division of Drug Enforcement (DDE) under the Office of Justice Services (OJS) has conducted numerous marijuana eradication operations working with state and federal agencies in California. In previous years, the DDE assisted with the eradication of hundreds of thousands of illegally grown plants and the dismantling of grow operations.

OJS/DDE also conducts Mobile Enforcement Team (MET) operations on Reservations across the country. These deployments are in cooperation with the Tribes, States, and other Federal agencies. They involve the deployment of additional resources to a particular area to focus on the specifically identified issue in that area. These resources include additional agents, K9 teams, and specific equipment used to identify, gather, and present the necessary evidence to disrupt and dismantle drug trafficking in that area. Agents and officers conduct covert and overt drug investigations as appropriate for the area to remove the individuals involved and the drugs from the communities. The DDE also operates the largest nationwide network of drug enforcement agents dedicated solely to Indian Country. Table 1 and Table 2 demonstrate the impact that OJS DDE is making by intercepting illicit drugs in Indian Country.

To maximize effectiveness, we also increased our involvement with individual Tribal law enforcement agencies to develop more cohesive responses to drug trafficking and drug enforcement needs. Drug trafficking and drug-related crime, including the ongoing opioid and methamphetamine crises, continue to escalate throughout Indian Country. Tribal officials have consistently called for action toward addressing an increasingly common cause of Indian Country crime by strengthening drug enforcement capabilities throughout the Nation.

The BIA has partnered with Tribes to step up enforcement operations to combat the trafficking of illicit drugs in communities on reservations across the nation. We also train Tribal law enforcement officers on how to spot and root out drug traffickers that are living within their communities.

The DDE assists Tribes with specific requests as well as general narcotics enforcement operations for individual Tribes. For Tribes that are located within Public Law 83-280 (P.L. 280) states, the State has primary jurisdiction for enforcement, but this has not stopped the BIA from working with states and Tribes to reduce the presence of drug trafficking organizations operating in Indian Country. As part of our cohesive response to combatting drug trafficking, BIA maintains close contact with the United States Attorney Offices responsible for prosecuting the complex criminal organizations affecting Indian Country to strengthen each case's credibility with the prosecutorial staff and strengthen relationships with local law enforcement.

Our partnership with Tribes has led to the successful seizures of illegal drugs, including illicit fentanyl. On the morning of May 27, 2024, a BIA-DDE law enforcement officer stopped a vehicle for speeding on Interstate 40 on the Pueblo of Laguna, New Mexico. On probable cause, the DDE officer searched the vehicle and discovered approximately 311,800 fentanyl pills, valued at $12,472,000. Interagency coordination with Tribal law enforcement leads to successful operations.

These operations have been successful in combatting illicit drug trafficking in Native communities, but Tribal law enforcement continues to face structural challenges. Specifically, the President's FY 2025 Budget includes additional funding that would allow us to further strengthen these efforts and address these structural challenges.

Structural Challenges

Jurisdiction

Drug trafficking organizations, exploiting the myriad of jurisdictional issues surrounding Indian Country, target Native communities as delivery sites and for distribution of illegal drugs.

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 and the victim, and whether or not the crime scene lies within Indian Country. Determining these factors is often a complex element that must be resolved before beginning an investigation. These factors impose significant transaction costs on officers, policymakers, attorneys, judges, and advocates working to address public safety challenges in Indian Country.

Congress has legislated to clarify criminal jurisdiction in Indian Country over the years. 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.

The successful implementation of these laws demonstrate that Indian Tribes and their law enforcement agencies are best suited to meet their public welfare needs. Despite these successes, additional jurisdictional cases have added more complexities to the framework.

In *McGirt v. Oklahoma*, the U.S. Supreme Court 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*, the Supreme Court 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.

Several reports, such as the Not Invisible Act Commission Report, provide recommendations on how to address 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.

Time and time again, Tribes have demonstrated that they can best meet the public welfare and safety needs of communities on their lands. As highlighted above, Congress has paired its legislation affirming Tribal jurisdiction and sovereignty with increased investments in Tribal justice systems. The Department supports energized investment in Tribal justice systems to address the structural challenges many Tribes face.

Staffing

Congress has commissioned many reports to investigate the public safety concerns of Native communities and each report reaches the same conclusion: we need to address big structural challenges, such as staffing, to guarantee the safety of people in Tribal communities.

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] which contains funding cost data for law enforcement in Indian Country. In 2021, total BIA spending for law enforcement was $256.4 million, $125 million for detention facilities, and $65.3 million for Tribal courts. The 2021 TLOA report estimates the total cost for public safety and justice programs is $1.7 billion for law enforcement programs, $284.2 million for existing detention centers, and $1.5 billion for Tribal courts. Thus, the total estimated unmet obligations identified in the 2021 TLOA report for Tribal law enforcement, detention, and courts funding are just over $3 billion. The total estimated public safety and justice staffing need for Indian Country is 29,436 full time equivalent personnel. These numbers demonstrate the continued need for additional investment to improve the ability of Tribal public safety systems to fully serve their communities.

Congress provided an additional $131.2 million for public safety and justice programs in Indian Country for fiscal years 2022 and 2023. However, the additional resources only moved the needle four percentage points above the 13 percent of the total need cited in the 2021 TLOA report.[2]

With our current budget, BIA is working to improve law enforcement operations by focusing on recruitment incentives like pay parity. 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. However, to support the additional pay raises in 2024 and 2025 plus increases in other fixed costs, the additional funding included in the 2025 Budget is critical.

At the requested level for fiscal year 2025, the DDE currently funds 53 BIA criminal investigator positions and eight K-9 officer positions that are strategically located throughout the country to help mitigate the jurisdictional complexities and prosecutorial challenges that make Indian communities disproportionately vulnerable to systematic infiltration by trafficking organizations. Our drug agents also work alongside other federal partners on task forces pursuing highly technical investigations such as court ordered Title III wire intercepts, Organized Crime Drug Enforcement Task Forces cases, Racketeer Influenced and Corrupt Organization cases, High Intensity Drug Trafficking Area cases, synthetic cannabinoid cases, and multi-jurisdictional cases.

Despite these coordinated efforts, there is still a shortage of law enforcement on the ground. Understaffing results in a lack of timely responses to incidents, a perception that Tribal law enforcement does not care about the community, and it negatively impacts Tribal economies. Staffing shortages also have a notable impact on mental health and the overall well-being of Tribal law enforcement, which lead to resignations.

Equipment and other resources

International drug trafficking organizations often have access to sophisticated equipment and military-grade weapons to protect their operations. Accordingly, ensuring that Tribal law enforcement officers have the resources to address these issues, such as updated equipment, access to technology resources, and housing, is a top safety priority for Tribal law enforcement. Specifically, guaranteeing Tribal officers' access to reliable, top-tier equipment like the MX908 multi-mission portable Mass spectrometer for the roadside identification of illegal drugs, as well as technology like license plate readers and facial recognition software, can greatly contribute to their effectiveness in the field.

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[1] U.S. Dep't of the Interior, Bureau of Indian Affairs, Office of Justice Serv., Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021 (Feb. 2024), https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf

[2] *See* 2021 TLOA report, footnote 1, p. 1.

Adequate housing and infrastructure is a challenge in many Tribal communities. We ask Tribal law enforcement officers to live within the communities they serve, but they face housing challenges such as cost, or they are unable to bring their families due to the size of the available residence. This is a barrier to retaining law enforcement employees. Furthermore, many Tribal communities and homes are located in remote areas with unpaved roads, thus public safety vehicles accumulate greater wear and tear and need more frequent routine replacement.

Due to the remote nature of many Tribal communities, Tribal law enforcement officers often respond to high-risk calls alone 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. But many Tribal areas do not have sufficient radio coverage which delays response times, investigations, and jeopardizes officer safety. Expanded radio coverage to minimize "no coverage" areas and include video and data capabilities is vital to increasing officer safety.

A number of reports commissioned by Congress affirm that these structural challenges make it harder to keep people safe in Indian Country. While the data conveys the seriousness of illegal drug trafficking in Indian Country, we are unable to measure the resulting impact to victims, affected families, and the already strained Tribal justice and social service systems in these communities. Addressing these challenges requires coordination across the federal government and with Tribal leaders to fulfill our trust responsibility.

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

Chair Gosar, Ranking Member Stansbury, and members of the Subcommittee, thank you for the opportunity to provide the Department's views. We look forward to working with Congress to affirm and support Tribal sovereignty and public safety within Tribal communities. I am happy to answer any questions that you may have.

TABLE 1

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

	2015 Achieved	2016 Achieved	2017 Achieved	2018 Achieved	2019 Achieved	2020 Achieved	2021 Achieved	2022 Achieved	2023 Achieved
Cocaine Powder	1.00	105.70	54.15	34.19	96.8	38.5	797.4	173.513	67.112
Cocaine Crack	0.758	0.375	0.60	110.56	1.0	1.4	0.56	.6134	1327.460
Heroin	5.74	67.83	16.49	47.89	42.1	64.5	162.9	40.580	10.193
MDMA (Ecstasy)	.002	29.16	0.29	.33	7.7	2.6	1.5	101.416	4.789
Meth Crystal	64.90	64.21	56.13	248.21	72.6	336	188.36	2866.958	514.399
Meth Powder	0	20.93	34.88	264.46	475.7	1,019.9	880.4	636.095	1295.247
Processed Marijuana	1,725	2,173	6,223.89	19,413.62	5,460.9	4,413.5	50,660	6988.911	6429.285
Prescription Drugs Seized	96.58	96.21	8.0	53.66	106.2	12.3	54.04	28.539	34.343
Other Drugs Seized[3]	72.29	70.78	409	227.63	15,220.6	125.2	764.3	3361.338	693.693
Marijuana (# Plants = lbs.)	24,453	13,979	6,097	42,201	666.1	10,862.7	232,455	3531.78	119.276
Totals in Pounds	**26,419**	**16,607**	**12,900**	**62,601.49**	**22,149.6**	**16,876.6**	**285,964.11**	**17,729.75**	**10,492.80**

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

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

TABLE 2

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

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

QUESTIONS SUBMITTED FOR THE RECORD TO MR. DARRYL LACOUNTE, DIRECTOR, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. LaCounte did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Gosar

Question 1. Tribes have expressed the lack of trust between tribes and federal law enforcement. How has the BIA been working to address this, and what more can be done to improve working relationships?

Question 2. In the last hearing, the tribal leaders expressed disappointment with the apparent lack of interest in their needs and concerns by their federal partners, even a desire to learn about the tribes they were assigned to support. Do you think that a program to recruit tribal members into Federal Law Enforcement would improve the relationship between Federal agencies and the tribes?

Question 3. During our April 10, 2024, hearing, President Jeffrey Stiffarm of Fort Belknap Indian Community stated that "what little officers we do have, they have been trying to be proactive without any help from the BIA, without any help from the FBI, without any help from the Border Patrol or the DEA." Are you satisfied with the current level of federal law enforcement activity across Indian Country? Please explain.

Question 4. During that same hearing Councilman Bryce Kirk of Fort Peck Tribes, that BIA has repeatedly failed to meet their federal trust responsibility to provide sufficient funding for law enforcement for Fort Peck Tribes. How is BIA working to meet the trust responsibilities with Tribes across the nation, so they have the necessary law enforcement resources to push back against the cartels?

Question 5. During the Committee's FY25 Budget Hearing for BIA, Assistant Secretary Newland briefly described the 'jurisdictional maze' that exists between the different levels of law enforcement. Can you provide some examples of when this 'jurisdictional maze' has hindered law enforcement efforts on Indian lands?

Question 6. What suggestions does BIA have for resolving long-standing jurisdictional issues to bolster the authority of tribal law enforcement agencies to address the cartel activity on their lands?

Question 7. As you know, 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. However, the long process of obtaining and renewing an SLEC agreement is reportedly a barrier for Tribes to gaining this tool. Does the burdensome process for obtaining and renewing an SLEC agreement hamper tribal law enforcement's ability to address the cartels' invasion onto tribal lands?

Question 8. What steps do you believe are necessary for the SLEC process to be improved?

Questions Submitted by Representative Carl

Question 1. Could you provide an update for the Committee on BIA's pay parity initiative, that intends to bring BIA law enforcement pay levels in line with other federal law enforcement agencies? And how else is BIA working to address the recruitment and retention issue?

Question 2. How has the recruitment and retention of federal law enforcement, not just BIA but across all agencies, impacting the ability of Tribes to address the cartel's presence and the fentanyl crisis on Indian lands?

Dr. GOSAR. Thank you, Director. I am now going to recognize Members for their questions. First, the gentleman from Montana, Mr. Rosendale.

Mr. ROSENDALE. Thank you very much, Mr. Chair, and thank you for holding this hearing today.

The Biden administration's open border policies are wreaking havoc across the entire nation. And this isn't political, this is just a fact. This is especially evident by the surge in addiction and crime in Montana's reservations fueled by cartel activities.

I want to thank our Montana-based witnesses for this panel and then coming forward to share their insights and firsthand experiences regarding this alarming trend.

The continuing cycle of addiction, crime, and loss of life in Indian Country must be halted, and I hope that this hearing will force this Administration to protect our nation and work with our tribes to repel these dangerous cartels and their impact.

Moreover, I hope the fact we are having yet another hearing on this issue of vital importance will serve as a much-needed wake-up call to my colleagues across the aisle, helping them to recognize the unconscionable effects of President Biden's open border policies. These policies have impacted not only border communities, but the entire nation.

Mr. LaCounte, how many agents do you currently have working in Montana?

Mr. LACOUNTE. Congressman, we have numerous tribes that have contracted the program: Fort Peck, Fort Belknap, Blackfeet. So, our agents are basically focused on Crow and Northern Cheyenne, with a presence at the regional office there in Billings.

It is a tough number to come to, but I would say roughly 40 that aren't tribal at this point.

Mr. ROSENDALE. How many of these agents' main priority is preventing cartel activities or drug trafficking in Indian Country?

Out of the 40, how many of them is it their exclusive job to work on drug trafficking or the cartels?

Mr. LACOUNTE. They are not focused specifically on cartels, but they are focused on drug activity. That would be roughly five agents.

Mr. ROSENDALE. OK. What specific actions is your agency taking to ensure that these communities remain safe from cartel activities?

Mr. LACOUNTE. We are doing any and everything we can with the resources we have to stop drugs from getting there and making

arrests where applicable, if we can do that. And we are assisting tribes as best we can to do the same things with the programs I mentioned, Congressman, that are contracted.

Mr. ROSENDALE. Do you believe that more cooperation between Federal law enforcement and the tribal law enforcement would help with effective enforcement and reduction in crime?

Mr. LACOUNTE. I do.

Mr. ROSENDALE. OK. What can be done to create more cooperation between the tribal community and the Federal law enforcement agencies in order to help this relationship?

What can we do to improve that relationship so that these folks are working together?

Mr. LACOUNTE. I don't know if I am supposed to go down this road as the director, but additional funding would always help.

The pushback between BIA and oftentimes tribal programs is they don't think we are funding them enough, while in fact we have limited resources, and we fund as best we can.

And other than that, address the jurisdictional issues that the Chairman brought up earlier, to where it is much easier for officers on the ground to know whether they have jurisdiction or not.

I recently met with the cadets at our training facility in Artesia, New Mexico. And my message to them was, look, I know it is a scary thing, and you are not lawyers, but when there is a crime committed, I am going to back you if you do the right thing as a law enforcement officer, even if you are somewhat out of your jurisdiction. But that is a real serious issue, the jurisdictional issue, Congressman.

Mr. ROSENDALE. Couldn't we help resolve some of these jurisdictional issues by, again, having some kind of better, closer cooperation between the Federal agencies and the tribal agencies so that they are communicating well?

Mr. LACOUNTE. Absolutely.

Mr. ROSENDALE. And that doesn't cost money. That takes time. That takes commitment. That is not about money. And if there are any agreements that need to be put in place, those are the kinds of things that we need to be talking about.

Mr. Chair, I see my time has expired, I yield back.

Dr. GOSAR. I would just like to add, we have to find the money somewhere. And I would ask you specifically, where should that money go? What specific account would that money go to?

Mr. LACOUNTE. That money would be spread across all of law enforcement throughout Indian Country, including drug enforcement, but we have serious problems on reservations, as well, with domestic violence. And drugs are a serious issue.

And as Congressman Rosendale probably knows, I used to be the regional director in the state of Montana. And when I left to take this job in 2018, over 60 percent of the babies born were meth babies. And I don't know if throwing money at that is going to solve it, but not throwing money at it certainly isn't going to.

Dr. GOSAR. Right. The gentleman from Oregon, Mr. Bentz, is recognized for his 5 minutes.

Mr. BENTZ. Thank you, Mr. Chairman. Thanks for the invitation to participate today in this important hearing.

There is no doubt at all about the horrific consequences of the open border policy. This is just one of them.

One of the situations back in Oregon where I am from is the inability of local law enforcement, such as the sheriff's office, within the county where certain ones of the reservations might be located, for them to exercise power or authority over those on the reservation. And I am pretty sure this is kind of what you were hinting at on page 3 of your testimony, where you say exploiting the myriad of jurisdictional issues is a challenge. And I agree.

I called my brother, who used to be the county sheriff back in Oregon in the county in which I live, a big county. The one he was in was 10,000 square miles, and there were actually two reservations there. But they were not welcome to help on the reservations. The tribal police, you would think, would take care of the problem, but there are two issues there.

One you have kind of alluded to, the numbers of tribal police is modest. I think the national average is about one tribal police person, actually, it is 0.7 per 1,000. And nationwide, it should be three. So, there are too few.

The other problem that appears to be a challenge is keeping those people that do become tribal police officers working. And there seems to be a lack of stability sometimes in tribal government that leads to those folks not sticking around.

Perhaps you can address that issue. Do you have a study or something that indicates how long tribal police officers remain employed?

And I am going to hope that you don't go back to money every time there is a problem. So, tell me, does anything that I have said ring any bells of recognition?

Let's start with the lack of recognition, perhaps, by tribes of other law enforcement agencies who are driving around, deputy sheriffs perhaps, or state police, and those folks not having appropriate jurisdictional authority to step in. Thus, the cartels see tribal reservations as opportunity locations because there is not enough law enforcement there.

So, comment on that first, if you could.

Mr. LACOUNTE. At your wishes, I will not mention funding.

Mr. BENTZ. Well, wait, look, you mentioned the word. Last year, or the year before last, I think there was $700 million allocated to the tribes. I know it is not the $3 billion mentioned. Congress simply appropriated funds. Tribes should be allowed flexibility on how to utilize and invest those funds in their communities. It is not for DOI to now restrict how tribes use those funds.

It says here, the bill's language, $772 million almost $800 million, is designated for tribal government services such as public safety and justice. Where did that money go? As long as we are talking about funding.

Mr. LACOUNTE. It went to the tribes.

Mr. BENTZ. OK, that was almost a billion dollars. About $800 million. Did that do no good?

Mr. LACOUNTE. Well, every little bit does good, but——

Mr. BENTZ. Wait, wait. A little bit? $800 million. You spread it across the nation. How much did each tribe get?

Mr. LACOUNTE. I don't know exactly. I would have to do the math. There are 198 facilities where we or the tribes provide Federal——

Mr. BENTZ. OK, well, did it help?

Mr. LACOUNTE. Of course it helps.

Mr. BENTZ. How much did it help?

Mr. LACOUNTE. As much as that amount can possibly help.

Mr. BENTZ. Let's go back. And maybe the simplest question would be, have you or are you aware of the fact that certain tribes are not enthusiastic about allowing local law enforcement to enforce laws on reservations?

Mr. LACOUNTE. Yes.

Mr. BENTZ. And does this allow, then, less law enforcement activity than perhaps should be there?

Mr. LACOUNTE. Tribes are sovereign nations.

Mr. BENTZ. Well, let's stop there. Are you saying, then, that the tribes have made a decision to allow less law enforcement than could be the case by simply saying to those who were already there, engaged in the law enforcement business to help? Is that what you are saying?

Mr. LACOUNTE. I am saying I don't know the specifics of the situation, but if it is a tribal law enforcement agency and they said you are not welcome, that would be the tribe making that decision. That certainly would not be the Bureau of Indian Affairs.

Mr. BENTZ. And I think you said that that indeed is the case in different reservations across the nation, where they are not welcoming in an already available law enforcement help because they don't want it. Is that correct?

Mr. LACOUNTE. That would be my assumption. I don't ask them why they choose not to do that. We encourage them to actually enter into MOUs and MOAs with the local law enforcement to where they can do cross-jurisdiction. Whether they choose to do it or not, that is up to the tribe.

Mr. BENTZ. It is up to them.

Thank you, I yield back.

Dr. GOSAR. I thank the gentleman. The gentleman from Arizona, Mr. Crane, is recognized.

Mr. CRANE. Thank you, Mr. Chairman.

Mr. LaCounte, thank you so much for coming today. We appreciate it.

I am proud to represent over half the tribes in Arizona. I also serve on the House Homeland Security Committee. And I hear every single day about the crime and tragedy in my district that are a direct result of this Administration's border policies.

BIA's Office of Justice Service has law enforcement authority on tribal lands in my district. Sir, is it true that OJS currently has a vacancy rate of 30 percent for all positions?

Mr. LACOUNTE. That is roughly close, yes.

Mr. CRANE. Why do you think that is, sir?

Mr. LACOUNTE. Recruitment is hard, very hard. And the background investigations that I spoke to take time. Oftentimes, we select somebody and by the time we get through that, they have found another job because they need to go to work.

But we are not the only ones suffering from lack of law enforcement officers. That is a nationwide crisis at the moment. But we are certainly doing everything we can to combat it because we recognize more bodies, more cops on the ground is a good thing.

Mr. CRANE. Yes, absolutely, sir. Do you think that the Biden administration has their priorities straight when it comes to protecting the homeland and fulfilling government's trust and responsibility to protect the tribes and their citizens?

Mr. LACOUNTE. The Administration has deferred to me on just about everything, and I have been doing this 36 years. I would like to think that is letting us do what we need to do.

Mr. CRANE. My question is, do you think that the Biden administration is doing a good job prioritizing the safety of everyone in this country, including the tribes, especially when it comes to the southern border, sir?

Mr. LACOUNTE. I am not a border expert, No. 1.

I can't speak to the rest of the nation, but through the BIA they have been nothing but supportive. And the budget increases that we have received lately have all been for public safety and justice.

Mr. CRANE. Sir, I know you claim that you are not a border security expert, and I can appreciate that. But I can also tell, just by listening to you talk today, that you do have common sense. You know what has been going on at the southern border since this Administration took control. And I know you know that is affecting tribes all across the nation. Would you say that is correct, sir?

Mr. LACOUNTE. I would say that it is correct, but it was also an issue before.

Mr. CRANE. Yes, sir.

Mr. LACOUNTE. We have been dealing with cartels long before this Administration, long before the last administration.

Mr. CRANE. Absolutely. We have always had things coming over the border that are unsavory. But I think everybody in this chamber knows that it has been skyrocketing under this Administration.

Are you aware that, I think it was today, Joe Biden signed an Executive Order that will dramatically tighten the border?

Mr. LACOUNTE. I saw it on the news this morning.

Mr. CRANE. Do you think that is interesting, seeing as how this Administration has been saying that they couldn't do anything about it, and it was Congress that wouldn't do anything about it? Do you find it interesting that Biden reversed Trump's Executive Orders? That was one of the first things he did when he got into office. And now that it is right before an election year, he just signed an Executive Order to tighten up how many people were allowed to come through that southern border?

Mr. LACOUNTE. I haven't even seen the Executive Order. I will say that, if it helps us in my lane, which is Indian affairs, I am very happy. But I haven't read it. I can't speak to it.

Mr. CRANE. Yes, well, let's speak about generalities. Do you think it is interesting that President Biden just signed an Executive Order right before an election, when this whole time he has been saying, oh, it is Congress, it is Congress, they need to act and secure the southern border?

Mr. LACOUNTE. I really try to stay out of politics. I have served in both administrations, and it doesn't serve the director well to go down any of those roads.

Mr. CRANE. I hear you, sir, and I appreciate that. I just do think it is rich, though, that when I listen to Ms. Stansbury and I listen to you, and you talk about how we need increased funding and resources, I noticed that you guys didn't mention the policies. You guys didn't mention the policy changes that are driving up the amount of resources and funding that have to go into combating the fentanyl.

The MS-13 gang members coming over the southern border, the millions of extra illegal aliens, the vast increase of individuals on the terror watch list that have come over this Administration. So, it is kind of hard for us to have a real conversation when we are not having a real conversation about everything that is going on.

Thank you, Mr. Chairman, I yield back.

Dr. GOSAR. I thank the gentleman. The gentlelady from New Mexico is recognized, Ms. Stansbury.

Ms. STANSBURY. Thank you, Mr. Chairman.

I find it extraordinarily distasteful and disrespectful when we call hearings about tribal issues and Members of Congress use the space to talk about policy and political issues that are not about the issue at hand. I think it is disrespectful to our tribes. I think it is disrespectful to the leaders. I think it is disrespectful to the folks who serve our tribal governments. And I would like to, for one, actually get back to the issue at hand.

I have heard some comments, questions about how tribal law enforcement works this morning. And Mr. Chairman, I would love to work with you on a bipartisan basis to maybe do a teach-in for Members about how tribal law enforcement works. There have been a lot of questions about how funding works, about jurisdictional issues work, about how legal issues work. These are incredibly complex issues, and it is important to have a hearing about it. But I think a setting in which we could really get in the weeds would be very helpful.

But I do want to make a comment because there have been a few comments this morning that said, tell us how we can fix the issue without talking about funding. Well, that is like saying how do we stop a fire without talking about water. Because the real issue is that we have been underfunding law enforcement and support for our tribes since treaties and trust responsibilities began between the U.S. Government and these Tribal Nations.

So, we hear it literally every single day. Those of us who work with tribal governments, who work with our Tribal Nations are telling us, "We need water to put out the fire." And the water in this case is the resources. So, I am going to just use a few quick examples of tribes that I interact with on a day-to-day basis.

The Navajo Nation, their Tribal Council just came to visit me a few days ago. They would like to renegotiate their law enforcement contract because they are underfunded. They do not have enough money through their contract to pay enough officers to patrol each of the areas that they need. That is, in part, just the history of that contract, but also because the population is growing because the

need is growing. You need water to put out the fire. That is how tribes use the money. They need it to hire law enforcement.

But I also think it is important that we talk a little bit about these jurisdictional issues. Tribes are sovereign nations. They decide what happens on their lands. And I think it is important to take a moment because, Director, you brought it up a couple of times here today. It is up to a Tribal Nation if they decide they want to do direct service, they want to contract for the money, they want to hire their own officers, they want to have extra BIA officers on tribal lands. It is really up to each of these sovereign nations and their relationship with you all.

But it is also up to them to decide whether or not they want to cross-deputize, whether they want to work with county law enforcement, they want to work with local municipals outside the reservation, they want to invite state police onto their reservation because they are their lands.

And what we have seen, I think, because there is a lack of understanding of tribal sovereignty, is that there has been a systematic effort for the last several decades to undermine tribal sovereignty, especially around law enforcement. And it is dangerous, and resulted just 2 years ago in the *Castro-Huerta* decision that the Supreme Court handed down, and which tribes across the country are asking us to address right now.

So, I wonder, Director, I am grateful to hear that you served at a regional level. Talk to us a little bit about, at the regional level, working in the BIA bureaucracy with our Tribal Nations, about these sovereignty and jurisdictional issues. What can we do to: (1) make sure more resources are reaching tribes at the ground; and (2) that BIA is doing its part to address these jurisdictional issues and help support tribes as they seek help and accountability?

Mr. LACOUNTE. I would say that BIA and tribal law enforcement agencies are at the bottom of the pecking order on the Federal law enforcement. We don't get the respect that we deserve, and the tribes certainly don't get the respect they deserve. We are oftentimes up to their whim, what they want to pursue, not what the tribe wants to pursue and not what we want to pursue, but what they think is important because we don't take these cases to Federal court. That is another agency within the government. So, that makes it difficult.

As for putting the fire out, you are absolutely correct. I have been around a long time, and I figured out early in my career here is what I am going to get. I am going to have to figure out how to make it work. It would be great at one time to not have to think that way, and maybe I am not the right guy for the job because I have always thought that way, and it is like, yes, we are at 13 percent, what the hell can we do? And I will leave it at that.

Ms. STANSBURY. Thank you, Director, and thank you, Mr. Chairman. I hope we can work together to put the fire out.

Dr. GOSAR. See, that is why we wanted the FBI and Homeland Security here, because we are chasing our tail around and around and around we go. Because if you can't talk to each other, you can't come up with solutions. Would you agree with that, Director?

Mr. LACOUNTE. Yes.

Dr. GOSAR. I think the other thing is we have to streamline the process, but we also have to have a conversation. What does sovereignty mean? How is it enacted? All those have to have some similarities in regards to the tribes. Yes, they own their land, but they have to also have to be held to stewardship of those funds, even better than even the Federal Government. The Federal Government is horrible at that.

A question: What role on these reservations do the drug traffickers play in this crisis?

Mr. LACOUNTE. The drug traffickers?

Dr. GOSAR. Yes.

Mr. LACOUNTE. I am not quite sure I understand your question, but I am going to give it a shot.

Regardless of whether they are a cartel or a local mom-and-pop organization trying to contaminate their own damn communities, deadly drugs on Indian reservations are horrible. But when you get an organized cartel, for instance, they are pretty good at what they do. And it has a serious impact on many reservations. I can't say all, but you never hear a tribe say, hey, we don't have any cartel problems. You hear them say we have a problem.

So, it plays a significant role. But, again, drugs can come from anywhere. They just come in normally larger volumes from the cartels.

Dr. GOSAR. Right. So, now you see somebody possibly coming into this country legally, and they travel all the way through and deliver drugs. Does Homeland Security or the FBI have a watch list of known traffickers? They have something. And do they share it with the local authorities?

Mr. LACOUNTE. I do not know the answer to that, Congressman.

Dr. GOSAR. OK. Would you get that for us?

Mr. LACOUNTE. Yes.

Dr. GOSAR. I think it makes a big difference, because if we can preclude people to look for these individuals, it makes it a whole lot easier than trying to figure out if you remember that person.

Can identified drug traffickers be banned from entering the United States?

Mr. LACOUNTE. I think I heard your question, and certainly any drug trafficker should be banned from the United States. Absolutely.

Dr. GOSAR. What are the protocols across Federal law enforcement agencies to ensure that the information each has about a missing person is shared with tribal law enforcement?

Mr. LACOUNTE. [No response.]

Dr. GOSAR. How do we make sure that people that are kidnapped or taken, how do we share that information?

Mr. LACOUNTE. [No response.]

Dr. GOSAR. See, we get the same disconnect. I mean, Director, no pun to you, but you should have had two other partners here. You should have had the FBI and Homeland Security right here. The briefing does us no good just by themselves. I want to see the interaction between you, the tribes, them, and the Homeland Security. That makes more sense to me. Put everybody in a room and figure out what the problem is.

But this doesn't make a lot of sense, because we are going around, and around, and around, and I feel sorry for you because you are put in a position where there is no winning. When you don't have winning, you don't have any hope. And I am sad to say that that is kind of what we apply on to our Native friends, is exactly that.

I think this is a Catch-22, but I also think there is a light at the end of the tunnel. I think the tribes can show us a way to get back to a healthy community, a law-abiding community. And I think they have the ability to do that. Now we have to figure out how do we get those resources to them. How do we develop that?

It may take some streamlining of the process. We may have to hire some within. I don't know what the whole answer is, but I think what we have you and the tribes in a pickle with, ultimately, is this around and around and here we go again, I am sad to say. I would love to work with you, and I think there will be plenty of things to be able to do.

So, I want to ask you one more question. What was the one question that you wanted to have asked of you, and what was the answer?

Mr. LACOUNTE. I didn't approach it in that direction. If you are on this side of the table, you come in trying to anticipate what you are going to get. I appreciate your statement that you have hope, because I too have hope, even as dire as it looks right now.

I guess if there were one question I would like asked, it would be what can we do to further strengthen or embellish this notion of tribal sovereignty, and how can we get the tribes the respect that they deserve policing their own communities, making them safer? If you have a home you don't feel safe in, that is not a home. So, I don't know what the answer would be, but I would love to have that question.

I guess my answer would be you have to help us. We have tried. Public Law 93-638 has been around a long time, and I have been through it in my 36 years, the progression of it. And it is better, but it still needs to give these tribes the respect that they deserve, just like states are given that respect. It is their home. It is their land. Who are we to tell them how to act and what is best for them?

So, I hope that answers that question.

Dr. GOSAR. It does. I appreciate your candor. I thank the witness, Director, for your candor and your answers and your valuable testimony, and Members for their questions.

We will now take a brief recess before beginning our second panel. During that time I invite all the witnesses to sit and get ready at the table for the hearing to proceed. And with that, there will be questions, Director, coming to you from the Members, and we will have them on a timely basis. Thank you very much. We adjourn temporarily.

[Recess.]

Dr. GOSAR. I will now introduce the witnesses for our second panel. We have Mr. Joshua Roberge, Chief of Police, Fort Belknap Indian Community, Harlem, Montana, thank you for coming; Ms. Stacy Zinn, former Resident in Charge, Rocky Mountain Division, Drug Enforcement Administration, Billings, Montana; and Lieuten-

ant John Nores, Jr., retired, Special Operations Marijuana Enforcement Team, California Department of Fish and Wildlife, Morgan Hill, California. An amazing story here.

Let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes, but your entire statement will appear in the record.

I will now recognize Mr. Roberge for your 5 minutes.

STATEMENT OF JOSHUA ROBERGE, CHIEF OF POLICE, FORT BELKNAP INDIAN COMMUNITY, HARLEM, MONTANA

Mr. ROBERGE. Chairman Gosar, Ranking Member Stansbury, Congressman Rosendale, and members of the Subcommittee, my name is Josh Roberge. I have previously served 8 years in the United States military. And after being honorably discharged, I now serve as the Chief of Police for the Fort Belknap Indian Community. I am a member of the Assiniboine Nation, and appreciate the opportunity to testify about the impacts of drug cartels targeting Indian Country, and specifically the Fort Belknap Indian Community.

The Fort Belknap Indian Reservation is located in north central Montana. It is comprised of 652,000 acres, almost as large as the state of Rhode Island. We have nearly 7,000 members living on or near the reservation. The reservation is 40 miles south of the Canadian border, and we have Federal funding for nine, that is pushing it, law enforcement officers. With nine, that offers two to three officers per shift on a good day, covering 1,014 square miles.

As a combat veteran, I can attest to you guys right now that we have a war going on on U.S. soil. We are fighting these people. Whether that is directly or indirectly, they are committing violent acts against tribal citizens and U.S. citizens here. So, with that, I am here to offer six recommendations to possibly find a solution to this:

(1) Expand tribal criminal jurisdiction in Indian Country.

(2) Increase funding. I know it keeps getting brought up quite a bit, but the reality of the situation that we are in, we don't see any other way. We literally receive $1.3 million a year for our budget. That is ridiculous. It has been the same, give or take $100,000, since 1997. We are fighting a war that we are severely losing.

Anyway, back to our recommendations. Increased funding for law enforcement and U.S. attorneys. There is a lot of frustration with U.S. attorneys. Do they prosecute? They don't prosecute. They want to keep their successful conviction rate, so they decline. The fact of the matter is we have two U.S. attorneys covering seven federally recognized Indian reservations in Montana. You imagine the cases that they are getting on their desks.

We average 100 felony, not misdemeanor, arrests a month on our reservation out of 7,000 people, four murders in 3 months for our population. All of this stuff can be directly correlated, the increase in violent crime you see everywhere can be directly correlated to dangerous drugs and drug trafficking, human trafficking, child sex crimes, adult sex crimes, murders, all of that stuff. It is all directly correlated to dangerous drugs.

These drugs, because of the stop of the sale of over-the-counter Sudafed and stuff like that, these drugs are produced in superlabs

across the border, and then they are brought here to the United States. So, we are seeing this increase in violent crime and all of this bad stuff that is happening: dangerous drugs, drug distribution, and an unsecure southern border.

Moving on, (3) Coordination of Federal services.

And obviously, (4) Secure the southern border. It is coming across the border freely. This is ridiculous. We are 40 miles south of the Canadian border, and we have individuals up there who are associated with either the Jalisco or the Sinaloa that can't speak a lick of English that are carrying firearms, trafficking humans, and committing murders as recently as 2 months ago, 40 miles south of the Canadian border for drug-related crimes.

(5) Congress needs to pass legislation for more severe punishments on drugs, such as fentanyl and methamphetamine. Nobody is getting prosecuted on this stuff. And if we work together to take somebody down, another one pops up. This thing is like a hydra. You cut the head off of one, another one pops up.

The biggest thing is the Federal system hasn't caught up with fentanyl yet. They have with methamphetamine. The mandatory sentencing minimum or the threshold for a 5-year minimum for sentencing on the Fed side would be 5 grams of methamphetamine. It is still 10 grams, to my understanding, for fentanyl. There are about 10 fentanyl pills, you guys are familiar with fentanyl pills, there are about 10 fentanyl pills per gram. It is about 100 fentanyl pills before you get a 5-year mandatory minimum, so there needs to be legislative action to figure out some solutions here.

(6) Implement the 2023 Not Invisible Act Commission Report recommendations.

I have about a minute 20 left, so I will kind of specify a little bit more on some of the things that I am talking about here.

Once again, congressional funding, increased law enforcement funding, increased United States Attorney's Office funding, Indian Country aid to protect our homeland and save lives.

Two, secure that southern border. Tighten international borders. Stop the drugs. There is more that is coming across than that. There is a war going on right here, right now on U.S. soil. And I think that, as citizens of the United States, we need to open our eyes. There is stuff happening here that we are losing, and it is not just in Montana and Fort Belknap. It is everywhere. They are targeting Indian communities because of a jurisdictional loophole.

And I would like to comment on a few things where we choose not to allow other law enforcement agencies, but with us in Montana, we welcome it. We have MOUs and we work well with the Montana Highway Patrol in our surrounding counties and other state agencies. The problem with this jurisdictional loophole, and this will be the last thing, is the county and the state, where we ask for their help, and these cartel members or non-Indian members are coming in and victimizing or committing felonious offenses on the reservation. We are calling the state for help, the county for help. We are bringing them out, and they are arguing that it is the FBI's jurisdiction.

The problem with that is the FBI doesn't arrest. They don't PC arrest, and the AUSA isn't allowing these PC arrests or these offenses to be complained in. So, what we are running into is we

are seeing months while we wait for a warrant of arrest to be issued for either a grand jury indictment or an indictment, whatever, and these people are allowed to continue to victimize members of our community.

There is a jurisdictional loophole, and they know that, and they are exploiting it, and that is why they are at reservations first, along with everything else that you guys have been hearing. This is an issue.

Thank you for your time.

[The prepared statement of Mr. Roberge follows:]

PREPARED STATEMENT OF JOSHUA ROBERGE, CHIEF OF POLICE, ON BEHALF OF THE ASSINIBOINE AND GROS VENTRE TRIBES OF THE FORT BELKNAP INDIAN COMMUNITY

Chairman Gosar, Ranking Member Stansbury, Congressman Rosendale, Congressman Zinke, and Members of the Subcommittee. My name is Josh Roberge, I previously served 8 years in the United States Army, and after being honorably discharged, I now serve as the Chief-of-Police of the Assiniboine (Nakoda) and Gros Ventre (Aaniih) Nations of the Fort Belknap Indian Community. I am a Member of the Assiniboine Nation and appreciate the opportunity testify today about the impacts of drug cartels targeting Indian Country- and specifically the Fort Belknap Indian Community.

The Fort Belknap Reservation is located in north central Montana and is comprised of 652,000 acres (1,014 square miles) almost as large as the State of Rhode Island, and has nearly 7,000 members living on or near our Reservation. Fort Belknap is 40 miles South of the Canadian Border. We have federal funding for 9 Law Enforcement Officers which offers 2–3 Officers per shift.

As a Combat Veteran, I can attest: Fort Belknap is at war with drugs! I am here to offer 6 recommendations:

1. Expand Tribal Criminal Jurisdiction in Indian Country
2. Increase Funding for Law Enforcement and U.S. Attorneys
3. Coordination of Federal Services
4. Secure the Southern Border of the United States
5. Congress needs to pass legislation for more severe punishments on drugs such as fentanyl and methamphetamine
6. Implement the 2023 Not Invisible Act Commission Report Recommendations

The U.S. Supreme Court's *Oliphant* decision limits the ability of Native Nations to prosecute non-Indians. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978). Currently Tribal Governments across Indian Country do not have criminal jurisdiction over non-Indians committing drug-related crimes in Indian Country. When a non-Indian commits a crime, our law enforcement is required to contact either the county and/or the FBI.

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

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

As this situation demonstrates, these drug cartels have targeted reservation communities because of the rural terrain, history of community addiction, and limited law enforcement resources. Cartels are specifically targeting Indian Country

because of a dangerous combination of under-resourced law enforcement, legal loopholes, sparsely populated communities, and exorbitant profits, and it is devastating Tribal reservations. Profits for these cartels soar the farther they get from the southern border. A fentanyl pill that costs less than $1.00 in Mexico and southern states, can go for over $100 on our Reservation.

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

On April 23, 2024, our Tribal Council met with Jesse Laslovich and Amanda Myers with the United States Attorney's Office. The Fort Belknap Indian Community Council requested that Mr. Laslovich and the DEA attempt to work with the Montana State Crime Lab in order to receive faster drug test results and more prosecutions. As to the Montana United States Attorney's Office, currently there are a total of 6 Assistance United States Attorneys (AUSA) in Montana—3 are located in Great Falls (4 hours from Fort Belknap), 2 in Billings (3 hours from Fort Belknap), and 1 in Helena (4 hours from Fort Belknap)—2 of these 6 ASUAs are assigned to serve all of Indian Country in Montana. And the last federal budget cuts blocked a proposed AUSA Prosecutor from Montana.

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

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

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

Fort Belknap Law Enforcement is seriously underfunded by the federal government and by BIA. Recall: our Reservation is the size of Rhode Island and we have total BIA funding for 9 Law Enforcement Officers. Officers lack equipment and are untrained to handle this crisis. The Fort Belknap Indian Community contracts the Law Enforcement through the 638-contracting process. In 1997 the federal government offered $1.2 Million dollars to Fort Belknap for Law Enforcement—and 27 years later offer $1.3 Million. Due to the funding disparity, the Fort Belknap Community has a pending federal lawsuit against the United States government due to its breach of contract and trust responsibilities owed to our People.

BIA Law Enforcement Training is located in Artesia, New Mexico, which is located 1,279.5 Miles away from the Fort Belknap Indian Community. If Law Enforcement applicants are trained by state law enforcement, they are required to receive the additional federal training in Artesia, New Mexico. Our Law

Enforcement recruitment and retention challenges are hard enough with the basic requirements of needing the training. BIA needs to be on-board with finding Law Enforcement Training locations in the Great Plains Region or work with state law enforcement trainings to implement federal law enforcement requirements.

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

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

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

In Conclusion, 100 Years Ago, thru the Indian Citizenship Act of June 2, 1924, Congress wanted United States Citizenship to all Native Americans born in the United States. You wanted Us to be Citizens of the United States: now You have a duty to protect all of us—including the Protection of Our Borders of our Reservations.

I thank you for your time and am happy to answer any questions.

Dr. GOSAR. Thank you. I thank the gentleman for his testimony. I now recognize Ms. Zinn for her testimony.

STATEMENT OF STACY ZINN, FORMER RESIDENT IN CHARGE, ROCKY MOUNTAIN DIVISION, DRUG ENFORCEMENT ADMINISTRATION, BILLINGS, MONTANA

Ms. ZINN. Thank you. My name is Stacy Zinn. I am the former Resident Agent in Charge for the DEA of Montana. I am going to give you a little bit of history and why we are at where we are at.

Back in 2014, as a new group supervisor for the Eastern District of Montana Tactical Diversion Team, my job was to oversee the teams that were developing investigations targeting those that were diverting prescription pills like OxyContin and other opioids. A single 30 milligram of oxy would cost approximately $35 on the streets in Billings. You take that pill up to Rocky Boy's Reservation, they could charge $67 for that one pill. You shift over to the Fort Peck Reservation, that one pill cost $89 back then.

The pill prices were extremely profitable for nefarious drug organizations, and this caught the attention of the Mexican cartel. While the cartels had a reputation of exploiting the Native American communities with the meth sales, it wasn't until the

explosion of fentanyl that the cartels became overt. Rumors of the Sinaloa Cartel distributing illegal drugs on the Crow and Northern Cheyenne Reservations have always surfaced, and while there was some evidence of this being the case, we were unable to prosecute these investigations because we could not get enough evidence.

Fast forward to 2019. The Sinaloa Cartel was making their move from the southwestern portion of the state, Butte, Montana, and then traveling all the way across to Fort Peck Reservation. An investigation led to the successful prosecution, but it resulted in the seizure of 65 pounds of meth, more than 2,000 pills, fake pills, 3 pounds of heroin. The agents also confiscated over $32,000 and 19 firearms. Post-arrest statements indicated that the Sinaloa Cartel was expanding into the reservations.

In 2022, rumors of cartel presence was taking place on the Crow Reservation. Once it was learned that the cartel, believed to be Nueva Generacion Cartel, CJNG, was operating and moving freely on the reservation, I directed my Billings team to hyper-focus on this investigation. DEA, along with FBI and BIA, teamed up and started long-term investigation. The investigation centered on the Crow Indian Reservation, where cartels' associates took over at least two properties and used them to distribute meth to people on the reservation, as well as nearby Northern Cheyenne Indian Reservation, Fort Belknap Reservation, Rocky Boy's Reservation, Flathead Reservation, and up into the town of Billings. This cartel was based in Washington State, near a separate reservation.

The *New York Times* later wrote in their Montana Cartel expose, "A second Federal drug investigation in Montana has led to charges against more than two dozen people, and includes allegations of Mexican cartel members using Native Americans as pawns in their operation. This investigation is still being adjudicated, and current public information is limited in order for the last of the defendants to have a fair trial."

While the above investigation has left a temporary cartel void in the reservations, a lot of intelligence was learned. The cartels do not want to give up this territory where they can have such control. The price markup of these drugs being purchased in Montana is tripled, compared to larger cities in the surrounding states. This is a huge attraction to those that are manufacturing and selling the drugs, mainly the Mexican cartels.

Due to the lack of law enforcement at both the local and Federal levels, the Mexican cartel is taking full advantage. Members of the cartel will prey on the Native community by giving small amounts of drugs for free, or have the individuals start selling for the cartels in order to get a payout in drugs. However, time and time again, we will see that the Natives will start using the drugs they are supposed to be selling, which leads to them getting into debt with the cartels. At this point, the cartels have muscled their way into the collective groups and monies are now owed. A vicious cycle occurs, and eventually individuals are so far into debt they do not know how to get out from underneath the cartels. The cycle is only broken when that seller is arrested by law enforcement or killed.

So, why do we have this problem in Montana? A lack of law enforcement at both the local and Federal level has created a vacuum. Montana local law enforcement, to include the Montana

Criminal Division's investigations, do not have the authorities to conduct law enforcement activities on the reservation without a signed MOU with the tribe. These MOUs have become rare.

Tribal police, while currently on most of the reservations, are lacking in manpower, investigative tools, and sometimes are compromised. Federal agencies such as the DEA and FBI are limited in their resources. A four-man enforcement drug team for the DEA, the ones in the eastern district of Montana, is beyond unbelievable, especially when they have to cover Gallatin County and Bozeman, where there are two cartels present, and also Yellowstone County, where the cartels and gang members are establishing territories. The FBI had their hands tied up with both assault investigations, and their numbers of agents are limited, too.

The BIA has its own issues: lack of manpower to cover the reservations, hiring issues, and an inability to keep drug agents employed in certain reservations due to harsh working conditions.

Before COVID, a review was conducted by representatives of the DOJ pertaining to the lack of law enforcement presence on the reservations and the need for more BIA representation. It was at these meetings where it was openly discussed that the cartel presence would only get worse if actions were not taken. Unfortunately, with all these above issues combined, the Mexican cartel has taken full advantage of the USA's inability to man the reservations and the surrounding areas. At some point, we need to take the cartel presence seriously.

Whether it is the reservations, Bozeman, Butte, Billings, or Great Falls, the need for change is real. We cannot continue to be idle and sit on our hands.

[The prepared statement of Ms. Zinn follows:]

PREPARED STATEMENT OF STACY ZINN, FORMER DEA GROUP SUPERVISOR FOR THE EASTERN DISTRICT OF MONTANA'S TACTICAL DIVERSION GROUP

In 2014, I, Stacy Zinn, was a new DEA Group Supervisor for the Eastern District of Montana's Tactical Diversion Group. My job was to oversee the teams that were developing investigations targeting those that were diverting prescription pills like Oxycontin and other opioids. A single 30 mg of Oxy pill would cost approximately $35.00 on the streets of Billings, Montana but you could sell that same pill for approximately $67.00 on the Rocky Boy Reservation and $89.00 on the Ft. Peck reservation. The pill prices were extremely profitable for nefarious drug organizations and this caught the attention of the Mexican Cartels. While the cartels had a reputation of exploiting the Native American communities with meth sales, it wasn't until the explosion of fentanyl that the cartels became overt.

Rumors of the Sinaloa Cartel distributing illegal drugs on Crow and Northern Cheyenne reservations have always surfaced, and while there were some evidences of this being the case, investigators were unable to put together a prosecutorial case. Fast forward to 2019, the Sinaloa Cartel was making their move from the southwestern portion of the state, Butte, Montana, across to the Ft. Peck Reservation, which is located in the northeastern portion of Montana. Ultimately, the multi-agency investigation resulted in the seizure of 65 pounds of meth, more than 2,000 counterfeit OxyContin pills laced with fentanyl and 3 pounds of heroin. The agents also confiscated more than $32,000 in cash and 19 firearms. Post arrest statements indicated that the Sinaloa Cartel was expanded into the reservation.

In 2022, rumors of cartel presence were taking place on the Crow Reservation. Once it was learned that the cartel, believed to have been Jalisco New Generation Cartel or CJNG, was physically moving onto the Crow Reservation, I directed my Billings team to hyper focus on this investigation. DEA, along with FBI and Bureau of Indian Affairs (BIA), teamed up and started a long-term investigation. The investigation centered on the Crow Indian Reservation, where cartel associates took over at least two properties and used them to distribute meth to people on the

reservation as well as the nearby Northern Cheyenne Indian Reservation, Ft. Belknap Reservation, Rocky Boy Reservation, Flathead Reservation and in the town of Billings. This cartel was based in Washington state near a separate reservation. The New York Times later wrote in their Montana cartel expose, "A second federal drug case in Montana has led to charges against more than two dozen people and includes allegations of Mexican cartel members using Native Americans as pawns in the operation." This investigation is still being adjudicated and current public information is limited in order for the last of the defendants to have a fair trial.

While the above investigation has left a temporary cartel void in the reservations, a lot of intelligence was learned. The cartels will not want to give up territory where they can have such control. The price mark up of drugs being purchased in Montana is tripled compare to larger cities located in the surrounding states. This is a huge attraction to those that are manufacturing and selling the drugs, mainly, the Mexican Cartels. Due to the lack of law enforcement at both the local and federal levels, the Mexican Cartel is taking full advantage. Members of the cartel will prey on the Native Community by giving small amounts of drugs for free or have the individuals start selling for the cartels in order to get a payout in drugs. However, time and again, we see that the natives will start using the drugs they are supposed to be selling which leads to them getting into debt with the cartels. At this point, the cartels have muscled their way into the collective group and monies are now owed. A vicious cycle occurs and eventually the individuals are so far into debt, that they do not know how to get up from underneath the cartels. The cycle is only broken when that seller is arrested by law enforcement or is killed.

So why do we have this problem in Montana? A lack of law enforcement at both the local and federal level has created a vacuum. Montana local law enforcement, to include the Montana Criminal Division of Investigations, do not have the authorities to conduct law enforcement activities on the reservation without a signed MOU with the tribe. These MOUs have become rare. Tribal police, while currently on most of the reservations, are lacking in man-power, investigative tools and sometimes are compromised. Federal agencies such as the DEA and FBI are limited in their resources. A four-man enforcement drug team for the Eastern District of Montana is beyond unbelievable especially when they have to cover Gallatin County (Bozeman) who is known for their cartel activities and Yellowstone County (Billings) where cartels and gang members are establishing territories. The FBI have their hands tied up with both assault investigations and their numbers of agents are limited too. The BIA has its own issues: lack of man power to cover the reservations, hiring issues and the inability to keeping drug agents in employed in certain reservations due to the harsh working conditions. Before COVID, a review was conducted by representatives from DOJ pertaining to the lack of law enforcement presence on the reservations and the need for more BIA representation. It was at these meetings where it was openly discussed that the cartel presence would only get worst if actions were not taken.

Unfortunately, with all of these above issues combined, the Mexican Cartel has taken full advantage of the U.S.A's inability to man the reservations and the surrounding areas. At some point, we need to take the cartel presence seriously. Whether it is the reservations, Bozeman, Butte, Billings or Great Falls, the need for change is real. We cannot continue to be idle and sit on our hands.

Dr. GOSAR. Thank you, Ms. Zinn. The gentleman from California, Mr. John Nores, Jr., is recognized for 5 minutes.

STATEMENT OF JOHN NORES, JR., LIEUTENANT (RETIRED), SPECIAL OPERATIONS, MARIJUANA ENFORCEMENT TEAM, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, MORGAN HILL, CALIFORNIA

Mr. NORES. Good afternoon, Chairman Gosar and esteemed Members of Congress. It is an honor to speak with you all again today in our nation's capital. I was a game warden in California for 28 years, part of our nationwide thin green line of conservation officers protecting our nation's wildlife, waterways, and wild lands.

The Mexican cartels, along with other worldwide Transnational Criminal Organizations, or TCOs, have become the biggest

domestic public safety threat and some of the greatest destroyers of our natural resources, especially on tribal lands.

Our first violent encounter with the cartels was during an allied agency cartel Cannabis Grow raid on pristine public land in the Silicon Valley foothills. When ambushed by cartel gunmen, my young warden partner was near fatally shot through both legs by an AK-47. This was the first time we had learned of the highly toxic EPA-banned poisons, neurotoxins like carbofuran, Furadan, metaphos, being smuggled into the United States through our southern border, the massive amounts of water stealing and water pollution, the anti-personnel traps like Vietnam-era punji pits throughout many of these clandestine grow sites, and killing of numerous wildlife species.

These public and tribal land grow sites can be as remote as 10 miles into pristine tribal back country, or as close as a few hundred yards from a children's summer camp and Silicon Valley hillside homes.

After four more officer-involved shootings, I was honored to co-develop and lead the Marijuana Enforcement Team, the MET, in 2013, a specialized game warden unit comprised of lifesaving apprehension canines, a sniper observer unit, and skilled operators dedicated to this fight.

Through 800 missions, we eradicated 3 million cannabis plants, most of them toxically tainted with EPA-banned chemicals, destroyed 29 tons of processed cannabis for sale, and made 973 felony arrests on growers, many classified as deportable felons with extensive criminal histories.

On the environmental damage front, our team removed 450 tons of gross site waste, 455 miles of water diversion pipe, 756 gallons of illegal and toxic chemicals, and dismantled and restored waterways being diverted by 793 dams, accounting for millions of gallons of water being stolen from pristine public and tribal land tracks.

With Tribal Nations throughout California outnumbered and understaffed, our MET was honored to team up with the Northern California's Hoopa Valley and Yurok Tribal Police to assist in their fight to stop cartel destruction of their waterway, wildlife, and wildland resources.

Over the last 11 years, we have collaborated with these tribes on numerous cartel cannabis grow operations, and witnessed the egregious impacts to their pristine tribal waterways, specifically the Trinity River. The Trinity is the lifeblood of both tribes, and relied upon for drinking water, ceremonies, salmon, their main food source, and steelhead trout, a state and federally listed endangered species.

It was a privilege to work alongside tribal police officers dedicated to stopping the destruction of their sacred waterway and wildlife resources while protecting their communities. During operations we encountered hundreds of historical grow sites, found numerous EPA-banned toxic poisons, dismantled countless water diversions, removed hundreds of tons of grow site waste and pollutants, and restored hundreds of waterways with our tribal partners.

While I have highlighted the destruction of our wildlife and waterway resources engendered by these criminal groups, we must remember that these cartels are polycriminals that engage in

numerous other public safety crimes, even in the most remote regions of my home state now in Montana.

As my dedicated colleagues from Montana have just testified, the fentanyl black market has become a cartel cash cow, with their deadly product killing, on average, 200 Americans a day, 73,000 of our citizens each year, with a skewed percentage of those being on tribal lands.

Given that a single fentanyl tablet can yield up to $90 on the black market on remote tribal lands, the cartels have moved in and taken over the fentanyl trade while engaging in human trafficking, theft, and other public safety crimes. These vulnerable communities are being targeted, with crime and overdoses surging throughout Tribal Nations in the most remote and vast parts of Montana. Mexican cartels have targeted the Crow, Cheyenne, and Blackfeet Tribes, leaving them strung out, addicted, and decimated.

Tribal police officers are simply vastly outnumbered, making it nearly impossible to hinder any cartel operations within their districts. These examples illustrate the pervasiveness of cartel operations throughout America, especially in tribal lands. Our people and our wildlife and waterway resources are being destroyed, and stopping the cartels from poisoning our tribal communities must be a top priority.

Thank you, and I am happy to answer any questions you have.

[The prepared statement of Mr. Nores follows:]

PREPARED STATEMENT OF LIEUTENANT JOHN NORES JR. (RET.), CALIFORNIA DEPT. OF FISH AND WILDLIFE, MARIJUANA ENFORCEMENT TEAM (MET), SPECIAL OPERATIONS

My name is John Nores, and I am a retired special operations game warden Lieutenant from the California Department of Fish and Wildlife (CDFW). It was an honor to be a game warden and serve 28 years protecting our nation's wildlife, waterway and wildland resources and stopping wildlife and environmental protection law violators was a privilege.

California game wardens are statewide police officers while also being federally deputized to enforce Federal wildlife protection laws. I began my journey with the police training academy in 1992 and at that time I could never have anticipated that the end of my operational career two decades later would be spent leading a specialized unit of game wardens dedicated to combating Transnational Criminal Organizations (TCO's), aka "cartel" infiltration of our nation's pristine public and rural private lands to grow toxically tainted black-market cannabis for nationwide distribution.

This proved to be true as drug cartel operations within California and every other state in our nation have become some of the most egregious environmental and wildlife resource crimes and public safety threats we have seen throughout America.

Through their use of US EPA banned chemical insecticides and rodenticides (carbofuran, Metaphos, Q-Furan, etc.) and massive amounts of water theft (especially alarming during recent peak drought years in the country) throughout tens of thousands of clandestine cannabis grow sites on both public and private land, cartel cells are poisoning waterways, killing numerous wildlife species, destroying wildland trees, vegetation and grass lands while posing a severe threat to our public's safety.

The public safety threats posed by these criminal cells are evident in cartel grow sites we have encountered with firearms, stabbing blades, and various anti-personal traps (i.e., Vietnam war era punji pits) as well as toxic poisons and other public safety threats common throughout these sites.

The cartel's propensity for violence, however, was first witnessed on a deadly cannabis grow arrest and eradication mission in the Silicon Valley foothills we conducted with the Santa Clara County Sheriff's Office on August 5th, 2005.

While entering the grow site, our allied agency enforcement team was ambushed by cartel gunmen defending their multi-million dollar complex and a gunfight ensued. A near-fatal bullet from a grower's AK47 struck our young warden team-

mate, penetrating both of his legs before an agonizing 3 hour wait for his helicopter evacuation to the hospital.

That incident was the first time a law enforcement officer in America had been hit and nearly killed by a clandestine marijuana grower's bullet, and our first violent encounter with tactically savvy cartel operatives from Mexico running their operations in the US, in this case within the Silicon Valley.

We would have four more officer involved shooting incidents and numerous other violent encounters with cartel grower groups defending their black-market cannabis operations throughout California before I was tasked with co-developing and leading a special operations group of game wardens within our agency called the Marijuana Enforcement Team (MET).

Comprised of officers with extensive tactical experience, wilderness fieldcraft, (stalking, apprehension, and survival skills), amazing lifesaving apprehension and detection K9 partners, a sniper unit, national guard, and allied agency law enforcement helicopter teams, the MET's mission was clear:

- Apprehend and prosecute illegal and dangerous growers to protect our public.
- Eradicate their black market (in many cases poisonous and highly toxic) crop before reaching the national black market.
- Environmentally restore illegal outdoor trespass grow sites by removing water diversions, restoring waterways, removing grow site poisons, encampments, and other waste to reclamate the site back to its natural state on pristine public and private lands.

I led the MET until operational retirement in December 2018 and between July 2013 and December 2018, our documented production levels paint an ominous picture during those first five years:

- **800** arrest, eradication, environmental reclamation missions.
- Destroyed **three million** toxically tainted cannabis plants.
- Destroyed **58,677 pounds (29 tons)** of toxically tainted processed cannabis for sale and distribution.
- Made **973 felony arrests** (*approximately 90% of those arrests made on cartel or cartel affiliated Mexican nationals operating in the US illegally*).
- Seized and destroyed **601 firearms**.
- Removed **899,945 pounds (450 tons) of grow site waste** and other pollutants.
- Removed **2.35 million feet (455 miles) of irrigation pipe**.
- Removed **91,728 pounds (46 tons) of fertilizers**.
- Removed **756 gallons of illegal toxic chemicals**.
- Dismantled **793 water stealing dams** from these clandestine grow complexes with these dams (and many other illegal cannabis water diversions) *depleting billions of gallons of water during California's peak drought period*.

These figures represent only a fraction of the extent of damage cartels generate throughout the US **with a significant amount of these clandestine grow sites occurring on our most vulnerable communities, remote tribal lands**.

Given an estimated hundreds of thousands of cartel operatives that have infiltrated reservations across the American West, and the extremely limited number of tribal enforcement personnel responsible for covering massive territories, tribal police forces cannot effectively combat this problem alone. Outnumbered, understaffed and underfunded, Northern California's Hoopa Valley and Yurok tribes reached out to our MET for assistance.

Between 2013 and 2018 we committed to working directly with both tribes being impacted by large numbers of cartel marijuana grow operations on their forests. Of most concern were the egregious impacts to pristine tribal waterways, specifically the Trinity river. The Trinity is the lifeblood of both tribes and relied on for drinking water, ceremonies and their main food source—salmon. And near and dear to us game wardens, the Trinity river also hosts steelhead trout, a state and federally listed endangered species.

It was a privilege to work alongside tribal police officers dedicated to stopping the cartel's destruction of their sacred waterway and wildlife resources while protecting their communities. During these allied agency operations, we encountered hundreds of historical cartel grow sites, found numerous EPA banned toxic poisons throughout

those clandestine grows, dismantled numerous water diversions, removed hundreds of tons of grow site waste and pollutants and restored hundreds of waterways.

While I have outlined the wild land, waterway and wildlife resource crimes engendered by these criminal groups and the associated dangers to our public's safety from my operational experience, we must remember that these TCO's are poly-criminals whose organizations engage in numerous other public safety crimes beyond toxically tainted black market cannabis production.

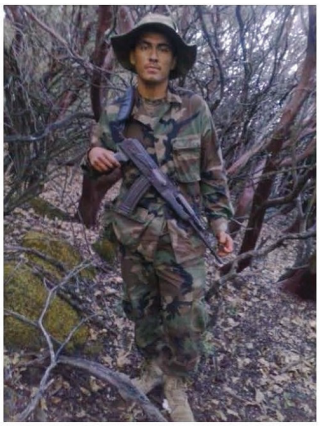
DEA officials point out that the Mexican cartels are now partnered with the Chinese cartels to the benefit of both organizations. Chinese crime groups supply the pre-cursor chemicals the Mexican cartels need to produce and distribute fentanyl and meth-amphetamine now killing hundreds of thousands of Americans annually, while the Chinese have virtually taken over the black market cannabis trade using America as the middle man to launder billions of untraceable cash dollars (https://youtu.be/xMsLDv4M0VM?si=Bkk8IqHS5F4DEZsH).

Once again, our most vulnerable communities are being heavily targeted with crime and overdoses surging throughout tribal nations. In my home state of Montana for example, the Mexican cartels have targeted tribal communities in the most remote part, of the most remote state, in our nation.

Given that a single deadly fentanyl tablet can yield up to $100 on the black market, the cartels have moved in and taken over the fentanyl and meth-amphetamine trade, while engaged in numerous other crimes throughout these communities including human trafficking, theft and more. Tribes like the Crow, Cheyenne and Black Feet are being decimated as cartel operatives are leaving reservation communities strung out, addicted or worse.

Given the vastness of this part of Montana, tribal police officers are even more outnumbered with an average of two BIA officers responsible for approximately 440,000 remote acres making it nearly impossible to hinder any cartel operations within their jurisdiction.

These examples from my past and present home states illustrate how effective and efficient the cartels are operating throughout all of America, especially on our tribal lands. None of us are immune to the dangers these criminal groups present throughout our homeland as our public and our pristine wildland, waterway and wildlife resources continue to be poisoned and destroyed. Given everything we have seen while combating this issue, stopping the cartels from operating within America to poison our tribal communities must be a top priority.



Cartel gunman in grow complex

Cartel grow site - Carbofuran poisoned Mountain Lion

Cartel grower with poisoned golden eagle

Mexican cartel EPA banned grow site poisons

Cartel grow site Vietnam era anti-personnel punji pit

Outdoor cartel grow site

Cartel grow site - river water stealing

Northern CA Cartel grow site waste

Cartel grow site pristine stream diversion

Cartel growsite: Underground water stealing.

Mexican cartel gunmen in outdoor grow complex

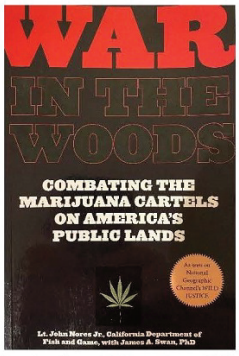
Cartel grows – EPA banned poison killed grey fox

New and highly toxic Chinese cartel grow site poisons

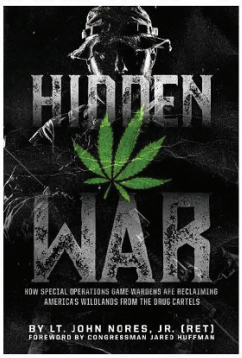
Cartel grow living quarters - exterior

Cartel grow living quarters - interior

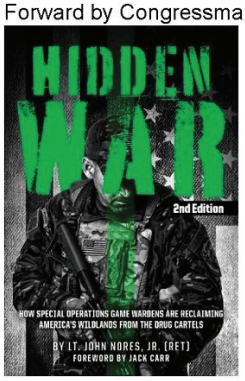
Cartel river grow site camp



War in the Woods - 2010



Hidden War Edition 1 – Forward by Congressman Jared Huffman - 2019



Hidden War – Updated Edition 2 – Forward by Jack Carr - 2023

Dr. GOSAR. Thank you, Lieutenant. I will now go to the Members for some questions. Right off the bat is the Chair of the Full Committee, Mr. Westerman.

You are up for 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Gosar, and thank you to the witnesses for being here today.

This is a topic that is not getting nearly enough attention. It is something that has come up in other hearings that we have had, but I think the American public needs to be made aware of what is happening on our tribal lands. It is happening all across our country, but especially the egregious things that are happening on the tribal lands here.

We did a hearing in southern Arizona, in Cochise County, and it was on damage to public lands and illegal immigration. And Sheriff Mark Dannels there made a statement where he said it is not an immigration problem we have. He said it is an organized crime problem. And it got me really thinking a lot about, you know, he is right. These are Mexican cartels. And they are not just operating along the border in southern Arizona, they are in Montana, they are in California. They are all across our country. And the cartels have to have a presence to be able to cash in on the human trafficking when they are basically enslaving people. It is a massive problem that is not getting nearly enough attention.

But Chief Roberge, as you know, the cartels obviously present an extreme danger to Indian communities all across America. Eradicating the cartels and their fentanyl from Indian Country should be a major priority for the FBI and other Federal law enforcement. But we know this is not always the case. How present is the FBI on the Fort Belknap Reservation, and how would you describe your relationship with the FBI Salt Lake City Field office, which I believe covers your area?

Mr. ROBERGE. Yes, Mr. Westerman. We have a pretty good relationship with the FBI of that Salt Lake City field office.

We are mandated by Federal law. Any felonious type offense, I guess I wouldn't say any felonious type offense, it would be any serious offense: murder, any unattended death, most drug-related crimes, we have to call or report it to the FBI.

Essentially, what happens is, I have my criminal investigator here sitting behind me, he will put the case together. Kind of in tandem with the FBI, a lot of times he hands it over to the FBI. The FBI then does a cross-memo, I believe, to submit that to the AUSA, and then they prosecute.

So, we do have a pretty good working relationship with them. But as far as dangerous drugs go, we use the BIA Drug Enforcement Division a little bit more because we are getting more results out of them. It is hit or miss. They take a reactive approach, the FBI I am speaking of, as far as proactive.

Mr. WESTERMAN. And we had a hearing earlier this year, and a tribal leader was talking about death threats from the cartels. And now you testified that there were four murders in 3 months in a community of 7,000 people, and directly because of drugs coming from the southern border. Would you like to elaborate on that?

Mr. ROBERGE. I will elaborate, I apologize. The four murders weren't a direct cause and effect from drugs being trafficked across the southern border. Our rise in violent crime and everything else, from what we are seeing, if we track data, is caused from dangerous drug trafficking. I mean, we haven't seen this type of violent crime in a while. And with that, we haven't had a murder in years. And then all of a sudden this year, with an uptick in fentanyl and methamphetamine, we have four of them.

Mr. WESTERMAN. Yes. And I used a lot of time there but, Ms. Zinn, I found your testimony extremely compelling because you have extensive experience working with tribes in Montana. Can you describe some instances in which the DEA successfully worked with tribes to dismantle cartel distribution networks?

Ms. ZINN. Oh, absolutely. When I was the head of DEA, that is what we worked, was the large drug cartel that we took off throughout the state of Montana on the reservations. They were coming from Omak, Washington, traveling to Flathead, dropping off, going all the way to Great Falls, dropping off in Rocky Boy, going up through Havre, dropping off in Fort Belknap, and then coming and laying their heads down in Crow Agency.

When we teamed up with FBI and BIA, we were successful in our investigation. It took 8–11 months to actually work. But I can actually say the Mexican cartel, the members that we arrested, they were all illegals that had come across our southwest border. So, the problem that we have is that some of them have fled, and we hear the rumors they are back into the United States, but they are going to be under a new identification, so we are going to be having to retract that all over again.

Mr. WESTERMAN. I was going to ask you to identify any existing barriers that complicate DEA's mission to eliminate illegal drug distribution and to prosecute drug traffickers. It sounds like this new identification may be one of those barriers. Are there other ones in Indian Country?

Ms. ZINN. Oh, absolutely. We need more drug agents in Montana. When I was saying we have four enforcement drug agents to cover Havre, Bozeman, Ekalaka, and Plentywood, four guys can't do it. Cannot do it.

Mr. WESTERMAN. Again, I am way out of time, but thank you all so much for your testimony. And this is something we have to follow up on.

I yield back, Mr. Chairman.

Dr. GOSAR. Thank you, Mr. Chairman. The gentleman from Montana, Mr. Rosendale, is recognized for 5 minutes.

Mr. ROSENDALE. Thank you very much, Mr. Chair.

Ms. Zinn, thank you for attending today. Mr. Roberge and Mr. Nores, when you start naming the cities, though, Ms. Zinn, and you say Havre and Bozeman, these folks have no idea the distance that we are talking about that is between those areas, which would take about a 2-day trip and many meals to get you to all four of those cities.

Ms. ZINN. Maybe I need to say 4 hours, 5 hours, 3 hours and 4 hours.

Mr. ROSENDALE. Exactly.

Mr. Roberge, I am going to start with you. There is concern regarding cartel associates forming close relationships with Indigenous women on the reservations to establish themselves within the communities. Is your community taking any steps to ensure that your community members don't fall into these traps with the cartel members, that they are educated of what is going on?

Mr. ROBERGE. We try to put some education out there, and social media, movies, and TV. People see this all the time. But short of

violating civil rights, we can't really tell them who to be with. They do a pretty good job. I mean, we all look the same. They blend in well. It is pretty tough to tell.

Mr. ROSENDALE. OK. Have you noticed or experienced any of your tribal members protecting cartel members when Federal agents do come to investigate?

And if you do, do you think that is out of fear for retribution from the cartels, or is it out of financial incentive because they are actually benefiting from having these relationships?

Mr. ROBERGE. Yes, it is a multitude of reasons, everything you just named. The biggest thing would be fear. Everybody knows these guys will cut somebody's head off, or hang them from an overpass, whatever. Everybody has seen it.

There is that. There is a financial incentive. And everybody that they connect with are addicted to their product. So, there is that, as well. A lot of times we won't hear about it. They will protect them, and house them, and do their bidding, and gone.

Mr. ROSENDALE. Ms. Zinn, you were talking about the value of the drug on the reservations and how much greater it is than it is just even in Billings itself. Why is that? Why is it that it jumps from $35 or $38 up to $65, and then all the way over by Fort Peck you are $100 for that same pill?

Ms. ZINN. Distance. In order to transport the drugs, the farther you go away from the southwest border the higher the markup of the drugs.

Mr. ROSENDALE. OK. So, can we come to an agreement with our panel here that the open border is increasing the amount of drug and criminal activity that we see on these reservations?

Ms. ZINN. Absolutely.

Mr. ROBERGE. A hundred percent.

Mr. ROSENDALE. OK. I do appreciate that candor.

Ms. Zinn, why do you believe that the Bureau of Indian Affairs has been so ineffective at protecting these tribes from the cartel activities?

Ms. ZINN. Several reasons. There are not enough of them. They need double the amount of agents. They need more tools. And, unfortunately, when you have an operation in the area, you have only a small portion of drug cops in Montana. If the state of Washington is doing an actual operation, all those agents are shifted over to travel to the other state, and then they are shifted over to another state, then they come back to Montana.

Mr. ROSENDALE. Let me ask one more thing before I run out of time here. I asked Mr. LaCounte the same question on the last panel, but I have been to other states where the reservations and the tribes had really strong agreements with the Federal law enforcement and the local law enforcement so that they could actually work together.

What do you think could be done to strengthen agreements, or even get some agreements in place with the tribes in Montana to make sure that we can have that collaboration?

Ms. ZINN. The Tribal Council has to have the MOU in place. But because they overturn every 4 years, a lot of times they don't honor the MOU that is in place. It is building relationships.

By the time the people start trusting each other, then time has passed, and they are elected out of office. That is the problem with the local law enforcement, the DCI, and the tribe itself. FBI, DEA, and BIA have full range to go on the reservations, but we just have a lack of law enforcement.

Mr. ROSENDALE. OK. Thank you very much. Thank you all for joining us here today.

Mr. Chair, I yield back.

Dr. GOSAR. I thank the gentleman from Montana. The gentlewoman from Wyoming is recognized for her 5 minutes.

Ms. HAGEMAN. Thank you, Mr. Chairman.

According to the House Budget Committee report, international cartels are reaping unprecedented profits from human and drug smuggling and trafficking, upwards of $30 million a day or nearly $1 billion a month. International drug cartels have been purposely targeting rural Native American reservations, both for the sale of meth and as distribution hubs for fentanyl. Indian Country has also borne the brunt of the horrific rise in human sex trafficking.

Even before the recent influx of fentanyl use and overdoses, an older DOJ study from 2006 estimated that 40 percent of violent crimes are attributable to methamphetamine, which we know is disproportionately trafficked in and bought and sold on Indian reservations. Since then, this problem has gotten much worse, not better.

Chief Roberge, in your testimony you mentioned a report that was authored by the National Congress of American Indians and sent to Congress in 2006. This report included damning information on the rise of violent crime on Indian reservations, and essentially predicted the situation we find ourselves in today if we didn't do anything back then to address it. In your own words you state, "Since then nothing has been done." That is a very sad state of affairs.

Secretary Mayorkas disagrees with you, however, and in 2023, in a judiciary hearing, he actually stated that our approach to managing the border securely and humanely, even within our fundamentally broken immigration system, is working. Would you agree with Secretary Mayorkas that they have secured the border and their approach to the immigration is working? Do you agree with him?

Mr. ROBERGE. Currently?

Ms. HAGEMAN. Yes.

Mr. ROBERGE. That he has secured the border and his approach to immigration is working?

Ms. HAGEMAN. That is what he testified to before the Judiciary Committee.

Mr. ROBERGE. No.

Ms. HAGEMAN. That is not what your experience has been, has it?

Mr. ROBERGE. Not at all.

Ms. HAGEMAN. What about you, Ms. Zinn, or you, Mr. Nores, do you believe that the current Administration has secured the border, and that their approach is working?

Ms. ZINN. No. Our southern border is wide open, and our northern border is wide open.

Mr. NORES. Absolutely not.

Ms. HAGEMAN. And many Indian communities have been and will continue to be devastated by the overflowing of fentanyl that is crossing our border. In my home state of Wyoming, over 23,700 pills were seized in 2023 alone.

Ms. Zinn, you have highlighted some of your successful operations, including a multi-agency operation where you seized tremendous amounts of meth and OxyContin laced with fentanyl. Can you explain how, in this particular instance, you were able to work effectively across agencies?

Ms. ZINN. You have to have a leadership in place that is willing to do that. You have to have that olive branch and say, hey, we can do this together if we work together as a team. It is called communicating. And the end goal is to take care of the community.

Ms. HAGEMAN. Do we have that leadership in place with the Biden administration?

Ms. ZINN. At which level?

Ms. HAGEMAN. Right now.

Ms. ZINN. I would say in the state of Montana we do have that relationship in place.

Ms. HAGEMAN. We are hearing from other witnesses today that these kinds of seizures are very difficult to accomplish, however. And as someone working very closely on these issues, in your opinion, what tends to cause interagency disputes?

Ms. ZINN. Territory. Yo tengo mio. I have my case, you have your case. This case won't get prosecuted in the U.S. Attorney's Office. Maybe it will. All that comes into play.

Ms. HAGEMAN. Ms. Zinn, in your work you have seen mass migration across the southern border, and all three of you just stated that the southern border is wide open, and whatever they are doing down there is not working, and it is having a devastating effect on our reservations.

We are now looking at unprecedented numbers crossing the border every single day. And the announcement that was made by President Biden just today in terms of his Executive Order is not going to stem that flow. Our colleagues on the other side of the aisle are desperate to cover up the real-life consequences of the wide-open border that has occurred over the last 3 years.

As someone who has worked on these issues across various administrations, Ms. Zinn, is it safe to say that the southern border is in the worst shape it has ever been under President Biden?

Ms. ZINN. Absolutely. I have worked on the southern border. I know what the border looks like.

Ms. HAGEMAN. Would you agree, Mr. Nores?

Mr. NORES. Absolutely.

Ms. HAGEMAN. And what about you, Chief Roberge?

Mr. ROBERGE. Yes.

Ms. HAGEMAN. OK. With that, I want to thank you three for being here. I will echo what Chairman Westerman has stated. We have now had a couple of hearings on this particular topic. And as the Chairman of the Subcommittee on Indian and Insular Affairs, I take this extremely seriously, and it is breaking my heart, what we are seeing happening on our reservations.

I just had the opportunity to question the Attorney General of the United States, Merrick Garland, on this very issue. And I have demanded that they attempt to do something to address the open southern border so that we can provide some relief to our tribes and our tribal members. We are going to continue to fight this issue because it is so incredibly, critically important to our tribal members, to our tribes, and really, to the future of our country. So, thank you for being here.

Dr. GOSAR. I thank the gentlewoman. The gentleman from Georgia, Mr. Collins, is recognized for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman. I know I am going to sound like a broken record, but I am a freshman up here, as well, and I spent my entire career in the private sector, so I have never been elected. And I have been appalled at what we have been hearing in these hearings. It is very upsetting.

And just like the Chairman of the Full Committee said, I don't think 99 percent of the American people have a clue, or know anything about what is going on in our tribal lands.

Chief Roberge, you gave out six points that you would like to see done when you were giving your opening statement, and I would love to hear you expand on them in a written form, if you could, just so that I could get a better understanding of something. I know you are busy, but I would love to see if you have an expanded version of that.

And I would also like to know, if the border was secure, would these still be the six things that the tribal lands need?

Mr. ROBERGE. Absolutely, Mr. Collins.

Mr. COLLINS. Thank you. And with that, I am going to yield back the remainder of my time to the gentlewoman from Wyoming, Ms. Hageman.

Ms. HAGEMAN. Well, thank you, Mr. Collins.

Picking up where I kind of left off, Chief Roberge, in your testimony, you highlighted some of the jurisdictional challenges that you face. You also suggested that it is common for local law enforcement to run into jurisdictional holes in our justice system that make it harder to punish cartel members and drug dealers. Has it become more common or less common for cartels and drug dealers to take advantage of these various loopholes?

Mr. ROBERGE. More common. Significantly more. We are reaching out to the state or our surrounding counties, I can't say the state, for help, and they are arguing that it is the FBI's jurisdiction. And I explained the FBI, well, the AUSA, won't allow a probable cause arrest right now or a complaint. Rather, when they commit an offense, we have to wait for this warrant of arrest to be issued before we can place them in jail. We don't have that criminal jurisdiction over them.

We only have criminal jurisdiction over Indians, tribal members of a federally recognized tribe. And the county won't take them because they are arguing that these guys will commit a felonious type offense, not go to jail for it, can't kick him off the reservation unless we have an exclusion hearing, which that doesn't matter to them, either, and I have some examples that I submitted in written testimony of that.

Ms. HAGEMAN. If you would give some of those examples, and I guess what you are saying is they have become incredibly, what would I say, sophisticated at understanding our laws, these loopholes, these holes, how to exploit them. And essentially, they are tying everyone's hands, including, most specifically, you, as well as the local law enforcement.

But the FBI is also one of the problems, it sounds like, in terms of being able to provide you with the necessary enforcement that you need to ensure that these people are actually held criminally accountable.

Mr. ROBERGE. I would say the U.S. Attorney.

Ms. HAGEMAN. From the Department of Justice?

Mr. ROBERGE. Yes.

Ms. HAGEMAN. OK. Could you give us some of the examples that you have included in your written testimony?

Mr. ROBERGE. Yes. Would you like me to give them now?

Ms. HAGEMAN. Please.

Mr. ROBERGE. Absolutely. Give me 1 second here.

Ms. HAGEMAN. I believe that you gave an example of a drug dealer who was very familiar with the laws and jurisdiction of the FBI and tribal law enforcement, that being one of the examples.

Mr. ROBERGE. Yes, this would be the one example. A few weeks ago, we had a non-Indian drug dealer dealing and living on our reservation. In the course of the tribal law enforcement investigation, this non-Indian drug dealer was found with a large amount of methamphetamine. He had a scale, drug paraphernalia, and all the precursors for sale or distribution of dangerous drugs.

The reason we had contact with him is he had beaten a tribal member, which was a female, with a firearm. He didn't shoot her, but he beat her with a firearm. And then this individual has a history of committing other drug-related crimes.

The local county was called, as well as the FBI. Due to the ongoing criminal behavior of this non-Indian drug dealer, the court issued a preliminary order to exclude him from our reservation, as per the Fort Belknap Indian Community's Constitution. The non-Indian drug dealer violated this within the week of the issuance of this order.

So, prior to this exclusion order being issued, the county refused to take him. And he just beat a woman, left her for dead out in a rural area. She thought he was going to kill her. Nobody took him to jail. We didn't have jurisdiction over him, and we violated civil rights if we did anything about it.

That brings me to the point of we need legislative action, and a simple fix would be to overturn the *Oliphant* decision and give us criminal jurisdiction.

Ms. HAGEMAN. That is one of the solutions right there.

Mr. ROBERGE. Yes, ma'am.

Ms. HAGEMAN. OK. I very much appreciate that. That is a good example to give.

I am out of time. Again, I want to thank you for being here, and your bravery, and being willing to work with us to try to find a fix and some solutions to these horrific problems that we are facing. Thank you.

Dr. GOSAR. I thank the gentlewoman from Wyoming. The gentlewoman from New Mexico, Ms. Stansbury, the Ranking Member, is recognized.

Ms. STANSBURY. Thank you, Mr. Chairman. Thank you all for traveling to be here with us today.

Mr. Roberge, did I pronounce your name correctly?

Mr. ROBERGE. You are the only one, yes.

Ms. STANSBURY. Oh, good. Excellent.

[Laughter.]

Ms. STANSBURY. Let me, first of all, just say thank you for your service two times, both to our nation and to the tribe. We appreciate your service. I want to follow up on some of the recommendations that you made. I found them extremely helpful.

You mentioned that your current agency is funded at around $1.5 million, and that funding really is a limiting factor. And I think it is relevant to this conversation. I think you may have seen the first panel and some of the Members are saying, well, what would you do if you had more money? So, please tell us, Chief, what would you do if you had more money?

Mr. ROBERGE. Oh my gosh, that would be a game-changer. Excuse my lack of better terms, that would be life-changing for our department and our community.

Right now, we are scraping the bottom of the barrel with $1.2, maybe $1.3 million since 1997, with no account to inflation or anything else. If I am going to keep wages at a competitive standard to recruit and retain officers, can't buy equipment, can't pay for training, I mean, can't do any of that. Even if we increased it by several hundred thousand, a few hundred thousand, it would potentially change the lives of people in that community, having a greater law enforcement presence out there, having better equipment, community policing, community policing events, restoring trust in the community of law enforcement. It would be monumental.

Ms. STANSBURY. So, it sounds like Fort Belknap is a contract. So, you guys 638 for your funding?

Mr. ROBERGE. Yes.

Ms. STANSBURY. So, the funding that you all would contract for would include increasing funding for salaries, recruitment, retention, hiring more officers. I am going to assume more vehicles, law enforcement, crime equipment, technology, et cetera. That is the kind of things you guys would use it for?

Mr. ROBERGE. Yes, positions. We need boots on the ground. We need men or women that are going to stand ready to commit acts to protect and serve their community.

Ms. STANSBURY. Thank you.

Mr. ROBERGE. That is what we need.

Ms. STANSBURY. And I will just say that we hear this from every single tribe across the country. I mean, it is literally the thing that we hear. So, I do urge my colleagues to understand that this is really a funding issue, that if tribes had the capacity to hire more folks, if they had the capacity to take on more technology, it would be a game-changer for a lot of our communities.

The other piece I wanted to dig in a little bit on, and again, I think it is a resources issue, I am really grateful that you brought

up U.S. attorney coordination and prosecution because this is another issue that we hear in multiple jurisdictions. And I was actually just home in New Mexico this week, which is the state that I represent, and we also have a severe shortage within the Federal Government, within the Department of Justice of U.S. attorneys, especially in certain regions.

And I think your testimony really spoke to the reality that the number of prosecutions that you are seeing is both a jurisdictional issue, but also it is a bandwidth issue, because these U.S. attorneys are also prosecuting all Federal crimes, not just crimes that involve tribal lands.

Mr. ROBERGE. Yes.

Ms. STANSBURY. So, I wonder if you could just speak to that in the region that you all coordinate with the U.S. attorney and DOJ. Do you see it as a lack of available attorneys to be able to prosecute the cases?

Mr. ROBERGE. Yes, ma'am. I believe they are completely overwhelmed. Two attorneys to seven Indian reservations in Montana with, I mean, I gave examples of the scope of our crime rate, and kind of what is on the table there for them. And imagine that with their plate too full. They need help.

Ms. STANSBURY. Yes.

Mr. ROBERGE. They do.

Ms. STANSBURY. Well, I appreciate that. And I did want to just make sure we flagged that today because I think it is important to understand that those resources do sit not in BIA, but at the Department of Justice, and that that is in the direct line of duty under DOJ, and that they are an important component of being able to help address tribal needs.

And then finally, I do want to just make a comment to address to the Committee. Today is primary day in New Mexico. So, happy Election Day. But it is also in Montana. And I thought it was a bit odd that we were having a witness join us who is running for office. And using official resources here in the Committee today to promote a candidate, I do not feel is an appropriate use of official resources. So, I did want to just address that, Mr. Chairman. And I do appreciate the expertise that was brought here today, but we do need to be cognizant that we are not to use taxpayer dollars for unofficial purposes. Thank you.

Dr. GOSAR. Thank you.

Mr. Nores, you have had a lot of experience within our national forests, and the growing of cannabis throughout, and the use of toxic chemicals. How much more decimated does the landscape become on these tribal entities?

Mr. NORES. Well, with tribal lands in general, Congressman, it is more severe simply because our tribal police officers are so limited. When we work with, say, the Hoopa, as I gave examples, and also the Yurok Tribes, we were going into historical grow sites that had been there 10 years.

When we would attack a grow site that we would find in other public land or, say, a private ranch, we have our entire MET team, we have the sheriff's office at our disposal, we have Federal agents from DEA, from FBI. We can rally the troops. But our tribal partners with that division, not being able to get the local, Federal, and

state help they need to on their lands, leave a lot of those sites untampered. They just can't get to them.

So, when we did collaborate, we were finding historical grows that went back, like I said, a decade. So, instead of removing those poisons on the day of the raid, eradicating those toxically tainted plants that are slated for the black market and poisoning consumers for cannabis, let's say, now those poisons are out there for multiple years before they are cleaned up. Usually, we will reclimate a grow site the day we raid it because of the lasting, egregious environmental effects on the waterways, on the wildlife, drinking water sources for our tribal partners and their communities. But some of that just goes continual what we call cumulative effects because they just don't have the resources.

So, I consider it far more severe, damaging, what these cartels are doing to our forests on tribal lands than in general what we can attack outside of those districts.

Dr. GOSAR. They are smuggling in known poisons, I would say, into and onto these public lands and into tribal areas. Is that true?

Mr. NORES. Yes, Congressman, they are. And these are poisons that were basically developed, some of the neurotoxins were literally in some of the Nazi chemical weapons they developed in World War II. They are very effective rodenticides, insecticides like carbofuran, metaphos, Furadan, all those trade names I mentioned. Yet, EPA, 20 or 30 years ago, got their study data together to realize they were too toxic for us to use in America on our crops. And one 12-ounce canister of this crystalline substance, one of these poisons, is made to be diluted with 5,000 to 6,000 gallons of water, then put on crops to keep everything off of them.

Well, these growers, the Chinese cartels are doing this, and indoor grows like we talked about in last testimony, and the Chinese are bringing their own highly toxic insecticides and rodenticides that are sometimes even more deadly than the Mexican importation of the substances I just mentioned. But we can't use them in this country, but they are available in Tijuana. They are sold in other parts of the of the world, primarily third-world countries. And they are very effective at keeping anything off of that cash crop or, in the case of indoor grows, more cannabis, as well.

Dr. GOSAR. Do you find the cartels more aggressive on tribal lands?

Mr. NORES. Absolutely, simply because they know the likelihood of getting any type of arrest or even being contacted, again, because our tribal partners are dealing with, as my partner said today up here, so many other crimes, public safety crimes, domestic violence, murders, missing people, human trafficking, the cartels like to target areas like that because they may not be contacted at all. And if they are, they are not going to have as big of a team, they are not going to have as many threats to being apprehended and/or arrested and prosecuted.

So, absolutely, that is what we have seen in California as one example. And as we are seeing in my new home state of Montana on the fentanyl crisis, human trafficking crisis, as my colleagues have testified today, as well.

Dr. GOSAR. Got you. Now, I am going to ask this question of all three of you. Hopefully, I can ask it pretty quick, what would be your idea, and I know you brought up about some money, but creatively, so I am looking at the military experience. You have these SEAL teams, you have these Ranger teams that are hotshots. You fly them in. And could that be an option, something like that, where you are bringing in hotshot law enforcement, and you are bringing an attorney with them, a couple attorneys or whatever? Do you think that could work?

Or, you know, it would definitely kind of throw things off the ball. But Chief Roberge, what do you think? Or is there something in your mind you see differently?

Mr. ROBERGE. Yes, Chairman Gosar. I don't believe dropping an operational detachment alpha into our area and having them infiltrate would suffice at this point. We are kind of seeing them come in, do their operation, and then go out. Very rarely nowadays do we have them actually establishing that foothold in Fort Belknap. They are in Crow and other reservations like that.

I think if they were infiltrated, and I don't want to give up a covert-type operation like that over the public or media, but if they were infiltrated with one of their own, that is the only way we are going to take them down. I don't know if we will ever really take them down, but we could put a cap on them. That is how we are going to do it, is infiltration.

Ms. ZINN. That would work for our places like Billings and Bozeman because we have cartels there. So, you can do that type of operation in that type of city. But on the reservations, he is correct. They are touch and go, except for my last case, they were actually more overt and trying to grow roots in the Crow Reservation.

But DEA has done those types of operations, and it is hit and miss. What you do need is more permanent boots on the ground for all the three little alphabet soup that is going to be there permanently so they know the players and they know when and where and how.

Dr. GOSAR. John?

Mr. NORES. I agree, we need more boots on the ground that are staying in place. We noticed that when we formed up the Marijuana Enforcement Team. We had had so many officer-involved shootings, so many near-death experiences as officers. When we dedicated a unit of 12 special operators as game wardens, and we could stay dedicated to just that fight throughout the whole state of California, now we are making a much bigger dent. We were going home safe, first and foremost, but we were documenting the damages.

We need that type of presence, like my partners just said, embedded throughout Montana and really any other state having this problem. We know it is border to border, left, right, east, west, north, south. But with that, I think we need the counseling, the education, educating our children on the fentanyl crisis, what to detect, human trafficking, target indicators because these polycriminals are dealing in so many crimes that threaten every American from one threat or another, whether it is fentanyl, whether it is tainted cannabis, human trafficking on tribal lands

and beyond. It is the No. 1 national priority I think we need to deal with administratively from all levels, but especially keeping enough enforcement embedded in all of our states to have a real presence and have an actual deterrence on these cartels and the evil they present.

Dr. GOSAR. This also shows that Canada is not all the friendlies that we think they are.

Mr. NORES. Correct.

Dr. GOSAR. I thank the witnesses for their valuable testimony and the Members for their questions. The members of the Committee may have additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on June 7. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 3:55 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submission for the Record by Rep. Gosar

Statement for the Record

Frank Star Comes
President of the Oglala Sioux Tribe

My name is Frank Star Comes Out, and I am the President of the Oglala Sioux Tribe (OST). The OST home, the Pine Ridge Reservation, is the third-largest reservation in the United States, stretching over 3.1 million acres, similar to the State of Connecticut. As of February 14, 2023, the Tribe has an enrolled membership of 51,460, an on-reservation law enforcement service population of more than 40,000, and 52 separate residential communities.

I am a former Marine, so forgive me, but my comments tend to be rather blunt. The time for politically correct statements has long since passed. I have human beings who are being killed and seriously hurt, and as the duly elected leader of the Tribe and a former military officer, I take that very seriously. So, for me, this is not just about a federal program; it's about American citizens. For this reason, I would like to focus my testimony on the impact that twenty-five years of federal neglect, coupled with the influx of illegal drugs and the violence that comes with them, have had on my community.

In FY 2021, we had around 138,000 calls for police service and only 33 officers to respond to those calls over an area spanning 3.1 million acres, which is larger than the states of Delaware and Rhode Island combined. That was around 5–7 officers per shift, covering 24 hours a day, 7 days a week, 365 days a year, because we have exclusive federal/tribal criminal jurisdiction over our Pine Ridge Indian Reservation.

Things have only gotten worse since then. For example, in FY2023, we had over 165,799 calls for police service, and we had only 30 patrol officers. Along with other crimes, these calls reported 1133 assaults, 449 cases of child abuse, 1,245 cases of domestic violence, 589 gun-involved crimes, and 343 cases of the most serious drugs. Just between October 1, 2022, and February 2023, we have had 8 homicides, 8 violent rapes, and another 299 serious cases of child abuse. Now I ask you, how would you deploy those 3–5 officers per shift to cover the area I just described, especially under those circumstances?

Due to our extreme shortage of officers, our average response time is and has been, between 30 minutes and an hour. Not to mention, our officers continue to work alone, with backup being around 30 minutes away, even when the alleged perpetrator has a loaded weapon. To quote my Chief of Police, "*30 minutes is a long time when you are alone and facing a group of well-armed criminals who are trying to kill you*." Our tribal officers' experiences are consistent with Director LaCounte's testimony; they are often alone, outmanned, and outgunned.

Mr. Chairman, to answer one of your questions, we already have a good working relationship with the FBI, but the reality is that they are over 90 miles away, and they openly admit that they are not organized to be first responders.

Further, to answer your question about more US Attorneys, additional US Attorneys will help with federal criminal prosecutions. But please remember that in order to bring a successful criminal prosecution in federal court, you also need federally acceptable evidence and the ability to fully investigate a crime. Experience has taught us that this generally does not happen when the police response is 30 minutes or longer like ours is: witnesses have left the scene, the victims have been transported, and the perpetrators are long gone.

Many well-intended people regularly suggest more protective orders and banishments, and I fully support the theory behind both. Unfortunately, without the practical police power to enforce those orders, it is like asking a group of armed bank robbers to please leave the bank. It is not likely to happen.

I am also aware of this Subcommittee's discussions about jurisdictional issues, and I, and the other Great Plains Tribes, strongly support legislation to return full criminal jurisdiction to our local tribal police by fixing the Oliphant Decision. I also supported the recently enacted VAWA, child protection, and domestic violence legislation, which increased tribal jurisdiction. However, without the federally backed funding to implement them, for us, these additional authorizations are merely unfunded mandates.

Finally, when you think about law enforcement jurisdiction challenges, I would like to make three important points: First, I defy anyone in this room to tell by a

person's voice, or many times even by their appearance, if they are or are not Indian. Second, the FBI, DEA, or Homeland Security cannot travel the 90 miles from their headquarters in Rapid City, South Dakota, to Pine Ridge in less than an hour, no matter what they are driving. Third, as Mr. LaCounte pointed out, Congress thinks that jurisdictional complexities are implemented before an investigation, but that is not true; they come after an assault or weapon-related attack, not before. Tribal law enforcement does not ask a victim if they are a tribal member before responding to a crime; they act. It is that simple.

Finally, Congress and the Bureau of Indian Affairs (BIA) have already attempted a strike force approach to resolving this problem, but while it sounds good, I ask you to please look at the actual data collected at the Standing Rock Reservation a few years ago. Congress sent in a large group of well-trained officers, and crime went down. Then the money ran out, and they left, and crime went right back up again. Drug dealers are not stupid; they know how to wait out a strike force. It is like putting a band-aid on a cancer lesion; it may feel better temporarily, but it is not a solution.

Many members of this Committee, specifically Congressman Bentz, have discouraged tribal leaders from requesting more resources because you may think boots on the ground will not solve the problem or a problem with turnover. At Oglala, several officers have served in our tribal law enforcement services for over 20 years. It is important to emphasize that the cheapest part of a tribal law enforcement program is officer salaries. It is federally mandated equipment, gas, insurance, vehicles, and vehicle maintenance, which costs around $175,000 per officer/year at government procurement rates that must be acknowledged and covered. Believe me, our officers are not overpaid. Most make between $60,000–$70,000 a year, working 60 hours a week in extremely dangerous conditions with virtually useless benefits.

Last year, we presented the House Appropriations Subcommittee with our federally mandated law enforcement equipment list and the prices we faced. Nothing on that list is not a critical law enforcement item (car, gas, vest, gun, handcuffs, etc.). The OMB and Congress set these prices, competitive bid processes, and mandates, so we cannot do anything about them. Under your rules, we must buy from the public market, just like the other federal agencies do. Believe me, we stretch every penny. So, we either pay or go without gasoline, police car repairs and upkeep, and federally required insurance. I certainly cannot send an officer 40 miles on a bicycle. So, when you talk about not increasing resources, please consider that we do not drive our associated costs; OMB and congressional mandates do.

In the mid-1980s, the federal government provided enough resources to the Oglala Sioux Tribe to employ 130 officers before cartels, opioids, and fentanyl; we are now down to 30. So, how many resources do you want to underfund? So, when you ask how much the Tribe received from that $700M law enforcement increase you referenced last year, my answer is simple. After the BIA and the private sector took their cut and inflation kicked in, it was just barely enough to keep going at the current level and a little more.

Our officers can easily drive around 30,000 miles a month. That is over double what an average driver adds to their odometer in a year. To understand our situation, please consider what you paid for a new car 20 years ago and what you would have to pay for that same car today. That is our very practical problem.

If you look at the BIA's annual reports to your Subcommittee, you will see its admission that we are funded at 15% of actual need. That is fifteen (15%), not 50%. That is why we ask for a budget correction to bring us up to par with what we had 25 years ago. When Director Lacounte said that BIA is at the bottom of the pecking order of federal law enforcement services, I 100% agree. It is time for Congress to put its wallet where its mouth is and commit to funding public safety and law enforcement services in Indian Country.

How did tribal law enforcement become so underfunded?

In the late 1990s, this Congress, in fact, this Committee, passed the first Indian Law Enforcement statute. That statute mandated the creation of the BIA Office of Justice Service (OJS) and afforded it certain mandatory responsibilities. Other federal laws have been added to this mandate. Those responsibilities were not, and are not discretionary; they are established by existing federal law.

Unfortunately, when these mandates were established, neither Congress nor any Administration calculated what these additional mandates would cost to fulfill. One mandate in particular, the federal mandate of 2.8 officers per 1,000 service population necessary to fulfill the essential governmental function, was never calculated. Instead, the BIA created the OJS with just the money it was spending in 1999, ignoring the fact that most larger tribes, like ours, were receiving 70% of law enforcement funding from grants provided by the Department of Justice (DOJ).

When those DOJ grants expired after OJS was created, Congress never replaced that funding to BIA to fulfill the now underfunded law enforcement programs for tribes. The result is that we lost 70% of our funding in the three years that it took to sunset those grants. After that, inflation took over, and OST law enforcement went from the 130 federally funded officers it had at the end of the 1990s to the 30 patrol officers it has today. Nothing will change unless and until Congress fixes that base funding and supplements the funding formerly provided to tribes by the DOJ to BIA. We know a budget correction can probably not be done in the next year, but without it, you will continue to see a rise in crime because of the lack of officers on the ground.

As to federal strike forces, the Standing Rock Tribe strike force and the US military have both demonstrated that more enforcement leads to less crime. Passing more unfunded mandates will not have that same impact at Pine Ridge. I, for one, am tired of hearing federal witnesses testifying at your hearings about how seriously they take their treaty and trust responsibility to keep us safe. I ask you if what I described about my reservation—the amount of police calls; the amount of crime—is this a safe community for any American.

I will close by saying this. This House will make up the FY 2025 budget in less than 60 days, so the ball is in your court. I respectfully ask you to please raise that base budget from 15% currently funded to at least 50% of the $3.2 billion needed. While more hearings and better planning are important, my people are being injured and killed today, and quite honestly, we need to address what is already on the ground. As was evidenced by our brother tribes in Montana, both Democratic and Republican Administrations have studied this issue to death; now, we need Congress to fully fund tribal law enforcement programs.

Thank you, Wopila.