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July 28, 2026

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The Honorable Bruce Westerman
House Committee on Natural Resources
202 Cannon House Office Building
Washington, DC 20515

The Honorable Jared Huffman
House Committee on Natural Resources
2330 Rayburn House Office Building
Washington, DC 20515

*Re: NCAI Written Testimony in Response to July 14, 2026, Hearing on
"Innovative Technologies and Initiatives to Tackle the MMIP Crisis in Indian
Country"*

Dear Chair Westerman, and Ranking Member Huffman,

The National Congress of American Indians (NCAI), founded in 1944 and based in Washington, D.C., is the oldest, largest, and most representative national organization composed of American Indian and Alaska Native Tribal governments and their citizens. NCAI advises and educates the public, state governments, and the federal government on a broad range of issues involving Tribal sovereignty, self-government, treaty rights, and policies affecting Tribal Nations. NCAI's primary focus is to protect the inherent sovereign and legal rights of Tribal Nations through positions articulated in consensus-based resolutions. These resolutions are adopted at NCAI's national conventions by the organization's voting membership, which represents approximately 300 Tribal Nations that renew their membership annually.

Through resolutions and other mechanisms, NCAI serves the broad policy interests of Tribal Nations by promoting strong Tribal-federal government-to-government relations and policies. This includes protecting Tribal interests in public safety and justice, which is essential to the well-being of Indian Country. Established by NCAI resolution in 2000 and formally organized in 2003, the NCAI Violence Against Women Task Force works to ensure that Tribal communities are safer for all, especially for American Indian and Alaska Native women, children, and elders who are victims and their family



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members who are affected by the Missing Murdered Indigenous Peoples (MMIP) crisis.¹

NCAI appreciates the hearing titled “Innovative Technologies and Initiatives to Tackle the MMIP Crisis in Indian Country,” held by the House Committee on Natural Resources, Subcommittees on Oversight and Investigations, and Indian and Insular Affairs. While new tools, such as advanced DNA forensic analysis, sonar, drones, and data tracking systems, are helping law enforcement agencies resolve some cases in Tribal communities, NCAI notes that additional oversight and legislative steps would have a greater impact on addressing the MMIP crisis. NCAI recommends that the Committees exercise their oversight function to demand that the Department of the Interior (DOI) comply with the Tribal Law and Order Act of 2010 (TLOA)² by releasing the reports for the past two fiscal years titled “Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country.” These committees should also inquire about the status of federal efforts to implement more than 300 recommendations contained in the Not Invisible Act Commission’s [“Not One More Report.”](#)

In addition, Congress should take further legislative action to address the Tribal criminal jurisdictional gaps that impede public safety in our communities as well as the need to implement measures to prevent and reduce the number of cases associated with the pervasive and ongoing MMIP crisis in Indian Country.

I. Uncertainty Regarding Tribal Criminal Jurisdiction Remains a Core Barrier to Solving and Prosecuting MMIP cases

The lack of clarity regarding criminal jurisdiction in Indian Country remains a persistent barrier to effectively preventing and solving MMIP cases. This uncertainty stems in part from specious legal precedent. In *Oliphant v. Suquamish*, the Supreme Court held that Tribes generally lack criminal jurisdiction over non-Natives, limiting Tribal authority to prosecute non-Natives committing crimes in Indian Country.³ Instead, federal law enforcement agencies, including the Federal Bureau of Investigation (FBI) and the U. S. Department of Justice (DOJ), often has jurisdiction to investigate and prosecute crimes in Indian Country. This jurisdictional framework creates circumstances in which criminal non-Natives on Tribal land can act with near impunity because the FBI and DOJ have limited resources to fully address all public safety and justice issues throughout Indian Country. Congress has restored some limited criminal jurisdiction through the 2013 reauthorization of the Violence Against Women Act (VAWA), which granted Tribes limited authority over certain domestic violence, dating violence, and protection order violations.⁴ VAWA’s 2022 reauthorization further expanded Tribal criminal jurisdiction to include certain offenses involving sexual violence, stalking, sex trafficking, violence

¹ National Congress of American Indians (2000, June 30). NCAI Resolution #STP-00-081: *Violence Against American Indian /Alaska Native Women*.

<https://ncai.assetbank-server.com/assetbank-ncai/action/viewAsset?id=5370&index=0&total=1&view=viewSearchItem>

² Tribal Law and Order Act of 2010, Pub. L. No. 111-211 Section 211(b)(1) and Section 3(b)(17) (2010)

³ *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)

⁴ Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4 (2013).



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against children, obstruction of justice, and assaults on law enforcement personnel.⁵ Nevertheless, those jurisdictional reforms remain insufficient to address the full scope of the MMIP crisis in Indian Country — especially in cases involving non-Indians committing murder on Tribal lands. An “*Oliphant* Fix” — which would legislatively overturn the *Oliphant* decision and restore full criminal jurisdiction to Tribes — would restore direct Tribal jurisdiction over criminal offenses committed in Indian Country, “regardless of race or citizenship” of the offender.⁶

While [Public Law 83-280](#) transferred certain federal criminal jurisdiction over Tribal lands from the federal government to state governments, the law creates further complex and overlapping systems of Tribal, federal, and state authority that complicate investigations and law enforcement response. As a result, Public Law 83-280 has failed to ensure adequate public safety and justice. As Congress considers innovative technologies for solving MMIP cases, these tools must be paired with appropriate jurisdictional reform. Increasing Tribal authority over crimes committed in Indian Country would enhance investigative capabilities and response time. Expanding Tribal jurisdiction would promote Tribal self-determination and enable Tribal Nations to protect their citizens and communities more effectively.

II. Congress Has an Opportunity to Provide Additional Oversight and Enact Legislation Addressing Factors That Contribute to the MMIP Crisis

The Committees have the ability to provide oversight of DOJ and DOI inaction regarding federal reporting and implementation of recommendations to address the MMIP crisis.

Since its enactment in 2010, TLOA has enhanced sentencing authority, data collection, and better coordination between law enforcement agencies.⁷ TLOA requires DOI to prepare and submit to Congress a detailed spending report for each fiscal year regarding Tribal Public Safety and Justice programs, including information concerning unmet funding needs for Tribal law enforcement, detention centers, and courts. The TLOA report is essential to understanding how DOI allocates the limited appropriations for Indian Country public safety and justice programs and the level of funding necessary to fulfill its trust and treaty responsibilities to Tribal Nations. The last time DOI made this report was in May 2024 for fiscal year 2021. Because DOI has not released a TLOA report since 2024, the House Subcommittee on Oversight and Investigations should demand that DOI comply with the law immediately and release the reports for fiscal years 2022 and 2023.

The “[Not One More Report](#)” provides a comprehensive roadmap of bipartisan, Tribal-informed recommendations to address the MMIP crisis, improve coordination among government entities, support survivors and families, and uphold Tribal sovereignty. Congress should exercise its oversight

⁵ Violence Against Women Reauthorization Act of 2022, Pub. L. No. 117-103, div. W (2022)

⁶ National Congress of American Indians (2024, June 30). NCAI Resolution #SPO-16-037: *Combatting Non-Indian Domestic Violence and Sexual Assault: A Call for a Full Oliphant Fix*.
<https://ncai.assetbank-server.com/assetbank-ncai/action/viewAsset?id=756>

⁷ Tribal Law and Order Act of 2010, Pub. L. No. 111-211 (2010)



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authority by requesting a joint update from the Departments of Justice and the Interior on the implementation of the report's recommendations, including progress made, remaining barriers, and planned next steps. Ongoing congressional oversight will help ensure that the report's recommendations are fully implemented, that federal agencies remain accountable for their commitments, and that this work results in measurable and lasting improvements for Tribal Communities, victims, survivors, and families affected by the MMIP crisis.

Additional legislation addressing law enforcement recruitment and retention — as well as gaps in Tribal criminal jurisdiction — is needed to empower and improve Tribal-led public safety and justice systems. The Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act (BADGES Act) addresses noticeable gaps in MMIP data collection for tracking missing persons and unidentified remains; requiring intergovernmental coordination between Tribal, state, and federal law enforcement; identifying unmet staffing, technological, and infrastructure needs; examining barriers to evidence processing; and supporting victim services for MMIP cases.⁸ This data is essential for Tribes to understand capacity needs and for Congress to better evaluate federal response to address the scope of the MMIP crisis. NCAI urges Congress to pass the BADGES Act to ensure that Tribes and the federal government better understand and develop solutions to address capacity gaps that contribute to the MMIP crisis.

The Protection for Reservation Occupants against Trafficking and Evasive Communications Today Act of 2025 strengthens Tribal investigative and prosecutorial ability, allowing Tribal courts to execute warrants for electronic information and records as evidence from electronic service providers during criminal investigations.⁹ The Act would provide Tribal law enforcement agencies with access to necessary electronic information for MMIP investigations. The legislation would also expand special Tribal criminal jurisdiction over specific controlled substances and firearms offenses. These provisions would enhance Tribal authority over non-Natives and grant law enforcement officers and prosecutors better access to evidence.

III. Conclusion

NCAI looks forward to continued collaboration with the House Committee on Natural Resources and the House Subcommittees on Oversight and Investigations to address specious legal precedents, support continued congressional oversight and future hearings concerning the MMIP crisis, and advance legislation establishing innovative jurisdictional, investigative, and preventative measures to protect Tribal communities.

Respectfully Submitted,

⁸ Bridging Agency Data Gaps and Ensuring Safety for Native Communities Act, S.390, 119th Cong. (2025)

⁹ PROTECT Act of 2025, S.1967, 119th Cong. (2025)



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A handwritten signature in black ink, reading 'Larry Wright, Jr.' with a stylized flourish at the end.

Larry Wright, Jr.
Executive Director