



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 12 2024

The Honorable Harriet M. Hageman  
Chair  
Subcommittee on Indian and Insular Affairs  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

Dear Chair Hageman:

Enclosed are responses prepared by the Department of the Interior to questions for the record submitted to the Department's witness, Bryan Newland, Assistant Secretary for Indian Affairs, following his appearance before your Subcommittee on November 14, 2023, at an oversight hearing titled, "Opportunities and Challenges for Improving Public Safety in Tribal Communities."

Thank you for the opportunity to respond to you on these matters.

Sincerely,

Pamela L. Barkin  
Acting Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure

cc: The Honorable Teresa Leger Fernández  
Ranking Member

**Questions from Chair Hageman**

**1. Assistant Secretary Newland, during the hearing we discussed issues the Bureau of Indian Affairs is facing with recruitment and retention of law enforcement officers. In your answer detailing Bureau efforts to address these problems, you discussed your willingness to work with the Subcommittee to develop other tools, such as location pay and special incentives and bonuses, to recruit, hire, and retain candidates to positions in remote locations.**

**a. What are some other tools Congress could consider providing the Bureau?**

**Response:** Currently, our foremost strategy to strengthen recruitment and retention is ensuring parity for BIA law enforcement pay levels in comparison to other Federal law enforcement agencies. To accomplish this, we increased career advancement opportunities, along with corresponding pay increases up to an additional \$30,000 annually for BIA law enforcement officers during 2023. We are also leveraging available hiring flexibilities, such as excepted service hiring authorities which allow us to expedite the recruitment process for law enforcement officers. And we are leveraging technology, such as all the capabilities in USA Staffing, to ensure actions move through the hiring process quickly and utilizing new techniques to strengthen applicant engagement and support throughout an often-lengthy hiring process to keep them engaged and to answer any technical questions.

Further, we have streamlined internal processes to enable more effective use of recruitment and retention incentives and special locality incentive pay to increase current staffing levels at our hardest to fill locations. These locations are often located in rural areas with limited access to services.

In terms of areas where Congress could assist, the President's FY 2024 budget includes increased funding for law enforcement staff and greater resources for our Human Capital team which needs increased capacity to meet growing needs in law enforcement and other Indian Affairs recruitment and retention priorities. Regarding authorities that could be useful, Indian Affairs is exploring opportunities for direct hire authorities and extending benefits available to Federal law enforcement to Tribal law enforcement. Other tools that Congress could consider providing the Bureau are additional support for Tribal court systems, access to housing, providing up-to-date law enforcement equipment, and ensuring Tribal access to law enforcement databases, as noted in recent Budgets.

Tribes are creating or restructuring their judicial systems to incorporate traditional and cultural practices to create more effective measures to address the trauma induced circumstances within their communities. These Tribal judicial systems are called Healing to Wellness Tribal Courts. Healing to Wellness courts address drug addiction, child dependency and family matters. These

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courts play an essential role in family reunification by providing support and services needed for parents to complete within the reunification plan. Tribes have seen an improvement in the reunification process when relatives and community members provide encouragement and support to those families needing assistance. Reunification and addressing addiction issues is more successful through the Healing to Wellness court process. The focus of all these courts is to address issues at their inception instead of dealing with ultimately tragic issues which debilitate our communities. Providing additional resources to these courts will ensure their work to increase the safety and wellbeing of their communities can continue.

Housing for Tribal public safety staff is important for recruitment and retention. Law enforcement recruits often must relocate to rural Tribal communities for their jobs. Tribal housing needs are very high, and conditions vary from community to community. Many Tribal homes are often overcrowded, lack running water and heat, and need replacement. These structural deficiencies combined with traveling long distances from home to work contribute to Tribal law enforcement staff fatigue and the faster deterioration of public safety equipment.

Due to the remote nature of Tribal communities, law enforcement heavily relies on field communications, like land mobile radios, to respond to calls and maintain officer safety. Expanding radio and broadband coverage would minimize “zero coverage” areas and include video and data capabilities. This expansion would increase officer safety and reduce the stress of uncertainty of whether assistance will be available.

Another important component to increasing Tribal law enforcement officer safety is ensuring access to law enforcement data systems. Tribal, State, and federal law enforcement agencies access FBI Criminal Justice Information Services (CJIS) systems to track important information like arrest warrants, missing persons, domestic violence protection orders, stolen property, unsolved crimes, evidence, and convicted sex offenders. These systems help address law enforcement data gaps in Tribal communities. Most Tribal law enforcement agencies have access to these databases either through their respective State information sharing systems or through the Department of Justice (DOJ) Tribal Access Program for National Crime Information (TAP). Currently 132 Tribes utilize TAP, and the BIA Office of Justice Services also participates for the reservations it provides direct services for. The DOJ provides training to Tribal and BIA law enforcement staff regarding the use of FBI CJIS systems through TAP access. Continued use of these existing criminal justice information sharing systems will improve the capture of public safety data and allowing Tribal law enforcement to better protect public safety on Tribal lands and ensure Tribal officer safety in the field.

**2. We noted in the hearing that BIA has received additional money and resources in recent years from Congress to address these issues.**

**a. What can Congress do to ensure these growing resources are having the**

**greatest impact possible? By this I mean, what else, besides providing more resources, can Congress do to help BIA?**

**Response:** Resources have been provided for additional staff, but not the underlying capabilities, such as Human Capital and incentives like recruitment bonuses or loan repayment, needed to improve recruitment and retention. We believe supporting legislation such as the Parity for Tribal Law Enforcement Act and providing the funding necessary to implement it will help keep Tribes competitive and retain critical personnel. This proposed legislation lowers administrative barriers and gives Tribal law enforcement officers increased access to the same federal benefits, including retirement benefits, as other federal law enforcement officers. Also, authorizing the BIA to utilize the Direct Hiring Authority would greatly enhance the agency’s ability to get “boots on the ground” in a more efficient manner.

**3. Congressman Jerry Carl cited the concerns raised by the Coalition Of Large Tribes (C.O.L.T.) about the pending Food and Drug Administration (FDA) ban of menthol cigarettes in America. Specifically, C.O.L.T. is concerned that this ban will create illicit markets for foreign cartels and criminal interests from China, the Middle East, and Mexico. C.O.L.T. notes that trafficking channels already exist on reservations because these cartels know how to use the jurisdictional gaps and underfunded law enforcement to their advantage. Therefore, C.O.L.T. believes this proposed ban will have significant public safety concerns, such as placing further strains on tribal law enforcement and exposing Native American consumers of these products to unregulated cigarettes.**

**a. Assistant Secretary Newland, during the hearing you responded that you were not aware of the FDA proposed rule. Have you had the chance to familiarize yourself with the proposal? And have you since consulted with the FDA?**

**Response:** We have reviewed the FDA proposal and will set up a meeting with the appropriate staff to discuss the potential impacts on Tribal communities.

**b. Do you share these concerns about the unintended consequences this proposed rule could have on tribal public safety should it go into effect?**

**Response:** The Department has not taken an official position on the proposed rule from the FDA.

**c. Numerous tribes and tribal reservations in our nation, especially in the West and Southwest, are already burdened by the increasing flow of fentanyl and other illicit products over the southern border. Could this FDA proposed rule further strain resources tribes have had to dedicate**

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**to this national issue?**

**Response:** As noted in the previous response, the Department has not taken an official position on the proposed rule from the FDA.

**d. Could this proposed rule damage BIA efforts to assist tribal law enforcement deal with the influx of illicit products and criminal organizations using reservations for their own advantage?**

**Response:** The Department has not taken an official position on the proposed rule from the FDA.

**4. It is our understanding that the final rule has been sent to the White House Office of Management and Budget for review.**

**a. Will you commit to consulting with the FDA and White House to raise these tribal concerns before a final rule is published?**

**Response:** We have reviewed the FDA proposal and will set up a meeting with the appropriate staff to discuss the potential impacts on Tribal communities.

**Questions from Chairman Westerman**

- 1. Can you please provide further details, including any positive or unforeseen outcomes, of the Bureau's recent strides towards pay parity among law enforcement, specifically in the Bureau's update to the uniformed police officer positions in FY 2023?**

**Response:** Our foremost strategy is addressing pay parity by increasing Bureau of Indian Affairs (BIA) law enforcement pay levels to match that of other Federal law enforcement agencies. To accomplish this, BIA increased career advancement opportunities and implemented corresponding pay increases up to an additional \$30,000 annually for BIA law enforcement officers. BIA is also using available hiring flexibilities and offering recruitment, relocation, and retention incentives to increase current staffing levels and retain its current workforce.

- 2. Can you provide further details on what the Bureau has done to address the lengthy background checks process, and any further steps the Bureau intends to take?**

**Response:** The Department's Law Enforcement Task Force (Task Force) recently released their 2023 report, which includes a list of findings and recommendations to improve all the Department's law enforcement programs (*see*: <https://www.doi.gov/sites/doi.gov/files/doi-letf-aspiration-to-action.pdf>). That list includes a finding from all Bureaus within the Department citing the length of time to complete background investigations as an impediment to filling open positions in a timely manner. The Task Force recommends streamlining the background investigation process to increase the timeliness of the hiring process. BIA is working to implement several recommendations from the report to address the timeliness of background investigations. The BIA is also working with the Indian Affairs Office of Human Capital Management to improve the timeliness of processing background investigations by meeting weekly to ensure that the hiring process and background checks move as quickly as possible.