

United States Senate

November 21, 2019

The Honorable William Barr, Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Attorney General Barr:

I write regarding your trip to Montana. The Department of Justice (the Department) is the top law enforcement agency in the United States, and is responsible for investigating and prosecuting crimes that involve Native persons, drug trafficking, or federal laws. I am glad you will see firsthand the deep impact of the Department's failure to address the public safety needs of our state and your disregard for our most vulnerable populations.

I am concerned about the Department's efforts to address major issues facing our state, including the Missing and Murdered Indigenous Women (MMIW) crisis, human trafficking, and methamphetamine use. I hope this trip allows you to talk to Montanans about how these issues effect their families and communities, and understand that the Department must do more to keep Montana safe.

Missing and Murdered Indigenous Women Crisis:

Since 2010, there have been at least 134 MMIW cases in Montana. However, the actual number is likely much higher because many of these cases are not reported to law enforcement. The United State and the Department have a trust responsibility to keep Native Americans safe, and federal agencies must improve how they work with Tribes, local law enforcement agencies, and the public to combat the MMIW crisis. That is why I am championing multiple bipartisan bills to improve how the Department responds to MMIW cases, investigates crimes against Native persons, and cooperates with other law enforcement agencies.

Savanna's Act (S. 227) would improve information sharing between Tribal and federal law enforcement agencies and increase data collection on cases involving missing and murdered Native people. It would also require the Department to create standardized, culturally appropriate guidelines for responding to and working with other jurisdictions on MMIW cases.

The *Not Invisible Act* (S. 982) would create a Commission to address missing persons and human trafficking cases in Indian Country. The Commission would bring together representatives from the Federal Bureau of Investigation (FBI) and other federal agencies, Tribal law enforcement, mental health providers, survivors, and state and local law enforcement agencies in order to ensure everyone has a seat at the table. It would be responsible for developing guidance for federal, state, and Tribal law enforcement agencies on how to respond

to crimes against Native persons, investigate violent crimes that occur within and outside Indian Reservations or Tribal land, and connect Native victims to the services they need.

And, the *Bridging Agency Data Gaps and Ensuring Safety (BADGES) for Native Communities Act* (S. 1853) would require the Department to ensure that certain information from the FBI's case files is automatically uploaded to the National Missing and Unidentified Persons System (NamUs). NamUs is a public missing person database that allows law enforcement and the public to access, upload, and share information about ongoing cases.

I appreciate the Department for providing feedback on *Savanna's Act* and the *Not Invisible Act*, and am pleased that these bills were passed out of the Senate Indian Affairs Committee with bipartisan support earlier this week. However, I urge you to continue to work with me and the Committee to get all three bills signed into law and to implement these much needed policy changes.

Crime Victims Fund Tribal Set-aside:

As a member of the Appropriations Committee, I helped secure a five-percent Crime Victims Fund Tribal Set-aside. This set-aside provides federally recognized Tribes with direct access to funding for victims services, including shelter, medical care, counseling, and legal assistance.

Unfortunately, Tribes continue to raise concerns about how the Department is administering the set-aside. Earlier this year, I sent you a letter regarding these concerns and the Fiscal Year 2019 grant application process. Tribes reported that there was a lack of outreach about how to access the set-aside funding. Tribes were also given little notice of the grant solicitation, and the deadlines and requirements were unclear. As a result, only ten percent of Tribes were able to apply for the funding. While I was pleased that the Department issued a second solicitation after members of the Senate Indian Affairs Committee and I brought these issues to your attention, more work needs to be done. The Department must continue to consult with Tribes, improve outreach, clarify the application process, and provide additional technical assistance in order to ensure Tribes do not face these same issues when applying in the future.

Human Trafficking:

The MMIW crisis is intertwined with a number of other issues under the Department's purview, including human trafficking. I was disappointed in the FBI's recent decision to reassign the only agent dedicated to investigating and preventing human trafficking in Montana. This agent was responsible for investigating human trafficking cases both in and outside Indian Country, raising awareness about the issue, and bringing human traffickers to justice. He is now assigned to 50 percent human trafficking cases and 50 percent cases in Indian Country. While Native communities do need additional resources from the Department, splitting an agent's time between two major law enforcement priorities hinders their ability to fully deliver on either. In September, I urged the FBI to reassign a full-time agent to human trafficking cases in Montana, while simultaneously continuing to increase resources to reduce

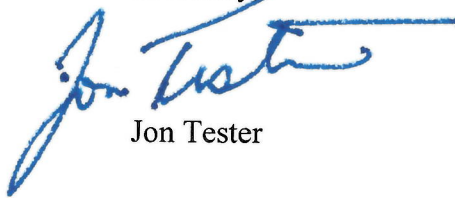
crime in Indian County. I have not received a reply from the FBI, but hope you will push for these changes in a timely manner.

Methamphetamine and Drug Trafficking:

Finally, our federal, state, and local law enforcement agencies are fighting back against Montana's methamphetamine epidemic every day. That is why I strongly support efforts to fund drug task forces in our state, specifically the Byrne JAG and the COPS Anti-Methamphetamine programs. These taskforces are our front line of defense, and this funding allows them to investigate meth labs, bring traffickers to justice, and interdict meth and the chemicals used to make it. I urge you to continue to work with state and local law enforcement agencies to improve these programs and the grant application process so that we can ensure these folks have the tools they need to keep meth out of our state.

Congress tasked the Department with combatting the MMIW crisis, ensuring Tribes are able to provide services to victims of violent crimes, investigating and preventing human trafficking, and stopping illegal drugs like meth from getting into our communities. I stand ready to work with you on these initiatives and hope that your trip to Montana will be productive.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Tester", with a long horizontal flourish extending to the right.

Jon Tester