

U.S. Senate Committee on Indian Affairs
Legislative Hearing
"Legislative Hearing to Receive Testimony on S. 227, S. 288, S. 290, S. 1853"
June 19, 2019

**Questions for the Record Submitted by Senator Brian Schatz
For Secretary Lynn Malerba
United South & Eastern Tribes Sovereignty Protection Fund**

Question 1: There is a correlation between the number of IP addresses associated with the peer-to-peer trading of child pornography in a given area, and communities with a high native population. It is imperative that law enforcement officers be well trained and equipped to identify, track, and prosecute these offenders. As an official within your community, do you see the benefit of comprehensively training all law enforcement--tribal, federal, state, local, and military--on the best practices and tools to tackle online child pornography offenses?

Tribal law enforcement must have access to the same training and infrastructure opportunities as law enforcement for other units of government, and in accordance with the trust responsibility and obligations, the Administration and Congress must work to ensure full funding is appropriated for this purpose. The funding must be available to Tribal Nations directly and on a non-competitive basis. With regard to child pornography specifically, Indian Country's greatest and most precious resource is our children, as they represent the future of our Tribal Nations. The federal government must do more to ensure our children are protected from violence and exploitation. This includes restoring criminal jurisdiction to Tribal Nations for crimes against our children. As I noted in my verbal testimony during the hearing, it is a stain upon the United States and fundamentally immoral that our children continue to experience such disproportionately high rates of violence and exploitation. Every member of the Senate Committee on Indian Affairs and every member of Congress should take swift action to correct this injustice.

Question 2: A 2017 Government Accountability Office report found that while data on child sexual exploitation is collected by Department of Justice grantee programs, and by the Office of Juvenile Justice and Delinquency Prevention for minors, but the only easily accessible data comes from the National Human Trafficking Hotline. How can we improve both the data collection and reporting on these crimes, to better help policymakers craft effective solutions?

As with all data related to violence against and the exploitation of Native people in the United States, the reasons for poor quality, incompleteness, and under-collection are myriad. These include underreporting, racial misclassification, Tribal Nation lack of access to crime information and reporting mechanisms, bias and poor relationships with Tribal Nations on the parts of other units of government, poor record-keeping protocols at all levels of government, and a failure of the federal government to deliver upon the trust responsibility and obligations—including ensuring the proper funding is directly available to Tribal Nations for data collection. Currently, Tribal Nations must navigate a maze of funding vehicles and mechanisms, including negotiating agreements for the interagency transfer of funds to improve data and reporting. All of these issues must be examined and addressed in

consultation with Tribal Nations, if we are to improve data on Native child exploitation, as well as missing and murdered Native people.

Question 3: An element of improving data collection and reporting is the significance of identifying the Native status of women and youth who are victims of trafficking and sexual exploitation. Do you agree that it is necessary to include Native status in demographic data? Could this disaggregated data be used to improve culturally appropriate treatment and support programs for Native victims?

Tribal Nations, Congress, and the Administration all recognize that poor data collection and reporting is a contributing factor to the shameful injustice of missing, murdered, and exploited Native people throughout the United States. Put simply, it is impossible for the federal government to understand the full scope of this problem and its own failures to address it without committing to the collection of accurate data. That the federal government has not dedicated itself and its resources to improving data collection and tracking of missing, murdered, and exploited Native people is a violation of the trust responsibility and obligations. Including Tribal affiliation, in accordance with the unique government-to-government relationship between the United States and Tribal Nations, in data collection is but one step in correcting this failure. Improved data would have a variety of critical applications, including ensuring Congress and the Administration are appropriating critical resources for prevention, law enforcement, Tribal judicial infrastructure, and prosecution, as well as treatment and support.