
November 15, 2023

The Honorable Harriet Hegeman
Chair
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Teresa Leger Fernandez
Ranking Member
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
House of Representatives
1332 Longworth House Office Building
Washington, DC 20515

Dear Chair Hegeman and Ranking Member Leger Fernandez:

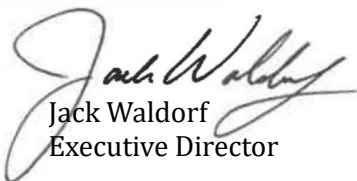
With respect to the Subcommittee's November 14, 2023, hearing, Opportunities and Challenges for Improving Public Safety in Tribal Communities, attached please find Western Governors' Association policy resolutions 2023-09, Missing and Murdered Indigenous Persons (MMIP), and 2024-04, Combating the Opioid Crisis.

The MMIP crisis is fueled by many complex and historic factors. Durable solutions must increase collaboration between state, tribal, and federal entities, including law enforcement and victim services resources. Western Governors support an increase in the pace of hiring for Bureau of Indian Affairs (BIA) tribal officers, equivalent funding for direct tribal police forces, and sufficient funding for tribal court and justice systems. Western Governors also support funding for BIA victim service advocates to ensure that victims and their families can navigate complex bureaucratic systems. Western Governors recognize diverse agreement opportunities exist, such as cross-deputization, joint powers agreements, and mutual aid agreements, to assist with the speed of law enforcement response and suit the variety of systems and scenarios across the West, and support efforts to share best practices.

The opioid epidemic has become one of the nation's most devastating and lethal public health and safety crises, and tribal communities are also negatively affected by substance use disorders, overdoses, and deaths. Combating the opioid crisis requires a comprehensive approach that reflects the complexity of the problem – from the potency and availability of illicit drugs to the social and economic damage that they impose – across all levels of government and the continuum of care. The Tribal Opioid Response program provides critical support for tribes to care for their members. Congress should continue to appropriate needed funding to this program and include ongoing support for polysubstance programming and initiatives.

I request that you include this document in the permanent record of the hearing, as it articulates Western Governors' collective and bipartisan policy positions and recommendations on this important issue. Thank you for your consideration. Please contact me if you have any questions or require further information.

Sincerely,



Jack Waldorf
Executive Director

Attachments (2)



Policy Resolution 2023-09 Missing and Murdered Indigenous Persons

A. BACKGROUND

American Indian and Alaska Native people, particularly women, are disproportionately likely to experience violence, murder, or to go missing. This disproportionate risk is encapsulated as the Missing and Murdered Indigenous Persons (MMIP) crisis. The MMIP crisis is fueled by complex and historic underlying factors impacting indigenous communities, including: insufficient law enforcement resources, funding, and cultural understanding among non-tribal law enforcement agencies; lack of non-tribal and tribal collaboration; a shortage of personnel on historic tribal lands; substance abuse issues; historic lack of trust of non-tribal entities; and deficient housing and infrastructure. Additionally, tribal nations receive a variety of funding that can vary by state and status, including Pub. L. 280 tribes, treaty tribes, and tribes that have administrative control through Pub. L. 93-638. The Governors and states represented herein do not intend for language used to be legally binding or to be viewed as a reflection or concession of any Governor or state's position related to the reservation status of any specific tribe.

B. GOVERNORS' POLICY STATEMENT

Addressing Law Enforcement Shortages

1. Having sufficient law enforcement personnel is important to ensure timely response and adequate resources for MMIP cases. Western Governors urge the Bureau of Indian Affairs (BIA) to increase the number of tribal officers on lands under tribal and federal jurisdiction and increase the pace of hiring officers.
2. Tribal officers employed by BIA or tribes use the 638 process to self-administer federal funds to support their tribal police forces. Western Governors recommend that BIA ensure that 638 tribes receive funding equivalent to the BIA tribal police pay scale to allow 638 tribes to support officers at an equivalent level to BIA-administered tribal police forces.
3. Tribal courts and justice systems provide critical infrastructure to process and prosecute MMIP cases. Western Governors recommend appropriate, ample funding for tribal courts and justice systems.
4. While MMIP cases occur across both urban and rural Native populations, Western Governors recognize that there are specific limitations for law enforcement in rural communities. Western Governors encourage creative solutions to support the recruitment and retention of tribal officers, particularly housing programs to ensure that tribal officers can remain within their communities.
5. Currently, tribal officers can receive training from the BIA's Indian Policy Academy in New Mexico and the Indian Policy Academy Advanced Training Center in North Dakota, both of which can be a significant distance for recruits to travel for basic training. Western Governors

urge BIA to expand beyond the single tribal officer training program and create regionalized law enforcement training programs that reduce the burden of training for officers.

6. Western Governors recognize diverse agreement opportunities exist, such as cross deputization, joint powers agreements, and mutual aid agreements, to assist with the speed of law enforcement response and suit the variety of systems and scenarios across the West, and support efforts to share best practices.
7. The AMBER Alert system is the only nationwide alert system for those who are missing or abducted. Across the West, states have also implemented state-specific MMIP alert systems. Western Governors support efforts to create MMIP alert systems and increase inclusion of state level systems into federal alert systems.

Support Systems

8. BIA victim services advocates provide direct services to victims and crucial assistance for victims navigating complex bureaucratic systems. Western Governors request federal funding for victim services advocates.
9. Ensuring federal staff receive cultural sensitivity training provides staff with the ability to effectively work with survivors. Western Governors urge federal agencies to implement culturally sensitive training and response courses for new employees working on all aspects of MMIP.
10. Western Governors call for greater transparency on how federal funding is allocated among tribes with 638 status and BIA administered services. Specifically, Western Governors implore the federal government to coordinate and collaborate with survivor support services at the state and tribal level so that survivors and their communities receive the maximum amount of resources.
11. To ensure wrap around services, Western Governors urge Congress to increase funding for mental and behavioral health services for survivors and their communities.

Collaboration

12. MMIP cases span across many jurisdictions, which can complicate response times. Western Governors urge federal partners to streamline emergency response communications across related federal agencies, including BIA and the Federal Bureau of Investigation.
13. The consistent collection of data across jurisdictions and each level of government is necessary to understand the scope and scale of MMIP cases. Western Governors support sharing best practices for data sharing agreements to allow for a more comprehensive view of the crisis.
14. Several western states have created their own MMIP offices to act as liaisons between tribal, state, and federal partners. Western Governors support federal efforts to develop and strengthen MMIP state-level offices and other state-level MMIP initiatives.
15. During any lapse in funding, Western Governors recommend that the federal government work collaboratively with states and tribes to ensure continuity of essential services with discretionary funding.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in June 2026. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.



Policy Resolution 2024-04

Combating the Opioid Crisis

A. **BACKGROUND**

The opioid epidemic, initiated by the precipitous rise of potent prescription opioids classified as painkillers in the 1990s, has become one of the nation's most devastating and lethal public health and safety crises. While federal investment to address this crisis has increased drastically in recent years, so have rates of substance use disorders (SUDs), overdoses, and deaths. Currently, the leading driver of opioid-related overdose deaths is illicit fentanyl, a drug that is 30 to 50 times more powerful than heroin. Combating the opioid crisis requires a comprehensive approach that reflects the complexity of the problem – from the potency and availability of these drugs to the social and economic damage that they impose – across all levels of government and the continuum of care.

B. **GOVERNORS' POLICY STATEMENT**

1. Reducing the impact of the opioid crisis involves stemming the supply of illegally produced opioids and limiting inappropriate and nonmedical uses of prescription opioids. Western Governors urge the federal government to provide financial support and reimbursement to states for interdiction activities – including through the High Intensity Drug Trafficking Areas Program – and work closely with Governors to combat over-prescribing of opioids for inappropriate uses and durations, illicit drug trafficking, and the manufacturing and distribution of counterfeit medications.
2. Western Governors recognize that social and economic factors are key drivers of substance use disorder (SUD). While SUD funding focused on these upstream drivers has expanded, it has not kept pace with the need. We advocate for increased federal support for population-level public health strategies at the Centers for Disease Control and Prevention (CDC) to address the causes and long-term prevention of SUD more fully. Western Governors are especially interested in support for Overdose Data to Action in States and Overdose Data to Action: Limiting Overdose through Collaborative Actions in Localities (LOCAL) Grants, supportive housing, and prevention and treatment for other diseases or health issues that may arise from SUDs, such as hepatitis and sexually transmitted infections.
3. The State Opioid Response (SOR) Program and the Tribal Opioid Response (TOR) Program provide critical resources to states and tribes to support the continuum of prevention, harm reduction, treatment, and recovery services for opioid use disorder and other concurrent SUDs. In addition, despite suffering disproportionately from high overdose rates, some tribes offer free treatment services not only to their members but to surrounding non-tribal communities as well. Western Governors request that Congress continue to appropriate needed funding to the SOR and TOR Programs and include ongoing support for polysubstance programming and initiatives.

4. Emerging threats, such as the combination of fentanyl with xylazine, have changed the nature of the opioid crisis over the years. States and the federal government must stay apprised of these threats to develop effective policy and programs to mitigate the crisis. Western Governors urge the Administration and federal agencies to coordinate more effectively with states and Fusion Centers and improve the dissemination of information about emerging threats across all levels of government.
5. Western Governors encourage the Drug Enforcement Administration (DEA) or Congress to prohibit the distribution and use of xylazine for human purposes while protecting its important applications in the veterinary and livestock sectors. We recommend that the federal government consider the perspectives of veterinary and livestock stakeholders in the development and implementation of such legislation or regulation.
6. Western Governors advise the Administration and Congress to utilize available tools, including sanctions, against individuals and groups involved in the illicit production and distribution of fentanyl and other drugs.
7. Western Governors urge the Department of Health and Human Services to expand state Medicaid waivers for opioid use disorder, especially waivers that would increase access to new models to address prevention, harm reduction, treatment, and recovery for incarcerated people and other populations.
8. Education and awareness campaigns are necessary tools to foster public dialogue and mobilize action across communities. Western Governors encourage the federal government, in partnership with states, to further develop a comprehensive, evidence-based, and culturally competent national education and awareness campaign about the opioid crisis, highlighting issues such as fentanyl and counterfeit medication, and incorporating best practices from state campaigns. Agencies should continue to target susceptible populations, including youth. Western Governors also urge Congress to dedicate resources directly to states to develop and disseminate targeted and culturally specific opioid awareness and education campaigns that meet the unique needs of our populaces, as such efforts are complementary to those at the national level.
9. Teen overdoses involving fentanyl are a tragic problem that continues to grow at an alarming rate. Western Governors request that the federal government focus on strategies, funding, and other resources to increase the use of naloxone among youth and relay accurate information to teens who are experimenting with substances about the dangers of fentanyl and the importance of only taking pills prescribed to them and dispensed by a licensed pharmacy. More efforts are also needed to increase the use of medications for opioid use disorder (OUD) for teens with OUD, including messaging focused on teens, parents, educators, and prescribers. In addition, federal efforts should incorporate expanded upstream approaches for young kids, such as social supports and coaching for parents, particularly for those with at-risk kids, and prosocial activities in schools, communities, and tribes.
10. The federal government should allocate more resources and release updated guidance for treatment medications that reflect the challenges raised by fentanyl. Western Governors support increasing access to the full slate of treatment options that address patient needs and ensure that they are not subject to outdated limits.

11. Western Governors acknowledge that recovery from SUD is a process – one impacted by a number of conditions and context, including economic status, geographical location, access to treatment, and suitable support systems. We recognize the importance of all stages of the recovery process, including harm reduction, outpatient and inpatient treatment, and more. Effective treatment is not a one-size-fits-all approach, and needs a diversity of voices, experiences, and ideas to address the changing landscape of both the epidemic that we are facing and the recovery options. We believe that the federal government should design flexible programs and grant opportunities and consider innovative strategies that reflect the multiplicity of recovery approaches and increase public understanding about recovery.
12. Western Governors recommend creating and adequately investing in federal programs and policies that enhance access to harm reduction strategies at low costs, including opioid antagonists such as naloxone, and provide training on the administration and use of these strategies.
13. The federal government should also ensure that permanent regulations enacted by the DEA to govern the use of telemedicine for medication-assisted treatment prescribing and monitoring – now that the extension of COVID-19 flexibilities has expired – continue to permit the use of telemedicine for both buprenorphine inductions and ongoing medication management.
14. Western Governors emphasize the importance of treating and preventing behavioral health conditions and increasing access to services to reduce dependence on opioids. We have highlighted substantive policy recommendations on behavioral health, including SUD, in WGA's health care resolution.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in December 2026. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.