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Senator Brian Schatz
Vice Chair, Indian Affairs
722 Hart Senate Office Bldg.
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Senators Thune, Schumer, Murkowski, and Schatz,

As the attorneys general of 39 states, we write to support the Tribal Warrant Fairness Act. Our offices recognize that it is critical to quickly deploy law enforcement resources where they are most needed. Providing the skilled assistance of the U.S. Marshals Service to our tribal partners will protect children and increase public safety for those who live within the boundaries of our states.

The Tribal Warrant Fairness Act, which was recently introduced by Sens. Catherine Cortez Masto, D-Nev., and Markwayne Mullin, R-Okla., will help level the public safety playing field by empowering the U.S. Marshals Service to help tribes locate and recover missing children and arrest violent fugitives. Tribal Warrant Fairness Act, S. __, 119th Cong. (2025). This expansion is vital to public safety and to address the well-recognized scourge of Missing and Murdered Indigenous People (MMIP)—a term that acknowledges Native Americans' disproportionate risk of violence, murder, or going missing.¹ In addition to supporting this Act, we suggest Congress also consider amending the federal statute criminalizing unlawful flight to avoid

¹ Cong. Res. Serv., Missing and Murdered Indigenous People (MMIP): Overview of Recent Research, Legislation, and Selected Issues for Congress, (July 3, 2023), <https://www.congress.gov/crs-product/R47010>.

prosecution or giving testimony to make it fully apply to tribal investigations and prosecutions.

First, deploying federal law enforcement to find missing children at the request of tribal law enforcement would be an important tool to find these kids before it is too late. Currently, the U.S. Marshals Service may only “assist State, local, and other Federal law enforcement agencies, upon the request of such an agency, in locating and recovering missing children.” 28 U.S.C. § 566(e)(1)(D). The Tribal Warrant Fairness Act would add tribal law enforcement agencies to that list. Tribal Warrant Fairness Act, S. __, 119th Cong., § 2 (2025). When a child is missing, the first 48 hours are critical;² an all-of-governments approach can increase the likelihood of a swift and safe recovery.

Second, the Tribal Warrant Fairness Act would also allow tribal law enforcements officers to join the U.S. Marshals Service’s elite Fugitive Apprehension Task Force and explicitly allow tribes to locate or apprehend fugitives through other task forces or any other lawful means. 34 U.S.C. § 41503(a), (c); Tribal Warrant Fairness Act, S. __, 119th Cong., § 2 (2025). Importantly, the Act would also require consultation with the tribes. Tribal Warrant Fairness Act, S. __, 119th Cong., § 2 (2025). Many of our own offices participate in the Fugitive Apprehension Task Force, and deploying shared resources has enabled us to capture dangerous fugitives. In Oklahoma and South Dakota, for example, recent task force arrests have included fugitives charged with murder, kidnapping, and rape. Fully integrating tribal law enforcement into the Fugitive Apprehension Task Force will increase the likelihood that fugitives from tribal justice are reported to the task force and provide cutting-edge training to those who serve.

Finally, we suggest enlarging the Tribal Warrant Fairness Act to include amending Title 18, United States Code, Section 1073, which criminalizes flight to avoid prosecution or giving testimony, to ensure that the statute fully applies to efforts to flee or obstruct tribal prosecutions. This statute currently criminalizes moving or traveling “in interstate or foreign commerce” with the intent to:

(1) “avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for a crime, or attempt to commit a crime, punishable by death or which is a felony under the laws of the place from which the fugitive flees”;

² U.S. Dept. Jus., Off. Just. Progs., When Your Child Is Missing: A Family Survival Guide (5th ed. 2025) at 7, <https://ojjdp.ojp.gov/publications/family-survival-guide-fifth-edition.pdf>.

(2) avoid testifying in criminal proceedings in which a felony or crime carrying the death penalty is charged; or

(3) “avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities.”³

18 U.S.C. § 1073.

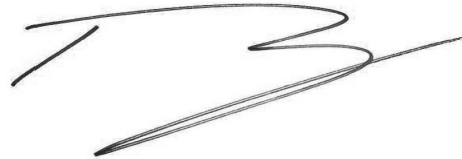
We suggest that Congress consider amending this statute to clearly apply to tribal investigations and prosecutions, including to people who avoid service of process or avoid giving testimony or producing documents in connection with tribal criminal investigations.

* * * * *

We applaud Congress’s continued efforts to increase tribal law enforcement agencies’ full access to federal public safety resources. The Tribal Warrant Fairness Act, including our proposed expansion, is an important next step in a multi-government approach to address MMIP and to ensure equal treatment for our tribal partners.



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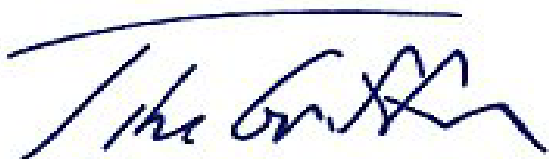
³ The statute defines “State” as “a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.” 18 U.S.C. § 1073.



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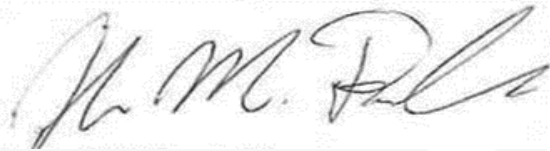
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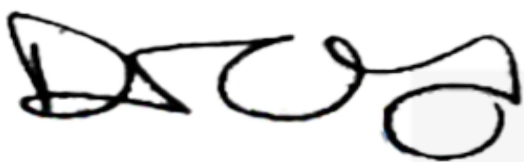
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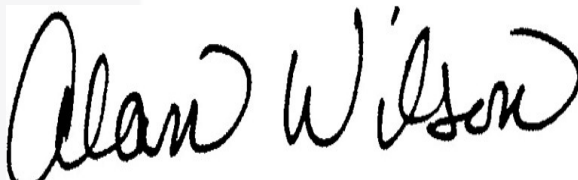
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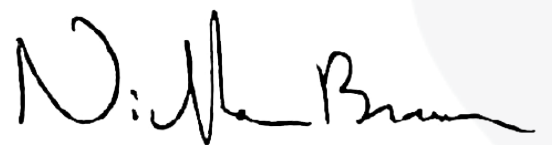
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