

TESTIMONY OF THE PASCUA YAQUI TRIBE OF ARIZONA
CHAIRMAN ROBERT VALENCIA
BEFORE THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2018
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Chairman Calvert, Ranking Member McCollum and members of the Subcommittee, the Pascua Yaqui Tribe appreciates the opportunity to submit testimony in support of fiscal year 2018 appropriations within the Department of Interior, Bureau of Indian Affairs and the Indian Health Service for American Indian and Alaska Native programs. My name is Robert Valencia, and I am the Chairman of the Pascua Yaqui Tribe. The Tribe is governed by a Tribal Council comprised of eleven elected members. The Pascua Yaqui Tribal Council works to support tribal self-determination for the improvement of life for tribal members.

The Pascua Yaqui Tribe is a sovereign nation located in Arizona. The Tribe has a reservation southwest of Tucson, with an on-reservation population of about five-thousand members. The total population of the Tribe is close to 20,000 enrolled members. In addition to the Reservation, which comprises 2,216 acres, the Tribe also has several predominantly Pascua Yaqui communities off of the reservation throughout southern and central Arizona. These communities predate the Tribe's Federal Recognition in 1978, and the designation of the Reservation at that same time. While not trust lands, these Pascua Yaqui communities are home to tribal members for whom the Tribe provides services, including housing, health care, and various other costly services and programs.

This written testimony, submitted to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies is intended to document the Pascua Yaqui Tribe's views and recommendations on the FY 2018 budget for the BIA, and Department of Health and Human Services Indian Health Service (IHS). Again, thank you for your attention today to the critical needs that the Pascua Yaqui Tribe has, as well as all of Indian Country.

Bureau of Indian Affairs

Tiwahe Initiative:

The Pascua Yaqui Tribe is a recent recipient of Tiwahe Initiative funding. To date the Tribe has received about \$800,000 in funding to improve system coordination and integration of service delivery among Yaqui government agencies to Yaqui families. A Child and Family Networking Board coordinates efforts of tribal departments to improve coordination of tribal programs and the use of resources available to the tribe's communities. The goal is to increase department collaboration and thus improve outcomes for families. The funding also supports the Tribe's work under the Indian Child Welfare Act (ICWA), providing funding for programs that keep Indian families together. The Tribe specifically asks that Tiwahe Initiative funding remain at FY2017 levels in FY2018, if not receiving an increase. The need is great, and the Tribe is seeking to fully implement the program to its maximum benefit for Tribal members.

Tribal Justice Systems:

The Pascua Yaqui Tribal Court has criminal jurisdiction over Indians who commit crimes within the exterior boundaries of the reservation. Under the Violence Against Women Act (VAWA), the Tribal Court now also has limited jurisdiction over non-Indians who commit acts of domestic violence on the reservation (Special Domestic Violence Criminal Jurisdiction). The Tribal Court also has jurisdiction over child welfare cases that are transferred from the state pursuant to the Indian Child Welfare Act. Although the Tribe has been pursuing VAWA prosecutions, which call for more qualifications of attorneys and judges, the Tribe has had to expend significant resources to do so. Currently, the Office of the Prosecutor receives only 14.8% of its budget from federal support. An increase to funding for justice services is essential to help the Tribe continue in its implementation of VAWA, as well as prosecutions under the Tribal Law and Order Act (TLOA). These laws are helping bring domestic violence perpetrators and offenders committing serious crimes to justice in Indian Country, and have been highly successful on the Pascua Yaqui Tribe's Reservation. However, cuts in funding would be a disaster to these programs, which are in their infancy.

In addition, the Tribe has a Healing to Wellness Court which is a drug court diversion program that has helped to reduce substance abuse and recidivism. This requires resources from both the Tribal Court and the Prosecutor's Office. The Office of the Prosecutor also offers a Victim Advocate to support victims of crime in navigating the justice system. Continuing funding for Tribal justice systems at current or increased levels is essential to communities that are already plagued with violence.

Public Safety:

The Tribe has had longstanding issues with detention of prisoners incarcerated by order of the Tribal Courts. Detention services are direct services provided by the BIA. We recently learned that our prisoners will be moved further from the Tribe's Reservation after the BIA lost its contract with Emerald Corporation in San Luis. All of the vehicles in our police fleet are high mileage vehicles. One new vehicle is needed to use for transport to and from the new facility that BIA will contract with. An outfitted transport vehicle will cost \$64,000. We also request funding for replacement of patrol long rifles in the amount of \$25,500. Current weapons are old and in need of maintenance, posing a safety issue for officers. Other funding requests include firing range maintenance funding of \$5,000, training funds in the amount of \$20,000.

Child Welfare:

The Pascua Yaqui Tribe Social Services Department provides services such as Tribal Child Protective Services, Child Assistance (foster care maintenance, residential care and guardianship subsidies), and General Assistance Work Experience. The Tribe's General Assistance program requests additional funding. There has been an average shortfall over the past several fiscal years over \$188,288. This has meant a reduction in the number of families assisted each year. The Tribe requests that it be funded an additional \$200,000 for General assistance programs. The ongoing need to support families and children at risk of child neglect and abuse, as well as to provide self-

sufficiency training services through the General Assistance Program will allow for the Tribe to help the most vulnerable and needy families in the community. This assistance will also create secondary impacts such as a reduction in substance abuse, and civil and criminal offenses.

For Child Assistance Funding, the Tribe also requests additional funds. The Tribe has a projected shortfall of \$176,003 for provision of foster care assistance, residential treatment and guardianship funding, and requests that this shortfall be covered. BIA funds are used to cover five out of the Tribe's seventeen Child Welfare staff members. The Tribe requests that it be funded an additional \$435,000 for existing child welfare staff positions and one additional CPS case manager. This will bring the case load closer to the national standards. With increased funding to cover staff and an additional CPS worker, the Tribe will be able to reach its goals for the child welfare system, which include reducing child abuse and neglect, reducing the amount of children that are removed from their homes, increasing reunification with tribal parents, reducing the length of time children remain in the system, preventing juvenile delinquency and teen pregnancy, and providing a better future for children growing up on the Pascua Yaqui Reservation.

BIA Water Programs:

The Tribe struggles to plan and provide for enough water for its reservation use, both household and business. The Tribe has not settled its water rights claims, and would like to request an increase of funding for BIA Water Rights Negotiation and Litigation Program as well as maintaining funding for BIA Water Management, Planning and Pre-Development Program. Both of these programs support Indian Country's ability to perform technical work and other activities needed to protect and manage tribal water rights, and if necessary, litigate or settle those rights. The Pascua Yaqui Tribe has used these funds to support efforts to secure a permanent water supply for the Reservation. In the face of prolonged drought in the West, the need to resolve Indian water rights and provide water certainty both for Tribes and their non-Indian neighbors has never been higher. Tribes are in the best position to take on these tasks and to find local solutions to their water rights challenges. This funding provides critical support for these efforts. Continued cuts in these programs merely shifts the burden to the United States to eventually defend and resolve these water rights challenges (at a much higher cost to the United States), since ultimately, Tribal water rights are held in trust by the United States. The Tribe requests increased and maintained funding for these important programs.

Housing and Urban Development:

The Pascua Yaqui Tribe has over 600 Yaqui families on a waiting list for affordable housing. The Tribe asks that the budget for Indian Housing under NAHASDA be maintained if not increased. The Tribe's members consistently request assistance on finding decent, affordable housing. The Tribe has successfully used tax credits and tribal funds to build housing for its members, but the full need remains unmet. The Tribe asks that Indian Housing funding be maintained or increased.

Indian Health Service (IHS):

First, the Tribe requests continued support for full funding of Contract Support Costs (CSC) for both the BIA and IHS. The Pascua Yaqui Tribe has operated its healthcare programs through the Indian Self-determination Act, P.L. 93-638 since 2010. The Tribe has responsibility for the entire

Tribal enrollment of over 19,000 members living primarily in Pima and Maricopa Counties, Arizona. The self-determination program relies on the full funding of contract support costs for its success, and CSCs are an essential component of the Government's trust responsibility. The consistently inadequate funding of the IHS is a major problem plaguing Indian Country. Since the Tribe started self-determination in 2010, deferrals for service total \$6,672,722. and denials total \$10,580,876. Additional funding for IHS self-determination contracts is essential. Additionally, given the serious crisis of behavioral health and substance abuse in Indian Country, funding for behavioral health and substance abuse programs needs to be increased through SAMSHA and IHS.

I would like to extend my thanks on behalf of the Pascua Yaqui Tribe to the Subcommittee for this opportunity to submit testimony on the FY2018 Appropriations.