

**TESTIMONY OF
CHAIRMAN DELIA CARLYLE
ON BEHALF OF THE
AK-CHIN INDIAN COMMUNITY**

**BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS**

September 20, 2006

Introduction

Good Morning, Mr. Chairman, Mr. Vice-Chairman and other distinguished members of this Committee.

My name is Delia Carlyle and I am the Chairman of the Ak-Chin Indian Community.

The Ak-Chin Indian Community Reservation was established in May 1912 and comprised 47,600 acres. A few months later, the Reservation was reduced by more than half to its present day size of 21,840 acres. The Community is located approximately 35 miles south of Phoenix, Arizona, near the Gila River Indian reservation. We are a small tribe with 767 enrolled members.

Ak-Chin is an O'odham word which means "people of the wash." The term refers to a type of farming that depends on the area's washes where our ancestral people planted beans, corn and squash which were irrigated from the wash runoff from storms.

Today, the Ak-Chin Indian Community ("Community" or "Tribe") is being impacted by hyper-growth in our area. We were once a small, rural farming village. Today, however, the area is one of the fastest growing suburbs of Phoenix. In the year 2000 there were about 1000 people in the adjacent town of Maricopa.¹ In 2004, the town had grown to over 5000 people.² Last year the population swelled to approximately 18,000, and in a few years the population is projected to exceed 100,000 people.³ The explosive growth has also brought big-city problems to the Community which adversely affect our air, water, land, culture and traditions. These problems, such as an increase in traffic, congestion, crime, drugs, pollution and other effects of rapid urban expansion - directly impact our children, elders, and our way of life. Thus, the need for timely and fully-funded self-governance programs is more important than ever to assist the Community in providing necessary services for our tribal members.

On behalf of the Ak-Chin Indian Community I would like to thank the Chairman, Vice Chair, and the other members of this Committee for holding this hearing on Indian self-governance programs.

Self-Governance

I am here today to speak about self-governance programs as they pertain to the Ak-Chin Indian Community. At Ak-Chin we have our Social Services, Criminal Investigator, Education, Roads Maintenance and other Consolidated Tribal Government Programs which include courts, enrollment and adult education in our self-governance compact.

In theory, self-governance was intended to allow an Indian tribe to consolidate all of its Bureau of Indian Affairs (“BIA”) 638 programs, funds and reporting requirements into one self-governance compact. The primary objective of self-governance programs is to enable the tribe - not the BIA - to operate its own tribal programs. The tribe, therefore, delivers local, day-to-day services directly to its tribal members. Unfortunately, self-governance programs have strayed from their original intent to strengthen Indian self-determination and self-sufficiency.

Problems

One of the biggest problems for our Tribe’s self-governance programs is that the BIA’s Office of Self-Governance (“OSG”) has become an additional layer of BIA bureaucracy. The OSG negotiator acts as a liaison between the Tribe and the BIA and Indian Health Services (“IHS”) programs. The problem is that the negotiator is not a local person. In our case, our OSG negotiator is located over 1000 miles and three states away in Vancouver, Washington. Thus, they do not usually know the available or previously utilized local resources.

For example, my Tribe may need a social worker, teacher, nurse, therapist or police officer to help implement a self-governance program. Because there are no local resources through the OSG, my Tribe has to turn to the BIA Agency and/or Regional Office for administrative and technical support to implement and operate our self-governance programs. This creates several problems. First, there is no local BIA support because the BIA’s Agency or Regional Office lost their technical support person who was let go or reassigned when OSG took over the program administration. Consequently, when that person left, all the local institutional knowledge and experience left as well.

Furthermore, tribes may be stuck in the middle of an OSG and Agency/Regional Office turf battle. At times, tribes pay the price for BIA internal strife when an Agency Office loses personnel and funding to the OSG, and the result is that the Tribe gets the bureaucratic runaround instead of its questions answered.

In addition, technical assistance funding is practically gone. This hurts tribal program development because of the lack of BIA program technical assistance and support. This is especially true for navigating through the complex funding formula process.

A significant problem is getting the available funding drawn down to the Tribe. It seems that streamlining the funding process would be another good start. There are still too

many bureaucratic layers involved. It should not take over two years to have funds drawn down to my Tribe.

The draw down process must be streamlined. We deal constantly with different people in multiple BIA departments giving us their different interpretations of how and when the funding will be sent to the Tribe. In the end, we still have *not* received our roads funding.

For example, in our case, we are still waiting for our fiscal year 2004 reservation roads funding. Because of the hypergrowth in our area, roadway infrastructure is a major need. From 2004 to the present, we were promised almost \$200,000 for road construction from OSG. Consequently, we planned and negotiated with the County and State for a shared roadway to alleviate the massive traffic congestion. The road was built, but the funding did not come in. My Tribe, therefore, had to cover the funding gap which meant that other Tribal programs, such as meals and services to the elderly were cut, as well as budget cuts to early childhood development programs to make up for the self-governance shortfall. Finally, we have recently been informed by OSG that the funding should be available soon but the amount is less than originally promised.

Again, these funds are already authorized and appropriated, but my Tribe gets excuse after excuse from OSG that the BIA Central Office has not forwarded the funds. Even when funds are received, they are generally not for the entire amount. When asked where the remainder went, the Tribe usually gets a bureaucratic explanation that is lost in funding formula doublespeak. At a minimum, it would be nice to know where the Tribe's funds went.

Another glaring problem is the expanded use of "administrative holdbacks" by the BIA. In short, the BIA Central Office is not releasing the full amount of authorized and appropriated funds for tribes and holding back about 5-10% of tribally earmarked funds. This is a direct violation of Section 405 of the Interior Appropriations Act which requires any holdbacks to be approved by the Appropriations Committee. In this case, there has been no such approval. (Exhibit A).

In some cases, the BIA claimed that hurricane relief or *Cobell* litigation fees consumed the funds. (Exhibit B). In addition, at times, we have been told by staff within the BIA, that instead of the funds going to tribes, those funds are returned to the Treasury. In any case, the funds are not going to tribal programs. As a result, tribes have to cut other much needed tribal programs to make up for the holdbacks.

Recommendations

Positive impact would come simply from the BIA following federal law and not enabling administrative holdbacks. Section 405 of the Interior Appropriations Act *prohibits* administrative holdbacks and requires the BIA to send the full amount of authorized and appropriated funds directly to tribes unless the holdbacks were approved by the Appropriations Committee.

It seems that streamlining the funding process would be another good start. There are still too many bureaucratic layers involved which breed confusion and uncertainty. In addition, we respectfully recommend limiting the number of tribes per negotiator and rewarding good negotiators while getting rid of the ineffective ones.

Tribes also want a collaborative and cooperative partnership with the BIA and OSG. Moreover, there needs to be better coordination between the OSG and the Local BIA Office to actually deliver administrative, technical, and support assistance to tribes.

In conclusion, Mr. Chairman and Committee members, I would like to thank all of you for this opportunity. Our Community has high hopes that this Committee will address the problems of self-governance and we look forward to working with you toward solutions.

Thank you.

¹ 2000 U.S. Census

² 2005 U.S. Census Bureau, Special Census

³ City of Maricopa Planning Department