

# **EXHIBIT E**



# Department of Justice

United States Attorney John S. Leonardo  
District of Arizona

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FOR IMMEDIATE RELEASE  
Thursday, February 6, 2014  
[WWW.JUSTICE.GOV/USAO/AZ](http://WWW.JUSTICE.GOV/USAO/AZ)

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**PASCUA YAQUI TRIBE OF ARIZONA TO BE ONE OF THREE TRIBES TO  
IMPLEMENT SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION  
UNDER VAWA 2013**

*Pilot Projects Allow Tribal Prosecution of Non-Indian Abusers  
For the First Time in More Than Three Decades*

WASHINGTON – The Pascua Yaqui Tribe of Arizona will be one of three American Indian tribes, joining the Umatilla Tribe of Oregon, and the Tulalip Tribe of Washington, to be the first in the nation to exercise special criminal jurisdiction over certain crimes of domestic and dating violence, regardless of the defendant’s Indian or non-Indian status, under a pilot project authorized by the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

“This is just the latest step forward in this administration’s historic efforts to address the public safety crisis in Indian country. Every day, we’re working hard to strengthen partnerships with tribal leaders and confront shared challenges – particularly when it comes to protecting Indian women and girls from the shocking and unacceptably high rates of violence they too often face,” said Attorney General Eric Holder. “With the important new tools provided by the Violence Against Women Reauthorization Act of 2013, these critical pilot projects will facilitate the first tribal prosecutions of non-Indian perpetrators in recent times. This represents a significant victory for public safety and the rule of law, and a momentous step forward for tribal sovereignty and self-determination.”

“The VAWA Pilot Project provides the Pascua Yaqui Tribe the latitude to exercise a wider jurisdictional range to prosecute those who commit domestic violence crimes on the Pascua Yaqui Reservation,” stated U.S. Attorney John S. Leonardo. “The Pascua Yaqui now have the legal ability to prosecute such cases in tribal court without recourse to the federal courts thus affording the tribe more local control in its efforts to protect victims of domestic violence on its reservation. The Pascua Yaqui Tribe was one of only three tribes in the country chosen for this national pilot project, and I congratulate the Tribe on its implementation of this historic legislation.”

“Making the Pascua Yaqui Reservation safe and secure has been very important to the Pascua Yaqui Tribal Council. The Tribal Council has made stopping violence against Native American women a top priority issue. Our judicial system, like all other judicial systems, will now have the opportunity to address offenders for wrongs committed against our most vulnerable community members,” says Peter Yucupicio, Tribal Chairman. “We no longer have to simply stand by and watch our Native women be victimized with no recourse. I’m here to put the community on notice, perpetrators will be held accountable in the tribe’s own justice system,” adds Raymond Buelna, Councilmember and Chairman of the tribe’s Public Safety Committee.

Although the provisions authorizing the special jurisdiction take effect generally in March 2015, the law also gives the Attorney General discretion to grant a tribe’s request to exercise the jurisdiction earlier, through a voluntary pilot project. The authority to approve such requests has been delegated to Associate Attorney General Tony West. Associate Attorney General West today congratulated tribal leaders of the Pascua Yaqui Tribe of Arizona, the Umatilla Tribe of Oregon, and the Tulalip Tribe of Washington on this historic achievement in letters to the three tribes.

“The old jurisdictional scheme failed to adequately protect the public – particularly native women – with too many crimes going unprosecuted and unpunished amidst escalating violence in Indian Country,” stated Associate Attorney General West. “Our actions today mark an historic turning point. We believe that by certifying certain tribes to exercise jurisdiction over these crimes, we will help decrease domestic and dating violence in Indian Country, strengthen tribal capacity to administer justice and control crime, and ensure that perpetrators of sexual violence are held accountable for their criminal behavior.”

Since the Supreme Court’s 1978 opinion in *Oliphant v. Suquamish Indian Tribe*, tribes have been prohibited from exercising criminal jurisdiction over non-Indian defendants. This included domestic violence and dating violence committed by non-Indian abusers against their Indian spouses, intimate partners and dating partners. Even a violent crime committed by a non-Indian husband against his Indian wife, in the presence of her Indian children, in their home on the Indian reservation, could not be prosecuted by the tribe. In granting the pilot-project requests of the Pascua Yaqui, Umatilla, and Tulalip tribes today, the United States is recognizing and affirming the tribes’ inherent power to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over all persons, regardless of their Indian or non-Indian status.

As described in the Department of Justice’s [Final Notice](#) on the pilot project, today’s decisions are based on a diligent, detailed review of application questionnaires submitted by the tribes in December 2013, along with excerpts of tribal laws, rules, and policies, and other relevant information. That review, conducted in close coordination with the Department of the Interior and after formal consultation with affected Indian tribes, led the Justice Department to determine that the criminal justice system in the Pascua Yaqui, Umatilla, and Tulalip tribes have adequate safeguards in place to fully protect defendants’ rights under the Indian Civil Rights Act of 1968, as amended by VAWA 2013.

The Department of Justice is posting notices of the pilot-project designation on the Tribal Justice and Safety Web site ([www.justice.gov/tribal/](http://www.justice.gov/tribal/)) and in the *Federal Register*. In addition, each tribe's application questionnaire and related tribal laws, rules, and policies will be posted on the Web site. These materials will serve as a resource for those tribes that may also wish to participate in the pilot project or to commence exercising SDVCJ in March 2015 or later, after the pilot project has concluded.

For more information on VAWA 2013, please visit [www.justice.gov/tribal/vawa-tribal.html](http://www.justice.gov/tribal/vawa-tribal.html).

2014-009\_VAWA



# NATIONAL CONGRESS OF AMERICAN INDIANS

June 20, 2014

## EXECUTIVE COMMITTEE

**PRESIDENT**  
Brian Cladoosby  
*Swinomish Tribe*

**FIRST VICE-PRESIDENT**  
Michael Finley  
*Colville Tribes*

**RECORDING SECRETARY**  
Robert Shepherd  
*Sisseton Wahpeton Oyate*

**TREASURER**  
Dennis Welsh, Jr.  
*Colorado River Indian Tribes*

## REGIONAL VICE-PRESIDENTS

**ALASKA**  
Jerry Isaac  
*Native Village of Tanacross*

**EASTERN OKLAHOMA**  
S. Joe Crittenden  
*Cherokee Nation*

**GREAT PLAINS**  
Leander McDonald  
*Spirit Lake Nation*

**MIDWEST**  
Aaron Payment  
*Sault Ste. Marie Band of Chippewa  
Indians of Michigan*

**NORTHEAST**  
Randy Noka  
*Narragansett Tribe*

**NORTHWEST**  
Fawn Sharp  
*Quinault Indian Nation*

**PACIFIC**  
Rosemary Merlino  
*Soboba Band of Luiseno Indians*

**ROCKY MOUNTAIN**  
Ivan Posey  
*Shoshone Tribe*

**SOUTHEAST**  
Ron Richardson  
*Haïwa-Saponi Indian Tribe*

**SOUTHERN PLAINS**  
Stephen Smith  
*Kiowa Tribe*

**SOUTHWEST**  
Manuel Heart  
*Ute Mountain Ute Tribe*

**WESTERN**  
Artan Melendez  
*Reno Sparks Indian Colony*

**EXECUTIVE DIRECTOR**  
Jacqueline Johnson Pata  
*Tlingit*

**NCAI HEADQUARTERS**  
1516 P Street, N.W.  
Washington, DC 20005  
202.466.7767  
202.466.7797 fax  
www.ncai.org

Chairman Peter Yucupicio  
Pascua Yaqui Tribe  
7474 S. Camino De Oeste  
Tucson, AZ 85746

Dear Chairman Yucupicio:

On behalf of the National Congress of American Indians (NCAI), thank you for your generosity and hospitality hosting the recent meeting of the Intertribal Technical-Assistance Working Group (ITWG) focused on implementation of the Violence Against Women Act. Every employee of the Pascua Yaqui Tribe who our staff encountered—from your judges and prosecutors to your hotel event staff—welcomed the group and helped ensure our meeting was a success.

We particularly appreciate the efforts of Amanda Sampson Lomayesva, Fred Urbina, and Fred Lomayesva put into helping us plan and put on the meeting. We were equally appreciative of the time that Judge Melvin Stoof, Court Solicitor Ben Casey, Yancy Jencsok and Public Defender Melissa Acosta provided to our group.

And, of course, we were very grateful that you and Councilman Raymond Buelna personally came to welcome the group and help us start our meeting in the right way. It is inspiring for our staff to see firsthand the investment of a tribal leader such as yourself in protecting your community by implementing special domestic violence criminal jurisdiction.

The ITWG participants benefited greatly from the opportunity to gather and to learn from the experiences of the Pascua Yaqui Tribe as your Tribe blazes the trail implementing the new law. We look forward to continuing to work together on this important project.

We were delighted to see you in Anchorage, Alaska at NCAI's Mid-Year Conference.

Thank you,

Jacqueline Pata, Executive Director



No record keeping burden is known to result from the proposed collection of information.

By order of the Commission.

Issued: February 6, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014-02955 Filed 2-11-14; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-872]

### Certain Compact Fluorescent Reflector Lamps, Products Containing Same and Components Thereof; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

**SUMMARY:** Notice is hereby given that the presiding administrative law judge ("ALJ") has issued an Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The ALJ recommends that the Commission issue a limited exclusion order against respondents Maxlite, Inc.; Satco, Products, Inc., and Litetronics International, Inc., with respect to U.S. Patent No. 7,053,540. The Commission is soliciting comments on public interest issues raised by the recommended relief. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-6488. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be

obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease-and-desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Initial Determination and Recommended Determination on Remedy and Bonding issued in this investigation on February 3, 2014. Comments should address whether issuance of a limited exclusion order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the recommended limited exclusion order are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended limited exclusion order;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended limited exclusion order within a commercially reasonable time; and
- (v) explain how the recommended limited exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on March 7, 2014.

Written submissions must be filed no later than by close of business on March 7, 2014.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 872") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 6, 2014.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2014-02956 Filed 2-11-14; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

[Docket No. OAG 146; AG Order No. 3418-2014]

### Pilot Project for Tribal Jurisdiction Over Crimes of Domestic Violence—Announcement of Successful Applications

AGENCY: Office of the Associate Attorney General, Justice.

ACTION: Notice.

**SUMMARY:** The Associate Attorney General, exercising authority delegated by the Attorney General, is granting the requests of three Indian tribes to be

designated as participating tribes under section 204 of the Indian Civil Rights Act of 1968, as amended, on an accelerated basis, under the voluntary pilot project described in section 908(b)(2) of the Violence Against Women Reauthorization Act of 2013.

**DATES:** This notice is effective February 6, 2014.

**ADDRESSES:** Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, 950 Pennsylvania Avenue NW., Room 2310, Washington, DC 20530, email [OTJ@usdoj.gov](mailto:OTJ@usdoj.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Tracy Toulou, Director, Office of Tribal Justice, Department of Justice, at (202) 514-8812 (not a toll-free number) or [OTJ@usdoj.gov](mailto:OTJ@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** Section 908(b)(2) of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) establishes a voluntary pilot project for Indian tribes that wish to commence exercising jurisdiction on an accelerated basis over certain crimes of domestic violence and dating violence and certain criminal violations of protection orders in Indian country. This announcement provides public notice that the Associate Attorney General, exercising authority delegated by the Attorney General, is granting the requests of three Indian tribes to be designated as participating tribes under section 204 of the Indian Civil Rights Act of 1968, as amended, on an accelerated basis, under the voluntary pilot project described in section 908(b)(2) of VAWA 2013. The three tribes are (in alphabetical order):

- The Confederated Tribes of the Umatilla Indian Reservation,
- The Pascua Yaqui Tribe of Arizona, and
- The Tulalip Tribes of Washington.

In deciding to grant the three tribes' requests, the Department of Justice followed the procedures described in the Department's final notice on the Pilot Project for Tribal Jurisdiction over Crimes of Domestic Violence, 78 FR 71645 (Nov. 29, 2013). The Department of Justice coordinated with the Department of the Interior, consulted with affected Indian tribes, and concluded that the criminal justice system of each of the three tribes has adequate safeguards in place to protect defendants' rights, consistent with 25 U.S.C. 1304.

By February 20, 2014, each of the three tribes will notify its community that the tribe will soon commence prosecuting "special domestic violence criminal jurisdiction" (SDVCJ) cases. That notification will include sending press releases to the print and electronic

media outlets in the tribe's area. Each of the three tribes may not exercise SDVCJ to prosecute any crime committed before that notification has been completed or before February 20, 2014. Also, during the remainder of the Pilot Project's duration (i.e., until March 7, 2015), each of the three tribes will provide the Department of Justice's Office of Tribal Justice (OTJ) with updated information if changes in the tribe's laws, rules, policies, or personnel render the answers to the tribe's certified Application Questionnaire incomplete, inaccurate, or outdated.

The Department of Justice will post on its Tribal Justice and Safety Web site (<http://www.justice.gov/tribal/>) each of the three tribes' Application Questionnaires and all the tribal laws, rules, and policies that were attached or linked to those Application Questionnaires. Once posted, these materials will serve as a resource for those tribes that may also wish to participate in the Pilot Project or to commence exercising SDVCJ in March 2015 or later, after the Pilot Project has concluded.

Dated: February 8, 2014.

Tony West,

Associate Attorney General.

[FR Doc. 2014-03023 Filed 2-11-14; 8:45 am]

BILLING CODE 4410-A5-P

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 02-14]

#### Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows: Friday, February 21, 2014:

10:00 a.m.—Oral hearing on Objection to Commission's Proposed Decision in Claim No. IRQ-I-005;

11:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

*Status:* Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002,

Washington, DC 20579. Telephone: (202) 616-8975.

Brian M. Simkin,  
Chief Counsel.

[FR Doc. 2014-03145 Filed 2-10-14; 11:15 am]

BILLING CODE 4410-BA-P

## DEPARTMENT OF LABOR

Presidential Memorandum of January 30, 2014; Job-Driven Training for Workers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

On January 30, 2014, President Barack Obama issued a memorandum to the Secretary of Labor, the Secretary of Commerce, and the Secretary of Education, directing them to develop a specific action plan to make the workforce and training system more job-driven, integrated, and effective. This plan is to be provided to the President through the Vice President within 180 days of the date of this memorandum. The text of this memorandum reads —

Giving workers the opportunity to acquire the skills that they need to pursue in-demand jobs and careers is critical to growing our economy, ensuring that everyone who works hard is rewarded, and building a strong middle class. Despite recent employment growth, far too many hard-working individuals still have not been able to find a job or increase their earnings, and many businesses report difficulty hiring workers with the right skills for jobs that they want to fill.

It is critical that the Federal Government ensure that its policies and programs in the workforce and training system are designed to equip the Nation's workers with skills matching the needs of employers looking to hire. To achieve this goal, employers must identify the skills and credentials required for in-demand jobs and help develop training programs; workers and job seekers must have access to education and training that meets their unique needs and the requirements for good jobs and careers; and employers must have easy ways to find workers who have or can acquire those skills. We must take steps to ensure that all relevant Federal programs follow such a job-driven approach to training, and that these programs are accountable for getting Americans into good jobs and careers as quickly as possible. That is why I have asked the Vice President to lead a Government-wide review of relevant Federal programs.

# PASCUA YAQUI TRIBE

RESOLUTION NO. C03-56-11

**RESOLUTION OF THE PASCUA YAQUI TRIBE APPROVING A LETTER OF AGREEMENT WITH THE UNITED STATES ATTORNEY'S OFFICE FOR THE DISTRICT OF ARIZONA FOR THE APPOINTMENT OF TRIBAL PROSECUTORS AS SPECIAL ASSISTANT UNITED STATES ATTORNEYS.**



**WHEREAS,** the Tribal Council of the Pascua Yaqui Tribe is vested with the authority to enter into agreements with federal, state and local governments (Article VI, Section 1(a) of the Constitution of the Pascua Yaqui Tribe); and

**WHEREAS,** the Tribal Council is charged with the responsibility of providing for the safety and general welfare of the members of the Pascua Yaqui Tribe (Article VI, Section 1 (o) of the Constitution of the Pascua Yaqui Tribe): and

**WHEREAS,** the Tribe has determined that there is a need to improve public safety on the Pascua Yaqui Tribe's Reservation ("the Reservation"); and

**WHEREAS,** the United States Attorney's Office has a program whereby tribal prosecutors will receive training and be appointed as Special Assistant United States Attorneys ("SAUSAs") thereby allowing tribal prosecutors to prosecute crimes that occur on the Reservation in Federal Court; and

**WHEREAS,** the rules and procedures of this program are outlined in a "Letter of Agreement Re: the Appointment of Pascua Yaqui Tribal Prosecutors as Special Assistant United States Attorneys" ("Letter of Agreement") attached hereto and incorporated herein as Exhibit A; and

**WHEREAS,** the Office of the Attorney General has reviewed and approved all conditions of the Letter of Agreement as to form; and

**WHEREAS,** the Pascua Yaqui Office of the Prosecutor believes that the Letter of Agreement and the Appointment of tribal prosecutors as SAUSAs is in the best interest of the Tribe, and of the Tribe's members who reside on the Reservation, and it has therefore recommended to the Tribal Council that the Tribal Council authorize and approve the Letter of Agreement in an effort to better address public safety concerns on the reservation;

**NOW THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE PASCUA YAQUI TRIBE** the Tribal Council hereby (1) authorizes and approves the Letter of Agreement, and (2) authorizes the Chairman to sign all documents and take any necessary and proper action to execute, implement, and enforce this Resolution and the Letter of Agreement.

**CERTIFICATION**

**THE FOREGOING RESOLUTION** was on **March 9, 2011** duly adopted by a vote of **TEN** in favor, **ZERO** opposed, and **ZERO** abstained, by the Tribal Council of the Pascua Yaqui Tribe pursuant to authority vested in it by Article VI, Section 1(a) and (o) of the Constitution of the Pascua Yaqui Tribe as adopted on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

  
\_\_\_\_\_  
**CHAIRMAN OF THE PASCUA YAQUI TRIBE**

  
\_\_\_\_\_  
**SECRETARY OF THE PASCUA YAQUI TRIBE**





*Office of the United States Attorney, Ann Birmingham Scheel  
District of Arizona*

FOR IMMEDIATE RELEASE  
Monday, November 07, 2011

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## **MULTIPLE TRIBAL COMMUNITY PROSECUTORS RECEIVE FEDERAL CROSS-COMMISSIONING**

From October 31 through November 4, the United States Attorney's Office for the District of Arizona held a week-long course to train prosecutors from several of Arizona's tribal governments so they may participate in the federal prosecution of offenders from their communities.

The training kicks off the U.S. Attorney's Office -Tribal Special Assistant United States Attorney (SAUSA) program. This cross-commissioning is encouraged by the Tribal Law and Order Act and mandated by the District of Arizona's Operational Plan for Public Safety in Indian Country [click](#).

The goal of the Tribal SAUSA program is to train eligible tribal prosecutors in federal law, procedure and investigative techniques to increase the likelihood that every viable criminal offense is prosecuted in tribal court, federal court or both. The program also allows the tribal prosecutors to co-counsel with federal prosecutors on felony investigations and prosecutions of offenses arising out of their respective tribal communities. After completing training, each tribal SAUSA will be mentored by an experienced federal prosecutor assigned to the District of Arizona's Violent Crime Section

The District of Arizona's SAUSA program currently has 13 participants from 8 participating tribes – the Salt River Pima-Maricopa Indian Community, the Gila River Indian Community, the Fort McDowell Yavapai Nation, the Pascua Yaqui Tribe, the Colorado River Indian Tribes, the Tohono O'odham Nation, the Hopi Tribe, and the White Mountain Apache Tribe -- and is expected to grow.

Seven tribal prosecutors participated in the training course this week, which included classroom work and participation in proceedings before the federal court and grand jury. The remaining participants will attend an identical training planned for January 2012.

RELEASE NUMBER: 2011-247(Tribal SAUSAs)

###

U.S. Department of Justice



United States Attorney  
District of Arizona

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Phoenix, Arizona 85004-4408

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March 8, 2011

Hon. Peter S. Yucupicio  
Chairman  
The Pascua Yaqui Tribe  
7474 S. Camino de Oeste  
Tucson, Arizona 85757

**Letter Agreement re: Appointment of Pascua Yaqui Tribal Prosecutor as Special Assistant United States Attorney for the District of Arizona - "Tribal SAUSA Program"**

Dear Chairman Yucupicio:

This Letter Agreement sets forth the terms of agreement between the Pascua Yaqui Tribe and the United States Attorney's Office (USAO) for the District of Arizona for the appointment of a tribal prosecutor as a Special Assistant United States Attorney, pursuant to the USAO's Operations Plan for Public Safety in Indian Country. The United States Attorney for the District of Arizona has principal authority and responsibility for the prosecution of felony offenses occurring in Indian Country, as well as sole authority for the prosecution of misdemeanors committed in Indian Country by non-Indians against Indian victims, including domestic violence offenses. Tribal prosecutors of the Pascua Yaqui Tribe possess a unique familiarity with and insight to the communities which they serve, which knowledge the USAO recognizes as very valuable to a targeted law enforcement approach. The USAO and the Pascua Yaqui Tribe share the goal of improving public safety in Indian Country by ensuring that every criminal offense for which sufficient evidence is available is prosecuted, with a particular emphasis on violent crimes against women and children. To that end, we agree to participate together in a District of Arizona Tribal SAUSA Program, according to the following terms:

1. **Nomination and Selection** - the Chief Prosecutor may nominate a member of his staff for appointment as a SAUSA. Nominees shall be attorneys admitted to practice before the United States District Court for the District of Arizona, or meeting all qualifications to practice before that court and committing to gain admission to it by the date they begin their appointment as SAUSA. Nominees also shall have at least three years' overall practice experience as an attorney. USAO management will conduct an interview of the nominee to ensure that they can meet the requirements of practice before the District Court. If a nominee meets each of these qualifications, the USAO will provide them with a security clearance background questionnaire,

which the nominee will be required to promptly and fully complete so that the United States Department of Justice, Office of Personnel Management, may perform a provisional background clearance. Clearances typically take from eight to twelve weeks from the time a complete questionnaire is submitted, if the review does not reveal any issues. Upon a successful background adjudication, the United States Attorney will issue a SAUSA appointment and administer the oath of office to the nominee.

2. **Supervision of SAUSAs** - each tribal SAUSA will be a member of the Indian Country Violent Crime Section of the USAO, in either the Phoenix or Tucson Division as appropriate. All actions they take in their capacity as a SAUSA will be under the supervision of the Violent Crime Section Chief in Phoenix or Tucson or the Branch Chief in Flagstaff. Where appropriate, the Section/Branch Chief may delegate supervisory or mentoring responsibilities to another experienced Violent Crime prosecutor. The Section/Branch chief or their designee will make all case assignment decisions relating to the SAUSA; will issue all direction to the SAUSA on the handling of any matter; will be responsible for ensuring that the SAUSA receives adequate training on all aspects of representing the United States in a proceeding or matter before the SAUSA is so tasked; and will be available for questions, consultation, guidance and supervision of the SAUSA. The SAUSA will consult with their Section/Branch Chief or their designee on all case decisions until the supervisor is satisfied that the SAUSA is competent and comfortable handling the specific task. The SAUSA will have an AUSA—often but not always the Section/Branch Chief—as co-counsel on all matters they are assigned. The goal of this program of supervision, mentoring and co-counseling is to develop the SAUSA's skills in evaluating viable cases under the federal statutory scheme; in directing tribal or federal agents' actions in a federal investigation; in providing competent and reliable legal advice to agents in the course of their investigations; in practicing readily under the federal rules of procedure and evidence; and in advocating effectively and with professionalism before the exacting federal bench.

3. **Tribal SAUSA Training** - While the tribal SAUSA program is structured so that the SAUSA need not come to the USAO except when the work of a specific matter requires it, we will require the SAUSA, soon after appointment, to spend a week at the appropriate USAO office to receive initial training on federal law and procedure; to learn all applicable Department of Justice and USAO policy and procedure; to meet court personnel and Violent Crime Section colleagues; to shadow senior attorneys at agent meetings and hearings; and to receive direction on other appropriate topics. Additionally, when the USAO administers training required of all AUSAs, or of all Violent Crime Section AUSAs, SAUSAs will be required to attend and participate in that training, as the courts and the Department will hold the SAUSA to the same

standards of performance as regular AUSAs. The SAUSA will receive an AUSA mentor who will be available for questions. Just as in the case of AUSAs, the SAUSA will be required to obtain written supervisory approval for each charging decision and each plea offer.

4. **Standards of Performance** - for the duration of the appointment, while acting in the capacity of tribal SAUSA, the appointee will be subject to the United States Department of Justice's and the USAO's standards of conduct, policies and procedures, including Standards of Ethical Conduct for Employees of the Executive Branch of federal government (5 C.F.R. §§ 2635 *et seq.*), the federal conflict of interest laws (18 U.S.C. §§ 207-09), and laws restricting the disclosure of confidential information (18 U.S.C. § 1905).

5. **Case Assignments** - The USAO intends its Tribal SAUSA program to be responsive to the needs and law enforcement priorities of the Pascua Yaqui Tribe; accordingly it will try to assign the SAUSA cases of a type that are of such priority, and for which the tribal SAUSA has demonstrated the experience and skills to handle in the federal system. Initially the SAUSA will focus on one of the following areas, as agreed by the USAO and the Tribe: domestic violence misdemeanors and simple assaults involving a non-Indian defendant and a tribal member victim, either in Central Violations Bureau (CVB) Court or in Criminal Court; narcotics misdemeanors; bootlegging offenses; or thefts from the tribe. After demonstrating competence in and comfort with matters in their initial area of assignment, and upon supervisory approval, the SAUSA may handle more and more of the other federal matters listed above that arise from their tribal communities, with concurrence of the Pascua Yaqui Tribe, possibly including federal felony prosecutions as the SAUSAs progress. SAUSAs always will have an AUSA assigned to actively co-chair all matters. Case assignments also are intended to draw on the strengths the SAUSAs bring to the federal system as a result of their familiarity with their communities, including knowledge of frequent offenders, their circumstances and their effect on the community. The SAUSA's supervisor will control the volume of assignments to be consistent with whatever limits the chief tribal prosecutor may place on overall workload of the SAUSA.

6. **Duty Station; Provision of Necessary Workspace and Equipment** - The USAO contemplates that, other than attending AUSA training, case preparation meetings and appearances in court, the tribal SAUSA need not be present in USAO workspace and will attend to their tribal prosecutor/SAUSA duties from their office in the Pascua Yaqui Community. When it is necessary for the SAUSA to work or meet in USAO facilities, the USAO will provide the necessary workspace, equipment and supplies to complete their case work, and will bear all expenses for same. Transportation to and from USAO workspace, including incidentals like

parking fees, will be the responsibility of the SAUSA or their employer, the Pascua Yaqui Tribal Prosecutor's Office. Responsibility for the salary and all expenses for the tribal SAUSA remains with the Pascua Yaqui Tribal Prosecutor's Office.

**7. Duration of Appointment; Consultation** - The duration of the tribal SAUSA appointment will be eighteen months from the date of entry on duty. Expiring appointments may be renewed upon the agreement of both the USAO and the Chief Tribal Prosecutor's office. The USAO maintains the right to terminate a SAUSA appointment at any time, after providing to the Chief Prosecutor notice of its intent to terminate that appointment. Supervisory personnel at the USAO will consult with the Chief Prosecutor semi-annually on the performance and progress of the tribal SAUSA, and on the program in general.

This Letter Agreement will govern the assignment of tribal the SAUSAs and no other conditions will affect this arrangement unless it is modified in writing through an amendment signed by the USAO and the tribal government.

Sincerely yours,



DENNIS K. BURKE  
United States Attorney  
District of Arizona

I acknowledge and agree to the foregoing terms

  
\_\_\_\_\_  
HON. PETER S. YUCUPICIO  
Chairman  
The Pascua Yaqui Tribe

3-11-11  
\_\_\_\_\_  
Date



U.S. Department of Justice

Office of Justice Programs

*Office of Sex Offender Sentencing, Monitoring,  
Apprehending, Registering, and Tracking*

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Washington, D.C. 20531

October 23, 2014

The Honorable Peter Yucupicio  
Chairman  
Pascua Yaqui Tribe  
7474 S. Camino De Oeste  
Tucson, AZ 85757

Dear Chairman Yucupicio,

On September 9, 2011, the United States Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) notified you that the Pascua Yaqui Tribe had substantially implemented the provisions of the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006. On September 9, 2014 the SMART Office sent a letter to your office in which we requested that you provide any information that pertained to the Pascua Yaqui Tribe's substantial implementation of SORNA that may have changed since your last certification. In the event that your tribe had not adopted any changes relevant to its substantial implementation status, the SMART Office requested that you certify that fact in a letter back to our office.

On October 20, 2014, you sent a letter to the SMART Office in which you certified that the Pascua Yaqui Tribe had not adopted any changes relevant to its substantial implementation status. Based on the information provided in that letter, the SMART Office has determined the Pascua Yaqui Tribe continues to substantially implement SORNA.

We encourage the Pascua Yaqui Tribe to continue to work with SMART office personnel to maintain the Pascua Yaqui Tribe's status as having substantially implemented SORNA, and to address any outstanding areas in which your tribe may deviate from SORNA. Implementation of SORNA is on-going. Accordingly, each year the SMART Office will be inquiring about the Pascua Yaqui Tribe's continuing implementation efforts and soliciting specific information from your tribe in order to better understand how your tribe's sex offender registration and notification system is currently functioning.

Should you have any questions concerning your tribe's SORNA implementation, please direct inquiries to Juli Ana Grant, Senior Policy Advisor, [Juli.Ana.Grant@usdoj.gov](mailto:Juli.Ana.Grant@usdoj.gov) or 202-514-7768.

We look forward to continuing to collaborate with you as we work together to implement SORNA and protect our communities.

Sincerely,



Dawn Doran  
Acting Director

cc: Michael Valenzuela  
Police Chief  
Pascua Yaqui Tribe  
7777 S. Camino Huivisim Bldg. A  
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