

TESTIMONY
OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS
ON
H.R. 3319

JULY 24, 2012

Chairman Young, Ranking Member Lujan, and Members of the Subcommittee, my name is Michael Black and I am the Director of the Bureau of Indian Affairs. Thank you for the opportunity to present the Administration's views on H.R. 3319, a bill to allow the Pascua Yaqui Tribe (Tribe) to determine the requirements for membership in their Tribe. The Department supports H.R. 3319.

BACKGROUND

In 1978 Congress passed an Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, which declared that the members of the Pascua Yaqui Tribe are eligible for the services and assistance provided for Indians because of their status as Indians by or through any department, agency, or instrumentality of the United States.

While the 1978 Act extended services to the Tribe, it also prescribed membership for the Tribe pursuant to the membership criteria and procedures provided for in the official governing documents of the Tribe. However, the deference to the Tribe's governing documents for membership into the Tribe was prefaced by three caveats. In one instance, a Pascua Yaqui Association member must apply for enrollment into the Tribe within one (1) year after passage of the 1978 Act, in another, a person with Yaqui blood and is a citizen of the United States must apply for enrollment in the Tribe within two (2) years after passage of the 1978 Act. The third caveat restricted enrollment into the Tribe to only those lineal descendants of a person enrolled into Tribe within the two (2) year limitation.

Subsequently, in 1994, Congress amended the 1978 Act by first, extending federal recognition to the Pascua Yaqui Tribe, and by extending the second caveat in the original 1978 Act, to allow those individual with Pascua Yaqui blood who are citizens of the United States and who, "within three years after October 14, 1994" apply for enrollment into the Tribe pursuant to the Tribe's enrollment criteria. And, the third caveat restricted enrollment into the Tribe to only those lineal descendants of a person enrolled into the Tribe within the 1994 three (3) year limitation.

The clear language of the 1978 Act and the 1994 amendments to the 1978 Act provided a time limitation for a person to apply for membership into the Tribe and restricted lineal descendant

membership into the Tribe to those enrolled under the 1978 and 1994 Congressional acts. Currently the tribal enrollment for the Pascua Yaqui Tribe is 18,025 members.

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H.R. 3319 would amend the 1978 Act and the 1994 amendments by removing the restrictions and thus enable the Tribe to determine for themselves membership into their Tribe. The proposed amendment would delete the three caveats to the deference provided to the Tribe's membership criteria and replace the current prescription with "membership of the Pascua Yaqui Tribe shall consist of any person of Pascua Yaqui blood enrolled by the tribe." This amendment would allow the membership of the Tribe to be determined by the Tribe's enrollment criteria, as any other federally-recognized tribe has the right to do.

While the legislation would allow the Tribe to determine the size of its own membership, the Department does not expect an additional Tribal Priority Allocation base funding amount to be awarded to the Tribe.

Indian tribes have the inherent authority to determine their membership. The Supreme Court has noted, "A tribe's right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community." *See Santa Clara Pueblo v. Martinez*, 436 U.S. 49 (1978). The Department supports H.R. 3319, which is consistent with the Administration's support for the policies of self-governance and self-determination for all federally recognized tribes.

CONCLUSION

This concludes my prepared statement. I will be happy to answer any questions the Subcommittee may have.