

**TESTIMONY OF  
MICHAEL S. BLACK  
DIRECTOR OF THE BUREAU OF INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS  
ON  
H.R. 726, TO AMEND THE GRAND RONDE RESERVATION ACT**

**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. 726, a bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes. The Department of the Interior (Department) supports H.R. 726.

Taking land into trust is one of the most important functions that the Department undertakes on behalf of Indian tribes. Homelands are essential to the health, safety, and welfare of the tribal governments. Thus, the Department has made the restoration of tribal homelands a priority.

H.R. 726 amends an Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, Pub. L. No. 100-425 (Sept. 9, 1988), to authorize the Secretary of the Interior to place in trust approximately 288 acres of real property located within the boundaries of the original 1857 reservation of the Confederated Tribes of the Grand Ronde Community of Oregon if the real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe. Furthermore, the bill provides that the Secretary is to treat all applications to take land into trust within the boundaries of the original 1857 reservation as an on-reservation trust acquisition, and that all real property taken into trust within those boundaries after September 9, 1988, are to be considered part of the Tribe's reservation.

Again, the Department supports H.R. 726. Thank you for the opportunity to present testimony on H.R. 726. I will be happy to answer any questions you may have.

**TESTIMONY**  
**OF**  
**MICHAEL S. BLACK**  
**DIRECTOR OF THE BUREAU OF INDIAN AFFAIRS**  
**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.

### **H.R. 3319**

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.

**TESTIMONY OF  
MICHAEL S. BLACK,  
DIRECTOR OF THE BUREAU OF INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS  
H.R. 6141, A BILL TO PROVIDE FOR THE ADDITION OF CERTAIN REAL PROPERTY TO THE  
RESERVATION OF THE SILETZ TRIBE IN THE STATE OF OREGON**

**JULY 24, 2012**

Chairman Young, Ranking Member Lujan, and Members of the Subcommittee, my name is Michael Black and I am the Director for the Bureau of Indian Affairs. Thank you for the opportunity to present the Department of the Interior's (Department) views on H.R. 6141, a bill to provide for the addition of certain real property to the reservation of the Siletz Tribe.

Taking land into trust is one of the most important functions that the Department undertakes on behalf of Indian tribes. Homelands are essential to the health, safety, and welfare of the tribal governments. Thus, this Administration has made the restoration of tribal homelands a priority. This Administration is committed to the restoration of tribal homelands, through the Department's acquisition of lands in trust for tribes, where appropriate. While the Department acknowledges that tribes near the Siletz Tribe oppose H.R. 6141, the Department supports H.R. 6141.

H.R. 6141 would amend the Siletz Tribe Indian Restoration Act, 25 U.S.C. § 711e, to authorize the Secretary of the Interior to place land into trust for the Siletz Tribe. The lands lie within the original 1855 Siletz Coast Reservation and are located in the counties of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill, which are all located within the State of Oregon. H.R. 6141 would also provide that such land would be considered and evaluated as an on-reservation acquisition under 25 C.F.R. § 151.10 and become part of the Tribe's reservation. The bill does not make the original Siletz Reservation into a reservation for the Siletz Tribe or create tribal jurisdiction over the original Siletz Reservation.

Thank you for the opportunity to present the Department's views on this legislation. I will be happy to answer any questions you may have.