

NCUIH Endorsed Tribal Border Crossing Parity Act Protects Tribal Sovereignty and Ends Blood Quantum Rule for Border Crossings

Category: Policy Blog

written by Emily Larsen | May 28, 2024

On March 27, 2024, Representative Fulcher and Representative Kilmer introduced the National Council of Urban Indian Health (NCUIH)-endorsed [Tribal Border Crossing Parity Act](#). This bill would simplify the process for American Indian and Alaska Native people crossing the United States-Canada border and uphold Tribal sovereignty. If passed, the bill would allow Tribal members to use their Tribe-issued IDs as proof of citizenship in a federally recognized Tribe to cross the border, rather than having to provide proof of 50% blood quantum.

Currently, Tribally enrolled citizens who have shown proof of blood quantum and been issued a certificate from the Department of Interior, can freely cross the U.S.-Canadian border. While this policy dates back to the Jay Treaty of 1794, which allowed Native Americans to cross the border freely, without blood quantum requirements, Congress changed that requirement during the Termination Era. In 1952, the Immigration and Nationality Act required a 50% blood quantum and proof from the Department of Interior to cross freely. This creates an undue burden on Tribal members and violates Tribal sovereignty, as the blood quantum requirement infringes on the sovereignty of federally recognized Tribes to determine their own membership. Tribal identification should be fully recognized as the best form of identification. The Tribal Border Crossing Parity Act will protect Tribal Sovereignty and ensure American Indian and Alaska Native people can freely exercise their treaty rights.

“The Tribal Border Crossing Parity Act is a healing step forward for the U.S. federal government toward truly honoring the trust and treaty obligation to Tribal Nations” said Francys Crevier, Chief Executive Officer at NCUIH. “The Jay Treaty of 1794 supported Indigenous People of North America to travel freely despite newly created colonizer lines, but during the Termination Era in 1952, Congress implemented a racist blood requirement that violated Tribal Sovereignty, the government-to-government relationship, and the original intent and spirit of the Jay Treaty, infringing on the rights of Tribal citizens. This legislation will correct some of the wrongs of the past and eradicate a racist law created in an attempt to terminate Tribal sovereignty.”

This bill is endorsed by the National Congress of American Indians, Kootenai Tribe of Idaho, and Prairie Band Potawatomi Nation.

Background

- Press Release: [Congressman Fulcher and Kilmer Introduces Legislation to End Blood Quantum Rule for Native Americans](#)
- [Bill Text](#)