

AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA
AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORA-
TION ACT

SEPTEMBER 7, 2000.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1460]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1460) to amend the Ysleta del Sur Pueblo and Alabama and Coughatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1460 is to amend the Ysleta del Sur Pueblo and Alabama and Coughatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1460 would amend the Ysleta del Sur Pueblo and Alabama and Coughatta Indian Tribes of Texas Restoration Act (Public Law 100-89, 25 U.S.C. 1300g et seq.) to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe, also known as the Tigua Indian Tribe. That 1987 Act, which restored recognition to the Tribe, requires that this Tribe's members have a blood quantum of at least one-eighth to qualify for tribal membership.

All federally-recognized Indian tribes have the power to determine their own membership criteria, including their own blood

quantum requirements. However, this power can be, and at this Tribe's insistence, has been superseded by Congress. H.R. 1460 would amend the Tribe's blood quantum requirement from one-eighth to one-sixteenth at the request of the Tribe.

There are currently 1,252 members of the Tribe. However, if the current blood quantum requirements remain in effect, the membership of Tribe would be reduced significantly within three generations. To date, 27 individuals have been removed from the Tribe's rolls because their blood quantum has been determined to be below the requisite minimum now mandated by law. Upon enactment of H.R. 1460 those individuals would be eligible to petition for re-enrollment in the Tribe.

COMMITTEE ACTION

H.R. 1460 was introduced on April 15, 1999, by Congressman Silvestre Reyes (D-TX). The bill was referred to the Committee on Resources. On July 26, 2000, the Full Resources Committee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 15, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1460, a bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette J. Keith, and Eric Rollins.

Sincerely,

ARLENE HOLEN
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1460—A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe

H.R. 1460 would decrease the level of blood required for membership in the Ysleta del Sur Pueblo tribe. Currently, individuals must have a blood quantum level of at least one-eighth to qualify for tribal membership. This bill would change that level to one-sixteenth for the Ysleta del Sur Pueblo tribe.

CBO estimates that implementing H.R. 1460 would cost the federal government \$5 million over the 2001–2005 period, assuming that the tribes receive health services and benefits at a level similar to currently recognized tribes and that the necessary funds are appropriated. Enacting H.R. 1460 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 1460 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Although the bill does not specifically authorize the appropriation of funds, it would increase the number of people eligible to join the Ysleta del Sur Pueblo tribe, and thus become eligible for health service benefits available to members of federally recognized Indian tribes. The Indian Health Service (IHS) could seek additionally funds to provide benefits to new tribal members.

Based on information from IHS, CBO estimates that the average annual cost of health service and benefits provided tribal members is about \$1,500 per individual. Based on information from the Bureau of Indian Affairs, CBO estimates that enacting H.R. 1460 would increase the population of the Ysleta del Sur Pueblo tribe by about 550 members in 2001. Therefore, CBO estimates that H.R. 1460 would cost the federal government about \$1 million each year.

The CBO staff contacts for this estimate are Lanette J. Keith, and Eric Rollins. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 108 OF THE YSLETA DEL SUR PUEBLO AND ALABAMA AND COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT

SEC. 108. TRIBAL MEMBERSHIP.

(a) IN GENERAL.—The membership of the tribe shall consist of—

(1) the individuals listed on the Tribal Membership Roll approved by the tribe’s Resolution No. TC-5-84 approved December 18, 1984, and approved by the Texas Indian Commission’s Resolution No. TIC-85-005 adopted on January 16, 1985; and

(2) a descendant of an individual listed on that Roll if the descendant—

- (i) has **【1/8】** ^{1/16} degree or more of Tigua-Ysleta del Sur Pueblo Indian blood, and
- (ii) is enrolled by the tribe.

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