

Calendar No. 912

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 106-464

AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND
COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT TO DE-
CREASE THE REQUISITE BLOOD QUANTUM REQUIRED FOR MEMBER-
SHIP IN THE YSLETA DEL SUR PUEBLO TRIBE

OCTOBER 2 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. CAMPBELL, from the Committee on Indian Affairs,
submitted the following

REPORT

[To accompany H.R. 1460]

The Committee on Indian Affairs to which was referred the bill (H.R. 1460) to amend the Ysleta del Sur Pueblo and Alabama and Coshatta 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, reports favorably thereon without amendment and recommends 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 Coshatta 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 Coshatta 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 However, this power can be, and at this Tribe's request, has been superseded by Congress.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. 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 mandated by law. Upon enactment of H.R. 1460 those individuals would be eligible to petition for re-enrollment.

COMMITTEE ACTION

H.R. 1460 was introduced in the House of Representatives on April 15, 1999, by Congressman Silvestre Reyes and referred to the Committee on Resources. On July 26, 2000, the Resources Committee met to mark up the bill. The bill was ordered favorably reported to the House of Representatives without amendment by unanimous consent. On September 7, 2000, the bill passed the House under suspension of the rules, and on September 13, 2000, was received in the Senate and referred to the Committee on Indian Affairs. On September 27, 2000, the bill was ordered favorably reported to the Senate without amendment.

LEGISLATIVE HISTORY

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COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On September 27, 2000, the Committee on Indian Affairs, in an open business session adopted H.R. 1460 by voice vote and ordered the bill reported favorably to the full Senate.

SECTION-BY-SECTION ANALYSIS

Section 1. Blood Quantum Required for Tribal Membership Decreased.—This section amends the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act (25 U.S.C. 1300g-7) by decreasing the requisite blood quantum for membership in the tribe from $\frac{1}{8}$ to $\frac{1}{16}$.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for H.R. 1460 as calculated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 2000.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1460, an act 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,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1460—An act 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 tribal 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 act 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 tribe receives 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 H.R. 1460 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 additional 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 to 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.

On August 15, 2000, CBO transmitted a cost estimate for H.R. 1460 as ordered reported by the House Committee on Resources on July 26, 2000. The two versions of the legislation are identical, as are our cost estimates.

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.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill to evaluate the regulatory paperwork impact that would be incurred in implementing the legislation. The Committee has concluded that enactment of H.R. 1460 will create only de minimis regulatory or paperwork burdens.

EXECUTIVE COMMUNICATIONS

The Committee has received no official communication from the Administration on the provisions of the bill

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, changes to existing law made by the bill are required to be set out in the accompanying Committee report. The Committee finds that enactment of H.R. 1460 will result in the following changes in existing law. The matter to be deleted is indicated in brackets **[]** and bold face type. The matter to be inserted is indicated in *italic*.

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 on January 16, 1985; and

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

- (i) has **[$\frac{1}{8}$]** *$\frac{1}{16}$* degree or more of Tigua-Ysleta del Sur Pueblo Indian blood, and
- (ii) is enrolled by the tribe.

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