

AMENDING THE YSLETA DEL SUR PUEBLO AND ALABAMA AND  
COUSHATTA INDIAN TRIBES OF TEXAS RESTORATION ACT TO ALLOW  
THE YSLETA DEL SUR PUEBLO TRIBE TO DETERMINE BLOOD QUANTUM  
REQUIREMENT FOR MEMBERSHIP IN THAT TRIBE

SEPTEMBER 23, 2011.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany H.R. 1560]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1560) to amend the Ysleta del Sur Pueblo and Alabama and Coshatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that 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. 1560 is to amend the Ysleta del Sur Pueblo and Alabama and Coshatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe.

BACKGROUND AND NEED FOR LEGISLATION

The Ysleta del Sur Pueblo was originally based in New Mexico and then relocated after the 1680 Pueblo Revolt to its present location in El Paso County, Texas. According to the Department of the Interior, there are 1,691 members currently enrolled to the Tribe.

In 1967, Congress enacted Public Law 90-287, terminating the federal trust relationship with the Tribe and placing the Tribe under the jurisdiction of the State of Texas. In 1987, the federal trust relationship was restored by Public Law 100-89, the “Ysleta del Sur Pueblo and Alabama and Coshatta Indian Tribes of Texas Restoration Act.”

Under the Restoration Act (codified at 25 U.S.C. §1300G–7(a)(2)(i)), every member of the Tribe must be: an individual listed on a Tribal Membership Roll approved by the Tribe in 1984 and the Texas Indian Commission in 1985; or a descendant of an individual listed on such Tribal Membership Roll if the descendant has  $\frac{1}{8}$ -degree or more Ysleta del Sur Indian blood.

In recent years the Tribe has passed resolutions in favor of legislation to eliminate the  $\frac{1}{8}$ -degree minimum blood quantum. This is consistent with the modern Congressional policy of allowing recognized tribes to set their own membership criteria even though such criteria permit tribes, at their option, to enroll members possessing very small degrees of Indian ancestry. Some tribes require each member to trace at least one ancestor to a base roll of Indians, while others require a minimum of  $\frac{1}{8}$ - to  $\frac{1}{4}$ -degree Indian blood.

On June 22, 2011, the Subcommittee on Indian and Alaska Native Affairs held a hearing on H.R. 1560. Testimony was received from the Hon. Silvestre Reyes, the Department of the Interior, and the Lieutenant Governor of the Pueblo. All witnesses testified in support of H.R. 1560. The Interior witness stated: “Indian Affairs cannot find any other instances where a Tribe’s membership is bound by a blood quantum requirement under Federal statute.”

H.R. 1560 eliminates the  $\frac{1}{8}$ -degree blood quantum requirement for the Tribe under its Restoration Act, and replaces it with a requirement that a member possess any degree of Indian blood as determined by the Tribe.

#### COMMITTEE ACTION

H.R. 1560 was introduced on April 14, 2011, by Congressman Silvestre Reyes (D–TX). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. On June 22, 2011, the Subcommittee on Water and Power held a hearing on the bill. On July 20, 2011, the Full Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. 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 Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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 Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 1560—A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe*

H.R. 1560 would amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to eliminate the requirement that individuals have a blood quantum level of at least one-eighth to qualify for tribal membership. This legislation would allow the Ysleta del Sur Pueblo tribe to establish its own blood quantum requirement for determining membership.

Based on information from the Department of the Interior, the Indian Health Service, and members of the Ysleta del Sur Pueblo tribe, CBO estimates that implementing H.R. 1560 would have no significant impact on the federal budget. Federal agencies currently provide services to all of the Ysleta del Sur Pueblo Indians who would become tribal members under H.R. 1560 because those agencies do not restrict services based on tribal membership established under the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1560 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. Enacting this legislation would benefit the Ysleta del Sur Pueblo tribe.

The CBO staff contacts for this estimate are Martin von Gnechten (for Bureau of Indian Affairs programs) and Robert Stewart (for Indian Health Service programs). This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

2. Section 308(a) of 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. Based on information from the Department of the Interior, the Indian Health Service, and members of the Ysleta del Sur Pueblo tribe, CBO estimates that implementing H.R. 1560 would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

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) \* \* \*

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

[(i) has 1/8 degree or more of Tigua-Ysleta del Sur Pueblo Indian blood, and

[(ii) is enrolled by the tribe.]

(2) *any person of Tigua Ysleta del Sur Pueblo Indian blood enrolled by the tribe.*

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