

**CARLOS HISA  
LT. GOVERNOR  
YSLETA DEL SUR PUEBLO**

**June 22, 2011**

Good morning Mr. Chairman, honorable members of the Indian and Alaska Native Affairs Sub-Committee. My name is Carlos Hisa. I am a member of Ysleta del Sur Pueblo located in El Paso County, Texas. For the past 10 years I have served as the Lt. Governor of the Pueblo. My term of office is one year. The matter under consideration has been a priority for the Pueblo since before my first term.

Any assessment of last year's elections must acknowledge the American spirit for local control and cost constraint. The bill, H.R. 1530, embodies such spirit. This bill is about local freedom – to determine the destiny of one's own community.

H.R. 1530 is about freedom – freedom from intrusive federal control. Beginning in the 1970s, this Congress embarked on a new federal Indian policy. You rejected the destructive policies of termination of Indian tribes, assimilation of Indian people and their culture, and the dispossession and despoiling of Indian lands. Instead, you created the present self-determination era of Indian law to free Indian tribes from an overreaching federal government. This Congress has encouraged Indian tribes to take up the mantle of self-government as distinct and independent political entities. Critical to that task is the ability of an Indian tribe to determine its own 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 Pueblo has occupied its present location since the Spaniards removed it from New Mexico during the Pueblo Revolt of 1680, which is twice as long as the existence of the State of Texas. It is the longest continually occupied community in Texas. It is the only Indian Pueblo in Texas. It recently rejoined the All Indian Pueblo Council after being absent for over 330 years. The Council now comprises twenty Pueblos.

In 1968, toward the end of the termination era, Congress recognized the Pueblo as an Indian tribe and transferred federal trust responsibilities for the Pueblo to the State of Texas. On August 18, 1987, the United States Congress restored the Federal trust relationship between the United States and the Pueblo. In the Restoration Act, Congress imposed a 1/8th Tigua blood quantum requirement for membership.

No other Indian tribe in Texas is subject to a congressionally mandated blood quantum limitation on its membership. No other Pueblo is subject to such a blood quantum limitation. Except for two early termination era enactments, Congress has subjected no other tribe in the United States to such a blood quantum limitation. In fact Congress has declined to include such a blood quantum limitation on those Indian tribes which Congress has recognized (five tribes) or restored to trust relationship (two tribes)

subsequent to the Pueblo's Restoration Act. With the exception of Ysleta del Sur Pueblo, Congress has not imposed a blood quantum limitation on any tribe in over half a century.

Ysleta del Sur Pueblo is a tribe of Tigua Indians. To be Tigua is to believe in the power of the drum, the heartbeat of our community; to respect the authority of the Cacique; and to revere our traditions. Unfortunately, the blood quantum limitation has had the effect of preventing Tiguas from being members. At present, sixty-six percent of tribal members lack a 1/4 blood quantum. Absent the other parent having sufficient Tigua blood quantum, the children of sixty-six percent of tribal members cannot be members of the Pueblo despite being Tigua. This includes my three daughters.

Our young men and women are vibrant Pueblo people who are part of our community. Many aspire to serve our Pueblo, but do not meet the blood quantum limitation to be a member. They participate in our cultural events, they study our history, they engage in community service, they learn and speak the Tiwa language, and they understand the importance of carrying the traditions of our Pueblo forward. These "descendants" are a part of our community and our people recognize them as legitimate members. They are Tigua. They are our future, our hope, but they will not be able to serve as Tribal Councilmen and Councilwomen, offices that are older than the office of President of the United States. They will not be eligible for services from the Pueblo.

They live on our reservation and interact with our members who are their mothers, fathers, grandfathers, grandmothers, cousins, uncles, aunts, and neighbors and influence the entire community for good or for bad. They must be treated like citizens of our Pueblo, but if not included as members they will not be subject to the jurisdiction of the Pueblo. The inability to exert jurisdiction over people who are the children of many of our members has a negative social impact on our Pueblo.

Passage of H.R. 1530 frees the Pueblo to make all Tigua members rather than accepting only those who meet the requisite blood quantum but who may otherwise be anything but "Tigua." Passage of H.R. 1530 assures the future of the Pueblo and the continued security of its people and neighbors without cost to the federal government.

The legislative history of the Pueblo's Restoration Act records the Department of the Interior's belief that the Congress should place some limit on the potential service population of tribes being made eligible for federal benefits for the first time – a concern, as previously noted, that has been applied only to this Pueblo. Congress has never seen fit to do so since the Pueblo's Restoration Act, perhaps due to the sentiments expressed in a House Committee Report accompanying the bill –

The Committee has strong reservations about the constitutionality of a law which would determine eligibility for such Federal services based on a racial criterium such as the degree of Indian blood instead of a political criterium such as the membership in an Indian tribe.

The language of H.R. 1530 is the same as that H.R. 5811 introduced by Congressman Reyes in the last Congress. On a motion to suspend the rules, the House agreed to and passed the bill by voice vote on September 22, 2010. The Senate Indian Affairs Committee reported the bill favorably by unanimous voice vote on November 18, 2010. The bill was placed on the Senate Legislative Calendar under General Orders where it languished, possibly due to an erroneous CBO cost estimate.

Given the unique manner in which the federal government funds Native American services, enactment of H.R. 1530 will have no fiscal impact. In support of this statement I am providing the committee with copies of an April 29, 2011 letter from William T. Walker, Regional Director of the southwest Region of the Bureau of Indian Affairs, and a May 11, 2011 letter from Assistant Surgeon General Richie K. Grinnell, Acting Director of the Department of Health and Human Services Albuquerque Area Health Services. In his letter, Director Walker confirms:

“An increase in tribal members, once recognized, has no bearing on the TPA base budget.”

Assistant Surgeon General Grinnell confirms in his letter that under this legislation:

“The Ysleta del Sur Pueblo funding would not increase due to an increase in Tribal enrollment.”

In addition to these two letters, I respectfully direct your attention to the CBO cost estimate of H.R. 2912, introduced in the 108th Congress, which was passed and signed into law, and did for the Osage Tribe what the H.R. 1530 will do for the Pueblo:

The CBO estimates that implementing H.R. 2912 would have no effect on the federal budget because federal agencies currently provide services to all Osage Indians and do not restrict services to those considered to be members of the tribe under the Osage Allotment Act. Enacting H.R. 2912 would not affect revenues or direct spending.

I am providing the committee with a copy of the Osage CBO estimate.

Passage of H.R. 1530 frees the Pueblo to determine its own future, is consistent with recent congressional action, and has no impact on the federal coffers. I respectfully request your support for and passage of H.R. 1530.