

KICKAPOO TRIBE OF OKLAHOMA FEDERAL INDIAN
SERVICES RESTORATION ACT OF 1997

SEPTEMBER 11, 1998.—Ordered to be printed

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

REPORT

[To accompany H.R. 2314]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2314) to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas, to clarify United States citizenship status of such members, to provide trust land for the benefit of the Tribe, and for other purposes, 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. 2314 is to restore Federal Indian services to members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2314, the Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1997, would restore Federal Indian services to those members of the Kickapoo Tribe of Oklahoma residing in Maverick County, Texas. The Committee notes that these members of the Tribe received such services between 1983 and 1989.

H.R. 2314 is based on and mirrors the Texas Band of Kickapoo Act of 1983 which authorized Federal Indian services, U.S. citizenship status, and Federal trust land acquisition for *all* Kickapoo Indians residing in Maverick County, Texas.

Kickapoo Tribe of Oklahoma tribal members historically have enjoyed a migratory lifestyle in which some reside in Maverick County, Texas, and others in Oklahoma for the greater part of the year.

During the harvest season, many also travel northward to such states as Montana and Utah to work as migrant farmers, and during the winter months, many also spend time in Nacimiento, Mexico. This migratory lifestyle has resulted in an ambiguity about the rights of Kickapoos in Texas to U.S. citizenship and eligibility for Federal and state health, housing and social welfare programs. The Texas-based Kickapoos were eligible for such services if they traveled to Oklahoma; however, Federal legal barriers prevented them from directly receiving these services in Texas.

In 1983, Congress enacted the Texas Band of Kickapoo Act to allow for the direct provision of Federally funded social services to *all* Kickapoos residing in Maverick County, Texas, since these Kickapoos previously had been considered ineligible for such services. The Act's clear intent was to resolve this specific problem. Nothing in the 1983 Act or its accompanying legislative history evidenced the intent of excluding any Texas-based Kickapoos from receiving such Federal services and programs.

However, within six years of enactment of the 1983 Act, these issues resurfaced when, pursuant to the 1983 Act, a faction broke off to form the Kickapoo Traditional Tribe of Texas in 1989. The 1989 Federal recognition of the Kickapoo Traditional Tribe of Texas as a separate tribal entity compromised the eligibility for services and rights of those Kickapoo who chose to maintain their membership with the Kickapoo Tribe of Oklahoma.

Shortly after receiving recognition, the Kickapoo Tribe of Texas began to refuse to provide medical and other social services to those Texas Kickapoo who chose to remain affiliated with the Kickapoo Tribe of Oklahoma. Since that time, the Kickapoo Tribe of Oklahoma has repeatedly initiated and proposed varying administrative strategies for providing Federal Indian services to the Tribe's Texas members, only to have the Bureau of Indian Affairs at the Department of the Interior reject them. As a result, Congressional action is the Tribe's only remaining alternative for resolving this dilemma.

H.R. 2314 would undo the unintended consequences of the 1989 Act by restoring the provision of Federally funded services to the Texas-based members of the Kickapoo Tribe of Oklahoma. More specifically, it would remove the current bureaucratic constraints on the ability of the Kickapoo Tribe of Oklahoma to provide Federally-supported social, medical, and housing services to its Texas-based members.

As was provided in the 1983 Act, H.R. 2314 would clarify the U.S. citizenship status of those Kickapoo Tribe of Oklahoma members residing in Maverick County, Texas. This would assure the free passage across the Mexican border of those few members of the Kickapoo Tribe of Oklahoma who chose to maintain their historically migratory lifestyle of residing in Texas for one part of the year and in Mexico for the other part.

H.R. 2314 would also eliminate any outstanding questions as to the Tribe's jurisdictional authority to provide Federally-funded services to its Texas-based members by authorizing the Secretary of the Department of the Interior to take into trust a 45-acre parcel of land which the Tribe owns in Maverick County, Texas.

COMMITTEE ACTION

H.R. 2314 was introduced on July 30, 1997, by Congressman Wes Watkins (R-OK). The bill was referred primarily to the Committee on Resources, and in addition to the Committee on the Judiciary. On September 17, 1997, the Resources Committee met to consider H.R. 2314. No amendments were offered to the bill, and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of Rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of Rule X 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 H.R. 2314.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 2314. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2314 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2314 could affect direct spending by increasing outlays for the Food Stamp program, but any increase would be negligible.

2. With respect to the requirement of clause 2(1)(3)(D) of Rule XI 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 and Oversight on the subject of H.R. 2314.

3. With respect to the requirement of clause 2(1)(3)(C) of Rule XI 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 H.R. 2314 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, September 26, 1997.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2314, the Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lisa Daley (for federal costs) and Marjorie Miller (for the impact on state, local, and tribal governments).

Sincerely,

JUNE E. O'NEILL, *Director*.

Enclosure.

H.R. 2314—Kickapoo Tribe of Oklahoma Federal Indian Services Restoration Act of 1997

CBO estimates that enacting H.R. 2314 would have no significant impact on the federal budget. The bill could affect direct spending by increasing outlays for the Food Stamp program, but any such effects would be negligible. Because H.R. 2314 could affect direct spending, pay-as-you-go procedures would apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments.

H.R. 2314 would restore federal services to members of the Kickapoo Tribe of Oklahoma who reside in Maverick County, Texas. Though the Oklahoma tribe is currently receiving funds to provide federal services to all of its members, those members who live in Texas are not receiving most of the services because they do not meet the requirement of living on or near the Oklahoma reservation. The bill would allow these members to be granted U.S. citizenship upon submission of an application to the Immigration and Naturalization Service (INS). Additionally, the bill would allow the Secretary of the Interior to accept into trust for the Kickapoo Tribe of Oklahoma 45 acres of land currently owned by the tribe.

CBO estimates that the Bureau of Land Management would spend less than \$100,000 to survey the land to be transferred into trust, assuming appropriation of the necessary amounts. Enacting H.R. 2314 would not increase federal spending for tribal services. According to the Bureau of Indian Affairs, the individuals affected by the bill are already included in the tribal enrollment figures that are used in calculating the amount of funds allocated to the Kickapoo Tribe to provide federal services. Thus, the amount of federal funding would not change.

In addition, the bill would not result in an increase in the amount of fees collected by the INS because most of the individuals currently are allowed to apply for citizenship. However, by automatically granting citizenship to those who apply, the bill could increase spending for Food Stamps should some individuals become

eligible for the program who would not otherwise do so. Because the number of individuals who may receive food stamps would be small, any increase in direct spending would be insignificant.

The CBO staff contacts for this estimate are Lisa Daley (for federal costs) and Marjorie Miller (for the impact on state, local, and tribal governments). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2314 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2314 would make no changes in existing law.

