



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

June 18, 1998

H.R. 1154

Indian Federal Recognition Administrative Procedures Act of 1998

*As ordered reported by the House Committee on Resources
on May 20, 1998, with a subsequent technical amendment*

H.R. 1154 would establish the Commission on Indian Recognition and would authorize annual appropriations of \$1.5 million for 1998 and the 12 succeeding fiscal years for the commission's activities. The commission would be authorized to accept petitions for recognition by Indian groups and communities and to determine the status of the petitioners. In addition, the bill would authorize annual appropriations of \$3 million for 1998 and the 12 succeeding fiscal years for the Administration for Native Americans of the Department of Health and Human Services to provide grant assistance to petitioners.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 1154 would result in additional discretionary spending of approximately \$4.5 million in each of the next 12 fiscal years (beginning with 1999). For the purposes of this estimate, we assume that the bill would be enacted late in fiscal year 1998, and as a result we expect that there would be no budgetary impact this year. Enacting H.R. 1154 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 1154 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

In addition to the authorized spending of \$4.5 million a year, implementing H.R. 1154 could have other effects on discretionary spending. The proposed commission would replace the Branch of Acknowledgment and Research within the Bureau of Indian Affairs (BIA). The branch is currently responsible for the review of petitions for tribal recognition, so enacting the bill may result in discretionary savings of up to \$1 million each year—the amount that the branch spends under current law.

H.R. 1154 may lead to an increase in the number of tribes that are recognized, which in turn may result in an increase in discretionary spending. The recognition of Indian tribes under H.R. 1154 would not create an entitlement to existing BIA programs; any assistance provided

to newly recognized tribes would be subject to future appropriation action. In addition, H.R. 1154 would make tribes eligible to receive compensation for attorney fees and costs if a tribe is denied recognition by the commission and subsequently granted recognition after a court appeal. This compensation would be paid by the Commission on Indian Recognition from funds made available in annual appropriations. CBO has no basis for predicting the extent to which additional tribes would be recognized or the amount of any court costs that might have to be paid.

The CBO staff contact is Kristen Layman. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.