

20-493 YSLETA DEL SUR PUEBLO V. TEXAS

DECISION BELOW: 955 F.3d 408

LOWER COURT CASE NUMBER: 19-50400

QUESTION PRESENTED:

In 1987, following years of negotiation and drafting, the Ysleta del Sur Pueblo (the "Pueblo") and Alabama-Coushatta Tribe of Texas (together, the "Tribes") secured restoration of their trust relationships with the federal government through the Ysleta del Sur Pueblo and Alabama-Coushatta Indian Tribes of Texas Restoration Act ("Restoration Act").

That Act includes a "Gaming Activities" provision that states in relevant part:

(a) IN GENERAL.- All gaming activities which are prohibited by the laws of the State of Texas are hereby prohibited on the reservation and on lands of the tribe ...

(b) NO STATE REGULATORY JURISDICTION.-Nothing in this section shall be construed as a grant of civil or criminal regulatory jurisdiction to the State of Texas.

In 1994, the Fifth Circuit's decision in *Ysleta del Sur Pueblo v. Texas*, 36 F.3d 1325 (5th Cir. 1994) ("*Ysleta I*") eschewed the Restoration Act's plain language, legislative history, and this Court's governing precedent to grant Texas regulatory jurisdiction over non-prohibited gaming activities on the Tribes' lands. *Ysleta I* and its progeny effectively read Section 107(b) out of the Restoration Act and deprive the Pueblo of its sovereign authority to regulate its own non-prohibited gaming.

The question presented is:

Whether the Restoration Act provides the Pueblo with sovereign authority to regulate non-prohibited gaming activities on its lands (including bingo), as set forth in the plain language of Section 107(b), the Act's legislative history, and this Court's holding in *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987), or whether the Fifth Circuit's decision affirming *Ysleta I* correctly subjects the Pueblo to all Texas gaming regulations.

CERT. GRANTED 10/18/2021