

108TH CONGRESS
1ST SESSION

H. R. 477

To extend Federal recognition to the Duwamish Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2003

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on Resources

A BILL

To extend Federal recognition to the Duwamish Tribe, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Duwamish Tribal Recognition Act”.

6 (b) FINDINGS. Congress finds the following:

7 (1) In 1855, the Duwamish Tribe signed the Treaty
8 of Point Elliott, which guaranteed fishing rights and res-
9 ervations to all tribes represented by the Native signato-
10 ries.

1 (2) The Duwamish signatory was their Chief, Chief
2 Si'ahl, for whom the City of Seattle is named.

3 (3) In 1859, the Treaty of Point Elliott was ratified
4 by Congress. However, the promises made by the United
5 States in the treaty were never fulfilled as to the
6 Duwamish Tribe or its members.

7 (4) In 1925, the Duwamish Tribe officially adopted
8 its constitution and bylaws.

9 (5) The Duwamish Tribe filed suit before the Indian
10 Claims Commission for the value of its lands taken with-
11 out compensation and a \$62,000 judgment ultimately was
12 awarded to the Duwamish. The settlement was eventually
13 distributed per capita at \$64 per person to the Duwamish
14 people.

15 (6) In 1976, the Duwamish Tribe first submitted a
16 petition for Federal recognition to the Secretary of the In-
17 terior. That petition subsequently was returned to the
18 tribe for revision due to changes in regulations governing
19 the administrative federal acknowledgment process.

20 (7) In 1988, the Duwamish Tribe submitted its com-
21 pleted petition for Federal recognition.

22 (8) In 1996, after years of delay, the Duwamish
23 Tribe received a negative preliminary determination. In re-
24 sponse, the tribe addressed the identified problems in its
25 final submission of October 21, 1998.

1 (9) On January 19, 2001, the Duwamish Tribe re-
2 ceived a favorable determination for federal recognition
3 from the Assistant Secretary of the Interior for Indian Af-
4 fairs.

5 (10) On September 26, 2001, the new Assistant Sec-
6 retary for Indian Affairs unilaterally reversed the January
7 19, 2001, decision and rejected the Duwamish petition for
8 recognition.

9 (11) On January 4, 2002, the Interior Board of In-
10 dian Appeals referred several questions raised by the cir-
11 cumstances of the administrative reversal to the Secretary
12 of the Interior along with directions to decide whether to
13 request further reconsideration by the Assistant Secretary
14 for Indian Affairs in light of those questions.

15 (12) On May 8, 2002, the Secretary of the Interior
16 refused to refer the Duwamish petition back to the Assis-
17 tant Secretary for Indian Affairs for further consideration.

18 (13) Nearly 150 years after the Duwamish Tribe
19 signed the Point Elliott Treaty, the Duwamish people still
20 seek the recognition which was established by the treaty.

21 **SEC. 2. DEFINITIONS.**

22 For the purposes of this Act, the following definitions
23 apply:

24 (1) MEMBER.—The term “member” means an
25 enrolled member of the Duwamish Tribe, as of the

1 date of the enactment of this Act, or an individual
2 who has been placed on the membership roles in ac-
3 cordance with this Act.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (3) TRIBE.—The term “Tribe” means the
7 Duwamish Tribe.

8 **SEC. 3. FEDERAL RECOGNITION.**

9 Federal recognition is hereby extended to the
10 Duwamish Tribe. All laws and regulations of the United
11 States of general application to Indians, or nations, tribes,
12 or band of Indians, including the Act of June 18, 1934
13 (25 U.S.C. 461 et seq.) which are not inconsistent with
14 any specific provision of this Act, shall be applicable to
15 the Tribe and its members.

16 **SEC. 4. FEDERAL SERVICES AND BENEFITS.**

17 (a) IN GENERAL.—The Tribe and its members shall
18 be eligible, on and after the date of the enactment of this
19 Act, for all services and benefits provided by the Federal
20 Government to federally recognized tribes without regard
21 to the existence of a reservation for the Tribe or the loca-
22 tion of the residence of any member on or near any Indian
23 reservation.

24 (b) SERVICE AREA.—For purposes of the delivery of
25 Federal services to enrolled members of the Tribe, the

1 Tribe's service area shall consist of the following: King
2 County, Kitsap County, Pierce County, Lewis County, and
3 Mason County.

4 **SEC. 5. MEMBERSHIP.**

5 Not later than 9 months after the date of the enact-
6 ment of this Act, the Tribe shall submit to the Secretary
7 a membership roll consisting of all individuals enrolled in
8 the Tribe. The qualifications for inclusion on the member-
9 ship roll of the Tribe shall be determined by the member-
10 ship clauses in the Tribe's governing document, in con-
11 sultation with the Secretary. Upon completion of the roll,
12 the Secretary shall immediately publish notice of the roll
13 in the Federal Register. The Tribe shall ensure that such
14 roll is maintained and kept current.

15 **SEC. 6. CONSTITUTION AND GOVERNING BODY.**

16 (a) CONSTITUTION.—

17 (1) ADOPTION.—Not later than 9 months after
18 the date of the enactment of this Act, the Tribe
19 shall conduct, by secret ballot, an election to adopt
20 a constitution and bylaws for the Tribe.

21 (2) INTERIM GOVERNING DOCUMENTS.—Until
22 such time as a new constitution is adopted under
23 paragraph (1), the governing documents in effect on
24 the date of the enactment of this Act shall be the
25 interim governing documents for the Tribe which

1 were submitted to the Department of the Interior
2 during the acknowledgment petition process.

3 (b) OFFICIALS.—Not later than 6 months after the
4 Tribe adopts a constitution and bylaws pursuant to sub-
5 section (a), the Tribe shall elect a governing body in ac-
6 cordance with the procedures set forth in its constitution
7 and bylaws. Until such time as a new governing body is
8 elected, the governing body of the Tribe shall be the gov-
9 erning body selected under the election procedures speci-
10 fied in the interim governing documents of the Tribe.

11 **SEC. 7. LAND IN TRUST.**

12 (a) REQUIREMENT TO TAKE LAND INTO TRUST.—
13 If, not later than 10 years after the date of the enactment
14 of this Act, the Tribe transfers all right, title, and interest
15 in and to any land within the Tribe's service area identi-
16 fied under section 4(b) or land identified under subsection
17 (b) as its aboriginal homelands to the Secretary, the Sec-
18 retary shall take such land into trust for the benefit of
19 the Tribe.

20 (b) IDENTIFICATION OF ABORIGINAL LANDS.—Not
21 later than 10 years after the date of the enactment of this
22 Act, the Secretary of the Interior and the Secretary of Ag-
23 riculture shall identify those lands which shall be consid-
24 ered the aboriginal homelands of the Tribe for the pur-
25 poses of subsection (a).

1 (c) NO FEDERAL LIABILITY ON TRUST ACCEPT-
2 ANCE.—Notwithstanding any other provision of law, the
3 United States should not incur any liability for conditions
4 on any parcels of land taken into trust under this section.

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