

115TH CONGRESS
1ST SESSION

H. R. 1455

To provide for the restoration of Federal recognition to the Clatsop-Nehalem
Confederated Tribes of Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2017

Ms. BONAMICI introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To provide for the restoration of Federal recognition to the
Clatsop-Nehalem Confederated Tribes of Oregon, 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.**

4 This Act may be cited as the “Clatsop-Nehalem Res-
5 toration Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) INTERIM COUNCIL.—The term “Interim
9 Council” means the council which is established

1 under, and the members elected pursuant to, section
2 5.

3 (2) MEMBER.—The term “member”, when used
4 with respect to the tribe, means an individual en-
5 rolled on the membership roll of the tribe in accord-
6 ance with section 7.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior or the Secretary’s des-
9 ignated representative.

10 (4) TRIBAL GOVERNING BODY.—The term
11 “tribal governing body” means the governing body
12 that is established under, and the members elected
13 pursuant to, the tribal constitution and bylaws
14 adopted in accordance with section 6.

15 (5) TRIBE.—The term “tribe” means Clatsop-
16 Nehalem Confederated Tribes of Oregon considered
17 as one tribe in accordance with section 3.

18 **SEC. 3. CONSIDERATION OF THE CLATSOP-NEHALEM CON-**
19 **FEDERATED TRIBES AS ONE TRIBE.**

20 The Clatsop-Nehalem Confederated Tribes of Oregon
21 shall be considered as one tribal unit for purposes of Fed-
22 eral recognition and eligibility for Federal benefits under
23 section 4, the establishment of tribal self-government
24 under sections 5 and 6, and the compilation of a tribal
25 membership roll under section 7.

1 **SEC. 4. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,**
2 **AND PRIVILEGES.**

3 (a) FEDERAL RECOGNITION.—Notwithstanding any
4 provision of the Act approved August 13, 1954, or any
5 other law, Federal recognition is extended to the Clatsop-
6 Nehalem Confederated Tribes of Oregon. Nothing in this
7 Act shall affect or diminish the treaty rights previously
8 determined for other federally recognized Indian tribes.

9 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—
10 Except as provided in subsection (d), all rights and privi-
11 leges of the tribe and the members of the tribe under any
12 Federal treaty, Executive order, agreement, statute, or
13 other Federal authority, that may have been diminished
14 or lost under the Act approved August 13, 1954, are re-
15 stored, and the provisions of such Act shall be inapplicable
16 to the tribe and to members of the tribe after the date
17 of the enactment of this Act.

18 (c) FEDERAL SERVICES AND BENEFITS.—Notwith-
19 standing any other provision of law, the tribe and its mem-
20 bers shall be eligible, on and after the date of the enact-
21 ment of this Act, for all Federal services and benefits fur-
22 nished to federally recognized Indian tribes without regard
23 to the existence of a reservation for the tribe. In the case
24 of Federal services available to members of federally rec-
25 ognized Indian tribes residing on or near a reservation,
26 members of the tribe residing in the following counties of

1 the State of Oregon shall be deemed to be residing on or
2 near a reservation:

3 (1) Tillamook County.

4 (2) Clatsop County.

5 (d) NO HUNTING, FISHING OR TRAPPING RIGHTS
6 RESTORED.—No hunting, fishing, or trapping rights of
7 any nature of the tribe or of any member, including any
8 indirect or procedural right or advantage over individuals
9 who are not members, are granted or restored under this
10 Act.

11 (e) EFFECT ON PROPERTY RIGHTS AND OTHER OB-
12 LIGATIONS.—Except as otherwise specifically provided in
13 this Act, no provision contained in this Act shall alter any
14 property right or obligation, any contractual right or obli-
15 gation, or any obligation for taxes already levied.

16 (f) NO LANDS IN TILLAMOOK COUNTY.—Notwith-
17 standing any provision of law, no lands shall be held in
18 trust by the United States for the benefit and use of the
19 tribe within the boundaries of Tillamook County, Oregon.

20 **SEC. 5. INTERIM COUNCIL.**

21 (a) ESTABLISHMENT.—There is established an In-
22 terim Council of the tribe which shall be composed of nine
23 members. The Interim Council shall—

24 (1) represent the tribe and its members in the
25 implementation of this Act; and

1 (2) be the governing body of the tribe until the
2 tribal governing body convenes.

3 (b) NOMINATION AND ELECTION OF INTERIM COUN-
4 CIL MEMBERS.—

5 (1) GENERAL COUNCIL MEETING.—Not later
6 than 45 days after the date of the enactment of this
7 Act, the Secretary shall announce the date of a gen-
8 eral council meeting of the tribe to nominate can-
9 didates for election to the Interim Council. Such
10 general council meeting shall be held not later than
11 15 days after such announcement.

12 (2) ELECTION.—Not later than 45 days after
13 the general council meeting held under paragraph
14 (1), the Secretary shall hold an election by secret
15 ballot to elect the members of the Interim Council
16 from among the members nominated in the general
17 council meeting. Absentee and write-in balloting
18 shall be permitted.

19 (3) APPROVAL OF RESULTS.—The Secretary
20 shall approve the results of the Interim Council elec-
21 tion conducted pursuant to this subsection if the
22 Secretary is satisfied that the requirements of this
23 section relating to the nomination and the election
24 processes have been met. If the Secretary is not so
25 satisfied, the Secretary shall—

1 (A) call for another general council meet-
2 ing to be held not later than 60 days after such
3 election to nominate candidates for election to
4 the Interim Council; and

5 (B) hold another election within 45 days of
6 such meeting.

7 (4) NOTICE.—The Secretary shall take any ac-
8 tion necessary to ensure that each member described
9 in section 7(d) is given notice of the time, place, and
10 purpose of each meeting and election held pursuant
11 to this subsection not less than 10 days before the
12 general meeting or election.

13 (c) AUTHORITY AND CAPACITY; TERMINATION.—The
14 Interim Council shall—

15 (1) have no powers other than those given it
16 under this Act;

17 (2) with respect to any Federal service or ben-
18 efit for which the tribe or any member is eligible,
19 have full authority and capacity to receive grants
20 and to enter into contracts;

21 (3) except as provided in subsection (d), termi-
22 nate on the date that the tribal governing body first
23 convenes; and

24 (4) with respect to any contractual right estab-
25 lished and any obligation entered into by the Interim

1 Council, have the authority and capacity to bind the
 2 tribal governing body, as the successor in interest to
 3 the Interim Council, for a period of not more than
 4 6 months beginning on the date such tribal gov-
 5 erning body first convenes.

6 (d) VACANCY ON INTERIM COUNCIL.—Not later than
 7 30 days after a vacancy occurs on the Interim Council and
 8 subject to the approval of the Secretary, the Interim Coun-
 9 cil shall hold a general council meeting to nominate a can-
 10 didate for election to fill such vacancy and hold such elec-
 11 tion. The Interim Council shall provide notice of the time,
 12 place, and purpose of such meeting and election to mem-
 13 bers described in section 7(d) not less than 10 days before
 14 each general meeting or election.

15 **SEC. 6. TRIBAL CONSTITUTION AND BYLAWS; TRIBAL GOV-**
 16 **ERNING BODY.**

17 (a) ADOPTION OF PROPOSED CONSTITUTION AND
 18 BYLAWS; ELECTION.—

19 (1) TIME AND PROCEDURE.—The Interim
 20 Council shall—

21 (A) prepare the tribal constitution and by-
 22 laws which shall provide for, at a minimum, the
 23 establishment of a tribal governing body and
 24 tribal membership qualifications; and

1 (B) adopt such tribal constitution not later
2 than 6 months after the date of the enactment
3 of this Act.

4 (2) ELECTION.—Upon the adoption of the pro-
5 posed tribal constitution and bylaws by the Interim
6 Council, the Council shall request that the Secretary,
7 in writing, schedule an election to approve or dis-
8 approve the adoption of such constitution and by-
9 laws. The Secretary shall conduct an election by se-
10 cret ballot in accordance with section 16 of the Act
11 of June 18, 1934.

12 (b) NOTICE AND CONSULTATION.—Not less than 30
13 days before any election scheduled pursuant to subsection
14 (a), a copy of the proposed tribal constitution and bylaws,
15 as adopted by the Interim Council, along with a brief and
16 impartial description of the proposed constitution and by-
17 laws shall be sent to each member described in section
18 7(d). The members of the Interim Council may freely con-
19 sult with members of the tribe concerning the text and
20 description of the constitution and bylaws, except that
21 such consultation may not be carried on within 50 feet
22 of the polling places on the date of such election.

23 (c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN
24 EVENT OF FAILURE TO ADOPT PROPOSED CONSTITU-
25 TION.—

1 (1) MAJORITY VOTE FOR ADOPTION.—In any
2 election held pursuant to subsection (a), a vote of a
3 majority of those actually voting shall be necessary
4 and sufficient for the approval of the adoption of the
5 tribal constitution and bylaws.

6 (2) PROCEDURE IN EVENT OF FAILURE TO
7 ADOPT PROPOSED CONSTITUTION.—If in any such
8 election such majority does not approve the adoption
9 of the proposed tribal constitution and bylaws, the
10 Interim Council shall be responsible for preparing
11 another tribal constitution and other bylaws in the
12 same manner provided in this section for the first
13 proposed constitution and bylaws. The new proposed
14 constitution and bylaws shall be adopted by the In-
15 terim Council not later than 6 months after the date
16 of the election in which the first proposed constitu-
17 tion and bylaws failed to be adopted. An election on
18 the question of the adoption of the new proposal of
19 the Interim Council shall be conducted in the same
20 manner provided in subsection (a)(2) for the election
21 on the first proposed constitution and bylaws.

22 (d) ELECTION OF TRIBAL GOVERNING BODY.—Not
23 later than 120 days after the tribe approves the adoption
24 of the tribal constitution and bylaws and subject to the
25 approval of the Secretary, the Interim Council shall con-

duct an election, by secret ballot, to elect the tribal governing body established under such constitution and bylaws. Notwithstanding any provision of the tribal constitution and bylaws, absentee and write-in balloting shall be permitted in an election under this subsection.

SEC. 7. MEMBERSHIP ROLLS; VOTING RIGHTS OF MEMBER.

(a) MEMBERSHIP ROLL ESTABLISHED AND OPENED.—The membership roll of the tribe is established and open.

(b) CRITERIA GOVERNING ELIGIBILITY.—

(1) MEMBERSHIP PRIOR TO ELECTION.—Until the first election of the tribal governing body is held pursuant to section 6(d), the membership of the Clatsop-Nehalem Confederated Tribes shall consist as follows:

(A) Any person who can document being a direct descent from a Clatsop or Nehalem (Naalem) Tillamook Indian (or both) on the tribal rolls compiled—

(i) in 1906 by Charles E. McChesney, Supervisor of Indian School.

(B) Any person found eligible by the Portland, Oregon, Area Office of the Bureau of Indian Affairs who would satisfy enrollment requirements under—

1 (i) the Act of August 24, 1912 (37
2 Stat. 518–535);

3 (ii) the Act of August 30, 1964 (78
4 Stat. 639); or

5 (iii) part 43 of title 25, Code of Fed-
6 eral Regulations.

7 (C) Any person who descends from those
8 Indians who were signers of the treaties be-
9 tween the United States and the Clatsop Tribe
10 and the Nehalem Band of the Tillamooks at
11 Tansy Point, August 5 and 6, 1851 (Vol. 1, pp.
12 7–13; Records Concerning Negotiation of Trea-
13 ties, 1851–1855; Oregon Superintendency (Na-
14 tional Archives Microfilm Publication M2, roll
15 28); Records of the Bureau of Indian Affairs,
16 Record Group 75; National Archives Building,
17 Washington, DC).

18 (D) Any person who can document their
19 direct descent from a Clatsop or Nehalem
20 Tillamook Indian on any other Federal, State,
21 Indian, or church record.

22 (E) Descends from those Indians who were
23 members of the Hobsonville Community.

24 (F) All children born to a member of the
25 tribe.

1 (2) MEMBERSHIP AFTER ELECTION.—After the
2 first election of the tribal governing body is held
3 pursuant to section 6(d), the provisions of the con-
4 stitution and bylaws adopted in accordance with sec-
5 tion 6(a) shall govern membership in the tribe.

6 (c) DUAL MEMBERSHIP.—Any person who is enrolled
7 in any other federally recognized Indian tribe, band, or
8 community or native corporation shall not, at the same
9 time be enrolled in the tribe.

10 (d) PROCEDURES FOR VERIFICATION OF ELIGI-
11 BILITY.—

12 (1) BEFORE ELECTION OF INTERIM COUNCIL.—
13 Before the election of the members of the Interim
14 Council is held pursuant to section 5(b), verification
15 of descendancy, for purposes of enrollment and age
16 for purposes of voting rights under subsection (d)
17 shall be made upon oath before the Secretary whose
18 determination thereon shall be final.

19 (2) AFTER ELECTION OF INTERIM COUNCIL.—
20 After the election of the members of the Interim
21 Council is held pursuant to section 5(b), but before
22 the first election of the members of the tribal gov-
23 erning body is held pursuant to section 6(d), the
24 verification of descendancy and age shall be made
25 upon oath before the Interim Council, or its author-

1 ized representative. An individual may appeal the ex-
2 clusion of the individual's name from the member-
3 ship roll of the tribe to the Secretary, who shall
4 make a final determination of each such appeal
5 within 90 days after such an appeal has been filed
6 with him. The determination of the Secretary with
7 respect to such an appeal shall be final.

8 (3) AFTER ELECTION OF TRIBAL GOVERNING
9 BODY.—After the first election of the members of
10 the tribal governing body is held pursuant to section
11 6(d), the provisions of the constitution and bylaws
12 adopted in accordance with section 6(a) shall govern
13 the verification of any requirements for membership
14 in the tribe. The Interim Council and the Secretary
15 shall deliver their records and files and any other
16 material relating to the enrollment of tribal members
17 to such tribal governing body.

18 (4) PUBLICATION OF MEMBERSHIP ROLL.—Not
19 less than 60 days before the election under section
20 6(a), the Secretary shall publish in the Federal Reg-
21 ister a certified copy of the membership roll of the
22 tribe as of the date of such publication. Such mem-
23 bership roll shall include the names of all individuals
24 who were enrolled by the Secretary, either directly
25 under paragraph (1) or pursuant to an appeal under

1 paragraph (2), and by the Interim Council under
2 paragraph (2).

3 (e) VOTING RIGHTS OF MEMBER.—Each member
4 who is 18 years of age or older shall be eligible to—

5 (1) attend, participate in, and vote at each gen-
6 eral council meeting;

7 (2) nominate candidates for any office;

8 (3) run for any office; and

9 (4) vote in any election of members to the In-
10 terim Council and to such other tribal governing
11 body as may be established under the constitution
12 and bylaws adopted in accordance with section 6.

13 **SEC. 8. REGULATIONS.**

14 The Secretary may promulgate such regulations as
15 may be necessary to carry out the provisions of this Act.

16 **SEC. 9. NO PRECEDENT.**

17 Nothing in this Act establishes a precedent or shall
18 be construed to affect any decision or other action related
19 to restoration or recognition of any Indian tribe other than
20 the Clatsop-Nehalem Confederated Tribes of Oregon.

