

114TH CONGRESS
1ST SESSION

H. R. 3736

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

OCTOBER 9, 2015

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 (25 U.S.C.
5 691 et seq.), or any other law, Federal recognition is ex-
6 tended to the Clatsop-Nehalem Confederated Tribes of Or-
7 egon. Nothing in this Act shall affect or diminish the trea-
8 ty rights previously determined for other federally recog-
9 nized Indian tribes.

10 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—
11 Except as provided in subsection (d), all rights and privi-
12 leges of the tribe and the members of the tribe under any
13 Federal treaty, Executive order, agreement, statute, or
14 other Federal authority, that may have been diminished
15 or lost under the Act approved August 13, 1954 (25
16 U.S.C. 691 et seq.), are restored, and the provisions of
17 such Act shall be inapplicable to the tribe and to members
18 of the tribe after the date of the enactment of this Act.

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

1 members of the tribe residing in the following counties of
2 the State of Oregon shall be deemed to be residing on or
3 near a reservation:

4 (1) Tillamook County.

5 (2) Clatsop County.

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

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

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

21 **SEC. 5. INTERIM COUNCIL.**

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

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

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

5 (b) NOMINATION AND ELECTION OF INTERIM COUN-
6 CIL MEMBERS.—

7 (1) GENERAL COUNCIL MEETING.—Not later
8 than 45 days after the date of the enactment of this
9 Act, the Secretary shall announce the date of a gen-
10 eral council meeting of the tribe to nominate can-
11 didates for election to the Interim Council. Such
12 general council meeting shall be held not later than
13 15 days after such announcement.

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

21 (3) APPROVAL OF RESULTS.—The Secretary
22 shall approve the results of the Interim Council elec-
23 tion conducted pursuant to this subsection if the
24 Secretary is satisfied that the requirements of this
25 section relating to the nomination and the election

1 processes have been met. If the Secretary is not so
2 satisfied, the Secretary shall—

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

7 (B) hold another election within 45 days of
8 such meeting.

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

15 (c) AUTHORITY AND CAPACITY; TERMINATION.—The
16 Interim Council shall—

17 (1) have no powers other than those given it
18 under this Act;

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

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

1 establishment of a tribal governing body and
2 tribal membership qualifications; and

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

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

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

1 (c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN
2 EVENT OF FAILURE TO ADOPT PROPOSED CONSTITU-
3 TION.—

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

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

1 (d) ELECTION OF TRIBAL GOVERNING BODY.—Not
 2 later than 120 days after the tribe approves the adoption
 3 of the tribal constitution and bylaws and subject to the
 4 approval of the Secretary, the Interim Council shall con-
 5 duct an election, by secret ballot, to elect the tribal gov-
 6 erning body established under such constitution and by-
 7 laws. Notwithstanding any provision of the tribal constitu-
 8 tion and bylaws, absentee and write-in balloting shall be
 9 permitted in an election under this subsection.

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

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

14 (b) CRITERIA GOVERNING ELIGIBILITY.—

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

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

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

1 (B) Any person found eligible by the Port-
2 land, Oregon, Area Office of the Bureau of In-
3 dian Affairs who would satisfy enrollment re-
4 quirements under—

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

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

9 (iii) part 43 of title 25, Code of Fed-
10 eral Regulations.

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

22 (D) Any person who can document their
23 direct descent from a Clatsop or Nehalem
24 Tillamook Indian on any other Federal, State,
25 Indian, or church record.

1 (E) Descends from those Indians who were
2 members of the Hobsonville Community.

3 (F) All children born to a member of the
4 tribe.

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

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

14 (d) PROCEDURES FOR VERIFICATION OF ELIGI-
15 BILITY.—

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

23 (2) AFTER ELECTION OF INTERIM COUNCIL.—
24 After the election of the members of the Interim
25 Council is held pursuant to section 5(b), but before

1 the first election of the members of the tribal gov-
2 erning body is held pursuant to section 6(d), the
3 verification of descendancy and age shall be made
4 upon oath before the Interim Council, or its author-
5 ized representative. An individual may appeal the ex-
6 clusion of the individual's name from the member-
7 ship roll of the tribe to the Secretary, who shall
8 make a final determination of each such appeal
9 within 90 days after such an appeal has been filed
10 with him. The determination of the Secretary with
11 respect to such an appeal shall be final.

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

22 (4) PUBLICATION OF MEMBERSHIP ROLL.—Not
23 less than 60 days before the election under section
24 6(a), the Secretary shall publish in the Federal Reg-
25 ister a certified copy of the membership roll of the

1 tribe as of the date of such publication. Such mem-
2 bership roll shall include the names of all individuals
3 who were enrolled by the Secretary, either directly
4 under paragraph (1) or pursuant to an appeal under
5 paragraph (2), and by the Interim Council under
6 paragraph (2).

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

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

11 (2) nominate candidates for any office;

12 (3) run for any office; and

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

17 **SEC. 8. REGULATIONS.**

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

20 **SEC. 9. NO PRECEDENT.**

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

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