

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. CON. RES. 267

Expressing the sense of the Congress upholding the Makah Tribe treaty rights.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2005

Mr. POMBO submitted the following concurrent resolution; which was referred to the Committee on Resources

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## CONCURRENT RESOLUTION

Expressing the sense of the Congress upholding the Makah Tribe treaty rights.

Whereas the United States and the Makah Tribe signed a treaty at Neah Bay on January 31, 1855, which was ratified by Congress on March 8, 1859;

Whereas under the treaty, the Tribe ceded to the United States approximately 300,000 acres of its aboriginal homelands on the Olympic Peninsula in the State of Washington;

Whereas in exchange for the cession of land benefiting the United States, a reservation was established for the Tribe and several rights were secured to the Tribe, including the right under Article 4 of “whaling”, which had been a 1,500-year old tribal tradition;

Whereas the Tribe voluntarily and temporarily ceased whaling in the 1920's prior to protections being implemented and the population being listed as endangered under the Endangered Species Act;

Whereas the United States has now scientifically concluded that the gray whale population is presently neither threatened nor endangered, the population in 1994 was removed from the endangered species list and has repopulated to a level that can be harvested by the tribe on a sustainable basis;

Whereas the Tribe sought to restore its 1,500-year-old tradition of whaling, and took a gray whale in 1999 pursuant to its treaty right;

Whereas the tribe's treaty rights were abrogated when the tribe was directed to obtain a waiver under the Marine Mammal Protection Act'';

Whereas the Tribe has applied for a waiver under the Marine Mammal Protection Act but the burden of performing National Environmental Policy Act environmental impact study requirements triggered by the waiver are burdensome, costly, contrary to the letter and spirit of the treaty, and tantamount to a denial of the Tribe's treaty rights; and

Whereas the National Congress of American Indians adopted Resolution #MOH-04-025 and the Affiliated Tribes of the Northwest Indians adopted Resolution No. 98-35 in full support of the Tribe's treaty rights: Now, therefore, be it

1        *Resolved by the House of Representatives (the Senate*  
 2 *concurring)*, That the Congress expresses its disapproval  
 3 of the abrogation of the Tribe's treaty rights and that the

- 1 Government of the United States should uphold the treaty
- 2 rights of the Makah Tribe.

