



## Legislation Text

File #: 11-117, Version: 3

### AN ACT ESTABLISHING PROCEDURES FOR APPLICATIONS FOR PLACING LAND INTO TRUST BY FOREIGN NATIVE AMERICAN TRIBES WITHIN THE JURISDICTION OF THE CHEROKEE NATION

#### BE IT ENACTED BY THE CHEROKEE NATION:

##### Section 1. Title and Codification

This Legislative Act shall be titled as the "Land into Trust by Foreign Native American Tribes Act of 2011" and codified under Title \_\_\_\_\_ of the Cherokee Nation Code Annotated ("CNCA").

##### Section 2. Purpose

The purpose of this Act is to establish procedures to approve any application by a Federally Recognized Native American Tribe or member(s) thereof, to have land put into Federal Trust Status, when said land is within the jurisdictional area of the Cherokee Nation and when said tribe or individual is neither the Cherokee Nation nor a citizen of the Cherokee Nation.

##### Section 3. Legislative History

Article VI, Section 7 of the Cherokee Nation Constitution.

##### Section 4. Definitions

**Foreign Native American Tribes:** means federally recognized Indian Tribes or bands, excluding the Cherokee Nation.

**Federal Trust Status:** means land the title to which is held in trust by the United States for an individual Indian or a tribe.

##### Section 5. Substantive Provisions

- A. The Cherokee Nation, through its Principal Chief and its officers, shall object to any application, request, or proposal by a Foreign Native American Tribe to acquire, transfer, or otherwise place land in Federal Trust Status within the jurisdictional boundaries of the Cherokee Nation, unless the Principal Chief is authorized to consent to the same by a resolution of the Council of the Cherokee Nation, approved by a 2/3 vote of the Council's entire membership, and approved by the Principal Chief under Article VI, Section 10 of the Constitution of the Cherokee Nation. The Principal Chief and the Officers of the Cherokee Nation may be enjoined by the Courts of the Cherokee Nation to carry out this obligation.
- B. Except as authorized under § 5.A above, neither the Principal Chief nor any other officer of the Cherokee Nation may authorize or consent to establishment of Federal Trust Status for land within the jurisdictional boundaries of the Cherokee Nation by any Foreign Native American Tribes or member(s) thereof.
- C. Except as authorized under § 5.B above, neither the Principal Chief nor any other officer of the Cherokee Nation shall have any authority to consent to or otherwise authorize the acquisition of land in Federal Trust Status by any Foreign Native American Tribes or member(s) thereof. The grant of

such consent or, assuming actual notice has been received, a failure to object to land acquired in Federal Trust Status by Foreign Native American Tribes or members thereof within the jurisdictional area of the Cherokee Nation without the resolution required in § 5.B. above shall be considered a “willful neglect of duty” as defined in Article XI, Section 1 of the Constitution of the Cherokee Nation.

**Section 6. Provisions as Cumulative**

The provisions of this Act shall be cumulative to existing law.

**Section 7. Severability**

The provisions of this Act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

**Section 8. Emergency Declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect and be in full force after its passage and approval.