



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

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Title:	A RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN CONTRACTS THAT PRESERVE SOVEREIGN IMMUNITY				
Sponsors:	Frankie Hargis, Rex Jordan, Bryan Warner, Victoria Vazquez, E. O. "JR." Smith, Keith Austin				
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Date	Ver.	Action By	Action	Result
5/17/2018	1	OFFICE OF THE CHIEF	Signed	
5/14/2018	1	TRIBAL COUNCIL	Approved	Pass
4/26/2018	1	RULES COMMITTEE	Amended	Fail
4/26/2018	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass

A RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN CONTRACTS THAT PRESERVE SOVEREIGN IMMUNITY

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, per 73 C.N.C.A. §4 Cherokee Nation retains the inherent right to preclude lawsuits under the doctrine of sovereign immunity and does not consent to lawsuits in any court except by Legislative Act or Resolution of the Council of the Cherokee Nation;

WHEREAS, the following contract provisions shall not be construed by any court to be waivers of sovereign immunity:

1. Choice of law;
2. Venue;
3. Indemnification;
4. Limited Dispute Resolution including mediation and non-binding arbitration; and
5. Non-monetary injunctive and declaratory relief;

WHEREAS, any contracts waiving sovereign immunity; allowing for monetary damages; or containing jurisdiction or binding-arbitration provisions must be presented to Tribal Council for a limited waiver of sovereign immunity by separate Resolution or pursuant to a Legislative Act.

BE IT RESOLVED BY THE CHEROKEE NATION, that because the contract provisions - choice of law, venue, indemnification, limited dispute resolution, and non-monetary injunctive and declaratory relief - are not explicit or implicit waivers of the Sovereign Immunity of the Cherokee Nation, the Cherokee Nation Tribal Council recognizes the authority of the Principal Chief of the Cherokee Nation to enter contracts on behalf of the Nation containing those express provisions without waiving the Sovereign Immunity of the Cherokee Nation and, for which, Cherokee Nation expressly maintains the defense of Sovereign Immunity.

BE IT FURTHER RESOLVED BY THE CHEROKEE NATION, that the Treasurer shall submit a monthly report to the Executive and Finance Committee of the Tribal Council with a list of contracts executed by the Principal Chief that contain the foregoing contract provisions.