



Legislation Text

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A LEGISLATIVE ACT AMENDING TITLE 51 “OFFICERS” OF THE CHEROKEE NATION CODE ANNOTATED; RELATING TO DUTIES OF THE DELEGATE TO CONGRESS

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification.

This act shall be known as the “Delegate To Congress Act” and shall be codified as Title 51, Sections 200 through 300 of the Cherokee Nation Code Annotated.

Section 2. Purpose.

The purpose of this Act is to prescribe by law the duties and authority of the Delegate to the United States House of Representatives (Congress) as required by the Cherokee Nation Constitution drafted in 1999 and ratified in 2003. The Council recognizes the duties and powers delegated to the Office of the Delegate to Congress by said Constitution and finds that nothing herein shall be construed to diminish or abridge those duties and powers delegated to the Office of the Delegate by said Constitution.

Section 3. Legislative History.

On June 7, 2006, in case number JAT-05-04, the Cherokee Nation Supreme Court declared that the Cherokee Nation Constitution drafted in 1999 and ratified by the Cherokee People in 2003 was in effect as of July 26, 2003. This Act is necessary in order to comply with Article VI, Section 12, of the 1999 Cherokee Nation Constitution.

Section 4. Definitions.

For purposes of this Act:

- A. “Administration” shall mean the Executive Branch of the Cherokee Nation as provided for in Article VII of the Cherokee Nation Constitution.
- B. “Council” or “Tribal Council” shall mean the Council of the Cherokee Nation as provided for in Article VI of the Cherokee Nation Constitution.
- C. “Nation” shall mean the Cherokee Nation.
- D. Delegate” shall mean a person appointed by the Principal Chief and confirmed by the Council as provided for in Article VI of the Cherokee Nation Constitution

Section 5. Qualifications for the Delegate to Congress.

The Delegate shall be:

- (a) a citizen of the Cherokee Nation.
- (b) a citizen of the United States of America
- (c) twenty-five years of age as of the date of the selection
- (d) on the date of confirmation, a candidate for no other office

Section 6. Selection.

The Constitution, Article VI, Section 12, provides that the Cherokee Delegate shall be “appointed by the Principal Chief and confirmed by the Council.”

Section 7. Term of Office.

The term for the Cherokee Delegate shall coincide with the term of the Office of the Principal Chief.

Section 8. Duties and Authority of the Office of the Delegate to Congress.

The duties and authority pursuant to Article VI, Section 12 of the Cherokee Nation Constitution and applicable federal law or House Rule respectively, of the Delegate shall be as follows:

- (a) Endeavor to participate in Congressional activities;
- (b) Advocate the best interests of the Cherokee People at all times;
- (c) Make regular reports to the Council and Principal Chief on Congressional activities and administrative matters relating to federal law and policy; and
- (d) Produce an annual report to the Cherokee People.

Section 9. Vacancies of the Office.

The Principal Chief may, in case of a vacancy by reason of removal, death, resignation or permanent disability of the Delegate, appoint a successor with confirmation by the Council to fill the vacancy to serve the remainder of the term or until the disability be removed.

Section 10. Funding.

The Principal Chief shall submit an annual budget to the Council to fund the office of the Delegate to Congress to include the Delegate’s salary, benefits, and expenses, including an office and staff until such time as the position is funded by the United States House of Representatives.

Section 11. Removal From Office.

The Delegate to Congress shall be subject to removal from office for cause in accordance with Article VI, Section 9 and Article XI of the Constitution of the Cherokee Nation .

Section 12. Provisions not cumulative.

The provisions of this act shall not be cumulative to existing law and the provisions of this act shall supersede any existing law in conflict herewith.

Section 13. Severability.

The provisions of this act are severable, and if any part or 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 14. Effective Date.

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.