



Legislation Text

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A RESOLUTION RATIFYING IMPLEMENTATION AGREEMENT # 1 (IMPLEMENTING 2008 MEMORANDUM OF AGREEMENT AS TO TRIBAL PRIORITY ALLOCATION FUNDS FOR AID TO TRIBAL GOVERNMENT) BETWEEN THE CHEROKEE NATION AND THE DELAWARE TRIBE OF INDIANS

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in 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, the Cherokee Nation entered a treaty with the federal government in 1866 and entered an agreement with the Delaware in 1867 pursuant to that treaty which provided the foundation for the future relationship between themselves and the federal government;

WHEREAS, the Cherokee Treaty of 1866 and the 1867 Agreement between the Nation and the Delaware Tribe has been interpreted by several Courts, including the U.S. Supreme Court, and has been the subject of much litigation, nearly dating back to the date the agreement was first entered;

WHEREAS, the most recent decision affecting the status of the Delaware Tribe was issued by the 10th Circuit Court of Appeals on November 14, 2004, which found that the Bureau of Indian Affairs' decision in 1996 to federally recognize the Delaware was unlawful and that the Delaware Tribe had under the 1867 Agreement relinquished its separate tribal sovereignty and was consolidated and merged into the Cherokee Nation;

WHEREAS, Resolution Number 86-06 was enacted by the Council of the Cherokee Nation on August 21, 2006, and approved and supported legislation for separate federal recognition of the Delaware Tribe of Indians;

WHEREAS, Resolution Number 88-08 was enacted by the Council of the Cherokee Nation on October 23, 2008, and approved a 2008 Memorandum of Agreement between the Cherokee Nation and the Delaware Tribe of Indians to pave the way for federal recognition for the Delaware Tribe;

WHEREAS, the Federal Register notice establishing federal recognition of the Delaware Tribe of Indians expressly acknowledged the significance of the 2008 Memorandum of Agreement as follows: "Direct government-to-government relations were reestablished with the Delaware Tribe of Indians through its reorganization under federal statute, the Oklahoma Indian Welfare Act. This reorganization of its tribal government, separate from that of the Cherokee Nation, Oklahoma, is pursuant to a Memorandum of Agreement between the two tribes. The reorganization was effective May 27, 2009." 74 Fed. Reg. 40218-19 (August 11, 2009);

WHEREAS, the 2008 Memorandum of Agreement maintains the integrity of the Cherokee Nation's jurisdiction and territory within the historic boundaries of the Cherokee Nation; and

WHEREAS, the 2008 Memorandum of Agreement includes provisions to enable the Cherokee Nation and the Delaware Tribe to enter into separate agreements for purposes of implementing provisions in the Memorandum of Agreement concerning federal funding for the Delaware Tribe.

WHEREAS, the Principal Chief of the Cherokee Nation and the Chief of the Delaware Tribe have negotiated the attached proposed IMPLEMENTATION AGREEMENT # 1 (IMPLEMENTING 2008 MEMORANDUM OF AGREEMENT AS TO TRIBAL PRIORITY ALLOCATION FUNDS FOR AID TO TRIBAL GOVERNMENT) BETWEEN THE CHEROKEE NATION AND THE DELAWARE TRIBE OF INDIANS to enable the Delaware Tribe to seek and receive Tribal Priority Allocation/Aid to Tribal Government (“TPA/ATG”) as direct funding from the United States Department of the Interior (“DOI”).

WHEREAS, Legislative Act 15-01 requires agreements involving significant rights and privileges of the Cherokee people to be ratified by the Council of the Cherokee Nation.

BE IT RESOLVED BY THE CHEROKEE NATION, that the Council of the Cherokee Nation hereby ratifies the attached IMPLEMENTATION AGREEMENT # 1 (IMPLEMENTING 2008 MEMORANDUM OF AGREEMENT AS TO TRIBAL PRIORITY ALLOCATION FUNDS FOR AID TO TRIBAL GOVERNMENT) BETWEEN THE CHEROKEE NATION AND THE DELAWARE TRIBE OF INDIANS in order to protect, to the fullest extent possible, the territory, jurisdiction and sovereignty of the Cherokee Nation while also enabling the Delaware Tribe to seek and receive Tribal Priority Allocation/Aid to Tribal Government (“TPA/ATG”) as direct funding from the United States Department of the Interior (“DOI”).