



# Council of the Cherokee Nation

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

## Legislation Text

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### **TITLE 64 - PUBLIC LANDS** **United States Code**

Allotment of Indian lands, see 25 U.S.C. § 331 et seq.

Bureau of Indian Affairs, employee or employees to sign approval of tribal deeds, see 25 U.S.C. § 11.

Descent and distribution of land to heirs of allottees, see 25 U.S.C. § 371 et seq.

Designation of tribes, conveyance of submarginal land, see 25 U.S.C. § 459a.

Indian land claims settlements; Cherokee, Choctaw, and Chickasaw, see 25 U.S.C. § 1779 et seq.

Indian land consolidation, see 25 U.S.C. § 2203.

Irrigation of allotted lands, see 25 U.S.C. § 381 et seq.

Lease, sale, or surrender of allotted or unallotted lands, see 25 U.S.C. § 391 et seq.

Submarginal lands of United States held in trust for specified Indian tribes, see 25 U.S.C. § 459.

## **CHAPTER 1**

### **LANDS ACQUIRED FROM THE UNITED STATES**

#### **§ 1. Abandoned military and agency reservations**

Every military and agency reservation, which is, or may be hereafter occupied by the United States, within the limits of this nation, and whenever the United States shall cease to occupy the same, shall revert to the Nation; and it will not be lawful for any citizen to take possession of any such reservation, except by the permission of the national authorities under the penalty of being removed therefrom.

#### **Library References**

Indians <KEY>151.

Westlaw Topic No. 209.

## **CHAPTER 2**

### **REAL PROPERTY ACQUISITION**

## § 51. Short title

This act shall be known and may be cited as the "Real Property Acquisition Act of 2005".

### History

**Source.** LA 07-05, eff. March 16, 2005.

## § 52. Purpose

The purpose of this act is to establish principles for real property acquisition that assure accordance and alignment with the purpose of Cherokee Nation. Acquisitions of any real property should sustain, enhance and support the economies and welfare of Cherokee Nation. Sound planning for real property acquisitions ensures achievement of an overall objective to restore the land and territory base of the Nation and advance the Nation's strategy. Real property acquisitions should be conducted consistent with existing strategic plans of the Nation, including but not limited to the Land Consolidation Plan as amended and the Strategic Land Plan. This act does not apply to commercial transactions of Cherokee Nation instrumentalities.

### History

**Source.** LA 07-05, eff. March 16, 2005.

### Library References

Indians <KEY>152.

Westlaw Topic No. 209.

## § 53. Definitions

For purposes of this act:

1. **"Acquisition"** means the action to become the owner of certain property, whether purchased, transferred or donated with or without consideration.
2. **"Clear title"** means a marketable title, or a good title, free from encumbrances, obstruction, burden or limitation.
3. **"Real property"** means land, and generally whatever is erected or growing upon or permanently affixed to land.
4. **"Restricted land"** means land the title to which is held by an individual Indian and which can only be alienated or encumbered by the owner with the approval of the U.S. Department of the Interior because of limitations contained in the conveyance instrument pursuant to federal law.
5. **"Trust land"** means the land, or an interest therein, for which the United States holds title in trust for the benefit of an individual Indian or for Cherokee Nation.

## History

**Source.** LA 07-05, eff. March 16, 2005.

### § 54. Real property acquisitions

A. Acquisitions of real property utilizing Nation funds or funds directed by the Nation should be prioritized utilizing the following criteria, which are listed in no particular order:

1. Building sustainable communities (housing potential, community facilities, infrastructure built, supports community economy/jobs or local businesses, etc.);
2. Historic or cultural significance to Cherokee Nation;
3. Economic development potential;
4. Consistency with Land Consolidation Plan, as amended, or Strategic Land Plan, including acquisitions that are adjoining or adjacent to existing tribal lands;
5. Sustainability without ongoing financial support, and/or cost/benefit analysis;
6. Involvement of community in planning for the real property acquisition;
7. Real property located in the Arkansas Riverbed Settlement "mandatory trust acquisition" area, or acquisitions of individual trust or restricted lands.

B. All real property acquisitions or acceptances should meet the following due diligence steps:

1. All tracts require a formal or informal ASTM 1527 (American Society for Testing Material);
2. A review to ensure no back property tax is owed;
3. Funds have been identified for acquisition cost and any related cost, i.e., future property tax payments until taken into trust status, property upkeep and maintenance, remodeling, utilities, etc.;
4. The property has a clear title;
5. A review to determine whether the property is in another tribal jurisdiction and if so, whether an agreement between the Nation and the other tribe is necessary.

C. The Principal Chief will designate the Group to coordinate real property acquisitions, and will develop policies and procedures to implement this act, which will include roles and responsibilities to process acquisitions of real property by Cherokee Nation.

## History

**Source.** LA 07-05, eff. March 16, 2005.

### Library References

Indians <KEY>152.

Westlaw Topic No. 209.

## CHAPTER 3

### REAL AND PERSONAL PROPERTY DONATION

#### § 101. Short title

This act shall be known and may be cited as the Cherokee Nation Land Donation Act of 2010.

#### History

**Source.** LA 30-10, eff. October 18, 2010.

#### § 102. Purpose

The purpose of this act is to establish procedures by which individuals, corporations and entities may donate, by gift or otherwise, real property to be used for the benefit of Cherokee Nation.

#### History

**Source.** LA 30-10, eff. October 18, 2010.

#### § 103. Definitions

**"Donate" or "gift"** means to give to Cherokee Nation, without any compensation, real or personal property excluding cash donations.

#### History

**Source.** LA 30-10, eff. October 18, 2010.

#### § 104. Gifts or donations of property

A. The Treasurer of Cherokee Nation is authorized to receive real or personal property from individuals or corporations or other entities by gift or donation.

B. The Treasurer is authorized to conduct valuation studies, environmental studies, appraisals or any other tests or determinations to ascertain whether the receipt of such gift or donation is in the strategic interest of Cherokee Nation.

C. Cherokee Nation shall appropriate adequate funds to ensure the functions of this act may be carried out.

D. All proposed donations or gifts excluding cash donations shall be reported to the Cherokee Nation Tribal Council prior to its acceptance or rejection.

### **History**

**Source.** LA 30-10, eff. October 18, 2010.

## **CHAPTER 4**

### **LAND INTO TRUST BY FOREIGN NATIVE AMERICAN TRIBES**

#### **§ 151. Short title**

This act shall be known and may be cited as the Land into Trust by Foreign Native American Tribes Act of 2011.

### **History**

**Source.** LA 24-11, eff. November 17, 2011.

#### **§ 152. 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 Cherokee Nation and when said tribe or individual is neither Cherokee Nation nor a citizen of Cherokee Nation.

### **History**

**Source.** LA 24-11, eff. November 17, 2011.

#### **§ 153. Definitions**

A. **"Federal trust status"** means land the title to which is held in trust by the United States for an individual Indian or a tribe.

B. **"Foreign Native American tribes"** means federally-recognized Indian Tribes or bands, excluding Cherokee Nation.

### **History**

**Source.** LA 24-11, eff. November 17, 2011.

#### **§ 154. Land into trust by foreign Native American tribes**

A. 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 Cherokee Nation, unless the Principal Chief is authorized to consent to

the same by a resolution of the Council of Cherokee Nation, approved by a two-thirds (2/3) vote of the Council's entire membership, and approved by the Principal Chief under Article VI, Section 10 of the Constitution of Cherokee Nation. The Principal Chief and the Officers of Cherokee Nation may be enjoined by the Courts of Cherokee Nation to carry out this obligation.

B. Except as authorized under subsection (A), neither the Principal Chief nor any other officer of Cherokee Nation may authorize or consent to establishment of federal trust status for land within the jurisdictional boundaries of Cherokee Nation by any foreign Native American tribes or member(s) thereof.

C. Except as authorized under subsection (B), neither the Principal Chief nor any other officer of 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 Cherokee Nation without the resolution required in subsection (B) shall be considered a "willful neglect of duty" as defined in Article XI, Section 1 of the Constitution of Cherokee Nation.

### **History**

**Source.** LA 24-11, eff. November 17, 2011.