



## Legislation Text

File #: 22-046, Version: 1

### **A RESOLUTION RATIFYING A TRIBAL TRANSPORTATION SELF-GOVERNANCE COMPACT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION**

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

**WHEREAS**, the Cherokee Nation, a federally recognized Indian Nation with its present tribal headquarters south of Tahlequah, Oklahoma, having adopted its most recent constitution on July 26, 2003, and having entered into various treaties with the United States, including but not limited to the Treaty at Hopewell, executed on November 28, 1785 (7 Stat. 18), the Treaty at New Echota, executed on December 29, 1835 (7 Stat. 478), and the Treaty at Washington, D.C., executed on July 19, 1866 (14 Stat. 799), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union;

**WHEREAS**, Federal funding of transportation infrastructure, transit, and highway safety programs and services that provide modes of transportation for people, agricultural produce, and other goods and services within and outside of the Cherokee Nation Reservation is consistent with and required by the Federal Government's unique legal relationship with, and resulting responsibility to, the Indian Nations of the United States;

**WHEREAS**, the Cherokee Nation provides comprehensive, integrated, and tribally-administered transportation planning, design, construction, maintenance, transit, and highway safety services within the Cherokee Nation Reservation directly under existing agreements with operating administrations of the United States Department of Transportation;

**WHEREAS**, Congress enacted the Tribal Transportation Self-Governance Program under the Fixing America's Surface Transportation Act, Pub. L. 114-94, § 1121, 23 U.S.C. § 207, to advance the Federal policy of Tribal self-determination and self-governance at the U.S. Department of Transportation;

**WHEREAS**, on June 7, 2022, the Cherokee Nation agreed to and approved terms and conditions of a Tribal Self-Governance Compact under the U.S. Department of Transportation's Tribal Transportation Self-Governance Program, setting forth the government-to-government relationship between the Nation and the U.S. Department of Transportation under the Tribal Transportation Self-Governance Program;

**WHEREAS**, the Cherokee Nation concludes that participating in the Tribal Transportation Self-Governance Program will further the long-term transportation interests of the Nation, afford the Nation greater flexibility and control to prioritize transportation infrastructure, transit, and highway safety needs, accelerate and realize efficiencies in the development of transportation infrastructure, transit, and safety projects necessary for the public health, safety, and economic benefit of the Nation and its citizens;

**WHEREAS**, Tribal Self-Governance Compact is the first such agreement between the United States and an Indian nation in history and demonstrates Cherokee Nation's commitment to exercising its sovereignty and expanding self-governance opportunities.

**WHEREAS**, Intergovernmental compacts are required to be ratified by the Council of the Cherokee Nation in accordance with Legislative Act 15-01;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CHEROKEE NATION** that the Tribal Transportation Self-Governance Compact entered into by the Cherokee Nation and the U.S. Department of Transportation and executed by the Principal Chief on June 7, 20022, is hereby approved and ratified under Cherokee Nation law.