

United States to Indians because of their status as Indians.

(2) Continuation of benefits

Except as provided in paragraph (3), the members of the Tribe who are residing on land recognized by the Secretary to be within the Cherokee Nation and eligible for Federal program services or benefits through the Cherokee Nation shall receive such services or benefits through the Cherokee Nation.

(3) Administration by Tribe

The Tribe shall be eligible to apply for and administer the special programs and services provided by the United States to Indians because of their status as Indians, including such programs and services within land recognized by the Secretary to be within the Cherokee Nation, in accordance with applicable laws and regulations to the same extent that the Cherokee Nation is eligible to apply for and administer programs and services, but only—

(A) if the Cherokee Nation consents to the operation by the Tribe of federally funded programs and services;

(B) if the benefits of such programs or services are to be provided to members of the Tribe in areas recognized by the Secretary to be under the jurisdiction of the Tribe and outside of land recognized by the Secretary to be within the Cherokee Nation, so long as those members are not receiving such programs or services from another Indian tribe; or

(C) if under applicable provisions of Federal law, the Cherokee Nation is not eligible to apply for and administer such programs or services.

(4) Duplication of services not allowed

The Tribe shall not be eligible to apply for or administer any Federal programs or services on behalf of Indians¹ recipients if such recipients are receiving or are eligible to receive the same federally funded programs or services from the Cherokee Nation.

(5) Cooperative agreements

Nothing in this section shall restrict the Tribe and the Cherokee Nation from entering into cooperative agreements to provide such programs or services and such funding agreements shall be honored by Federal agencies, unless otherwise prohibited by law.

(Pub. L. 106-568, title VII, § 704, Dec. 27, 2000, 114 Stat. 2914.)

REFERENCES IN TEXT

The Oklahoma Indian Welfare Act, referred to in subsec. (a), is act June 26, 1936, ch. 831, 49 Stat. 1967, as amended, also popularly known as the Oklahoma Welfare Act, which is classified generally to subchapter VIII (§501 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 501 of this title and Tables.

§ 1041c. Establishment of a tribal roll

(a) Approval of base roll

Not later than 180 days after December 27, 2000, the Tribe shall submit to the Secretary for

¹ So in original. Probably should be "Indian".

approval its base membership roll, which shall include only individuals who are not members of any other federally recognized Indian tribe or who have relinquished membership in such tribe and are eligible for membership under subsection (b) of this section.

(b) Base roll eligibility

An individual is eligible for enrollment on the base membership roll of the Tribe if that individual—

(1) is on, or eligible to be on, the membership roll of Cherokee Shawnees maintained by the Tribe prior to December 27, 2000, which is separate from the membership roll of the Cherokee Nation; or

(2) is a lineal descendant of any person—

(A) who was issued a restricted fee patent to land pursuant to Article 2 of the Treaty of May 10, 1854, between the United States and the Tribe (10 Stat. 1053); or

(B) whose name was included on the 1871 Register of names of those members of the Tribe who moved to, and located in, the Cherokee Nation in Indian Territory pursuant to the Agreement entered into by and between the Tribe and the Cherokee Nation on June 7, 1869.

(c) Future membership

Future membership in the Tribe shall be as determined under the eligibility requirements set out in subsection (b)(2) of this section or under such future membership ordinance as the Tribe may adopt.

(Pub. L. 106-568, title VII, § 705, Dec. 27, 2000, 114 Stat. 2915.)

§ 1041d. Organization of the Tribe; tribal constitution

(a) Existing constitution and governing body

The existing constitution and bylaws of the Cherokee Shawnee and the officers and members of the Shawnee Tribal Business Committee, as constituted on December 27, 2000, are hereby recognized respectively as the governing documents and governing body of the Tribe.

(b) Constitution

Notwithstanding subsection (a) of this section, the Tribe shall have a right to reorganize its tribal government pursuant to section 503 of this title.

(Pub. L. 106-568, title VII, § 706, Dec. 27, 2000, 114 Stat. 2915.)

§ 1041e. Tribal land

(a) Land acquisition

The Tribe shall be eligible to have land acquired in trust for its benefit pursuant to section 465 of this title and section 501 of this title.

(b) Restriction

No land recognized by the Secretary to be within the Cherokee Nation or any other Indian tribe may be taken into trust for the benefit of the Tribe under this section without the consent of the Cherokee Nation or such other tribe, respectively.

(Pub. L. 106-568, title VII, § 707, Dec. 27, 2000, 114 Stat. 2915; Pub. L. 109-59, title X, § 10213, Aug. 10, 2005, 119 Stat. 1939.)