

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 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).

(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) 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), 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.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59 struck out “(1) In general” before “The Tribe” and heading and text of par. (2). Text read as follows: “Notwithstanding any other provision of law but subject to subsection (b) of this section, if the Tribe transfers any land within the boundaries of the State of Oklahoma to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.”

§ 1041f. Jurisdiction

(a) In general

The Tribe shall have jurisdiction over trust land and restricted land of the Tribe and its members to the same extent that the Cherokee Nation has jurisdiction over land recognized by the Secretary to be within the Cherokee Nation and its members, but only if such land—

(1) is not recognized by the Secretary to be within the jurisdiction of another federally recognized tribe; or

(2) has been placed in trust or restricted status with the consent of the federally recognized tribe within whose jurisdiction the Secretary recognizes the land to be, and only to the extent that the Tribe’s jurisdiction has been agreed to by that host tribe.

(b) Rule of construction

Nothing in this subchapter shall be construed to diminish or otherwise limit the jurisdiction of any Indian tribe that is federally recognized on the day before December 27, 2000, over trust land, restricted land, or other forms of Indian country of that Indian tribe on such date.

(Pub. L. 106-568, title VII, §708, Dec. 27, 2000, 114 Stat. 2916.)

§ 1041g. Individual Indian land

Nothing in this subchapter shall be construed to affect the restrictions against alienation of any individual Indian’s land and those restrictions shall continue in force and effect.

(Pub. L. 106-568, title VII, §709, Dec. 27, 2000, 114 Stat. 2916.)

§ 1041h. Treaties not affected

No provision of this subchapter shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe referred to in this subchapter is a party nor to any right secured to such a tribe or to any other tribe by any treaty.