

HOUSE BILL 1692

By Mumpower

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to recognition of Native American Indian
Tribes, Bands, Groups and Associations.

WHEREAS, The original inhabitants of North and South America were peoples who became known to European immigrants as Indians and, therefore, the original inhabitants of this State were members of various tribes of American Indians; and

WHEREAS, These tribes have strongly influenced the heritage of this great State and have left their mark by way of names of rivers, mountains, towns, and counties, by introducing local crops and medicinal herbs, and in countless other ways; and

WHEREAS, The Native American Indian culture in all its forms is manifested by the year-round Powwows and Festivals held across the country and the completion of the National Museum of the American Indian in the Smithsonian complex in Washington, D.C.; and

WHEREAS, This has been further manifested within the surrounding states of Virginia, North Carolina, South Carolina, Georgia and Alabama which have given recognition to the Native American Indian Tribes, Bands, Groups and Associations within their borders; and

WHEREAS, The struggles of the Native American Indian Peoples including physical confinement, separation of families, suppression of language, traditions and culture as well as pervasive restrictions on arts, crafts, industry and agriculture have contributed to an economic disadvantage with which the Native American Indian People still contend; and

WHEREAS, There is an economic benefit to the particular communities wherein the Native American Indians reside because of the ability of Native American Indians to impact positively tourism development, jobs, new economic development incentives, new health care

opportunities, new education opportunities and to remove current barriers for Native American Indian Artists and Craft Persons to expand their trade in compliance with Federal law; and

WHEREAS, Attorney General's Opinion No. 07-21, dated February 27, 2007, stated:

"Congress has acknowledged that state governments have the authority to recognize Indian tribes."

"States have the authority to recognize Indian tribes as long as there is no conflict with federal laws. There is no conflict between Tennessee's recognition law and federal laws."; and

WHEREAS, The Tennessee Legislature possesses the power to recognize Indian tribes, bands, groups, and Indian associations; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding Sections 2 through 6 of this act as a new, appropriately designated chapter:

SECTION 2. The general assembly hereby extends state recognition with full legal rights and protections to certain Indian-descended entities that have functioned in specific ways over time.

SECTION 3. An Indian tribe, band, or group is a population of people related to one another by blood through their Native American Indian ancestry and tracing their heritage to a Native American Indian tribe, band, or group indigenous to Tennessee. Petitioners must submit a petition requesting state recognition specifying the type of recognition sought.

SECTION 4. In order to be recognized as a tribe, band, or group, the petitioner must present a list of members of the group along with proof that each of its members is a descendant recognized as a member of a historical Tennessee tribe, band, or group by means of rolls which are compiled by the federal government or some other compelling documentation

that shows their heritage. In addition a statement with the notarized signatures of the three (3) highest ranking officers of the petitioning group is required.

SECTION 5. The general assembly hereby appoints the Confederation of Tennessee Native Tribes as the entity that shall review and present for recognition any tribes, bands, and groups which seek such recognition.

(1) The Confederation of Tennessee Native Tribes is the formation of the Tribes and Clans of Native American Indians across the state who have joined together in one voice to represent the well-being of the Native American Indian in Tennessee; and

(2) The Confederation of Tennessee Native Tribes is comprised of the Remnant Yuchi Nation, the Upper Cumberland Cherokee, the Chikamaka Band, the Central Band of Cherokee, the Cherokee Wolf Clan, the Tanasi Council of the Faraway Cherokee, the Native Cultural Council and the American Indian Association of Millington.

SECTION 6. The general assembly recognizes for purposes of state Native American Indian recognition with full legal rights and protections the following tribes, bands and groups:

Remnant Yuchi Nation -

Counties: Sullivan, Carter, Greene, Hawkins, Unicoi, Johnson, and Washington;

Upper Cumberland Cherokee (also known as the United Eastern Lenape Nation) -

Counties: Scott, Morgan, Fentress, and Campbell;

Chikamaka Band -

Counties: Franklin, Grundy, Marion, Sequatchie, Warren, and Coffee;

Central Band of Cherokee (also known as the Cherokee of Lawrence County) -

1806 Congressional Reservation;

Cherokee Wolf Clan -

Counties: Carroll, Benton, Decatur, Henderson, Henry, Weakley, Gibson, and Madison; and

Tanasi Council of the Far Away Cherokee -

Counties: Shelby, Dyer, Gibson, Humphreys, and Perry.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring
it.