

To the office of U.S. Representative Charles J. "Chuck" Fleischmann

Re: HR 226 (119th Congress), Eastern Band of Cherokee Historic Lands Reacquisition Act • Latest action (2026-09-23): Committee on Indian Affairs. Hearings held.

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Office of record (Congress.gov): 2187 Rayburn House Office Building, Washington, DC • (202) 225-3271

SI Cherokee Historic Sites Trust and River Protection Draft

The measure, as described from the official record: Return specified historic Cherokee lands and sites in Monroe County, Tennessee to trust status for the Eastern Band of Cherokee Indians for cultural and historic use.

THE PROPOSAL

Congress can act here because Article I, Section 8, Clause 3 grants power over commerce with Indian Tribes and Article IV, Section 3, Clause 2 grants power over federal property, and those two provisions together control this trust transfer while the Fifth Amendment and Tenth Amendment limit it. This SI draft would place the identified Monroe County lands described in the source excerpt into federal trust for the use and benefit of the Eastern Band of Cherokee Indians. The stated purpose would be care and public access for the Sequoyah Museum, Chota Memorial, and Tanasi Memorial, plus nearby support land for cultural and education programs. The Interior Department would publish a plain map and legal list within one year. No land beyond the listed sites would enter trust under this draft.

The draft would keep Tennessee Valley Authority river control rights in full force. The Authority could continue flood control, dam work, and short-term flooding of the marked lands. New buildings on flood-prone parcels would need prior written Authority consent. Future tribal development that reduces hydropower output would require fair payment to the Authority under a written pact. The United States would not accept new liability for flooding or river acts stated in the source excerpt, except as already required by existing law.

The draft would bar casino-style gaming on these trust lands. It would keep the Authority responsible for environmental cleanup duties described in the source excerpt. Funds would be capped and time-limited, with yearly public reports on spending, visits, site care, and flooding events. Congress would need to vote again after five years to extend funds or add land.

The strongest objection is that trust land removes local control and tax base while adding federal duties. This draft answers that concern with a closed land list, a ban on gaming, Authority consent rules, liability limits, a fixed budget cap, and a five-year sunset with outside audit. Compared with the original excerpt, the SI proposal would add the closed list, budget cap, sunset, audit, and plain map, while keeping the trust purpose, river rights, compensation, liability limit, cleanup duties, and gaming ban. That structure restores historic sites to Cherokee care while protecting river users, ratepayers, and Tennessee interests.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	One year after enactment, to allow surveys, Tennessee Valley Authority agreements, and safety work.
Enforcement Mechanism	Trust lands are for cultural, historic, and educational use only, with gaming barred; violations can lead to loss of funds and court orders sought by the Interior Department.
Funding Amount	Up to \$8 million total over five years for surveys, site care, and cultural programs, subject to annual review.
Funding Source	Funds from Interior Department appropriations for Indian affairs, with no new tax and no use of Tennessee Valley Authority power revenues.
Oversight Body	Interior Department, with annual public reports to Congress and review by the Government Accountability Office, in consultation with the Eastern Band of Cherokee Indians and the Tennessee Valley Authority.
Sunset Years	5 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3
- Article IV, Section 3, Clause 2
- Fifth Amendment Due Process
- Tenth Amendment

Concerns with the measure as written:

- Federal trust acquisition must rest on the Indian Commerce Clause and the Property Clause, with a closed land list so state and private rights are not impaired without due process.
 - Tennessee Valley Authority river control, flooding, and hydropower compensation need clear written rules so land use does not take property or contract rights without Fifth Amendment Due Process.
 - A clear statement on gaming, liability limits, and environmental duties is needed to respect federalism and the Tenth Amendment role of Tennessee.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

SI assesses this draft offers Republicans and conservatives a concrete gain in fiscal restraint, protection of Tennessee Valley Authority hydropower and river control, an explicit bar on gaming tied to cultural use, and limits on new federal liability. SI assesses it offers Democrats and progressives a concrete gain in honoring tribal sovereignty, returning care of Cherokee historic sites including the Sequoyah Museum, Chota Memorial, and Tanasi Memorial to the Eastern Band of Cherokee Indians, and retaining environmental remediation duties. Both sides gain a closed land list, a fixed budget cap, yearly public reporting, and a five-year sunset with outside review.

Strongest objection, and the answer: The strongest objection is that trust land removes local control and tax base while adding federal duties. This draft answers that concern with a closed land list, a ban on gaming, Authority consent rules, liability limits, a fixed budget cap, and a five-year sunset with outside audit.

CHECK BEFORE RELYING ON THIS

Basis: This draft is based only on the supplied official summary excerpt for H.R. 226 in the 119th Congress, which describes trust lands in Monroe County Tennessee including Sequoyah Museum, Chota Memorial, and Tanasi Memorial, plus Tennessee Valley Authority flooding and consent rights, hydropower compensation, limits on United States liability, Tennessee Valley Authority remediation duties, and a gaming ban. Stage is described only as stated in the source: Committee on Indian Affairs. Hearings held.

The full bill text, exact land maps and acreage, current ownership, cost effects, eligibility rules, appeal rights, Tennessee Valley Authority contracts, environmental standards, and gaming law effects were not supplied and should be verified at the official congress.gov record before action.

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