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Includes: LA 32-22, LA 07-23, LA 27-23, LA 04-24, and LA 05-25

TITLE 31

HERITAGE AND CULTURE

Chapter

1. General Provisions
2. Art and Facilities
3. Arts and Crafts Copyright
4. Truth In Advertising For Native Art
5. Burial Assistance for the National Treasures of the Cherokee Nation
6. The Durbin Feeling Cherokee Language Preservation Act - Permanent Reauthorization
7. Cherokee Nation Registry of Historic Places
8. Official Biographies, Histories, and Publications
9. Artist Recovery

CHAPTER 1

GENERAL PROVISIONS

Section

101. Short title and purpose
102. Establishment of official languages
103. Language maintenance
104. Education
105. Employment

§ 101. Short title and purpose

The purpose of this act is to provide for promotion and preservation of Cherokee language, history and culture. It will be commonly referred to and may be cited as the Cherokee Nation Language and Cultural Preservation Act. This act is in recognition that the survival of a people is dependent upon their capacity to preserve and protect their culture and language. This act further promotes the acculturation of tribal youth through education about their history, language

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and culture and establishes tribal policy for the promotion and preservation of the Cherokee language and culture.

LA 10-91, eff. July 13, 1991.

§ 102. Establishment of official languages

Cherokee Nation does hereby officially establish both Cherokee and English as official languages for the tribe. The encouraged use of these languages is as follows:

1. Tribal government. Any tribal citizen may speak in Cherokee or English in communicating with tribal government with regard to any programs or services provided. Any tribal citizen may use either Cherokee or English languages to communicate with the Tribal Council in any officially called meeting of the Council on any occasion on which said person may be recognized to speak.

2. Translation services. In any situation in which translation into English is deemed necessary or appropriate for persons using Cherokee language as defined in subsection (A) of this section, translation services may be provided.

LA 10-91, eff. July 13, 1991.

§ 103. Language maintenance

It shall be the policy of Cherokee Nation to take the leadership to maintain and preserve the Cherokee language as a living language. Such efforts shall include but not be limited to:

1. efforts to involve tribal citizens to the greatest extent possible in instruction in Cherokee language;

2. establishment of a permanent Cherokee Language Program as a support unit for all programs and services within Cherokee Nation subject to such funding limitations as may exist from year to year;

3. encouraging the use of Cherokee language in both written and oral form to the fullest extent possible in public and business settings;

4. encouraging creation and expansion of the number, kind and amount of written materials in the Cherokee language and official encouragement for the development of materials on, by or through Cherokee Nation service programs.

LA 10-91, eff. July 13, 1991. Amended LA 2-95, eff. April 10, 1995.

§ 104. Education

Cherokee Nation promotes the use of both the Cherokee and English languages to the fullest extent possible within tribal, local, state and federal educational

institutions, agencies and programs. It is therefore the policy of the Cherokee Nation:

1. To work with all schools, state and federal agencies and others to encourage that those schools which serve large percentages of Cherokee students adequately and fairly represent the language, history and culture of the tribe in the instructional, administrative and social processes of the school.
2. To the greatest extent possible within budgetary limitations, provide summer, evening, weekend and other tribal programs, for instruction of children and adults who have an interest in cultural education.
3. To provide instruction in Cherokee language at the preschool level in programs operated by Cherokee Nation of Oklahoma.
4. To recognize certain tribal elders and talented tribal citizens as knowledgeable in the culture, language, history and related skills of Cherokee Nation. These people may be recognized as "Eminent Persons" who may be employed in positions related to culture, language and history and may be paid for their educational services.
5. To oppose biased, stereotypic and/or derogatory depiction of Cherokees or American Indians within education institutions or wherever such representations which work to lower the self-esteem of Cherokee youth may be found.

LA 10-91, eff. July 13, 1991.

§ 105. Employment

Cherokee Nation acknowledges the need to provide bilingual clerical and other staff in programs and positions which call for extensive public contact with tribal citizens. Given the need to assure that the Cherokee language may be used in the workplace for conduct of business between Cherokee-speaking tribal citizens and staff of Cherokee Nation and to promote good role modeling by Cherokee Nation staff, the following policies are adopted:

1. All Cherokee Nation personnel shall become more knowledgeable in Cherokee history, language and culture.
2. Cherokee Nation will provide an educational program for all Cherokee Nation employees in the history, language, and culture of Cherokee Nation to become more knowledgeable in these subjects. This program will provide information which will promote pride and tribal identity and respect for tribal government and Cherokee people.

LA 10-91, eff. July 13, 1991.

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ART AND FACILITIES

Section

201. Short title

202. Purpose

203. Definitions

204. Historically and culturally appropriate artwork in Cherokee Nation facilities and properties

§ 201. Short title

This act shall be known and may be cited as the Cherokee Art and Facilities Act of 2005.

LA 25-05, eff. August 12, 2005.

§ 202. Purpose

The purpose of this act is earmark a percentage of construction or renovation cost on all facilities built by the Cherokee Nation (and its wholly-owned/majority owned businesses) to be used for historically and culturally appropriate artwork done by Cherokee Nation citizens.

LA 25-05, eff. August 12, 2005.

§ 203. Definitions

For purposes of this chapter:

1. "**Cherokee Nation citizen**" means a citizen of Cherokee Nation as determined by the Cherokee Nation Registration office.

2. "**Cherokee Nation facility**" means any building or property owned or under construction by or for the Cherokee Nation, or subject to or under a long-term lease to the Nation in which the nation is investing its own capital for new construction or improvements to existing facilities, or any property owned or under construction by or for any business in which the Cherokee Nation is a sole or majority shareholder, or subject to or under a long-term lease to such business in which the business is investing its own capital for new construction or improvements to existing facilities.

3. "**Construction or renovation**". This act applies to any new construction or any renovation to an existing facility, the cost of which exceeds Five Hundred Thousand Dollars (\$500,000.00).

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LA 25-05, eff. August 12, 2005. Amended LA 01-07, eff. February 25, 2007.

§ 204. Historically and culturally appropriate artwork in Cherokee Nation facilities and properties

For any construction or renovation to an existing Cherokee Nation facility or property, or any facility or property in which the Cherokee Nation is the sole or majority shareholder, the budget of such project shall set aside one percent (1%) of the total cost of construction or renovation for artwork that is historically and culturally appropriate for the facility and provided that the artwork is designed and created by Cherokee Nation citizens. The facility being built or renovated must be suitable to housing and displaying art. If said facility is found not suitable to housing or displaying art the one percent (1%) of the construction budget referred to in this act shall be set aside for distribution to me an appropriate Cherokee Nation-owned facility capable of housing and displaying art.

Such artwork may include, but is not limited to: sculpture, painting, carving, beadwork, basketry, traditional crafts, culturally appropriate landscaping and any other media of Cherokee art deemed to be cultural, historic, or traditional. Expenditures under this act may include the cost of the appropriate display and installation of said art work.

The Principal Chief shall designate the appropriate office within the Executive Branch whose responsibility will be to make the determination of which artwork is appropriate under this act.

LA 25-05, eff. August 12, 2005. Amended LA 01-07, eff. February 25, 2007.

CHAPTER 3

ARTS AND CRAFTS COPYRIGHT

Section

301. Short title

302. Purpose

303. Definitions

304. Purchase of copyright prohibited

§ 301. Short title

This act shall be known and may be cited as the Cherokee Nation Arts and Crafts Copyright Act Amendment of 2012.

LA 19-07, eff. June 22, 2007. Amended LA 42-12, eff. December 16, 2012.

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§ 302. Purpose

The purpose of this act is to prevent the purchase of copyrights of works of art by the Cherokee Nation or its entities in the initial purchase of the work of art and to ensure that policies shall be created by Cherokee Nation and its affiliated entities to include in their contracts in purchasing arts and crafts to avoid any prohibitions of this act.

LA 19-07, eff. June 22, 2007. Amended LA 42-12, eff. December 16, 2012.

§ 303. Definitions

A. **"Arts and crafts"** means any traditional or contemporary skill or creative work of graphics, painting, sculpture, music, writing, basketry, jewelry, pottery, metalwork, photography, or other crafts or media that an artist chooses to produce works of art from.

B. **"Cherokee Nation"** means the Cherokee Nation Government located at Tahlequah Oklahoma and all departments and agencies thereof.

C. **"Cherokee Nation entities"** means any corporation, company, business or other entity in which Cherokee Nation owns a majority interest.

LA 19-07, eff. June 22, 2007. Amended LA 42-12, eff. December 16, 2012.

§ 304. Purchase of copyright prohibited

A. In the event Cherokee Nation or its affiliated entities request bids for arts or crafts or Solicit for the purchase of art and crafts the purchase of copyrights of the item is prohibited in the initial sale.

B. Cherokee Nation and its affiliated entities shall establish policies to include in their contracts in purchasing arts and crafts to avoid any prohibitions of this act.

LA 19-07, eff. June 22, 2007. Amended LA 42-12, eff. December 16, 2012.

CHAPTER 4

TRUTH IN ADVERTISING FOR NATIVE ART

Section

401. Short title

402. Purpose

403. Definitions

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404. Authentic Indian art-Registry-Inventory

§ 401. Short title

This act shall be known and may be cited as the Cherokee Nation Truth in Advertising for Native Art Act.

LA 01-08, eff. March 20, 2008.

§ 402. Purpose

The purpose of this act is to establish guidelines for the purchase, promotion and sale of genuine Native American arts and crafts within Cherokee Nation and by Cherokee Nation entities. This act is further intended to encourage and allow Cherokee artists to be diverse, creative as well as traditionally influenced and to continue the use of traditional materials as well as use new mediums.

LA 01-08, eff. March 20, 2008.

§ 403. Definitions

A. "**Art**" is an object or action that is made with the intention of stimulating the human senses as well as the human mind and/or spirit regardless of any functional uses. For purposes of this act, "**art**" also includes crafts, handmade items, traditional storytelling, contemporary art or techniques, oral histories, other performing arts and printed materials.

B. "**Cherokee Nation**" means the government, its agencies and instrumentalities, including but not limited to Cherokee Nation Businesses, Cherokee Nation Enterprises, Cherokee Nation Industries and Housing Authority of Cherokee Nation, any component units of Cherokee Nation and any entities in which Cherokee Nation is the sole or majority stockholder or owner.

C. "**Indian**" means a citizen or member, not individually adopted, of a federally recognized Indian entity evidenced under the Federally Recognized Indian Tribe List Act of 1994, PL 103-454, November 2, 1994, 25 U.S.C. § 479a, as amended.

D. "**Indian art**" means art produced by an Indian.

E. "**Indian artist**" means an Indian who produces art.

LA 01-08, eff. March 20, 2008.

§ 404. Authentic Indian art-Registry-Inventory

A. Cherokee Nation shall not knowingly offer for sale art that is produced by individuals who falsely claim, imply, or suggest that they are Indian.

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B. Cherokee Nation shall not host, sponsor, fund, or otherwise devote or contribute any resource to art exhibits allowing the exhibition of works by artists who falsely claim, imply, or suggest that they are Indian.

C. The Tribal Employment Rights Office (TERO) shall maintain a voluntary registry of Cherokee artists and their contact information.

D. The Principal Chief shall cause to be published an inventory of all Indian art owned by Cherokee Nation, and such listing shall be accessible to the public.

E. The Principal Chief shall cause to be developed a label or other form of identification to be placed upon or with any Indian art or craft sold by Cherokee Nation or its entities. This is to ensure and identify the object being sold as authentic Indian art.

F. The Principal Chief shall cause to be published an inventory of all Indian art owned by Cherokee Nation, except for art held for resale in retail stores or warehoused for such purpose, and such listing shall be a public record pursuant to the Freedom of Information and Right of Privacy Act, 67 CNCA § 101 et seq.

LA 01-08, eff. March 20, 2008.

Chapter 5

BURIAL ASSISTANCE FOR THE NATIONAL TREASURES OF THE CHEROKEE NATION

Section

501. Definitions

502. Substantive Provisions

§ 501. Definitions

For purposes of this Title:

A. A Cherokee Nation National Treasure is defined in Council Resolution 68-09 and further defined in Cherokee National Treasures Advisory Committee By Laws Article II, Section C.

LA 20-17, eff. November 23, 2017.

§ 502. Substantive Provisions

A. The Cherokee Nation shall provide a standard burial for a Cherokee National Treasure at a contracted funeral home under the Burial Assistance Program which will be paid in full by the Nation.

LA 20-17, eff. November 23, 2017.

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CHAPTER 6

THE DURBIN FEELING CHEROKEE LANGUAGE PRESERVATION ACT - PERMENANT REAUTHORIZATION

Section

601. Repeal and Replacement of LA 19-19 Authorizations; Capital Projects Authorized; Base Annual Operating Funds Authorized

602. Programs and Services Authorized

603. Report on Language Education Self-Governance; Authorization to Withdraw Language Immersion School form State of Oklahoma Charter

604. Durbin Feeling Language Campus

605. Secretary of Language & Culture

606. Policy of Accountability

607. Biennial Report on the State of the Cherokee Language; Report Immersion Education;

Historical and Statutory Notes

2019 Legislation

LA 19-19, Section 2, provides:

"Section 2. Purpose. The purpose of this Act is to a) authorize capital funding and increased operating funding for Cherokee language programs beginning in fiscal year 2020, b) authorize the Principal Chief to name the proposed language center the 'Durbin Feeling Language Center' and c) create the cabinet office of Secretary of Language, Culture and Community."

§ 601. Repeal and Replacement of LA 19-19 Authorizations; Capital Projects Authorized; Base Annual Operating Funds Authorized

- A. Section 4 § 1 of the Durbin Feeling Language Preservation Act of 2019 (LA 19-19) is hereby repealed and replaced with Section 4 § 1 of this Act.
- B. Capital funding is authorized for the following capital projects, totaling \$35 million, to be completed by September 30, 2027, all of which are formally designated herein within the meaning of the [Comprehensive Building Naming Act of 2021](#).

documents and records from English to Cherokee or Cherokee to English.

- 4. Cherokee Language Creative Arts and Information Technology:** The utilization of creativity and information technology to put Cherokee language learning and usage within greater reach of Cherokee citizens, students and the general public and to record Cherokee language speakers for future study and for posterity.
- 5. Cherokee Language Community Outreach and Enrichment:** Programs of outreach and enrichment for fluent Cherokee speakers and for the general Cherokee citizenry to gain exposure to basic Cherokee language learning.
- 6. Cherokee Speaker Villages:** Housing services for Cherokee language speakers designed to address both the housing needs of fluent Cherokee speakers and the strategic creation of Cherokee speaking communities to effectuate the purposes and policies of this Act and as set forth in the [Housing, Jobs and Sustainable Communities Act of 2022](#), and any amendments thereto, including:
 - (a) The Bonnie Kirk Village located within the Durbin Feeling Language Campus in Tahlequah, OK.
 - (b) Such other sites as shall be formally designated by the Principal Chief, subject to appropriation of capital or operating funds by the Council.
- 7. Cherokee Nation Speaker Services:** Programs of health, employment, general welfare and housing support for fluent Cherokee language speakers and as set provided for in the [Housing, Jobs and Sustainable Communities Act of 2022](#), provided:
 - (a) Speaker services is a supplemental program for fluent Cherokee language speakers and shall not operate to supplant eligibility for or services provided by any other Cherokee Nation program or service.
 - (b) To effectuate the purposes and policies of the Speaker Services program, the Language Department shall maintain formal inter departmental memoranda of understandings with relevant Cherokee Nation departments and entities, including but not limited to Health, Public Health, Human Services and the Housing Authority of the Cherokee Nation.
- 8. CWY Dhoḥḡy SəVi JAḡḡ (Tsalagi Aniwonisgi Dunadov Digaweli) (Roll of Cherokee Speakers):** Continued maintenance of a formal roll book of first language Cherokee speakers, designated herein as CWY Dhoḥḡy SəVi JAḡḡ (Tsalagi Aniwonisgi Dunadov Digaweli or Roll of Cherokee Speakers), which commenced and has been maintained by executive action on or about April 17, 2019, for posterity of language records and for reference in determining eligibility, where

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relevant, for programs and services authorized by this act, provided the Principal Chief provide the Principal Chief, by his or her designee, develop and implement relevant policies and procedures pursuant to Section 5 of this Act.

- B. Nothing in this Act prohibits the Council from creating language revitalization programs or services or prohibits the Principal Chief from executing language revitalization programs or services otherwise authorized by law.

§ 603. Report on Language Education Self-Governance; Authorization to Withdraw Language Immersion School from State of Oklahoma Charter

- 1) The Council supports the exercise of self-governance in the area of Cherokee Language education and, on that basis, directs and authorizes as follows:

1. The Principal Chief, by his or her designee, shall submit to the Council a report on the subject of self-governance opportunities in Cherokee language education, including but not limited to identifying opportunities to self-certify Cherokee language curriculum, instructors and such other professional staff as is necessary to operate language education programs free from restrictions or mandates from other governments, with said report due to the Council by June 1, 2024.
2. The Principal Chief is authorized, at any time on or after June 1, 2024, to withdraw or terminate the charter granted by the State of Oklahoma for the operation of the Cherokee Language Immersion school under the Oklahoma Charter School law, notwithstanding any previous authorization of such charter, including the authority granted under [R-52-11](#) or [R-59-16](#), and without any further action by the Council of the Cherokee Nation, if the Principal Chief deems it to be within the best interest of the Cherokee Nation to terminate or amend said Charter and provided the Principal Chief provides the Council written notice of this decision no less than 30 days prior to terminating the charter.

§ 604. Durbin Feeling Language Campus

The Durbin Feeling Language Center, located at approximately 16489 US Highway 69 Tahlequah OK 74464, so designated in Legislative Act 19-19, and all property, buildings and other structures used to effectuate the purposes and policies of this Act within a approximately a two-mile radius of that facility, as more precisely designated by action of the Principal Chief consistent with this Section of the Act and by written advisory to the Council, may be referred to formally, and within the meaning of the [Comprehensive Building Naming Act of 2021](#), as the "Durbin Feeling Language Campus."

LA 19-19, eff. October 15, 2019; LA 04-24, eff. January 24, 2024.

§ 605. Secretary of Language & Culture

The Durbin Feeling Language Preservation Act of 2019's (LA 19-19, Section 4, §3) authorization of a "Secretary of Language, Culture and Community" is hereby renamed "Secretary of Language and Culture," and is authorized at the discretion of the Principal Chief at a term coextensive with the Principal Chief, but is otherwise carried forward in this Act in full force and effect.

LA 19-19, eff. October 15, 2019; LA 04-24, eff. January 24, 2024.

§ 606. Policy of Accountability

A. All funds pursuant to this Act under the care of the Cherokee Nation shall be expended as authorized by this enactment unless amended.

B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.

LA 19-19, eff. October 15, 2019.

§ 607. Biennial Report on the State of the Cherokee Language; Report Immersion Education;

A. **Biennial Report on the State of Cherokee Language:** The Principal Chief, through his or her designee, shall prepare a biennial report to the Council, with an initial report to be submitted between October 1, 2024 and December 31, 2024, setting forth, at a minimum

1. A basic strategic plan for Cherokee language revitalization,
2. Progress towards language revitalization, including basic statistics relating to language revitalization.
3. Observations and data as to the efficacy of various Language Department programs and identifying opportunities and obstacles towards further revitalization.
4. Progress, unless and until completed, on various capital improvements authorized by this Act, including but not limited to development of the Cherokee Nation Language Department Kenwood Campus.
5. Review of existing federal funding sources, identify new grants since previous report, identifying potential future federal funding sources.
6. Statistics as to services provided by the Speaker Services program.
7. Recommendations as to operation and capital budget adjustments.

B. **Immersion School Addendum to First Biennial Report:** The initial Biennial Report on the State of the Cherokee Language, pursuant to §6A of this Act, shall include as an addendum a "Report on the Effectiveness of Cherokee Nation Language Immersion Education: 2011 to 2023," co-authored

by the Executive Directors of Language and the Executive Director of Education, utilizing available data and data obtained through surveys commission unique to this report, examining:

1. Effectiveness of Cherokee Nation immersion in Cherokee language learning
2. Academic, Cherokee language retention and career success of immersion students
3. Recommendations for program changes or enhancements to increase the efficacy of immersion education programs.

C. **Extension of Time:** A deadline extension for the inaugural reports required under this section of the Act, not to exceed March 1, 2025, will be granted by the Speaker of the Council upon written request of the Principal Chief.

D. **Public Disclosure:** All reports described in this section of the Act shall made available for public review, including but not limited to, on Cherokee Nation's official website.

LA 19-19, eff. October 15, 2019; LA 04-24, eff. January 24, 2024.

CHAPTER 7

CHEROKEE NATION REGISTRY OF HISTORIC PLACES

Section

701. Findings

702. Policy

703. Definitions

704. Tribal Historic Preservation Office

705. Cherokee Nation Register of Historic Properties

706. Protection of Historic Properties

707. Prohibited Activities

708. Exceptions

709. Permit Requirements

710. Suspension and Revocation of Permits

711. Criminal Penalties

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712. Regulations, Procedures, Standards and Guidelines

713. Historic Places Preservation Fund

Historical and Statutory Notes

2019 Legislation

LA 26-19, Section 2, provides:

"Section 2. Purpose. The purpose of this Act is to provide a comprehensive framework for identifying, protecting and preserving Cherokee Nation cultural heritage sites."

§ 701. Findings

A. This Act may be cited as the "Cherokee Nation Registry of Historic Places Act"

B. The Council of the Cherokee Nation finds and declares that:

1. The Cherokee Nation's history and people are reflected in its cultural heritage;

2. The cultural heritage of the Cherokee Nation should be preserved as a living part of our history and community;

3. The preservation of irreplaceable cultural heritage sites is in the interest of the Cherokee Nation and its citizens to ensure that the legacy of cultural, educational, aesthetic, and inspirational sites will be maintained; and

4. Although federal and state governments play a role in protecting Cherokee historical sites, it is essential that the Cherokee Nation expand its cultural resource preservation activities for future generations.

LA 26-19, eff. December 20, 2019.

§ 702. Policy

It shall be the policy of the Cherokee Nation, in cooperation with other Indian tribes, state and federal agencies, private organizations, and individuals to:

A. Use appropriate measures to ensure the integrity of Cherokee Nation cultural heritage sites;

B. Administer Cherokee Nation-owned or controlled cultural heritage sites in a spirit of stewardship for present and future generations; and

C. Contribute to the preservation of non-Cherokee Nation owned cultural heritage

sites by providing support to organizations and individuals undertaking preservation by public or private means.

LA 26-19, eff. December 20, 2019.

§ 703. Definitions

As used throughout this Act, the term:

- A. "**Act**" means the Cherokee Nation Registry of Historic Places Act.
- B. "**Cultural Property**" means any cultural resource deemed to be important enough to warrant listing in the Cherokee Register.
- C. "**Cultural Resource**" means any product of Cherokee activity, or any object or place given significance by Cherokee action or belief.
- D. "**District**" means any discrete area comprising buildings, objects, sites, or structures.
- E. "**Lands in Which the Cherokee Have a Historical Interest**" means all lands historically or traditionally used by the Cherokee.
- F. "**Cherokee Lands**" means those lands held in trust for the benefit of the Cherokee Nation and those lands which the Cherokee Nation holds a possessory interest.
- G. "**Cherokee Register**" means the Cherokee Nation Register of Historic Properties.
- H. "**Historic Places Preservation Fund**" or "**Fund**" means the Fund established to support restoration and maintenance of properties listed on the Cherokee Nation Register of Historic Places.
- I. "**Object**" means a product of Cherokee activity or an item given significance or meaning by Cherokee activity or belief.
- J. "**Place**" refers to an identifiable location at which an event occurred or a location given significance by Cherokee action or belief.
- K. "**THPO**" means the Cherokee Nation Tribal Historic Preservation Officer.
- L. "**Secretary**" shall refer to the Secretary of Natural Resources, or such other person as may be designated by the Principal Chief to carry out duties and obligations under the Act.
- M. "**Site**" means the location of the physical remains of Cherokee activity.
- N. "**Sponsor**" means the government official or the official in a private capacity who has decision-making authority over a particular undertaking and who has

entered into a cooperative agreement with the Cherokee Nation concerning an undertaking.

O. **"Structure"** means construction resulting from Cherokee activity.

P. **"Undertaking"** means any project, activity, or program that can result in changes in the character or use of a culturally significant property. The project, activity or program must be under the direct or indirect jurisdiction of a Sponsor. Undertakings include new and continuing projects, activities, or programs not previously considered under the authority of this Act.

LA 26-19, eff. December 20, 2019; LA 07-23, eff. March 22, 2023.

§ 704. Tribal Historic Preservation Office

The Cherokee Nation Tribal Historic Preservation Office (hereafter referred to as the "THPO Office"), under the guidance of the Cherokee Nation Secretary of Natural Resources shall be the Cherokee Nation's agency responsible for the consultation, evaluation, identification, and registration of Cultural Property and is authorized to set policies and procedures to achieve the goals of the Act. The THPO shall advise the Principal Chief, the Council of the Cherokee Nation, the divisions, departments, programs, agencies, authorities, enterprises and other instrumentalities of the Cherokee Nation, the federal, state and local governments, private organizations and individuals on matters pertaining to preservation of cultural resources and historical places.

LA 26-19, eff. December 20, 2019.

§ 705. Cherokee Nation Register of Historic Properties

A. The THPO, under the guidance of the Secretary of Natural Resources, shall create, maintain and administer a Cherokee Nation Register of Historic Properties (hereinafter referred to as the "Cherokee Register") comprising districts, places, sites and structures significant in Cherokee Nation history, architecture, archaeology, engineering and culture. The Secretary of Natural Resources is authorized and required to maintain the Cherokee Register and may list and de-list properties at the direction of the Principal Chief. The location, nature, and significance of certain places, objects, and sites may be culturally sensitive and, therefore, restricted from registry access.

B. At least sixty (60) days prior to the designation of a property on the Cherokee Register, the Secretary of Natural Resources shall submit a report of the proposed designated properties for review and comment to the Culture Committee of the Council of the Cherokee Nation, or such other committee as may be designated by the Speaker of the Council of the Cherokee Nation. Such Report shall be made available for public inspection in a manner prescribed by the Secretary.

C. The THPO may locate, inventory, and evaluate cultural resources and properties on lands in which the Cherokee have a historical interest, including Cherokee

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Lands, and recommend any such resources for listing on the Cherokee Register.

LA 26-19, eff. December 20, 2019.

§ 706. Protection of Historic Properties

In order to ensure the protection of the historic properties of the Cherokee Nation, the sponsor of any undertaking must obtain the approval of the THPO prior to implementation or authorization of any undertaking by the sponsor.

LA 26-19, eff. December 20, 2019.

§ 707. Prohibited Activities

No Cultural Property may be visited or investigated on Cherokee lands, except those Cultural Properties designated as open to the public within Cherokee Lands; nor may any person alter, damage, excavate, deface, destroy or remove, any Cultural Properties on Cherokee Lands. No person may sell, purchase, exchange or transport cultural resources from Cherokee Lands.

LA 26-19, eff. December 20, 2019.

§ 708. Exceptions

The prohibitions against alteration, collection, disturbance, excavation or removal of cultural resources do not apply to Cherokee Nation employees, or other Tribal agents, engaged in official business relating to activities approved in accordance with Cherokee Nation law, THPO Office policies and procedures, or by such persons holding a Permit under the Act.

LA 26-19, eff. December 20, 2019.

§ 709. Permit Requirements

Any person proposing to visit or inspect cultural resources, undertake cultural resources inventory, alter, collect, excavate or remove cultural resources, who is not excepted pursuant to § 1008 of this Act, shall apply to the THPO for a Cherokee Nation Cultural Resources Permit for the proposed activity. The THPO shall make recommendations for issue of a permit to any qualified individual, subject to appropriate terms and conditions. The Secretary of Natural Resources is authorized to issue all permits under this Act.

LA 26-19, eff. December 20, 2019.

§ 710. Suspension and Revocation of Permits

A. The Secretary of Natural Resources may suspend or revoke a permit without cause upon determining that continuation of a permit is not in the interests of the Cherokee Nation. Such a revocation is made without liability to the Cherokee

Nation, its agents and employees. Such revocations shall not prejudice the ability of the permit holder to hold or obtain other permits provided that:

1. None of the terms or conditions of a permit have been willfully violated;
2. The permit-holder has not engaged in activities prohibited by this Act; and
3. The permit-holder has not engaged in activities that resulted in the prior suspension of a permit.

LA 26-19, eff. December 20, 2019.

§ 711. Criminal Penalties

Any person violating the provisions of § 1007 except for those exempted under § 1008 of this Act shall be subject to the following criminal penalties:

1. Any person who:
 - a. Engages in cultural resources inventory activities except under the authority of a permit, or
 - b. Who alters, collects, damages, destroys, excavates or removes cultural resources except under the authority of a permit, shall upon conviction, be guilty of a misdemeanor and subject to punishment of up to one year in jail and a fine of up to one thousand dollars (\$1,000.00) per violation and forfeiture of removed items.

LA 26-19, eff. December 20, 2019.

§ 712. Regulations, Procedures, Standards and Guidelines

The Secretary of Natural Resources shall develop, promulgate, publish and implement such regulations, procedures, standards and guidelines necessary to implement the requirements of or to achieve the purpose of this Act.

LA 26-19, eff. December 20, 2019.

§ 713. Historic Places Preservation Fund

The Council of the Cherokee Nation authorizes the establishment the Historic Places Preservation Fund to support restoration and preservation of properties listed on the Cherokee Nation Register of Historic Places.

- A. Composition and funding. The Council authorizes, subject to the appropriation process, the following funding sources for the the Historic Places Preservation Fund:

1. One million dollars (\$1,000,000.00) held by the Cherokee Nation Tribal Historic Preservation Office, from revenue received from cultural resource reviews, which shall be transferred into the

Historic Places Preservation fund upon the date of enactment of this act or upon such other action as required by law.

2. Effective October 1, 2023, not less than fifty percent (50%) of revenue received by the Cherokee Nation from agricultural and business leases of tribal lands in an amount not to exceed one million dollars (\$1,000,000.00) annually.
 3. Not less than fifty percent (50%) of any fines imposed by the Courts of the Cherokee Nation for violations of any provision of the Act.
 4. Federal funds, grants, contributions, miscellaneous sources and revenues of enterprises, taxes, and special and general fund sources that may be incorporated into the Fund by the Treasurer of the Cherokee Nation.
 5. Any other budget appropriation that the Council of the Cherokee Nation may incorporate into the Fund from time to time.
- B. Cumulative Funding. All funds placed into the Historic Places Preservation Fund by operation of the Act, or subsequent appropriations by the Council of the Cherokee Nation, shall remain in the Historic Places Preservation Fund in subsequent fiscal years; absent express statutory language enacted to the contrary.
- C. Funding Eligibility. Any property listed on the Cherokee Nation Register of Historic Places may be eligible for funding from the Historic Places Preservation Fund; provided that:
1. The Secretary shall develop a process for evaluating and prioritizing properties listed on the Cherokee Nation Register of Historic Places for preservation and/or maintenance work consistent with the purposes of the Act.
 2. The Secretary shall cause preservation and/or maintenance support to be performed by departments or entities of the Cherokee Nation, third-party vendors, or direct grants to organizations or individuals that own or operate a property listed on the Cherokee Nation Register of Historic Places.
 3. Where the subject property is owned by an organization or individual, the Secretary is authorized to negotiate such deed restriction or other instruments to reasonably protect Cherokee Nation's investment in the subject property and the perpetual maintenance of the property as an historic site.
 4. The Secretary shall provide the Council of the Cherokee Nation an annual report of funds disbursed from the Historic Property Preservation Fund and the amount and source of remaining funds.
 5. Any administrative costs incurred by the Secretary or other department or entity of the Cherokee Nation implementing the policies and purposes of this Section, may be paid or reimbursed from the Historic Property Preservation Fund.

LA 07-23, eff. March 22, 2023.

OFFICIAL BIOGRAPHIES, HISTORIES, AND PUBLICATIONS

Section

801. Definitions

802. Official Biographies of Principal Chiefs; Official Histories of Government Branches

§ 801. Definitions.

- A. "Secretary" means that definition codified in Chapter 5 of this Title.
- B. "Principal Chief" means any duly elected, acting, or appointed Principal Chief of the Cherokee Nation in accordance with Cherokee Nation law and applicable federal law.
- C. "Deputy Principal Chief" means any duly elected, acting or appointed Deputy Principal Chief of the Cherokee Nation in accordance with Cherokee Nation law and applicable federal law.

LA 07-23, eff. March 22, 2023.

§ 802. Official Biographies of Principal Chiefs; Official Histories of Government Branches.

- A. The Council of the Cherokee Nation authorizes the Secretary to commission the formal publication of:
 - 1. Brief official biographies of Principal Chiefs holding office since 1971.
 - 2. Brief official biographies of former appointed Principal Chiefs holding office from 1907 to 1971.
 - 3. Brief official biographies of former Principal Chiefs holding office from date of establishment of the office through 1907.
 - 4. Brief biographies of former Deputy Principal Chiefs holding office from date of establishment of the office or any successor office
 - 5. An official history of the legislative branch of the Cherokee Nation dating back to that branch's inception.
 - 6. An official history of the judicial branch of the Cherokee Nation government dating back to that branch's inception.
- B. Free from Political Bias; Formal Review and Publication.
 - 1. The publications described in subsection A of this Section shall be free of policymakers' bias, endeavoring to present basic biographical and institutional facts of the subjects, public policy highlights relevant to the subjects, and the nature of the relevant historical era.
 - 2. The publications described in subsection A of this Section shall be subject to a review and comment period by the Culture Committee of the Council of the Cherokee Nation of no less than fifteen (15) days and no more than ninety (90) days, with a copy made available for public inspection during the comment review

period, with such review concluding upon the adjournment of the Culture Committee meeting convening the review.

3. The biographies of former Chiefs described in subsection A.1 of this Section shall be subject to a ninety (90) day review period of the former Principal Chief or, in the case of a former Principal Chief who is deceased or incapacitated, the former Principal Chief's authorized representative as determined by the Secretary.
4. The publications described in subsection A of this Section shall be, upon conclusion of the review periods described in this Section, made available to the public on Cherokee Nation's official website, bound hard copy publications, and any other means of publication as the Secretary deems consistent with the purposes and policies of this Section.

C. Deadline for Completion of Publications.

1. The publications described in subsection A of this Section shall:
 - i. with respect to subsections A(1), be completed within two (2) years of enactment of this Act, absent an extension granted by vote of the Culture Committee of the Council of the Cherokee Nation for a period not to exceed six (6) months.
 - ii. with respect to subsections A(2)-A(6), be completed within four (4) years of enactment of this Act, absent an extension granted by vote of the Culture Committee of the Council of the Cherokee Nation for a period not to exceed six (6) months.
 - iii. Subject to review and revision by the Secretary, no later than five (5) years following the first set of publications under this Section, following substantially the same process described in subsection B of this Section, with subsequent review and revisions conducted every five (5) years thereafter.

D. Exclusion of Current Office Holder. Notwithstanding any other provision of this Act, no biography of any Principal Chief shall be published while that person holds the office of Principal Chief, with such publishing deferred no later than ninety (90) days after that person's term of office expires.

LA 07-23, eff. March 22, 2023.

CHAPTER 9

ARTIST RECOVERY

Section

901. Definitions

902. Amounts Authorized

903. Cherokee Artist Recovery Fund

904. Use of Cherokee Art

905. Administrative Expense; Cherokee Artist Outreach

906. No Supplanting of Cherokee Art and Facilities Act of 2006

907. Reporting Requirements

§ 901. Definitions.

A. Cherokee Artist: Any person who practices any of the various creative arts and who is a citizen of the Cherokee Nation.

LA 32-22, eff. October 28, 2022.

§ 902. Amounts Authorized.

A. Cherokee Artist Recovery Fund: For fiscal years 2023 and 2024 a total of \$3,000,000 is authorized for expenditure under this Act, with an additional authorization for fiscal years 2025 and 2026 of any appropriated but unexpended funds from prior fiscal years plus \$1,000,000.

B. The primary funding source is federal American Rescue Plan Act (ARPA) funds under the Cherokee Nation COVID-19 Respond, Recover and Rebuild Plan (RRR). Other funding sources include dividends received from those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law and grants, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources.

C. All funding authorized herein is subject to the Council appropriations process.

LA 32-22, eff. October 28, 2022, LA 05-25, eff. February 10, 2025.

§ 903. Cherokee Artists Recovery Fund

A. In order to effectuate the purposes and policies of this Act, utilizing the Artists recovery Fund for the period of Fiscal Years 2023, 2024, and 2025, and 2026 an appropriate department or entity designated by the Principal Chief, including Cherokee Nation Businesses, is authorized to:

a. Art Acquisition: Purchase art from Cherokee Artists, said

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Includes: LA 32-22, LA 07-23, LA 27-23, LA 04-24, and LA 05-25

- acquisitions to constitute no less than 50% of total amount authorized under this Act.
- b. Market Access Support: Provide economic assistance, including and in-kind assistance, to Cherokee Artists to assist them in accessing commercial art markets to effectuate the purposes and policies of the Act, including but not limited to:
 - i. Travel,
 - ii. Marketing and branding,
 - iii. Development of a Cherokee Artist Resource Collection database to document all Cherokee artists for posterity and marketing purposes.
 - c. Contract Teaching: Contract with Cherokee Artists to teach artistic forms, provided expenditures on said contracts.
 - d. Youth Programs: Develop and administer special youth programming and outreach programs and competitions.
 - e. Capital Projects: Rehabilitation or construction of facilities to support the purposes and policies of the Act, such as art galleries or teaching spaces, provided such expenditures to not exceed 40% of the funds authorized under this Act.
 - f. Other Programs & Services: The provision of other programs and services in support of Cherokee Artists not authorized under Section 3.A (a)-(e) of this act, but consistent with the purposes and policies of the Act, are authorized with a minimum 60 day written notice and comment period to the Council's committee on Language and Culture.
 - g. Cherokee National Treasure Preference: Exercise a preference in the expenditure of funds for the aforementioned activities to Cherokee Artists designated as Cherokee National Treasurers.

LA 32-22, eff. October 28, 2022, LA 05-25, eff. February 10, 2025.

§ 904. Use of Cherokee Art

- A. The Nation, through departments or entities authorized by the Principal Chief, in order to effectuate Section 3.A of this Act, is authorized to:
 - a. Purchase, including but not limited to by commission, art under this Act.
 - b. Place art purchased under this act in facilities or public places owned by Cherokee Nation, its wholly owned entities or the Housing Authority of the Cherokee Nation.
 - c. Place art art purchased under this act in third party facilities or public places under loan agreements.
 - d. Designate in an appropriate label or other designation that the art is the "Property of the Cherokee Nation - Artist Recovery Act," or substantially comparable labeling or designation.

LA 32-22, eff. October 28, 2022.

§ 905. Administrative Expense; Cherokee Artist Outreach

NOTICE: This document is provided as a courtesy. This document includes amendments to the Title 31 2019 Pocket Part as listed below and have not yet been officially codified. To ensure accuracy, anyone using this document should compare it to the official amendments available at: <https://cherokee.legistar.com/Legislation.aspx>

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Includes: LA 32-22, LA 07-23, LA 27-23, LA 04-24, and LA 05-25

- A. Up to 10% of the Artist Recovery Fund may be used for administrative expenses and expenses associated with outreach materials and events for communicating to Cherokee Artists the purposes and policies of this Act.

LA 32-22, eff. October 28, 2022.

§ 907. No Supplanting of Cherokee Art and Facilities Act of 2006.

- A. No funds expended herein shall be used to supplant funding and expenditure requirements set forth in the "Cherokee Art and Facilities Act of 2006," (LA 01-07).

LA 32-22, eff. October 28, 2022.

§ 908. Reporting Requirements.

- A. Within six months following the conclusion of fiscal years 2023 and 2024, the Principal Chief shall provide the Speaker of the Council a report outlining the amount of funds expended under the Artist Recovery Fund for the purchase of art, the placement locations of said art and the conduct of art classes and
 - a) Shall issue a Final Artist Recovery Act Report within six months of the conclusion of fiscal year 2026, or when funds authorized and appropriated under this Act are fully expended, whichever occurs first, provided:
 - i. Said Final Artist Recovery Act Report shall include a recommendation as to whether and on what basis a permanent extension of this Act is or a comparable law is warranted to provide ongoing support for Cherokee Nation Artists, unless such permanent extension made by Council prior to said report.

LA 32-22, eff. October 28, 2022, LA 05-25, eff. February 10, 2025.