

Committee: Rules

Date: 4-8-13

Committee Date: 4-25-13

Author: Chuck Hoskin, Jr.

Sponsor: C. Hoskin, Jr., T. Glory-Jordan, D. Walkingstick, J. Byrd,
J. FISHINGHAWK, C. Snell, F. Hargis, J. Fullbright, D. Garvin,
D. Thornton, M. Frailey, D. Lay, L. Keener, B. Anglen,
C. Cowan Watts, J. Baker, C. Coates

RESOLUTION NO. 53-13

**A RESOLUTION OPPOSING 113TH CONGRESSIONAL HOUSE RESOLUTION 1066,
AMENDMENTS TO THE INDIAN ARTS AND CRAFTS ACT**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people; and,

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with an historic and continual government to government relationship with the United States of America; and,

WHEREAS, the Cherokee Nation has a duty to preserve tradition and culture and monitor federal legislation impacting our traditions and culture; and,

WHEREAS, the Cherokee Nation encourages solidarity among federally recognized tribes on matters of common interest, including the protection of genuine Indian art and crafts and the protection of Indian artists and artisans; and,

WHEREAS, the Indian Arts and Crafts Act of 1990 (P.L. 101-644) (“Act”) is a federal truth-in-advertising law prohibiting misrepresentation in the marketing of Indian arts and crafts products; and,

WHEREAS, the 113th Congress is considering House Resolution 1066, which if enacted would amend the Act to “clarify the definition of Indian and Indian organization”; and,

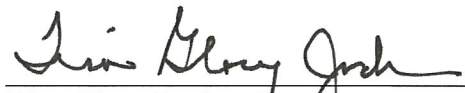
WHEREAS, the aforementioned clarification in House Resolution 1066 brings “Indian organizations” and members of “Indian organizations” within the protections of the Act; and,

WHEREAS, the inclusion in federal law of benefits and protections for “Indian organizations” undermines the original purposes and policies of the Act; and,

BE IT RESOLVED BY THE CHEROKEE NATION, the Council of the Cherokee Nation hereby opposes the proposed amendments to the Indian Arts and Crafts Act through House Resolution 1066 of the 113th Congress, and encourages other federally recognized tribes to join in opposition.

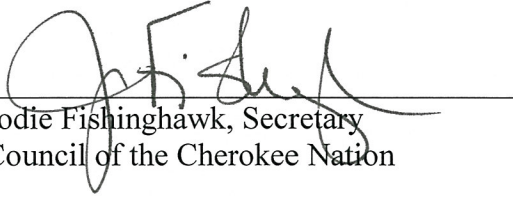
CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 10th day of June, 2013, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.



Tina Glory Jordan, Speaker
Council of the Cherokee Nation

ATTEST:



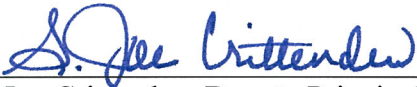
Jodie Fishinhawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of June, 2013.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



S. Joe Crittenden, Deputy Principal Chief
Cherokee Nation

HR 1066 IH

113th CONGRESS

1st Session

H. R. 1066

To amend the Indian Arts and Crafts Act to clarify the definition of Indian and Indian organization for the purposes of that Act.

IN THE HOUSE OF REPRESENTATIVES

March 12, 2013

Mr. RAHALL introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Indian Arts and Crafts Act to clarify the definition of Indian and Indian organization for the purposes of that Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

Section 6(a) of the Act entitled ‘An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes’ (25 U.S.C. 305e(a)) is amended as follows:

(1) By striking paragraph (1) and inserting the following:

‘(1) INDIAN- The term ‘Indian’ means an individual that--

‘(A) is a member of an Indian tribe;

‘(B) is certified as an Indian artisan by an Indian tribe;

‘(C) is a member of an Indian organization and who--

‘(i) resides in the State in which the Indian organization is chartered and headquartered; and

‘(ii) is a direct lineal descendant of a person listed on the base roll of an Indian tribe, whether or not such individual qualifies for membership in the Indian tribe; or

‘(D) is a member of an Indian organization and who--

‘(i) resides in the State in which the Indian organization is chartered and headquartered; and

‘(ii) is a direct lineal descendant of a person listed on a judgment fund distribution list, roll, or census of Indians or other document prepared and approved by the Secretary of the Interior or the Secretary’s authorized representative, whether or not such judgment fund distribution list, roll, census or document is used by an Indian tribe to determine membership.’.

(2) By adding at the end the following:

‘(5) INDIAN ORGANIZATION- The term ‘Indian organization’ means a nonprofit organization that--

‘(A) is chartered as a section 501(c)(3) organization with the State in which the organization is headquartered;

‘(B) is recognized by a State legislative body as an Indian organization or group, in which a majority of its members are recognized as Indians, whether or not such organization is recognized as a State or federally recognized tribe;

‘(C) is dedicated to preserving Native American principles, traditions, culture, history, language, and arts;

‘(D) performs free genealogical information on its members to verify that an individual meets the definition of ‘Indian’ as defined in this Act; and

‘(E) retains genealogical information collected on its members for verification.’.