



Legislation Text

File #: 07-084, Version: 1

A LEGISLATIVE ACT RELATING TO NATIVE AMERICAN ARTS AND CRAFTS AUTHENTICITY BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title:

This act shall be known as the “Cherokee Nation Arts and Crafts Authenticity Act of 2007” and codified as Title _____
Section _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to establish guidelines for the purchase, promotion and sale of genuine Native American arts and crafts within the Cherokee Nation and by Cherokee Nation entities.

Section 3. 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.

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

(c) Indian Art means Art produced by an Indian.

(d) Indian Artist means an Indian who produces Art.

Section 5. Substantive Provisions

(a) The Cherokee Nation and its affiliated entities shall not knowingly offer for sale art that is produced by individuals who falsely claim, imply, or suggest that they are Indian Artists.

(b) The 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 Artists.

(c) The Tribal Employment Rights Organization (T.E.R.O.) shall have the duty to certify Indian Artists who are sole proprietors as T.E.R.O. vendors without charging a fee.

Section 6. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

Section 7. Severability

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

Section 8. Effective Date

This act shall become effective sixty (60) days after its passage in accordance with the Cherokee Nation Constitution.