

112TH CONGRESS
2D SESSION

H. R. 6274

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

AUGUST 2, 2012

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

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

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

3 “(1) INDIAN.—The term ‘Indian’ means an in-
4 dividual that—

5 “(A) is a member of an Indian tribe;

6 “(B) is certified as an Indian artisan by an
7 Indian tribe;

8 “(C) is a member of an Indian organiza-
9 tion and who—

10 “(i) resides in the State in which the
11 Indian organization is chartered and head-
12 quartered; and

13 “(ii) is a direct lineal descendant of a
14 person listed on the base roll of an Indian
15 tribe, whether or not such individual quali-
16 fies for membership in the Indian tribe; or

17 “(D) is a member of an Indian organiza-
18 tion and who—

19 “(i) resides in the State in which the
20 Indian organization is chartered and head-
21 quartered; and

22 “(ii) is a direct lineal descendant of a
23 person listed on a judgment fund distribu-
24 tion list, roll, or census of Indians or other
25 document prepared and approved by the

1 Secretary of the Interior or the Secretary's
2 authorized representative, whether or not
3 such judgment fund distribution list, roll,
4 census or document is used by an Indian
5 tribe to determine membership.”.

6 (2) By adding at the end the following:

7 “(5) INDIAN ORGANIZATION.—The term ‘Indian
8 organization’ means a nonprofit organization that—

9 “(A) is chartered as a section 501(c)(3) or-
10 ganization with the State in which the organiza-
11 tion is headquartered;

12 “(B) is recognized by a State legislative
13 body as an Indian organization or group, in
14 which a majority of its members are recognized
15 as Indians, whether or not such organization is
16 recognized as a State or federally recognized
17 tribe;

18 “(C) is dedicated to preserving Native
19 American principles, traditions, culture, history,
20 language, and arts;

21 “(D) performs free genealogical informa-
22 tion on its members to verify that an individual
23 meets the definition of ‘Indian’ as defined in
24 this Act; and

- 1 “(E) retains genealogical information col-
- 2 lected on its members for verification.”.

