

One Hundred Sixth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,
the twenty-fourth day of January, two thousand*

An Act

To improve the cause of action for misrepresentation of Indian arts and crafts.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Arts and Crafts Enforcement Act of 2000”.

SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.

Section 6 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) (as added by section 105 of the Indian Arts and Crafts Act of 1990 (Public Law 101–644; 104 Stat. 4664)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, directly or indirectly,” after “against a person who”; and

(B) by inserting the following flush language after paragraph (2)(B):

“For purposes of paragraph (2)(A), damages shall include any and all gross profits accrued by the defendant as a result of the activities found to violate this subsection.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period and inserting “; or”; and

(iii) by adding at the end the following:

“(C) by an Indian arts and crafts organization on behalf of itself, or by an Indian on behalf of himself or herself.”; and

(B) in paragraph (2)(A)—

(i) by striking “the amount recovered the amount” and inserting “the amount recovered—

“(i) the amount”; and

(ii) by adding at the end the following:

“(ii) the amount for the costs of investigation awarded pursuant to subsection (b) and reimburse the Board the amount of such costs incurred as a direct result of Board activities in the suit; and”;

(3) in subsection (d)(2), by inserting “subject to subsection (f),” after “(2)”; and

S. 2872—2

(4) by adding at the end the following:

“(f) Not later than 180 days after the date of enactment of the Indian Arts and Crafts Enforcement Act of 2000, the Board shall promulgate regulations to include in the definition of the term ‘Indian product’ specific examples of such product to provide guidance to Indian artisans as well as to purveyors and consumers of Indian arts and crafts, as defined under this Act.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*