

The Amendments to Respect Traditional Indigenous Skill and Talent (ARTIST) Act of 2023

First enacted in 1935, the Indian Arts and Crafts Act (IACA) is a truth-in-advertising law that prohibits misrepresentation in the marketing of Indian-made arts and craft products within the United States. Congress has only amended the law three times: in 1990, 2000, and 2010.

IACA also created the Indian Arts and Crafts Board (IACB) within the Department of the Interior to promote economic development of federally recognized American Indians and Alaska Natives through expansion of the Indian arts and crafts market. IACB is charged with implementing and enforcing the IACA, and estimates the annual sales of Indian arts and crafts exceeds \$1.5 billion.

The ARTIST Act discussion draft would amend IACA by strengthening enforcement and accounting for contemporary sales and marketing platforms. Specifically, the ARTIST Act discussion draft would amend IACA to—

- Expand protections for Native American artists and Native American-controlled businesses and organizations contributing to the Indian arts and crafts market;
- Ensure Native Hawaiian artisans can define, develop, and support their own economies by including their arts and crafts in the definition of “Native-made” products captured by IACA;
- Authorize any Federal law enforcement officer to investigate or make arrests for potential violations of IACA;
- Direct the Secretary of the Interior to dispose of arts and crafts determined to be in violation of IACA;
- Create a forfeiture fund to pay proper expenses related to seizures and forfeitures, including rewards for reporting violations of the IACA;
- Direct remaining forfeiture funds to establish grant programs for arts programs at Bureau of Indian Education schools;
- Require permanent country of origin labeling for all non-Native products;
- Direct the Secretary of the Interior to add the term “Native” to 25 C.F.R. 309.24(a);
- Authorize the Secretary of the Interior to provide training to federal law enforcement officers on the enforcement of IACA and the Safeguard Tribal Objects of Patrimony (STOP) Act;
- Direct the Secretary of Homeland Security to require all appropriate U.S. Customs and Border Protection personnel to participate in IACA and STOP Act enforcement training;
- Require the IACB to produce an annual report to Congress on the prosecutions, allegations, exceptions, and lost revenue impact on the Native American arts and crafts industry due to counterfeit items; and
- Direct the IACB to conduct a feasibility study on using an online registration system for the Source Directory of American Indian and Alaska Owned and Operated Arts and Crafts Businesses and a plan to include Native Hawaiians in the source directory.