

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2872

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## AN ACT

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

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. SHORT TITLE.**

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

1 **SEC. 2. AMENDMENTS TO CIVIL ACTION PROVISIONS.**

2 Section 6 of the Act entitled “An Act to promote the  
3 development of Indian arts and crafts and to create a  
4 board to assist therein, and for other purposes” (25  
5 U.S.C. 305e) (as added by section 105 of the Indian Arts  
6 and Crafts Act of 1990 (Public Law 101–644; 104 Stat.  
7 4664)) is amended—

8 (1) in subsection (a)—

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

12 (B) by inserting the following flush lan-  
13 guage after paragraph (2)(B):

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

17 (2) in subsection (c)—

18 (A) in paragraph (1)—

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

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

23 (iii) by adding at the end the fol-  
24 lowing:

1           “(C) by an Indian arts and crafts organi-  
2           zation on behalf of itself, or by an Indian on be-  
3           half of himself or herself.”; and

4           (B) in paragraph (2)(A)—

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

8           “(i) the amount”; and

9           (ii) by adding at the end the fol-  
10          lowing:

11          “(ii) the amount for the costs of investiga-  
12          tion awarded pursuant to subsection (b) and re-  
13          imburse the Board the amount of such costs in-  
14          curred as a direct result of Board activities in  
15          the suit; and”;

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

18          (4) by adding at the end the following:

19          “(f) Not later than 180 days after the date of enact-  
20          ment of the Indian Arts and Crafts Enforcement Act of  
21          2000, the Board shall promulgate regulations to include  
22          in the definition of the term ‘Indian product’ specific ex-  
23          amples of such product to provide guidance to Indian arti-

1 sans as well as to purveyors and consumers of Indian arts  
2 and crafts, as defined under this Act.”.

Passed the Senate October 5 (legislative day, September 22), 2000.

Attest:

*Secretary.*

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**AN ACT**

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