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GENERAL MEMORANDUM 23-003

The Department of the Interior Releases Draft Revisions to Regulations Implementing the Indian Arts and Crafts Act and Congress Releases Draft Legislation Amending the Act

The Indian Arts and Crafts Act is a “truth-in-advertising” law making it illegal to offer, display for sale, or sell any good in a manner that falsely suggests it is Indian produced. The Act promotes Native artists by preventing unfair competition with counterfeit products so that they receive fair compensation for their work. It also protects the authenticity of Native-made products and encourages cultural continuation by supporting Native artists’ work.

On April 3, 2023, the Department of the Interior released a [Dear Tribal Leader Letter](#) that contained [draft revisions](#) to its Indian Arts and Crafts Act implementing regulations and a tribal consultation schedule. The Department reports that its proposed revisions aim to modernize the regulations, including by expanding the definition of Indian product to protect new types of media, by allowing for non-Native labor in certain situations, by using a certification trademark, and by bringing a co-equal focus to promotional activities. The Department is accepting written comments on its draft regulations until **September 1, 2023**.

Earlier, on March 13, 2023, Chairman Schatz of the Senate Committee on Indian Affairs issued a [press release](#) announcing a [discussion draft](#) of legislation that would amend the Indian Arts and Crafts Act. The bill is called the Amendments to Respect Traditional Indigenous Skill and Talent (ARTIST) Act of 2023. Among other things, it would require Native American-style jewelry and arts and crafts not made by Native people to be permanently marked, would create robust forfeiture authority, and would expand the definition of Native American products to include digital media and the creative economy. The Committee is accepting comments on the draft until **April 14, 2023**.

Please let us know if we may provide additional information or assistance regarding these potential amendments to the Indian Arts and Crafts Act and its implementing regulations. We are available to assist in preparing written comments on the draft legislation and regulations.

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