

ATTENTION
INDIAN ARTISTS AND CRAFTSPEOPLE, ART BUSINESSES, AND TRIBAL AND CULTURAL LEADERS,

WHAT: Proposed Re-Write of Current Regulations Under the Indian Arts and Crafts Act, a Truth-in-Marketing Law That Currently Protects Authentic Indian Artists, Craftspeople, Artwork, Economies, and Cultures

WHY IT IS IMPORTANT TO YOU: Projected Impact of Proposed Revisions to the Current Indian Arts and Crafts Act Regulations on Indian Artists and Craftspeople

- **Background –**

- The U.S Department of the Interior's Office of Assistant Secretary for Indian Affairs is leading a wide-ranging effort to re-write the current regulations under the Indian Arts and Crafts Act, www.bia.gov/service/tribal-consultations/indian-arts-and-crafts-board-25-cfr-chapter-ii.
- The Act is a truth-in-marketing law that prohibits the offer or display for sale, or sale, of art and craft products as Indian made when those products were not made by Indians as defined by the Act. Indian labor makes it an Indian product. The Act is intended to rid the Indian arts and crafts marketplace of fakes and counterfeits, thereby protecting the economic livelihoods and cultural heritage of Indian artists and craftspeople and their Tribes, as well as the buying public.

- **Key Points –**

Non-Indian Labor Could Now Be Used to Mass Produce Arts and Crafts Products Sold as "Indian" –

Unlike the requirements of the Annual Heard Museum Guild Indian Fair & Market, the pending draft of the proposed re-write of the Indian Arts and Crafts Act regulations would permit a 50-percent Indian owned business to produce Indian arts and crafts products using **non-Indian labor** that would carry a new Interior Department seal of approval as certified authentic Indian product. This would lead to the mass production of Indian arts and crafts products by non-Indians working for 50-percent owned Indian businesses, in direct competition with individual Indian artists and craftspeople who make their own artwork.

Expanding the Indian Arts and Crafts Act to Cover a Broad Range of Non-Arts and Crafts Products —

The new proposed regulations would change the Act's definition of Indian Art and Craft Product to now include a broad range of non-arts and crafts products. For example, these non-arts and crafts products would include beer, wine, agricultural and food products such as hot dogs, prepared food delivery services, restaurants, and TV shows. The Indian Arts and Crafts Board would be required to register and provide a certification trademark to vouch for the Indian authenticity of these non-arts and crafts products typically made with non-Indian labor.

Tribal consultations began in early April and will continue to August. This includes a **Virtual Listening Session**, <https://www.zoomgov.com/meeting/register/vJltdu-vqjMuGUCgD4wX5kBhtZaWdcnGKZc>, to be held **Wednesday, August 2, from 2:00 to 4:00pm EDT**. A **Listening Session** will also be held in **Santa Fe on Friday, August 18, from 1:00pm to 4:00pm MT at the IAIA Museum** of Contemporary Native Arts Institute of American Indian Arts, 108 Cathedral Place. After opening with a closed Nation-to-Nation Tribal Consultation, it will proceed immediately to a Listening Session **open to all**.

TIMING/ACTION: WRITTEN COMMENTS SHOULD BE EMAILED AS SOON AS POSSIBLE TO consultation@bia.gov. COMMENTS WILL NOT BE ACCEPTED AFTER CLOSE OF BUSINESS ON FRIDAY, SEPTEMBER 1, 2023.