

ADDITIONAL VIEWS

H.R. 725 amends the Indian Arts and Crafts Act primarily to enable any law enforcement official to investigate and prosecute violations of the Act. Under existing law, the Act is generally enforced when the Indian Arts and Crafts Board refers complaints to the Federal Bureau of Investigation (FBI) for investigation, or when the FBI on its own initiative launches an investigation. Other law offices generally do not investigate violations of the Act, and the FBI's resources clearly must be prioritized with arts and crafts crime being secondary to such duties as investigating major crimes and terrorism threats.

After the legislative hearing on H.R. 725 within the Natural Resources Committee, it became clear that the Bureau of Indian Affairs' Office of Law Enforcement is contemplated to be the primary agency to investigate and enforce violations of the Act. To add clarity to the intent of H.R. 725, and to ensure that law enforcement officers without suitable background or experience in dealing with Indian tribes or with artists or counterfeit arts and crafts, do not become primary enforcers of this Act, it should be made clear through an amendment to H.R. 725 or through appropriate communications with the Administration that only qualified agencies, such as the BIA, are expected to have primary enforcement of this law. As currently drafted, H.R. 725 grants explicit authority to "any Federal law enforcement officer" to enforce the Act. This is an overly broad grant of authority. Clarification, either through amendment or administrative act, is needed as arts and crafts enforcement should not be a burden placed on "any Federal law enforcement officer," such as the Secret Service, the U.S. Capitol Police, or the many other law enforcement agencies with no duties related to arts and crafts.

DOC HASTINGS.

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