

1 A MEMORIAL

2 REQUESTING THAT UNITED STATES CUSTOMS AND BORDER PROTECTION
3 AMEND FEDERAL RULES TO PROHIBIT DETACHABLE COUNTRY-OF-ORIGIN
4 MARKERS ON IMPORTED NATIVE AMERICAN-STYLE ARTS AND CRAFTS
5 PRODUCTS.

6
7 WHEREAS, New Mexico Indian arts and crafts are a vital
8 and vibrant component of New Mexico's cultural, historic and
9 economic fabric; and

10 WHEREAS, New Mexico is home to many Indian artists and
11 craftspeople who depend on income derived from the sale of
12 their arts and crafts; and

13 WHEREAS, New Mexico's Indian artists and craftspeople
14 are world-renowned for the beauty, quality and integrity of
15 their work; and

16 WHEREAS, visitors come to New Mexico from around the
17 world to buy Indian arts and crafts; and

18 WHEREAS, in recent decades, the integrity and legitimacy
19 of these arts and crafts, and especially of jewelry, that are
20 sold as authentic New Mexico Indian handmade items have been
21 under assault from sellers who falsely represent copies and
22 knock-offs as being authentic Indian-made arts and crafts;
23 and

24 WHEREAS, copies and knock-offs of authentic Indian
25 hand-crafted jewelry and arts and crafts are produced in mass

1 quantities in foreign countries, including countries in Asia,
2 the Pacific Rim and Central and South America; and

3 WHEREAS, these copies and knock-offs of authentic Indian
4 hand-crafted jewelry and arts and crafts are imported into
5 the United States pursuant to United States customs
6 regulations, including 19 CFR Subpart E, Sections 134.43(c)
7 and (d); and

8 WHEREAS, 19 CFR Subpart E, Sections 134.43(c)(2) and
9 (d)(2) mandate that Native American-style jewelry and arts
10 and crafts be indelibly marked with the country of origin by
11 cutting, die-sinking, engraving, stamping or some other
12 permanent method; and

13 WHEREAS, 19 CFR Subpart E, Sections 134.43(c)(3) and
14 (d)(3) both provide an exception to the requirement of
15 permanent marking of country of origin if it is deemed
16 technically or commercially infeasible to mark in the
17 permanent manner otherwise required, allowing instead for
18 marking by means of a string tag or adhesive label securely
19 affixed to the item or some similar manner of marking; and

20 WHEREAS, foreign businesses exporting copies and
21 knock-offs of Indian arts and crafts and jewelry routinely
22 take advantage of this exception to the use of a permanent,
23 indelible method of identifying the country of origin and
24 routinely use string tags or adhesive labels; and

25 WHEREAS, those string tags and adhesive labels are

1 routinely removed once the goods are approved and passed by
2 United States customs; and

3 WHEREAS, the copies and knock-offs of Indian arts and
4 crafts are then routinely sold in the marketplace as
5 authentic Indian handmade items or are otherwise
6 misrepresented; and

7 WHEREAS, this practice has caused serious damage to New
8 Mexico Indian artists and craftspeople, as well as to
9 consumers who are defrauded by the practice; and

10 WHEREAS, misrepresenting the authenticity of Indian arts
11 and crafts in New Mexico is a violation of the Indian Arts
12 and Crafts Sales Act and of the Unfair Practices Act;

13 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
14 STATE OF NEW MEXICO that the commissioner of customs and
15 border protection be requested to repeal or substantially
16 modify the exception to the permanent, indelible marking of
17 the country of origin for Native American-style jewelry and
18 arts and crafts, as contained in 19 CFR Subpart E, Sections
19 134.43(c)(3) and (d)(3), for the purpose of ending this
20 exception that allows massive fraud to occur in New Mexico;
21 and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 transmitted to the secretary of homeland security, the
24 commissioner of customs and border protection and the members
25 of New Mexico's congressional delegation. _____