

shall constitute a special fund which is appropriated and made available until expended for carrying out the purposes and provisions of this Act. Out of the funds available to it at any time the Board may authorize such expenditures, consistent with the provisions of this Act, as it may determine to be necessary for the accomplishment of the purposes and objectives of this Act.

(Aug. 27, 1935, ch. 748, § 4, 49 Stat. 892.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 27, 1935, ch. 748, 49 Stat. 891, which is classified generally to section 305 et seq. of this title. For complete classification of this Act to the Code, see Tables.

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 305c-1. Repealed. Pub. L. 87-23, § 2, Apr. 24, 1961, 75 Stat. 45

Section, act May 10, 1939, ch. 119, § 1, 53 Stat. 699, provided for a limitation of \$10 per diem in lieu of subsistence on amount that may be paid to members of the Indian Arts and Crafts Board. See section 305 of this title.

§ 305d. Criminal proceedings; civil actions

(a) Definition of Federal law enforcement officer

In this section, the term “Federal law enforcement officer” includes a Federal law enforcement officer (as defined in section 115(c) of title 18).

(b) Authority to conduct investigations

Any Federal law enforcement officer shall have the authority to conduct an investigation relating to an alleged violation of this Act occurring within the jurisdiction of the United States.

(c) Criminal proceedings

(1) Investigation

(A) In general

The Board may refer an alleged violation of section 1159 of title 18 to any Federal law enforcement officer for appropriate investigation.

(B) Referral not required

A Federal law enforcement officer may investigate an alleged violation of section 1159 of that title regardless of whether the Federal law enforcement officer receives a referral under subparagraph (A).

(2) Findings

The findings of an investigation of an alleged violation of section 1159 of title 18 by any Federal department or agency under paragraph (1)(A) shall be submitted, as appropriate, to—

(A) a Federal or State prosecuting authority; or

(B) the Board.

(3) Recommendations

On receiving the findings of an investigation under paragraph (2), the Board may—

(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of title 18; and

(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines to be appropriate.

(d) Civil actions

In lieu of, or in addition to, any criminal proceeding under subsection (c), the Board may recommend that the Attorney General initiate a civil action under section 305e of this title.

(Aug. 27, 1935, ch. 748, § 5, as added Pub. L. 101-644, title I, § 103, Nov. 29, 1990, 104 Stat. 4662; amended Pub. L. 111-211, title I, § 102(a), July 29, 2010, 124 Stat. 2258.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is act Aug. 27, 1935, ch. 748, 49 Stat. 891, which is classified generally to section 305 et seq. of this title. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section, act Aug. 27, 1935, ch. 748, § 5, 49 Stat. 892, related to counterfeiting of a trade mark and penalty, prior to repeal by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, effective Sept. 1, 1948. See section 1158 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2010—Pub. L. 111-211 amended section generally. Prior to amendment, text read as follows:

“(a) The Board may receive complaints of violations of section 1159 of title 18 and refer complaints of such violations to the Federal Bureau of Investigation for appropriate investigation. After reviewing the investigation report, the Board may recommend to the Attorney General of the United States that criminal proceedings be instituted under that section.

“(b) The Board may recommend that the Secretary of the Interior refer the matter to the Attorney General for civil action under section 305e of this title.”

§ 305e. Cause of action for misrepresentation of Indian produced goods

(a) Definitions

In this section:

(1) Indian

The term “Indian” means an individual that—

(A) is a member of an Indian tribe; or

(B) is certified as an Indian artisan by an Indian tribe.

(2) Indian product

The term “Indian product” has the meaning given the term in any regulation promulgated by the Secretary.

(3) Indian tribe

(A) In general

The term “Indian tribe” has the meaning given the term in section 5304 of this title.