



P.O. BOX 19189 • Washington, D.C. 20036-9189 • 202.628.8476 • nathpo.org

June 21, 2019

Re: Support for the Safeguard Tribal Objects of Patrimony Act of 2019

Dear Senators and Representatives:

The National Association of Tribal Historic Preservation Officers (NATHPO) strongly supports the Safeguard Tribal Objects of Patrimony Act of 2019 (STOP Act).

NATHPO is a national organization of Tribal government officials who implement federal and tribal preservation laws. Membership is limited to federally-recognized Tribal government officials who are committed to preserving, rejuvenating, and supporting American Indian, Alaska Native, and Native Hawaiian cultures, heritage, and practices. Tribal Historic Preservation Officers (THPOs) often conduct repatriation activities for their respective tribes.

Despite protections in current law, the illicit trade in Native American tangible cultural heritage continues to pose a grave threat to the cultural survival of Indian tribes. Our sacred and cultural items are illegally taken from our people, threatening the maintenance of our cultures and traditions and depriving us of the legacy we seek to leave our future generations. Meanwhile, a lucrative black market in our tangible cultural heritage thrives, and without explicit export restrictions many of our sacred and cultural items end up abroad. Once abroad, tribes have had very little success in efforts to bring them home.

NATHPO supports the STOP Act's goal of making it more difficult to export and easier for tribes to regain their cultural heritage from abroad. To that end, the STOP Act creates an explicit prohibition on exporting cultural heritage obtained in violation of the Native American Graves Protection and Repatriation Act (NAGPRA), Archaeological Resources Protection Act (ARPA), or Antiquities Act, and puts in place an export certification system to accompany the prohibition. Together, these measures make it possible for tribes to access other countries' domestic laws and law enforcement mechanisms to regain their cultural heritage, as certain countries, such as France, restrict import of cultural heritage illegally exported from a country that provides export certificates. The STOP Act also confirms the President's authority to enter into agreements under a 1970 international treaty in order to request from other countries return of tribes' cultural heritage.

NATHPO also supports the STOP Act's increased penalties for violations of NAGPRA, and we support its provisions that facilitate more coordination within the federal government and between the federal government and tribes aimed at protecting tribes' cultural heritage and facilitating its return. One suggestion to further enhance consistent enforcement NAGPRA's illegal trafficking prohibition is to incorporate into the STOP Act previously proposed amendments of NAGPRA's definition of "Native American" to explicitly apply to cultural items of, or relating to, a tribe, people, or culture that is "or was" indigenous to the United States.

NATHPO is a non-profit membership association of tribal government officials committed to preserving, rejuvenating, and improving tribal cultures and cultural practices through tribal historic preservation programs.

The STOP Act does not extend federal protections to cultural heritage that is not already protected, and thus it does not criminalize any currently legal domestic activity. Instead, it merely increases the deterrent effect of current law by imposing heightened penalties and provides that traffickers may not export their contraband.

NATHPO supported the STOP Act of 2017, and we support the additional provisions that have been added to the STOP Act of 2019. The STOP Act as currently drafted is the product of significant expertise provided by tribal leaders, national tribal organizations, federal agencies, archaeologists, art dealers, and others. We believe the STOP Act will help end illegal trafficking in tribes' cultural heritage and bring home our sacred and cultural items that have been separated from our communities for far too long.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive style with a large, stylized initial "V".

Valerie J. Grussing, PhD
Executive Director

NATHPO is a non-profit membership association of tribal government officials committed to preserving, rejuvenating, and improving tribal cultures and cultural practices through tribal historic preservation programs.