



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-19-003

TITLE: Supporting Legislation to Facilitate International Repatriation of Tribal Nations' Tangible Cultural Heritage and Coordination among Federal Agencies

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, tribal nations' tangible cultural heritage – including cultural items protected under the Native American Graves Protection and Repatriation Act (NAGPRA), archaeological resources protected under the Archaeological Resources Protection Act (ARPA), objects of antiquity protected under the Antiquities Act, and other culturally significant items – is/are illegally removed and trafficked domestically and abroad at an alarming rate, and tribal nations are often forced to act quickly to secure its/their return when it appears in auction catalogues for sale; and

WHEREAS, once tribal nations' tangible cultural heritage is exported from the United States, it is extremely difficult to regain, in part because United States federal law lacks certain provisions needed to access other countries' domestic laws and legal mechanisms and international diplomatic tools; and

WHEREAS, an explicit export prohibition and export certification system for tribal nations' tangible cultural heritage that is currently protected under existing federal laws – NAGPRA, ARPA, and the Antiquities Act – would allow the United States and tribal nations to request its/their return from certain countries, such as France, that restrict import of cultural heritage illegally exported from a country that provides export certification; and

WHEREAS, a confirmation of the President's authority to enter into agreements under the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, a 1970 international treaty, in order to request from other countries return of tribal nations' tangible cultural heritage that is currently protected under existing federal laws, paired with the explicit export prohibition and export certification system together, would allow the United States to use the treaty as a diplomatic tool in retrieving such items; and

WHEREAS, mechanisms through which federal agencies, including the Departments of Interior, Justice, State, and Homeland Security, whose work affects domestic and international repatriation of tribal nations' tangible cultural heritage could coordinate with each other, tribal nations, and individuals seeking to voluntarily return tribal nations' tangible cultural heritage would aid in protection and repatriation of tribal nations' tangible cultural heritage.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon Congress to consult with all tribal nations concerning the protection of items of cultural heritage, religious, sacred, and ceremonial items, ancestors and their burial items, throughout the nation and Indian Country and calls upon Congress and the administration to reaffirm the Lacy Act and other relevant statutes; and

BE IT FURTHER RESOLVED, that NCAI urges Congress to develop legislation, in consultation with American Indian and Alaska Native tribal governments, that includes but is not limited to:

- Prohibiting the export of tribal nations' tangible cultural heritage that is currently protected under existing federal laws, including cultural items obtained in violation of the Native American Graves Protection and Repatriation Act, archaeological resources obtained in violation of the Archaeological Resources Protection Act, and objects of antiquity obtained in violation of the Antiquities Act;
- Creating an export certification system that prevents the export of such items;
- Confirming the President's authority to enter into agreements under the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property in order to request from other countries return of such items; and
- Creating a federal framework to support voluntary return of tribal nations' tangible cultural heritage, a federal working group to ensure coordination between federal agencies, and a tribal working group to advise federal agencies and committees; and

BE IT FURTHER RESOLVED, that NCAI urges Congress to support the Safeguard Tribal Objects of Patrimony (STOP) Act or substantially similar legislation, which is designed to address these issues for all tribal nations with necessary amendments to provide the fullest possible protection; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

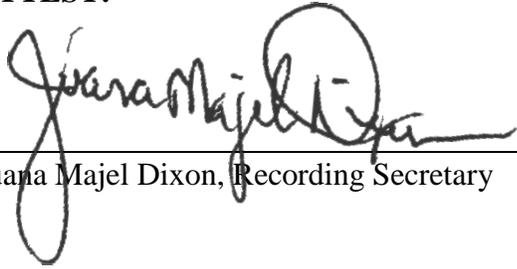
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary