



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted via email

May 19, 2021

The Honorable Raúl Grijalva
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Bruce Westerman
Ranking Member
House Committee on Natural Resources
1329 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Grijalva and Ranking Member Westerman,

On behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to express our strong support for H.R. 2930, the Safeguard Tribal Objects of Patrimony (STOP) Act of 2021, as introduced by Representatives Teresa Leger Fernandez and Don Young. Since 2016, USET SPF has supported the STOP Act to help ensure the protection of our sacred items, which are often illegally obtained then sold abroad. Provisions within the STOP Act would not only make it more difficult to export illegally trafficked cultural items, but also provide mechanisms for the U.S. and Tribal Nations to regain our cultural heritage from abroad and return it to our communities.

USET SPF is a non-profit, inter-Tribal organization advocating on behalf of thirty (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico¹. USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

Despite protections in current law, the illicit trade in the items of cultural heritage for Tribal Nations continues to pose a grave threat to our cultural survival. Our sacred and cultural items continue to be illegally taken from our communities, 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 for our cultural heritage thrives. Once abroad, it is exceedingly difficult to bring these items home. Without explicit restrictions enacted by Congress, many of our sacred and cultural items will continue to be held and sold abroad.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe—Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is strength in Unity

In order to help stop the illegal exportation of our cultural heritage, the STOP Act would halt the export of Tribal cultural heritage items already protected under federal law. Specifically, the legislation would explicitly prohibit the export of cultural items and Native American archaeological resources prohibited from being trafficked by Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Protection Act (ARPA). The STOP Act further confirms the President's authority to request return of a Tribal Nations' cultural heritage from other countries while discouraging commerce in the exportation and collection of those items.

The legislation also provides for formal coordination between Tribal Nations and federal agencies by creating a federal working group to discuss recommendations on protecting and repatriating cultural items—this includes recommendations on improving the implementation of NAGPRA and ARPA. Lastly, the legislation creates a certification system where an exporter seeking to export an item that qualifies under NAGPRA or ARPA as a cultural item or Native American archaeological resource must apply for a certification. This would help to ensure that only those items not prohibited from being trafficked are eligible for a certification.

The STOP Act is the product of significant expertise provided by Tribal leaders, Tribal organizations, federal agencies, archaeologists, art dealers, and others. USET SPF underscores that 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. USET SPF continues to extend its strong support to this important legislation that will help to protect the cultural heritage of Tribal Nations and facilitate the return of sacred items. We call upon the 117th Congress for its immediate passage. Should you have any questions or require further information, please contact Ms. Liz Malerba, USET SPF Director of Policy and Legislative Affairs, at LMalerba@usetinc.org or 615-838-5906.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director