

Good afternoon. I want to welcome you to our virtual hearing today. Today's legislative hearing will be on three bills. H.R. 2930 – the Safeguard Tribal Objects of Patrimony - or STOP Act; the discussion draft of the Requirements, Expectations, and Standard Procedures for Effective Consultations with Tribes - or RESPECT Act; and H.R. 438, which will amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Commission and for other purposes.

Because the sponsors of these bills include me, the Ranking Member, and the Committee Chair, in the essence of time, we will use our opening statements to speak about each of our bills, respectively.

I am grateful to have introduced H.R. 2930, the STOP Act of 2021, with my good friend Ranking Member Young as well as Representative Sharice Davids and Representative Tom Cole, the Co-Chairs of the Congressional Native American Caucus. This bill will utilize existing federal laws and definitions that protect tribal cultural heritage items. To do this, H.R. 2930 prevents the export of items that are already classified as illegal contraband within the United States.

The U.S. is already a signatory to an international treaty that enables the Federal Government to support the repatriation of other countries' tribal objects. However, while we have

stated our intent to protect important cultural sacred objects in the United States, we don't have a statutory mechanism to prevent them from going overseas. My bill establishes the necessary tools to secure international repatriation of tribal objects.

Throughout history, Native American cultural items such as human remains, sacred objects, and objects of cultural patrimony have been looted and sold to collectors in our country and abroad. Just one example of this illegal behavior comes from the Pueblo of Acoma in New Mexico. In the 1970s, a sacred 'Acoma shield' was stolen during a robbery on tribal lands. In 2016, the shield surfaced at the EVE Auction House in Paris when it was scheduled for sale. An outpouring of diplomatic pleas against the Auction House came from tribes, executive branch officials, and Members of Congress. Although the sale was stopped, incidences like this will continue to occur without measures that hold those who traffic tribal cultural patrimony accountable. And to be clear, there are likely many more cases of tribal cultural patrimony that go undiscovered and unreported.

While I am proud to introduce this bill, I note it is the product of many years of hard work before me. The bill we are reviewing today reflects significant compromises and adjustments made to accommodate concerns of the antiquity dealers - over 20 amendments.

These changes include the addition of *mens rea* - which refers to whether individuals *know* their actions are illegal, as it relates to implementing export penalties; self-attestation -

meaning self-certification, rather than requiring a higher evidentiary burden to support an expert certification application; a burden of proof required for object forfeiture, and the process that items are returned to exporters after the seizure.

The STOP Act of 2021 was drafted and developed in close negotiation with tribal leaders, federal agency experts, and those who earn their living selling legal tribal art, including the Authentic Tribal Art Dealers Association.

The STOP Act gives tribes, pueblos, and nations a tool to close the door on the illegal exportation of cultural objects. The provisions within the STOP Act are designed to keep cultural objects where they belong, with the people who revere them and consider them a part of their belief system and way of life. We must facilitate the return of those precious and essential items that have been removed illegally from tribal lands and protections.

The bills before us today offer an opportunity for this Subcommittee to work together to acknowledge the importance of honoring the sacred nature of Native American patrimony, of recognizing the government to government relationship between tribes and the federal government, and of protecting Native Children so that they may thrive.

Thank you to our witnesses for being here virtually. I look forward to hearing our witness testimony today. I would now like to recognize the Ranking Member for opening remarks.