



## SOCIETY FOR AMERICAN ARCHAEOLOGY

July 23, 2019

The Honorable John Hoeven  
Chairman, Senate Committee  
On Indian Affairs  
838 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Tom Udall  
Ranking Member, Senate Committee  
On Indian Affairs  
838 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Hoeven and Ranking Member Udall,

The Society for American Archaeology strongly endorses S. 2165, the Safeguard Tribal Objects of Patrimony Act of 2019. This crucial legislation would help the U.S. make substantial progress in halting the overseas auctions of illicitly-procured tribal objects, and in encouraging the voluntary return of such items to their rightful owners.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,500 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

Current law is inadequate when it comes to preventing the export of illicitly-procured tribal cultural patrimony from the U.S. and the sale of those items overseas. For nearly ten years, SAA has worked with tribal and preservation groups to prevent auctions of objects of questionable provenance both in the U.S. and Europe. France, in particular, hosts numerous auctions of American Indian sacred objects and objects of cultural patrimony, and its government has been unwilling to step in, citing the lack in U.S. law of a specific prohibition against the export of looted tribal objects and the lack of federal export certificates. Without explicit export restrictions, many of sacred and cultural tribal items end up abroad, where it is very difficult to repatriate them, and their loss becomes permanent.

To rectify this situation, S. 2165 creates an explicit prohibition on the export of objects of cultural patrimony obtained in violation of the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (ARPA), or the Antiquities Act. Further, it establishes an export certification system to allow for transactions of legally-acquired materials. These measures will make it possible for plaintiff tribes to access other countries' law enforcement mechanisms to regain their stolen property. The STOP Act also reaffirms the U.S. President's authority under the 1970 UNESCO Convention to request the return of illicitly-procured cultural property.

The STOP Act would also increase penalties for violations of NAGPRA; facilitate more coordination within the federal government and between the federal government and tribes to protect tribes' cultural heritage and facilitate its return; and because a great many sacred tribal objects of dubious provenance are held in private collections, the bill will establish a federal framework to support voluntary returns. This will include a referral program to allow the Department of the Interior to assist individuals in finding a tribe with a cultural affiliation to items they want to return.

Importantly, the STOP Act does not criminalize any currently legal activity, or extend federal protections to articles that are not already protected under NAGPRA, ARPA, or the Antiquities Act. It merely reinforces current law by imposing heightened penalties and specifying under federal law that traffickers may not export their contraband.

S. 2165, as currently drafted, is the product of significant consultation and input between tribal leaders, federal agencies, archaeologists, art dealers, and others who care about America's heritage. We believe the STOP Act will be a critical assistance to ending illegal trafficking in tribes' cultural heritage and bringing home objects that have been separated from their communities for far too long.

SAA supports the STOP Act and its goals of preventing the export of illicitly-procured tribal sacred items and returning them to their lawful owners, and urges the committee to pass the measure as quickly as possible.

Sincerely,

A handwritten signature in cursive script that reads "Joe Watkins".

Joe Watkins, Ph.D., RPA  
President