

SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2017, S. 1400

SUMMARY

Current Law. The United States has already banned domestic trafficking in protected items of Native American tangible cultural heritage, including Ancestors and sacred and cultural items. Federal law also includes import bans on other countries' protected cultural heritage.

- The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) prohibits trafficking in Native American cultural items, including human remains, removed from federal or tribal lands without proper authorization. The Archaeological Resources Protection Act of 1979 (ARPA) prohibits trafficking in archaeological resources removed from public or Indian lands without proper permitting. The Antiquities Act of 1906 criminalizes appropriating or injuring objects of antiquity taken from federal lands without proper authorization.
- The Convention on Cultural Property Implementation Act of 1983 prohibits the import of other countries' protected or stolen cultural property and mandates its return. It does not contain similar export provisions.

Trafficking Continues. Tribes continue to have protected cultural heritage trafficked through domestic and international black markets. Existing penalties are insufficient, voluntary return is not adequately supported, and the lack of explicit export restrictions allows protected tribal cultural heritage to leave the country and makes its repatriation difficult to secure.

Congressional Action Needed. In 2016, Congress passed the PROTECT Patrimony Resolution (H. Con. Res. 122) condemning the theft, illegal possession or sale, transfer, and export of tribal cultural items and supporting the enactment of an explicit export ban. Further action is needed.

STOP Act Enhances Penalties and Explicitly Bans Export—Explanation of Provisions.

SEC. 1 Short title.

SEC. 2 Increases NAGPRA penalties from 5 to 10 years imprisonment.

Explicitly prohibits the export of Native American cultural heritage obtained in violation of NAGPRA, ARPA, or the Antiquities Act.

Does not expand categories of protected cultural heritage beyond cultural items, human remains, archaeological resources, and objects of antiquity as they are defined by and protected under current law.

SEC. 3 Definitions.

SEC. 4 Establishes a federal framework to support voluntary return. Provides for liaisons in the Departments of Interior and State; trainings and workshops; and a referral program within the Department of Interior to assist in locating the correct tribe.

SEC. 5 Establishes a tribal working group to provide recommendations regarding ending illegal trafficking in tribal cultural heritage and facilitating its voluntary return or repatriation.