



NATIONAL CONGRESS OF AMERICAN INDIANS

November 2, 2017

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Chickasaw Nation

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NCAI HEADQUARTERS

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Senator Hoeven, Chairman
Senate Committee on Indian
Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

Senator Udall, Vice Chairman
Senate Committee on Indian
Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

RE: NCAI Support for S.1400- Safeguard Tribal Objects of Patrimony Act of 2017

Dear Chairman Hoeven and Vice Chairman Udall:

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative organization of American Indian and Alaska Native tribal governments, we write to express our full support for S. 1400, the Safeguard Tribal Objects of Patrimony Act of 2017.

NCAI has two resolutions that support the intent of the STOP Act. The resolutions call on the United States to address the issues of the theft and illegal sale of tribal cultural heritage and assist international repatriation efforts (SD-15-075 and SAC-12-008). The intent of the STOP Act, to strengthen federal laws to protect our sacred and cultural items, is one of vital importance to NCAI and tribes all across Indian Country.

In particular, NCAI supports the STOP Act's increased penalties for violations of the Native American Graves Protection and Repatriation Act (NAGPRA) and its explicit prohibition on exporting items obtained in violation of NAGPRA, the Archaeological Resources Protection Act (ARPA), and the Antiquities Act. The STOP Act does not criminalize any currently legal domestic activity because it does not extend the reach of these existing laws. This legislation increases the deterrent effect of current law with heightened penalties and provides that traffickers may not export their contraband. Additionally, the STOP Act creates a much needed structure for the voluntary return of tribal cultural heritage and engages tribes through a working group to provide input on implementation. Setting up this Federal voluntary return structure and working group will ensure that these important objects return to the tribes to which they belong.

NCAI believes the STOP Act of 2017 will help end illegal trafficking in Native American tangible cultural heritage and bring home our sacred and cultural items that have been separated from tribal communities for too long. We support the Committee's consideration of the STOP Act and encourage the Committee to work to pass this important legislation.

Jaqueline Pata, Executive Director
National Congress of American Indians



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-008

TITLE: Support for International Repatriation

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, 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, NCAI member tribes, Native nations, and indigenous communities globally are facing a human rights violation whereby Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony were exhumed, excavated, stolen, exchanged, studied, or taken under duress, without the free, prior, and informed consent of Native nations and moved beyond the boundaries of Native Nations and the United States; and

WHEREAS, this human rights violation is perpetuated through the continued possession, display, study, or profit from our ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony; and

WHEREAS, the U.N. Declaration on the Rights of Indigenous Peoples has been signed by all nation-states of the U.N. and it supports international repatriation in Article 12, which states:

States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned; and

WHEREAS, the United States has consistently supported Native nations seeking to repatriate Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony, through U.S. Congress when it passed the NMAI Act in 1989 and the NAGPRA in 1990, and international repatriation has more recently been supported by the United States in a Statement of the United States to the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples and the Organization of American States in 2008, which stated:

Indigenous peoples should be able to maintain, protect, and have access to their religious and cultural sites and should have the collective right to repatriation of their human remains, ceremonial object and cultural patrimony; and

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ROCKY MOUNTAIN
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Crow Tribe

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
George Thurman
Sac and Fox Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh

WESTERN
Ned Norris, Jr
Tohono O'odham Nation

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WHEREAS, an estimated 1-2 million Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony currently exist in international repositories; and

WHEREAS, Native nations are experiencing difficulty locating ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony in international repositories due to various reasons, such as misidentification, no listed cultural affiliation, lack of available records from international repositories to Native nations; and no presently existing centralized notification system to Native nations; and

WHEREAS, the NCAI member tribes and the national community of Native nations have prioritized the need for the investigation and implementations of legal protections to ensure the repatriation of all ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony taken, exhumed, excavated, exchanged, studied, and otherwise residing in repositories worldwide.

NOW THEREFORE BE IT RESOLVED, that the NCAI hereby supports the NCAI member tribes and other Native nations in their efforts to repatriate from international repositories; and

BE IT FURTHER RESOLVED, that the NCAI requests that the State Department, U.S. embassies, U.S. Senators, U.S. Representatives, and other U.S. governmental bodies make themselves available to assist Native nations in international repatriations, and that the U.S. government takes immediate action after consultation with Native nations to adequately address this five hundred-year-old, ongoing human rights issue; and

BE IT FURTHER RESOLVED, that the NCAI will advocate on behalf of its member tribes and other Native nations to ensure international repatriation is addressed nationally and internationally; and

BE IT FURTHER RESOLVED, that the NCAI urges President Obama and future Presidents of the United States of American to call on Congress to address international repatriation; and

BE IT FURTHER RESOLVED, that the NCAI will urge the U.N. to convene a special session and implement a formalized Working Group or Subcommittee comprised of indigenous community members to formally look into this human rights issue; and


BE IT FURTHER RESOLVED, NCAI will work with the Association on American Indian Affairs (AAIA) and other organizations to collaborate with Native nations in support of international repatriation; 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President**ATTEST:**

Recording Secretary



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SD-15-075

TITLE: Support the Efforts to Stop the Theft and Illegal Sale of Pueblo Cultural Patrimony Items Both Domestically and Abroad

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Swinomish Tribe

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ROCKY MOUNTAIN
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Crow Nation

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Ohkay Owingeh Pueblo

WESTERN
Bruce Ignacio
Ute Indian Tribe

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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, 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, cultural patrimony is vital to the continued existence and maintenance of tribal culture and ways of life; and

WHEREAS, tribes have been disproportionately affected by the theft, illegal sale, and alienation of their cultural patrimony; and

WHEREAS, in recent years the Pueblos of Acoma, Laguna, and the Hopi Tribes have been particularly targeted by illegal traffickers; and

WHEREAS, the illegal sale of these items of cultural patrimony have occurred domestically and internationally; and

WHEREAS, the sale of tribal cultural patrimony is in violation of Federal and Tribal laws; and

WHEREAS, the nature and descriptions of all tribal cultural patrimony is sensitive and to be treated with respect and confidentiality as appropriate.

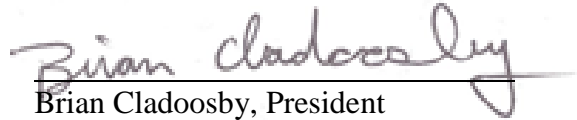
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby supports the efforts of all tribal nations to stop the theft and illegal sale of all tribal cultural patrimony both domestically and abroad; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Secretaries of the Department of the Interior, the Department of Justice, the Department of State, and the Attorney General of the United States to consult with the tribal nations in addressing the important issue of the theft and illegal sale of tribal cultural patrimony domestically and abroad, and to take affirmative action to stop these illegal practices; 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 2015 Annual Session of the National Congress of American Indians, held at the Town and Country Resort, San Diego, CA, October 18-23, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary