



# USET

SOVEREIGNTY PROTECTION FUND

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*Transmitted via email*

June 22, 2020

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

The Honorable Tom Udall  
Vice-Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Hoeven and Vice-Chairman Udall,

On behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to express our strong support for S.2165, the Safeguard Tribal Objects of Patrimony (STOP) Act. Since 2016, USET SPF has supported the STOP Act in order 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 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 (30) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico<sup>1</sup>. 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, and without explicit export restrictions, many of our sacred and cultural items end up abroad. Once abroad, it is exceedingly difficult to bring them home.

The STOP Act creates an explicit prohibition on exporting cultural heritage obtained in violation of existing law<sup>2</sup> and it puts in place an export certification system to accompany the prohibition. These measures would make it possible for Tribal Nations to access other countries' domestic laws and law enforcement

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<sup>1</sup> 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), 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), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

<sup>2</sup> Native American Graves Protection and Repatriation Act, the Archaeological Resources Protection Act, and the Antiquities Act.

mechanisms to regain our cultural heritage. For instance, certain countries, such as France, restrict import of cultural heritage illegally exported from a country that provides export certificates. The STOP Act confirms the President's authority to enter into agreements under a 1970 international treaty in order to request return of a Tribal Nations' cultural heritage from other countries. Lastly, the legislation includes important provisions that would facilitate more internal coordination with the federal government and coordination with Tribal Nations in facilitating the return of cultural heritage items.

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 strongly supports this important legislation that will help to protect the cultural heritage of Tribal Nations and facilitate the return of sacred items. We call upon 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](mailto:LMalerba@usetinc.org) or 202-624-3550.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director