

114TH CONGRESS
2D SESSION

H. CON. RES. 122

Supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2016

Mr. PEARCE (for himself, Mr. COLE, and Ms. MCCOLLUM) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Supporting efforts to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians in the United States and internationally.

Whereas this resolution may be cited as the “Protection of the Right of Tribes to stop the Export of Cultural and Traditional Patrimony Resolution” or the “PROTECT Patrimony Resolution”;

Whereas the tribal cultural items of American Indians, Alaska Natives, and Native Hawaiians (collectively “tribes” or “Native Americans”) in the United States of America include ancestral remains; funerary objects; sacred ob-

jects; and objects of cultural patrimony (hereinafter “tribal cultural items”), which are objects that have ongoing historical, traditional, or cultural importance central to a Native American group or culture itself, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual;

Whereas tribal cultural items are vital to tribal cultural survival and the maintenance of tribal ways of life;

Whereas the nature and the description of tribal cultural items are sensitive and to be treated with respect and confidentiality, as appropriate;

Whereas violators often export tribal cultural items overseas with the intent of evading Federal and tribal laws;

Whereas tribal cultural items continue to be removed from tribal possession and sold in black or public markets in violation of Federal and tribal laws, including laws designed to protect tribal cultural property rights;

Whereas the illegal trade of tribal cultural items involves a sophisticated and lucrative black market, as items make their way through domestic markets, and then are often exported overseas;

Whereas auction houses in foreign countries have held sales of tribal cultural items from the Pueblo of Acoma, the Pueblo of Laguna, the Pueblo of San Felipe, the Hopi Tribe, and other tribes;

Whereas after tribal cultural items are exported abroad, tribes have difficulty stopping the sale of these items and securing their repatriation to their home communities, where the items belong;

Whereas Federal agencies have a responsibility to consult with tribes to stop the theft, illegal possession or sale, transfer, and export of tribal cultural items;

Whereas an increase in the investigation and successful prosecution of violations of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and the Archaeological Resources Protection Act (16 U.S.C. 470aa–470mm) is necessary to deter illegal traders; and

Whereas many tribes and tribal organizations have passed resolutions condemning the theft and sale of tribal cultural items, including—

(1) the National Congress of American Indians passed Resolutions SAC–12–008 and SD–15–075 to call upon the United States, in consultation with tribes, to address international repatriation and take affirmative actions to stop the theft and illegal sale of tribal cultural items both domestically and abroad;

(2) the All Pueblo Council of Governors, representative of 20 Pueblo Indian tribes, noting that the Pueblo Indian tribes of the southwestern United States have been disproportionately affected by the illegal sale of tribal cultural items both domestically and internationally and in violation of Federal and tribal laws, passed Resolutions Nos. 2015–12 and 2015–13 to call upon the United States, in consultation with tribes, to address international repatriation and take affirmative actions to stop the theft and illegal sale of tribal cultural items both domestically and abroad;

(3) the United South and Eastern Tribes, an inter-tribal organization comprised of twenty-six federally recognized tribes, passed Resolution No. 2015:007, which

calls upon the United States to address all means to support repatriation of ancestral remains and cultural items from beyond United States borders; and

(4) the Inter-Tribal Council of the Five Civilized Tribes, uniting the Chickasaw, Choctaw, Cherokee, Muscogee (Creek), and Seminole Nations, passed Resolution No. 12–07, which requests that the United States assist in international repatriations and take immediate action, after consultation with tribes, to address repatriation: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) condemns the theft, illegal possession or
4 sale, transfer, and export of tribal cultural items;

5 (2) calls upon the Secretaries of the Depart-
6 ment of the Interior, the Department of State, the
7 Department of Commerce, and the Department of
8 Homeland Security and the Attorney General to con-
9 sult with tribes and traditional Native American reli-
10 gious leaders in addressing this important issue, to
11 take affirmative action to stop these illegal practices,
12 and to secure repatriation of tribal cultural items to
13 tribes;

14 (3) calls upon the Comptroller General to con-
15 duct a study to determine the scope of illegal traf-
16 ficking in tribal cultural items domestically and
17 internationally and to identify, in consultation with
18 tribes and traditional Native American religious

1 leaders, steps required to end illegal trafficking and
2 export of tribal cultural items and secure repatri-
3 ation to the respective tribe;

4 (4) supports the development of explicit restric-
5 tions on the export of tribal cultural items; and

6 (5) encourages State and local governments and
7 interested groups and organizations to work coopera-
8 tively in deterring the theft, illegal possession or
9 sale, transfer, and export of tribal cultural items and
10 in securing the repatriation of tribal cultural items.

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