

**TESTIMONY OF  
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UNITED STATES DEPARTMENT OF THE INTERIOR  
TO THE  
SENATE COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE  
ON  
S. 1400, THE “SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2017”  
NOVEMBER 8, 2017**

Chairman Hoeven, Vice Chairman Udall, and members of the Committee, my name is John Tahsuda, and I am the Acting Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to provide testimony before this Committee on S. 1400, the Safeguard Tribal Objects of Patrimony Act of 2017.

The protection of tribal nations is of the utmost importance to the Department of the Interior. Safeguarding sacred and cultural patrimony is integral to that mission and vital to the livelihoods and culture of tribal nations. While we appreciate Congress’ interest to address the repatriation of cultural heritage, as evidenced by the passage last Congress of H.Con.Res.122, Protection of the Right of Tribes to stop the Export of Cultural and Traditional (PROTECT) Patrimony Resolution, the Government Accountability Office (GAO) is currently in the process of completing an important study on this matter. The study, which was requested by the House Judiciary Committee in 2016, includes an assessment of policies and practices conducted on behalf of the Department, as well as the Department of State and Department of Justice. The GAO is in the process of assessing the following questions, which assessment will also likely be accompanied by a series of recommendations for federal actions:

1. What actions, if any, have federal agencies taken to prevent the looting, theft, and trafficking of Native American cultural items;
2. What actions, if any, have federal agencies taken over the past 10 years to investigate and prosecute cases of looting, theft, and trafficking of Native American cultural items;
3. What actions, if any, have federal agencies and Native American tribes taken to repatriate Native American cultural items held in foreign collections or repositories; and
4. What challenges, if any, are there regarding efforts to prevent and prosecute cases related to looting, theft, and trafficking of Native American cultural items and what options, if any, exist for addressing these challenges?

The Department believes this report will be paramount in informing a broader conversation among agencies as to how best to address the protection and repatriation of Native American cultural items. Therefore, we believe it would be premature for the Department to provide a position on S. 1400, the Safeguard Tribal Objects of Patrimony Act of 2017, until the GAO report is released in full.

The Department's continuing commitment to combatting the theft, and illegal possession, sale, or transfer of tribal cultural heritage remains as strong today as it has ever been. The Department is also devoted to combatting the export of illicitly acquired cultural items and to helping tribes repatriate their cultural heritage from abroad. Within the Department, many offices and bureaus have responsibilities relating to this effort, including not only the Office of the Assistant Secretary for Indian Affairs, but also the Office of International Affairs, Office of the Solicitor, the National Native American Graves Protection and Repatriation Act (NAGPRA) Program, and the cultural resources and law enforcement staff of the land management agencies.

The Department believes an essential element to combatting Native American cultural heritage theft is vigorous enforcement of laws such as NAGPRA and the Archaeological Resources Protection Act (ARPA). Currently, these laws are our best enforcement mechanisms to prevent theft, illegal possession, sale, transfer and export of cultural patrimony within the United States.

Thank you for providing the Department the opportunity to provide a statement on S. 1400. I am available to answer any questions the Committee may have.