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GENERAL MEMORANDUM 23-005

Department of the Interior Seeks Tribal Input on Implementation and the Development of Draft Regulations for the Safeguard Tribal Objects of Patrimony (STOP) Act

The Department of the Interior (DOI), via a [Dear Tribal Leader Letter](#), is seeking Tribal input on implementation and the development of draft regulations for the Safeguard Tribal Objects of Patrimony (STOP) Act (P.L. 117-196). Starting on May 31, 2023, DOI will hold five tribal consultation sessions. Written comments should be submitted by **August 25, 2023**.

Background. Tribal Nations have long faced trafficking in tribal cultural heritage items essential to their religious and cultural practices and identities. Many dealers know that once they export such items abroad, the federal government and Tribal Nations have little power to secure their repatriation. The STOP Act's two main goals are: (1) stopping the export of tribal cultural heritage items already protected under federal law and facilitating the international repatriation of such items; and (2) improving coordination among federal agencies and Tribal Nations in protecting and repatriating items.

There is an existing international treaty to which the United States is a signatory that can be used to request that other countries restrict import and facilitate repatriation of cultural property. However, each requesting country must enact certain domestic laws to utilize this treaty: an explicit export prohibition and accompanying export certification system. Through the STOP Act, the United States has now enacted the requisite domestic laws to utilize these mechanisms. The STOP Act bridges the gap between existing domestic laws protecting tribal cultural heritage items and existing international treaties and other mechanisms protecting cultural property.

Among other things, the STOP Act explicitly prohibits the export of Native American Graves Protection and Repatriation Act (NAGPRA) cultural items and Archeological Resources Protection Act (ARPA) Native American archaeological resources for which federal law already prohibited domestic trafficking. It also creates an export certification system by which an exporter seeking to export an item that qualifies under NAGPRA or ARPA as a cultural item or Native American archaeological resource must apply to DOI for an export certification. Only those items not prohibited from being trafficked—usually demonstrated through the exporter's self-attestation—are eligible for a certification.

The STOP Act calls for DOI and the Departments of State, Homeland Security, and Justice, as well as Tribal Nations, to undertake important actions to implement the STOP Act. Most notably, DOI is tasked with establishing a new process for receiving, reviewing, and issuing export certifications; the Department of State must enter into agreements with other

countries to protect tribal cultural heritage items; the Department of Homeland Security must monitor exports and detain tribal cultural heritage items; and the Department of Justice must prosecute criminals.

Tribal Input Requested by DOI. As part of the STOP Act implementation process, DOI is seeking tribal input at the outset, including on the development of draft regulations. Specifically, DOI seeks input on the following questions:

- 1) Which Assistant Secretary, Bureau or Office within the DOI should be responsible for the STOP Act program?
- 2) What types of interagency agreements would be helpful for the program and for Act implementation?
- 3) What should or should not be included in the draft regulations?

Tribal Consultation Sessions and Opportunities to Comment. DOI will hold five tribal consultation sessions and will accept oral and written comments. The tribal consultation sessions will be closed to the press and the public to protect confidential information that may be discussed during the sessions. The tribal consultation sessions are scheduled as follows:

- **May 31, 2023** – 4:30 PM - 6:30 PM Central Time: U.S. Geological Survey Conference Room, Oklahoma - Texas Walker Science Center, Bldg #8: 202 NW 66th Street, Oklahoma City, OK 73116
- **July 14, 2023** – 4:30 PM - 6:30 PM Alaska Time: Bureau of Land Management, Fairbanks District Office, Kobuk Conference Room: 222 University Avenue, Fairbanks, AK 99709
- **July 27, 2023** – 2:30 PM - 4:30 PM Eastern Time: Virtual: Register [here](#)
- **August 8, 2023** – 3:00 PM - 5:00 PM Eastern Time: Virtual: Register [here](#)
- **August 18, 2023** – 9:00 AM - 12:00 PM Mountain Time: Bureau of Land Management New Mexico State Office Amarillo Creek / Canadian Rooms: 301 Dinosaur Trail, Santa Fe, NM 87508

DOI's webpage for tribal consultation on the STOP Act is [here](#) and includes links to sign up for the virtual consultation sessions, directions to the in-person consultation sessions, and other information. Written comments should be submitted via email to consultation@bia.gov by **11:59pm EST on August 25, 2023**.

Please let us know if we may provide additional information about the STOP Act or assistance preparing comments.

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