



ATADA's position regarding the Safeguard Tribal Objects of Patrimony Act (STOP Act)" – S. 1400

ATADA is committed to working with all tribes regarding patrimonial objects. ATADA's new bylaws reflect its commitment not to sell important religious items and to build bridges between tribal communities, tribal artists, art dealers and collectors. The revised 2017 version of The STOP Act (STOP Act II) is seriously flawed and will harm tribes and collectors alike.

- STOP Act II is redundant. "Trafficking" in violation of NAGPRA or ARPA is unlawful, and 18 U.S.C. § 554 already prohibits export from the United States of any object contrary to any law or regulation of the United States, and imposes an even stronger penalty than STOP II.
- STOP Act II discourages ALL Indian art sales, including contemporary. It states that it is official U.S. government policy to return ALL "*items affiliated with a Native American Culture,*" which would include commercial jewelry, ceramics and other legal possessions.
- STOP ACT II fails to explicitly place the burden of proof on the federal government, giving Customs broad discretion which in the past has led to due process abuses.
- STOP ACT II imposes 10 years' jail time for violations of less than \$1 value.
- STOP Act II potentially has the same insidious impact as a regulatory taking by destroying the value of Americans private property and threatening the collections of America's museums and cultural institutions and commercial viability of many businesses and Native American artisans.
- The STOP Act II federalizes ATADA's Voluntary Returns Program, discouraging participation, and creating a "Trojan Horse" bureaucracy, including DOJ and DHS, threatening a later mandatory return program.
- ATADA's Voluntary Returns Program is a better, more effective model, and has returned dozens of important ceremonial items already in its first year.

More info? Please visit the ATADA website www.atada.org or contact director@atada.org.