

GAO Highlights

Highlights of [GAO-18-537](#), a report to congressional requesters

Why GAO Did This Study

Recently, overseas auction house sales of Native American cultural items have raised concerns among tribes and the U.S. government that the items may have been taken without tribes' consent. While no comprehensive data exist on the world market for Native American cultural items, several tribes have identified items in at least 15 auctions in Paris, France, since 2012. Some tribes have sought to repatriate these items with help from the Departments of Homeland Security, the Interior, Justice, and State. GAO was asked to review federal agency repatriation efforts. This report examines (1) federal agencies' actions to assist tribes in repatriating cultural items being auctioned overseas and (2) the laws that address the export, theft, and trafficking of cultural items and any challenges in proving violations of these laws.

GAO reviewed federal and tribal documentation on international repatriation; compared federal actions with selected leading collaboration practices; analyzed laws and legal proceedings; and interviewed agency, tribal, and international organization officials selected for their involvement in international repatriation.

What GAO Recommends

GAO made 12 recommendations, 3 to each of the 4 agencies, including implementing leading collaboration practices and assessing the U.S. legal framework governing the export, theft, and trafficking of these cultural items. The agencies agreed, except Justice disagreed with the recommendation to assess the U.S. legal framework. GAO believes this recommendation is still valid, as discussed in the report.

View [GAO-18-537](#). For more information, contact Anne-Marie Fennell at (202) 512-3841 or fennella@gao.gov.

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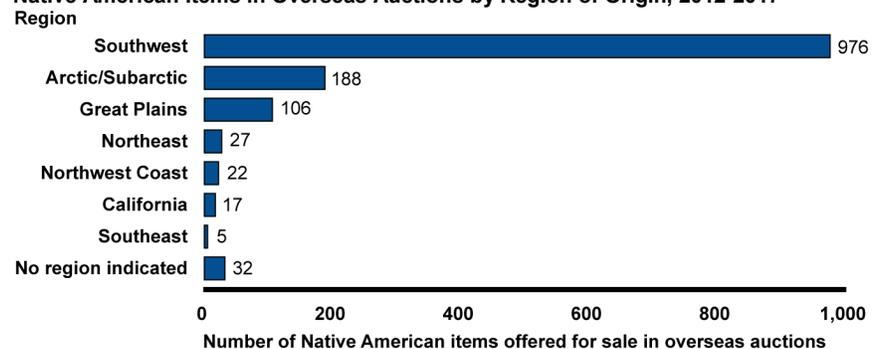
NATIVE AMERICAN CULTURAL PROPERTY

Additional Agency Actions Needed to Assist Tribes with Repatriating Items from Overseas Auctions

What GAO Found

Federal agencies have taken several actions in response to Native American tribes' requests for assistance in repatriating cultural items from overseas auctions. For example, the Departments of the Interior and State have facilitated communication and arranged meetings between U.S. and foreign government officials, and in one case, the Department of Justice obtained a warrant for the forfeiture of a Native American cultural item being auctioned overseas. In addition, in 2015, the Departments of Homeland Security, the Interior, Justice, and State established a staff-level interagency working group to discuss issues and share information related to Native American cultural property. However, the working group has not adopted selected leading collaboration practices, such as developing outcomes and objectives or clarifying participants' roles and responsibilities. Working group officials GAO interviewed cited the benefits of working informally, including enabling them to respond more quickly to tribal requests. Some tribal officials told GAO that the informal nature of the working group has been challenging to navigate for tribes seeking assistance. Adopting leading collaboration practices could enhance the working group's ability to assist tribes in facilitating the return of cultural items from overseas auctions.

Native American Items in Overseas Auctions by Region of Origin, 2012-2017



Source: GAO analysis of auction catalog data. Regions were derived from Clark Wissler, *The American Indian: An Introduction to the Anthropology of the New World* (Gloucester, Mass.: Peter Smith, 1957 [orig. 1917]). | GAO-18-537

No federal law explicitly prohibits the export of Native American cultural items, creating a challenge for tribes because they cannot easily prove that the items were exported from the United States illegally. In addition, several federal laws address the theft and sale of Native American cultural items, but they are limited in scope, creating a challenge for tribes to prove that a violation of these laws has occurred. Federal standards for internal control call for agencies to identify, assess, and respond to risks related to achieving the defined objectives. However, agency officials said they have not assessed whether and how federal laws could be amended to address these challenges, because the sale of cultural items at overseas auctions is a recent issue and the agencies' direct legal involvement has been limited. Since amending laws would require congressional action, the working group could assist Congress by assessing whether and how to amend the existing legal framework governing the export, theft, and trafficking of Native American cultural items and reporting its findings to Congress.