

cation without first obtaining an export certification, but voluntarily returns the Item Requiring Export Certification, or directs the Item Requiring Export Certification to be returned, to the appropriate Indian Tribe or Native Hawaiian organization in accordance with section 3074 of this title prior to the commencement of an active Federal investigation shall not be prosecuted for a violation of subparagraph (A) with respect to the Item Requiring Export Certification.

**(ii) Actions not commencing a Federal investigation**

For purposes of clause (i), the following actions shall not be considered to be actions that commence an active Federal investigation:

(I) The submission by the exporter of an export certification application for the Item Requiring Export Certification under paragraph (3)(A)(i).

(II) The detention of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(i).

(III) The delivery to the Secretary of the Item Requiring Export Certification by the Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, under paragraph (4)(A)(ii).

(IV) The seizure by the Secretary of the Item Requiring Export Certification under paragraph (4)(A)(ii).

**(6) Fees**

**(A) In general**

The Secretary may assess reasonable fees to process export certification applications under this subsection, subject to subparagraph (B).

**(B) Availability of amounts collected**

Fees authorized under subparagraph (A) shall be collected and available only to the extent and in the amounts provided in advance in appropriations Acts.

**(7) Administrative appeal**

If the Secretary denies an export certification or an Item Requiring Export Certification is detained under this subsection, the exporter, on request, shall be given a hearing on the record in accordance with such rules and regulations as the Secretary promulgates pursuant to section 3078 of this title.

**(8) Training**

**(A) In general**

The Secretary, the Secretary of State, the Attorney General, and the heads of all other relevant Federal agencies shall require all appropriate personnel to participate in training regarding applicable laws and consultations to facilitate positive government-to-government interactions with Indian Tribes and Native Hawaiian Organizations.

**(B) U.S. Customs and Border Protection training**

The Secretary of Homeland Security, acting through the Commissioner of U.S. Customs and Border Protection, shall require all appropriate personnel of U.S. Customs and Border Protection to participate in training provided by the Secretary of the Interior or an Indian Tribe or Native Hawaiian organization to assist the personnel in identifying, handling, and documenting in a culturally sensitive manner Items Requiring Export Certification for purposes of this chapter.

**(C) Consultation**

In developing or modifying and delivering trainings under subparagraphs (A) and (B), the applicable heads of Federal agencies shall consult with Indian Tribes and Native Hawaiian organizations.

**(c) Agreements to request return from foreign countries**

The President may request from foreign nations agreements that specify concrete measures that the foreign nation will carry out—

(1) to discourage commerce in, and collection of, Items Prohibited from Exportation;

(2) to encourage the voluntary return of tangible cultural heritage; and

(3) to expand the market for the products of Indian art and craftsmanship in accordance with section 305a of this title.

(Pub. L. 117-258, § 5, Dec. 21, 2022, 136 Stat. 2374.)

**Editorial Notes**

REFERENCES IN TEXT

The Native American Graves Protection and Repatriation Act, referred to in subsecs. (a)(3)(C)(i) and (b)(4)(C)(ii)(I), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsecs. (a)(3)(C)(ii) and (b)(4)(C)(ii)(II), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

This chapter, referred to in subsec. (b)(1)(B)(i)(III)(bb), (5)(A)(ii)(II), (8)(B), was in the original “this Act”, meaning Pub. L. 117-258, Dec. 21, 2022, 136 Stat. 2372, known as the Safeguard Tribal Objects of Patrimony Act of 2021, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3071 of this title and Tables.

**§ 3074. Voluntary return of tangible cultural heritage**

**(a) Liaison**

The Secretary and the Secretary of State shall each designate a liaison to facilitate the voluntary return of tangible cultural heritage.

**(b) Trainings and workshops**

The liaisons designated under subsection (a) shall offer to representatives of Indian Tribes and Native Hawaiian organizations and collec-

tors, dealers, and other individuals and organizations trainings and workshops regarding the voluntary return of tangible cultural heritage.

**(c) Referrals**

**(1) In general**

The Secretary shall refer individuals and organizations to 1 or more Indian Tribes and Native Hawaiian organizations with a cultural affiliation to tangible cultural heritage for the purpose of facilitating the voluntary return of tangible cultural heritage.

**(2) Referral representatives**

The Secretary shall compile a list of representatives from each Indian Tribe and Native Hawaiian organization for purposes of referral under paragraph (1).

**(3) Consultation**

The Secretary shall consult with Indian Tribes, Native Hawaiian organizations, and the Native working group convened under section 3076(a) of this title before making a referral under paragraph (1).

**(4) Third-party experts**

The Secretary may use third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, in determining to which Indian Tribe or Native Hawaiian organization an individual or organization should be referred under paragraph (1).

**(d) Legal liability**

Nothing in this section imposes on any individual or entity any additional penalties or legal liability.

**(e) Tax documentation**

In facilitating the voluntary return of tangible cultural heritage under this section, the Secretary shall include provision of tax documentation for a deductible gift to an Indian Tribe or Native Hawaiian organization, if the recipient Indian Tribe or Native Hawaiian organization consents to the provision of tax documentation.

**(f) Repatriation under Native American Graves Protection and Repatriation Act**

The voluntary return provisions of this section shall apply to a specific item of tangible cultural heritage only to the extent that the repatriation provisions under section 3005 of this title do not apply to the item of tangible cultural heritage.

(Pub. L. 117-258, §6, Dec. 21, 2022, 136 Stat. 2382.)

**§ 3075. Interagency working group**

**(a) In general**

The Secretary shall designate a coordinating office to convene an interagency working group consisting of representatives from the Departments of the Interior, Justice, State, and Homeland Security.

**(b) Goals**

The goals of the interagency working group convened under subsection (a) are—

- (1) to facilitate the repatriation to Indian Tribes and Native Hawaiian organizations of

items that have been illegally removed or trafficked in violation of applicable law;

(2) to protect tangible cultural heritage, cultural items, and archaeological resources still in the possession of Indian Tribes and Native Hawaiian organizations; and

(3) to improve the implementation by the applicable Federal agencies of—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, as added by that Act);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.); and

(C) other relevant Federal laws.

**(c) Responsibilities**

The interagency working group convened under subsection (a) shall—

(1) aid in implementation of this chapter and the amendments made by this Act, including by aiding in—

(A) the voluntary return of tangible cultural heritage under section 3074 of this title; and

(B) halting international sales of items that are prohibited from being trafficked under Federal law; and

(2) collaborate with—

(A) the Native working group convened under section 3076(a) of this title;

(B) the review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a));

(C) the Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114-151; 19 U.S.C. 2601 note); and

(D) any other relevant committees and working groups.

(Pub. L. 117-258, §7, Dec. 21, 2022, 136 Stat. 2383.)

**Editorial Notes**

REFERENCES IN TEXT

The Native American Graves Protection and Repatriation Act, referred to in subsec. (b)(3)(A), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (b)(3)(B), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 117-258, Dec. 21, 2022, 136 Stat. 2372, known as the Safeguard Tribal Objects of Patrimony Act of 2021, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3071 of this title and Tables.

The amendments made by this Act, referred to in subsec. (c)(1), means the amendment made by Pub. L. 117-258, which amended section 1170 of Title 18, Crimes and Criminal Procedure.