

S. 1471, Safeguard Tribal Objects of Patrimony Act of 2021

As ordered reported by the Senate Committee on Indian Affairs on May 26, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	13	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

S. 1471 would make it a federal crime to export Native American cultural items, archaeological resources, and objects of antiquity without proper authorization and would require exporters to obtain an export certification. Federal agencies would need to convene working groups to reduce trafficking and encourage repatriation of cultural heritage items. The bill also would direct the Department of the Interior (DOI) and the Department of State to designate liaisons to facilitate voluntary returns of unlawfully acquired items. Those agencies would provide training to tribal organizations, collectors, and dealers concerning the new prohibitions.

S. 1471 would authorize the appropriation of \$3 million annually over the 2021-2026 period to carry out the bill's requirements. CBO assumes that the bill will be enacted late in fiscal year 2021 and expects that federal agencies would begin incurring costs in 2022. Based on spending patterns for similar activities, CBO estimates, implementing S. 1471 would cost about \$13 million over that period, assuming appropriation of the authorized amounts.

In addition, S. 1471 would authorize DOI to charge fees to cover the costs of issuing export certifications. Those fees would be recorded as revenues and could be spent without appropriation. CBO expects the number of applications to be small and that the amount of fees collected and spent would be insignificant in each year.

People who violate the bill’s provisions could be subject to criminal fines. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without further appropriation. CBO expects that any additional revenues and subsequent direct spending would not be significant because the legislation would probably affect only a small number of cases.

The costs of the legislation, detailed in Table 1, fall within budget functions 150 (international affairs), 450 (community and regional development), and 750 (administration of justice).

**Table 1.
Estimated Increases in Spending Subject to Appropriation Under S. 1471**

	By Fiscal Year, Millions of Dollars						2021-2026
	2021	2022	2023	2024	2025	2026	
Authorization	3	3	3	3	3	3	18
Estimated Outlays	0	2	2	3	3	3	13

S. 1471 would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA), by requiring exporters of eligible Native American cultural items to obtain an export certification. According to the Government Accountability Office, fewer than 1,500 such items were identified at overseas auctions between 2012 and 2017. Using that information, CBO estimates that the number of affected exporters would be small; thus, the aggregate cost of the mandate would fall under the threshold established in UMRA for private-sector mandates (\$170 million in 2021, adjusted annually for inflation).

The CBO staff contacts for this estimate are Jon Sperl (for federal costs) and Lilia Ledezma (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.