

116TH CONGRESS
2D SESSION

H. R. 8298

To amend the Native American Graves Protection and Repatriation Act to move the enforcement office to the Bureau of Indian Affairs, to increase the civil monetary penalties for failure to follow the processes established by that Act, to protect confidential information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2020

Ms. HAALAND (for herself, Mr. COLE, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Native American Graves Protection and Repatriation Act to move the enforcement office to the Bureau of Indian Affairs, to increase the civil monetary penalties for failure to follow the processes established by that Act, to protect confidential information, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. NATIVE AMERICAN GRAVES PROTECTION AND**
2 **REPATRIATION ACT AMENDMENTS.**

3 (a) CIVIL PENALTIES.—Section 9 of the Native
4 American Graves Protection and Repatriation Act (25
5 U.S.C. 3007 et seq.) is amended—

6 (1) in subsection (a), by inserting “in which the
7 petitioning party and the aggrieved party are each
8 entitled to notice and an opportunity to be heard”
9 after “agency hearing”; and

10 (2) in subsection (b), by striking “determined
11 under regulations promulgated pursuant to this Act,
12 taking into account, in addition to other factors”
13 and inserting “5 percent of the museum’s annual
14 budget, or \$25,000, whichever is less, for each sub-
15 stantiated failure to comply, and such additional
16 sums as the Secretary may determine under regula-
17 tions promulgated pursuant to this Act, taking into
18 account other factors, including—”.

19 (b) ENFORCEMENT OFFICE.—Section 15 of the Na-
20 tive American Graves Protection and Repatriation Act (25
21 U.S.C. 3001 et seq.) is amended as follows:

22 (1) By striking “The United States” and in-
23 serting the following:

24 “(a) COURT OF JURISDICTION.—The United States”.

25 (2) By adding at the end the following:

1 “(b) OFFICE OF ENFORCEMENT.—The Office of the
2 Assistant Secretary, Bureau of Indian Affairs, shall be the
3 office for enforcement and other activities delegated by the
4 Secretary under this Act.”.

5 (c) CONFIDENTIAL INFORMATION.—The Native
6 American Graves Protection and Repatriation Act (25
7 U.S.C. 3001 et seq.) is amended by inserting after section
8 15 the following:

9 **“SEC. 16. CONFIDENTIAL INFORMATION.**

10 “(a) FULFILLMENT OF OBLIGATIONS.—Notwith-
11 standing any other provision of law, all information re-
12 lated to the fulfillment of obligations imposed by this Act,
13 regardless of form, shall be deemed confidential and not
14 subject to public disclosure by the Secretary, a museum,
15 or a Federal agency, unless such disclosure is required to
16 fulfill an obligation imposed by this Act or regulations pro-
17 mulgated thereto.

18 “(b) SUBMITTED TO THE REVIEW COMMITTEE.—
19 Notwithstanding any other provision of law, all informa-
20 tion submitted to the Review Committee by an affected
21 party seeking findings or resolution of disputes pursuant
22 to section 8(c)(3) and (4) shall be deemed confidential and
23 not subject to public disclosure by the Review Committee,

- 1 if the affected party indicates upon submission that such
- 2 information shall be kept confidential.”.

