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. MCCOLLM) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. NATIVE AMERICAN GRAVES PROTECTION AND

REPATRIATION ACT AMENDMENTS.

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

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

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

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

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

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

(2) By adding at the end the following:
“(b) Office of Enforcement.—The Office of the Assistant Secretary, Bureau of Indian Affairs, shall be the office for enforcement and other activities delegated by the Secretary under this Act.”.

(c) Confidential Information.—The Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) is amended by inserting after section 15 the following:

“SEC. 16. Confidential Information.

“(a) Fulfillment of Obligations.—Notwithstanding any other provision of law, all information related to the fulfillment of obligations imposed by this Act, regardless of form, shall be deemed confidential and not subject to public disclosure by the Secretary, a museum, or a Federal agency, unless such disclosure is required to fulfill an obligation imposed by this Act or regulations promulgated thereto.

“(b) Submitted to the Review Committee.—Notwithstanding any other provision of law, all information submitted to the Review Committee by an affected party seeking findings or resolution of disputes pursuant to section 8(c)(3) and (4) shall be deemed confidential and 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.”.

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