

105th CONGRESS

1st Session

H.R. 2893

To amend the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not readily ascertainable.

IN THE HOUSE OF REPRESENTATIVES

November 7, 1997

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not readily ascertainable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OWNERSHIP.

(a) REPEAL OF OWNERSHIP BASED ON ABORIGINAL LANDS- Paragraph (2) of section 3(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)) is amended by inserting or' at the end of subparagraph (A), by striking ; or' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(b) INADVERTENT DISCOVERY- Subsection (d) of section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002) is amended--

(1) in paragraph (1), by inserting those' before Federal lands'; and

(2) in paragraph (2), by adding at the end the following new sentence: Any person or entity that disposes of or controls a cultural item referred to in the preceding sentence shall comply with the applicable requirements of subsection (c).'

(c) RECORDING AND STATUS OF ITEMS EXCAVATED OR DISCOVERED AFTER NOVEMBER 16, 1990- Section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002) is amended by adding at the end the following new subsection:

(f) RECORDING AND STATUS OF ITEMS EXCAVATED OR DISCOVERED AFTER NOVEMBER 16, 1990- Cultural items excavated or discovered after November 16, 1990, except those items whose ownership or control is established under paragraph (1) or paragraph (2)(A) of subsection (a)--

(1) shall be reasonably recorded according to generally accepted scientific standards;

(2) shall remain under the control of the agency having primary management authority for the land on which the cultural item was excavated or discovered until 90 days after the publication in the Federal Register of a notice setting out a general description of the item, its estimated age, and the general area of discovery; and

(3) are subject to the study provisions of subsection 7(b).'

SEC. 2. LIMITED AUTHORIZATION FOR STUDY.

The last sentence of section 5(b) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3003(b)) is amended by inserting , except as expressly set forth in sections 3(f) and 7(b),' after mean, and'.

SEC. 3. STUDY AND RECORDING.

Subsection (b) of section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005) is amended to read as follows:

