

HR 4027 IH

110th CONGRESS

1st Session

H. R. 4027

To amend the Native American Graves Protection and Repatriation Act so that it will be interpreted in accordance with the original intent of Congress to require a significant relationship be found between remains discovered on Federal lands and presently existing Native American tribes for those remains to be applicable under the Native American Graves Protection and Repatriation Act.

IN THE HOUSE OF REPRESENTATIVES

October 31, 2007

Mr. HASTINGS of Washington 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 so that it will be interpreted in accordance with the original intent of Congress to require a significant relationship be found between remains discovered on Federal lands and presently existing Native American tribes for those remains to be applicable under the Native American Graves Protection and Repatriation Act.

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

SECTION 1. PURPOSE.

The purpose of this Act is to reflect the decisions of the United States District Court of Oregon and the United States Court of Appeals for the Ninth Circuit and reiterate that Congress intended the Native American Graves Protection and Repatriation Act (Public Law 101-601; 25 U.S.C. 3001 et seq.) (referred to hereafter in this Act as the `Act') to apply only to remains and other cultural items that have a significant genetic or cultural relationship to presently existing Native American tribes, and to protect the ability for scientific study of ancient human remains or cultural items discovered on Federal lands that are not substantially related to presently existing tribes.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) The American public benefits in many important ways from new information about the ancient peoples and cultures that preceded us on this continent.

(2) The litigation that occurred over the study and disposition of the ancient human skeletal remains known as Kennewick Man was extremely costly and divisive. Ultimately, the United States District Court of Oregon and the United States Court of Appeals for the Ninth Circuit ruled that Federal agencies erred in applying the Act to Kennewick Man and blocking scientific study.

(3) Future controversies are likely to arise over scientific study, safekeeping and disposition of other ancient skeletal remains and cultural items if greater clarity is not provided in the Act.

(4) When the Act was originally enacted, it was the intent of Congress that the Act should only apply to human remains or other cultural items that have a special, significant, and substantial relationship to presently existing Native Americans.

(5) Determinations by Federal agencies and museums that human remains and other cultural items are subject to the provisions of the Act should be based upon reliable and substantial scientific information.

(6) The Archaeological Resources Protection Act of 1979 (Public Law 96-95; 93 Stat. 721, 16 U.S.C. 470aa et seq.) reflects this Nation's commitment to the preservation of archaeological resources and scientific study of these resources for the benefit of all Americans.

SEC. 3. DEFINITIONS.

The text of section 2(9) of the Act (25 U.S.C. 3001(9)) is amended to read as follows: 'Native American' means cultural items that have a significant and substantial genetic or cultural relationship, based on factors other than geography alone, to a presently existing tribe, people, or culture that is now indigenous to the United States.'

SEC. 4. PROTECTION OF ABILITY FOR SCIENTIFIC STUDY.

Section 3 of the Act (25 U.S.C. 3002) is amended by adding at the end the following:

'(f) Protection of Ability to Study- Nothing in this Act shall be deemed to restrict excavation, examination, investigation, or scientific study under the Archaeological Resources Protection Act of 1979 of any cultural item found on Federal land that has not been determined to be the property of an Indian tribe or a Native Hawaiian organization.'

END