

**Calendar No. 570**104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1983****[Report No. 104-356]**

To amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 23, 1996

Mr. INOUE (for himself, Mr. McCAIN, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 27, 1996

Reported under authority of the order of the Senate of August 2, 1996 by Mr. McCAIN, without amendment

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**A BILL**

To amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, 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. AMENDMENTS TO THE NATIVE AMERICAN**  
2 **GRAVES PROTECTION AND REPATRIATION**  
3 **ACT.**

4 (a) **WRITTEN CONSENT REQUIRED IF NATIVE AMER-**  
5 **ICAN REMAINS ARE EXCAVATED OR REMOVED FOR PUR-**  
6 **POSES OF STUDY.**—Section 3(c) of the Native American  
7 Graves Protection and Repatriation Act (25 U.S.C.  
8 3002(c)) is amended—

9 (1) in paragraph (3), by striking “and” at the  
10 end of the paragraph;

11 (2) in paragraph (4), by striking the period and  
12 inserting “; and”; and

13 (3) by adding at the end the following new  
14 paragraph:

15 “(5) in the case of any intentional excavation or  
16 removal of Native American human remains for pur-  
17 poses of study, such remains are excavated or re-  
18 moved after written consent is obtained from—

19 “(A) lineal descendants, if known or read-  
20 ily ascertainable; or

21 “(B) each appropriate Indian tribe or Na-  
22 tive Hawaiian organization.”.

23 (b) **REQUIREMENTS FOR INADVERTENT DISCOV-**  
24 **ERIES.**—Section 3(d) of the Native American Graves Pro-  
25 tection and Repatriation Act (25 U.S.C. 3002(d)) is  
26 amended—

1           (1) in paragraph (1), by striking “with respect  
2           to tribal lands, if known or readily ascertainable”  
3           and inserting “. With respect to tribal lands, such  
4           notification shall be provided to each appropriate In-  
5           dian tribe or Native Hawaiian organization,”; and

6           (2) in paragraph (2), by adding at the end the  
7           following: “Any person or entity that disposes of or  
8           controls any such cultural item shall adhere to the  
9           applicable requirements of subsection (c).”.

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