

119TH CONGRESS  
1ST SESSION

# H. R. 6206

To protect the confidentiality of culturally sensitive information.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2025

Ms. LEGER FERNANDEZ (for herself and Ms. RANDALL) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To protect the confidentiality of culturally sensitive information.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Protect Culturally Sen-  
5       sitive Information Act”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are—

8               (1) to protect the confidentiality of culturally  
9       sensitive information provided by Indian Tribes,  
10      Alaska Native Entities, and Native Hawaiian Orga-  
11      nizations to the Federal Government;

(2) to create a safe, respectful space for consultation between the Federal Government and Indian Tribes, Alaska Native Entities, and Native Hawaiian Organizations that encourages a free-flowing exchange of information and ideas;

(3) to build trust, strengthen relationships, and expand opportunities for costewardship between the Federal Government and Indian Tribes, Alaska Native Entities, and Native Hawaiian Organizations by ensuring that culturally sensitive information provided to the Federal Government will be protected to the maximum extent practicable;

(4) to advance repatriation of cultural items, including human remains, under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(5) to strengthen support for the policy of the United States of protecting and preserving traditional, cultural, and ceremonial rites and practices in accordance with Public Law 95–341 (commonly known as the American Indian Religious Freedom Act) (42 U.S.C. 1996 et seq.).

**SEC. 3. DEFINITIONS.**

In this Act:

1           (1) AGENCY.—The term “agency” has the  
2           meaning given the term in section 551 of title 5,  
3           United States Code.

4           (2) ALASKA NATIVE ENTITY.—The term “Alas-  
5           ka Native Entity” means—

6                   (A) a Native Corporation, as defined in  
7                   section 3 of the Alaska Native Claims Settle-  
8                   ment Act (43 U.S.C. 1602); or

9                   (B) an Alaska Native Association ref-  
10                  erenced in section 7(a) of the Alaska Native  
11                  Claims Settlement Act (43 U.S.C. 1606(a)), in-  
12                  cluding respective successor organizations.

13           (3) AUTHORIZED REPRESENTATIVE.—The term  
14           “Authorized Representative” means a person au-  
15           thorized by an Alaska Native Entity, Native Hawai-  
16           ian Organization, or Tribal Government to make de-  
17           terminations with respect to culturally sensitive in-  
18           formation on behalf of the Alaska Native Entity,  
19           Native Hawaiian Organization, or Tribal Govern-  
20           ment.

21           (4) CULTURAL ITEMS.—The term “cultural  
22           items” has the meaning given the term in section 2  
23           of the Native American Graves Protection and Repa-  
24           triation Act (25 U.S.C. 3001).

1           (5) INDIAN TRIBE.—The term “Indian Tribe”  
2       means any Indian or Alaska Native Tribe, band, na-  
3       tion, pueblo, village, or other community the name  
4       of which is included (including parenthetically) on  
5       the list published by the Secretary of the Interior  
6       pursuant to section 104 of the Federally Recognized  
7       Indian Tribe List Act of 1994 (25 U.S.C. 5131).

8           (6) NATIVE HAWAIIAN ORGANIZATION.—The  
9       term “Native Hawaiian Organization”—

10           (A) means an organization that—

11                   (i) serves and represents the interests  
12                   of Native Hawaiians;

13                   (ii) has as a primary and stated pur-  
14                   pose for the provision of services to Native  
15                   Hawaiians; and

16                   (iii) has expertise in Native Hawaiian  
17                   affairs; and

18           (B) includes Native Hawaiian Organiza-  
19       tions registered with the Department of the In-  
20       terior’s Office of Native Hawaiian Relations.

21           (7) CULTURALLY SENSITIVE INFORMATION.—

22       The term “culturally sensitive information” means  
23       information described in section 4(a) that is subject  
24       to the disclosure protections and handling require-  
25       ments of this Act.

1           (8) TRIBAL GOVERNMENT.—The term “Tribal  
2       Government” means the governing body of an In-  
3       dian Tribe.

4   **SEC. 4. PROHIBITION ON DISCLOSURE.**

5       (a) DESIGNATION OF CULTURALLY SENSITIVE IN-  
6       FORMATION.—A Tribal Government or an Authorized  
7       Representative may designate information provided to any  
8       agency (including information shared with the agency  
9       prior to the date of the enactment of this Act) relating  
10      to the location or attributes of culturally or religiously sig-  
11      nificant sites including burial sites, or to cultural items,  
12      or the existence or details of cultural or religious practices,  
13      as culturally sensitive information.

14      (b) PROTECTION OF CULTURALLY SENSITIVE INFOR-  
15      MATION.—

16           (1) HANDLING OF CULTURALLY SENSITIVE IN-  
17      FORMATION.—Any agency that receives information  
18      designated as culturally sensitive information under  
19      subsection (a) shall consult with the appropriate  
20      Tribal Government or Authorized Representative to  
21      determine—

22                   (A) how the agency may store the informa-  
23                   tion; and

1 (B) which other entities within the Federal  
2 Government, if any, may have access to the in-  
3 formation.

4 (2) PROHIBITION AGAINST PUBLIC DISCLO-  
5 SURE.—Except as provided in paragraph (3), any  
6 information designated as culturally sensitive infor-  
7 mation under subsection (a) is exempt from disclo-  
8 sure under section 552(b)(3) of title 5, United  
9 States Code (commonly known as the Freedom of  
10 Information Act), and may not be made available to  
11 the public under any other provision of law or in any  
12 Federal publication.

13 (3) LIMITED RELEASE OF CULTURALLY SEN-  
14 SITIVE INFORMATION.—

15 (A) COMPELLED DISCLOSURE.—In the  
16 case of any lawful order (including a subpoena)  
17 compelling an agency to disclose culturally sen-  
18 sitive information in its possession—

19 (i) the lawful order shall, to the extent  
20 practicable, provide for the mitigation of  
21 any potential adverse effect deriving from  
22 the release of culturally sensitive informa-  
23 tion;

(ii) the agency shall, not later than 3 business days after such order takes effect—

(I) notify each applicable Tribal Government or Authorized Representative in writing of the intention of the agency to comply with the order or subpoena; and

(II) to the maximum extent practicable, and in consultation with the applicable Tribal Government or Authorized Representative, mitigate the potential adverse effect of releasing the culturally sensitive information, including by requesting that documents be redacted, provided under seal, or reviewed in camera; and

(iii) the court shall accord due deference to any mitigation undertaken by the agency under clause (ii)(II).

(B) CONSENT TO DISCLOSURE.—In the absence of a lawful order or subpoena compelling the release of culturally sensitive information, the agency may disclose information designated as culturally sensitive information under sub-

1           section (a) only if each applicable Tribal Gov-  
2           ernment or Authorized Representative consent  
3           to the disclosure in writing.

4           (c) CLOSED CONSULTATIONS.—At the request of a  
5 Tribal Government or an Authorized Representative, a  
6 consultation or communication that is likely to involve dis-  
7 cussion of the location or attributes of culturally or reli-  
8 giously significant sites, or to cultural items, or the exist-  
9 ence or details of cultural or religious practices shall be  
10 closed to the public, and all records created in relation  
11 to that meeting shall be designated as culturally sensitive  
12 information.

13          (d) BEST PRACTICES.—The Secretary of the Interior,  
14 in consultation with Indian Tribes, Alaska Native Entities,  
15 and Native Hawaiian Organizations, shall establish guide-  
16 lines for Federal agencies that includes information to un-  
17 derstand the significance of and best practices to handle  
18 culturally sensitive information.

19          (e) REGULATIONS.—

20           (1) PROMULGATION.—Not later than 1 year  
21 after the date of enactment of this Act, except as  
22 provided in paragraph (2), the head of each agency  
23 shall promulgate rules and regulations to carry out  
24 this Act.



1           (2) SCOPE.—In carrying out paragraph (1), the  
2           head of an agency with jurisdiction over other agen-  
3           cies may promulgate rules and regulations on behalf  
4           of those other agencies.

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