

tors, dealers, and other individuals and organizations trainings and workshops regarding the voluntary return of tangible cultural heritage.

(c) Referrals

(1) In general

The Secretary shall refer individuals and organizations to 1 or more Indian Tribes and Native Hawaiian organizations with a cultural affiliation to tangible cultural heritage for the purpose of facilitating the voluntary return of tangible cultural heritage.

(2) Referral representatives

The Secretary shall compile a list of representatives from each Indian Tribe and Native Hawaiian organization for purposes of referral under paragraph (1).

(3) Consultation

The Secretary shall consult with Indian Tribes, Native Hawaiian organizations, and the Native working group convened under section 3076(a) of this title before making a referral under paragraph (1).

(4) Third-party experts

The Secretary may use third parties with relevant expertise, including institutions of higher education, museums, dealers, and collector organizations, in determining to which Indian Tribe or Native Hawaiian organization an individual or organization should be referred under paragraph (1).

(d) Legal liability

Nothing in this section imposes on any individual or entity any additional penalties or legal liability.

(e) Tax documentation

In facilitating the voluntary return of tangible cultural heritage under this section, the Secretary shall include provision of tax documentation for a deductible gift to an Indian Tribe or Native Hawaiian organization, if the recipient Indian Tribe or Native Hawaiian organization consents to the provision of tax documentation.

(f) Repatriation under Native American Graves Protection and Repatriation Act

The voluntary return provisions of this section shall apply to a specific item of tangible cultural heritage only to the extent that the repatriation provisions under section 3005 of this title do not apply to the item of tangible cultural heritage.

(Pub. L. 117-258, §6, Dec. 21, 2022, 136 Stat. 2382.)

§ 3075. Interagency working group

(a) In general

The Secretary shall designate a coordinating office to convene an interagency working group consisting of representatives from the Departments of the Interior, Justice, State, and Homeland Security.

(b) Goals

The goals of the interagency working group convened under subsection (a) are—

- (1) to facilitate the repatriation to Indian Tribes and Native Hawaiian organizations of

items that have been illegally removed or trafficked in violation of applicable law;

(2) to protect tangible cultural heritage, cultural items, and archaeological resources still in the possession of Indian Tribes and Native Hawaiian organizations; and

(3) to improve the implementation by the applicable Federal agencies of—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) (including section 1170 of title 18, as added by that Act);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.); and

(C) other relevant Federal laws.

(c) Responsibilities

The interagency working group convened under subsection (a) shall—

(1) aid in implementation of this chapter and the amendments made by this Act, including by aiding in—

(A) the voluntary return of tangible cultural heritage under section 3074 of this title; and

(B) halting international sales of items that are prohibited from being trafficked under Federal law; and

(2) collaborate with—

(A) the Native working group convened under section 3076(a) of this title;

(B) the review committee established under section 8(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006(a));

(C) the Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114-151; 19 U.S.C. 2601 note); and

(D) any other relevant committees and working groups.

(Pub. L. 117-258, §7, Dec. 21, 2022, 136 Stat. 2383.)

Editorial Notes

REFERENCES IN TEXT

The Native American Graves Protection and Repatriation Act, referred to in subsec. (b)(3)(A), is Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, which is classified principally to chapter 32 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The Archaeological Resources Protection Act of 1979, referred to in subsec. (b)(3)(B), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 117-258, Dec. 21, 2022, 136 Stat. 2372, known as the Safeguard Tribal Objects of Patrimony Act of 2021, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3071 of this title and Tables.

The amendments made by this Act, referred to in subsec. (c)(1), means the amendment made by Pub. L. 117-258, which amended section 1170 of Title 18, Crimes and Criminal Procedure.

§ 3076. Native working group**(a) In general**

The Secretary shall convene a Native working group consisting of not fewer than 12 representatives of Indian Tribes and Native Hawaiian organizations with relevant expertise, who shall be nominated by Indian Tribes and Native Hawaiian organizations, to advise the Federal Government in accordance with this section.

(b) Recommendations

The Native working group convened under subsection (a) may provide recommendations regarding—

- (1) the voluntary return of tangible cultural heritage by collectors, dealers, and other individuals and non-Federal organizations that hold such tangible cultural heritage; and
- (2) the elimination of illegal commerce of cultural items and archaeological resources in the United States and foreign markets.

(c) Requests

The Native working group convened under subsection (a) may make formal requests to initiate certain agency actions, including requests that—

- (1) the Department of Justice initiate judicial proceedings domestically or abroad to aid in the repatriation cultural items and archaeological resources; and
- (2) the Department of State initiate dialogue through diplomatic channels to aid in that repatriation.

(d) Agency and committee assistance**(1) In general**

On request by the Native working group convened under subsection (a), the agencies and committees described in paragraph (2) shall make efforts to provide information and assistance to the Native working group.

(2) Description of agencies and committees

The agencies and committees referred to in paragraph (1) are the following:

- (A) The Department of the Interior.
- (B) The Department of Justice.
- (C) The Department of Homeland Security.
- (D) The Department of State.
- (E) The review committee established under section 3006(a) of this title.
- (F) The Cultural Heritage Coordinating Committee established pursuant to section 2 of the Protect and Preserve International Cultural Property Act (Public Law 114–151; 19 U.S.C. 2601 note).
- (G) Any other relevant Federal agency, committee, or working group.

(e) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.)¹ shall not apply to the Native working group convened under subsection (a).

(Pub. L. 117–258, § 8, Dec. 21, 2022, 136 Stat. 2384.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770,

¹ See References in Text note below.

which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117–286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

§ 3077. Treatment under Freedom of Information Act**(a) In general**

Except as provided in subsection (c), the following information shall be exempt from disclosure under section 552 of title 5:

- (1) Information that a representative of an Indian Tribe or Native Hawaiian organization—

(A) submits to a Federal agency pursuant to this chapter or an amendment made by this Act; and

(B) designates as sensitive or private according to Native American custom, law, culture, or religion.

- (2) Information that any person submits to a Federal agency pursuant to this chapter or an amendment made by this Act that relates to an item for which an export certification is denied under this chapter.

(b) Applicability

For purposes of subsection (a), this chapter shall be considered a statute described in section 552(b)(3)(B) of title 5.

(c) Exception

An Indian Tribe or Native Hawaiian organization may request and shall receive its own information, as described in subsection (a), from the Federal agency to which the Indian Tribe or Native Hawaiian organization submitted the information.

(Pub. L. 117–258, § 9, Dec. 21, 2022, 136 Stat. 2385.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 117–258, Dec. 21, 2022, 136 Stat. 2372, known as the Safeguard Tribal Objects of Patrimony Act of 2021, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3071 of this title and Tables.

An amendment made by this Act, referred to in subsec. (a)(1)(A), (2), means the amendment made by Pub. L. 117–258, which amended section 1170 of Title 18, Crimes and Criminal Procedure.

§ 3078. Regulations

Not later than 1 year after December 21, 2022, the Secretary, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, and after consultation with Indian Tribes and Native Hawaiian organizations, shall promulgate rules and regulations to carry out this chapter.

(Pub. L. 117–258, § 10, Dec. 21, 2022, 136 Stat. 2385.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 117–258, Dec. 21, 2022, 136