

**§ 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.)<sup>1</sup> 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,

<sup>1</sup> 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

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.

**§ 3079. Authorization of appropriations**

There is authorized to be appropriated to carry out this chapter \$3,000,000 for each of fiscal years 2022 through 2027.

(Pub. L. 117-258, §11, 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.

**CHAPTER 33—NATIONAL INDIAN FOREST RESOURCES MANAGEMENT**

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**§ 3101. Findings**

The Congress finds and declares that—

(1) the forest lands of Indians are among their most valuable resources and Indian forest lands—

(A) encompass more than 15,990,000 acres, including more than 5,700,000 acres of commercial forest land and 8,700,000 acres of woodland,

(B) are a perpetually renewable and manageable resource,

(C) provide economic benefits, including income, employment, and subsistence, and

(D) provide natural benefits, including ecological, cultural, and esthetic values;

(2) the United States has a trust responsibility toward Indian forest lands;

(3) existing Federal laws do not sufficiently assure the adequate and necessary trust management of Indian forest lands;

(4) the Federal investment in, and the management of, Indian forest land is significantly below the level of investment in, and management of, National Forest Service forest land, Bureau of Land Management forest land, or private forest land;

(5) tribal governments make substantial contributions to the overall management of Indian forest land; and

(6) there is a serious threat to Indian forest lands arising from trespass and unauthorized harvesting of Indian forest land resources.

(Pub. L. 101-630, title III, §302, Nov. 28, 1990, 104 Stat. 4532.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-278, §1, July 22, 2004, 118 Stat. 868, provided that: “This Act [enacting section 3115a of this title and enacting provisions set out as a note under section 3115b of this title] may be cited as the ‘Tribal Forest Protection Act of 2004’.”

SHORT TITLE

Pub. L. 101-630, title III, §301, Nov. 28, 1990, 104 Stat. 4532, provided that: “This title [enacting this chapter] may be cited as the ‘National Indian Forest Resources Management Act’.”

**§ 3102. Purposes**

The purposes of this chapter are to—

(1) allow the Secretary of the Interior to take part in the management of Indian forest lands, with the participation of the lands’ beneficial owners, in a manner consistent with the Secretary’s trust responsibility and with the objectives of the beneficial owners;

(2) clarify the authority of the Secretary to make deductions from the proceeds of sale of Indian forest products, assure the use of such deductions on the reservation from which they are derived solely for use in forest land management activities, and assure that no other deductions shall be collected;

(3) increase the number of professional Indian foresters and related staff in forestry programs on Indian forest land; and

(4) provide for the authorization of necessary appropriations to carry out this chapter for the protection, conservation, utilization, management, and enhancement of Indian forest lands.

(Pub. L. 101-630, title III, §303, Nov. 28, 1990, 104 Stat. 4532.)

**§ 3103. Definitions**

For the purposes of this chapter, the term—

(1) “Alaska Native” means Native as defined in section 1602(b) of title 43;

(2) “forest” means an ecosystem of at least one acre in size, including timberland and woodland, which—

(A) is characterized by a more or less dense and extensive tree cover,

(B) contains, or once contained, at least ten percent tree crown cover, and

(C) is not developed or planned for exclusive nonforest use;

(3) “Indian forest land” means Indian lands, including commercial and non-commercial