

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 21-114—HB 6203

Government Administration and Elections Committee

AN ACT EXEMPTING CERTAIN RECORDS CONCERNING NATIVE AMERICAN CULTURAL KNOWLEDGE FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: This act exempts certain records of traditional cultural knowledge submitted to a public agency by a member, representative, or lineal descendant of a tribal nation from being (1) deemed a public record and (2) subject to disclosure under the Freedom of Information Act (FOIA). The exemption applies to any of these records submitted as part of the consultation process to determine cultural affiliation under the federal Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations.

Under the act, a “tribal nation” is an Indian tribe or Native Hawaiian organization, as defined under NAGPRA, or a tribe recognized by one or more state governments. “Records of traditional cultural knowledge” are records with information central to a community’s cultural and social identity, such as religious rites and rituals, locations of sacred sites, kinship membership statistics, and oral histories and traditions.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Native American Graves Protection and Repatriation Act

NAGPRA requires federal agencies and institutions that receive federal funds (e.g., museums, universities, state agencies, and local governments) to return or transfer Native American human remains and other cultural items to the appropriate parties by:

1. consulting with lineal descendants, Indian Tribes, and Native Hawaiian organizations;
2. protecting and planning for human remains and other cultural items that may be removed from federal or tribal lands;
3. identifying and reporting human remains and other cultural items in inventories and summaries of holdings or collections; and
4. giving notice before returning or transferring human remains and other cultural items (25 U.S.C. § 3001 et seq.).