



# House of Representatives

General Assembly

**File No. 468**

January Session, 2021

House Bill No. 6203

*House of Representatives, April 15, 2021*

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section,  
2 (1) "records of traditional cultural knowledge" means records containing  
3 information central to a community's cultural and social identity,  
4 including, but not limited to, religious rites and rituals, location of  
5 sacred sites, kinship membership statistics and oral histories and  
6 traditions; (2) "tribal nation" means any Indian tribe or Native Hawaiian  
7 organization, as defined under NAGPRA, or any tribe recognized by  
8 one or more state governments; and (3) "NAGPRA" means the Native  
9 American Graves Protection and Repatriation Act, 25 USC 3001 et seq.
- 10 (b) Any record of traditional cultural knowledge submitted by a  
11 member, representative or lineal descendant of a tribal nation to any  
12 public agency, as defined in section 1-200 of the general statutes, as part

13 of the consultation process to determine cultural affiliation under  
14 NAGPRA and its implementing regulations, 43 CFR 10, shall not be  
15 deemed a public record and shall not be subject to disclosure under the  
16 Freedom of Information Act, as defined in section 1-200 of the general  
17 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	New section

**GAE**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

This bill exempts any record of traditional cultural knowledge submitted by a member, representative, or lineal descendant of a tribal nation to any public agency as part of the consultation process to determine cultural affiliation under the federal Native American Graves Protection and Repatriation Act from being subject to disclosure under the Freedom of Information Act. This has no fiscal impact on the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****HB 6203*****AN ACT EXEMPTING CERTAIN RECORDS CONCERNING NATIVE AMERICAN CULTURAL KNOWLEDGE FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill 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 bill, 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, location 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.)

**Public Agency**

Generally, under FOIA, a public agency is any (1) state, municipal, regional, or quasi-public agency or (2) entity that is the functional equivalent of these agencies (CGS § 1-200(1)).

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (03/29/2021)