



Rep. Todd Rokita (R-Indiana) addresses the winter session of the National Congress of American Indians in Washington, D.C., on February 14, 2017. Photo by Indianz.Com (CC BY-NC-SA 4.0)

[ENVIRONMENT](#) | [LAW](#) | [NATIONAL](#)

## 'No one is above the law': Bill aims to strengthen federal repatriation law

[f](#) [t](#) [G+](#) [p](#) [in](#) [t](#) [✉](#)

Tuesday, July 31, 2018 [📅](#)

A bipartisan group of lawmakers is seeking to strengthen the [Native American Graves Protection and Repatriation Act](#) (NAGPRA) in response to lax enforcement of the law.

Congress enacted NAGPRA in 1990 to hold government agencies, universities and museums that receive federal funds accountable for their collections of Native ancestors and artifacts. But in the last 28 years, relatively [few fines have been assessed for violations](#) even though numerous reports have shown a lack of compliance.

In hopes of changing the situation, [Rep. Todd Rokita](#) (R-Indiana) has introduced a bill that increases NAGPRA penalties. He noted that local governments and universities in his home state of Indiana have failed to comply with the law.

"No one is above the law, especially researchers and professors who rely on federal funding," Rokita said on Tuesday. "I have introduced legislation that would hold liberal academics accountable to tribes when they violate federal laws pertaining to Native American graves and funerary objects."

Additionally, the bill transfers enforcement of the law to the [Bureau of Indian Affairs](#), the federal agency that most closely works with tribes. Currently, the [U.S. Fish and Wildlife](#) handles investigations, in coordination with the [National Park Service](#), according to the [National NAGPRA Program](#).

"It is imperative that we respect the rich history of the Native American culture, which is uniquely American, and give tribes and their deceased the respect they deserve," Rokita said.



*The Strawtown Koteewi Park in Indiana marks the site of a historic tribal settlement. The Miami, Shawnee and Delaware peoples lived in the area through the 1800s, when they were forced to leave. Excavations there have since turned up a significant number of artifacts and ancestral remains. Photo: Hamilton County*

Last year, the Hamilton County Parks Department in Indiana was fined less than \$7,000 last year for digging up Native ancestors and their grave sites at [Strawtown Koteewi Park](#). An [investigation by The Indianapolis Star](#) found that tribes weren't consulted about the removal of more than 90,000 items of cultural patrimony over a 10-year period.

"I'm of the opinion that this is one of the most egregious breaches of the NAGRPA act since it was introduced," George Strack, the former historic preservation officer for the [Miami Nation](#), told the paper in a [follow-up article](#). He said the county, which has [claimed a "working relationship" with the tribe](#) should have been fined as much as \$70,000 for failing to comply with the law.

"I think they got let off the hook," Strack told the paper. In its [spring 2017 newsletter](#), the tribe decried the "wrongful excavation and collection" of their ancestral site in Indiana.

Institutions elsewhere in the nation seem to get off lightly as well. Earlier this year, the [Marshall University in West Virginia](#) agreed to pay a fine of \$4,999 fine for taking nearly 30 years to complete an inventory of items connected to more than 200 tribes, a [large number of them in Alaska](#).



National NAGPRA Program on YouTube: [NAGPRA Civil Penalties](#)

According to the Government Accountability Office (GAO), the first notice of a failure to comply with NAGPRA wasn't served on a museum until 2006 -- some 16 years after the law went on the books. Despite the slow-moving nature of the process, that initial action "resulted in museums taking compliance more seriously and also in the increase in allegations," a [2010 report](#) stated.

Yet at the time of the GAO report, only six penalties totaling \$38,490 had been levied against six museums through the end of fiscal year 2009. Since then, only two additional institutions have been hit with fines, [The Associated Press](#) disclosed in May.

And of those penalties, only \$29,179 has been collected by the federal government, according to the AP.

According to [Archaeology Almanac](#), a museum can be fined \$6,533, plus an additional \$1,307 per day, for non-compliance. Prior to a 2015 federal law that increased penalties government-wide, the caps were \$5,000 and \$1,000, respectively.

But if Rokita's bill were to become law, fines could increase substantially. The measure amends NAGPRA to authorize penalties of up to 1 percent of an offending museum's annual budget, or \$25,000, whichever is greater. The [Department of the Interior](#) would also have the ability to assess higher fines.

The bill has two Republican co-sponsors -- [Rep. Tom Cole](#) (R-Oklahoma), a citizen of the Chickasaw Nation and the co-chair of the Congressional Native American Caucus, and [Rep. Don Young](#) (R-Alaska). It also has Democratic co-sponsors -- [Rep. Betty McCollum](#) (D-Minnesota), the other co-chair of the caucus, and [Rep. Gwen Moore](#) (D-Wisconsin).

A bill number was not yet available as of Tuesday morning but the text of Rokita's measure can be [read on the congressman's website](#).

## NAGPRA Reports

Government Accountability Office Report -- Native American Graves Protection and Repatriation Act: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act:

[Summary](#) | [Highlights](#) | [Full Report](#)

Government Accountability Office Report -- Key Federal Agencies' and the Smithsonian Institution's Efforts to Identify and Repatriate Indian Human Remains and Objects:

[Highlights](#) | [Full Report](#)

## Join the Conversation

## Related Stories

- [Graham Lee Brewer: Native ancestors are often treated like collector's items](#) (June 11, 2018)
- [A 'dark period' in American history: Repatriation committee gets back on track](#) (May 23, 2018)
- [Few fines under Native American Graves Protection and Repatriation Act](#) (May 7, 2018)
- [Tribes set to reclaim ancestral remains uncovered in Idaho](#) (May 7, 2018)
- [Chip Colwell: Rights of the dead and the living clash over DNA studies](#) (April 6, 2018)
- [Secretary Zinke criticized for offering Japanese greeting at hearing](#) (March 16, 2018)
- [Tribes seek to repatriate ancestral remains uncovered in Idaho](#) (February 7, 2018)
- [Secretary Zinke refused to meet with National Park Service advisory board](#) (January 17, 2018)
- [Trump administration sets up roadblocks as tribes call for return of sacred items](#) (November 8, 2017)

### Tags #

[115th](#) [bia](#) [democrats](#) [doi](#) [fws](#) [gao](#) [house](#) [indiana](#) [nagpra](#) [republicans](#) [todd rokita](#)

### Most Read ⚡

- [Harold Frazier: Cheyenne River Sioux Tribe won't allow flag in state capitol](#)
- [Oglala Sioux Tribe orders lockdown after winter storm slams the reservation](#)
- [Defendant goes to trial in connection with brutal beating of Lakota woman](#)
- [Native Sun News Today: Tribes protest passage of bill protecting Keystone XL Pipeline](#)
- [Advocates call for funding data to find missing murdered Native women](#)

Advertisement



**Master's in Indian Law**

- Join the *first* Master's in Indian Law Program
- Gain the legal knowledge tribal leaders need

Master of Jurisprudence in Indian Law

### More Headlines

[Native student wins award for work on gender and racial identity](#)

---

[J.M. Opal: The myth of the American Frontier still shapes U.S. racial divides](#)

---

[Native students are helping lead the climate change movement](#)

---

[Tim Giago: Let us stay for awhile and see what we shall see](#)

---

[Rep. Tom Cole: Democrats in Congress are not acting 'For the People'](#)

---

[Rep. Markwayne Mullin: Democrats want to bring socialism to America](#)

---

[Harold Frazier: Cheyenne River Sioux Tribe won't allow flag in state capitol](#)

---

[Native Sun News Today: Tribes protest passage of bill protecting Keystone XL Pipeline](#)

---

[Advocates call for funding, data to find missing, murdered Native women](#)

---

[Tribal officials worry Bears Ears cuts leave sacred spaces vulnerable](#)

---

[Oglala Sioux Tribe orders lockdown after winter storm slams the reservation](#)

---

['They are not your children': Future of Indian Child Welfare Act in hands of appeals court](#)

---

[More Headlines](#)

Stay Connected with Indianz.Com



[Arts & Entertainment](#)

[Business](#)

[Canada](#)

[Cobell](#)

[Education](#)

[Environment](#)

[Federal Recognition](#)

[Federal Register](#)

[Health](#)

[Indian Gaming](#)

[Indian Trust](#)

[Jack Abramoff Scandal](#)

[Jobs & Notices](#)

[Law](#)

[National](#)

[Opinion](#)

[Politics](#)

[Sports](#)

[Technology](#)

[World](#)

## Indianz.Com

Native American news, information and entertainment. Owned and operated by [Ho-Chunk Inc.](#), the economic development corporation of the [Winnebago Tribe](#).

© Copyright: [Indianz.com](#)