

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 3007. Penalty**

**(a) Penalty**

Any museum that fails to comply with the requirements of this chapter may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

**(b) Amount of penalty**

The amount of a penalty assessed under subsection (a) shall be determined under regulations promulgated pursuant to this chapter, taking into account, in addition to other factors—

- (1) the archaeological, historical, or commercial value of the item involved;
- (2) the damages suffered, both economic and noneconomic, by an aggrieved party,<sup>1</sup> and
- (3) the number of violations that have occurred.

**(c) Actions to recover penalties**

If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

**(d) Subpoenas**

In hearings held pursuant to subsection (a), subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

(Pub. L. 101-601, § 9, Nov. 16, 1990, 104 Stat. 3057.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this Act”, meaning Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, known as the Native American Graves Protection and Repatriation Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

**§ 3008. Grants**

**(a) Indian tribes and Native Hawaiian organizations**

The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations

<sup>1</sup> So in original. The comma probably should be a semicolon.

for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

**(b) Museums**

The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 3003 and 3004 of this title.

(Pub. L. 101-601, § 10, Nov. 16, 1990, 104 Stat. 3057.)

**§ 3009. Savings provision**

Nothing in this chapter shall be construed to—

- (1) limit the authority of any Federal agency or museum to—

- (A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

- (B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this chapter;

- (2) delay actions on repatriation requests that are pending on November 16, 1990;

- (3) deny or otherwise affect access to any court;

- (4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

- (5) limit the application of any State or Federal law pertaining to theft or stolen property.

(Pub. L. 101-601, § 11, Nov. 16, 1990, 104 Stat. 3057.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, known as the Native American Graves Protection and Repatriation Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

**§ 3010. Special relationship between Federal Government and Indian tribes and Native Hawaiian organizations**

This chapter reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

(Pub. L. 101-601, § 12, Nov. 16, 1990, 104 Stat. 3058.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “This Act”, meaning Pub. L. 101-601, Nov. 16, 1990, 104 Stat. 3048, known as the Native American Graves Protection and Repatriation Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

**§ 3011. Regulations**

The Secretary shall promulgate regulations to carry out this chapter within 12 months of November 16, 1990.

(Pub. L. 101-601, § 13, Nov. 16, 1990, 104 Stat. 3058.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 101-601, Nov. 16, 1990, 104