U. S. Department of the Interior
National Park Service

Native American Graves Protection and Repatriation Review Committee Charter

1. **COMMITTEE'S OFFICIAL DESIGNATION.** Native American Graves Protection and Repatriation Review Committee (Committee).

2. **AUTHORITY.** This is a Federal advisory committee established by Section 8 of Public Law 101-601, November 16, 1990 (Act), and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. **OBJECTIVES AND SCOPE OF ACTIVITIES.** The purpose of the Committee is to monitor and review the implementation of the inventory and identification processes and repatriation activities required under Sections 5, 6 and 7 of the Act.

4. **DESCRIPTION OF DUTIES.** The duties of the Committee are solely advisory. Specifically, the Committee will be responsible for:

   a. Monitoring and reviewing the implementation of the inventory and identification processes and repatriation activities required under sections 5, 6, and 7 of the Act to ensure a fair and objective consideration and assessment of all available relevant information and evidence;

   b. Reviewing and making findings relating to the identity or cultural affiliation of human remains, funerary objects, sacred objects, and objects of cultural patrimony, or the repatriation of such items, upon the request of any affected party;

   c. Facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants, and Federal agencies or museums relating to the repatriation of human remains, funerary objects, sacred objects, and objects of cultural patrimony, including convening the parties to the dispute, if deemed desirable;

   d. Compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for disposition of such human remains;

   e. Consulting with Indian tribes, Native Hawaiian organizations, and museums on matters within the scope of the work of the Committee affecting such tribes or organizations;

   f. Consulting with the Secretary in the development of regulations to carry out the Act;

g. Performing such other related functions as the Secretary may assign to the Committee;

h. Making recommendations, if appropriate, regarding future care of human remains, funerary objects, sacred objects, and objects of cultural patrimony which are to be repatriated; and

i. Submitting an annual report to Congress on the progress and any barriers encountered in carrying out the Committee responsibilities during the year.

5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.** The Committee reports to the Secretary through the Designated Federal Officer (DFO).

6. **SUPPORT.** Support of the Committee is provided by the National Park Service.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.** The annual operating costs associated with supporting the Committee's activities are estimated to be $163,000, including all direct or indirect expenses and .25 of staff years.

8. **DESIGNATED FEDERAL OFFICER.** The DFO is the Manager, National NAGPRA Program and is a full time Federal employee appointed in accordance with Agency procedures. The DFO will approve or call all Committee and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS.** The Committee will meet approximately three times a year, and at such other times as designated by the DFO.

10. **DURATION.** Continuing.

11. **TERMINATION.** The Committee is subject to biennial review and will terminate 2 years from the date the charter is filed, unless, prior to that date, it is renewed in accordance with Section 14 of the FACA. The Committee will not meet or take any action without a valid current charter.

12. **MEMBERSHIP AND DESIGNATION.** The Committee will be composed of seven members appointed by the Secretary as follows:

a. Three members appointed from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders, with at least two of such persons being traditional Native American religious leaders;

b. Three members appointed from nominations submitted by national museum organizations and scientific organizations; and

c. One member appointed from nominations developed and consented to by the other members of the committee.

Members are appointed as Special Government Employees and are required to file on an annual basis a confidential financial disclosure form.

Initial terms of appointment will be for 4 years. Reappointment of current members will be for a term of 2 years. Any vacancy on the Committee will be filled in the same manner in which the original appointment was made within 90 days of the occurrence of such vacancy.

Members are expected to participate in Committee meetings and activities. If a member fails to do so, the DFO will recommend that the Secretary terminate the member's appointment to the Committee. All members serve at the pleasure of the Secretary.

Members of the Committee shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for Level IV of the Executive Schedule for each day (including travel time) for which the member is actually engaged in Committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with Sections 5702 and 5703 of Title 5, United States Code.

The Committee will designate one member to be Chairperson.

12. **ETHICS RESPONSIBILITIES OF MEMBERS.** No Committee or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest. In addition, the Department of the Interior will provide materials to those members appointed as special Government employees, explaining their ethical obligations with which the members should be familiar. Consistent with the ethics requirements, members will endeavor to avoid any actions that would cause the public to question the integrity of the Committee's operations, activities, or advice. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

13. **SUBCOMMITTEES.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Committee Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

14. **RECORDKEEPING.** The records of the Committee, formally and informally established subcommittees of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Ken Salazar

Secretary of the Interior

NOV 16 2010

Date Signed

NOV 24 2010

Date Filed