Native American Graves Protection and Repatriation Review Committee

Report to the Congress for 1999, 2000, and 2001

U.S. Department of the Interior

National Park Service
U.S. Department of the Interior

National Center for Cultural Resources

This report was prepared by the Native American Graves Protection and Repatriation Review Committee, and edited and produced by the National Park Service's National NAGPRA program.

National NAGPRA is a program of the National Center for Cultural Resources, which is part of the National Park Service's Washington, DC, headquarters. In addition to other responsibilities for national implementation of NAGPRA, National NAGPRA provides administrative and staff support for the Review Committee.

Statements, views, and recommendations in this report are those of the Native American Graves Protection and Repatriation Review Committee and should not be interpreted as representing the opinions or policies of the U.S. Government.

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A. Introduction

Passage of the Native American Graves Protection and Repatriation Act of 1990[1] (NAGPRA) marked a watershed in the long and often troubled relationship between Native Americans and many of this country's educational institutions, museums, and public agencies. NAGPRA provides for the repatriation of Native American cultural items—human remains, funerary objects, sacred objects, and cultural patrimony—in museum and Federal agency collections, and cultural items that may be found on Federal or Indian land in the future, to lineal descendants and culturally affiliated Indian tribes, and to Native Hawaiian organizations. NAGPRA also provides greater protection for Native American graves located on Federal and tribal lands. Lastly, NAGPRA amends Chapter 53 of title 18 of the United States Code to prohibit trafficking in Native American human remains and, in certain situations, funerary objects, sacred objects, and cultural patrimony. NAGPRA affects all museums that have received Federal funds and all Federal agencies.

The Native American Graves Protection and Repatriation Review Committee was established under NAGPRA.[2] The Review Committee has several statutory responsibilities, and operates in accordance with the Federal Advisory Committee Act[3] and the Review Committee's charter.[4] The Review Committee's actions and findings are advisory. Per NAGPRA, records and findings of the Review Committee relating to the identity or cultural affiliation of cultural items and the return of cultural items may be admissible in any action brought under Section 15 of NAGPRA.[5]

Additional information about NAGPRA and the Review Committee is available on the Web—www.cr.nps.gov/nagpra.

This report is prepared and submitted as required by NAGPRA: "The [Review] Committee established under subsection (a) of this section shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year."[6]

1. Public Law 101-601; 25 U.S.C. 3001 et seq. See Appendix I for full text.
2. 25 U.S.C. 3006.
3. 5 U.S.C. Appendix (1994).
4. See Appendix II.
5. 25 U.S.C. 3006 (d).
6. 25 U.S.C. 3006 (h).

B. Review Committee Activities

This report summarizes the Review Committee's activities for this reporting period—calendar years 1999 through 2001. Several important changes occurred during the reporting period, both in the Review Committee and in the National Park Service's administration of NAGPRA.

Per NAGPRA, "The [Review] Committee established under subsection (a) of this section shall be composed of 7 members, (A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders; (B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and (C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B)."[7]

7. 25 U.S.C. 3006 (b)(1).

The roster of Review Committee members during the reporting period is included in this report as Appendix III.

The four members appointed to begin 6-year terms in 1998—Mr. James Bradley, Ms. Vera Metcalf, Mr. Armand Minthorn, and Mr. John O'Shea—served throughout the reporting period, as did Mr. Lawrence Hart. (Although Mr. Hart's term expired in September 2001, Mr. Hart agreed to continue to serve on the Review Committee until the vacancy is filled, as provided in the Review Committee's charter.) In 2000, the terms of the last two original Review Committee members, Ms. Tessie Naranjo and Mr. Martin Sullivan, expired. These members were replaced by Mr. Garrick Bailey and Ms. Rosita Worl, each appointed for a 6-year term.

Significant changes also occurred during the reporting period in the National Park Service's administration of some of the Secretary of the Interior's responsibilities under NAGPRA. In Fall 1999, in response to input by the Review Committee, the Congress, and the NAGPRA community, the Department of the Interior directed the National Park Service to separate the oversight of NAGPRA implementation within the National Park System from the administration of NAGPRA outside of the National Park System. The National Park Service proceeded immediately to separate "Park NAGPRA" from "National NAGPRA." The Archeology and Ethnography program of the National Park Service's National Center for Cultural Resources continues to administer Park NAGPRA. National NAGPRA was established as a separate program in the National Center for Cultural Resources under the National Park Service's Assistant Director, Cultural Resources.

Six Review Committee meetings were convened during the reporting period—

May 3–5, 1999	Silver Spring, MD
November 18–20, 1999	Salt Lake City, UT
April 2–4, 2000	Juneau, AK
December 11–13, 2000	Nashville, TN
May 31–June 2, 2001	Kelseyville, CA
November 17–19, 2001	Cambridge, MA

At each meeting, the Review Committee heard from a broad range of tribal officials and members, museum and scientific institution officials, Federal agency representa-

tives, and members of the public on NAGPRA and its implementation. Review Committee meeting minutes are available online.[8]

8. www.cr.nps.gov/nagpra; click on "Review Committee," then click on "Meetings."

Four topics dominated Review Committee meetings during the reporting period—

1. The need for clear and consistent administrative policy and management
At every meeting, the Review Committee heard expressions of concern on the importance of NAGPRA, the need for implementation to be balanced and fair, delays in implementation, and the need for National Park Service and Department of the Interior leadership in national implementation. Specifics on this topic are discussed under Implementation Issues, below.

2. Compliance by museums and Federal agencies
Most museums and many Federal agencies appear to have carried out the provisions of NAGPRA in good faith. As of December 31, 2001, inventories of human remains and associated funerary objects, or statements of no collections, had been received from 883 museums and Federal agencies, and summaries of unassociated funerary objects, sacred objects, and objects of cultural patrimony, or statements of no collections, had been received from 1,059 museums and Federal agencies.

In May 1999, the Assistant Secretary for Fish and Wildlife and Parks denied an extension of time to complete NAGPRA inventories to six museums with particularly large collections. All six were given a specific period during which the Secretary of the Interior would forbear pursuing civil penalties. All six museums completed their inventories within the forbearance period.

NAGPRA compliance by Federal agencies appears to be more variable than NAGPRA compliance by museums. This aspect of NAGPRA implementation is discussed further under Implementation Issues, below.

3. Recommendations on the disposition of culturally unidentifiable human remains
Perhaps the most pressing challenge that faced the Review Committee during the reporting period was fulfilling the statutory requirement to advise the Secretary of the Interior concerning the disposition of culturally unidentifiable Native American human remains.[9] On June 20, 1995, and August 20, 1996, the Review Committee published in the *Federal Register* draft recommendations for public comment,[10] but these recommendations failed to receive the broad support from tribes, museums, and Federal agencies necessary for their adoption as a fair and credible basis for drafting regulations. At the June 1998 Review Committee meeting in Portland, OR, the Review Committee approved "Draft Principles of Agreement Regarding the Disposition of Culturally Unidentifiable Native American Human Remains," which were published in the *Federal Register* on July 29, 1999.[11] Response to the draft principles generally was favorable. The Review Committee proceeded to refine the draft principles into draft recommendations.

9. 25 U.S.C. 3006 (c)(5).

10., 11. www.cr.nps.gov/naqpra; click on "Review Committee," then click on "Recommendations."

Mindful of the lack of support for prior recommendations regarding the disposition of culturally unidentifiable human remains, yet acutely aware of the pressing need for final regulations, the Review Committee was determined to produce a consensus document that would be both workable and command broad support. The Review Committee took as its starting point its consideration of special requests proposed to

the Review Committee for the repatriation of human remains classified as culturally unidentifiable. Beginning with these examples, the Review Committee distilled the various reasons that human remains might be classified as culturally unidentifiable and then determined appropriate dispositions. Through this process the Review Committee developed draft principles of agreement that all Review Committee members, representing both Native American and scientific interests, could support.

The final version of the principles of agreement was drafted and approved during the April 2000 Review Committee meeting in Juneau, AK. The final version—"Recommendations Regarding the Disposition of Culturally Unidentifiable Native American Human Remains"—was published in the *Federal Register* on June 8, 2000.[12] The *Federal Register* version of the recommendations is included in this report as Appendix V.i.

12. *Federal Register*, June 8, 2000, vol. 65, no. 111, pp 36462-36464; see also Appendix V.i.

With the completion of these recommendations, the task of developing formal regulations for the disposition of culturally unidentifiable human remains passed to the National NAGPRA program and the Department of the Interior. The Review Committee will monitor the development of the regulations, and hopes that this project will proceed expeditiously.

During the reporting period, the Review Committee considered 13 requests for the repatriation of human remains that were classified as culturally unidentifiable.[13] Appendix V.ii summarizes Review Committee action on each of these requests. Many of the requests were submitted jointly by representatives of tribes and museums or Federal agencies; for all of the requests, tribes and museums or Federal agencies agreed on the proposed disposition.

13. 25 U.S.C. 3006 (c)(5).

4. Dispute resolution

NAGPRA specifies that the Review Committee "shall be responsible for—(3) upon the request of any affected party, reviewing and making findings related to—(A) the identity or cultural affiliation of cultural items, or (B) the return of such items; (4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable."[14] The Review Committee's roles range from mediating between parties to hearing disputes, with the disputing parties' presenting evidence and the Review Committee's issuing findings and recommendations. The Review Committee seeks to reach consensus decisions on disputes. Appendix VI.i summarizes the dispute resolution requests to the Review Committee.

14. 25 U.S.C. 3006 (c)(3) and (4).

During the reporting period, the Review Committee considered two disputes at Review Committee meetings. The first dispute involved the Hopi Tribe and the U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park. The second dispute involved the Fallon Paiute-Shoshone Tribe and the U.S. Department of the Interior, Bureau of Land Management, Nevada State Office. The Review Committee findings and recommendations for these two disputes are included in this report as Appendices VI.ii and iii.

Both disputes raised points of great significance to the ongoing implementation of NAGPRA. The Hopi Tribe/Chaco Culture National Historical Park dispute raised issues concerning the nature of tribal consultation and the adequacy of collective, as

opposed to one-to-one, consultation between tribes and Federal agencies. This dispute also raised questions of what constitutes adequate presentation and weighing of evidence in making determinations of cultural affiliation.

The issue of weighing various kinds of traditional and scientific evidence also was central to the dispute between the Fallon Paiute-Shoshone Tribe and the Bureau of Land Management, Nevada State Office, as was the question of what constitutes good-faith consultation. In this dispute, the Review Committee was asked to determine what constitutes sufficient evidence to demonstrate cultural affiliation between a present-day tribe and human remains from the very distant past. The dispute was unusual in that the Bureau of Land Management, Nevada State Office provided written information only and did not participate in person in presenting the dispute to the Review Committee. The Fallon Paiute-Shoshone/Bureau of Land Management, Nevada State Office dispute also was the first instance that the Review Committee did not reach a consensus decision.

Beyond immediate issues considered in these two disputes, more general issues were raised regarding the Review Committee's role in dispute resolution. In the case of the Hopi Tribe/Chaco Culture National Historical Park dispute, the director of the National Park Service's Intermountain Region, which includes Chaco Culture National Historical Park, responded to the Review Committee[15] and declined to follow the Review Committee's recommendations[16] that the park withdraw its published notice of inventory completion and reassess its determination of cultural affiliation. While the Review Committee's recommendations are advisory, the Review Committee was disappointed by the park's and the regional office's rejection of its recommendations. When recommendations are summarily dismissed within the Review Committee's home agency, what is the likelihood that other agencies or other departments will be responsive to Review Committee requests and recommendations?

Many Native Americans look to the Review Committee as the sole recourse, short of the courts, for advice on actions by museums and Federal agencies that are perceived as improper or unfair. This is an important role that the Review Committee plays in maintaining the integrity and credibility of NAGPRA. Disregard of Review Committee recommendations by Federal agencies calls into question the viability of the Review Committee's statutory role in dispute resolution.

15. February 18, 2000, letter from the director, Intermountain Region, National Park Service to the Review Committee chair.

16. See *Federal Register*, February 10, 2000, vol. 65, no. 28, pp 6621-6622; see also Appendix VI.ii.

C. Implementation

1. Reporting and assessment

The problem of accurately assessing the progress made and barriers encountered in implementing NAGPRA is compounded by variability in reporting by museums and Federal agencies and records management by the National NAGPRA program. The Review Committee will work with the National NAGPRA program to develop better ways to monitor compliance so that the Review Committee can, in turn, report more comprehensively and accurately to the Congress.

2. Costs of administering NAGPRA

Publishing *Federal Register* notices is a critical step in the NAGPRA repatriation process. Per NAGPRA regulations, repatriation of cultural items under NAGPRA may proceed only following publication in the *Federal Register* of notices of inventory completion (for human remains and associated funerary objects) or notices of intent to repatriate (for unassociated funerary objects, sacred objects, and objects of cultural patrimony).[17] The National Park Service assists museums and Federal agencies in preparing notices, and publishes the notices on behalf of museums and Federal agencies.

17. 43 CFR 10.8 (f) and 10.9 (e)(7).

The Review Committee recognizes that inadequate staffing resulting from inadequate funding has been the determining factor for the slow rate of publishing notices and the resulting backlog of unpublished notices. In the Review Committee's 1998 report to the Congress and among Review Committee recommendations to the Secretary of the Interior in 2000, the Review Committee strongly endorsed funding sufficient to support program needs. In the FY2001 appropriation, National NAGPRA received a $400,000 funding increase for operations, including staffing. The Review Committee strongly endorses the increase, and recommends maintaining this level of funding, plus annual increases to cover normal personnel and business expense increases.

3. Costs of NAGPRA compliance

Separate from the costs of administration, but of equal concern to the Review Committee, are the costs of compliance. These costs include documentation, consultation, travel, and the transfer of cultural items. Most of these costs are borne by museums, Federal agencies, and tribes. National NAGPRA administers a competitive grant program to assist in funding some of these activities. In FY1999, National NAGPRA awarded 43 grants totaling $2,336,060; in FY2000, 45 grants totaling $2,245,000; in FY2001, 44 grants totaling $2,438,000. Although impressive, these amounts are only half of what the applicants requested each year. The Review Committee strongly endorses the effectiveness of NAGPRA grants. Also, the Review Committee continues to be concerned that annual shortfalls in overall program funding are made up at the expense of grant awards.

4. Federal agency compliance

The Review Committee remains extremely concerned that overall Federal agency compliance with NAGPRA has been excessively slow. This issue was highlighted in the Review Committee's 1998 report to the Congress and has been discussed at every meeting since.

Agency compliance varies widely, and while several agencies have made important internal changes in order to meet their NAGPRA responsibilities, others have made only minimal efforts. The Review Committee feels strongly that the failure by some

Federal agencies to meet the standard for compliance set by nonfederal institutions is inexcusable.

Based on agency testimony before the Review Committee as well as public comment, four common problems are apparent –

a. NAGPRA compliance is not an agency priority.
b. Headquarters policy directives on NAGPRA are disregarded or reinterpreted at the regional level.
c. Agency perception that consultation with tribes on a government-to-government basis is not part of NAGPRA process or not required for compliance.
d. NAGPRA does not provide for civil penalties for noncompliance by Federal agencies, unlike museums.

5. Need for regulations on the disposition of culturally unidentifiable Native American human remains

Backed by strong public encouragement to provide the Secretary of the Interior with recommendations regarding the disposition of culturally unidentifiable human remains, this task was a top priority for the Review Committee during the reporting period. Final "Recommendations Regarding the Disposition of Culturally Unidentifiable Native American Human Remains" were adopted in April 2000 at the Review Committee meeting in Juneau, AK, forwarded to the Secretary of the Interior as recommendations for regulations, and published in the *Federal Register*.[18] While the Review Committee has met its responsibility under NAGPRA to develop its recommendations, the Review Committee is concerned that promulgation of this section of the regulations does not appear to be the National NAGPRA program's highest priority.

18. *Federal Register*, June 8, 2000, vol. 65, no. 111, pp 36462-36464; see also Appendix V.i.

6. Collections contamination

Throughout the 19th and early 20th centuries, museums and collectors often treated cultural items and storage cabinets and facilities with poisonous compounds as preventive conservation measures to guard collections against deterioration. These compounds bind with the component organic materials of the cultural items, rendering the objects themselves poisonous. When contaminated objects are repatriated, they may pose a health hazard for those who receive, use, and care for the objects. Pesticide contamination is an unforeseen complication in the repatriation process. Although the full extent and severity of this problem are not yet determined, pesticide treatment is known to be sufficiently widespread to present significant public health and NAGPRA implementation concerns.

Research and education are essential towards fulfilling museums' and Federal agencies' responsibilities under NAGPRA[19] and addressing ongoing health and safety concerns. The National NAGPRA program is participating in current discussions on contaminated collections, and reports regularly to the Review Committee on this topic.

19. "The museum official or Federal agency official must inform the recipients of repatriations of any presently known treatment of the human remains, funerary objects, sacred objects, or objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects." 43 CFR 10.10 (e).

7. Reorganizing the NAGPRA program

In its 1998 report to the Congress, the Review Committee expressed great concern that inadequate staffing was delaying the repatriation of human remains and other cultural items. In the following years, the location of NAGPRA within the National Park Service was perceived as a conflict of interest. The resulting political pressure to relocate NAGPRA within the Department of the Interior also contributed to delays in NAGPRA implementation. Concerns about program location grew stronger during

1999 as staff numbers decreased and the backlog of unpublished notices increased. At the April 2000 NAGPRA Review Committee meeting in Juneau, AK, frustrations regarding the location of NAGPRA, staffing, and the notices backlog resulted in a Review Committee recommendation that the Secretary of the Interior "place the NAGPRA administrative structure within the Secretariat … rather than retaining it in the NPS." Subsequent changes in funding and staffing have improved program performance. The Review Committee, however, remains deeply concerned that the agency that assists the Secretary of the Interior with the Secretary's NAGPRA responsibilities should demonstrate strong commitment to full and expeditious implementation.

8. Examples of NAGPRA implementation problems within two Federal agencies

a. National Park Service response to the Review Committee's findings and recommendations in a dispute involving a national park: As described above, in February 2000, the Review Committee received a letter from the director of the National Park Service's Intermountain Region, stating that "Agency administrative processes are not subject to [Review] Committee findings and recommendations as defined in NAGPRA and in the 'Dispute Resolution Procedures of the NAGPRA Committee'."[20] Since the Review Committee members are appointed by the Secretary of the Interior and the Review Committee is associated administratively with the National Park Service as the lead agency for implementing the statute, the Review Committee asked for clarification on this matter. The situation has done little to build confidence in the commitment of the National Park Service to NAGPRA and has produced considerable uncertainty as to the role of the Review Committee.

20. February 18, 2000, letter from the director, Intermountain Region, National Park Service to the Review Committee chair.

b. Reburial on Federal land: The ability to rebury as close to the original interment site as possible is an issue of great importance to many Native Americans. Since many of the human remains subject to NAGPRA originate from burials on Federal lands, agencies' reburial policies often determine whether a repatriation can be fully satisfactory. Unfortunately, there is no uniform Federal policy on reburial. The Review Committee recommends that a uniform reburial policy on Federal lands be developed in consultation between agencies and tribes, and adopted. Some Department of the Interior agencies, such as the National Park Service, have permitted and have even encouraged reburial on land within their jurisdiction. Other land management agencies, such as the Bureau of Land Management, have prohibited reburial. This lack of a consistent Federal reburial policy has caused confusion and frustration for many Native Americans.

9. Status of nonfederally recognized tribes, especially regarding the disposition of culturally unidentifiable human remains

At several meetings, notably the Silver Spring, MD, in 1999 and the Kelseyville, CA, and Cambridge, MA, meetings in 2001, the Review Committee heard from tribes who are not federally recognized and therefore frequently are excluded from repatriation consultations and decisions. The issue of NAGPRA participation by nonfederally recognized tribes is complex and differs significantly in various parts of the country. While the Review Committee is not yet prepared to make a general recommendation on this issue, the Review Committee urges the development of mechanisms to include all legitimate claimants in the NAGPRA process.

D. Recommendations

The Review Committee submits the following recommendations to the Congress in response to its experiences during the reporting period—

1. Increase funding for NAGPRA administration.

2. Increase funding for the NAGPRA grants program.

3. Encourage NAGPRA compliance by linking progress towards compliance with Federal agencies' annual funding allocations.

4. Amend the statute.
During the reporting period, the Review Committee discussed two recommended amendments:

a. Protect Native American graves on State or private lands from unauthorized excavation and other forms of destruction, and
b. Provide that any monies received from civil penalties be used to further enforce NAGPRA.

5. Reburial on Federal lands.
Develop Department of the Interior policy and procedures that permit reburial of cultural items repatriated under NAGPRA at secure, protected burial sites on Federal lands. Such a policy and procedures should be a model for all Federal agencies.

E. Conclusion

NAGPRA has helped to rectify some of the injustices suffered by Native Americans resulting from the removal of ancestral human remains and other cultural items without permission from relatives or Indian tribes. The NAGPRA process has provided opportunities for tribes, museums, and Federal agencies to communicate with each other and to begin building new relationships based on mutual trust and respect.

Compliance with NAGPRA has increased the knowledge and understanding of Native American concerns within most museums and some Federal agencies, and changed the ways in which Native Americans and their diverse cultures are presented to and viewed by the American public. With this increase in knowledge and understanding, NAGPRA has helped Native Americans to regain dignity and respect, which contributes to mitigating the corrosive and tragic loss of land, sovereignty, and traditional lifeways. For this progress to continue, the Congress needs to reaffirm its support for NAGPRA through appropriations that will permit full national implementation and oversight of Federal agency compliance.

The members of the Review Committee submit this report to the Congress with full and unanimous approval.

On behalf of the Review Committee—

Armand Minthorn, Chair

Appendix I

Native American Graves Protection and Repatriation Act, 1990 Public Law 101-601

An Act

Nov. 16, 1990
H.R.5237

To provide for the protection of Native American graves, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

25 U.S.C. 3001.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Graves Protection and Repatriation Act".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) "cultural affiliation" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) "cultural items" means human remains and—

(A) "associated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) "unassociated funerary objects" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

(C) "sacred objects" which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) "cultural patrimony" which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object

shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) "Federal agency" means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) "Federal lands" means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.

(6) "Hui Malama I Na Kupuna O Hawai'i Nei" means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) "museum" means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) "Native American" means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(11) "Native Hawaiian organization" means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) "right of possession" means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c), result in a Fifth Amendment taking by the United States as determined by the United States Claims Court pursuant to 28 U.S.C. 1491 in which event the "right of possession" shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

(14) "Secretary" means the Secretary of the Interior.

(15) "tribal land" means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920, and section 4 of Public Law 86-3.

25 U.S.C. 3002. **SEC. 3. OWNERSHIP.**

(a) NATIVE AMERICAN HUMAN REMAINS AND OBJECTS- The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after the date of enactment of this Act shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

(b) UNCLAIMED NATIVE AMERICAN HUMAN REMAINS AND OBJECTS- Native American cultural items not claimed under subsection (a) shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8, Native American groups, representatives of museums and the scientific community.

(c) INTENTIONAL EXCAVATION AND REMOVAL OF NATIVE AMERICAN HUMAN REMAINS AND OBJECTS- The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979 (93 Stat. 721; 16 U.S.C. 470aa et seq.) which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b); and

(4) proof of consultation or consent under paragraph (2) is shown.

(d) INADVERTENT DISCOVERY OF NATIVE AMERICAN REMAINS AND OBJECTS- (1) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after the date of enactment of this Act shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971, the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

(e) RELINQUISHMENT- Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.

18 U.S.C. 1170.

SEC. 4. ILLEGAL TRAFFICKING.

(a) ILLEGAL TRAFFICKING- Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 1170. Illegal Trafficking in Native American Human Remains and Cultural Items

"(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both.

"(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both.".

(b) TABLE OF CONTENTS- The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1170. Illegal Trafficking in Native American Human Remains and Cultural Items.".

25 U.S.C. 3003. **SEC. 5. INVENTORY FOR HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS.**

(a) IN GENERAL- Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b) REQUIREMENTS- (1) The inventories and identifications required under subsection (a) shall be—

(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after the date of enactment of this Act, and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8.

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term "documentation" means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be construed to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

(c) EXTENSION OF TIME FOR INVENTORY- Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B). The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

(d) NOTIFICATION- (1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated

with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the *Federal Register*.

(e) INVENTORY- For the purposes of this section, the term "inventory" means a simple itemized list that summarizes the information called for by this section.

25 U.S.C. 3004. **SEC. 6. SUMMARY FOR UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY.**

(a) IN GENERAL- Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

(b) REQUIREMENTS- (1) The summary required under subsection (a) shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

(C) completed by not later than the date that is 3 years after the date of enactment of this Act.

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

25 U.S.C. 3005. **SEC. 7. REPATRIATION.**

(a) REPATRIATION OF NATIVE AMERICAN HUMAN REMAINS AND OBJECTS POSSESSED OR CONTROLLED BY FEDERAL AGENCIES AND MUSEUMS- (1) If, pursuant to section 5, the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6, the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5, or the summary pursuant to section 6, or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) and, in the case of unassociated funerary

objects, subsection (c), such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e), sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendants, upon notice, have failed to make a claim for the object under this Act.

(b) SCIENTIFIC STUDY- If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.

(c) STANDARD OF REPATRIATION- If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

(d) SHARING OF INFORMATION BY FEDERAL AGENCIES AND MUSEUMS- Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.

(e) COMPETING CLAIMS- Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.

(f) MUSEUM OBLIGATION- Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.

25 U.S.C. 3006. **SEC. 8. REVIEW COMMITTEE.**

(a) ESTABLISHMENT- Within 120 days after the date of enactment of this Act, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7.

(b) MEMBERSHIP- (1) The Committee established under subsection (a) shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to sub paragraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General 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.

(c) RESPONSIBILITIES- The committee established under subsection (a) shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

(A) the identity or cultural affiliation of cultural items, or

(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable;

(5) 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 developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act.

(e) RECOMMENDATIONS AND REPORT- The committee shall make the recommendations under paragraph (c)(5) in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.
(f) ACCESS- The Secretary shall ensure that the committee established under subsection (a) and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.
(g) DUTIES OF SECRETARY- The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

(h) ANNUAL REPORT- The committee established under subsection (a) shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.
(i) TERMINATION- The committee established under subsection (a) shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

25 U.S.C. 3007. **SEC. 9. PENALTY.**

(a) PENALTY- Any museum that fails to comply with the requirements of this Act 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 Act, 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, 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.

25 U.S.C. 3008. **SEC. 10. GRANTS.**

(a) INDIAN TRIBES AND NATIVE HAWAIIAN ORGANIZATIONS- The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations 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 5 and 6.

25 U.S.C. 3009. **SEC. 11. SAVINGS PROVISIONS.**

Nothing in this Act 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 Act;

(2) delay actions on repatriation requests that are pending on the date of enactment of this Act;

(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.

25 U.S.C. 3010. **SEC. 12. SPECIAL RELATIONSHIP BETWEEN FEDERAL GOVERNMENT AND INDIAN TRIBES.**

This Act 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.

25 U.S.C. 3011. **SEC. 13. REGULATIONS.**

The Secretary shall promulgate regulations to carry out this Act within 12 months of enactment.

25 U.S.C. 3012. **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

25 U.S.C. 3013. **SEC. 15. ENFORCEMENT.**

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

Approved November 16, 1990.

Charter

November 16, 2000 — November 16, 2002

NATIVE AMERICA GRAVES PROTECTION AND REPATRIATION REVIEW COMMITTEE

A. OFFICIAL DESIGNATION.

The official designation of the Committee is the Native American Graves Protection and Repatriation Review Committee (Committee).

B. PURPOSE.

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 Public Law 101-601.

C. DUTIES AND RESPONSIBILITIES.

The duties of the Committee are solely advisory. Specifically, the Committee will be responsible for:

1. Monitoring and reviewing the implementation of the inventory and identification processes and repatriation activities required under sections 5, 6, and 7 of Public Law 101-601 to ensure a fair and objective consideration and assessment of all available relevant information and evidence;

2. 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;

3. 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;

4. 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 remains;

5. Consulting with Indian tribes, Native Hawaiian organizations, and museums on matters pertaining to the work of the Committee affecting such tribes or organizations;

6. Consulting with the Secretary in the development of regulations to carry out Public Law 101-601;

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

8. 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

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

D. MEMBERSHIP.

1. 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 a list of persons developed and consented to by all members appointed pursuant to subparagraphs 1 (a) and 1 (b), above.

2. Terms of appointment will be for 6 years. Reappointment of current members will be for a term of 3 years. All appointments will terminate upon the termination of the Committee. 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. If no successor is appointed prior to the expiration of a member's term, then the incumbent may continue to serve until the new appointment is made, provided that a charter under provisions of the Federal Advisory Committee Act is in effect.

3. Any member who fails to attend three successive meetings of the Committee or who otherwise fails to substantively participate in the work of the Committee, may be removed from the Committee by the Secretary and a replacement named.

4. Members of the Committee will serve without pay, but will be reimbursed at a rate equal to the daily rate for Level IV of the Senior Executive Schedule for each day (including travel time) for which the member is actually engaged in Committee business. While away from their homes or regular places of business in the performance of services of the Commission, members will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service are allowed such expenses in accordance with Sections 5703 of Title 5 of the United States Code.

5. The Secretary will establish such rules and regulations for the Committee as are necessary. The Secretary may not appoint Federal Officers or employees to the Committee.

E. ADMINISTRATION.

1. CHARTER. The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1994). The Committee will take no action unless the charter filing requirements of sections 9 and 14(b) of FACA have been complied with. This charter is for the period November 16, 2000, to November 16, 2002.

2. DESIGNATED FEDERAL OFFICIAL. The Committee reports to the Secretary of the Interior, United States Department of the Interior, 1849 C Street, NW, Washington, DC 20240. The Assistant Director, Cultural Resources Stewardship and Partnerships, National Park Service, or in the absence of the Assistant Director, Cultural Resources Stewardship and Partnerships, a designee will serve as the Designated Federal Official (DFO) required by section 10 of FACA to oversee the management of the Committee.

3. CHAIRPERSON. The Committee will designate one member to be Chairperson.

4. SUPPORT AND COST. Support for the Committee is provided by the U.S. Department of the Interior, National Park Service, Office of the Director. The estimated annual operating cost of the Committee is $150,800, which includes the cost of 1.75 work-years of staff support.

5. MEETINGS. The Committee will meet approximately two times a year, although it may convene more often, if there is an immediate need for consultation, advice and review. All meetings of the Committee will be subject to the provisions FACA, 5 U.S.C. Appendix (1994).

6. SUBCOMMITTEES. The Committee may create committees from among its membership supplemented when appropriate by members of the public, provided that the role of such committees will be solely to gather information or conduct research for the Committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the Committee. Membership on all committees will be determined by the Chairperson, subject to the concurrence of the Designated Federal Official. Committees will meet as necessary, subject to the approval of the Designated Federal Official.

F. DURATION AND DATE OF TERMINATION.

In view of the objectives, scope and purposes of the Committee, it is expected to continue into the foreseeable future. The Committee will terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the Committee has been completed.

G. AUTHORITY.

The Native American Graves Protection and Repatriation Review Committee is established by authority of Section 8 of Public Law 101-601, November 16, 1990.

NOV 21 2000

Secretary of the Interior — Date Signed

DATE CHARTER FILED NOV 22 2000

Appendix III *Review Committee roster (meeting-by-meeting participation)*

About this table
The table shows all Review Committee meetings—including meetings during the reporting period—and Review Committee members who have participated at each meeting.

	Meeting date	Location	Review Committee members present
1	April 29–May 1, 1992	Washington, DC	Rachel Craig, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker
2	August 26–28, 1992	Denver, CO	Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker
3–7	October 8–10, 1992 February 26–28, 1993 September 20–22, 1993 January 23–25, 1994 May 12–14, 1994	Fort Lauderdale, FL Honolulu, HI Washington, DC Phoenix, AZ Rapid City, SD	Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker
8	November 16–18, 1994	Albany, NY	Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, William Tallbull, Phillip Walker
9, 10	February 16–18, 1995 October 16–18, 1995	Los Angeles, CA Anchorage, AK	Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan,William Tallbull, Phillip Walker
11	June 9–11, 1996	Billings, MT	Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker
12, 13	November 1–3, 1996 March 25–27, 1997	Myrtle Beach, SC Norman, OK	Rachel Craig, Lawrence Hart, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker
14	January 29–31, 1998	Washington, DC	James Bradley, Lawrence Hart, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan
15–19	June 25–27, 1998 December 10–12, 1998 May 3–5, 1999 November 18–20, 1999 April 2–4, 2000	Portland, OR Santa Fe, NM Silver Spring, MD Salt Lake City, UT Juneau, AK	James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan
20–24	December 11–13, 2000 May 31, June 1–2, 2001 November 17–19, 2001 May 30–31, June 1, 2002 November 8–9, 2002	Nashville, TN Kelseyville, CA Cambridge, MA Tulsa, OK Seattle, WA	Garrick Bailey, James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Rosita Worl

Appendix IV *Federal agency presentations and submissions at Review Committee meetings during the 1999–2001 reporting period*

About this table

The table lists Federal agencies that reported on NAGPRA implementation and compliance at Review Committee meetings during the reporting period, in oral or written statements or both. Each agency's presentations or submissions—and Review Committee discussion—are summarized in the minutes for each meeting. Meeting minutes are available online—www.cr.nps.gov/nagpra; click on "Review Committee," then click on "Meetings."

The table includes Federal agencies that submitted statements of no collections subject to repatriation under NAGPRA in response to requests for information. The table does not include Federal agencies that provided information as part of dispute hearings or as part of a request for disposition of culturally unidentifiable Native American human remains.

Meeting Number	Date	Location	Federal agency
17	May 1999	Silver Spring, MD	Tennessee Valley Authority U.S. Department of Defense, U.S. Air Force U.S. Department of Defense, U.S. Army Corps of Engineers U.S. Department of the Interior, Bureau of Land Management (two written statements submitted) U.S. Department of the Interior, Museum Property program (report included the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, and U.S. Fish and Wildlife Service) U.S. Department of the Interior, National Park Service U.S. Department of Transportation, Federal Aviation Administration
18	November 1999	Salt Lake City, UT	U.S. Department of the Interior, Bureau of Reclamation, Upper Colorado Region
19	April 2000	Juneau, AK	Tennessee Valley Authority U.S. Department of Agriculture, Forest Service, AK U.S. Department of Agriculture, Forest Service, Tongass National Forest U.S. Department of Agriculture, Forest Service, Tongass National Forest, Prince of Wales Island zone U.S. Department of Defense, U.S. Air Force U.S. Department of Energy U.S. Department of the Interior, Museum Property program U.S. Department of the Interior, National Park Service

Meeting Number	Date	Location	Federal agency
20	December 2000	Nashville, TN	Federal Communications Commission General Services Administration Metropolitan Washington Airports Authority U.S. Department of Agriculture U.S. Department of Agriculture, Natural Resources Conservation Service U.S. Department of Commerce U.S. Department of Commerce, Economic Development Administration U.S. Department of Commerce, National Oceanic and Atmospheric Administration U.S. Department of Defense, U.S. Army U.S. Department of Defense, U.S. Army Corps of Engineers U.S. Department of Defense, U.S. Army Environmental Center, Headquarters U.S. Department of Defense, U.S. Navy, Cultural Resources Office U.S. Department of the Interior, Bureau of Indian Affairs U.S. Department of the Interior, Bureau of Land Management U.S. Department of the Interior, Bureau of Reclamation U.S. Department of the Interior, National Park Service U.S. Department of the Interior, National Park Service, Southeast Region U.S. Department of the Interior, U.S. Fish and Wildlife Service U.S. Department of Transportation, Federal Aviation Administration U.S. Nuclear Regulatory Commission
21	May 2001	Kelseyville, CA	U.S. Department of Agriculture, Forest Service, Humboldt-Toiyabe National Forest U.S. Department of Agriculture, Rural Housing Service/Rural Business Cooperative Service U.S. Department of Defense, U.S. Air Force U.S. Department of Housing and Urban Development U.S. Department of Labor U.S. Department of the Interior, National Park Service, Natchez Trace Parkway U.S. Department of the Interior, U.S. Geological Survey U.S. Department of Transportation, Federal Highway Administration
22	November 2001	Cambridge, MA	U.S. Department of the Interior, Bureau of Indian Affairs U.S. Department of the Interior, Bureau of Land Management

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Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Seventh Renewal of Agreement between the Northern Cheyenne Tribe and the State of Montana regarding Class III gaming on the Northern Cheyenne Reservation which was executed on April 7, 2000.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4066.

Dated: May 25, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–14504 Filed 6–7–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–910–00–0777–XQ]

Notice of Meeting of the Utah Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Bureau of Land Management's Utah Statewide Resource Advisory Council meeting will be held on June 21–22, 2000. On June 21, the Council will focus on recreation issues in northwestern Utah. The RAC will participate in a field tour of the west half of Box Elder County and the northwest corner of Tooele County. Other resources such as minerals, range condition, and fire rehabilitation may be addressed as time allows. They will be departing from the Bureau of Land Management's Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, at 8 a.m. and concluding the tour in Wendover, Nevada.

On June 22, the RAC will continue working on the draft guidelines for recreation management. This meeting will be held in the Silver Room of the Silver Smith Hotel, Wendover, NV, at 8 a.m. and conclude at 4 p.m. with a public comment period scheduled from 3:30–4.

All meetings of the BLM's Resource Advisory Council are open to the public; however, transportation, meals, and overnight accommodations are the responsibility of the participating public.

FOR FURTHER INFORMATION CONTACT: Sherry Foot, Special Programs Coordinator, Utah State Office, Bureau of Land Management, 324 South State Street, Salt Lake City, 84111; phone (801) 539–4195.

Dated: June 2, 2000.

Sally Wisely,

Utah BLM State Director.

[FR Doc. 00–14430 Filed 6–7–00; 8:45 am]

BILLING CODE 4310–$$–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–130–1020–XU; GPO–0245]

Notice of the Meeting of the Eastern Washington Advisory Council; June 22, 2000, in Spokane, Washington

AGENCY: Bureau of Land Management, Spokane District.

SUMMARY: A meeting of the Eastern Washington Resource Advisory Council will be held on June 22, 2000. The meeting will convene at 9 a.m., at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington, 99212–1275. The meeting will adjourn upon conclusion of business, but no later than 4 p.m. Public comments will be heard from 10:00 a.m. until 10:30 a.m. If necessary, to accommodate all wishing to make public comments, a time limit may be placed upon each speaker. At an appropriate time, the meeting will adjourn for approximately one hour for lunch. The Topic to be discussed is the Interior Columbia Basin Ecosystem Management Project (ICBEMP).

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212; or call 509–536–1200.

Dated June 2, 2000.

Joseph K. Buesing,

District Manager.

[FR Doc. 00–14431 Filed 6–7–00; 8:45 am]

BILLING CODE 4310–33–U

DEPARTMENT OF THE INTERIOR

National Park Service

Recommendations Regarding the Disposition of Culturally Unidentifiable Native American Human Remains

AGENCY: National Park Service, Interior

ACTION: Notice

The Native American Graves Protection and Repatriation Act directs the Secretary of the Interior to establish and maintain an advisory committee composed of seven private citizens nominated by Indian tribes, Native Hawaiian organizations, and national museum organizations and scientific organizations [25 U.S.C. 3006]. One of the review committee's responsibilities is to make recommendations regarding specific actions for developing a process for the disposal of culturally unidentifiable Native American human remains in the possession or control of museums and Federal agencies [25 U.S.C. 3006 (c)(5)]. After lengthy deliberations, the committee makes the following recommendations.

A. Intent of NAGPRA

1. The legislative intent of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) is stated by the title of the statute. Repatriation means the return of control over human remains and cultural items to Indian tribes and Native Hawaiian organizations.

2. Specifically, the statute required:

a. The disposition of all Native American human remains and cultural items excavated on or removed from Federal lands after November 16, 1990 [25 U.S.C. 3002 (d)(2)]. Disposition is based on linkages of lineal descent, tribal land, cultural affiliation, or aboriginal land.

b. The repatriation of culturally affiliated human remains and associated funerary objects in Federal agency and museum collections if requested by a culturally affiliated Indian tribe or Native Hawaiian organization [25 U.S.C. 3005]. Repatriation is based on linkages of lineal descent or cultural affiliation.

c. The development of regulations for the disposition of unclaimed human remains and objects [25 U.S.C. 3002 (3)(b)] and culturally unidentifiable human remains in Federal agency and museum collections [25 U.S.C. 3006].

3. Although the legal standing of funerary objects associated with culturally unidentifiable human remains is not addressed in NAGPRA, the statute does not prohibit their voluntary repatriation by museums or Federal agencies to the extent allowed by Federal law.

4. The statute acknowledges the legitimate need to return control over ancestral remains and funerary objects to Native people, and the legitimate public interest in the educational, historical, and scientific information conveyed by those remains and objects [25 U.S.C. 3002 (3)(b) and 3006 (8)(b)].

5. While the statute does not always specify repatriation, it is implicit that the process be guided by the rights and needs of Indian tribes and Native Hawaiian organizations.

B. Culturally Unidentifiable Human Remains

1. Federal agencies and museums must make a determination as to whether Native American human remains in their control are related to lineal descendants, culturally affiliated with a present-day Federally recognized Indian tribe or a Native Hawaiian organization, or are culturally unidentifiable. This determination must be made in consultation with any appropriate Indian tribes or Native Hawaiian organizations, and through a good faith evaluation of all relevant and available documentation.

2. A determination that human remains are culturally unidentifiable may change to one of cultural affiliation as additional information becomes available through ongoing consultation or any other source. There is no statute of limitations for lineal descendants, Indian tribes, or Native Hawaiian organizations to make a claim.

3. A Federal agency or museum determination that human remains are culturally unidentifiable may occur for different reasons. At present, three categories are recognized:

a. Those for which cultural affiliation could be determined except that the appropriate Native American organization is not Federally recognized as an Indian tribe.

b. Those which represent an earlier identifiable group, but for which no present-day Indian tribe has been identified by the Federal agency or museum.

c. Those for which the Federal agency or museum believes that evidence is insufficient to identify an earlier group.

4. Documentation

a. Documentation is required for inventory completion and determinations of cultural affiliation by Federal agencies and museums [25 U.S.C. 3003 (5)(b)(2)]. Documentation should be prepared in accordance with standards such as those outlined in 43 CFR 10.9 (c) and 10.14.

b. Documentation must occur within the context of the consultation process. Additional study is not prohibited if the parties (Federal agencies, museums, lineal descendants, Indian tribes, and Native Hawaiian organizations) in consultation agree that such study is appropriate.

c. Once inventories have been completed, the statute may not be used to require new scientific studies or other means of acquiring or preserving additional scientific information from human remains and associated funerary objects [25 U.S.C. 3003 (b)(2)].

d. With the exception of information exempted from the Freedom of Information Act, documentation prepared in compliance with the statute is a public record.

C. Guidelines for the Disposition of Culturally Unidentifiable Human Remains

1. Respect must be the foundation for any disposition of culturally unidentifiable human remains. Human remains determined to be culturally unidentifiable are no less deserving of respect than those for which cultural affiliation has been established.

2. Since human remains may be unclaimed, or determined to be culturally unidentifiable for different reasons, there will be more than one appropriate disposition (repatriation) solution. Examples of appropriate repatriation solutions include the return of:

a. Human remains that are determined to be culturally unidentifiable that were recovered from tribal land.

b. Human remains that are determined to be culturally unidentifiable that were recovered from the aboriginal land of an Indian tribe.

c. Human remains that are culturally unidentifiable for which there is a relationship of shared group identity with a non-Federally recognized Native American group.

3. A Federal agency or museum may also seek the recommendation of the review committee for the disposition of culturally unidentifiable human remains based on other criteria than those listed above.

D. Proposed Models for the Disposition of Culturally Unidentifiable Human Remains

1. Joint recommendations by Federal agencies, museums, and claimants. Repatriation of culturally unidentifiable human remains may proceed in those cases where:

a. All the relevant parties have agreed in writing,

b. Statutory requirements have been met; and

c. The guidelines listed above have been followed.

Note: The review committee has recommended repatriation of culturally unidentifiable human remains that have met these criteria for both museums—including the Robert S. Peabody Museum of Archaeology-Phillips Academy; Commonwealth of Virginia-Department of Historic Resources; Dartmouth College-Hood Museum; Minnesota Indian Affairs Council; Iowa Historical Society; Sonoma State University; Peabody Museum-Harvard University; University of Nebraska-Lincoln; New Hampshire Division of Historical Resources; California State University-Fresno; and Washington State Historical Society—and Federal agencies, including the US Army-Fort Hunter-Liggett; National Park Service-Fort Clatsop National Monument; National Park Service-Carlsbad Caverns National Park/Guadalupe Mountains National Park; and US Forest Service-Ocala National Forest.

2. Joint recommendations from regional consultations

a. Historical and cultural factors, and therefore issues concerning the definition and disposition of culturally unidentifiable human remains, vary significantly across the United States. For example, issues in the Southeast, where most Indian tribes were forcibly removed during the 19th Century, are very different from those in the Southwest where many Indian tribes remain on their ancestral lands. Similarly, issues in the Northeast and California differ significantly from those in the Great Plains. Therefore, it is recommended that regional solutions be developed that best fit regional circumstances.

b. The review committee recommends a process in which:

i. Indian tribes and Native Hawaiian organizations define regions within which the most appropriate solutions for disposition of culturally unidentifiable human remains may be determined.

ii. Within each region, the appropriate Federal agencies, museums, Indian tribes, and Native Hawaiian organizations consult together and propose a framework and schedule to develop and implement the most appropriate model for their region.

iii. Regional consultation meetings may be open to other parties with a legitimate interest in disposition, with the consent of the appropriate Federal agencies, museums, Indian tribes, and Native Hawaiian organizations.

iv. Dispositions agreed upon through regional consultation meetings will be made by the appropriate Federal agencies, museums, and Indian tribes.

v. If a disposition agreement can not be reached through regional consultation meetings, the dispute may be brought before the review committee.

vi. Any proposed regional disposition agreement must meet all statutory requirements as well as the guidelines listed above.

E. Regulations.

The review committee requests that the Secretary of the Interior develop a draft proposed rule [43 CFR 10.11] based on these recommendations to be considered by the review committee at its next meeting. Following review by the committee, the proposed rule will be published for additional public comment in the **Federal Register**.

Dated: May 9, 2000.

Armand Minthorn,

Chair, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 00–14487 Filed 6–7–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Clay County, SD in the Possession of the South Dakota State Archaeological Research Center, Rapid City, SD

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Clay County, SD in the possession of the South Dakota State Archaeological Research Center, Rapid City, SD. This notice is being published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal Agency who has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by South Dakota State Archaeological Research Center (SARC) professional staff in consultation with representatives of the Yankton Sioux Tribe of South Dakota and the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota.

In 1926, human remains representing one individual were recovered from the Vermillion Bluff Village (39CL1), located on the left bank of the Vermillion River, Clay County, SD by workmen at the R.C. Davis residence. These human remains were donated to the W.H. Over Museum, Vermillion, SD. In 1974, these human remains were transferred to the SARC for documentation and repatriation. No known individual was identified. The 14 associated funerary objects include a circular-shaped iron rod, an elk metapodial scraper, an elk antler scraper, three polished pipestone balls, a top-shaped piece of pipestone, three undrilled pipestone pipes, a used pipestone pipe, a steel knife with a horn handle, and two pieces of scoria.

Based on associated funerary objects and manner of interment, this individual has been identified as Native American. The associated funerary objects and manner of interment also indicate this burial dates to the historic period (post-1800 A.D.). Based on continuities of material culture, oral tradition, and historical evidence, the cultural affiliation of the Historic-period component of the Vermillion Bluff Village site and the burial listed above have been affiliated with the Yankton Sioux Tribe of South Dakota. In 1859, the Yankton tribe was removed from this area in Clay County, SD to the Yankton Indian Reservation in South Dakota.

Based on the above mentioned information, officials of the South Dakota Archaeological Research Center have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the South Dakota Archaeological Research Center have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 14 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the South Dakota Archaeological Research Center have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Yankton Sioux Tribe of South Dakota. This notice has been sent to officials of the Yankton Sioux Tribe of South Dakota and the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Renee Boen, Curator, State Archaeological Center, South Dakota Historical Society, P.O. Box 1257, Rapid City, SD 57709–1257; telephone: (605) 394–1936, before July 10, 2000. Repatriation of the human remains and associated funerary objects to the Yankton Sioux Tribe of South Dakota may begin after that date if no additional claimants come forward.

Dated: May 31, 2000.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnership Programs.

[FR Doc. 00–14489 Filed 6–7–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Sledge Island, AK in the Possession of the University of Alaska Museum, Fairbanks, AK

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects from Sledge Island, AK in the possession of University of Alaska Museum, Fairbanks, AK. This notice is being published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal Agency who has control of these Native American human remains and associated funerary objects.

A detailed assessment of the human remains was made by University of Alaska Museum professional staff in consultation with representatives of the Nome Eskimo Community.

In 1950, human remains representing five individuals were recovered from Sledge Island, AK during surveys conducted under the auspices of the University of Alaska Museum by George Schumann. No known individuals were identified. No associated funerary object are present.

In 1956, human remains representing one individual were recovered from Sledge Island, AK during surveys conducted under the auspices of the University of Alaska Museum by Otto Geist and Ivar Skarland. No known individual was identified. The nine associated funerary objects are two knife handles and seven faunal remains consisting of three dog bones and four polar bear bones.

In 1968, human remains representing four individuals were recovered from Sledge Island, AK by William Tuttle, who donated these human remains to the University of Alaska Museum. No known individuals were identified. No associated funerary objects are present.

Based on material culture, the sites listed above have been identified as historic period occupations (post-1780 A.D.).

Based on the above mentioned information, officials of the University

About this table
The table summarizes all requests to the Review Committee for disposition of culturally unidentifiable Native American human remains, including requests during the reporting period. No requests were considered prior to the November 1994 Review Committee meeting.

Legend
● yes
○ no
HR number of individuals represented by the human remains
AFO number of associated funerary objects

Meeting and institution	HR/AFO	Review Committee recommendation	Letter sent / date	Status or Federal Register notice reference
Eighth: November 1994				
Phillips Academy, Robert S. Peabody Museum of Archaeology	1/14?	Recommended repatriation to Mashpee Wampanoag. (Letter recommended repatriation of human remains and associated funerary objects.)	● 12/21/94	*Federal Register*, February 15, 1995, vol. 60, no. 31, p 8733
Ninth: February 1995				
Virginia Department of Historic Resources (1)	64/105	Requested additional consultation; if no further claims, repatriate to Nansemond. (No specific discussion regarding associated funerary objects, nor any reference in letter. State-recognized tribes supported repatriation of human remains and associated funerary objects.)	● 3/22/95	*Federal Register*, March 27, 1997, vol. 62, no. 59, pp 14701–14702
U.S. Department of Defense, U.S. Army, Fort Hunter-Liggett	?	Recommended publication in California media as well as in *Federal Register* with repatriation to Salinan Indian Tribal Council.	● 3/27/95	Agency has not submitted inventory or notice to National NAGPRA
10th: October 1995				
Hood Museum of Art	1/0	Requested publication in NH and VT newspapers; if no further claims, repatriate to Wabanaki.	● 12/11/95	*Federal Register*, May 17, 1996, vol. 61, no. 97, p 24950
13th: March 1997				
Baylor University, Strecker Museum	89/5?	Requested additional consultation; move towards cultural affiliation; revise inventory.	● 5/29/97	Museum needs to revise inventory and resubmit request to Review Committee
U.S. Department of Energy, Fernald site	?	Recommended that DOE retain cultural items until clear mechanism for disposition is developed. Consulted groups expressed desire to reinter on Federal lands (see below).	● 5/29/97	
Oakland Museum, De Anza College, and City of Santa Clara	?	Requested additional consultation and documentation.	● 5/22/97	Museum needs to provide additional information

Meeting and institution	HR/AFO	Review Committee recommendation	Letter sent / date	Status or Federal Register notice reference
Henry County Historical Society	4? / 0	Requested additional consultation and documentation; revise inventory.	● 5/29/97	Museum needs to revise inventory and resubmit request
14th: January 1998				
Minnesota Indian Affairs Council		Recommended approval of request, with provision of documentation (see below).	see below	
Office of the State Archaeologist, Iowa	339 / 00	Recommended approval of request, with provision of documentation.	● 3/3/99	*Federal Register*, December 27, 2000, vol. 65, no. 249, pp 81886–81894
U.S. Department of the Interior, National Park Service, Fort Clatsop National Memorial	1 / ?	Requested that Chinook solicit letters from nearest federally recognized tribes (NPS is working with tribe).	● 8/3/98	
California Department of Parks and Recreation	?	Requested additional consultation and resubmission of request.	● 6/3/98	Agency needs to resubmit request
U.S. Department of Energy, Fernald Site		Clarification that letter sent following previous meeting did not intend that remains be retained in the ground.		
15th: June 1998				
Sonoma State University	145 / 224	Request for additional information/concurrence from other tribes.	● 5/17/99	Institution revising inventory/notice to reflect recognition of Federated Coastal Miwok
16th: December 1998				
U.S. Department of the Interior, National Park Service, Carlsbad Caverns National Park and Guadalupe Mountains National Park	3 / ?	Recommended repatriation to group of 12 tribes (see below). (Review Committee considered associated funerary objects as part of the request. Letter acknowledged objects, but made no specific recommendation regarding objects.)	● 5/25/99	See below
Harvard University, Peabody Museum of Archaeology and Ethnology (1)	16 / 1	Recommended repatriation to Nipmuc.	● 1/11/00	Draft notice pending
Minnesota Indian Affairs Council	1,059 / 306	Previous request approved (see above). (No specific discussion at meetings regarding associated funerary objects. No reference in letter to associated funerary objects.)	● 2/19/99	*Federal Register*, August 9, 1999, vol. 64, no. 152, pp 43211–43222
University of Nebraska-Lincoln	330 / 0	Recommended repatriation to intertribal group.	● 9/2/99	*Federal Register*, October 2, 2000, vol. 65, no. 191, pp 58803–58806
17th: May 1999				
California State University, Fresno	122 / 0	Recommended repatriation to Central Valley and Mountain Reinterment Association.	● 9/3/99	*Federal Register*, August 8, 2000, vol. 65, no. 153, p 48530

Meeting and institution	HR/AFO	Review Committee recommendation	Letter sent / date	Status or Federal Register notice reference
Virginia Department of Historic Resources (2)		Requested additional information (see below).	see below	
Harvard University, Peabody Museum of Archaeology and Ethnology (2)	30 / 6	Recommended repatriation to Abenaki, following receipt of letters of support from recognized tribes. (No recommendation regarding associated funerary objects.)	● 2/7/00	*Federal Register*, October 9, 2001, vol. 66, no. 195, pp 51468–51469
New Hampshire Division of Historical Resources	17 / 0	Recommended repatriation to Abenaki, following receipt of letters of support from recognized tribes.	● 1/11/00	*Federal Register*, July 9, 2002, vol. 67, no. 131, pp 45536–45539
18th: November 1999				
Virginia Department of Historic Resources (2)	105 / 0	Previous request approved to repatriate to Monacan (see above).	● 11/30/99	*Federal Register*, February 10, 2000, vol. 65, no. 28, pp 6622–6623
19th: April 2000				
U.S. Department of Agriculture, Forest Service, Ocala National Forest	8 / 0	Recommended repatriation to Miccosukee.	● ?	*Federal Register*, July 21, 2000, vol. 65, no. 141, pp 45397–45398
Washington State Historical Society	4 / 0	Recommended repatriation to Puyallup.	● 4/12/00	*Federal Register*, July 21, 2000, vol. 65, no. 141, pp 45403–45404
20th: December 2000				
U.S. Department of the Interior, Bureau of Reclamation, Eastern Colorado Area Office	1 / 0	Recommended repatriation to Arapaho, Cheyenne, and Northern Cheyenne.	● 1/23/01	*Federal Register*, April 9, 2001, vol. 66, no. 68, pp 18505–18506
U.S. Department of the Interior, Bureau of Reclamation, Dakotas Area Office	14 / 4	Recommended repatriation to North Dakota Intertribal Reinterment Committee. (The Review Committee agreed with request to repatriate associated funerary objects, with one disagreement and one abstention.)	● 1/11/01	*Federal Register*, May 3, 2001, vol. 66, no. 86, pp 22255–22256
U.S. Department of the Interior, National Park Service, Carlsbad Caverns National Park and Guadalupe Mountains National Park	3 + 14 / ?	Second request included additional human remains. Recommended repatriation to group of 12 tribes. (Review Committee agreed to include the associated funerary objects in the recommendation.)	● 2/15/2001	Draft notice pending
21st: May 2001				
U.S. Department of the Interior, National Park Service, Zion National Park	11 / 0	Recommended approval of the request for disposition of human remains to a group of seven tribes.	● 8/15/01	*Federal Register*, May 20, 2002, vol. 67, no. 97, pp 35580–35581
22nd: November 2001 Franklin Pierce College	5 / 0	Recommended repatriation to Abenaki, following receipt of letters of agreement from affected tribes.	● 9/13/02	*Federal Register*, April 4, 2003, vol. 68, no. 65, pp 16550–16551
23rd: May/June 2002				
U.S. Department of Defense, U.S. Army, Joint Readiness Training Center and Fort Polk	1 / 0	Recommended repatriation to Caddo Indian Tribe of Oklahoma.	● ?	○

About this table
The table summarizes all requests submitted to the Review Committee per Section 8(c)(3) and (4) of NAGPRA—including requests submitted or considered during the reporting period.

The following dispute-related documents are available online
Dispute resolution procedures: www.cr.nps.gov/nagpra; click on "Review Committee," then click on "Procedures."
Meeting minutes that summarize the Review Committee's consideration of disputes: www.cr.nps.gov/nagpra; click on "Review Committee," then click on "Meetings." Dispute findings and recommendations: www.cr.nps.gov/nagpra; click on "Review Committee," then click on "Findings."

Status	Parties	Summary
Finished	Hui Malama I Na Kupuna 'O Hawai'i Nei and University of California, Berkeley, Phoebe A. Hearst Museum of Anthropology	**Issue:** Hui Malama I Na Kupuna 'O Hawai'i Nei requested the Review Committee's assistance in a dispute regarding the cultural affiliation of human remains. **Record:** Minutes of the fourth meeting of the Review Committee, February 26–27, 1993. **Action:** Findings and recommendations published in the *Federal Register*, April 15, 1993, vol. 58, no. 71, pp 19688–19689.
Finished	Office of Hawaiian Affairs and Hui Malama I Na Kupuna 'O Hawai'i Nei, and City of Providence, RI	**Issue:** The Office of Hawaiian Affairs and Hui Malama I Na Kupuna 'O Hawai'i Nei requested the Review Committee's assistance in a dispute regarding whether a Hawaiian figure met NAGPRA's criteria for repatriation. **Record:** Minutes of the 12th meeting of the Review Committee, November 1–3, 1996, and the 13th meeting of the Review Committee, March 25–27, 1997. **Action:** Findings and recommendations published in the *Federal Register*, May 1, 1997, vol. 62, no. 84, pp 23794–23795.
Finished	Hopi Tribe and U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park	**Issue:** The Hopi Tribe requested the Review Committee's assistance in a dispute regarding the process by which Chaco Culture National Historical Park made its determinations of cultural affiliation of human remains and associated funerary objects. **Record:** Minutes of the 17th meeting of the Review Committee, May 3–5, 1999, and the 18th meeting of the Review Committee, November 18–20, 1999. **Action:** Findings and recommendations published in the *Federal Register*, February 10, 2000, vol. 65, no. 28, pp 6621–6622.
Finished	U. S. Department of Defense, U.S. Marine Corps, and Ka Ohana Nui o Na Iwi Kupuna o Mokapu, Princess Nahoa Olelo o Kamehameha, Temple of Lono, and Eric Poohina (individual claimant)	**Issue:** The U.S. Marine Corps requested the Review Committee's assistance concerning multiple claims for human remains and associated funerary objects from Kaneohe Navel Air Station, Oahu, HI. The 15 claimants were unable to make a unified claim within 30 days of publication of the notice of inventory completion. **Record:** Minutes of the eighth meeting of the Review Committee, November 17–19, 1994. **Action:** The Review Committee declined to consider the dispute and recommended that the U.S. Marine Corps retain possession of the human remains and associated funerary objects until the claimants agree upon the proper recipient(s).
Finished	The Field Museum, and Oneida Nation of New York and Oneida Tribe of Wisconsin	**Issue:** The Field Museum requested the Review Committee's assistance concerning competing claims from the Oneida Nation of New York and Oneida Tribe of Wisconsin for an object of cultural patrimony. **Record:** Minutes of the 10th meeting of the Review Committee, October 16–18, 1995, and the 12th meeting of the Review Committee, November 1–3, 1996.

Status	Parties	Summary
		Action: At the 12th meeting of the Review Committee, the Review Committee decided that a formal finding regarding the dispute was not necessary, and recommended that the tribes reach agreement on arrangements for custody of the wampum belt.
Finished	Fallon Paiute-Shoshone Tribe and U.S. Department of the Interior, Bureau of Land Management, Nevada State Office	**Issue:** The Fallon Paiute-Shoshone Tribe requested the Review Committee's assistance concerning the cultural affiliation and disposition of human remains and associated funerary objects from Spirit Cave, NV. **Record:** Minutes of the 22nd meeting of the Review Committee, November 17–19, 2001. **Action:** Findings and recommendations published in the *Federal Register*, April 10, 2002, vol. 67, no. 69, pp 17463.
Finished	Pechanga Band of Luiseno Mission Indians and U.S. Department of Defense, U.S. Army Corps of Engineers	**Issue:** California Indian Legal Services, on behalf of the Pechanga Band of Luiseno Mission Indians, requested the Review Committee's assistance in a dispute regarding the disposition of human remains and other cultural items excavated by U.S. Army Corps of Engineers from a site near Lake Elsinore, CA. **Record:** No formal record; this dispute was not considered by the full Review Committee. **Action:** In the fall of 2001, legal representation for the Pechanga Band of Luiseno Mission Indians informed the National NAGPRA program by telephone that the matter had been resolved.
Finished	Western Apache NAGPRA Working Group and Denver Art Museum	**Issue:** The Western Apache NAGPRA Working Group, on behalf of the five federally recognized Western Apache Tribes, requested the Review Committee's assistance in a dispute regarding whether seven objects were cultural items under NAGPRA. **Record:** Minutes of the 23rd meeting of the Review Committee, May 31, June 1–2, 2002. **Action:** Findings and recommendations published in the *Federal Register*, September 12, 2002, vol. 67, no. 177, pp 57836–57837.
Finished	Ho-Chunk Nation and The Field Museum	**Issue:** The Ho-Chunk Nation requested the Review Committee's assistance regarding a NAGPRA repatriation claim for the Thunder Clan War Bundle as a sacred object. The museum determined that the object did not meet NAGPRA's criteria for repatriation and offered to repatriate it to the tribe under a compromise of claim, which the Ho-Chunk Nation declined. **Record:** Minutes of the 24th Review Committee meeting, November 8–9, 2002. **Action:** This dispute was withdrawn per November 4, 2002, letter from the Ho-Chunk Nation Legislature and November 9, 2002, Statement of Record from The Field Museum.
Pending	Hopi Tribe and U.S. Department of the Interior, National Park Service, Mesa Verde National Park	**Issue:** The Hopi Tribe requested the Review Committee's assistance in a dispute regarding the process by which Mesa Verde National Park made its determinations of cultural affiliation for human remains and associated funerary objects. **Record:** None at this time. **Action:** The Review Committee Chair and the Designated Federal Officer (DFO) for the Review Committee have not determined whether the Review Committee should consider the dispute.
Pending	American Indian Intertribal Association and University of Toledo	**Issue:** The American Indian Intertribal Association (AIIA), requested the Review Committee's assistance in a dispute regarding cultural affiliation of human remains and cultural objects in the possession of the University of Toledo. **Record:** None at this time. **Action:** The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute. AIIA is not a federally recognized Indian tribe and one consideration is whether AIIA qualifies as an "affected party" under NAGPRA.

Status	Parties	Summary
Pending	Narragansett Indian Tribe and Harvard University, Peabody Museum of Archaeology and Ethnology	**Issue:** The Narragansett Indian Tribe requested the Review Committee's assistance in a dispute regarding the Peabody Museum of Archaeology and Ethnology's determination of cultural affiliation of human remains and associated funerary objects. **Record:** None at this time. **Action:** The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute, pending receipt of additional information.
Pending	Piro-Manso-Tiwa and U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument	**Issue:** The Piro-Manso-Tiwa requested the Review Committee's assistance in a dispute with Salinas Pueblo Missions National Monument because human remains repatriated had not been reinterred in the original burial location within the park. The Piro-Manso-Tiwa tribe is not federally recognized, and the park did not formally consult with the tribe regarding the repatriation. **Record:** None at this time. **Action:** The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute. One consideration is whether the Piro-Manso-Tiwa qualifies as an "affected party" under NAGPRA.
Pending	Sand Creek Massacre Descendant's Trust and Cheyenne Tribal Governments	**Issue:** The U.S. Department of Interior, Bureau of Indian Affairs, Southern Plains Regional Office forwarded a letter and attachments to the National NAGPRA program regarding the Sand Creek Massacre Descendant's Trust's claims to all human remains, artifacts, sacred objects, and objects of cultural patrimony originating from the 1864 Sand Creek Massacre that are in the possession or control of any private citizen, State or Federal agency, or museum. **Record:** None at this time. **Action:** The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute. One consideration is whether the Sand Creek Massacre Descendant's Trust qualifies as an "affected party" under NAGPRA.
Pending	Hopi Tribe and U.S. Department of the Interior, National Park Service, Aztec Ruins National Monument	**Issue:** The Hopi Tribe requested the Review Committee's assistance in a dispute regarding the process by which Aztec Ruins National Monument made its determinations of cultural affiliation for human remains and associated funerary objects. **Record:** None at this time. **Action:** The Review Committee Chair and DFO informed the tribe that the Review Committee would not hear this dispute because the human remains and other cultural items had been repatriated prior to the tribe's dispute request. The Hopi Nation then asked that the entire Review Committee consider the request, at which point the Review Committee developed an appeals process as part of its Dispute Resolution Procedures. The tribe has not formally requested further consideration of this matter.
Under consideration	Royal Hawaiian Academy of Traditional Arts and the Bishop Museum	**Issue:** The Royal Hawaiian Academy of Traditional Arts requested the Review Committee's assistance in a dispute regarding how the Bishop Museum transferred custody of cultural items to culturally affiliated claimants. **Record:** None at this time. **Action:** The Review Committee has scheduled a dispute hearing at the 25th Review Committee meeting, May 8–11, 2003.
Pending	Narragansett Indian Tribe and Phillips Academy, Robert S. Peabody Museum of Archaeology	**Issue:** The Narragansett Indian Tribe requested the Review Committee's assistance in a dispute regarding the museum's consultation with the tribe and other matters. **Record:** None at this time. **Action:** The National NAGPRA program requested information from both parties and is waiting for their responses before the Review Committee chair and DFO determine whether the dispute is appropriate for Review Committee consideration.

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The Committee meeting will be open to the public. Space and facilities to accommodate the public are limited and attendees will be accommodated on a first-come basis. Anyone may file with the Committee a written statement concerning matters to be discussed. The Committee may also permit attendees to address the Committee, but may restrict the length of the presentations, as necessary to allow the Committee to complete its agenda within the allotted time.

Anyone who wishes further information concerning the meeting, or who wishes to submit a written statement, may contact Dayna Hudson, Office of the Superintendent, Glacier National Park, P.O. Box 128, West Glacier, MT 59936 (telephone 406–888–7972).

Draft minutes of the meeting will be available for public information 30 days after the meeting in the Project Manager's Office, Park Headquarters, Glacier National Park, West Glacier, MT.

Dated: February 2, 2000.

Michael D. Snyder,

Acting, Director Intermountain Region.

[FR Doc. 00–2884 Filed 2–8–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Graves Protection and Repatriation Review Committee: Meeting

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1988), that a meeting of the Native American Graves Protection and Repatriation Review Committee will be held on April 2, 3, and 4, 2000, in Juneau, Alaska.

The committee will meet at the Centennial Hall Convention Center; telephone: 907/586–5283, fax: 907/586–1135, located at 101 Egan Drive, Juneau, Alaska. Meetings will begin at 8:30 a.m. and will end no later than 5:00 p.m. each day.

The Native American Graves Protection and Repatriation Review Committee was established by Public Law 101–601 to monitor, review, and assist in implementation of the inventory and identification process and repatriation activities required under the Native American Graves Protection and Repatriation Act.

The agenda for this meeting will include: recommendations for disposition of culturally unidentifiable human remains, 1999 Report to Congress, discussion of Federal agency compliance, and implementation of the statute in Alaska.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Persons will be accommodated on a first-come, first-served basis. Persons wishing to make a presentation to the committee should submit a request to do so by March 3, 2000. Please submit a written abstract of your presentation and your contact information. Any member of the public may also file a written statement for consideration by the committee by March 13, 2000. Both written requests and statements should be addressed to the committee in care of the Assistant Director, Cultural Resources Stewardship and Partnerships.

A block of lodging rooms has been set aside at the Westmark Baranof (800/764–0017) and the Goldbelt Hotel (888/478–6909) at a significantly reduced rate. Reservations must be booked with these hotels by March 4, 2000, to guarantee the reduced rate. Please reference the National Park Service and mention that you are attending the NAGPRA Review Committee Meeting.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact Mr. John Robbins, Assistant Director, Cultural Resources Stewardship and Partnerships, 1849 C St. NW—350 NC, Washington, DC 20240; telephone: 202/343–3387; fax: 202/343–5260. Transcripts of the meeting will be available for public inspection approximately eight weeks after the meeting at the office of the Assistant Director, Cultural Resources Stewardship and Partnerships, 800 North Capitol St., NW, Suite 350, Washington, DC 20013.

Dated: February 2, 2000,

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 00–3051 Filed 2–9–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Graves Protection and Repatriation Review Committee: Findings

AGENCY: National Park Service, Department of the Interior.

ACTION: NAGPRA Review Committee Advisory Findings and Recommendations Regarding Human Remains and Associated Funerary Objects in the Control of Chaco Culture National Historical Park.

After full and careful consideration of the information and statements submitted and presented by representatives of the Hopi Tribe and Chaco Culture National Historical Park at its meetings on May 3–5, 1999 and November 18–20, 1999, the Native American Graves Protection and Repatriation Review Committee (Review Committee) considers that:

1. On May 12, 1999, Chaco Culture National Historical Park published a Notice of Inventory Completion regarding 265 Native American human remains and 743 funerary objects. The park determined the human remains and funerary objects to be culturally affiliated with the Hopi Tribe of Arizona; Navajo Nation of Arizona, New Mexico, and Utah; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; and the Zuni Tribe of Zuni Reservation, New Mexico.

2. The Hopi Tribe disputed the park's determinations of cultural affiliation, arguing that:

a. Proper tribe-by-tribe consultation was not performed by the park;

b. The park did not apply a rigorous standard in weighing the evidence in making determinations of cultural affiliation; and

c. Determinations of cultural affiliation must be made on an object-by-object basis, rather than globally for the park as a whole.

3. Chaco Culture National Historical Park answered these objections by pointing to a nine-year record of tribal consultations. The park also argued that there is cultural continuity within Chaco Canyon dating to the Archaic Period (pre 1 AD) and that as such, there was no value in assessing cultural affiliation for each site individually. The park defended its determinations of cultural affiliation on the grounds that a broad range of both scientific and traditional evidence had been used. It was also noted that given the complex history of Chaco Canyon, and the strong

traditional attachment that the place held for many tribes, it was not surprising that many groups should be considered culturally affiliated.

On hearing all of the evidence presented, the Review Committee finds that the complaints made by the Hopi Tribe have merit. While the Review Committee recognizes the efforts made in the area of tribal consultation, tribes were not given adequate opportunity to consult on a one-to-one basis and to make their concerns known outside of a public forum. The Review Committee also agrees with the Hopi Tribe that more is needed in the evaluating and weighing of the evidence for establishing cultural affiliation. Rather than a rigorous determination of cultural affiliation, the park seems to have applied a much looser criterion of cultural relationship to geographical place, as a basis for determining culturally affiliated tribes. The park's global approach to the assessment Chaco archeological sites, effectively precluded any realistic assessment of cultural affiliation based on specific site features, dates, or cultural practices. Likewise, sites with virtually no contextual information were treated as culturally affiliated. The global approach to site assessment and affiliation resulted in a determination of cultural affiliation for all Chaco Canyon remains with all groups expressing cultural relationship to the region.

It is the recommendation of the Review Committee that the Chaco Culture National Historical Park withdraw its published Notice if Inventory Completion and reassess its determination of cultural affiliation. The Review Committee recommends that this reassessment specifically consider the following issues:

1. Determination of cultural affiliation should be made on a site-by-site basis, assessing each site based on the specific data available;

2. While collective consultation can be useful, it should not be used in lieu of individual tribal consultation when requested by an Indian tribe;

3. A proper determination of cultural affiliation necessarily requires the critical evaluation and careful weighing of all available evidence. This weighing should emphasize group identity, time period, specific cultural practices, and traceable cultural continuity;

4. The park should take steps to ensure the objective character of the determinations of cultural affiliation of the human remains and other cultural items in the control of the park. The process the park follows in making cultural affiliation determinations also must be seen by others to have been objective. For example, the Review Committee believes that the park should engage a qualified independent contractor to re-evaluate the information from the Chaco sites and offer specific recommendation for cultural affiliation.

Review Committee member James Bradley did not participate in the Review Committee's deliberations nor in the formulation of these advisory findings and recommendations.

These advisory findings and recommendations do not necessarily represent the views of the National Park Service or the Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

Dated: January 10, 2000.

Martin Sullivan,

Chair, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 00–3053 Filed 2–9–00; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains From Rockbridge County, VA in the Possession of the Virginia Department of Historic Resources, Richmond, VA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains from Rockbridge County, VA in the possession of the Virginia Department of Historic Resources, Richmond, VA.

A detailed assessment of the human remains was made by Virginia Department of Historic Resources professional staff in consultation with representatives of the Chickahominy, the Eastern Chickahominy, the Mattaponi, the Monacan Indian Nation, the Nansemond, the Pamunkey, the United Rappahannock, the Upper Mattaponi, all non-Federally recognized Indian groups which are formally recognized by the Commonwealth of Virginia.

In 1901, human remains representing a minimum of 105 individuals were excavated from the Hayes Creek Mound, Rockbridge County, VA by Edward P. Valentine, an amateur archeologist with the Valentine Museum, Richmond, VA. In 1989, these human remains were donated to the Virginia Department of Historic Resources by the Valentine Museum. No known individuals were identified. No associated funerary objects are present.

Based on material culture and archeological evidence, the Hayes Creek Mound site has been identified as a Late Woodland (c. 900–1600 A.D.) occupation. Based on the material culture and condition of the human remains, these individuals have been identified as Native American. Archeological and ethnohistoric research indicates the Monacan and Mannahoac were loosely confederated with each other and linked to the earlier mound-building peoples in the Virginia piedmont and eastern mountain regions generally known as the Lewis Creek Mound Culture. Consultation evidence presented by the present-day Monacan indicates a direct lineal connection with the Monacan and related tribes occupying Rockbridge County in the early 17th century. Based on continuities of mound construction and site arrangement, there appears to be a shared ideology and cultural continuity which underlayed and defined not only the Monacan east of the Blue Ridge, but also includes related groups on the immediate west side of the Blue Ridge.

On October 29, 1999, the Virginia Department of Historic Resources requested a finding from the NAGPRA Review Committee concerning the Monacan Indian Nation's request for repatriation for these 105 individuals listed as "culturally unidentifiable" on the Department's NAGPRA inventory. At its November 18–20, 1999 meeting, the NAGPRA Review Committee recommended that the Department proceed with repatriation of these Native American human remains to the Monacan Indian Nation following publication of this Notice of Inventory Completion in the Federal Register.

Based on the above mentioned information, officials of the Virginia Department of Historic Resources have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of 105 individuals of Native American ancestry. Officials of the Virginia Department of Historic Resources have determined that, pursuant to 25 U.S.C. 3001 (2), no relationship of shared group identity can be reasonably traced between these Native American human remains and a Federally recognized Indian tribe. However, officials of the Virginia Department of Historic Resources have determined that a relationship of shared group identity can be reasonably traced between these Native American human remains and the Monacan Indian

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Suite 300, Anchorage, AK 99503, telephone (907) 743-9511, facsimile (907) 743-9477, before May 10, 2002. Repatriation of these unassociated funerary objects to the Chugach Alaska Corporation may begin after that date if no additional claimants come forward.

Dated: February 21, 2002.

Robert Stearns,

Manager, National NAGPRA Program.

[FR Doc. 02–8627 Filed 4–9–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Graves Protection and Repatriation Review Committee Findings and Recommendations Regarding Human Remains and Associated Funerary Objects from Spirit Cave in Nevada

AGENCY: National Park Service, Interior.

ACTION: Native American Graves Protection and Repatriation Review Committee: Findings and Recommendations.

After full and careful consideration of the information and statements submitted by the Fallon Paiute-Shoshone Tribe and the U.S. Department of the Interior, Bureau of Land Management, Nevada State Office, and evidence presented by representatives of the Fallon Paiute-Shoshone Tribe at the November 17-19, 2001, meeting of the Native American Graves Protection and Repatriation Review Committee (review committee), six out of the seven review committee members find that the preponderance of the evidence indicates a relationship of shared group identity which can be reasonably traced between the present day Fallon Paiute-Shoshone Tribe and the human remains and associated funerary objects from Spirit Cave in Nevada.

This set of human remains, currently under the control of the Nevada State Office, consists of a mummified skeleton and associated funerary objects identified as ''Burial Number 2,'' excavated by S.M. Wheeler and Georgia N. Wheeler in 1940 from Spirit Cave, Nevada.

During its November 17-19, 2001, meeting, the review committee considered a dispute brought by the Fallon Paiute-Shoshone Tribe against the Nevada State Office. The issues leading to the dispute were as follows:

1. On June 26, 2000, the Nevada State Office determined that human remains from Spirit Cave in Nevada (Spirit Cave remains), were not culturally affiliated with any modern individual, Indian tribe, or other group; and

2. The Fallon Paiute-Shoshone Tribe disputed the Nevada State Office's determination, and asked the review committee to review and make findings related to:

a. The cultural affiliation of certain Native American human remains and associated funerary objects removed from Spirit Cave in Nevada (specifically that, despite some gaps in the record, there is compelling evidence to support the Fallon Paiute-Shoshone Tribe's claim of cultural affiliation with the early Holocene occupants of the western Great Basin, including the Spirit Cave remains); and

b. The return of such human remains and objects to the Fallon Paiute-Shoshone Tribe.

The review committee reviewed documents provided by the Fallon Paiute-Shoshone Tribe and the Nevada State Office, and heard oral presentations by individuals on behalf of the Fallon Paiute-Shoshone Tribe regarding the cultural affiliation of Native American human remains from Spirit Cave in Nevada.

After full and careful consideration of the provided information by all review committee members, six out of the seven review committee members find that:

1. The review committee does not believe that the Nevada State Office has given fair and objective consideration and assessment of all the available information and evidence in this case; and

2. The review committee finds that the preponderance of the evidence indicates a relationship of shared group identity which can be reasonably traced between the present-day Fallon Paiute-Shoshone Tribe and the human remains and associated funerary objects from Spirit Cave in Nevada.

Based on these findings, the review committee, by a six to one vote, recommends that the Nevada State Office repatriate the Spirit Cave human remains and associated funerary objects to the Fallon Paiute-Shoshone Tribe.

The review committee directed the Designated Federal Official to communicate its findings on this dispute to the representatives of the two affected parties, the Fallon Paiute-Shoshone Tribe and the Nevada State Office, as well as other appropriate officials within the Department of the Interior.

The Native American Graves Protection and Repatriation Act directs the Secretary of the Interior to establish and maintain an advisory committee composed of seven private citizens nominated by Indian tribes, Native Hawaiian organizations, and national museum organizations and scientific organizations (25 U.S.C. 3006). The responsibilities of the review committee include reviewing and making findings related to the identity or cultural affiliation of Native American human remains or other cultural items, or to the return of human remains or other cultural items; and facilitating the resolution of disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of human remains and other cultural items.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3006 (g). These findings and recommendations do not necessarily represent the views of the National Park Service or Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

Dated: March 13, 2002.

Armand Minthorn,

Chair, Native American Graves Protection and Repatriation Review Committee.

[FR Doc. 02-8577 Filed 4–9–02; 8:45 am]

BILLING CODE 4310–70–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Springfield Science Museum, Springfield, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Springfield Science Museum, Springfield, MA, that meet the definition of ''unassociated funerary objects'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

U.S. Department of the Interior

The Native American Graves Protection and Repatriation Review Committee "shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing [NAGPRA] during the previous year." 25 U.S.C. 3006 (h).