

MINUTES

**NATIVE AMERICAN GRAVES PROTECTION AND
REPATRIATION REVIEW COMMITTEE**

FIFTY-FIRST MEETING

DECEMBER 5, 2013

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Background

The Native American Graves Protection and Repatriation Review Committee was established under the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq., which was signed into law by President George Bush on November 16, 1990.

Pursuant to 25 U.S.C. 3006 (c) and (h), the Review Committee is 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 of the Interior in the development of regulations to carry out this Act;
8. Performing such other related functions as the Secretary may assign to the committee;
9. Making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated; and
10. Submitting an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

The Review Committee is organized and administered according to the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (2006).

Six Review Committee members are appointed by the Secretary of the Interior from nominations by Indian tribes, Native Hawaiian organizations, traditional Native American religious leaders, national museum organizations, and scientific organizations. At least two of the members must be traditional Indian religious leaders. One Review Committee member is appointed by the Secretary from a list of persons developed and unanimously approved by the other members.

The Review Committee reports to the Secretary of the Interior. Under the Review Committee's charter, the Manager, National NAGPRA Program, National Park Service (NPS) or a designee serves as the Designated Federal Officer (DFO) to the Review Committee. The DFO oversees the activities of the Review Committee and coordinates NPS administrative and staff support to the Review Committee on behalf of the Secretary of the Interior.

Additional information about the Review Committee – including the Review Committee's charter, membership, meeting protocol, and dispute procedures – is available at the National NAGPRA Website, <http://www.nps.gov/nagpra> (click on "Review Committee").

Notice of this Review Committee meeting was published in the *Federal Register* on April 10, 2013 (78 FR 21410-21411).

The 51st Meeting of the Review Committee

The 51st meeting of the Native American Graves Protection and Repatriation Review Committee was called to order by Ms. Farm, Chair, at 1:00 p.m. EST, Thursday, December 5, 2013. Ms. O'Brien, DFO (by delegation), confirmed the attendance of the Review Committee members. Ms. O'Brien stated that the Federal Advisory Committee Act (FACA) requirements were met regarding the publication of the meeting notice and agenda prior to the meeting. The meeting was convened by notice for the sole purpose of finalizing and approving the Review Committee's 2013 Report to Congress. Mr. Titla offered an opening prayer.

Review Committee members present –

Ms. LindaLee (Cissy) Kuuleilani Farm
Ms. Sonya Atalay
Mr. Alexander (Alec) Barker
Mr. Adrian John
Mr. Dennis O'Rourke
Ms. Shannon Keller O'Loughlin
Mr. Steve Titla

Designated Federal Officer present –

Ms. Melanie O'Brien, Notice Coordinator, National NAGPRA Program, National Park Service

National Park Service/Department of the Interior staff in attendance –

Mr. David Tarler, Training and Civil Penalties Coordinator, and Regulations, National NAGPRA Program, National Park Service
Mr. Thomas Cullerton, NAGPRA Grants Manager, National NAGPRA Program, National Park Service
Ms. Lesa Koscielski, Contractor, National NAGPRA Program, National Park Service
Ms. Carla Mattix, Attorney-Advisor, Division of Parks and Wildlife, Office of the Solicitor, Department of the Interior
Mr. Stephen Simpson, Senior Attorney, Division of Indian Affairs, Office of the Solicitor, Department of the Interior

Persons in attendance during part or all of the meeting (names and affiliations as provided by attendees) –

Ms. Marie Archambeault, Texas Historical Commission, Austin, TX
Ms. Jan Bernstein, Bernstein & Associates, Denver, CO
Ms. Peg Brady, Autry National Center, Los Angeles, CA
Ms. Mary Carroll, National Park Service, Park NAGPRA Program, Lakewood, CO
Ms. Dominique deBeaubien, Seminole Tribe of Florida, Clewiston, FL
Ms. Stacey Espenlaub, University of Pennsylvania, Museum of Anthropology, Philadelphia, PA
Ms. Audrey Gayou, Columbia, MO
Ms. Erin Gredell, Yale University, Peabody Museum of Natural History, New Haven, CT
Ms. Lourdes Henebry-DeLeon, Central Washington University, Ellensburg, WA
Mr. Jordan Jacobs, Phoebe A. Hearst Museum of Anthropology, Berkeley, CA
Ms. Jayne Leigh-Thomas, Bloomington, IN
Ms. Lisa Little Iron, Gila River Indian Community of the Gila River Indian Reservation, Arizona, Sacaton, AZ
Ms. Kate Macuen, Seminole Tribe of Florida, Clewiston, FL
Ms. Rachel Magnusson, Oakland Museum of California, Oakland, CA
Ms. Kari Mans, Autry National Center, Los Angeles, CA
Ms. Nell Murphy, American Museum of Natural History, New York, NY
Ms. Angela Neller, Wanapum Heritage Center, Beverly, WA
Ms. Helen Robbins, The Field Museum of Natural History, Chicago, IL
Mr. Steve Rothman, Peabody Museum of Archeology and Ethnology, Harvard University, Cambridge, MA
Ms. Candace Sall, Columbia, MO
Ms. Martina Smith, Phoebe A. Hearst Museum of Anthropology, Berkeley, CA
Mr. Nathan Strong, Fallon Paiute-Shoshone Tribe, Fallon, NV
Ms. Semana Thompson, Gila River Indian Community of the Gila River Indian Reservation, Arizona, Sacaton, AZ
Mr. Adam Watson, American Museum of Natural History, New York, NY
Ms. Brittany Wheeler, The Field Museum of Natural History, Chicago, IL
Mr. Danny Younger, PA

Discussion of 2013 Report to Congress

Mr. Barker chaired the discussion of the 2013 report to Congress. Mr. Barker drafted the report and incorporated suggested changes submitted by the Review Committee members prior to the meeting. During the meeting, the Review Committee members discussed and approved final minor edits and clarifications to the report.

After a brief discussion, the Review Committee members agreed to remove the following section from the report. "The Review Committee recognizes that perceptions of bias such as those raised by a 2010 GAO Report have the potential to significantly erode public confidence in the impartiality of the Review Committee, and reaffirms its strong commitment to finding a balance between the vital, valid and acknowledged interests of Tribes and Native Hawaiian organizations to reclaim ancestral human remains and cultural items with the vital, valid and acknowledged role of museums and scientific and cultural organizations in preserving, documenting and interpreting the past for the benefit of a broader public." The Review Committee members requested that time for discussion of this issue be scheduled on a meeting agenda during 2014.

Review Committee Motion

Ms. Farm made a motion that the 2013 report to Congress be finalized, as discussed and acted upon during the meeting. Mr. O'Rourke seconded the motion. The motion passed by unanimous vote. Mr. Barker will submit the approved draft to Ms. O'Brien for final edits, publication, distribution to Congress, and posting on the National NAGPRA Program website.

The Review Committee expressed its appreciation for the work of Mr. Barker in drafting the 2013 report to Congress.

Closing Comments

Ms. Farm thanked the members of the Review Committee and National NAGPRA Program staff and counsel for their hard work, and the members of the public listening to the meeting.

Meeting Adjournment

The meeting was adjourned at 3:57 p.m. EST, by Ms. Farm.

Certified –



Ms. Melanie O'Brien,
Notice Coordinator, National NAGPRA Program
Designated Federal Officer, Native American Graves Protection
and Repatriation Review Committee

March 7, 2014

Date

Approved on behalf of the Review Committee –



Ms. LindaLee (Cissy) Kuuleilahi Farm
Chair, Native American Graves Protection
and Repatriation Review Committee

March 7, 2014

Date