

Review and Findings Procedures of the Native American Graves Protection and Repatriation Review Committee

- I. Authority.** Pursuant to 25 U.S.C. 3006 (c)(3), the Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for reviewing and making findings related to:
- A. the identity or cultural affiliation of Native American human remains and other cultural items, or
 - B. the return of human remains and other cultural items.

II. Definitions.

- A. For the purpose of these procedures, NAGPRA definitions apply (see 25 U.S.C. 3001 and 43 CFR 10.2).
- B. Affected party. An affected party is an Indian tribe, Native Hawaiian organization, lineal descendant, Federal agency, or museum. The affected party(ies) may be represented by an individual or organization specifically authorized by the affected party(ies) for the purposes of a request to the Review Committee.

III. Potential Requests for Review and Findings:

Distinct from the Review Committee's role in disputes, affected party(ies) may request that the Review Committee review and make findings regarding I.A. and I.B. above. Such requests may include requests for recommendations regarding the disposition of culturally unidentifiable human remains.

IV. Review and Findings Procedures.

- A. Requesting the Review Committee's review and findings. Written requests for Review Committee review and findings shall be directed

to the Review Committee's Designated Federal Officer (DFO), National NAGPRA Program, National Park Service, 1849 C Street NW (2253), Washington, DC 20240-0001).

1. The written request for review and findings regarding the disposition of culturally unidentifiable human remains should minimally contain a concise description of the following information:
 - a. the proposed disposition;
 - b. how the human remains and associated funerary objects were acquired, including the geographical location, date, and circumstances of discovery, if known;
 - c. documentation of the human remains and associated funerary objects, including:
 - i. an estimate of the minimum number of individuals or items represented;
 - ii. evidence that they are Native American;
 - iii. evidence of their antiquity or date, if known;
 - iv. all associated studies, stating when and by whom this work was conducted;
 - v. evidence that they were discovered on tribal lands or within the aboriginal lands of an Indian tribe; and
 - vi. evidence of any cultural relationship with an

- Indian tribe, Native Hawaiian organization, or non-Federally recognized Indian group, along with a list of all groups that might reasonably have such a relationship.
- d. the consultation process that led to the current disposition request, with evidence of support for the disposition or other views held by the Indian tribes, Native Hawaiian organizations, or non-Federally Indian groups involved.
2. The DFO will reply to the affected party(ies), acknowledging receipt of the request for review and findings. The acknowledgment letter may include requests for clarification or additional information.
- B. Scheduling the Review Committee's review. Reviews and findings will be scheduled at regular Review Committee meetings. The affected party(ies) will be notified when their requested review is scheduled. The DFO will publish a notice in the Federal Register of the time and place of the meeting at which the review request will be considered.
- C. Presentation. The affected party(ies) may make presentations in person or, if available, through audio or visual conference calls.
- D. Findings.
1. Following review, the Review Committee will make findings regarding the matter(s) presented to the Review Committee.
 2. The DFO will notify the affected party(ies) of the Review Committee's findings.

3. After considering the Review Committee's review and findings, the DFO may also issue recommendations regarding the disposition of culturally unidentifiable human remains on behalf of the Secretary of the Interior.

V. Conflict of Interest. Situations may arise in which individual Review Committee members or the DFO have or may appear to have a conflict of interest regarding a particular review.

- A. In such circumstances, the member will recuse him/herself during the review.
- B. In the event and for the time that the DFO must recuse him/herself as DFO during a review, the DFO will delegate his/her responsibilities to another Federal employee who does not and would not appear to have a conflict of interest.

VI. Public Access to this Document. This document will be posted on the National NAGPRA Website.

APPROVED:

/s/ Rosita Worl,
Chair, Native American Graves Protection
and Repatriation Review Committee

/s/ C. Timothy McKeown,
Designated Federal Officer

Date: February 29, 2008