

**U.S. Department of the Interior
National Park Service**

**Native American Graves Protection and Repatriation Review Committee
Charter**

1. **COMMITTEE'S OFFICIAL DESIGNATION.** Native American Graves Protection and Repatriation Review Committee (Committee).
2. **AUTHORITY.** This Committee is established by the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. §§ 3006a-i) (Act). The Committee is operated pursuant to the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Ch. 10), and the Federal Advisory Committee regulations found at 41 C.F.R. Part 102-3.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES.** The purpose of the Committee is to monitor and review the implementation of the inventory and identification processes and repatriation activities required under Sections 5, 6, and 7 of the Act.
4. **DESCRIPTION OF DUTIES.** The duties of the Committee are solely advisory. Specifically, the Committee will be responsible for:
 - a. Monitoring and reviewing the implementation of the inventory and identification processes and repatriation activities required under sections 5, 6, and 7 of the Act to ensure a fair and objective consideration and assessment of all available relevant information and evidence;
 - b. Reviewing and making findings relating to the identity or cultural affiliation of human remains, funerary objects, sacred objects, and objects of cultural patrimony, or the repatriation of such items, upon the request of any affected party;
 - c. Facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants, and Federal agencies or museums relating to the repatriation of human remains, funerary objects, sacred objects, and objects of cultural patrimony, including convening the parties to the dispute, if deemed desirable;
 - d. Compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for disposition of such human remains;
 - e. Consulting with Indian tribes, Native Hawaiian organizations, and museums on matters within the scope of the work of the Committee affecting such tribes or organizations;

- f. Consulting with the Secretary of the Interior (Secretary) in the development of regulations to carry out the Act;
 - g. Performing such other related functions as the Secretary may assign to the Committee;
 - h. Making recommendations, if appropriate, regarding future care of human remains, funerary objects, sacred objects, and objects of cultural patrimony which are to be repatriated; and
 - i. Submitting an annual report to Congress on the progress and any barriers encountered in carrying out the Committee's responsibilities during the year.
5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.** The Committee reports to the Secretary through the DFO.
6. **SUPPORT.** Support for the Committee is provided by the National Park Service.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.** The annual operating costs associated with supporting the Committee's activities are estimated to be \$163,000, including all direct or indirect expenses and 0.25 of staff years support.
8. **DESIGNATED FEDERAL OFFICER.** The DFO is the Manager, National NAGPRA Program, and is a full time Federal employee appointed in accordance with Agency procedures. The DFO must:
- a. Ensure the Committee activities comply with the FACA, FACA Final Rule, Agency administrative procedures, and any other applicable laws and regulations;
 - b. Approve or call all meetings of the Committee or subcommittee;
 - c. Approve the agenda;
 - d. Attend all Committee and subcommittee meetings for their duration;
 - e. Fulfill the requirements under section 1009 of the FACA, Advisory Committee Procedures;
 - f. Adjourn any meeting when the DFO determines it to be in the public interest;
 - g. Chair any meeting when so directed by the Secretary;
 - h. Maintain information on Committee activities and provide such information to the public, as applicable; and

- i. Ensure Committee members and subcommittee members, as applicable, receive the appropriate training (e.g., FACA overview, ethics training) for efficient operation and compliance with the FACA and FACA Final Rule.

Also, the DFO should ensure a public facing website is created and maintained for the Committee.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS.** The Committee will meet approximately two times a year, and at such other times as designated by the DFO.
10. **DURATION.** Continuing.
11. **TERMINATION.** The Committee will become inactive 2 years from the date the charter is filed, unless, prior to that date, it is renewed in accordance with section 1013 of the FACA. The Committee will not meet or take any action without a valid current charter.
12. **MEMBERSHIP AND DESIGNATION.** The Committee will be composed of seven members appointed by the Secretary as follows:
 - a. Three members appointed from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders, with at least two such persons being traditional Native American religious leaders;
 - b. Three members appointed from nominations submitted by national museum organizations and scientific organizations; and
 - c. One member appointed from nominations developed and consented to by the other members of the Committee.

Members are appointed as special Government employees (SGEs) and will be required to complete ethics training and file a Confidential Financial Disclosure Report.

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

Members are expected to participate in Committee meetings and activities. All members serve at the pleasure of the Secretary.

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

The Committee will designate one member to be Chairperson.

13. **ETHICS RESPONSIBILITIES OF MEMBERS.** Members of the Committee are appointed as special Government employees and are therefore subject to applicable Federal ethics statutes and regulations, to include applicable exceptions and exemptions. Additionally, SGE members are required, prior to appointment and annually hereafter, to file a Confidential Financial Disclosure Report. SGE members are also required to receive initial ethics training prior to performing any Committee duties and to receive annual ethics training thereafter. The Department of the Interior will provide materials to those members serving as special Government employees, explaining their ethical obligations.
14. **SUBCOMMITTEES.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **RECORDKEEPING.** Detailed records must be kept of each Committee and formally or informally established subcommittees. All records must be made available to the public subject to the Freedom of Information Act (5 U.S.C. § 552) and must be handled in accordance with General Records Schedule 6.2 and other approved Agency records disposition schedules.
16. **FILING DATE.** _____



Secretary of the Interior

SEP 17 2024

Date Signed