

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Supporting the Arizona Intertribal Council's Resolution to the National Congress of**  
**American Indians on the Native American Graves Protection and Repatriation**  
**Act (NAGPRA) and Unidentified Native American Ancestral Human Remains)**

**RESOLUTION NO. 03-503**

1 **WHEREAS, Public Law 101-601, the Native American Graves Protection and Repatriation Act**  
2 **(NAGPRA) was passed into law in November 1990 and includes in Section 6 (25 USC**  
3 **3003) a requirement that Federal agencies and Federally funded museums compile**  
4 **an inventory of their collections of identified and unidentified Native American**  
5 **human remains and associated and unassociated funerary objects that includes the**  
6 **geographical and cultural affiliation of the items; and**

7 **WHEREAS, the inventories and identifications were to be completed in consultation with tribal**  
8 **governments and Native Hawaiian organization officials and traditional religious**  
9 **leaders; and**

10 **WHEREAS, the inventories for Native American remains and associated funerary objects, sacred**  
11 **objects and items of cultural patrimony were to be completed no later than five years**  
12 **after the date of enactment of the NAGPRA act and made available to the NAGPRA**  
13 **review committee; and**

14 **WHEREAS, the written summaries of holdings and collections of Native American unassociated**  
15 **funerary objects, sacred objects or objects of cultural patrimony were to be**  
16 **completed not later than three years after the date of enactment of the NAGPRA act;**  
17 **and**

18 **WHEREAS, Federal agencies and museums must report the inventory of information regarding**  
19 **unidentifiable human remains to the Departmental Consulting Archaeologist in the**  
20 **National Park Service, who must in turn provide the information to the NAGPRA**  
21 **Review Committee; and**

22 **WHEREAS, the NAGPRA Review Committee is responsible for compiling the inventory of**  
23 **culturally unidentifiable human remains in the possession or control of Federal**  
24 **agencies or museums and recommend specific actions regarding the disposition of**  
25 **these human remains; and**

26 **WHEREAS, any museum that fails to comply with the requirements of NAGPRA may be assessed**  
27 **a civil penalty by the Secretary of the Interior for each violation of non-compliance**  
28 **with the NAGPRA Act, including failure to complete the required inventories and**  
29 **summaries; and**

30 **WHEREAS, the National Park Service has not enforced the requirement for completed**

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**Page 2 of 4**

1           **inventories and summaries from numerous agencies and institutions and a listing**  
2           **of identified and unidentified human remains is a critical element of the law; and**  
3 **WHEREAS, the National Park Service of the United States Department of the Interior has not**  
4           **acted to finalize the Proposed Rule on the Disposition of Culturally Unidentifiable**  
5           **Human Remains published in the Federal Register on May 6, 2002.**

6 **NOW, THEREFORE , BE IT RESOLVED that the Tohono O'odham Nation strongly supports the**  
7           **attached Resolution of the Arizona Inter Tribal Council to the National Congress of**  
8           **American Indians that the NAGPRA Review Committee and the National Park Service**  
9           **initiate enforcement of penalties for non compliance by the Federal Agencies and**  
10          **museums that have failed to remit inventories as required by law of human remains**  
11          **and associated funerary objects and summaries of unassociated funerary objects,**  
12          **sacred objects and objects of cultural patrimony.**

13 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation supports the National Congress of**  
14          **American Indians that the NAGPRA Review Committee and the National Park Service**  
15          **include in the Rules for the NAGPRA Disposition of Culturally Unidentifiable Human**  
16          **Remains, a final date and a process to extend the time for an inventory to be**  
17          **published in the Federal Register for the remittance of summaries of the holdings or**  
18          **collections of culturally unidentifiable remains and the associated funerary items.**

19 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation supports the National Congress of**  
20          **American Indians in its recommendations to the NAGPRA Review Committee and the**  
21          **National Park Service that the final date for remission of inventories and/or**  
22          **summaries of unidentifiable human remains shall not be later than September 30,**  
23          **2008 and that the approved extensions shall not be granted beyond September 30,**  
24          **2010.**

25 **BE IT FURTHER RESOLVED that the Tohono O'odham Nation supports the National Congress of**  
26          **American Indians in endorsing the recommendations of tribal leaders and Native**  
27          **participants made to the Secretary of the Interior adopted at the Symposium for the**  
28          **Disposition of Culturally Unidentifiable Native American Human Remains under**  
29          **NAGPRA on December 2, 2001 in Tempe Arizona which asserted that the disposition**  
30          **of any type of human remains and funerary objects must be made by the appropriate**  
31          **tribes and Native Hawaiian organizations in concert with customary traditional**  
32          **practice and the group's wishes, practices and beliefs.**

**RESOLUTION NO. 03-503**

**(Supporting the Arizona Intertribal Council's Resolution to the National Congress of American Indians on the Native American Graves Protection and Repatriation Act (NAGPRA) and Unidentified Native American Ancestral Human Remains)**

Page 3 of 4

1 **BE IT FINALLY RESOLVED that the Tohono O'odham Nation supports the agreement that was**  
2 **reached at the December 2, 2001 meeting in Tempe, Arizona on the following:**

- 3 **1. Culturally unidentifiable Native American Human Remains are culturally**  
4 **affiliated to contemporary Native Peoples, including federally recognized tribes,**  
5 **non-federally recognized tribes, Native Alaska Peoples and Native Hawaiian**  
6 **People**
- 7 **2. All Native American human remains and associated funerary objects, including**  
8 **those deemed "culturally unidentifiable" shall be under the ownership and**  
9 **control of contemporary Native Peoples.**
- 10 **3. All "culturally unidentifiable" Native American human remains shall be speedily**  
11 **repatriated to Native Peoples in accordance with procedures to be determined by**  
12 **contemporary Native American groups.**
- 13 **4. All scientific study of "culturally unidentifiable" Native American human remains**  
14 **shall immediately cease.**
- 15 **5. The Federal Government shall be responsible for funding the costs of this**  
16 **repatriation.**

17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 04<sup>th</sup> Day**  
18 **of NOVEMBER, 2003 at a meeting at which a quorum was present with a vote of 2,629.7 FOR; -0-**  
19 **AGAINST; -0- NOT VOTING; and -0- ABSENT, pursuant to the powers vested in the Council by Section**  
20 **1 (f) of Article VI of the Constitution of the Tohono O'odham Nation, adopted by the Tohono**  
21 **O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary -**  
22 **Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48**  
23 **Stat. 984).**

24  
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26  
27 *for*   
28 **Dennis Ramon, Legislative Chairman**

29  
30 *07<sup>th</sup>* day of *November*, 2003

31  
32 **ATTEST:**

33   
34 **Vivian Hedrington, Legislative Secretary**

35  
36 *4<sup>th</sup>* day of *November*, 2003.  
37

38  
39 **Said Resolution was submitted for approval to the office of the Chairwoman of the Tohono**  
40 **O'odham Nation on the 07<sup>th</sup> day of November, 2003 at 2:13 o'clock,**  
41 **P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become**  
42 **effective upon her approval or upon her failure to either approve or disapprove it within 48 hours**  
43 **of submittal.**

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**Page 4 of 4**

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**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

*Dennis Ramon*  
for **Dennis Ramon, Legislative Chairman**

**APPROVED**

on the 12 day of November, 2003

**DISAPPROVED**

at 1:40 o'clock, p.M.

*Vivian Juan Saunders*  
**VIVIAN JUAN SAUNDERS, CHAIRWOMAN**  
**TOHONO O'ODHAM NATION**

Returned to the Legislative Secretary on the 12<sup>th</sup> day of

November, 2003, at 1:52 o'clock, p.M.

*Vivian Hedrington*  
**Vivian Hedrington, Legislative Secretary**

**ACTION: SUPPORTING THE ARIZONA INTERTRIBAL COUNCIL'S RESOLUTION TO THE NATIONAL CONGRESS OF AMERICAN INDIANS ON THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA) AND UNIDENTIFIED NATIVE AMERICAN ANCESTRAL HUMAN REMAINS**

**MOVED: COUNCILWOMAN FRANCES CONDE**

**SECOND: COUNCILMAN TIMOTHY JOAQUIN**

**DATE: NOVEMBER 04, 2003**

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>SIF OIDAK</b> <b>192.6</b>	1. ISIDRO LOPEZ (Nicholas Jose)	96.30	X			
	2. DARLENE ANDREW (Rita Martinez)	96.30	X			
<b>SELLS</b> <b>465.6</b>	1. DENNIS E. JOSE ( )	232.80	X			
	2. EVELYN JUAN ( )	232.80	X			
<b>SCHUK TOAK</b> <b>176.1</b>	1. FRANCES B. CONDE ( )	88.05	X			
	2. PHYLLIS JUAN ( )	88.05	X			
<b>SAN XAVIER</b> <b>215.4</b>	1. FELICIA NUÑEZ ( )	107.70	X			
	2. DENNIS RAMON ( )	107.70	X			
<b>SAN LUCY</b> <b>166.3</b>	1. JOHN W. LAWSON, SR. ( )	83.15	X			
	2. GLORIA RAMIREZ ( )	83.15	X			
<b>PISINEMO</b> <b>175.4</b>	1. BARBARA SALVICIO ( )	87.70	X			
	2. PATRICIA CRUZ ( )	87.70	X			
<b>HICKIWAN</b> <b>170.3</b>	1. DELMA GARCIA (Mary E. Sam)	85.15	X			
	2. SANDRA ORTEGA ( )	85.15	X			
<b>GU VO</b> <b>191.4</b>	1. RAYMOND VICTOR ( )	95.70	X			
	2. MICHAEL FLORES (Willard Manuel)	95.70	X			
<b>GU ACHI</b> <b>253.6</b>	1. TIMOTHY L. JOAQUIN (Jonas Robles)	126.80	X			
	2. JEROME JOAQUIN ( )	126.80	X			
<b>CHUKUT KUK</b> <b>258.9</b>	1. KENNETH WILLIAMS (Juanita Homer)	129.45	X			
	2. VERLON M. JOSE (David Garcia)	129.45	X			
<b>BABOQUIVARI</b> <b>364.1</b>	1. FRANCES MIGUEL ( Lucilda Norris-Valenzuela )	182.05	X			
	2. FRANCES G. ANTONE ( )	182.05	X			
<b>TOTAL</b>		<b>2,629.7</b>	<b>2,629.7</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

**\*\*PASSED VOTES**