

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Opposing Amendment of the Native American Graves Protection and
Repatriation Act in the manner proposed by the Hastings Amendment)**

RESOLUTION NO. 98-036

WHEREAS, on November 7, 1997 Congressman Hastings of Washington introduced H.R. 2893 (the "Hastings Amendment") in the first session of the 105th Congress to amend the Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3001-3013 and 18 U.S.C. §1170 ("NAGPRA"); and

WHEREAS, the Hastings Amendment proposes to amend NAGPRA by removing the ability of tribes to establish ownership of cultural items (defined in NAGPRA to include human remains) excavated on federal or tribal lands based on an adjudicated claim of aboriginal ownership of the land on which the cultural items were found, when cultural affiliation cannot reasonably be ascertained; and

WHEREAS, the Hastings Amendment provides for increased opportunity for scientific study of cultural items prior to their return to a culturally affiliated Indian tribe or nation, thereby delaying the repatriation of the cultural items and increasing the number of cultural items which will be studied prior to repatriation; and

WHEREAS, the Hastings Amendment was not reviewed by any Congressional committee during the first session of the 105th Congress but it may be introduced again at any time in the current session of Congress and may be attached to other unrelated legislation as a rider, thereby evading the Congressional committee review process; and

WHEREAS, the Cultural Preservation Committee of the Tohono O'odham Legislative Council has reviewed the Hastings Amendment and opposes amendment of NAGPRA in this manner, and recommends

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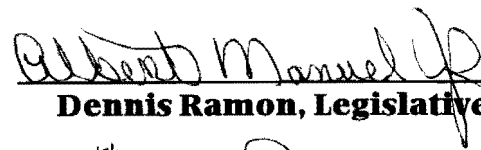
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that the Legislative Council adopt a resolution opposing passage of the Hastings Amendment or any similar legislation.

NOW, THEREFORE, BE IT RESOLVED that the Legislative Council of the Tohono O'odham Nation opposes amendment of NAGPRA in the manner proposed by the Hastings Amendment and urges the Congress of the United States not to adopt the Hastings Amendment, and strongly opposes any amendment to NAGPRA without prior consultation with Indian tribes.

The foregoing Resolution was passed by the Tohono O'odham Council on the 9TH day of FEBRUARY, 1998 at a meeting at which a quorum was present with a vote of 1,927.0 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Section 1 (j) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL


Dennis Ramon, Legislative Chairman
11th day of February, 1998

ATTEST:


Julianna Saraficio, Acting Legislative Secretary

9th day of February, 1998.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 11th day of February, 19 98 at 9:50 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL




Dennis Ramon, Legislative Chairman

APPROVED

on the 11th day of February, 19 98

DISAPPROVED

at 5:05 o'clock, P.M.


EDWARD D. MANUEL, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 12th day of February, 19 98, at 9:17 o'clock, A.M.



Julianna Saraficio, Acting Legislative Secretary

ACTION: OPPOSING AMENDMENT OF THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT IN THE MANNER PROPOSED BY THE HASTINGS AMENDMENT

Moved: COUNCILWOMAN GLORIA MONTANA

SECOND: COUNCILMAN KENNETH WILLIAMS

DATE: FEBRUARY 9, 1998

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
CHUKUT KUK 189.0	1. DAVID GARCIA (Marvin Thomas) 2. KENNETH WILLIAMS (Arnold F. Smith Sr.)	94.5 94.5	X X			
HICKIWAN 146.0	1. ALEX JOSE () 2. LLOYD FRANCISCO (Susan Sam)	73.0 73.0	X X			
GU VO 142.0	1. FERN SALCIDO (Larry Montana) 2. GLORIA MONTANA (Phillip Antone)	71.0 71.0	X X			
SAN LUCY 114.0	1. JOHN RENO (Mary Hoffman) 2. ALBERT MANUEL, JR. (Jana Montana)	57.0 57.0	X X			X
PISINEMO 139.0	1. BARBARA SALVICIO () 2. JOHNSON JOSE ()	69.5 69.5	X X			
GU ACHI 190.0	1. LOUIS JOHNSON () 2. ALEX J. RAMON ()	95.0 95.0	X X			
BABOQUIVARI 258.0	1. FRANCES MIGUEL () 2. FRANCES G. ANTONE (Edward N. Kisto)	129.0 129.0	X X			X
SAN XAVIER 146.0	1. TONY BURRELL () 2. DENNIS RAMON ()	73.0 73.0	X X			X
SCHUK TOAK 120.0	1. JOSEPH JUAN () 2. AMBROSE ENCINAS ()	60.0 60.0	X X			
SELLS 322.0	1. DENNIS E. JOSE () 2. EVELYN JUAN ()	161.0 161.0	X X			
SIF OIDAK 161.0	1. RITA MARTINEZ (Maxine Norris) 2. MARY ANN ANTONE (Darlene Andrew)	80.5 80.5	X X			X
TOTAL		1,927.0	1,927.0	-0-	-0-	[04]

****PASSED VOTES**