

Glossary

American Indian Religious Freedom Act of 1978 — protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use and possession of sacred objects, and the freedom to worship through traditional ceremonies and rites. It requires the policies of all government agencies to eliminate interference with the practice of Indigenous religions, e.g. allow Native Americans to access sacred sites on government land. Before the act was passed, many aspects of Indigenous religions and ceremonies had been prohibited by law.

Consultation — under NAGPRA, a process involving the exchange of information, open discussion, and joint deliberations with respect to potential issues, changes, or actions. Under NHPA, the process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them regarding matters arising in the Section 106 process.

Cultural Affiliation — a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Tribe and an identifiable earlier group.

Cultural Matrimony — similar to cultural patrimony, but takes into account matriarchal Indigenous cultures, the knowledge held by women, and objects that are created and used by women.

Cultural Patrimony — an object having ongoing historical, traditional, or cultural importance central to the group or culture itself, rather than property owned by an individual.

Dawes Act of 1887 — allowed the federal government to break up tribal lands, allotting individual plots of land to Tribal members. Land not allotted to Tribal members was sold by the federal government to non-Natives. Tribes collectively lost over 90 million acres of land. Also called the General Allotment Act.

Federal Funds — the regulations outlined in NAGPRA apply to any museum or other collecting institution that has received federal funds. The receipt of funds by a museum after November 16, 1990, from a Federal agency through any grant, loan, contract (other than a procurement contract), or other arrangement by which a Federal agency makes or made available to a museum aid in the form of funds. Federal funds provided for any purpose that are received by a larger entity of which the museum is a part are considered Federal funds for the purposes of these regulations.

Federal Recognition — a legal term meaning that the United States recognizes a government-to-government relationship with a Tribe and that a Tribe exists politically in a "dependent nation" status. Federally recognized Tribes possess certain inherent powers of self-government and entitlement to certain federal benefits, services, and protections because of a special trust relationship. To become federally recognized, tribes must meet certain requirements as defined by the Bureau of Indian Affairs that show they have a long, well documented history as a distinct community with its own government and membership criteria.

Funerary Object — an object that had been placed with human remains as part of a death rite or ceremony either at the time of death or later.

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Indian Citizenship Act of 1924 — granted citizenship to all Native Americans born within the United States. Up to this point, the 14th Amendment had been interpreted by the courts as not applying to Native Americans. The Act was passed largely in response to Native American participation in WWI — nearly 25% of all Native American men enlisted in the armed forces despite not being American citizens.

Indian Removal Act of 1830 — authorized President Jackson to grant lands in federal territory west of the Mississippi to Tribes in exchange for their ancestral lands within the Eastern U.S. for white settlement. Those Tribes who resisted were forcibly removed.

Indian Reorganization Act of 1934 — reversed U.S. policy that favored American Indian assimilation. The act did several things to strengthen and perpetuate Tribal self-determination, including permitting Tribes to establish their own formal governments, allowing the formation of corporations to manage Tribal assets like mineral rights, curtailing land allotment, and authorizing funds for educational assistance and purchasing tribal lands. Also known as the Wheeler-Howard Act.

Lineal Descendant — an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Tribe or by the common law system of descent to a known Native American individual whose remains, funerary objects, or sacred objects are being claimed under NAGPRA.

Museum — under NAGPRA, any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. This does not include the Smithsonian Institution or any other Federal Agency.

NAGPRA — the Native American Graves Protection and Repatriation Act; requires and provides a process for federal agencies and institutions that receive federal funds to transfer legal control of certain Native American items of cultural patrimony, sacred objects, funerary objects, and human remains to Tribes.

Nation, Tribe, Band — used interchangeably but hold different meanings for many Native people. Tribal groups are known officially by names that include *tribe*, *nation*, or *band*, but all federally recognized Tribes are considered sovereign nations within a nation. Every community has a distinct perspective on how they describe themselves; ask what the preferred terminology is.

National Historic Preservation Act of 1966 (NHPA) — set federal policy and created a clearly defined process for preserving the nation's heritage from federal development. The Act charged Federal agencies with the responsible stewardship of historic, archaeological, and cultural sites; established federal-state and federal-tribal partnerships for preservation; created the National Register for Historic Places and the National Historic Landmarks Programs; and mandated each state designate a State Historic Preservation Officer.

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Native American, American Indian, Native, Indigenous — all are acceptable terms and often used interchangeably in the U.S. However, Indigenous people have individual preferences on how they would like to be addressed. To find out which term is best, ask the person or Tribe which term they prefer. When possible, use a person's Tribal affiliation rather than one of the above broad terms.

Native American Traditional Knowledge — knowledge, philosophies, beliefs, traditions, skills, and practices that are developed, embedded, and often safeguarded by Native Americans. Native American traditional knowledge contextualizes relationships between and among people, the places they inhabit, and broader world around them, covering a wide variety of information, including but not limited to cultural, ecological, religious, scientific, societal, spiritual, and technical knowledge. Native American traditional knowledge may be but is not required to be developed, sustained, and passed through time, often forming part of a cultural or spiritual identity.

Repatriation — the transfer of physical custody and legal interest in cultural items or human remains to lineal descendants or culturally affiliated Nations.

Reservation — land reserved for a tribe (or multiple tribes) under treaty or other agreement with the U.S. government that establishes permanent Tribal homelands.

Sacred Objects — specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions.

Section 106, National Historic Preservation Act of 1966 — requires Federal agencies to take into account the effects of its actions on historic properties by identifying those properties, assessing adverse effects, and resolving those effects. The process is initiated by the Federal agency, and includes comments and input from stakeholders at the local and State levels.

State Historic Preservation Officer (SHPO) — a state appointed official responsible for managing and administering that state's historic preservation program. Their responsibilities include, but are not limited to, maintaining an inventory of historic properties, administering state programs of Federal assistance for preservation, identifying and nominating properties for the Nation Historic Register, preparing and implementing a statewide preservation plan, providing education and assistance to the public about preservation, working with local governments to develop local historic preservation programs, and providing consultation for Federal undertakings under Section 106.

Termination Policy — a series of policies from the mid-1950s to mid-1960s that reversed federal policy of Tribal self-governance, abolished more than 50 Tribal governments, and created federally funded programs to move Tribal members from reservations to major cities.

Treaty — a formal and legally binding agreement between two or more sovereign nations. Because treaties by definition are between sovereign nations, they are legal evidence that the United States government recognized the inherent sovereignty of the Native Nations with whom they entered into treaties. In most of these treaties, Native Nations ceded title of land to the United State government in exchange for protection, goods, services, and/or cash payments but reserved certain lands

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(reservations) and rights (hunting and fishing, self-government, jurisdiction over their lands) for themselves. Treaties also do not expire, meaning all parties are still responsible for recognizing the promises and obligations of the treaty.

Tribal Council — the appointed or elected governing body of a federally recognized Tribe. For some Tribes, the head of the tribal council is the highest governing official, while other Tribes have a separate executive branch. The title for the head of state varies across Tribes and includes Chair, Chief, President, Governor, and Cacique.

Tribal Historic Preservation Officer (THPO) — officially designated by a Federally Recognized Tribe to direct a preservation program approved by the National Park Service. The THPO assumes some or all of the same functions as a State Historic Preservation Officer but on Tribal lands, including managing a Tribal historic preservation plan and reviewing Federal undertakings that may affect historic properties.

Tribal Land — a parcel of land issued to an individual Tribal member by the federal government. These lands can be held in trust or restricted fee status. Restricted fee land is land to which a Tribal member holds legal title but there are federal restrictions against sale or transfer of the land. Rather than the individual, the federal government holds legal title to trust land.

Tribal Member — a person who is a citizen of a federally recognized Tribe and meets that Tribe's citizenship qualifications. Being a Tribal member is a political designation similar to having American citizenship and goes beyond having DNA ancestry.

Tribal Sovereignty — right to self-government, define Tribal membership, manage Tribal property, and regulate Tribal business and domestic relationships.

References

National Park Service, NAGPRA Glossary

<https://www.nps.gov/subjects/nagpra/glossary.htm>

United State Bureau of Reclamation, NAGPRA Definitions

<https://www.usbr.gov/nagpra/definitions.html>

Advisory Council on Historic Preservation, Section 106

<https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>

Texas Historical Commission, Tribal Consultation Guidelines

<https://www.thc.texas.gov/project-review/tribal-consultation-guidelines>

Note: As of January 2023, the Native American Graves Protection and Repatriation Act's regulations are under review. The definitions provided here may change if the proposed revisions are accepted.

Proposed revisions can be found here: <https://www.nps.gov/subjects/nagpra/regulations.htm>.