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Process Established for Disposition of Native American Human Remains

WASHINGTON –The National Park Service today announced a final rule has been published in the Federal Register establishing a process for the disposition of Native American human remains that are in museums or on exhibit in the United States and which have not yet been culturally affiliated to a tribe or Native Hawaiian organization. There are currently more than 124,000 Native American human remains listed under the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as unidentifiable, 4,000 individuals have been returned to tribes for re-burial in 82 agreements approved by the Secretary of the Interior.

“The final rule will ensure that the reburial of human remains will get done more expeditiously and streamline the process for all parties involved,” said National Park Service Director, Jon Jarvis. “Publication of the rule will go a long way in helping tribes, museums and federal agencies as they work to resolve claims to Native American human remains.”

The rule is a product of years of consultation with tribes, museums and the NAGPRA Review Committee. Key to this rule, and key to each step of the NAGPRA process, is consultation with tribes. This rule requires museums and federal agencies listing Native American human remains in their collections as unidentifiable to consult with tribes that historically lived in the area where the remains were exhumed. By allowing the disposition agreements of tribes and museums or federal agencies to be published in the Federal Register as notice of action, 30 days prior to disposition, rather than requiring each disposition to receive individual approval of the Secretary of the Interior, the process is much less cumbersome.

The Review Committee, appointed by the Secretary of the Interior, has made recommendations for disposition of Native American human remains 82 times, while waiting for a final rule to publish. About 4,000 individuals have gone to tribes on a case-by-

case basis, while another 5,000 individuals, previously listed as unidentifiable, have been culturally identified as a result of consultation with tribes by museums and federal agencies.

The Native American Graves Protection and Repatriation Act was passed in 1990 to resolve claims by Native Americans, tribes, and Native Hawaiian organizations to Native American human remains and certain cultural items of importance to tribes. Federal agencies and museums that receive federal funds are required to list all Native American human remains and their associated funerary objects on an inventory and identify the cultural affiliation of each.

The final rule is sensitive to costs imposed on museums, while still addressing the disposition requirements anticipated in the statute and earlier regulations