



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

W42 (2253)

APR 1 - 2004

Dr. Lynne Sebastian, President
Society for American Archaeology
900 Second Street, NE, #12
Washington, DC 20036-3309

Dear Dr. Sebastian:

The National Park Service's National NAGPRA program has begun development of 43 CFR 10.7- Disposition of unclaimed human remains, funerary objects, sacred objects, and objects of cultural patrimony. This regulation will provide a disposition process for Native American human remains and other cultural items found on Federal and tribal lands after November 16, 1990, that are either unclaimed or cannot be claimed under NAGPRA. A briefing paper with more information about this regulation is enclosed.

NAGPRA requires that 43 CFR 10.7 be developed in consultation with the Native American Graves Protection and Repatriation Review Committee, Native American groups, and representatives of **museums and the scientific community**. For this reason, National NAGPRA is scheduling a series of meetings with the leadership of national museum and scientific organizations to discuss ways that they can contribute to the development of 43 CFR 10.7.

National NAGPRA program officer Dr. Karen Mudar is responsible for drafting 43 CFR 10.7. Dr. Mudar will contact your government affairs representative to arrange a meeting to discuss this regulation in more detail. For more information, you may contact Dr. Mudar directly by telephone, (202) 354-2203, or e-mail, karen_mudar@nps.gov. Information about this regulation and National NAGPRA consultation activities is also available on the National NAGPRA program Website at http://www.cr.nps.gov/nagpra/MANDATES/10-7_Regional_Consultations.htm.

National NAGPRA believes that 43 CFR 10.7 is an important NAGPRA regulation, and your organization's input is crucial to its development. On behalf of National NAGPRA, thank you for your assistance and I look forward to working with you.

Sincerely,

John Robbins
Assistant Director, Cultural Resources
Manager, National NAGPRA

Enclosure [briefing paper]



Briefing Paper: 43 CFR 10.7

What is NAGPRA?

The Native American Graves Protection and Repatriation Act (NAGPRA) provides a process for museums and Federal agencies to return certain Native American cultural items -- human remains, funerary objects, sacred objects, or objects of cultural patrimony -- to lineal descendants, culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA also provides for the disposition of cultural items excavated or discovered on Federal and tribal lands after November 16, 1990.

Who is responsible for promulgating NAGPRA regulations?

Responsibility for promulgating NAGPRA regulations, 43 CFR 10, rests with the Secretary of the Interior, who has delegated drafting responsibility to the National Park Service. Within NPS, the National NAGPRA program carries out this responsibility.

What does 43 CFR 10.7 cover?

43 CFR 10.7 is titled "Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony." This regulation will provide a disposition process for Native American cultural items found on or removed from Federal and tribal lands after November 16, 1990, that have not been claimed or cannot be claimed by federally recognized Native American tribes or Native Hawaiian organizations. This is a separate regulation from 43 CFR 10.11, "Disposition of culturally unidentifiable human remains," that addresses the disposition of culturally unidentifiable Native American human remains that are in Federal agency or museum collections.

Who must be consulted in developing this regulation?

NAGPRA requires that 43 CFR 10.7 be developed in consultation with the Native American Graves Protection and Repatriation Review Committee, Native American groups, and representatives of museums and the scientific community, as specified in 25 U.S.C. 3002(b). In addition to these groups, the National NAGPRA program is seeking comment from representatives of Federal agencies that have NAGPRA responsibilities.

Have consultations about this regulation taken place?

National NAGPRA hosted a meeting with representatives of Federal agencies in Washington, DC, in July 2003. A consultation was also held with tribal and Federal agency representatives to coincide with the National Congress of American Indians meetings in Albuquerque, NM, in November 2003.

What opinions were expressed during these consultations?

Tribal representatives expressed the view that this regulation should safeguard the rights of federally recognized tribes to make claims for human remains and other cultural items where there is a cultural relationship between the cultural items and a tribe. Many tribal representatives expressed the wish that human remains and other cultural items encountered on Federal lands be left undisturbed or reburied nearby. Federal agency representatives provided comments on developing a process for caring for human remains and cultural items removed from Federal lands that is consistent with statutory and regulatory requirements.

Are additional consultations planned?

National NAGPRA is planning a series of regional consultation meetings with tribal and Federal agency representatives to be completed by June 2005. Comments from museum and scientific organizations will be solicited by letter, and through meetings with the designated representatives of these organizations. The Native American Graves Protection and Repatriation Review Committee is also expected to participate in the preparation of 43 CFR 10.7.

Has any drafting of the regulation taken place?

National NAGPRA has not yet drafted this regulation. Drafting of the proposed rule will begin not later than the completion of consultation.