## **USING THE REGULATIONS**

DEMYSTIFYING THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

43 CFR part 10

1

### **PUBLIC NOTICE**

Museums and Federal agencies must give public notice prior to disposition or repatriation of human remains or cultural items

- Ensures "due process" and transparency
- Allows time for lineal descendants, Indian Tribes, and NHO to make a claim or request before "irrevocable waiver of any right" (43 CFR 10.1(g))
- Protects lineal descendants, Indian Tribes, and NHOs as well as for museums and Federal agencies

due process - rules and principles that have been established in a system of jurisprudence for the enforcement and protection of private rights and recognized safeguards for the protection of individual rights.

### WHAT NOTICES ARE REQUIRED?

The type of notice required depends on the human remains or cultural items involved.

For	Submit a	To identify
PROTECTION on Federal or Tribal lands	Notice of Intended DISPOSITION	lineal descendant, Indian Tribe, or NHO with priority for disposition
REPATRIATION of human remains or associated funerary objects	Notice of INVENTORY Completion	cultural affiliation of human remains or associated funerary objects
REPATRIATION of unassociated funerary objects, sacred objects, or objects of cultural patrimony	Notice of INTENDED Repatriation	a request for repatriation has been received and accepted

3

### WHAT MUST BE DONE TO PUBLISH A NOTICE?

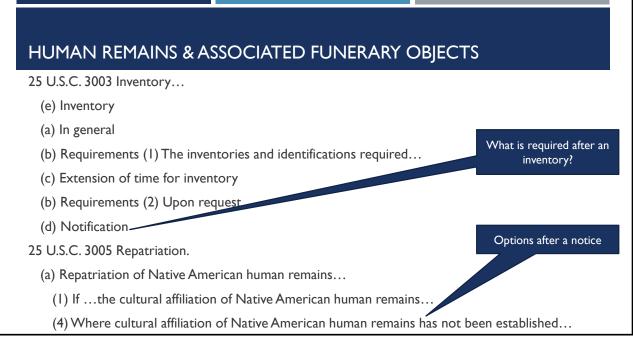
Submit notices to the National NAGPRA Program (nagpra\_info@nps.gov)

The notice must conform to the mandatory format of the Federal Register and include required information.

Notice templates are available for each kind of notice.

No later than 21 days after receiving a notice, the Manager, National NAGPRA Program, must:

- 1. Approve for publication in the Federal Register any submission that conforms to the mandatory format and requirements, or
- Return to the museum, Federal agency, or DHHL any submission that does not conform to the mandatory format or requirements. No later than 14 days after the submission is returned, the museum, Federal agency, or DHHL must resubmit the notice to the National NAGPRA Program.



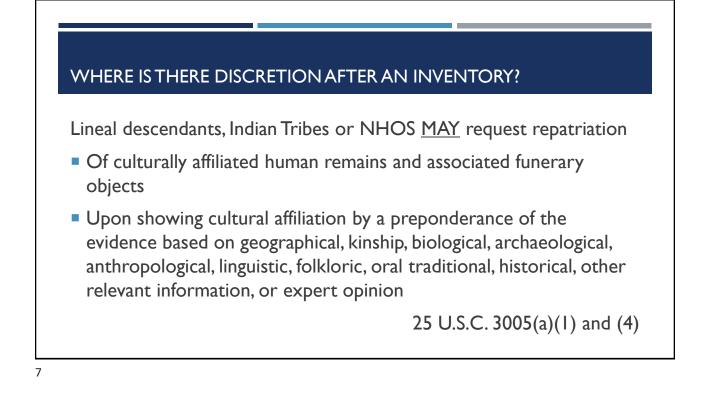
### WHAT IS REQUIRED AFTER AN INVENTORY?

Six months after completion of the inventory, notify the Indian Tribes and NHOS and identify:

- <u>Each</u> Native American human remains or associated funerary objects and the circumstances surrounding its acquisition
- Those clearly identifiable as to tribal origin
- Those NOT clearly identifiable, but reasonably determined to be culturally affiliated based on circumstances surrounding their acquisition

A copy of each notice is published in the Federal Register by the Secretary of the Interior

25 U.S.C. 3003(d)



### WHAT NOTICES ARE REQUIRED?

The type of notice required depends on the human remains or cultural items involved.

For	Submit a	To identify
PROTECTION on Federal or Tribal lands	Notice of Intended DISPOSITION	lineal descendant, Indian Tribe, or NHO with priority for disposition
REPATRIATION of human remains or associated funerary objects	Notice of INVENTORY Completion	cultural affiliation of human remains or associated funerary objects
REPATRIATION of unassociated funerary objects, sacred objects, or objects of cultural patrimony	Notice of INTENDED Repatriation	a request for repatriation has been received and accepted

## Steps to Repatriation Step 1: Compile an itemized list. Step 2: Initiate consultation. Step 3: Consult. Step 4: Complete an inventory. Step 5: Submit a notice. Publication of notice in Federal Register. Step 6: Receive and consider requests. Step 7: Respond to requests. Step 8: Repatriation.

### STEP 5: SUBMIT A NOTICE.



Information and determination from inventory Total number individuals and funerary objects Contact information Date when repatriation may occur



Site numbers Accession numbers Age, sex, or other detailed information



Organization Level of detail

### STEP 5: SUBMIT A NOTICE.

How long should this step take?



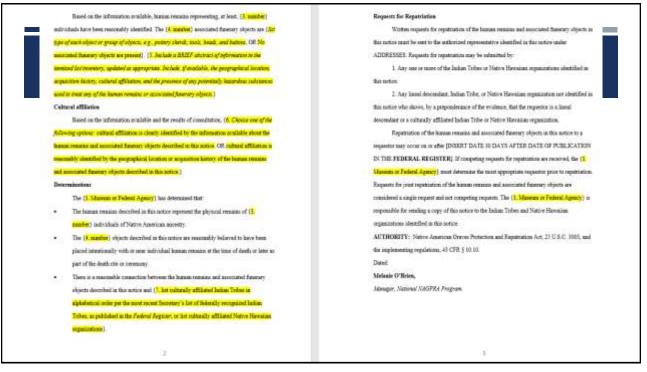
No longer than six months after completing an inventory.



Reviewed/drafted during consultation.

Submitted with a complete or updated inventory.

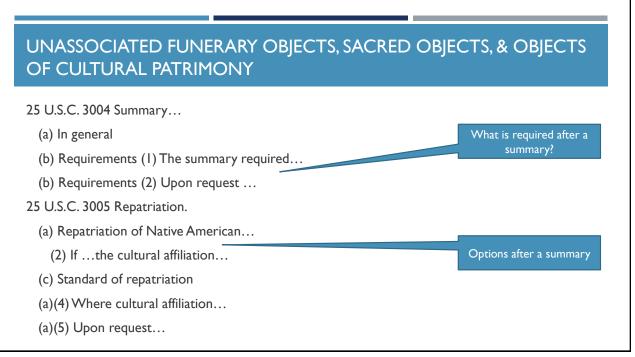
CULTURALI, APPLIATED Updated 1/90/2024	4312-53
	DEPARTMENT OF THE INTERIOR
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	[NPS.WASO.NAGPRA-DTSNUMBER; PPWOCRADNI-PCURRPLAE9000]
Use this template to complete <u>41 CFR 10 20/4</u> Exp 3 – Judent a notice of revealery completion within six mentils of completing or updatase an investory as Stot 4. The movem of Federal agency may animale	Notice of Inventory Completion: (I. Manuan or Federal Agency, City, State Abbreviation)
in a single notice any busine remains or associated fastency objects having the same cultural affiliation. determination is these 6 and 7 below.	AGENCY: National Park Service, Interior.
Incert the following seven pieces of information in the appropriate places in this tamplate, indicated by	ACTION: Nation.
(9. Required information and additional increasing provide ONI, If the information required, 1. Maximum or Federal Agency, Full name can be oblive tand or referred to by outside after the first	SUMMARY: In accordance with the Networ American Crown Protection and Reputriation Act
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3. The (pupple) of subvolue identified in a variable manuar.	and accounted Superny objects and has determined that faces is a cultural affiliation between the
4. The (number) of associated funesary objects OR No associated funetary objects are present.	human remains and associated flaverary objects and Jackan Tobes or Native Haveilan
3. A BEEEE advance of information, updated at appropriate, from the tentard Social mentory	
<ol> <li>The determination of calcurat affiliation from the memory ETHER clearly identified by the information smalleble OR reasonable identified by the geographical location or acquisition bistory.</li> </ol>	organizations in fide nation.
7. The Indian Tober or Nettre Bewelan organizations with outputsl affiliation.	DATES: Repartation of the human remains and associated funerary objects in this notice may
	OFOR 48 OF 100 THE 10 DAYS AFTER DATE OF PUBLICATION IN THE
Do NOT make any charges to the headings or other sections, especially to the (DABLET DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER). This methods the	FEDERAL REGISTER).
Federal Register to calculate the date upon publication. The notice interior forms to the mandatory format of the Federal Register and autode the resourced information listed above.	ADDRESSES: (2 Autorized representative ) Nata, Museum or Federal Agency's Nata,
Before subssitting a notice, REMOVE these natractane, legisliphing, subin, and (brane). VERIFY	Store: Address, City, State Aldreviation Zip Code, telephone (XXX)/XXX-XXXX, enail
all information, especially are manihers or addition. The National NAGPRA Program does not review or validate the context of very notice and is not responsible for the determinations in the notice.	STATE STATE STATE
Submit a notice by orading it to any counding party and to the Manager, National NAGPRA Program,	SUPPLEMENTARY INFORMATION: This notice is published as part of the National Park.
(supera info@epsi.orv) for publication in the Federal Reports	Service's administrative responsibilities under NAGPRA. The determinations in this addres are
No later than 21 days after receiving a notice, the Manager, National NAOPRA Program, will either Agreeve it for publication in the Federal Registrat, or	the sole responsibility of the (1. Manuari or Fuderal Agency), and addressed information on the
<ul> <li>Return it to the movemum or Federal agency. No fater than 14 days after the submassion in returned, the assessment in Federal agency must remain at the unitset to the National NAGPRA Program.</li> </ul>	determinations in flas seture, including the results of cossidution, can be found in the investory
The notice will publish in the Federal Register 5-10 days after it is approved by the Manager, National	or related provide. The National Park Service is not responsible for the determinations in this
NAOPRA Propries. You will receive an estaal from the National NAOPRA Propries cace it is published.	action (
	Abstract of information available

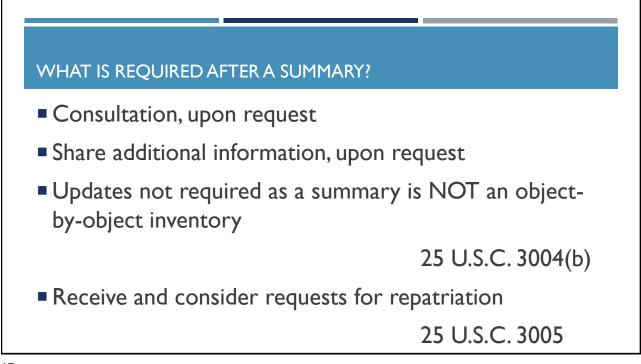


Steps to Repatriation	Shorter Timeline (42 days)	Longer Timeline (~3 years)
Receive a new collection.	Day 1	Day 1
Step 1: Compile an itemized list.	Day 2	Day 365
Step 2: Initiate consultation.	Day 3	Day 366
Step 3: Consult.	Day 4*	Day 367*
Step 4: Complete an inventory.	Day 5	Day 730 NLT 2 years after Day 1
Step 5: Submit a notice.	Day 6	Day 912 NLT 6 months after Step 4
Publication of notice in Federal Register.	Day 11 (min. 5 days after submission)	Day 942 (max. 30 days after submission)
Step 6: Receive and consider requests.	Day 12*	Day 943*
Step 7: Respond to requests.	Day 42 NET 30 days after publication	Day 1,033 NLT 90 days after Step 6
Step 8: Repatriation.	Day 42	Day 1,123 NLT 90 days after Step 7

one day for Step 3 and Step 6 but both steps will likely take longer.

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specific museum or any field by clicking		lable Selds in the table. The t	uitons provite d'Herest form		
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# WHERE IS THERE DISCRETION AFTER A SUMMARY? Indian Tribes or NHOS MAY request repatriation Of culturally affiliated unassociated funerary objects, sacred objects, or objects of cultural patrimony With evidence to support a finding that the museum or Federal agency did not have a right of possession to the unassociated funerary object, sacred object, or objects of cultural patrimony 25 U.S.C. 3005(a)(2) and (c)

### WHERE IS THERE DISCRETION AFTER A SUMMARY?

Indian Tribes or NHOS MAY request repatriation if

- The Indian Tribe or NHO can show cultural affiliation of unassociated funerary objects by a preponderance of the evidence based on geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, other relevant information, or expert opinion
- The Indian Tribe or NHO can show sacred objects or objects of cultural patrimony were owned by the tribe or organization
- The Indian Tribe or NHO can show sacred objects were owned by a member and there are not identifiable lineal descendants

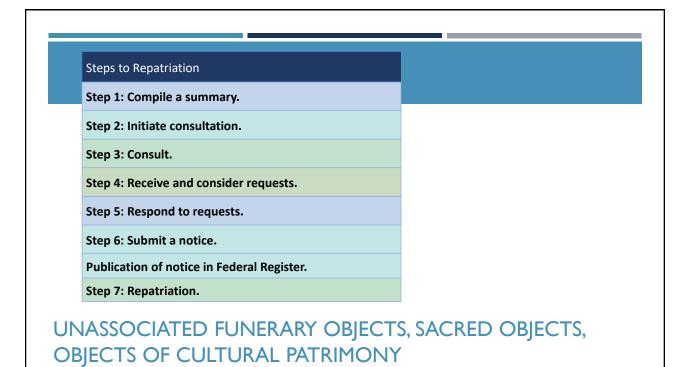
25 U.S.C. 3005(a)(4) and (5)

19

### WHAT NOTICES ARE REQUIRED?

The type of notice required depends on the human remains or cultural items involved.

For	Submit a	To identify
PROTECTION on Federal or Tribal lands	Notice of Intended DISPOSITION	lineal descendant, Indian Tribe, or NHO with priority for disposition
REPATRIATION of human remains or associated funerary objects	Notice of INVENTORY Completion	cultural affiliation of human remains or associated funerary objects
REPATRIATION of unassociated funerary objects, sacred objects, or objects of cultural patrimony	Notice of INTENDED Repatriation	a request for repatriation has been received and accepted







Abstract from summary Total number and brief description Requestor Contact information Calculated date when repatriation may occur



Site numbers Accession numbers Detailed information about objects



Organization Level of detail

### STEP 6: SUBMIT A NOTICE.

How long should this step take?



No later than 30 days after responding to a request for repatriation.



Reviewed/drafted during consultation. Submit immediately after responding to a request.

2024 NAGPUA Notice of Townshot Reportation Tringlatin CULTIFIALLY AFFELIATED Uplasmit 120(2)024	DEPARTMENT OF THE INTERIOR 4312-	
Der only for manusciated famerary objects, racrod objects, or objects of cultural patrimony after a	National Park Service	
receiving request for reputation from an Indian Tribe or Native Bawaiian organization (see 4 <u>5 GFR</u> <u>IDSR</u> Step 4 - Receive and consider request) and appropriate response (see 4 <u>1 GFR 10.99</u> ). Step 7 -	[NPS-WASO NAGPEA DTSNUMBER; PPWOCEADNS-PCU00RP14.830000]	
Report in reparts)	Notice of Intended Repairiation: (I. Mannam or Federal Agency, City, State Abbreviation	
Use this template to complete 41 CTR. 10.907 Step 6 – Malweit a sociale of internalid repartments and later than 30 days after responding to a request fits repetitation that more the criteria for a request. The	AGENCY: National Park Service, Interior.	
manuan or Federal agency may include in a single notice all cultural sume with the name requestors identified in trees 6 below.	ACTION: Nettor.	
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protocore 14, Materiale of National Science (MOSS) 2. Authorized representatives' name and direct contact information.	ment the definition of unansociated fanetary objects, sacred objects, and/or objects of cultural	
3. The (number) of cultural items.	pattoning and that have a cultural affiliation with the Indian Tribes or Native Hermitan	
<ol> <li>The (starder) of (pick appropriate terms - tenerosciated financiary objects, neurod objects, objects of cultural partnesses).</li> </ol>	organizations in this notice	
3. A <u>BRIEF</u> abcount of information from the compiled summary.	DATES: Repetiation of the cultural items in this notice may seem on or after (INSERT DATE	
6. The Judan Tribes or Mathe Hereatian organization: requesting repairiation	30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER!	
Do NOT make any changes to the leadings or other sections, especially to the [DNEET DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL RECENTER. The meterm the	ADDRESSES: (2. Authorized representative's Name, Mannas or Federal Agency's Name,	
Federal Register to calculate the date upon publication. The notice must confirm to the mandatory format of the Federal Register to calculate the date upon publication. The notice must confirm to the mandatory format of the Federal Restrict and include the requirement information listed above.	Street Address, City, Bale Altraviation Zip Code, telephone (XXX) XXX-XXXX, enail	
	XXXXQXQXXXX XXX)	
Before submitting a notice, REMOVE faste autractions, logicigitized, takin, and (inners). VERIFY all information, especially any numbers or addition. The National NAOPEA Program does not review or which the constant of your produce and is not responsible for the determinations in the notion.	SUPPLEMENTARY INFORMATION: This notice is published as part of the Netional Park	
Submit a notice by undrag it to any consulting party and to the Manager. National NAOPRA Program.	Service's administrative responsibilities under NAOPRA. The determinations in this notice are	
(nagera inforfinge gov) for publication in the Federal Resister	the sole responsibility of the (1. Massum or Federal Agency), and additional information on the	
No later than 21 dars after receiving a notice, the Manager, National NAGPRA Program, will effect Approve it for publication as the Fuderal Research, or	determinations in the notice, including the results of consultation, can be fraud in the campany	
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The notice will publish in the Federal Register 5-10 days after it is approved by the Mazagar, National NAGPRA Program. Tou will receive an ensail from the National NAGPRA Program once it is published.	Abstract of information available	
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burtul atwa of an individual or individuals with cultural affiliation to an Italian Tribe or	Additional, written requests for repatriation of the cultural items in this notice must be
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The (#. same objects described in this notice are specific communial objects	repartition may be colousited by any lised decreadant, Indian Tribe, or Native Harvaian
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opulation.	Repairiation of the cultural items in this notice to a requestor may occur on or after

Steps to Repatriation	Shorter Timeline (42 days)	Longer Timeline (15 months)
Receive a new collection.	Day 1	Day 1
Step 1: Compile a summary.	Day 2	Day 182 NLT 6 months after Day 1
Step 2: Initiate consultation.	Day 3	Day 212 NLT 30 days after Step 1
Step 3: Consult.	Day 4*	Day 213*
Step 4: Receive and consider requests.	Day 5*	Day 214*
Step 5: Respond to requests.	Day 6	Day 304 NLT 90 days after Step 4
Step 6: Submit a notice.	Day 7	Day 334 NLT 30 days after Step 5
Publication of notice in Federal Register.	Day 12 (min. 5 days after submission)	Day 364 (max. 30 days after submission)
Step 7: Repatriation.	Day 42 NET 30 days after publication	Day 454 NLT 90 days after publication

\* Step 3 and step 4 depend on actions by lineal descendants, Indian tribes, or NHOs. In both timelines, we assumed one day for step 3 and step 4 but both steps will likely take longer.

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### WHAT HAPPENS AFTER A NOTICE IS PUBLISHED?

For	After a	
PROTECTION on Federal or Tribal lands	Notice of Intended DISPOSITION	Receive and consider a claim for disposition
REPATRIATION of human remains or associated funerary objects	Notice of INVENTORY Completion	Receive and consider a request for repatriation
REPATRIATION of unassociated funerary objects, sacred objects, or objects of cultural patrimony	Notice of INTENDED Repatriation	Send a repatriation statement

### WHAT IF SOMETHING CHANGES AFTER PUBLICATION?

Additional human remains or cultural items?

 Begin with Step I for the newly identified human remains or cultural items. This will ensure adequate consultation and notification occurs prior to disposition or repatriation.

Additional pieces or fragments of previously identified human remains or cultural items?

• Transfer to the appropriate lineal descendant, Indian Tribe or Native Hawaiian organization without publication of a new notice.

Change in cultural affiliation determination or requesting parties?

 OPTIONAL amendment notice, if requested by the consulting parties, to ADD or REVISE the lineal descendants, Indian Tribes, or Native Hawaiian organizations.

29