

Forms to Request the Review Committee Act on an Agreement Concerning Culturally Unidentifiable Human Remains and Associated Funerary Objects

If the cultural affiliation of Native American human remains cannot be established pursuant to section 5 of NAGPRA (25 U.S.C. 3003) and the procedures at 43 C.F.R. 10.9, then the remains must be considered “culturally unidentifiable.” Section 10.11 of the NAGPRA regulations sets forth the procedures for the disposition or reburial of culturally unidentifiable human remains that were removed from tribal lands (i.e., the land was the tribal land of an Indian tribe or Native Hawaiian organization at the time of removal), and from the aboriginal lands of Indian tribes. Under Section 10.11, dispositions of culturally unidentifiable human remains to the appropriate “tribal land” tribes and Native Hawaiian organizations, and “aboriginal land” tribes do not require a recommendation from the Secretary of the Interior. Section 10.11 also permits dispositions of culturally unidentifiable human remains from tribal lands and aboriginal lands to other tribes or Native Hawaiian organizations when none of the appropriate “tribal land” tribes and Native Hawaiian organizations, and “aboriginal land” tribes agrees to accept control of the human remains. These dispositions, too, require no recommendation from the Secretary.

[FORM A: Disposition to Indian Groups or for Reinterment-From Tribal Land or Aboriginal Land](#)

When none of the appropriate “tribal land” tribes and Native Hawaiian organizations, and “aboriginal land” tribes agrees to accept control of the human remains, Section 10.11 also permits the disposition of culturally unidentifiable human remains from tribal lands and aboriginal lands to Indian groups that are not federally recognized or, alternatively, the reinterment of the remains according to State or other law. Should the museum or Federal agency proceed with either of these actions, though, it must first receive a recommendation to do so from the Secretary of the Interior. The Secretary is only allowed to make such a recommendation with proof from the museum or Federal agency that it has consulted with all the appropriate “tribal land” tribes and Native Hawaiian organizations, and “aboriginal land” tribes, and that none of them objects to the proposed disposition of the human remains.

Under 43 C.F.R. 10.11 (c)(4), a museum or Federal agency also may transfer control of funerary objects that are associated with culturally unidentifiable human remains. The Secretary of the Interior recommends such transfer as long as Federal or State law does not preclude it.

Museums and Federal agencies seeking Secretarial action, under 43 C.F.R. 10.11, on an agreement either for the disposition to non-federally recognized Indian groups of culturally unidentifiable human remains from tribal lands and aboriginal lands, or for the reinterment of the remains according to State or other law may request that the NAGPRA Review Committee make a recommendation to the Secretary regarding the specific action. By seeking the Review

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Committee's recommendation, the museum or Federal agency affirms that it lacks sufficient information in order to determine that, more likely than not, certain Native American human remains are culturally affiliated with any federally recognized tribe or any Native Hawaiian organization.

When contacting the Designated Federal Officer to the Review Committee and requesting that the Review Committee act on such an agreement, the museum or Federal agency completes and submits FORM A, along with the other materials requested on the form. The form and requested materials serve as an executive summary of your presentation to the Review Committee.

[FORM B: Disposition From Unknown Location or Not Tribal Land or Aboriginal Land](#)

Concerning human remains for which a "tribal land" or "aboriginal land" provenience cannot be determined, museums and Federal agencies seeking the Secretary of the Interior's action on an agreement for the disposition or reinterment of such culturally unidentifiable human remains and (if applicable) associated funerary objects may request that the NAGPRA Review Committee make a recommendation to the Secretary regarding the specific action. By seeking the Review Committee's recommendation, the museum or Federal agency affirms two things. First, it affirms that it lacks sufficient information in order to determine that, more likely than not, these Native American human remains and associated funerary objects are culturally affiliated with one or more federally-recognized tribes, or with one or more Native Hawaiian organizations. Second, the museum or Federal agency affirms that it also lacks sufficient information in order to determine that the human remains were removed from the tribal lands of an Indian tribe or a Native Hawaiian organization, or from the aboriginal lands of a tribe.

When contacting the Designated Federal Officer to the Review Committee and requesting that the Review Committee act on such an agreement, the museum or Federal agency completes and submits FORM B, along with the other materials requested on the form. The form and requested materials serve as an executive summary of your presentation to the Review Committee.

Text version can be found at:

http://www.nps.gov/nagpra/REVIEW/Procedures/CUI_Disposition_Agreement_Request.htm

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