

FORM A

Request by a Museum or Federal Agency that the Review Committee Act on an Agreement Concerning the Disposition or Reburial of Culturally Unidentifiable Human Remains and Associated Funerary Objects for which a “Tribal Land” or “Aboriginal Land” Provenience Can Be Determined

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.

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 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.

1. **REQUIRED:** Provide the draft Notice of Inventory Completion that will be published in the Federal Register if the agreement receives the recommendation of the Review Committee and the recommendation of the Secretary of the Interior. Make certain that the information in the draft notice agrees with the information provided in the inventory submitted to the National NAGPRA Program. A discrepancy between the two documents will require the submission of an amended inventory. Also, for Indian tribes, use the name of the Indian tribal entity as it appears in “Indian Entities Recognized as Eligible to Receive Services from the United States Bureau of Indian Affairs” (accessible from the National NAGPRA Program’s website, at www.nps.gov/nagpra).
2. The museum or Federal agency personnel who will be presenting the request to the Review Committee are as follows (for every person, include: name; title; name of museum or Federal agency; street address; telephone number; and email address):
3. Other presenters in support of the agreement as follows (for every person, include: name; title; name of Indian tribe, Native Hawaiian organization, or non-federally recognized Indian group; street address; telephone number; and email address):
4. This request concerns an agreement for the disposition (transfer of control) of Native American human remains to the non-federally recognized Indian groups listed in the attached draft Notice of Inventory Completion.

Or

- This request concerns an agreement for the reburial of Native American human remains according to the law of the following jurisdiction:
5. The agreement referenced in #4 and signed by all the parties listed in the draft Notice of Inventory Completion is attached.
6. The Native American human remains and (if applicable) associated funerary objects were removed from the tribal lands of the following Indian tribes or Native Hawaiian organizations (use the name of the Indian tribal entity as it appears in “Indian Entities Recognized as Eligible to Receive Services from the United States Bureau of Indian Affairs”):

The Native American human remains and associated funerary objects were removed from the aboriginal lands of the following Indian tribes (use the name of the Indian tribal entity as it appears in “Indian Entities Recognized as Eligible to Receive Services from the United States Bureau of Indian Affairs”):

7. The museum or Federal agency has consulted with all the Indian tribes or Native Hawaiian organizations listed in #6, and none of them objects to the proposed disposition of the human remains and associated funerary objects.

8. Proof that the two statements of fact in #7 are true is attached.

9. All the human remains and associated funerary objects in this request appear in the following NAGPRA inventories (supply inventory dates and page numbers):

10. The human remains in this request were determined to be Native American on the basis of the following categories of information, and for each category, the key set of supporting documentation is attached (DO NOT include voluminous or extraneous documentation):

11. (TO BE COMPLETED WHERE THE REQUEST CONCERNS AN AGREEMENT FOR THE DISPOSITION OF NATIVE AMERICAN HUMAN REMAINS TO NON-FEDERALLY RECOGNIZED INDIAN GROUPS)

Were the human remains in this request determined to be culturally connected with the non-federally recognized Indian groups who are parties to this agreement?

If the answer is yes, the human remains were determined to be culturally connected with the non-federally recognized Indian groups on the basis the following categories of information, and for each category, the key set of supporting documentation is attached (DO NOT include voluminous or extraneous documentation):

Geographical

Kinship

Biological

Archeological

- Anthropological**
- Linguistic**
- Folkloric**
- Oral traditional**
- Historical**
- Other relevant information or expert opinion (explain)**

12. Date of submission of this request:

Review Committee notes: