

**Guidance on the Native American Graves Protection and Repatriation Act (NAGPRA)
43 CFR part 10**

**Repatriation of unassociated funerary objects, sacred objects, and objects of cultural patrimony.
(43 CFR 10.9)**

Step 1-Compile a summary of a holding or collection.

Based on the information available, a museum or Federal agency must compile a summary describing any holding or collection in its possession or control that may contain unassociated funerary objects, sacred objects, or objects of cultural patrimony. Depending on the scope of the holding or collection, a museum or Federal agency may organize its summary into sections based on geographical area, accession or catalog name or number, or other defining attributes (see the samples below). A museum or Federal agency must ensure the summary is comprehensive and covers any holding or collection relevant to this section. A summary must include:

1. The estimated number and a general description of the holding or collection, including any potential cultural items;
2. The geographical location (provenience) by county or State of the potential cultural items;
3. The acquisition history (provenance) of the potential cultural items;
4. Other information relevant for identifying:
 - a. A lineal descendant or an Indian Tribe or Native Hawaiian organization with cultural affiliation, and
 - b. Any object as an unassociated funerary object, sacred object, or object of cultural patrimony; and
5. The presence of any potentially hazardous substances used to treat any of the unassociated funerary objects, sacred objects, or objects of cultural patrimony, if known.

Deadlines for Compiling a Summary

A museum or Federal agency must submit a summary to the Manager, National NAGPRA Program, by the deadline in Table 1 of [43 CFR \(a\)\(2\)](#).

If a museum or Federal agency a summary must be submitted . . .
acquires possession or control of unassociated funerary objects, sacred objects, or objects of cultural patrimony	6 months after acquiring possession or control of the unassociated funerary objects, sacred objects, or objects of cultural patrimony.
locates previously lost or unknown unassociated funerary objects, sacred objects, or objects of cultural patrimony	6 months after locating the unassociated funerary objects, sacred objects, or objects of cultural patrimony.
receives Federal funds for the first time after January 12, 2024, and has possession or control of unassociated funerary objects, sacred objects, or objects of cultural patrimony	3 years after receiving Federal funds for the first time after January 12, 2024.

Definitions for this part. (43 CFR 10.2)

Summary means a written description of a holding or collection that may contain an unassociated funerary object, sacred object, or object of cultural patrimony.

Cultural items means a funerary object, sacred object, or object of cultural patrimony according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.

Funerary object means any object reasonably believed to have been placed intentionally with or near human remains. A funerary object is any object connected, either at the time of death or later, to a death

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rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. This term does not include any object returned or distributed to living persons according to traditional custom after a death rite or ceremony. Funerary objects are either associated funerary objects or unassociated funerary objects.

Unassociated funerary object means any funerary object that is not an associated funerary object and is identified by a preponderance of the evidence as one or more of the following:

1. Related to human remains but the human remains were not removed, or the location of the human remains is unknown,
2. Related to specific individuals or families,
3. Removed from a specific burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization, or
4. Removed from a specific area where a burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization is known to have existed, but the burial site is no longer extant.

Object of cultural patrimony means an object that has ongoing historical, traditional, or cultural importance central to a Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization. An object of cultural patrimony may have been entrusted to a caretaker, along with the authority to confer that responsibility to another caretaker. The object must be reasonably identified as being of such importance central to the group that it:

1. Cannot or could not be alienated, appropriated, or conveyed by any person, including its caretaker, regardless of whether the person is a member of the group, and
2. Must have been considered inalienable by the group at the time the object was separated from the group.

Sacred object means a specific ceremonial object needed by a traditional religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. While many items might be imbued with sacredness in a culture, this term is specifically limited to an object needed for the observance or renewal of a Native American religious ceremony.

Holding or collection means an accumulation of one or more objects, items, or human remains for any temporary or permanent purpose, including: Academic interest; Accession; Catalog; Comparison; Conservation; Education; Examination; Exhibition; Forensic purposes; Interpretation; Preservation; Public benefit; Research; Scientific interest; or Study.

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Template for a Summary: <https://www.nps.gov/subjects/nagpra/templates.htm>

Examples of Summaries

Example 1: Descriptive style

THE MUSEUM records identify approximately 200 items that may be unassociated funerary objects, sacred objects, or objects of cultural patrimony and are identified as being connected CULTURE GROUP and TRIBE A, TRIBE B, and TRIBE C. Approximately 13 of these items have been identified as potentially funerary objects or sacred objects based on other items from the same location. The items were reportedly collected in STATE, County, by COLLECTOR (b.1818, d.1904) and donated to THE MUSEUM in 1932. THE MUSEUM records indicate no known hazardous substances.

Example 2: Table or spreadsheet

State:	Oklahoma
County (if known):	Geary
Collection ID:	Accession 1932.12; Catalog AB123
Potential item type:	Based on other items from the same location, likely funerary objects or sacred objects
Estimated number of cultural items	Between 13 and 200
Description:	200 items that may be unassociated funerary objects, sacred objects, or objects of cultural patrimony
Collection history:	Reportedly collected in STATE, County, by COLLECTOR (b.1818, d.1904). Donated to THE MUSEUM in 1932.
Treatment:	THE MUSEUM records indicate no known hazardous substances.
Comments:	CULTURE GROUP identified; Possibly connected to TRIBE A, TRIBE B, or TRIBE C.

Example 3: Itemized entry

Potential Item Type: Funerary objects or sacred objects

Geographic Location: County, State

Collection History: Reportedly collected by COLLECTOR (b.1818, d.1904). Donated to THE MUSEUM in 1932.

Approximate number of cultural items: 13

Description: 10 lots of ceramic sherds, 1 clay bowl, 1 lot of metal objects, and 1 lot of beads of miscellaneous materials

Additional information: THE MUSEUM records indicate no known hazardous substances.

Based on other items from the same location, THE MUSEUM believes the items are possibly affiliated with TRIBE A, TRIBE B, or TRIBE C as they are identified as CULTURE GROUP.

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Frequently asked questions about Step 1: Compile a summary of a holding or collection.

1. Is consultation required BEFORE compiling a summary?
2. Does a summary include determinations about what is or is not a cultural item?
3. Do we send the summary to the National NAGPRA Program?
4. Should a museum include every Native American object in a collection in a summary?
5. What is the timeline for compiling a summary?
6. When should a summary be updated? How do I update a previously submitted summary?"
7. What is the difference between a summary and an inventory? Do we include human remains in our summary?
8. Who decides what to include in a summary?
9. If a museum asserts it has a right of possession to a cultural item, is it still required to be included in a summary?
10. How do we expand the geographic scope for objects listed in a summary? The number/type of objects listed on the summary remain unchanged. Are we required to create a new summary with an expanded geographic scope? Or may we simply reach out to consulting parties with information on the expanded scope, along with an invitation to consult to the newly identified consulting party?

1. Is consultation required BEFORE compiling a summary?

No. A summary is a general description of a holding or collection and must be followed by consultation with lineal descendants, Indian Tribes, and NHOs.

2. Does a summary include determinations about what is or is not a cultural item?

No. Determinations related to the identity of specific cultural items comes after a request for repatriation. In a response to a request for repatriation, a museum or Federal agency must determine if the request meets the required criteria and, if not, must explain why.

3. Do we send the summary to the National NAGPRA Program?

Yes. Museums and Federal agencies must send the summary to the National NAGPRA Program by the required deadline. No later than 30 days after submitting the summary, the museum or Federal agency must send the summary with an invitation to consult to any lineal descendant and any Indian Tribe or NHO with potential cultural affiliation. The National NAGPRA Program retains copies of all summaries it receives and has received since 1990. The National NAGPRA Program maintains an online database that identifies which museums and Federal agencies have submitted summaries and which Indian Tribes or NHOs were invited to consult on that summary.

4. Should a museum include every Native American object in a collection in a summary?

No. A summary is not required to include all Native American objects in a holding or collection as this would be inconsistent with the Act. The Act and the regulations require a summary to include any holding or collection which may include cultural items. We note that only holdings or collections, or portions of holdings or collections, that may contain cultural items are required to be identified in a summary.

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5. What is the timeline for compiling a summary?

It depends on the holding or collection. See Table 1 to [43 CFR 10.9\(a\)\(2\)](#). Timelines vary depending on if the holdings or collections are newly acquired, previously lost or unknown, or in the possession or control of a museum or Federal agency that receives Federal funds for the first time. Six months is the deadline for submitting a summary for a newly acquired or previously lost or unknown holding or collection and has been since 2007 (see Future Applicability Final Rule, RIN 1024-AC84 ([72 FR 13184](#), March 21, 2007)). Anytime a museum or Federal agency becomes aware of a holding or collection that may contain cultural items and that has not been submitted in a summary, it must treat the holding or collection as a previously lost or unknown collection and compile a summary within six months of becoming aware of the holding or collection.

When a holding or collection is transferred to a museum or Federal agency, the museum or Federal agency must inform the National NAGPRA Program by submitting the previously compiled summary within 30 days of acquiring the holding or collection. The museum or Federal agency must compile its own summary by the deadline in Table 1 to [43 CFR 10.9\(a\)\(2\)](#) to ensure that the contents of the summary are accurate, include any additional information available, and reflect the newly acquired holding or collection.

Prior to the regulatory revisions in 2024, summaries must have been submitted by the dates identified in [43 CFR 10.9\(a\)\(3\)](#).

6. When should a summary be updated? How do I update a previously submitted summary?"

Updates to a summary are not required. A summary should be comprehensive and cover any holding or collection that may contain cultural items. Because a summary is a general description of a holding or collection, it does not require updates, provided the initial summary adequately described the holding or collection. More detailed information about specific cultural items in a holding or collection is more appropriate for consultation and a notice of intended repatriation and does not require an updated summary. There are requirements for a summary to be submitted for newly acquired or previously lost or unknown holdings or collections.

A museum or Federal agency is not required to resend its previously reported summary to the National NAGPRA Program. Consulting parties may request a copy of a previously prepared summary, along with additional information about the holding or collection and a museum or Federal agency must provide that information.

7. What is the difference between a summary and an inventory? Do we include human remains in our summary?

An inventory pertains to human remains and associated funerary objects ([25 U.S.C. 3003\(a\)](#)), while a summary pertains to unassociated funerary objects, sacred objects, or objects of cultural patrimony ([25 U.S.C. 3004\(a\)](#)). As noted in the 1995 Final Rule, the difference between a summary and an inventory “reflects not only their subject matter, but also their detail (brief overview vs. item-by-item list), and place within the process. Summaries represent an initial exchange of information prior to consultation while inventories are documents completed in consultation with Indian [T]ribe officials and representing a decision by the museum official or Federal agency official about the cultural affiliation of human remains and associated funerary objects” ([60 FR 62140](#)).

8. Who decides what to include in a summary?

Museums and Federal agencies have discretion on which holdings or collections they include in a summary. When a museum or Federal agency decides to exclude a holding or collection from a summary,

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it is deciding that the Act and these regulations are not applicable to that holding or collection. If that holding or collection contains cultural items, the museum or Federal agency may have failed to comply and could be subject to civil penalties or other legal action. Museums and Federal agencies also have discretion on how to evaluate the contents of a holding or collection. A museum or Federal agency can choose to review each box in a holding or collection to determine if it contains cultural items, but it must do so within the timeframes required by the Act and the regulations. Neither the Act nor the regulations require a physical review of a holding or collection to comply with the summary requirements.

For example, an “archeological collection” may be excluded from a summary because the museum assumes it does not contain any human remains or cultural items. However, archival information about the person who made the collection clearly identifies the collector removed objects from a funerary context and those objects are likely unassociated funerary objects.

9. If a museum asserts it has a right of possession to a cultural item, is it still required to be included in a summary?

Even where a museum or Federal agency asserts a right of possession, it must still comply with the requirements of the Act and these regulations for cultural items which are in its possession or control.

10. How do we expand the geographic scope for objects listed in a summary? The number/type of objects listed on the summary remain unchanged. Are we required to create a new summary with an expanded geographic scope? Or may we simply reach out to consulting parties with information on the expanded scope, along with an invitation to consult to the newly identified consulting party?

You should reach out to both the new and old consulting parties with information on the expanded scope. The timeline for doing so is 30 days after receiving new information that identifies the new consulting parties.