



Native American Graves Protection and Repatriation Act

What is NAGPRA?

The Native American Graves Protection and Repatriation Act (NAGPRA) is a Federal law passed in 1990. NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects or objects of cultural patrimony, to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for certain unclaimed and culturally identifiable Native American items, intentional or inadvertent discovery of Native American cultural items on Federal and tribal lands and in museums, and penalties for noncompliance and illegal trafficking.

What parts of NAGPRA are important to know?

It is important to be aware that all Federal agencies are subject to NAGPRA. If your byway project includes Federal lands or Federal agencies, or any Federal funding including National Scenic Byways Program funding, it will be subject to NAGPRA. NAGPRA also applies to museums and non-Federal agencies that act like museums, who have received Federal funds. Thus, State, county, or local agencies, and private institutions that have no museum mission or collections but end up collecting NAGPRA items from lands they manage and make decisions regarding disposition of those items, are defined as “museums.” The NAGPRA repatriation process requires all Federal agencies and museums to identify cultural items in their collections that are subject to NAGPRA, and prepare inventories and summaries of the items. In addition, Federal agencies and museums must consult with lineal descendants, Indian tribes and Native Hawaiian organizations regarding the identification and cultural affiliation of the cultural

NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects or objects of cultural patrimony, to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations.

items listed in their NAGPRA inventories and summaries. Finally, Federal agencies and museums must send notices to lineal descendants, Indian tribes and Native Hawaiian organizations describing cultural items and lineal descendants or cultural affiliation, and stating that the cultural items may be repatriated. The law requires the Secretary of the Interior to publish these notices in the Federal Register.

How does NAGPRA affect my byway?

If you are working with Federal agencies or with Federal or Indian Reservation lands, or utilizing any Federal funding including National Scenic Byways Program funding, then NAGPRA is applicable. Also, any public or private museums along your byway that have that have received any Federal funds are subject to the NAGPRA provisions. In addition, if your byway includes any Federal lands or are within the exterior boundaries of an Indian reservation and you inadvertently discover or uncover any Native American objects during any ground-breaking activity (for visitor facilities, road enhancements, etc.), then NAGPRA applies. If a burial ground is discovered but is not located on Federal or Indian tribe land, then the excavation and inadvertent discovery provisions of NAGPRA may still apply if your agency acts in a way that defines it as a museum according to NAGPRA. The National Park Service enforces the provisions of NAGPRA that include fines and criminal

penalties. However, other State and Federal cultural preservation laws may apply, and State or local cemetery laws may also apply. For information on other State and Federal cultural preservation laws, contact your State Historic Preservation or Tribal Historic Preservation Office.



Where do I turn for help?

- Review the statute at Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.
- Review the Regulations: 43 CFR 10.
- Contact your State or Tribal Historic Preservation Office. A contact list can be found at www.achp.gov.
- For more information, log onto www.nps.gov/history/nagpra/.