



NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS  
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## **NEWS RELEASE**

For Immediate Release

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### **NATIONAL NAGPRA INEFFECTIVE IN SOME CASES; FEDERAL AGENCIES FAIL TO COMPLY WITH LAW TO RETURN INDIGENOUS REMAINS, CITE ANALYSTS IN GAO REPORT**

WASHINGTON—Aug. 18, 2010—For the first time ever, federal auditors have examined a major federal Indian law enacted to facilitate the return of Native American human remains and cultural objects. The Government Accountability Office (GAO) report, “Native American Graves Protection and Repatriation Act: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act,” released in late July, audited eight key agencies and found that none have fully complied with law.

The GAO expressed concerns about the federal office charged with implementing the repatriation process, including improper screening of nominations for the Review Committee, and, in a few cases, inappropriately recruiting for Review Committee positions. Federal analysts also said the National NAGPRA Program operated by the National Park Service-Interior Department, allowed federal agencies that hold remains and objects to withdraw official notification of their possessions, and failed to follow Interior policy by allowing participation of non-federally recognized tribes in the repatriation process.

Additionally, the GAO reported that the National NAGPRA Program provided unreliable information in databases that are critical to the repatriation process. One database lists 123,792 Native Americans who are being held in federal and public repositories across the nation. Analysts also said there was a lack of oversight for federal agencies’ compliance with the act.

“This reaffirms our research into the law and process, and what we’ve been saying all along that without any teeth in the law or any federal oversight the law remains stagnant,” said the National Association of Tribal Historic Preservation Officers (NATHPO) General Chairman Reno Franklin. NATHPO is the only national non-profit membership organization of tribal government officials who are committed to preserving, rejuvenating and improving the status of tribal cultures and practices. “There is much work to do in Indian

country and NATHPO supports any and all additional resources to assist in the repatriation of our ancestors and sacred items.”

At the urging of NATHPO after testifying in 2009 in front of U.S. House of Representatives Committee on Natural Resources on the shortcomings of NAGPRA, the GAO examined agencies with significant historical collections: the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, National Park Service, Forest Service, Army Corps of Engineers, and the Tennessee Valley Authority. The GAO reported that while some agencies were closer than others in complying, all agencies acknowledged that they have much work to do.

Congress enacted NAGPRA in 1990 after decades of desecration and sending Native American human remains to museums or anthropology labs for study. The law requires federal agencies and institutions that receive federal funding to return Native American human remains and cultural items to their respective tribal homelands. The agencies and museums are required to take inventory and notify tribes about their collections and work in collaboration with tribes and Native Hawaiian organizations in determining a cultural link to the remains or objects.

To comply with the act, the GAO recommends the Departments of Agriculture, Defense, Interior and Tennessee Valley Authority develop a needs assessment and timeline to reach compliance. Each department has 60 days to report its plans to Congress. The GAO will monitor the agencies for four years to track their progress in complying with the act. The U.S. Congress will also be considering next steps.

The Makah Tribe, in partnership NATHPO, conducted an independent audit of the act in 2008. Many of the 2008 findings were cited and supported in the 2010 GAO report, including the discovery of withdrawn public cultural determination notices of by several agencies for unknown reasons without tribal consultation. The 2008 review also showed that some federal agencies, such as the National Park Service, which both participates in and oversees the NAGPRA process, had hundreds of Native Americans in storage because the Park Service had withdrawn public notices that tie the remains to contemporary tribes.

“NATHPO would like to thank Sen. Byron Dorgan (D-ND) and Rep. Nick Rahall (D-WV) for addressing our concerns and contacting the GAO to bring this important issue to the forefront,” Franklin said. “Ultimately there needs to be more resources for bringing our ancestors home. Indian Country didn’t create this situation. When we put our ancestors to rest, we never thought that we have to work this hard to retrieve them to allow them to rest in a respectful manner like all other American citizens.”

For more information about the **GAO report**, GAO-10-768, go to: <http://www.gao.gov/new.items/d10768.pdf>  
For more information about **NATHPO**, go to: [www.nathpo.org](http://www.nathpo.org).

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