9 January 2008

Sherry Hutt, Manager
National NAGPRA Program
National Park Service
1849 C Street NW, (2253)
Washington, D.C. 20240

Ref: NSC Alliance Comments on Docket No. 1024-AC84

The Natural Science Collections Alliance, the largest professional organization of natural history museums in North America, opposes the proposed changes to the regulations governing application of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

The overarching reasons for our opposition to the proposed changes to rules governing the disposition of culturally unidentifiable human remains and associated funerary objects are three:

1) Proposed changes to NAGPRA regulations will have the effect of requiring repatriation of human remains to groups that do not meet NAGPRA requirements for demonstration of cultural affiliation. The proposal would substitute for the statutory requirements alternative criteria that the proposal itself recognizes do not constitute cultural affiliation under NAGPRA. The regulations also imply that funerary objects associated with culturally unaffiliated human remains also must be repatriated.

2) Museums have property rights and other legal bases for preserving these items in perpetuity. They also have important research and educational interests in their retention and study. The National Park Service (NPS) regulatory proposal to require museums to give up scientifically important human remains and, perhaps, associated funerary objects without a demonstration of cultural affiliation is not in accordance with NAGPRA—the statute upon which the proposal is based—and thus would be illegal if promulgated.
3) Requiring transfer of items to unaffiliated tribes or other native organizations would preclude the opportunity to transfer the items to affiliated tribes and native organizations in the future if affiliated entities are determined to exist. Such a requirement would not only cause injury to museums, but would also prejudice the rights under NAGPRA of those culturally affiliated tribes and entities whose interests the statute is intended to protect and advance.

Thank you for the opportunity to share our concerns about the proposed changes to NAGPRA rules. I, or members of the NSC Alliance Board of Directors, would be happy to discuss NSC Alliance concerns with you in person. Please feel free to contact me or the NSC Alliance director of public policy, Robert Gropp, if we may provide additional information. Dr. Gropp may be reached at 202-628-1500.

Sincerely,

Michael A. Mares, Ph.D.
President