



SOCIETY FOR AMERICAN ARCHAEOLOGY

June 14, 2012

Dr. Sherry Hutt, Manager
National NAGPRA Program
National Park Service
1201 Eye Street NW #2253
Washington, D.C. 20005

VIA: Federal eRulemaking

Dear Dr. Hutt:

The Society for American Archaeology (SAA) appreciates this opportunity to provide comments on the proposed rule (RIN 1024-AD99) published in the April 18, 2012 edition of the Federal Register correcting several inconsistencies in regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA).

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

Overall, the minor amendments in the proposed rule appear to be necessary and we commend the National NAGPRA Program for making these clarifications. As we understand it, a full set of proposed revisions to the regulations are currently being drafted and we are concerned about the scope of this on-going review. We refer to our June 29, 2011, letter in which we note that the NAGPRA regulations, as originally developed, are effective and have resulted in engagement and collaborative research involving Indian tribes, Native Hawaiian Organizations, non-Federally recognized Indian Communities, museums, repositories, and Federal agencies. We offered only minor suggestions to most sections of the regulations, and believe that extensive changes may only cause unnecessary confusion and serve to undermine a process that has worked fairly well over time.

SAA maintains its position in regard to its overall view of the problems inherent in the new regulations outlined in 43 CFR 10.11 (please see our June 29, 2011, letter for more detail). Given that the regulatory process has failed to address a multitude of issues raised by SAA and many others, we question why, under the proposed rule, the NAGPRA Review Committee is charged with recommending a process for the disposition of culturally

unidentifiable human remains not now covered by 43 CFR 10.11. The Review Committee has already devoted considerable time and discussion to the disposition of culturally unidentifiable human remains as reflected in its two sets of draft recommendations (June 1995, August 1996), a set of draft Principles of Agreement Regarding the Disposition of Culturally Unidentifiable Human Remains (July 1999) and a final set of recommendations (May 9, 2000). Despite this thoughtful discourse, few of the Review Committee's recommendations were incorporated into 43 CFR 10.11. Moreover, the problems inherent in 43 CFR 10.11 have yet to be addressed, leaving the entire process unresolved. SAA respectfully urges that no further recommendations be issued until these fundamental difficulties are resolved. In the future, should any questions remain, the existing Review Committee recommendations may provide a foundation for further action.

Thank you for your time and consideration of these important matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "William F. Limp". The signature is written in a cursive style with a large, stylized initial "W".

William F. Limp
President