

Research Policy Analysis and Coordination

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Native American Graves Protection and Repatriation Act (NAGPRA)

It is the policy of the University of California to respect Native American and Native Hawaiian concerns regarding the treatment and disposition of Native American and Native Hawaiian remains and cultural items that are part of the university's collections, and to repatriate such remains and cultural items to lineal descendants (as defined by NAGPRA), Indian tribes, and Native Hawaiian organizations under specified conditions, in accordance with federal and state law.

With respect to implementation of the requirements of NAGPRA, Indian tribes are defined as federally recognized tribes (that is, as any tribe, band, nation or community of Indians "recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians") [[43 CFR Part 10, Subpart A, §10.2 \(b\) \(2\)](http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div5&view=text&node=43:1.1.1.1.10&idno=43)]. NAGPRA does not give standing to non-federally-recognized groups to seek repatriation of human remains or cultural items.

However, in the event that the State of California develops a process for according official state recognition for repatriation purposes to Native American tribes, bands, nations, rancherias or other entities that is consistent with state and federal law including the California and United States constitutions, the university, in addition to repatriating to federally-recognized tribes under specified conditions, will also repatriate to such state-recognized tribes under specified conditions and to the extent permissible under law.

The university recognizes the right of all native peoples, including non-federally-recognized tribes, to make inquiries to its museums about possible cultural relationships to the human remains and cultural items in its collections, to visit the collections, and to study them under normal museum procedures. The university recognizes that the participation of such groups may lend a different and vital perspective to the present understanding of scholars and others studying the collections and also that such participation may allow Native Americans and Native Hawaiians to enrich their own cultural knowledge.

More Information

[Curation and Repatriation of Human Remains and Cultural Items Home \(index.html\)](#)

- [National Park Service NAGPRA Law, Regulations, and Guidance \(https://www.nps.gov/nagpra/mandates/INDEX.HTM\)](https://www.nps.gov/nagpra/mandates/INDEX.HTM)

- [California State Laws and Codes \(http://nahc.ca.gov/codes/state-laws-and-codes/\)](http://nahc.ca.gov/codes/state-laws-and-codes/)
- [Native American Heritage Commission \(http://nahc.ca.gov/\)](http://nahc.ca.gov/)

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