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ARTICLE

Pathways to Repatriation for NAGPRA Practitioners: Introduction

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Abstract
Three decades after the initial five-year deadline for compliance, federal agencies and museums have once more been called to account for their failure to return Ancestors and cultural items to Tribal Nations under the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). In April 2024 more than 70 practitioners collaborated in forums and paper and poster sessions to produce the first ever "Day of NAGPRA" at the 89th Annual Meeting of the Society for American Archaeology in New Orleans. The overwhelming success of this effort is as clear a barometer as any for the current need in the discipline for more conversation, better resources, increased opportunities, and—above all—the chance at a truly collaborative push for a complete return of all Ancestors and their belongings to their communities. In this article, we set up our thematic issue by introducing readers to the various contributions concerning duty of care, education, and policy implementation inspired and informed by the "Day of NAGPRA."

Resumen
Treinta anos después de su cumplimiento, las agencias federales y los museos han sido nuevamente llamados a rendir cuentas por no haber devuelto los antepasados y objetos culturales de sus colecciones a las Naciones Tribales, de acuerdo con la Ley de Protección y Repatriación de Tumbas de Nativos Americanos de 1990 (NAGPRA, por sus siglas en inglés). En abril de 2024, más de 70 profesionales colaboraron en foros y sesiones de ponencias y pósteres para organizar el primer "Día de la ley NAGPRA" durante la octogésima novena Reunión Anual de la Sociedad de Arqueología Americana (SAA por sus siglas inglés) en New Orleans. El rotundo éxito de esta iniciativa es un claro indicador de la necesidad actual en nuestra disciplina para más diálogo, mejores recursos, más oportunidades y, sobre todo, la posibilidad de un esfuerzo verdaderamente colaborativo para la completa devolución de todos los antepasados y sus pertenencias a las comunidades donde pertenecen. En este artículo presentamos nuestra sección temática mostrando a los lectores las diversas contribuciones sobre el deber de cuidar, educar e implementar políticas inspiradas e informadas por el "Día de la ley NAGPRA".

Keywords: NAGPRA; repatriation; Indigenous collaboration; curation and collections management; regulations; policies

Palabras clave: ley de protección y repatriación de tumbas de nativos americanos; repatriación; colaboración indígena; conservación y gestión de colecciones; regulaciones; políticas

Implementation of the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. §3001-3003) is very different today from the way NAGPRA occurred in 1995, in 2005, and even in 2015; however, the goal of repatriating Ancestors and cultural items endures.[1] Nearly four decades into an optimistic—yet ultimately naïve—five-year compliance deadline, federal agencies and museums[2] still

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struggle to successfully return Ancestors and cultural items to Tribal Nations[3] (Jaffe et al. 2023; Ngu and Suozzo 2023; Yellow Bird 2012). Recognizing the challenges agencies, museums, and Tribal Nations faced in the implementation of the Act, the Department of the Interior initiated consultation on regulatory revisions in July 2021 and published a Final Rule to revise the regulations in December of 2023.[4] The revised regulations went into effect on January 12, 2024.

The overarching goals of these revisions are to streamline, clarify, and reassert the requirements for returning Ancestors and cultural items while providing new timelines for summaries and inventories. The revisions also include the formalization of processes, as well as additional duties for federal agencies and museums, such as duty of care (43 C.F.R. §10.1(d)) and statements from museums to federal agencies describing collections in their custody that are believed to be in the possession or control of the federal agency (§ 10.8(c)). Other changes, such as the requirements for repatriation and disposition statements, replace previous requirements such as transfer of control documentation, and claims are replaced by repatriation requests (§§§ 10.7(c)(5); 10.9(g); 10.10(h)). These changes were the direct result of a long history of discontent with how museums and agencies maintained "compliance" with the law in word rather than spirit.

When NAGPRA was signed into law on November 16, 1990, it was the culmination of numerous drafts, debates, shifts in attitude, and struggles. The history of how the Act came to fruition has been well documented (see Daehnke and Lonetree 2011; Fine-Dare 2002; McKeown 2012; Nash and Colwell 2020; Trope and Echo-Hawk 1992; Tsosie 2012). Since its passage, several Final Rules have been published promulgating additional regulations to aid in compliance with the Act, including the addition of civil penalties for non-compliance (originally 43 C.F.R. §10.12; now 43 C.F.R. §10.11), procedures for the future applicability of the Act to museums and federal agencies beyond the initial deadline (originally 43 C.F.R. §10.13), a process for the disposition of culturally unidentifiable human remains (originally 43 C.F.R. §10.11), and a process for the disposition of unclaimed Ancestors and cultural items. This most recent (2023) revision marks the first time that the regulations have been entirely rewritten, reorganized, and, in some ways, reinterpreted. Each of the various revisions to the regulations has contributed to the changing perception and understanding of the Act and its intent, presenting both challenges and opportunities for ethical repatriations and collections care. As Sieg and Neller (2025, this issue) outline, there are glimpses of the challenges and successes for NAGPRA practitioners concerning ethical collections work and the capacity to accommodate the law between 1990 and 1995.

The updated regulations are timely, in that some museums and federal agencies were already making large-scale changes toward decolonization and organizational fairness, access, representation, and belonging. For example, new emphasis on Tribal traditional and Indigenous knowledge is returning the conversation on sovereignty and authority over Native bodies to Indigenous voices (Presidential Memorandum 2022) and collaborative relationships between museums, federal agencies, and Tribal representatives are more and more frequent (Hollinger 2025; Teeter et al. 2021; Thompson et al. 2023). In this issue, Bryant and colleagues (2025) provide several examples of museums and federal agencies that were already working toward more reciprocal relationships with Tribal Nations and employing unique approaches to collaboration (Hollinger 2025, this issue). Bowers and Elmore (2025), also in this issue, provide additional guidance on the creation of relationships in the form of challenges encountered by the Alabama Department of Archives and History (ADAH). They conclude, however, that despite the perception that prioritizing Indigenous perspectives would result in an end to research, this prioritization resulted in strong collaborative outcomes.

While some practitioners saw the updated regulations as imposing additional requirements, many others, along with archaeologists, anthropologists, and museum professionals, were already progressing toward more equitable Tribal relationships. Yet, tackling the updated regulations can still be daunting, particularly for new practitioners of NAGPRA. Figuring out how to incorporate Indigenous care protocols regarding curation, research, and access can be time-consuming. This can be exacerbated if a museum is in the beginning stages of consultation and relationship-building with Tribal Nations. Meanwhile, Tribal Nations are being inundated with requests for consultation, letters requesting input on duty of care, and summary and inventory documents. While the goal of the revised regulations is to increase repatriation compliance, the updated requirements and amendments to processes that have

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been in place for decades have left some practitioners feeling lost. Conversations have understandably increased in volume and frequency to better understand how these updated regulations might influence each institution's compliance policies and procedures.

One conversation that has long circulated in the background of the larger—and louder— clamor to "finish," "comply," and "achieve," revolves around the disparity between the letter and the spirit of the law, and now, the revised regulations. The push certainly does seem to be aimed at *finally* achieving full compliance . . . but what does compliance mean? If being compliant means checking a box (or submitting a document), then where does input from Tribal Nations fall? Do deadlines set for federal agencies and museums supersede timeline requests received from Tribal Nations in consultation? How can museums and federal agencies rapidly incorporate duty of care, meet the updated NAGPRA timelines, and meaningfully engage with Tribal representatives to practice Indigenous-led ethical stewardship, particularly since museums and federal agencies still struggle with overall collections management issues related to the curation crisis? (For thoughts on this topic, see in this issue Bowers and Elmore 2025; Bryant et al. 2025; Domeischel et al. 2025; Hass, Gartski, and Frie 2025; Haas, Morgan, et al. 2025). How do federal agencies, museums, and Tribal Nations reconcile this, both in policy and practice (see Garland et al. 2025)? And with all the updated requirements, how can we as NAGPRA practitioners develop and implement adequate training for the ever-increasing ranks of new practitioners and students (LeBlanc and Schreiner 2025)? These are just some of the questions surrounding NAGPRA compliance today.

Considering NAGPRA implementation

In April 2024, 70 practitioners collaborated in forums and paper and poster sessions to produce the first ever "Day of NAGPRA" at the 89th Annual Meeting of the Society for American Archaeology in New Orleans. The goal of the sessions was to provide broader assistance, guidance, and a sense of community for NAGPRA practitioners. Topics revolved around how to implement duty of care, adequate training and education, and how museums and federal agencies are adjusting their policies to match the regulatory revisions. Each session hosted more than 100 attendees, with several spilling out into the hallways as people attempted to get into the rooms to listen to the papers and the forums. The poster session was also well attended, and the capstone to the day, the NAGPRA practitioner meet and greet, welcomed more than 130 attendees. The success of the day is as clear a barometer as any for the current need for more conversation, better resources, increased opportunities, and—above all—the chance at a truly collaborative push to return all Ancestors and their belongings to their communities.

Several trends emerged—particularly around duty of care, training and education, and policy development—during the sessions, making it apparent that these were current areas within NAGPRA implementation where individuals needed additional guidance. Through this thematic issue we explore these topics and provide a resource for both new and experienced practitioners alike by tackling questions and concerns that most practitioners struggle with or, perhaps, have not yet thought to ask. The overarching goal of this thematic issue is to draw attention to evolutions in NAGPRA practice, while simultaneously offering advice, guidance, and possible solutions for this work. If there is one takeaway from this issue, it should be the importance of the everyday relationships, ongoing conversations, and partnerships between NAGPRA practitioners and Tribal Nations.

In this thematic issue, Lauren Sieg and Angela Neller (2025) provide a retrospective of the long road practitioners have walked since the passing of NAGPRA in 1990. The authors describe how NAGPRA practitioners had to find their way in the face of numerous challenges and unexpected encounters. As they worked to navigate enacting NAGPRA for the first time, museum and Tribal representatives were challenged to put a set of ideals and statutory language into practice—learning the law, developing processes, building relationships, overcoming challenges, finding solutions, and meeting the requirements. Despite contemporary critiques of early NAGPRA work, the accomplishments of the first five years were substantial; the authors note that much of the NAGPRA work left incomplete after the first decade was heavily impacted by the lack of rules regarding culturally unidentifiable remains and the resulting lack of repatriations. NAGPRA professionals today learn from that past, along with the updated regulations, and are rapidly forging a path forward together.

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In thinking about the updated regulations, Erin Guthrie (2025) presents a rigorous analysis of the submitted written comments reported by the National Park Service in its publication of the Final Rule in December 2023 (87 FR 63202). Over a comment period of 105 days, 181 written comments on the proposed changes were submitted to Regulations.gov from Tribal Nations, universities, museums, and other public entities. Guthrie provides an independent, objective analysis of the public comments including respondent demographic information, overall stance, and topics addressed. A multitiered analysis that assessed both the entire respondent pool and two subgroups (stakeholder respondents and Native respondents) showed that overall perception of the rule and comment trends are inconsistent across groups. However, focusing a lens on the descendant communities most affected by NAGPRA yields a set of shared and specific concerns, the knowledge of which may aid practitioners and decision-makers in more faithfully fulfilling the aims of the Act.

Carey Garland and colleagues (2025) provide a general discussion on the new regulations and their experiences in the development and implementation of NAGPRA policies centered on the care and return of Native American Ancestors and cultural items. The discussions in this article focus on the need for institutional policies that are fully transparent and are created through consultation and collaborative relationships between archaeologists, museums and federal/state/local agencies, and Indigenous communities and Tribal Nations. Arranged in the form of dialogues around specific questions pertaining to NAGPRA and repatriation policy, and including perspectives and input from Tribal partners, these specific insights provide a resource for Tribal Nations, museums, and federal agencies currently in the process of developing policies centered on traditional care practices, curation and collection management, and research access, with the end goal of repatriation.

Policies and practices surrounding care and access are addressed more in detail by Kellie Bowers and Robby Elmore (2025) who share how the ADAH NAGPRA compliance program has engendered thoughtful consideration of the agency's collections care and access policies for its Native American holdings. This reflexive analysis describes the ADAH's ongoing development of policy and everyday practices for materials subject to the law and beyond, problematizing challenges that museums face in the process. Importantly, the authors highlight that those changing viewpoints to incorporate perspectives from Tribal Nations have had cascading impacts throughout their organization. Though the ADAH's experiences suggest that there are no "one-size-fits-all" solutions, the authors offer some guiding principles and describe how this process has affected the agency's museum and archival collections and exhibits.

Expanding on the incorporation of Tribal Nation input into everyday collections care, the new duty of care provision is examined in this thematic issue by Jennifer Haas, Brooke Morgan, and colleagues (2025). The authors consider how Tribal Nations and museums have been initially affected by the duty of care provision (43 C.F.R. §10.1(d)), a topic that garnered a lot of interest during the "Day of NAGPRA." They provide case studies from Tribal and institutional perspectives on how the duty of care provision is operationalized within museums that care for collections. These case studies also demonstrate the importance of maintaining ongoing conversations, beginning early and checking in often. The authors also argue that duty of care should not be viewed as impeding repatriation or collections care, but rather as an opportunity for engaging in these conversations at the start of consultation.

The thematic issue continues with a look at collections care and research policy by Laura Bryant and colleagues (2025). With an increasing shift to research methodologies and policies that center reciprocity and respect among archaeologists, museums, and Indigenous communities, many practitioners are seeking additional guidance. The authors provide case studies focused on reframing research and policies at three institutions to incorporate Indigenous perspectives. They emphasize that consultation, balance, and resources are crucial for implementing policy change at any institution. Additionally, they provide steps and advice for shifting research policy (e.g., access request, review, and approval) and methodologies to prioritize the needs of communities in ways that are ethical, equitable and reciprocal. Investing the time to build relationships yields stable and lasting research partnerships that mutually benefit Tribal Nations, museums, and researchers, while ensuring respectful care of Ancestors and belongings.

Jenna Domeischel and colleagues (2025) connect the updated regulations, specifically regarding duty of care, with the practice of digitization of analog records, specifically those records that are associated

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with Ancestors and cultural items as defined by NAGPRA. While there are ample resources available for digitizing records, there has not been acknowledgment of the harm done by this process when it is not completed in consultation with affected communities. Considerations about Indigenous data sovereignty, privacy concerns, and sensitivity of certain themes or types of data should be factored into the decision-making process. The authors provide a step-by-step path to drafting a policy for digitization that takes into account these factors, as well as others. Ultimately, the authors assert, solutions must be context-dependent and decided through consultation.

Building on the discussion of policy and duty of care, Megan LeBlanc and Nina Schreiner (2025) reason that the duty of care provisions (43 C.F.R. § 10.1(d)) direct us to disclose *who* is treating, handling, and accessing collections, specifically whether students are involved in these activities. Amidst the ongoing curation crisis, many practitioners hire student employees to meet institutional expectations and budgets (Beisaw and Duus 2016; Childs and Benden 2017; Luby and Nelson 2008; Shannon 2017; Thompson et al. 2023). Here the authors address ethical and practical challenges associated with employing individuals with student status to assist with NAGPRA compliance and present possibilities for including students after consultation and workplace training. They also suggest methods for hiring and managing student employees that ensure transparency and honor Tribal Nation protocols. NAGPRA collections are not learning tools, but employing students who may continue in archaeology or a related museum field in limited roles that support compliance enables best practices in understaffed units while training entry-level employees in decolonizing values.

Jennifer Haas, Kevin Gartski, and Adrienne Frie (2025) provide an overview on how the University of Wisconsin system has improved collaboration across universities in the state of Wisconsin to lessen the burden and repetitive trauma on Tribal Nations. They discuss the challenge of legacy collections, which are often split across different institutions, and provide a roadmap for how other museums might handle the challenge of legacy collections by collaborating on their return. By collaborating across universities within the state in transparent communication with Tribal Nations, the authors facilitate more productive consultations with the potential to reunite Ancestors and their belongings separated by successive excavations, by excavators from different institutions, or by ad-hoc loans in the distant past. Although the new regulations do not specify that institutions should accommodate split holdings, prioritizing their reunification upholds the spirit of respectful return.

Lastly, the digital review provided in this issue (Hollinger 2025) takes a closer look at how 3D scanning and printing objects in collaboration with Tribal Nations can be mutually beneficial for both Tribal Nations and museums. In this article, Eric Hollinger provides several case studies that demonstrate the utility of creating both the digital model and the physical replica in collaboration. While replicas do not take the place of the original objects, they can be used as surrogates that might fulfill the role of the original for museums or communities of origin. Hollinger demonstrates several instances where collaboration and digital technology provided Tribal community members access to objects that they may not have been able to access otherwise. These case studies also serve as an inspiration for the types of projects that can be accomplished through both conversation and collaboration with Tribal Nations.

Conclusion

This thematic issue came about as a result of the "Day of NAGPRA" at the 89th Annual Meeting of the Society for American Archaeology in New Orleans. The overwhelming need for advice, support, and guidance on NAGPRA implementation continues to be prevalent in conversations a year later. This conclusion is being finalized during the 90th Annual Meeting of the Society for American Archaeology, with many of the same conversations and topics still occurring. It is apparent that while NAGPRA is not a new law, NAGPRA as a practice continues to be new to many: newly hired practitioners at museums and federal agencies, students, museums that accepted federal funding during the height of the COVID-19 pandemic, and others are treading water, striving to uphold the spirit of a law widely regarded as human rights legislation, some without access to or knowledge of the resources they need to be successful. Yet, in our opinion the landscape of NAGPRA should be viewed today with increasing optimism, and adapting to the revised regulations does not need to be intimidating but can help promote an atmosphere of broader collaboration that can benefit both the institution and Tribal Nations. The passage of the updated

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regulations presented practitioners initially with a period of general adjustment, but has since allowed for an expansion of conversations and increasing numbers of repatriations. This is demonstrated within this thematic issue, emphasizing the importance of conversations and creating relationships with Tribal Nations that can aid everyone in navigating the updated regulations and allow them to feel more confident in completing this important work. While we recognize that the number of Ancestors and cultural items still needing to go home to their Tribal Nations is staggering, the editors and authors hope that with this collection of articles we can expand the community of practice in new and helpful directions and work toward our universal goal of accountability to Tribal Nations and the return of their Ancestors and cultural items.

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Notes

1. The term "cultural items" refers specifically to funerary objects, sacred objects, and objects of cultural patrimony as defined under NAGPRA.
2. A museum is defined under NAGPRA as any institution or State or local government agency, including any institution of higher learning, that has possession or control of human remains or cultural items and receives federal funds. The term does not include the Smithsonian Institution.
3. We use the term "Tribal Nations" or "Native Nations" throughout this issue to refer to all federally recognized Indian Tribes, Native Hawaiian organizations, and Alaska Native villages as defined under NAGPRA.
4. The federal rulemaking process includes publishing a proposed rule, collecting and processing public comments on the rule, and then publishing the final rule (including responses to all public comments). Additional details on the process can be found on the Government Accountability Office webpage (https://www.gao.gov/federal-rulemaking).

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