

Why GAO Did This Study

The National Museum of the American Indian Act of 1989 (NMAI Act), as amended in 1996, generally requires the Smithsonian Institution to inventory and identify the origins of its Indian human remains and objects placed with them (funerary objects) and repatriate them to culturally affiliated Indian tribes upon request. It also creates a special committee to oversee this process. According to the Smithsonian, two of its museums—the American Indian and the Natural History Museums—have items that are subject to the act.

GAO was asked to determine (1) the extent to which the Smithsonian has fulfilled its repatriation requirements, (2) how the special committee provisions have been implemented, and (3) the number of human remains and objects that have been repatriated and reasons for any that have not. GAO reviewed museum records, including 171 repatriation case reports, and interviewed Smithsonian, Repatriation Review Committee, and tribal officials.

What GAO Recommends

GAO suggests that Congress may wish to consider ways to expedite the Smithsonian's repatriation process, and recommends that the Smithsonian take actions to expand the oversight and reporting role of the special committee, establish an administrative appeals process, and develop a policy for the disposition of culturally unidentifiable items. The Smithsonian agreed with GAO's findings and recommendations.

SMITHSONIAN INSTITUTION

Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects

What GAO Found

Since the NMAI Act was enacted, in 1989, more than 21 years ago, the Smithsonian has offered to repatriate over 5,000 human remains, which account for approximately one-third of the total estimated human remains in its collections. The Smithsonian has also offered to repatriate over 212,000 funerary objects, but the extent of progress is unknown because the Smithsonian has no reliable estimate of the total number of such objects in its collections. The Smithsonian generally makes repatriation decisions based on detailed case reports, and had completed 171 case reports as of December 31, 2010. Developing these case reports is a lengthy and resource-intensive process, in part because the NMAI Act generally requires the Smithsonian to use the best available scientific and historical documentation to identify the origins of its Indian human remains and funerary objects. The Smithsonian originally estimated that the repatriation process would take about 5 years; however, at the pace that it is progressing, GAO believes it could take several more decades to complete this process.

In response to the special committee requirements of the NMAI Act, the Smithsonian established a Repatriation Review Committee to monitor and review the Natural History Museum's repatriation activities. Although the Smithsonian believes Congress intended to limit the committee's jurisdiction to the Natural History Museum, the statutory language and its legislative history do not support that view. Since it was established, the committee has provided no oversight over the repatriation activities of the American Indian Museum. In addition, GAO found that neither the Smithsonian nor the committee has provided regular information to Congress on the repatriation progress at the Smithsonian. Although this reporting is not required by the act, given the length of time this process has taken and is expected to take in the future, policymakers do not have information that would keep them apprised of the Smithsonian's repatriation efforts. The committee also hears disputes concerning decisions over the return of human remains and objects, but it does not make binding decisions. Moreover, the Smithsonian has no independent administrative appeals process by which tribes who would like to challenge a repatriation decision can seek recourse, and judicial review of the Smithsonian's repatriation decisions may not be practical.

Through December 31, 2010, the Smithsonian estimates that, of the items it has offered for repatriation, about three-quarters of the Indian human remains (4,330 out of 5,980) and about half of the funerary objects (99,550 out of 212,220) have been repatriated. The remaining items have not been repatriated for various reasons, including tribes' lack of resources and cultural beliefs. Resources needed include staff to work on repatriations and appropriate locations to rebury or house the items. In addition, the Smithsonian has not repatriated approximately 340 human remains and 310 funerary objects because it has determined that they cannot be culturally affiliated with a tribe, and it does not have a policy on the disposition of these items. The lack of such a policy limits the transparency of the Smithsonian's actions in handling culturally unidentifiable items for both tribes and policymakers.