

Kennewick Man Q&A

What does Hastings' bill do?

This bill clarifies the law, once and for all, that ancient remains found on federal lands with no connection to modern day tribes should be available for scientific study. In the past, federal agencies have made sensitive decisions regarding ancient remains based on assumptions and speculation – rather than sound science. Ancient remains like Kennewick Man provide a rare opportunity to improve our understanding of early human history in North America.

Why is legislation being introduced now and why is it needed – didn't the court ruling settle this?

Hastings' bill is needed to:

- 1) Ensure that legislative attempts to overturn the Ninth Circuit's decision are not successful
- 2) Protect against future misinterpretation and misapplications of NAGPRA by federal agencies
- 3) Prevent other ancient remains from being tied up in the courts for as long as Kennewick Man

Does this bill affect tribal rights to protect their gravesites and remains?

This legislation does not affect rights of tribes to claim remains of their ancestors when found on federal lands. The clear intent of the bill is to protect the right of tribes to claim remains that are related to present day Native Americans while at the same time allowing for continued scientific research on ancient human remains that bear no relationship to contemporary tribes.

What happened to Hastings' old proposal?

Hastings withheld his earlier proposal pending the court case. The federal court system ruled in favor of science and to allow the study of the Kennewick Man to proceed. Now that there are new legislative challenges to this interpretation, however, it's time to respond.

What does Hastings' old bill do and how is the new bill different?

Hastings' old bill was introduced before the Ninth Circuit Court decision and before legislation was introduced by the Senate Indian Affairs Committee. It was designed to bring more clarity to NAGPRA to help put an end to the costly litigation occurring in the case of Kennewick Man. Hastings' new bill is narrowly focused on codifying the affect of the Kennewick Man court decisions.

What efforts are underway in the Senate to undo the Ninth Circuit ruling?

The Senate Indian Affairs Committee has introduced S. 536, the Native American Omnibus Act of 2005. According to this Act it makes "technical amendments to laws relating to Native Americans." One section, 108, would change the Native American Graves Protection and Repatriation Act so that ancient remains found on federal land are automatically turned over to Native American claimants.