Subsection 10.2 (c) includes definitions of those persons or organizations that are responsible for carrying out these regulations.

One commenter requested clarification of the role of the Departmental Consulting Archeologist defined in Section 10.2 (a)(3) (renumbered § 10.2 (c)(3)). The Departmental Consulting Archeologist was delegated by the Secretary of the Interior with responsibilities for drafting regulations, providing staff support to the Review Committee, administering grants, and providing technical aid under the Act.

Subsection 10.2 (d) includes definitions of the objects covered by these regulations.

One commenter recommended that the definition of Native American in § 10.2 (a)(8) (renumbered § 10.2 (d)) specifically include Native Hawaiians. The definition already includes Native Hawaiians. To clarify the applicability of the rule, the definition of Native American was rewritten to specifically include tribes, people, or cultures indigenous to the United States, "including Alaska and Hawaii." The drafters point out that "Native American" is used in the Act and in these rules only to refer to particular human remains, funerary objects, sacred objects, or objects of cultural patrimony and not to any living individual or group of individuals.

Thirteen commenters recommended changes to the definition of human remains in § 10.2 (b)(1) (renumbered  $\S 10.2 (d)(1)$ ). One commenter recommended expanding the definition to include all human remains, not just those of Native Americans. The Act is designed specifically to address the disposition or repatriation of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony and not to cover all human remains. Three commenters recommended excluding disarticulated and unassociated human remains, such as isolated teeth and finger bones, from repatriation. Two commenters recommended amending the definition to include only those human remains "associated with the body at the time of death," to eliminate such things as extracted or lost teeth, cut finger nails, coprolites, blood residues, and tissue samples taken by coroners. One commenter recommending deleting the exemplary clause—"including but not limited to bones, teeth, hair, ashes, or mummified or otherwise soft tissue" as being overly limiting. The Act makes no distinction between fully-articulated burials and isolated bones and teeth. Additional text has been added

excluding "naturally shed" human remains from consideration under the Act. This exclusion does not include any human remains for which there is evidence of purposeful disposal or deposition. The exemplary clause has been deleted. One commenter requested clarification as to whether the regulations would apply to blood sold or given to a blood bank by an individual of Native American ancestry. The blood bank would not be subject to repatriation having been freely given. One commenter supported considering human remains that had been incorporated into a sacred object or object of cultural patrimony be considered as part of that cultural item for the purpose of determining cultural affiliation. Two commenters recommended excluding human remains incorporated into cultural items from repatriation since, as one said, they were "objectified by their original makers and owners, not the institutions that might house them now." One commenter requested clarification regarding the status of human remains that were not freely given but that have been incorporated into objects that are not cultural items as defined in these regulations. The legislative history is silent on this issue. Determination of the proper disposition of such human remains must necessarily be made on a case-by-case basis. One commenter recommended deleting reference to human remains that have been incorporated into a funerary object, sacred object, or object of cultural patrimony, in that any change in the character of the human remains, including the definition, would only further their dishonor. Three commenters asked for clarification in how to determine whether human remains incorporated into a funerary object, sacred object, or object of cultural patrimony were freely given. The provision regarding determination of the cultural affiliation of human remains that had been incorporated into a funerary object, sacred object, or object of cultural patrimony was recommended by the Review Committee to preclude the destruction of items that might be culturally affiliated with one Indian tribe that incorporate human remains culturally affiliated with another Indian tribe.

Two commenters recommended changing the definition of cultural items in § 10.2 (b)(2). One commenter recommended broadening the definition to include any and all objects deemed to have cultural significance by an Indian tribe. Cultural items are defined in the Act to include human remains,

funerary objects, sacred objects, and objects of cultural patrimony. The term was redefined in the proposed regulations to include funerary objects, sacred objects, and objects of cultural patrimony, and not human remains to address the objections some individuals had expressed over referring to human remains as "cultural items." Two commenters recommended retaining the statutory definition. The term has been changed to read "human remains, funerary object, sacred object, or object of cultural patrimony" throughout the rule to ensure clarity. The definition of "cultural item" has been deleted throughout the text.

One commenter recommended combining the definitions of associated funerary object in § 10.2 (b)(3) and unassociated funerary object in § 10.2 (b)(4) into a single definition of funerary object. The two definitions have been combined in § 10.2 (d)(2).

Ten commenters recommended changes to the definition of associated funerary object in § 10.2 (b)(3) and unassociated funerary object in § 10.2 (b)(4) (combined and renumbered § 10.2 (d)(2)). One commenter recommended rewriting both definitions to make a distinction between objects associated with individual human remains and objects for which a funerary context is suspected, but association with individual human remains is not possible. Another commenter objected to what he considered an overly rigorous standard of proof. The statutory language makes it clear that only those objects that are associated with individual human remains are considered funerary objects. The distinction between associated and unassociated funerary objects is based on whether the individual human remains are in the possession or control of a museum or Federal agency. One commenter recommended deleting the word "intentionally" in § 10.2 (b)(3)(i) and § 10.2 (b)(4) since the term does not occur in the statutory language. The term is included to emphasize the intentional nature of death rites or ceremonies. Items that inadvertently came into proximity or contact with human remains are not considered funerary objects. One commenter questioned whether any objects excavated intentionally or discovered inadvertently on Federal or tribal land after November 16, 1990, would fit these definitions, since it requires the objects be in the possession or control of a Federal agency, and section 3 of the Act seems to preclude Federal ownership of such objects. Possession of funerary objects excavated intentionally or discovered inadvertently on Federal or