

Native
American
Graves
Protection and
Repatriation
Review
Committee

Annual
Report to
Congress
2016

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Native American Graves Protection and Repatriation Review Committee Annual Report to Congress 2016

Executive Summary

With the passage of the Native American Graves Protection and Repatriation Act (NAGPRA or the Act; 25 U.S.C. § 3001, et seq.) on November 16, 1990, Congress mandated the formation of the NAGPRA Review Committee. The NAGPRA Review Committee is required to report to Congress annually regarding progress made, and any barriers encountered, in implementing the Act's provisions during the previous year (25 U.S.C. § 3006). The Act benefits Native Americans and reflects "the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations" (25 U.S.C. § 3010). The Act was passed because of the disparate treatment afforded to Native Americans in the protection of their ancestral burials and cultural objects.

During calendar year 2016, the Review Committee held three public meetings, one face-to-face and two telephonic. The Review Committee received reports from the National NAGPRA Program regarding implementation and compliance activities under the Act, provided recommendations to the Secretary of the Interior regarding the disposition of culturally unidentifiable human remains, issued two findings of fact, made recommendations on the resolution of two disputes, and heard many presentations from NAGPRA constituents.

Attached to this Annual Report are statistics reported by the National NAGPRA Program regarding the implementation of NAGPRA, grants awarded under the Act, and other important progress made in the last fiscal year.

Despite some notable examples of progress, the National NAGPRA Program and the NAGPRA Review Committee remain hindered by barriers that have been reported to Congress year after year. These are detailed in the body of the report below. Based on its current experience with both barriers and examples of progress, the Review Committee strongly recommends the following Congressional actions:

Recommendations to Congress:

1. Continue to support and increase grant funding, especially to Indian tribes and Native Hawaiian organizations, to build institutional capacity and meet the requirements of the Congressional policy of Indian self-determination.
2. Fulfill the statutory requirements of NAGPRA by maintaining adequate staffing at, and support of, the National NAGPRA Program.
3. Support federal agency compliance with NAGPRA, including expedited completion of inventories of federal collections in non-federal repositories.
4. Support stronger enforcement measures by the Review Committee and the National NAGPRA Program, as well as the Secretary of the Interior, to better deal with compliance issues.
5. Enact legislation to further and consistently protect Native American burials on public lands and allow tribes to acquire public lands for the purpose of reburial.
6. Support broader opportunities for reburial of Native American ancestors on federal lands, including National Park System lands.
7. Hold hearings to consider amendments to the Act that would expedite the repatriation process and align with the Department of the Interior's revisions to the current regulations.

2016 Report to Congress

Congress has charged the Review Committee with reporting annually on progress made and barriers encountered in NAGPRA implementation. Consistent barriers, reported on year after year, continue to hinder progress in the implementation of NAGPRA.

Barriers Encountered:

Lack of Adequate Funding:

Funding for the NAGPRA grants program, in particular, has not kept pace with increases in the demand for compliance and disposition activities required to implement the Act. This issue has been consistently raised by the Review Committee, by scientific, museum, and cultural organizations, and by Indian tribes and Native Hawaiian organizations. It is the single greatest impediment to complete and timely compliance.

The Review Committee has heard for many years that tribes simply lack the financial capacity to handle NAGPRA implementation. Museums likewise often lack dedicated staff to complete NAGPRA compliance work, and must therefore rely on staff with other full-time responsibilities or contract hires. Both tribes and museums may be forced to rely on part-time or less experienced individuals who are not able to set aside the time needed to become familiar with NAGPRA requirements and properly perform ongoing NAGPRA tasks. Grant applications to the National NAGPRA Program have increased significantly during the last two years, while the funding level to support this program has remained static for many years. This is a serious impediment to progress in repatriation efforts.

NAGPRA grants provide support to tribes and museums to help complete specific NAGPRA projects; however, they do not allow capacity-building (the development of institutional infrastructure) in either native communities or museums to coherently and consistently implement the provisions of the Act. Separate funding aimed at capacity building, especially within tribes or Native Hawaiian organizations, would allow communities and institutions to address NAGPRA compliance in a more holistic and less fragmented fashion, and further the Congressional policy of self-determination for tribes.

Given the increase in NAGPRA activities, and the increasing demand for grant funding to support such efforts, it is essential that the National NAGPRA Program maintain its funding and staffing levels. Finally, the Review Committee cannot fulfill its duties without regular opportunities to consult face-to-face with tribes, Native Hawaiian organizations, museums and federal agencies. Budgetary constraints have severely curtailed this activity in the past, such that only a single face-to-face meeting was possible this past year. The Review Committee, through the National NAGPRA Program, needs continued and sustained funding to ensure Review Committee meetings can be held in varying locations, including Alaska and Hawaii. The Review Committee has not met outside the continental US since 2006 due to budgetary constraints.

Failures of Proper Reporting in Inventories from Museums and Federal Agencies:

1. *Failure to properly inventory federally controlled collections that are curated in non-federal repositories*

Federal agencies and institutions receiving federal funds and having possession or control of Native American human remains and associated funerary objects are required to list these in an inventory, and

considerable progress is being made in these continuing efforts. There are, however, areas of ambiguity in cases where institutions hold human remains or cultural items on behalf of a federal agency. It is unclear in some cases whether the federal agency or the institution is responsible for the inventory requirements. Some institutions having custody of federal collections did not list certain human remains and funerary objects in an inventory because they assumed that the federal agency did so. The Review Committee continues to be concerned that there may be human remains and associated funerary objects that are not currently listed in inventories because both the institution holding the human remains or items and the federal agency responsible for the human remains or items assumes the other has included them in an inventory. As noted in previous annual reports, this concern could be addressed through structured discussion between federal agencies and custodial institutions, resulting in explicit agreements regarding the inventorying of these human remains and items. This work is likely to require additional funding for such institutions and federal agencies, either to support inventory and documentation of collections, consultation, or the appropriate packing of these collections.

2. *Failure to properly report the scope of consultation activities with lineal descendants, Indian tribes, or Native Hawaiian organizations regarding culturally unidentifiable human remains and funerary objects*

The number of culturally unidentifiable human remains and associated funerary objects is of considerable concern. There are thousands of sets of human remains and associated funerary objects housed in various repositories and institutions, and the National NAGPRA Program databases indicate that, when submitting inventories of culturally unidentifiable human remains, many museums and federal agency units did not provide evidence to show that consultation with potentially affiliated Indian tribes and Native Hawaiian organizations had occurred with respect to any of those remains. This, in part, may be the result of these human remains and associated funerary objects under the control of federal agencies being held in non-federal repositories. Whatever the reasons, results of consultation are required to be included in an inventory according to NAGPRA regulations, 43 CFR 10.9(c)(4).

As of October 13, 2016, 157 museums and federal agency units have provided no evidence that they consulted with lineal descendants, Indian tribes or Native Hawaiian organizations regarding any of the human remains listed in their inventories. A total of 11,715 culturally unidentifiable Native American individuals and 150,731 associated funerary objects have been identified in this category. The National NAGPRA Program believes that more such cases might exist, as a museum or federal agency that has consulted on any portion of its inventory – even a single set of human remains – is not included in the above numbers. Thus, there may be portions of additional culturally unidentifiable inventories that have not been the subject of consultation.

3. *Failure to submit Notices of Inventory Completion for culturally affiliated human remains and funerary objects.*

As of November 17, 2016, 77 museums and federal agency units have not yet included the human remains of 8,907 Native American individuals that they have determined to be culturally affiliated in a Notice of Inventory Completion. This means that, even if requested by the culturally affiliated Indian tribe or Native Hawaiian organization, these individuals cannot be repatriated for lack of a Notice of Inventory Completion. The Review Committee asked the National NAGPRA Program to send letters to these museums and federal agencies, notifying them of the requirement to publish notices and requesting information about why these notices have not been published; the National NAGPRA has done so more than once.

Lack of Appropriate Locations for Reburial:

Numerous Indian tribes have expressed a desire for more consistent and more accommodating regulations allowing public lands to be set aside for the reburial of human remains and associated funerary objects. Many tribes, but not all (see below), prefer that reburials take place in a location as close to the original

burial site as possible, and in many cases this means that the preferred reburial site is not under tribal control. While limited provisions exist allowing for reburial on federal lands, these vary by agency and in the uniformity with which they are applied within individual agencies. Concerns have also been raised regarding adequate protection after reburial has taken place. Consistent regulations and procedures allowing portions of federal land to be set aside for reburial, and for the protection of reburied human remains and funerary objects, would reduce delays in the completion of repatriation and disposition requests. As noted in the summary of the 59th meeting in Missoula (below), there is some encouraging evidence of regional successes in this regard over the past year.

Need for Amendments to the Act and Its Regulations to Provide Clarity:

Indian tribes, Native Hawaiian organizations, museums and federal agencies continue to complain about ambiguities in the Act and its regulations that cause delay, confusion, and a lack of compliance, e.g., funerary objects archaeologically associated with individual burials being repatriated separately from those burials.

Progress Made:

Increased Compliance:

As noted above, 157 museums and federal agencies have not provided evidence that they consulted with lineal descendants, Indian tribes or Native Hawaiian organizations on any of the human remains in their culturally unidentifiable inventories. While this issue is still of great concern to the Review Committee, non-compliance in this area has been reduced over the last year by nearly 40%. Similarly, 77 museums and federal agencies have not yet published Notices of Inventory Completion for human remains for which they have determined cultural affiliation. The Review Committee remains concerned about this statistic as well; however, non-compliance of this kind has been reduced over the last year by nearly 60%. In both instances, these changes are the result of work by museums and federal agencies to clarify and correct their inventories and to ensure proper reporting.

Culturally Unidentifiable (CUI) Human Remains Disposition Recommendations:

In 2016, the Review Committee heard two requests from museums for recommendations on disposition plans for culturally unidentifiable human remains. The Review Committee carefully considered each request during public meetings and posed questions regarding the proposed plans. For both requests, the Review Committee was able to recommend to the Secretary of the Interior that the proposed disposition proceed. Since 1994, the Review Committee has heard and taken action on 103 requests for the disposition of culturally unidentifiable human remains. Through this process, Notices of Inventory Completion have been published for the human remains of 3,764 culturally unidentifiable Native American individuals.

Presentations on NAGPRA Successes:

Through presentations and public comments, the National NAGPRA Review Committee learned of several positive efforts and outcomes related to consultation and repatriation. Ms. Rosemary Caye and Mr. Tony Incashola of the Confederated Salish and Kootenai Tribes of the Flathead Reservation related their experience working with the University of Montana since the initial passage of NAGPRA. While not always easy, continuing consultation and dialogue have resulted in successful repatriations. Ms. Caye and Mr. Incashola encourage museums and federal agencies to work together to provide information to Indian tribes on their collections and holdings.

Museums in the State of Colorado also indicated significant success in collaboration, repatriation, and reburial activities. In a joint effort, five institutions (University of Denver Museum of Anthropology,

History Colorado, University of Colorado Museum of Natural History, Colorado State University, and the Denver Museum of Nature and Science) and seven Indian tribes (Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Arapaho Tribe of the Wind River Reservation, Wyoming; and Hopi Tribe of Arizona) collaborated on reburying a total of 138 individuals. The University of Denver purchased a cemetery plot, and all of the tribes participated in the reinternment ceremony using travel funds provided through NAGPRA repatriation grants. This was a momentous occasion for the University of Colorado, as it completed the transfer of all the Native American human remains previously under its control. This is an excellent example of leveraging state, federal, and institutional funds for a large repatriation and reburial, and represents a success story of local consultation and collaboration among many stakeholders.

A final example of a success story involves the reburial of human remains and associated funerary objects culturally affiliated with the Arapaho Tribe of the Wind River Reservation, Wyoming, in a wilderness area of Wyoming managed by the Bureau of Land Management (BLM). The repatriated human remains and funerary objects were reinterred at the site from which they had been removed. This is but one of 17 successful reburials that have taken place on BLM lands.

2016 Review Committee Activities:

Review Committee Members:

Nominated by Tribes and Native Hawaiian organizations:

Armand Minthorn (continuing) - Chair

Steve Titla (continuing)

Lauren Peters (term began May 2016)

Nominated by museums and scientific organizations:

LindaLee Farm (continuing)

Patrick Lyons (continuing)

Heather Edgar (continuing)

Nominated by the Committee:

Dennis H. O'Rourke (continuing)

Review Committee members are appointed for a four-year term and may be reappointed for a second, two-year term.

Review Committee Meetings:

The NAGPRA Review Committee held two telephonic meetings and one in-person meeting in 2016. The Review Committee believes that telephonic meetings are less effective in advancing the work of the Committee, as they limit the opportunities for other interested parties to comment on the progress and

barriers encountered in implementing the Act. Budget constraints required the elimination of one face-to-face meeting in 2013 and one in 2014, but going forward, the National NAGPRA Program has made two face-to-face meetings per fiscal year a goal. The single face-to-face meeting in 2016 is in part the result of a transition to a new meeting calendar. The Review Committee urges the Secretary of the Interior and Congress to continue to provide funds to allow at least two face-to-face meetings annually without impacting other National NAGPRA Program activities. Previously, two to three face-to-face meetings were held annually by the Review Committee, providing an opportunity for Indian tribes, Native Hawaiian organizations, museums, and federal agencies to consult directly with Review Committee members, and allowing museums and federal agencies to provide in-person reports on their compliance activities. All parties involved have stated that they found these opportunities highly valuable. In addition, it has been a decade since the Review Committee has been able to meet outside the continental United States. This has had the effect of placing a disproportionate burden on Alaska Native villages and Native Hawaiian organizations in terms of the cost of travel to present information to the Committee during valuable face-to-face meetings. The Committee has standing invitations to meet in both Alaska and Hawaii, but has been unable to accept these due to budgetary constraints. Future funding to support travel for meetings outside the continental United States is considered a priority by the Committee in order to meet our obligation to facilitate attendance at meetings by all native stakeholders, including representatives of Alaska Native villages and Native Hawaiian organizations.

Review Committee Meeting #59 Summary:

The 59th meeting of the NAGPRA Review Committee was held in Missoula, MT, at the Holiday Inn Missoula Downtown, July 13-15, 2016. All Review Committee members were present.

The Missoula meeting agenda was particularly full and diverse. In addition to the National NAGPRA Program's report, the Review Committee heard ten presentations, two requests for findings of fact, and one disposition request associated with culturally unidentifiable human remains. The Review Committee also had a preliminary discussion of this Report to Congress and benefited from public comment from numerous constituents in attendance.

Requests and Action Items:

Pueblo of Santa Ana, New Mexico: The Pueblo of Santa Ana requested that the Review Committee make a finding of fact to help resolve a dispute regarding cultural affiliation and the most appropriate claimant for human remains and associated funerary objects (AFOs) from the site of Paak'u, which are presently under the control of the American Museum of Natural History (AMNH). In a Notice of Inventory Completion, AMNH determined that these collections are culturally affiliated with the Pueblos of Santa Ana, San Felipe, and Santo Domingo. Both the Pueblo of Santa Ana and the Pueblo of San Felipe made separate repatriation requests for these human remains and AFOs. The Pueblo of Santa Ana disputes the AMNH's cultural affiliation with the Pueblo of San Felipe, and the AMNH's inability to identify the Pueblo of Santa Ana as the most appropriate claimant. As a result, the Pueblo of Santa Ana requested that the Review Committee review the record and make a finding of fact on cultural affiliation and the most appropriate claimant.

To fully inform the Review Committee, presentations were made by the Pueblo of Santa Ana, the Pueblo of San Felipe, and the AMNH. (The Pueblo of Santo Domingo has not made a claim and is not party to the dispute.) Representatives of the Pueblo of Santa Ana, led by Governor Myron Armijo, joined by spiritual leaders, tribal officers, and legal counsel presented the evidence for Santa Ana's cultural affiliation and its being the most appropriate claimant of the Paak'u cultural items. Representatives of the Pueblo of San Felipe, led by Lieutenant Governor James Candelaria, and accompanied by a former

governor and a tribal official, presented San Felipe's case. A film of San Felipe tribal leaders (who could not attend the meeting) discussing the issue at hand was shared. It was made clear that much of the evidence for San Felipe's claim involved information customarily not discussed in public. Nevertheless, some such evidence was presented to AMNH and the Review Committee. The Committee also heard from AMNH regarding its process of determining cultural affiliation to all three Pueblos and its inability to determine the most appropriate claimant for repatriation.

Following the presentations, the Review Committee asked many questions to clarify issues at the core of the dispute. Although it was the Committee's hope that a consensus between the parties could be obtained and that they could work jointly on repatriation, this option was dismissed by both Pueblos in favor of a final recommendation and finding of fact by the Committee. After lengthy discussion and debate, the Review Committee passed the following motion by a vote of five to one in favor: "The Review Committee finds that cultural affiliation is as determined by the AMNH, and recommends that the Pueblo of Santa Ana take the lead in repatriation and reburial." Chairman Minthorn followed standard practice of not voting on motions unless required to break a tie. He did, however, encourage the Pueblos (and all Indian tribes in general) to work together in the effort of accomplishing repatriation of human remains and other cultural items.

Lake County Discovery Museum: The museum sought a Review Committee recommendation to the Secretary of the Interior that the proposed disposition of the human remains of 13 culturally unidentifiable Native American individuals, along with associated funerary objects, proceed. Ms. Beth Nawara, NAGPRA consultant, presented the proposed disposition from the Lake County Discovery Museum to the Sault Ste. Marie Tribe of Chippewa Indians, Michigan, as agreed to by the parties. Ms. Diana Dretske, collections coordinator, summarized the museum's tribal notification process. Ms. Nawara initiated a consultation process that led to the repatriation request by the Sault Ste. Marie Tribe of Chippewa Indians, Michigan.

Although the Review Committee was disappointed that the parties involved could not be present in person (the request was made via telephone), after minimal questions and discussion, the Review Committee voted unanimously to recommend to the Secretary that the proposed disposition to the Sault Ste. Marie Tribe of Chippewa Indians, Michigan proceed under the agreement.

Wiyot Tribe, California: The Wiyot Tribe had requested the repatriation to it of certain objects under the control of the Regents of the University of California and located at Phoebe Hearst Museum, asserting that the objects are both sacred objects and objects of cultural patrimony. The Hearst Museum had determined that the items did not meet requirements for repatriation, and denied the request. The Wiyot Tribe disputed the Hearst Museum's determination, and requested that the Review Committee review the record and make findings relating to the identity of the items, and the return of the items.

Mr. Thomas Torma, the Wiyot Tribe's Cultural Director and Tribal Historic Preservation Officer, presented the request. The items in question are part of the regalia worn by Wiyot traditional healers ("sucking doctors"); they consist of a feather headdress, pipes in cases, belts, a fawn casing, feather hair ties, two condor feathers, a bluebird and yellow hammer headdress, and deer skin. Mr. Torma indicated that these items are objects of cultural patrimony, as the practicing doctors did not own the regalia, but instead were its custodians for the tribe. Once a doctor ceased to practice traditional medicine, the regalia was held by the family until a new doctor was identified, who then took custody of the regalia. The tribe also views the regalia as sacred objects, as the items were needed by traditional religious leaders of the Wiyot Tribe for healing and in healing ceremonies. Mr. Torma requested that the Review Committee find that the items are cultural items under NAGPRA and, therefore, eligible for repatriation to the Wiyot Tribe.

Mr. Jordan Jacobs, Head of Cultural Policy and Repatriation at the Hearst Museum presented the museum's perspective via telephone. Mr. Jacobs indicated that as a result of an earlier claim on the items by the Wiyot Tribe, active consultation ceased in 2008, when the museum concluded that no information had been presented to overturn the Museum's determination that it had a right of possession to the objects. Apparently, these "consultations" were conducted with a non-tribal member contractor hired by the Wiyot Tribe for non-NAGPRA related activities, and were not considered tribal consultation by the Wiyot. Mr. Jacobs observed that, under NAGPRA, if a museum proves it has a right of possession to cultural items, all further considerations are moot. Nevertheless, he indicated that the Hearst Museum based its claim on additional considerations beyond those required, i.e., that the objects in question are not cultural items under NAGPRA. Mr. Jacobs further indicated that the Hearst Museum's participation in this forum was informed by its observation of previous Review Committee proceedings, which suggested to the Museum that the Review Committee and its members do not observe the standards for a committee set by the Federal Advisory Committee Act (FACA). According to Mr. Jacobs, from the Hearst Museum's perspective, the Review Committee exhibits a lack of fairness in deliberations and a bias against museums. Mr. Jacobs was particularly concerned that the Review Committee was hearing this request before the University of California system had completed its formal review of an appeal by the Wiyot Tribe of the Museum's initial decision. This constituted, in his view, an attempt to "malign the museum." Following Mr. Jacobs's (in the opinion of the Review Committee) rather excited and intemperate presentation, he indicated that he was terminating his communication with the Review Committee.

The Review Committee collectively expressed disappointment at the (in the opinion of the Review Committee) disrespectful tone and timing of Mr. Jacobs's remarks. The Committee continued to deliberate on the issues at hand in order to provide some clarity to the request for a finding of fact. Review Committee members asked many questions to seek additional information that might aid in facilitating a resolution of the dispute. The Wiyot Tribe's representatives responded to all questions posed to them. The Review Committee tried to solicit additional information from the Hearst Museum, but there was no response from Mr. Jacobs to the many attempts to engage him, despite the fact that the electronic service handling the phone connections indicated that the line remained open for the remainder of the day's meeting, and at no time did the call actually terminate. This also led the Review Committee to infer a confrontational and obstructionist attitude from Mr. Jacobs and his principal, the Phoebe Hearst Museum.

Lacking the benefit of input from the Phoebe Hearst Museum, the Review Committee deliberated at length, and tried to assess the basic issues involved in the Wiyot Tribe's request. Ms. Melanie O'Brien, DFO, reminded the Review Committee of its dispute resolution procedures, and Ms. Carla Mattix, legal counsel, clarified the definitions of "sacred objects" and "objects of cultural patrimony" in the Act. Review Committee member Mr. Patrick Lyons made the following observations on the issues under discussion as both a professional anthropologist and museum professional:

1. The Hearst Museum repeatedly rues the absence of Wiyot-specific data and, therefore, uses information relating to the Yurok Tribe of the Yurok Reservation, California, by analogy, despite known contradictions in the anthropological literature regarding similarities between the Yurok and Wiyot with respect to statements in this case.
2. The Hearst Museum questions whether the doctor is required to conduct the ceremonial dance, despite specific indications in the affirmative in a number of written sources.
3. The Hearst Museum references a proposed joint curation agreement without providing details of the agreement, or indicating how the agreement would benefit the parties to the dispute.
4. As a key consideration in its decision, the Hearst Museum questions the degree to which the reinstated ceremony requiring the doctor's regalia will resemble the ceremony in its pre-massacre form, even though the particulars of the ceremony itself are not an element of the

meaning of “sacred objects” under NAGPRA and should not be an issue in the resolution of this dispute or in a determination of the identity of the regalia as a cultural item.

It was clear, after much discussion, that the Review Committee had questions with respect to the record made by both the Wiyot Tribe and the Phoebe Hearst Museum. After exploring several possible means of facilitating a resolution of the dispute, the Review Committee voted on two motions. The first motion was that the regalia are not objects of cultural patrimony. This motion passed by a vote of three to two in favor. A second motion, that the items are sacred objects, passed by a vote of four in favor and one against.

Presentations:

Confederated Salish and Kootenai Tribes of the Flathead Reservation: Ms. Rosemary Caye, Kootenai NAGPRA Coordinator, related experiences with repatriation requests involving the University of Montana. She indicated the process can be lengthy, as frequent staff turnover contributes to increased delays, and the quantum of information to show cultural affiliation being required of the Tribes is disproportionately burdensome. However, positive working relationships with several other museums have developed. Mr. Tony Incashola, Director of the Salish Culture Committee explained that is difficult for non-native people to fully understand the personal and spiritual connections of native people to traditional values. Nevertheless, he indicated that the Tribes’ working relationships with several institutions have improved over time, resulting in increased communication and consultation.

Columbia Plateau Inter-Tribal Repatriation Group (CPITRG): Speaking on behalf of the members of CPITRG, Ms. Jacqueline Cook, Ms. Angela Neller, and Mr. Robert Taylor provided an update on the status of the Ancient One (a.k.a. Kennewick Man). They also expressed concern over the timelines and oversight in NAGPRA regulations for inadvertent discoveries. To facilitate progress, CPITRG made the following recommendations to amend the regulations:

- 1) Provide timelines for completing the process of disposition of cultural items discovered on federal lands after 1990;
- 2) Develop a checklist for consultation, examination by a biological anthropologist, reporting of cultural affiliation, drafting a notice of intended disposition, and publication of the notice;
- 3) Develop training for Indian tribes and federal agencies on drafting and implementing cultural affiliation agreements; and
- 4) Amend NAGPRA to authorize the Review Committee to facilitate the resolution of disputes regarding the identity, cultural affiliation, and disposition of cultural items discovered on federal lands after 1990.

After thanking Ms. Cook for the presentation, the Review Committee indicated support for the proposed recommendations. Ms. Carla Mattix, Attorney-Advisor for the Division of Parks and Wildlife in the Department of the Interior, indicated that a full review of the regulations was currently underway, and thanked the CPITRG for their comments and suggested changes to the regulations.

Office of the State Archaeologist, University of Iowa: Ms. Lara Noldner, Bioarchaeology Program Director, requested a recommendation from the Review Committee for approval of the renewal of an existing process for reburial of culturally unidentifiable human remains and associated funerary objects from the state of Iowa. The initial process had been approved by the Review Committee a decade ago. Twenty-one tribes were signatories of the original agreement. These tribes, plus one additional tribe, the Upper Sioux Community of Minnesota, have been consulted regarding the new, slightly revised process. Of the fifteen responses obtained to date, none were in opposition.

The Osage Nation: In November 2015, the Review Committee heard a request and made a finding of fact that the human remains and two associated funerary objects from the Clarksville Mound Group were culturally affiliated with The Osage Nation. At that time, the Review Committee strongly urged the

Missouri State Historic Preservation Office (SHPO), in line with the NAGPRA regulations, to determine the most appropriate claimant for these human remains, and to do so within the ensuing six months. At the 59th meeting in Missoula, MT, Ms. Andrea Hunter, Director of The Osage Nation Historic Preservation Office and Tribal Historic Preservation Officer, indicated that no word had been received from the Missouri SHPO other than an indication that the request was under review. The Review Committee expressed disappointment and concern at the continued delay, and that its recommendation of the previous year had apparently been ignored. The Review Committee voted unanimously to request that the DFO follow up with the Missouri SHPO to see why the action was not completed within the six--month time frame.

Bureau of Land Management: Ms. Emily Palus, Deputy Division Chief, BLM Division of Cultural, Paleontological Resources and Tribal Consultation, updated the Review Committee on BLM compliance with NAGPRA. She also clarified that since 2006, it has been BLM policy to allow reburial of repatriated human remains on BLM land on a case-by-case basis. Over the past decade BLM has received 17 requests for reburial on BLM lands, and all the requests have been approved. Ms. Kathy Boden, Historic Preservation Specialist/SHPO Liaison, Wyoming State Office, was unable to attend, but her written report was read into the record by Mr. Buck Damone, Lead Archaeologist, Buffalo Field Office. Subsequently, Mr. Damone described the repatriation of funerary objects that had been removed from a known historic burial associated with the Dull Knife Battle of 1876. In consultation with the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana, the funerary objects were repatriated and reinterred with the human remains at the original burial site. Mr. Damone indicated that as a result of this consultation and repatriation, relations between the Buffalo Field Office and the Northern Cheyenne Tribe improved, and a dialogue has begun regarding the treatment of the Dull Knife Battle site and the Northern Cheyenne escape route.

Bureau of Indian Affairs: Ms. Anna Pardo, Museum Program Manager and NAGPRA Coordinator, Division of Environmental and Cultural Resources Management, Bureau of Indian Affairs (BIA), updated the Review Committee on BIA's NAGPRA implementation. She explained in some detail why federal collections are held in so many non-federal repositories, and why the records of the locations of collections may be in error. BIA staff continually work to identify BIA collections in various repositories. Ms. Pardo also emphasized the challenges of dealing with NAGPRA issues involving Alaska Native villages. Many Alaska Native entities find negotiating NAGPRA compliance issues difficult due to lack of infrastructure, resources and staff. She referred to a memorandum submitted by the Alaska Federation of Natives (AFN), which had been provided to the Review Committee prior to the meeting. Ms. Pardo indicated that the Review Committee's attention to this matter would be very much appreciated.

AFN Resolution 15-31 outlines the organization's concerns with NAGPRA. Primary among these are: 1) the very high cost (sometimes exceeding \$100,000 for tribes) and the long wait times when confronted with a dispute; and 2) the fact that the NAGPRA Review Committee's findings are advisory only, and that its advice is often ignored by museums. The burden of policing compliance with NAGPRA is disproportionately placed on the tribes, yet they do not receive adequate funding to implement NAGPRA. Frustration also exists that human remains determined to be Alaska Native continue to be held in museums, instead of being reinterred in Alaska, simply because they are culturally unidentifiable beyond being from Alaska. AFN has appointed Mr. John Johnson of Chagach Corporation and Ms. Rosita Worl of Sealaska Corporation to propose amendments and regulatory changes to address these problems, as well as to address new BIA regulations (25 CFR Part 151) allowing Alaska Native individual and tribal land owners the option of asking the federal government to place their lands into federal trust status, whereby the United States holds legal title to the land for the benefit, use, and occupancy of an Alaska Native individual or tribe. The main benefit of placing land into trust is to permanently protect it. Only an Act of Congress can authorize the transfer of land owned in trust by the United States and then, only if

done for the benefit of a tribe. Also, the BIA is responsible for assuring that the land is protected for the tribe's exclusive use. Trust lands are completely protected from state and local taxation and exempt from eminent domain (<http://www.bia.gov>). Additionally, Alaska Native villages will now be able to access funds available to Tribal Historic Preservation Offices through the Historic Preservation Fund, whose awards are based on land in trust. The full AFN resolution is available on the National NAGPRA Program website.

During discussion with and questions from the Review Committee, Ms. Pardo reiterated that she had made two requests of the Review Committee. One was to help Alaska Native villages with NAGPRA issues and compliance, and the second was to encourage museums to complete the current Department of the Interior collection survey. Chairman Minthorn stressed the importance of ongoing consultation and regular meetings with Indian tribes, and the Review Committee thanked Ms. Pardo for her report and for highlighting the issues facing Alaska Native villages.

University of Oklahoma Sam Noble Oklahoma Museum of Natural History: Mr. Marc Levine, Curator of Archaeology, was joined by Ms. Susie Fishman-Armstrong, Archaeology Collections Manager, Mr. Paul Sandberg, Physical Anthropologist, and Mr. Michael Walters, Graduate Assistant, in presenting an update on NAGPRA compliance at the Sam Noble Museum. Although summaries and draft Notices of Inventory Completion were completed in the mid-1990s, the notices were not published due to misunderstanding of NAGPRA regulations by staff at the time, and the fact that the minimum number of individuals identified and associated funerary objects were in error. Consequently, the Museum's draft notices were withdrawn in 2006. Working with Ms. Jan Bernstein, the Museum now has a plan for publishing Notices of Inventory Completion for all relevant cultural items within the next decade. To date, a minimum of 15 individuals and 69 associated funerary objects have been transferred to The Chickasaw Nation for reburial. A new consultation collaboration between the Museum and the Caddo Nation of Oklahoma and the Wichita and Affiliated Tribes will ultimately result in the repatriation of 381 individuals and more than 1,200 associated funerary objects. Much of this progress has been possible due to funding by a NAGPRA grant, for which Mr. Levine expressed great appreciation.

U.S. Dept. of Agriculture, Forest Service: Mr. Frank Wozniak, National NAGPRA Coordinator and NAGPRA Coordinator for the Southwestern Region, USDA Forest Service, was unable to attend the meeting, but offered an update on NAGPRA implementation through two spreadsheets, which were provided to the Review Committee prior to the meeting and made available on the National NAGPRA Program website. To date, the Forest Service has repatriated a total of 2,249 individuals, 20,543 associated funerary objects, 6,205 unassociated funerary objects, 362 sacred objects, and 625 objects of cultural patrimony.

Klamath Tribes: Mr. Perry Chocktoot, Director, Culture and Heritage Department and Mr. Clayton Dumont, tribal member and Professor of Sociology, San Francisco State University, presented information on the history of the Klamath Tribes and their efforts to repatriate human remains and associated funerary objects from their traditional territories. Eighty-one sets of human remains housed at the Phoebe Hearst Museum have been identified as under the control of the Bureau of Reclamation (BOR), Lava Beds National Monument, U.S. Fish and Wildlife, and the Phoebe Hearst Museum. According to representatives of the Klamath Tribes, the Phoebe Hearst Museum "unilaterally" declared all 81 sets of human remains as culturally unidentifiable.

Ms. Melanie Ryan, of BOR, provided additional information on the return of human remains at the Hearst Museum under BOR's control, and the consultation process with the Klamath Tribes leading to BOR's determination of cultural affiliation. Both BOR and Lava Beds National Monument have culturally affiliated the human remains under their control with the Klamath Tribes, and the U.S. Fish and Wildlife Service has indicated that cultural affiliation with the Klamath Tribes is "strongly indicated." Repatriation

is proceeding in these two cases, but moving much more slowly in the third. The Phoebe Hearst Museum considers the 13 individuals under its control to be culturally unidentifiable. All the human remains discussed here were removed from lands ceded by the Klamath Tribes in the Treaty of 1864.

According to Mr. Dumont, the museum "consulted" with a non-tribal member employed by the Klamath Tribes for non-NAGPRA work. This was not considered a valid consultation by the Klamath Tribes. In addition, the museum apparently considers requests for information regarding the human remains, including requests for repatriation, to be additional consultations. No progress has been made on repatriation or consultation with the Phoebe Hearst Museum.

Mr. Dumont requested that the Review Committee facilitate the repatriation of the documented human remains, and send a "loud and clear message to the Hearst Museum to do what is right." During questions and discussion, Mr. Dumont indicated that the tribe would not have been aware of these human remains which had been removed from their traditional lands were it not for the database of culturally unidentifiable human remains on the National NAGPRA website. Chairman Minthorn observed that the experiences of the Klamath Tribes seem to have been good with most federal agencies involved, although there appeared to be a problem with the Phoebe Hearst Museum in general, and with the U.S. Fish and Wildlife regarding timely consultation. Mr. Lyons stated that, despite the comments made during this meeting, it was important that the Review Committee address issues on a case-by-case basis, and not be prejudicial toward any party. Ms. Farm requested copies of Mr. Dumont's and Ms. Ryan's presentations.

University of California, Davis: Ms. Megon Noble, NAGPRA Project Manager, presented the Review Committee with an update on NAGPRA compliance at UC, Davis. The Department of Anthropology Museum has met established deadlines for summaries and inventories, and is in the process of consulting on and reporting newly discovered human remains. The University has a campus NAGPRA advisory committee to oversee compliance, which is revising policy to more effectively detail authority and responsibility within the campus and to better integrate with University of California system-wide policy requirements.

The Review Committee thanked Ms. Noble for her thorough and positive update.

Public Comments:

The Review Committee also was pleased to hear from a number of constituents during public comment.

Ms. Sheila Goff, Ms. Anne Amati and Ms. Christina Cain provided a brief update on the work of the Colorado Lands for Repatriation and Reburial Workgroup.

Ms. Jayne-Leigh Thomas described a successful three-day consultation event at the Indiana University-Bloomington that included 19 tribes from eight states.

Mr. Shane Anton and Ms. Angela Garcia-Lewis, Cultural Preservation Program Manager and Cultural Preservation Compliance Supervisor, Salt River Pima-Maricopa Indian Community, and colleagues from the Four Southern Tribes of Arizona (the Ak-Chin Indian Community of the Maricopa (Ak-Chin) Indian Reservation, Arizona; the Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; and the Tohono O'odham Nation of Arizona), explained to the Review Committee why the Four Southern Tribes elect to not rebury repatriated human remains either *in situ* or on federal lands. The Four Southern Tribes recommended that the Review Committee:

1. Explore ways to identify how precedents affect subsequent NAGPRA cases, e.g., what weight a previous cultural affiliation may have in later consultation and decision-making;
2. With the National NAGPRA Program, emphasize that NAGPRA's legal standard is satisfied where, more likely than not, the tribe in question is related to the earlier identifiable cultural group;
3. Develop guidelines that delineate the type and depth of information necessary to establish cultural affiliation;
4. Develop a process that ensures Indian tribes, museums, and institutions are transparent and fair in decision-making; requires disclosure of and consultation with whomever makes the final determination in these decisions; and ensures that experts are mutually agreed upon by the institution and the tribes involved; and
5. Support a policy whereby research on human remains ceases whenever a claim has been submitted and the requestor is awaiting a decision.

Ms. Lourdes Henebry-DeLeon updated the Committee on Central Washington University's NAGPRA implementation.

Ms. Jan Bernstein, Bernstein & Associates, introduced her new associate, Ms. Claire Wilbert, to the Review Committee and those in attendance. Ms. Wilbert will be based in Seattle, and will work with Ms. Bernstein to help clients become NAGPRA compliant.

Mr. Alvin Windy Boy, Tribal Business Committee and former Chairman, Chippewa Cree Indians of the Rocky Boy's Reservation, Montana, indicated he was fortunate to have been part of the repatriation process involving the University of Michigan and several Michigan tribes. He emphasized the importance of consultation, and that every tribe has its own process for engaging in NAGPRA compliance.

Ms. Amanda Cervantes, anthropology graduate of the University of Montana, thanked the Review Committee for the opportunity to learn about NAGPRA issues during her attendance at the Review Committee meeting in Missoula.

Before the meeting ended, Ms. O'Brien indicated that the expected site of the Review Committee's spring 2017 meeting would be Denver due to an open invitation from History Colorado, and that other sites for future meetings would be explored. Telephonic meetings were scheduled for September 13 and December 6, 2016.

Written Comments:

The Review Committee was pleased to hear from a number of constituents through written comments submitted prior to the meeting. These are available on the National NAGPRA Program website.

U.S. Dept. of Interior (DOI), Museum Program: Dr. Terry Childs, Manager, DOI, Museum Program, submitted a written comment entitled, "Federal Collections in Non-Federal Repositories: A Perspective from the Department of the Interior Museum Program." The four-page report summarizes DOI's efforts to assemble information on its collections housed in non-federal repositories. The report describes DOI's stewardship responsibilities to the American public for more than 195 million museum objects, an estimate based on fiscal year 2015 data. Of these, approximately 60 million are archeological, due to DOI's legal mandate to provide long-term preservation of archeological resources controlled by its five land-managing bureaus: Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service. DOI estimates that more than 23 million museum

objects, the majority of which are archeological, are housed in 973 non-DOI repositories, including state, tribal, and local museums, historical societies, and university departments.

While bureau reporting requirements to DOI have helped identify the non-DOI repositories that house bureau collections, as well as the nature and quantity of the collections at each repository, several factors contribute to the challenging issue of tracking collections, including: inadequate bureau resources to manage bureau museum collections, the long history of archeological work conducted on federal and Indian lands, the varied conditions under which non-federal repositories have curated the collections, and changes over time in legal mandates for the care of collections. In addition, DOI bureaus have difficulty locating and identifying non-federal repositories housing DOI collections due to lack of permits and other documentation, challenges in developing relationships and maintaining communications through staff changes, the movement of DOI bureau collections from one repository to another without the knowledge and consent of the controlling DOI bureau, and some non-federal repositories being unaware that they curate federal collections.

Following the requirements of the Paperwork Reduction Act of 1995, as well as the approval process for the Office of Management and Budget (OMB), the Interior Museum Program staff and the Interior Museum Property Committee (IMRC) developed a *Programmatic Information Collection Request* from non-federal repositories for accession records, catalog records, museum inventories, a survey on bureau collections, and a facility checklist. DOI received OMB approval for programmatic information collection on May 19, 2015. The approval expires on May 30, 2018, and must be renewed every three years. The Interior Museum Program established a Memorandum of Agreement with the U.S. Army Corps of Engineers (ACOE) Mandatory Center of Expertise for the Curation and Management of Archaeological Collections to provide collections management assistance in the areas of archeological curation needs assessments, collections identification, archives and knowledge management, and collections consolidation. In addition, the Interior Museum Program established an Interagency Agreement to fund the ACOE to administer and report on the survey of non-federal repositories to locate DOI collections. DOI expects to commence the survey of a select number of non-federal repositories in September 2016. While the Interior Museum Program staff, working with ACOE staff, has developed a communications strategy to encourage repositories to respond to the survey, the survey is voluntary.

National Park Service, Park NAGPRA: Ms. Mary Carroll, Program Manager, NPS, Park NAGPRA Program, was unable to attend the meeting, but offered a written update on NAGPRA implementation. Park NAGPRA is part of the Tribal Relations and American Cultures Office, a division of the National Park Service Cultural Resources, Partnerships and Science Directorate. Park NAGPRA provides technical advice, guidance and training to all National Park Service units, centers and regions across the country. Since its last update in November 2015, NPS has published 12 *Federal Register* notices representing 318 individuals and 1,312 associated funerary objects. These include notices for Lake Mead National Recreation Area and Canyon de Chelly National Monument, the two remaining NPS units that were identified in the 2010 General Accountability Office's report as having withdrawn their draft notices from the publication process. Ms. Carroll reported that Park NAGPRA continues to implement previously described internship programs and training sessions. Several ongoing challenges include tight budgets, competing head-to-head with other Cultural Resources funding requests, and loss of expertise and knowledge service-wide. In addition, the new rule at 43 CFR 10.7, "Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony," presents a new set of issues. Under the rule, federal agencies must submit a list of unclaimed items to the National NAGPRA Program within one year of the point at which the items become unclaimed. Due to ongoing inadvertent discoveries and intentional excavations, cultural items removed from NPS lands after November 16, 1990 may become unclaimed at various times. In an effort to ensure consistent tracking and reporting, NPS will require that all inadvertent discoveries and intentional excavations be reported to the Park NAGPRA

Program through the regional NAGPRA coordinators. In December of each year, the Park NAGPRA Program will submit to the National NAGPRA Program a service-wide list of cultural items that became unclaimed during the preceding year. Some members of the Review Committee indicated concern that this might slow the process of repatriation and increase the chances of miscommunication. These concerns will be transmitted to Park NAGPRA by the DFO.

Texas State University, Center for Archaeological Studies: Mr. Todd Ahlman, Director, provided a written update on consultations regarding the disposition of human remains from archeological sites 41HY161 and 41HY163 in San Marcos, Hays County, Texas. The Review Committee heard presentations on this case at the November 2015 meeting in Norman, OK. Following those presentations and a discussion, the Review Committee passed a motion recommending further consultation between Texas State University, the Caddo Nation of Oklahoma, the Mescalero Apache of the Mescalero Reservation, and the Miakan-Garza Band of the Coahuiltecan People. Mr. Ahlman summarized recent consultation efforts, and provided a copy of the record. Texas State University intends to provide an expanded update to the Review Committee at either the September or December 2016 meeting.

Review Committee Meeting #60 Summary:

The 60th meeting of the NAGPRA Review Committee was conducted via teleconference on September 13, 2016. The meeting was called to order by Ms. Melanie O'Brien, DFO, and Mr. Titla offered a traditional opening. All Review Committee members were present.

Following a brief report from the National NAGPRA Program by Ms. O'Brien, the Review Committee heard a request for a recommendation on a proposed disposition of culturally unidentifiable human remains and a report from the Department of the Interior (DOI) on international repatriation efforts.

CUI Disposition Request

The Gettysburg Foundation: Mr. Daniel Bringman, Gettysburg Foundation COO/CFO, requested a recommendation approving the proposed transfer of the cranium belonging to a culturally unidentifiable Native American individual from the Gettysburg Foundation to the Pueblo of San Felipe. The human remains had been recovered from Benner Farm at Gettysburg National Military Park, and were scheduled to be sold at auction by a private individual. Following a public outcry, the auction was cancelled and the human remains were donated to the Gettysburg Foundation. Ms. Pinu'u Stout, Natural Resources Director of the Pueblo of San Felipe, indicated that the Pueblo was prepared to move forward with the disposition. Following clarifying questions, and being assured that the cranium had been determined to be Native American, the Review Committee unanimously recommended to the Secretary of the Interior that the proposed disposition proceed under the agreement.

Presentation:

Department of Interior: Mr. David Downes, DOI Office of International Affairs, provided the Review Committee with an update on the Department's efforts to address tribal concerns regarding items of cultural heritage in foreign museums, or being sold at auction abroad. Mr. Downes stated that a letter and background information had been sent to Indian tribes announcing a series of government-to-government consultations to identify concerns, activities, and possible actions. Copies of these documents are available on the National NAGPRA Program website. The first consultation sessions were to take place at the 2016 White House Tribal Nations Conference and the 2016 Indigenous International Repatriation conference. The Review Committee will be kept apprised of future sessions.

The Review Committee thanked Mr. Downes for his report, and Chairman Minthorn emphasized the need for the development of guidelines for international repatriation so that foreign governments become aware of tribal perspectives and U.S. repatriation laws.

Written Comments:

The Review Committee was pleased to hear from a number of constituents through written comments submitted prior to the meeting.

Pueblo of San Felipe, New Mexico: The September 27, 2016 letter from the Pueblo of San Felipe outlined a number of concerns following the Review Committee’s recommendation at its July 2016 meeting in Missoula, MT, that the Pueblo of Santa Ana take the lead in repatriation and reburial of human remains and associated funerary objects from Paak’u. The Pueblo of San Felipe stated that the recommendation, and its lack of definition of “lead” status, could result in continued attempts by the Pueblo of Santa Ana to exclude and alienate the Pueblo of San Felipe from Paak’u and potentially delay the reburial. The Pueblo of San Felipe stated its hope that the subcommittee would consider its comments concerning the Review Committee’s process for findings and dispute resolution.

Pueblo of Santa Ana, New Mexico: The October 10, 2016 letter from the Pueblo of Santa Ana sets forth a plan in response to the Review Committee’s recommendation at its July 2016 meeting in Missoula, MT, that the Pueblo of Santa Ana take the lead in repatriation and reburial of human remains and associated funerary objects from Paak’u.

In a final action item, the Review Committee identified topics and areas for discussion related to the annual report to Congress.

Chairman Minthorn offered a traditional closing.

Review Committee Meeting #61 Summary:

The 61st meeting of the NAGPRA Review Committee was conducted via teleconference on December 6, 2016. The meeting was called to order by Ms. O’Brien, DFO. Six of the seven Review Committee members were present (Mr. Titla was absent).

Following a brief report from the National NAGPRA Program by Ms. O’Brien, the Review Committee heard presentations from four parties on NAGPRA implementation and finalized its 2016 report to Congress.

Presentations:

The Osage Nation: Ms. Andrea Hunter, Director of The Osage Nation Historic Preservation Office and Tribal Historic Preservation Officer, indicated that following the 59th meeting (described above), The Osage Nation received a letter on August 12, 2016 from the Missouri State Historic Preservation Office (SHPO), which stated that “primacy of claim” is with the Sac & Fox Nation. The letter did not acknowledge the Review Committee’s determination that The Osage Nation is also culturally affiliated with the Native American human remains from the Clarksville Mound Group. Ms. Hunter stated that the Missouri SHPO’s “primacy of claim” statement was unclear, as the SHPO was required, first, to determine whether The Osage Nation is culturally affiliated with the human remains in question and, if so, next determine which competing claimant is the most appropriate claimant, The Sac & Fox or The Osage. The Osage Nation sent several letters to the SHPO seeking clarification of the letter. The only

response from the Missouri SHPO was on November 30, when the SHPO agreed to schedule a conference call, and indicated it would contact The Osage Nation with a date. Ms. Hunter stated that no further communications were received. A copy of all correspondence was provided to the Review Committee for consideration. The Review Committee asked the DFO to contact the Missouri SHPO on its behalf to seek clarification of the issue.

Texas State University, Center for Archaeological Studies: At its November 2015 meeting in Norman, OK, the Review Committee heard presentations regarding the disposition of human remains from archaeological sites 41HY161 and 41HY163 in San Marcos, Hays County, Texas. Following those presentations and a discussion, the Review Committee passed a motion recommending further consultation between Texas State University, the Caddo Nation of Oklahoma, the Mescalero Apache of the Mescalero Reservation, and the Miakan-Garza Band of the Coahuiltecan People. Mr. Todd Ahlman, Director, provided an update on the consultation efforts, summarized the information, and asked for the Review Committee's guidance. The Review Committee asked several clarifying questions, and advised Texas State University to determine, first, whether the human remains are culturally affiliated with a federally recognized Indian tribe. The Review Committee asked for continued updates.

Miakan-Garza Band of the Coahuiltecan People: Mr. Mario Garza, Board of Elders Chair, provided additional information on the history of the Miakan-Garza Band, a non-federally recognized Indian group, as well as the Mescalero Apache, and the Lipan Apache in Texas. Mr. Garza stated that the most important consideration is for the remains to be reburied close to their original site, and the Miakan-Garza Band was willing to work with any other tribe in order to repatriate these remains.

University of Iowa, Office of the State Archaeologist: Ms. Lara Noldner, Bioarchaeology Program Director, provided an update on the State's request originally presented at the 59th meeting (details above). Copies of the proposed process and signatures received to date were provided. Five signatories have yet to sign. Ms. Noldner hopes to receive final signatures by the March meeting.

Discussion of the 2016 Report to Congress:

Mr. Patrick Lyons chaired the discussion of the 2016 Report to Congress. Mr. Dennis O'Rourke, Ms. Lauren Peters, and Mr. Lyons drafted the report and incorporated suggested changes submitted by Review Committee members prior to the meeting. During the meeting, Review Committee members discussed and approved final minor edits and clarifications to the report.

Mr. Lyons moved that the Review Committee's 2016 Report to Congress be finalized, with the minor edits discussed being inserted. Mr. O'Rourke seconded the motion, which passed unanimously. The Review Committee expressed its appreciation for the work of Mr. O'Rourke, Ms. Peters, and Mr. Lyons in drafting the Report to Congress. The meeting adjourned following Chairman Minthorn's expression of appreciation to the Review Committee and staff for their work, and for the members of the public who listened to the proceedings.

Chairman Minthorn offered a traditional closing.

National NAGPRA Program Statistics at a Glance

Statistics from November 16, 1990 to September 30, 2016 (aggregate)

Section 3:

170 published	
1,124 minimum sets of human remains listed in	Notices of Intended Disposition
25,899 associated funerary objects listed in	

Sections 5, 6, & 7:

1,341 lists submitted in	NAGPRA Inventories
1,111 institutions reporting	
182,112 minimum sets of human remains listed in	
582 lists of	Culturally Affiliated
58,985 minimum sets of	Native American Human Remains (CA)
759 lists of	
123,127 minimum sets of	Culturally Unidentifiable
7,959 sets initially listed as	Native American Human Remains (CU)
(subsequently culturally affiliated)	
2,116 published	
57,847 minimum sets of human remains listed in	Notices of Inventory Completion
1,479,923 associated funerary objects listed in	
1,151 submissions of	NAGPRA Summaries
739 published	
243,198 unassociated funerary objects listed in	
5,136 sacred objects listed in	Notices of Intent to Repatriate
8,130 objects of cultural patrimony listed in	
1,662 sacred/cultural patrimony listed in	
237 cultural items listed in	

Section 8:

60 meetings of the [NAGPRA Review Committee](#)

Section 9:

126 allegation letters received	
involving 113 museums	
277 counts investigated	
involving 47 entities	NAGPRA Civil Penalties
245 counts unsubstantiated	
32 counts substantiated	
\$42,679 collected from assessments & settlements	

Section 10:

\$98.21 million requested [NAGPRA Grants](#)
\$45.16 million awarded

Section 13:

17 sections promulgated in [43 CFR Part 10](#)
1 subsection reserved in

National NAGPRA Program FY 2016 Statistics

Statistics from October 1, 2015 to September 30, 2016

Section 3:

18 reported	
26 minimum sets of human remains listed in	Notices of Intended Disposition
29 associated funerary objects listed in	

Sections 5, 6, & 7:

100 lists submitted or amended in	NAGPRA Inventories
134 published	
4,990 minimum sets of human remains listed in	Notices of Inventory Completion
150,453 associated funerary objects listed in	
25 submissions or amendments of	NAGPRA Summaries
28 published	
19,775 unassociated funerary objects listed in	
47 sacred objects listed in	Notices of Intent to Repatriate
8 objects of cultural patrimony listed in	
6 sacred/cultural patrimony listed in	
1 cultural item listed in	

Section 8:

4 meetings of the [NAGPRA Review Committee](#)

Section 9:

4 allegation letters received involving 5 museums	
105 counts investigated involving 7 museums	NAGPRA Civil Penalties
100 counts unsubstantiated	
5 counts substantiated	

Section 10:

\$3.14 million requested by 54 applications	
\$91,853 awarded for 11 repatriations	NAGPRA Grants
\$1.83 million awarded for 27 competitive projects	

Section 13:

1 section (43 CFR 10.7) published as a final rule [43 CFR Part 10](#)

Technical Assistance

776 participants at 18 in-person/webcast events by the	National NAGPRA Program
119 participants at 8 in-person events by the	National Preservation Institute
24 scholarships for 11 in-person events by the	<i>(through a cooperative agreement)</i>
2,959 views of the 8-segment training videos on the	
127 views of recorded webinars	National NAGPRA Program YouTube Channel
124 views <i>NAGPRA Basics</i> recording	
over 2,000 emails and telephone requests of the	
