

Fiscal Year 2017 Report

National NAGPRA Program

National Native American Graves Protection and Repatriation Act (NAGPRA) Program
National Park Service
U.S. Department of the Interior
For the period October 1, 2016 – September 30, 2017

Table of Contents

NAGPRA Statistics 1990-2017	2
NAGPRA Statistics for Fiscal Year 2017.....	3
Administration of the Native American Graves Protection and Repatriation Act	
Section 3: Federal or Tribal Lands	4
Notices of Intended Disposition	4
Unclaimed Cultural Items	4
Section 4: Trafficking	4
Sections 5, 6, & 7: Collections or Holdings	4
Inventories	4
Summaries	5
<i>Federal Register</i> Notices	5
Repatriation	6
Section 8: Review Committee	6
Members and Meetings	6
Culturally Unidentifiable Native American human remains.....	7
Section 9: Civil Enforcement.....	7
Investigations and Findings.....	7
Section 10: Grants.....	8
Awards to Indian Tribes and Museums.....	8
Section 13: Regulations	8
Final Rule	8
Section 14: Appropriations	9
Program Budget.....	9
Technical Assistance.....	9

Native American Graves Protection and Repatriation Act

The [Native American Graves Protection and Repatriation Act](#) (NAGPRA or the Act) addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations in Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony, held in museum or Federal agency collections or discovered on Federal or tribal land. The Act assigned implementation responsibilities to the Secretary of the Interior, [who delegated certain tasks](#) to the National NAGPRA Program (Program).

This report covers Program activities during Fiscal Year 2017 (October 1, 2016 – September 30, 2017). The Program is responsible for certain tasks in each section of the Act.

Section 3: Federal or Tribal Lands

- Providing technical assistance concerning the excavation and discovery of cultural items
- Maintaining a database of Notices of Intended Disposition published by Federal agencies
- Maintaining a list of unclaimed cultural items held by Federal agencies

Section 4: Trafficking

- Providing technical assistance to the Department of Justice on the trafficking of cultural items

Sections 5, 6, & 7: Holdings or Collections

- Receiving and recording inventories and summaries prepared by museums and Federal agencies
- Publishing notices in the *Federal Register* for museum and Federal agency collections
- Maintaining data on inventories, summaries, notices, and Federal agency repatriations

Section 8: Review Committee

- Providing staff support and a Designated Federal Officer to the Federal advisory committee
- Compiling inventories of culturally unidentifiable human remains

Section 9: Civil Enforcement

- Providing staff support on allegations of museum failure to comply with the Act

Section 10: Grants

- Administering a grant program to assist museums, Indian tribes, and Native Hawaiian organizations

Section 13: Regulations

- Drafting regulations for the Assistant Secretaries for Fish and Wildlife and Parks and Indian Affairs

Section 14: Appropriations

- Carrying out the Act using the funds appropriated

NAGPRA Statistics 1990-2017

Reported under NAGPRA from November 16, 1990 to September 30, 2017 (aggregate)

Section 3: Federal or Tribal Lands

1,152 sets of human remains listed in	Notices of Intended Disposition
25,920 associated funerary objects listed in	
23 sets of human remains listed as	Unclaimed Cultural Items
634 associated funerary objects listed as	
1 notice of transfer or reinterment reported for	

Sections 5, 6, & 7: Collections or Holdings

185,475 sets of human remains listed in	NAGPRA Inventories
589 lists containing	Culturally Affiliated
60,784 sets of individual	Native American Human Remains
767 lists containing	Not Culturally Affiliated
124,691 sets of individual	Native American Human Remains
2,268 notices containing	Notices of Inventory Completion
63,885 sets of human remains listed in	
1,642,851 associated funerary objects listed in	NAGPRA Summaries
1,157 submissions of	
788 notices containing	Notices of Intent to Repatriate
244,050 unassociated funerary objects listed in	
5,189 sacred objects listed in	
8,147 objects of cultural patrimony listed in	
1,668 sacred/cultural patrimony listed in	
237 cultural items listed in	

Section 8: Review Committee

62 meetings of the	NAGPRA Review Committee
--------------------	---

Section 9: Civil Enforcement

127 allegation letters received	NAGPRA Civil Penalties
involving 115 entities	
53 entities investigated	
33 entities with 417 counts unsubstantiated	
20 museums with 32 counts substantiated	
\$42,679 collected from assessments & settlements	

Section 10: Grants

\$101.21 million requested	NAGPRA Grants
\$46.81 million awarded	

Section 13: Regulations

17 sections promulgated at	43 CFR Part 10
----------------------------	--------------------------------

NAGPRA Statistics for Fiscal Year 2017

Reported under NAGPRA from October 1, 2016 to September 30, 2017

Section 3: Federal or Tribal Lands

25 sets of human remains listed in 17 associated funerary objects listed in	Notices of Intended Disposition
23 sets of human remains listed as 634 associated funerary objects listed as	Unclaimed Cultural Items
1 notice of transfer or reinterment reported for	

Sections 5, 6, & 7: Collections or Holdings

74 lists submitted or amended as	NAGPRA Inventories
152 notices containing 5,861 sets of human remains listed in 147,882 associated funerary objects listed in	Notices of Inventory Completion
23 submissions or amendments to	NAGPRA Summaries
49 notices containing 852 unassociated funerary objects listed in 53 sacred objects listed in 17 objects of cultural patrimony listed in 6 sacred/cultural patrimony listed in	Notices of Intent to Repatriate

Section 8: Review Committee

2 meetings of the	NAGPRA Review Committee
-------------------	---

Section 9: Civil Enforcement

1 allegation letter received involving 2 entities 6 entities investigated	NAGPRA Civil Penalties
172 counts unsubstantiated 0 counts substantiated	

Section 10: Grants

\$3.03 million requested \$133,002 awarded for 12 repatriations	NAGPRA Grants
\$1.52 million awarded for 20 competitive projects	

Technical Assistance

106 participants at 6 in-person sessions by 28 scholarships for 15 in-person sessions by	National Preservation Institute <i>(through a cooperative agreement)</i>
513 participants at 10 in-person sessions at 4,407 views of videos and webinars on	National NAGPRA Program Events YouTube Channel
369 followers 1,512 people reached	Facebook and Twitter

Administration of the Native American Graves Protection and Repatriation Act

Section 3: Federal or Tribal Lands

The National NAGPRA Program is responsible for:

- Providing technical assistance concerning the excavation and discovery of cultural items;
- Maintaining a database of Notices of Intended Disposition published by Federal agencies; and
- Maintaining a list of unclaimed cultural items held by Federal agencies.

Notices of Intended Disposition

This fiscal year, the Program received copies of 7 Notices of Intended Disposition published by Federal agencies in newspapers. Since 1990, 178 notices have been published, accounting for 1,152 sets of human remains, 25,920 associated funerary objects, 64 unassociated funerary objects, and 3 objects of cultural patrimony.

Unclaimed Cultural Items

This fiscal year, the Program received two lists of unclaimed cultural items from Federal agencies that included 23 sets of human remains and 634 associated funerary objects. The Program received a copy of one notice of proposed reinterment covering 20 sets of human remains and 513 associated funerary objects. In total, the remaining unclaimed cultural items held by Federal agencies are 3 sets of human remains and 121 associated funerary objects.

Section 4: Trafficking

The National NAGPRA Program is responsible for:

- Providing technical assistance to the Department of Justice in implementing the trafficking provisions.

This fiscal year, the Program provided technical assistance to the Department of Justice on multiple cases.

Sections 5, 6, & 7: Collections or Holdings

The National NAGPRA Program is responsible for:

- Receiving and recording inventories and summaries prepared by museums and Federal agencies, and processing museum requests for extensions of the inventory deadline;
- Publishing notices in the *Federal Register* for museum and Federal agency collections; and
- Maintaining data on inventories, summaries, notices, and Federal agency repatriations.

Inventories

This fiscal year, the Program received and recorded 74 itemized lists of new or amended inventories of human remains and associated funerary objects subject to NAGPRA. Since 1995, the Program has received 1,117 inventories which contain descriptions of 185,475 individual sets of Native American human remains. Each inventory contains determinations of cultural affiliation made by museums and Federal agencies, in consultation with Indian tribes and Native Hawaiian organizations.

Of the total number reported, 67 percent of the Native American human remains have not been determined to be culturally affiliated with any present-day Indian tribe or Native Hawaiian organization. The majority of those (87 percent) are in the collections or holdings of museums rather than Federal agencies.

TABLE 1.—Sets of human remains reported in inventories as of Sept 30, 2017

	Total	Culturally Affiliated	Not Culturally Affiliated
Federal	35,585	19,578	16,007
Museum	149,890	41,206	108,684
TOTAL	185,475	60,784	124,691

Summaries

This fiscal year, the Program received and recorded 23 new or amended summaries of collections possibly subject to NAGPRA. Since 1993, the Program has received 1,157 summaries from museums and Federal agencies. Summaries contain only general descriptions of Native American collections, so no statistical data on summaries is available.

Federal Register Notices

This fiscal year, the Program published a total of 201 notices in the *Federal Register*, the last step in the administrative process under NAGPRA. Notices of Inventory Completion covered 5,861 sets of human remains, the second largest number in 26 years of notice publication (1999 having the largest number to date). A majority (67 percent) of the human remains listed in notices this fiscal year had no cultural affiliation.

In total, 34 percent of the human remains listed in inventories have been published in Notices of Inventory Completion. The Act requires notices be published for culturally affiliated human remains within six months of completing the inventory. Since 2010, the regulations have required notices for certain human remains with no cultural affiliation. For other certain human remains, notices are published after first receiving the concurrence of the Secretary of the Interior. For other cultural items, Notices of Intent to Repatriate are published for summary items after receiving a valid claim.

TABLE 2.—Human remains and associated funerary objects in notices as of Sept 30, 2017

	Sets of human remains	Associated funerary objects
Culturally Affiliated	52,355	1,455,999
Not Culturally Affiliated	7,692	184,683
With Secretary's Concurrence	3,838	2,169
TOTALS	63,885	1,642,851

TABLE 3.—Other cultural items in notices as of Sept 30, 2017

Unassociated funerary objects	244,050
Sacred objects	5,189
Objects of cultural patrimony	8,147
Sacred & cultural patrimony	1,668
Cultural items (not designated)	237

Repatriation

The Program does not have comprehensive data on the transfer (i.e. repatriation or disposition) of cultural items following the publication of a notice. Therefore, the numbers of cultural items listed in notices are the best statistics for capturing what has been transferred under NAGPRA.

Since 2011, the Secretary of the Interior has required Federal agencies to submit data annually on completed repatriations. Each year, the Program sends a data request to each Federal agency that has published a Notice of Inventory Completion asking for the corresponding repatriation data.

TABLE 4.—Repatriations reported by Federal agencies as of Sept 30, 2017

Federal Agency	Sets of Human Remains	Associated Funerary Objects
Agriculture, Forest Service	2,321	21,849
Defense, Air Force	29	61
Defense, Army	118	3,358
Defense, Army Corps of Engineers	1,582	181,327
Defense, Marine Corps	1,599	739
Defense, National Guard Bureau	0	0
Defense, National Museum of Health & Medicine	14	0
Defense, Navy	277	6,802
Energy	7	1,341
Environmental Protection Agency	0	0
Homeland Security, U.S. Coast Guard	2	0
Interior, Bureau of Land Management	1,191	16,488
Interior, Bureau of Reclamation	564	3,379
Interior, Fish and Wildlife Service	65	372
Interior, Indian Affairs	1,868	20,383
Interior, Indian Arts and Crafts Board	1	0
Interior, National Park Service	4,751	75,654
International Boundary and Water Commission	0	0
Justice, FBI and Marshalls Service	2	1
Tennessee Valley Authority	58	2,564
Total	14,449	334,318

Section 8: Review Committee

The National NAGPRA Program is responsible for:

- Providing staff support and a Designated Federal Officer to the Native American Graves Protection and Repatriation Review Committee.

Members and Meetings

This fiscal year, the Review Committee held one in-person meeting and one telephonic meeting. At these meetings, the Review Committee heard multiple requests for findings of fact; substantive reports submitted by Indian tribes, museums, and Federal agencies on the successes and barriers to repatriation; requests for the disposition of Native American human remains; and completed its [annual report to Congress](#) for calendar year 2016. Minutes and transcripts of each meeting are available online.

61st Meeting, December 6, 2016, telephonic

The Review Committee finalized and approved its annual report to Congress for 2016 (25 U.S.C. 3006 (h)); and heard four presentations.

62nd Meeting, March 15-16, 2017, Denver, CO

The Review Committee made four recommendations to the Secretary of the Interior on disposition of 10 sets of human remains; discussed the Review Committee's annual report to Congress for 2017 (25 U.S.C. 3006 (h)); and heard 10 presentations from Federal agencies, 6 presentations from museums and Indian tribes, and 10 public comments all related to the implementation of the Act. The Review Committee also heard reports from its subcommittees and recommended actions to the Designated Federal Officer on the Committee's meeting procedures.

TABLE 5.—NAGPRA Review Committee Members in Fiscal Year 2017

Dennis H. O'Rourke	Member At-large
Armand Minthorn (traditional religious leader)	Members nominated by tribes and Native Hawaiian organizations
Lauren Peters	
Steve M. Titla (traditional religious leader)	
Heather Edgar	Members nominated by national museum & science organizations
LindaLee Farm	
Patrick Lyons	

Culturally Unidentifiable Native American human remains

The Review Committee is responsible for compiling inventories of culturally unidentifiable Native American human remains and making recommendations for the disposition of those human remains. To fulfill this responsibility, the Program maintains a database which, to date, includes 124,691 sets of human remains with no cultural affiliation.

In 2010, after consulting with the Review Committee, the Department of the Interior published regulations for the disposition of some human remains with no cultural affiliation (43 CFR §10.11). Disposition of other human remains may occur by requesting a recommendation from the Review Committee and the concurrence of the Secretary of the Interior. This fiscal year, the Review Committee considered four requests for disposition and made a recommendation to the Secretary on each request. Since 1992, the Review Committee has heard and taken action on 106 requests for disposition of human remains with no cultural affiliation.

Section 9: Civil Enforcement

The National NAGPRA Program is responsible for:

- Providing staff support on allegations of museum failure to comply with the requirements of the Act.

Investigations and Findings

This fiscal year, the Program received 1 letter alleging two entities had failed to comply with the Act and completed investigations of 6 entities. Since 1996, the Program has received 127 letters alleging one or more failure(s) to comply involving 115 entities. The Program has completed investigations of 53 entities and the Assistant Secretary has determined that 33 entities have not failed to comply in any way, while 20 museums have failed to comply on at least one count.

Of the 20 museums found to have failed to comply, the Assistant Secretary has assessed penalties on 8 museums, determined a penalty was not an appropriate remedy for 6 museums, entered into settlement agreements with 3 museums, and as of September 30, 2017, is still evaluating penalties for 4 museums. Civil enforcement under NAGPRA has yielded \$42,679.34 in penalties and settlements paid to the U.S. Treasury.

Section 10: Grants

The National NAGPRA Program is responsible for:

- Administering a grant program to assist museums, Indian tribes, and Native Hawaiian organizations in fulfilling the requirements of the Act.

Awards to Indian Tribes and Museums

This fiscal year, Congress appropriated \$1.657 million for NAGPRA grants. Eligible applicants include federally recognized Indian tribes, Alaska Native villages, Native Hawaiian organizations, and museums. The Program received requests for \$3.03 million through 52 grant application requests. Since 1994, the Program has received requests for over \$101.21 million and has awarded \$46.81 million, just over 46 percent of the total requests.

This fiscal year, the Program awarded 12 repatriation grants totaling \$133,002 to 4 museums and 8 tribes. Repatriation grants will fund the transportation and reburial of 992 ancestors and 32 cultural items across the U.S., including transportation from Connecticut to Alaska and Illinois to California and reburials in Alaska, Michigan, and Louisiana.

This fiscal year, the Program awarded 20 project grants totaling \$1,523,998 to 12 museums and 8 tribes. Consultation and documentation grants provide funding for museum and tribal staff, travel, training, and, in cases where appropriate, digital photography, all in support of the repatriation process.

Section 13: Regulations

The National NAGPRA Program is responsible for:

- Drafting regulations for the Assistant Secretaries for Fish and Wildlife and Parks and Indian Affairs.

Final Rule

This fiscal year, the [Department of the Interior published a final rule](#) that provides for annual adjustments of civil penalties to account for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and Office of Management and Budget guidance. The base amount of the penalty under 43 CFR 10.12 (g)(2) is \$6,533, or .25 percent of a museum's annual budget, whichever is less. An additional penalty under 43 CFR 10.12 (g)(3) may be assessed in the amount of \$1,307 per day if the museum continues to violate the Act.

Section 14: Appropriations

The National NAGPRA Program is responsible for:

- Using appropriated funds to carry out the Act.

Program Budget

(in thousands of dollars)

NAGPRA Grants	\$ 1,657
Program administration	\$ 670
Grants administration	\$ 191
Total appropriations/authorizations	\$ 2,518

Grants Awarded

Project Grants	\$ 1,524
Repatriation Grants	\$ 133

Operational Expenses

Personnel	\$ 403
Grants administration	\$ 191
Publication (<i>Federal Register</i>)	\$ 136
Contractors	\$ 81
Review Committee stipends	\$ 21
Travel (Review Committee)	\$ 15
Travel (Program staff)	\$ 8
Equipment, supplies, other	\$ 6

Total expenditures	\$ 2,518
---------------------------	-----------------

Technical Assistance

The National NAGPRA Program is responsible for:

- Developing guidance and providing technical assistance, training, and reports to assist museums and Federal agencies in complying with the requirements of the Act.

This fiscal year, the Program received over 1,200 emails through its general email inbox (nagpra_info@nps.gov) and over 200 phone calls to its general phone line (202-354-2201). In addition, each staff member responded to hundreds of direct inquiries by phone and email. The Program communicated regularly with NAGPRA constituents through [9 newsletters](#) and regular posts to [Facebook](#) and [Twitter](#), reaching over 2,200 people.

Since 2012, the Program has hosted a [You Tube channel](#) featuring an eight-segment video series, recorded webinars, and a four-hour *NAGPRA Basics* training recorded live in 2014. This fiscal year, the channel received over 4,000 views bringing the total to over 19,000 views.

Under a cooperative agreement with the National Preservation Institute (NPI), training seminars on [NAGPRA Essentials](#) and [NAGPRA Grant Writing](#) were offered across the country. Scholarships covering tuition fees and small travel grants are also available through the cooperative agreement. This fiscal year, NPI provided 6 NAGPRA seminars to 106 participants and 28 scholarships. In addition, this fiscal year, the Program provided [in-person trainings and presentations](#) at 10 events to 513 participants.

National NAGPRA Program

National Park Service



202-354-2201



nagpra_info@nps.gov



facebook.com/nationalnagpra



twitter.com/nationalnagpra