

Fiscal Year 2018 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, 2017 – September 30, 2018

Native American Graves Protection and Repatriation Act

© 2018

National NAGPRA Program

National Park Service

202-354-2201

nagpra_info@nps.gov

[facebook.com/nationalnagpra](https://www.facebook.com/nationalnagpra)

twitter.com/nationalnagpra

Native American Graves Protection and Repatriation Act

The [Native American Graves Protection and Repatriation Act](#) (NAGPRA or the Act) addresses the return of Native American cultural items to lineal descendants, Indian Tribes, and Native Hawaiian organizations. Cultural items can include Native American human remains as well as funerary objects, sacred objects, and objects of cultural patrimony. Cultural items subject to NAGPRA are held in museum or Federal agency collections or were discovered on Federal or tribal land. Implementation responsibilities are assigned to the Secretary of the Interior, [who delegated certain tasks](#) to the National NAGPRA Program (Program).

This report covers Program activities on the following delegated tasks during Fiscal Year 2018 (October 1, 2017- September 30, 2018):

Section 3: On 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: In Holdings or Collections

- Receiving and recording inventories and summaries prepared by museums and Federal agencies
- Publishing notices in the *Federal Register* for museums and Federal agencies
- Maintaining databases of 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 unidentified human remains

Section 9: Civil Enforcement

- Providing staff support on allegations of museums who fail 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 and updating regulations

Section 14: Appropriations

- Carrying out the Act using the funds appropriated

NAGPRA by the Numbers 1990 to 2018

NAGPRA At-A-Glance Fiscal Year 2018

101	new/amended inventories or summaries received
169	notices published in the Federal Register
0	Review Committee meetings
2	letters alleging failure to comply received
\$1.65 million	awarded for grants
\$190,115	16 repatriation grants
\$1,466,885	19 project grants

NAGPRA collections increased – the number of human remains reported in NAGPRA inventories increased by 3,940 individuals.

NAGPRA activity remains high – 50% more draft notices were submitted than previous years, a record year for notice submissions.

NAGPRA funding remains level – despite increased demand of \$2.78 million in requests, available grant funds were level at \$1.65 million.

More NAGPRA work needed – Over 122,000 Native American individuals are still in collections and 93% of those have not been culturally affiliated with any present-day Indian tribe or NHO. Cultural affiliation studies and in-depth consultations could help resolve the rights to many of these individuals.

NAGPRA Accomplishments FY 1990 – FY 2018

86.32% of culturally affiliated human remains have completed the NAGPRA process.

Over 1.67 million associated funerary objects have been transferred with human remains.

20% of museums subject to NAGPRA have resolved all Native American human remains under their control.

Nearly 245,000 unassociated funerary objects have been repatriated.

About 15,000 other cultural items have been repatriated.

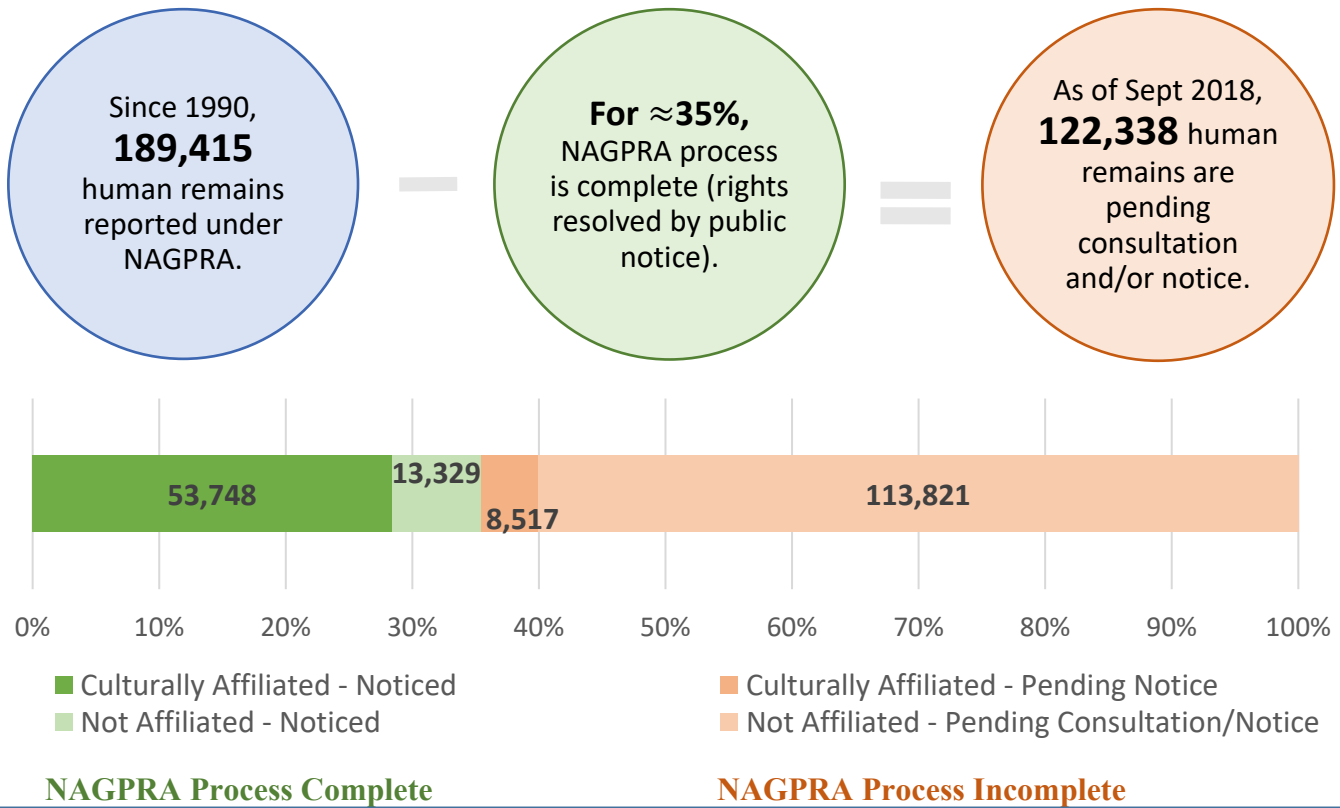
62 Review Committee meetings have been held since 1992.

\$59,111 has been collected in civil penalties for failures to comply.

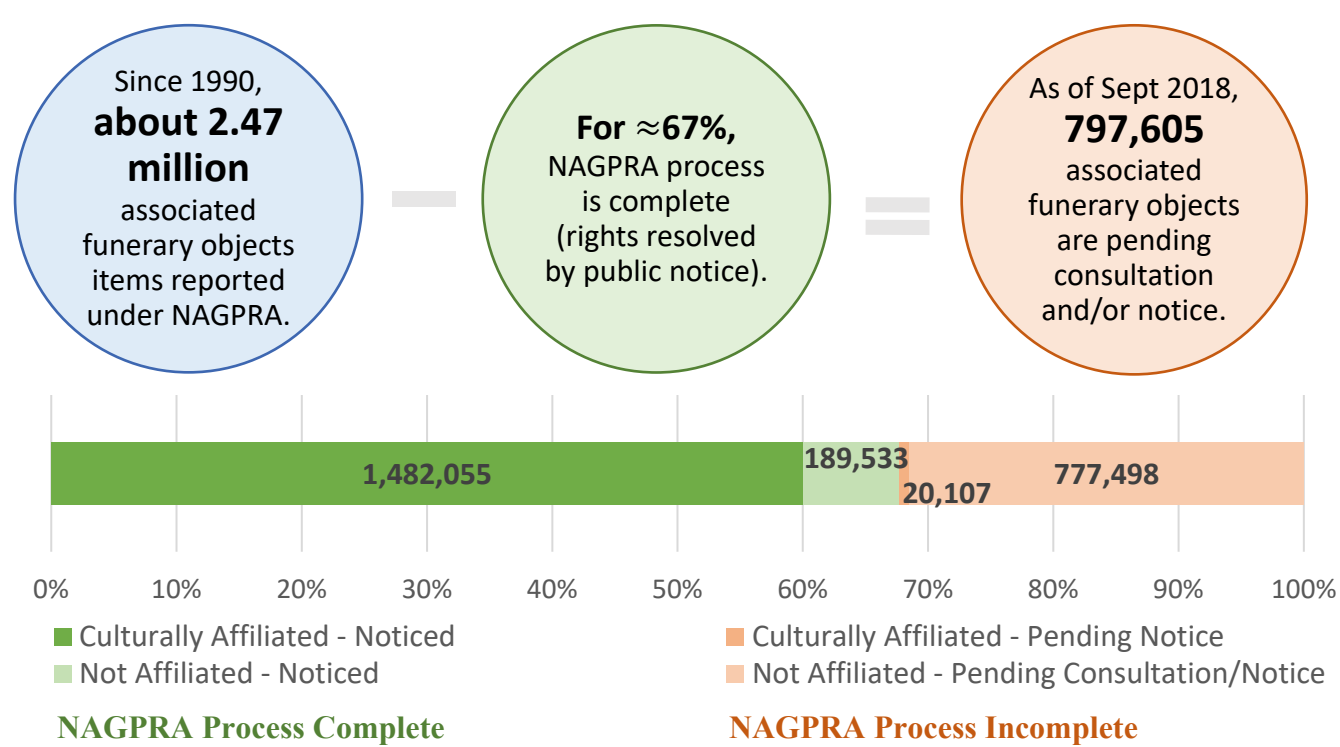
\$48.47 million has been awarded in NAGPRA grants.

NAGPRA by the Numbers 1990 to 2018

Native American Human Remains in Holdings and Collections

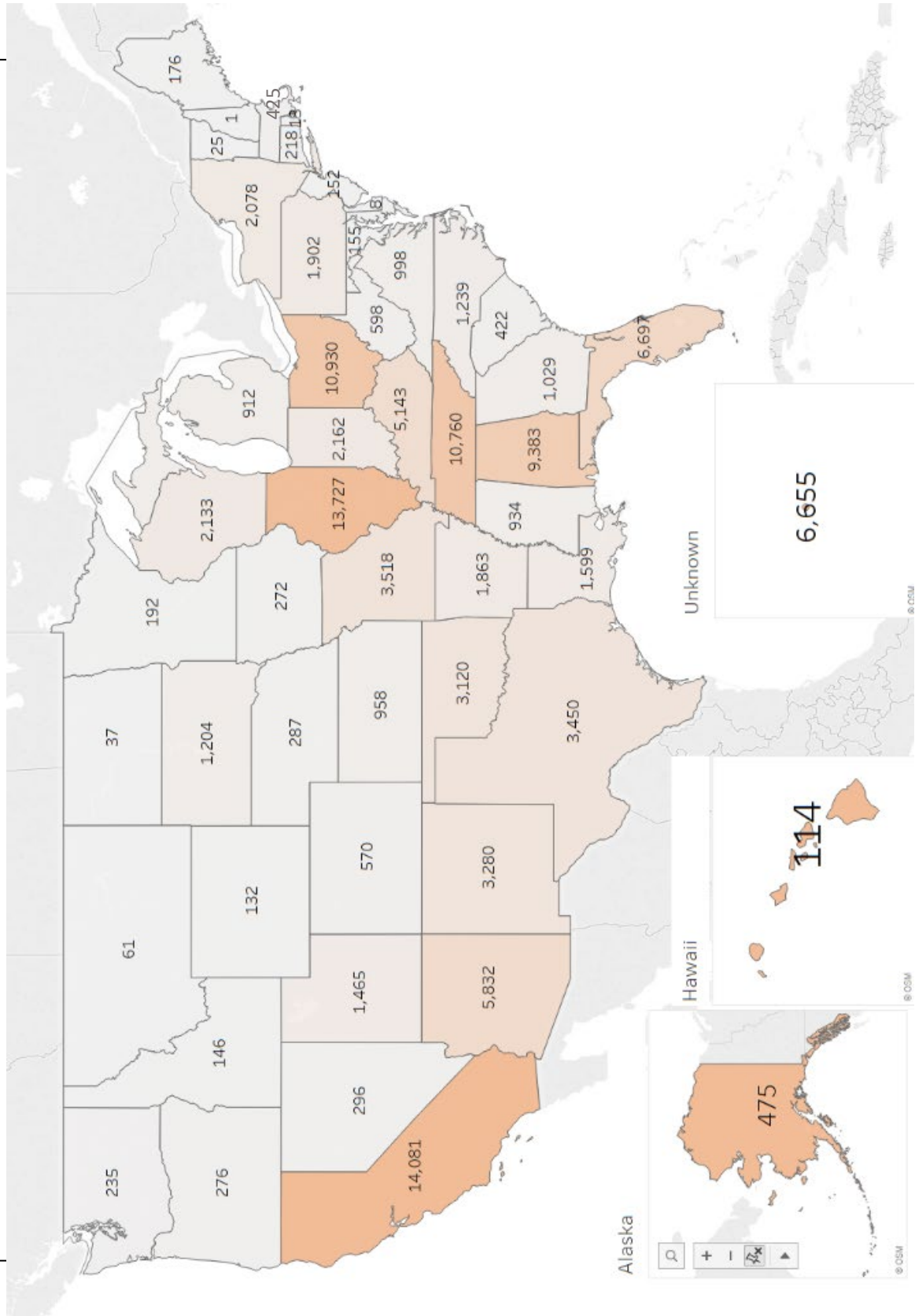


Native American Associated Funerary Objects in Holdings and Collections



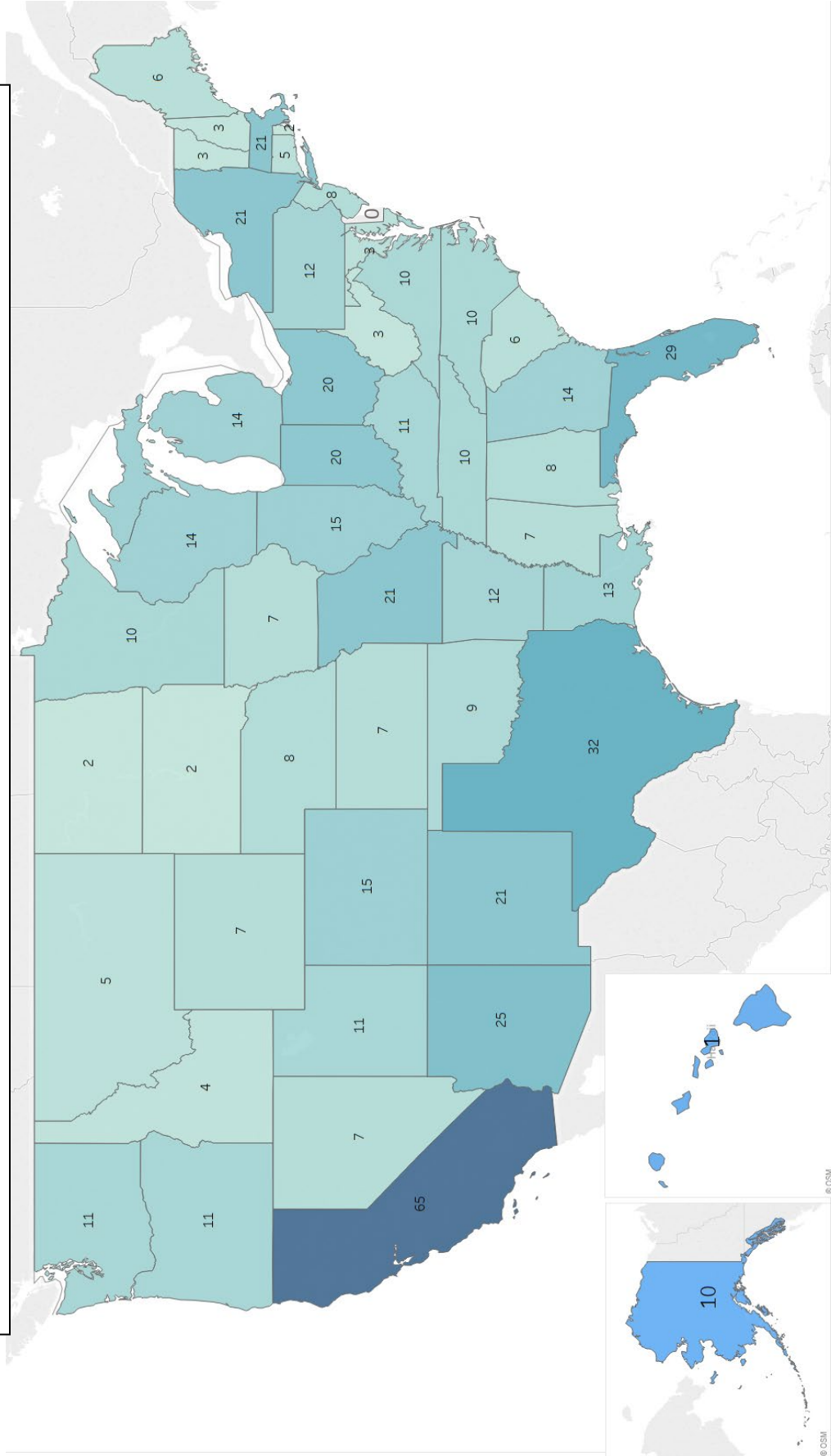
NAGPRA by the Numbers 1990 to 2018

Sets of Native American human remains by state of removal/excavation.
 Showing the 122,338 human remains pending consultation/notice under NAGPRA in 2018.



NAGPRA by the Numbers 1990 to 2018

Number of Museums and Federal agencies by state of museum/agency.
Holding the 122,338 human remains pending consultation/notice under NAGPRA in 2018.



Section 3: Federal or Tribal Lands

Notices of Intended Disposition

The Program received copies of 5 Notices of Intended Disposition published in newspapers by Federal agencies. Since 1990, 181 notices have been published, accounting for:

- 1,158 sets of human remains,
- 25,958 associated funerary objects,
- 64 unassociated funerary objects, and
- 3 objects of cultural patrimony.

Unclaimed Cultural Items

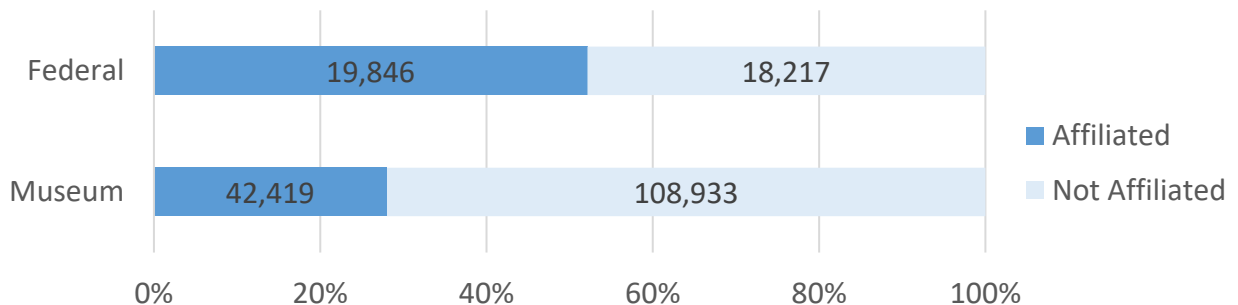
The Program received one list of unclaimed cultural items from a Federal agency. In total, the unclaimed cultural items held by Federal agencies are 4 sets of human remains and 121 associated funerary objects.

Sections 5, 6, & 7: Collections or Holdings

Inventories of Native American human remains

The Program received and recorded 81 itemized lists of new or amended inventories of human remains and associated funerary objects subject to NAGPRA. Each inventory contains determinations of cultural affiliation made by museums and Federal agencies, in consultation with Indian Tribes and Native Hawaiian organizations. The majority of Native American human remains reported under NAGPRA have not been culturally affiliated with any present-day Indian tribe or Native Hawaiian organization. Most Native American human remains reported under NAGPRA are in the control of museums.

FIGURE 1.—Sets of human remains reported in inventories as of Sept 30, 2018



Summaries of Native American cultural items

The Program received and recorded 20 new or amended summaries of collections possibly subject to NAGPRA. Summaries contain only general descriptions of Native American collections, so no statistical data on summaries is available.

Federal Register Notices

The Program received 273 notice submissions this year, a 50% increase from previous years, and published a total of 169 notices. Publication of a notice in the *Federal Register* is the last step in the NAGPRA process.

NAGPRA in Fiscal Year 2018

NAGPRA requires that notices be published for culturally affiliated human remains within six months of completing an inventory. Since 2010, notices for certain human remains with no cultural affiliation have been published after consultation with aboriginal land Indian Tribes. For other human remains, notices are published after receiving the concurrence of the Secretary of the Interior on a planned disposition. For other cultural items, notices are published after receiving a valid claim.

FIGURE 2.—Human remains and associated funerary objects in notices as of Sept 30, 2018

	Human remains	Associated funerary objects
Culturally Affiliated	53,748	1,482,055
Not Culturally Affiliated	9,491	187,364
With Secretary’s Concurrence	3,838	2,169
TOTALS	67,077	1,671,588

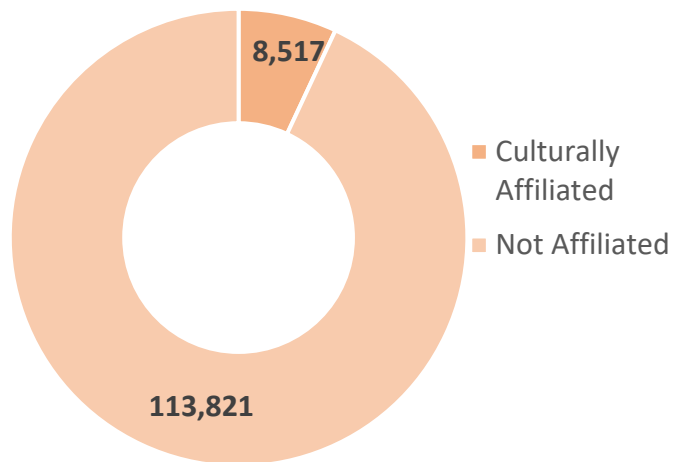
FIGURE 3.—Other cultural items in notices as of Sept 30, 2018

Unassociated funerary objects	244,584
Sacred objects	5,251
Objects of cultural patrimony	8,155
Sacred & cultural patrimony	1,716
Cultural items (not designated)	237

Native American Human Remains Not Included in Notices

FIGURE 4.—Human remains not in notices as of Sept 30, 2018

The Program contacted museums that have not completed the NAGPRA process for culturally affiliated human remains. Of the 84 museums contacted, all but three responded. More than half of the museums completed the NAGPRA process by submitting notices of inventory completion or appropriately amending their inventory for culturally affiliated human remains. As of September 30, 2018, the NAGPRA process has been completed for 86.32% of the culturally affiliated Native American human remains, while the balance (8,517 sets of human remains) are pending in the NAGPRA process, waiting for a notice of inventory completion to be published.



Over 93% of the Native American human remains that have not been included in notices also have not been culturally affiliated with any present-day Indian Tribe or Native Hawaiian organization. Cultural affiliation studies and in-depth consultations could help resolve the rights to many of these individuals.

NAGPRA in Fiscal Year 2018

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 in the *Federal Register*. Therefore, the numbers of cultural items listed in notices (summarized on the previous page) are the best statistics for capturing what has been transferred under NAGPRA.

Since 2011, the Secretary of the Interior has required Federal agencies 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 which asks for the corresponding repatriation data.

FIGURE 4.—Repatriations reported by Federal agencies as of Sept 30, 2018

Federal Agency	Sets of Human Remains	Associated Funerary Objects
Agriculture, Forest Service	2,275	21,765
Defense, Air Force	29	61
Defense, Army	137	3,668
Defense, Army Corps of Engineers	1,783	183,917
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	1,193	16,499
Interior, Bureau of Reclamation	564	3,342
Interior, Fish and Wildlife Service	234	498
Interior, Indian Affairs	2,033	24,528
Interior, Indian Arts and Crafts Board	1	0
Interior, National Park Service	4,754	75,654
International Boundary and Water Commission	0	0
Justice, FBI and Marshalls Service	2	1
Tennessee Valley Authority	708	11,509
Total	15,612	349,567

Section 8: Review Committee

Members and Meetings

The Review Committee did not hold any public meetings this fiscal year. In May 2017, the Department of the Interior began a review of the charters and charges of all Federal Advisory Committee Act (FACA) Advisory Commissions in an effort to maximize feedback from these boards and to ensure their compliance with both FACA and the President’s recent executive orders. This standard review process necessitated the temporary postponement of advisory committee meetings, including meetings and appointments to the Review Committee.

In May 2018, the Secretary of the Interior appointed three new members to the Review Committee. Two members were appointed from nominations received by Indian Tribes and Native Hawaiian organizations: John Beaver, nominated by the Muscogee Creek Nation, and Barnaby Lewis, nominated by the Gila River, Ak-Chin, and Salt River Pima-Maricopa Indian Communities, and Tohono O’odham Nation. One member was appointed from a list of persons developed by the other members: Honor Keeler. One appointment, from nominations submitted by national museum and scientific organizations, was still pending as of September 30, 2018.

FIGURE 5.—NAGPRA Review Committee Members in Fiscal Year 2018

Armand Minthorn (traditional religious leader)	Members nominated by Indian Tribes and Native Hawaiian organizations
Barnaby Lewis (traditional religious leader)	
John Beaver	
Heather Edgar	Members nominated by national museum & science organizations
Patrick Lyons	
Pending appointment	
Honor Keeler	At-large member

Culturally Unidentifiable Native American human remains

The Review Committee is responsible for compiling inventories of culturally unidentified 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 127,150 sets of Native American human remains that have not been culturally affiliated with any present-day Indian Tribe or Native Hawaiian organization.

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. Since 1992, the Review Committee has heard and taken action on 106 requests for the disposition of human remains with no cultural affiliation.

Section 9: Civil Enforcement

Investigations and Findings

The Program received two letters alleging that two museums failed to comply with the Act. Since 1996, the Program has completed investigations of 53 entities, and the Assistant Secretary for Fish and Wildlife and Parks has determined that 33 entities have not failed to comply in any way, while 20 individual museums have failed to comply on at least one count (one of the museums twice failed to comply).

Of the 20 museums found to have failed to comply, the Assistant Secretary has assessed penalties on 11 museums (two separate assessments were made against one of the museums), determined that a penalty was not an appropriate remedy for 6 museums, and entered into a settlement agreement with 3 museums. Civil enforcement under NAGPRA has yielded \$59,111.34 in penalties and settlements paid to the U.S. Treasury.

Section 10: Grants

Awards to Indian Tribes and Museums

Congress appropriated \$1.657 million for NAGPRA grants in 2018. Eligible applicants include federally recognized Indian Tribes, Alaska Native villages, Native Hawaiian organizations, and museums. The Program received requests for \$2.78 million through 49 grant applications. Since 1994, the Program has received requests for over \$103.99 million and has awarded \$48.47 million, just over 46 percent of the total requested.

The Program awarded 16 repatriation grants totaling \$190,115 to 5 museums and 11 Indian Tribes. Repatriation grants will fund the transportation and reburial of 203 ancestors and 2,587 cultural items across the U.S., including transportation from Massachusetts to Minnesota and from Illinois to California, and reburials in Alabama, Alaska, Michigan, and Utah.

The Program awarded 19 consultation and documentation grants totaling \$1,466,885 to 12 museums and 7 Indian 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 completing the NAGPRA process.

Section 13: Regulations

Final Rule

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 \$6,666, 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 \$1,334 per day if the museum continues to violate the Act.

NAGPRA in Fiscal Year 2018

Section 14: Appropriations

Program Budget

(in thousands of dollars)

NAGPRA Grants	\$ 1,657
Program administration	\$ 632
Grants administration	\$ 191
<hr/>	
Total appropriations/authorizations	\$ 2,480
Grants Awarded	
Project Grants	\$ 1,467
Repatriation Grants	\$ 190
Operational Expenses	
Personnel	\$ 403
Grants administration	\$ 191
Publication (<i>Federal Register</i>)	\$ 136
Contractors	\$ 83
Review Committee stipends	\$ 0
Travel (Review Committee)	\$ 0
Travel (Program staff)	\$ 8
Equipment, supplies, other	\$ 2
<hr/>	
Total expenditures	\$ 2,480

Technical Assistance

The Program received over 2,000 emails and over 500 phone calls. In addition, each staff member responded to hundreds of direct inquiries. The Program communicated regularly with NAGPRA constituents through 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 7,700 views, bringing the total to over 26,000 views.

Under a cooperative agreement with the National Preservation Institute (NPI), training seminars on [NAGPRA Essentials](#) were offered across the county. This fiscal year, NPI provided 6 NAGPRA seminars to 106 participants and awarded 28 scholarships. In addition, this fiscal year, the Program provided [in-person trainings and presentations](#) to 513 participants at 10 events.

National NAGPRA Program

National Park Service



[202-354-2201](tel:202-354-2201)



nagpra_info@nps.gov



facebook.com/nationalnagpra



twitter.com/nationalnagpra