FY 2012 Final 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, 2011 – September 30, 2012

Table of Contents

List of Supplements 4
List of Tables 5
List of Figures 6
National NAGPRA Program FY 2012 Statistics at a Glance 7
NAGPRA: Administration of the Law 8
Overview of Nation-Wide NAGPRA Implementation and Issues Impacting Repatriation 9
FY 2012 National NAGPRA Program Accomplishments in Brief 11
- Inventories and Summaries 11
- Notices of Inventory Completion and Notices of Intent to Repatriate 11
- Grants 11
- Civil Enforcement 12
- Review Committee 12
- Notices of Intended Disposition 12
- Training 12
- Outreach 12
- Website 13
- Information Management Systems 13
- Technology development 13
- Regulations 13
- Goals in FY 2013 for the National NAGPRA Program 14

Collections 16
- Inventories 16
- Summaries 18
- Notices 18
  - Notices of Inventory Completion (NIC) 19
  - Notices of Intent to Repatriate (NIR) 19
- Repatriation and Culturally Unidentifiable Native American Human Remains (CUI) 20
- Grants 23
  - Requests 23
  - Grants Management 25
- Civil Enforcement 26
  - Allegations of Failure to Comply: A Snapshot 27
  - FY 2012: Investigations and Findings 27
  - New Allegations Received in FY 2012 27
  - FY 2006-2012: Investigations and Findings 28
  - Penalty Assessments and Settlement Agreements 29
  - Administrative Hearings 29
- Review Committee 29
  - Review Committee Databases of Culturally Unidentifiable (CUI) Human Remains 32

Land 33
- Notices of Intended Disposition 33

Regulations 33
Technical Assistance 34
- Training 34
- Webinars 36

Social Media 36
Outreach 36
National NAGPRA Website 37
Overview 37
Frequently Asked Questions 37
Online Databases 37
Notices 38
Documents and Publications 38
Training 38
Law and Regulations 38
Information Management 38
Overview 38
National NAGPRA Program Database 39
Online Databases 39
Data Quality 39
Database Status and Updates 40
Future Database Development 41
State Burial Laws Project 41
Records Management 42
National NAGPRA Program Operations 42
Externs, Interns 42
Contracts and Cooperative Agreements 43
National NAGPRA Staff 44
FY 2012 Budget 45
Federal Agency Inventory and Repatriation Data Report FY 2012 46

List of Supplements

Supplements to the FY 2012 National NAGPRA Program Report*

1. Training Evaluations 2005 - 2012 (Museum of Northern Arizona)
2. Mapping the NAGPRA Databases (Alayna Rasile)
3. NAGPRA Grants Final Reports (Kelsea Raether)
4. NAGPRA Collections in Large Museums (Lauren Miyamoto)
5. Review Committee Recommendations Regarding the Proposed Disposition of Culturally Unidentifiable Native American Human Remains (CUI) (Sally Butts)
6. Grants Funding Expenditures (Maya Solis)
7. Results of Cooperative Agreement (National Preservation Institute)

* Follow this link to the meeting agenda and materials:
https://irma.nps.gov/App/Reference/Profile/2194103

Scroll down the page and click on the button to download the materials from the 47th meeting, Washington, DC November 2012.

List of Tables

TABLE 1.—Minimum Number of Individuals (MNI) -- Both Culturally Affiliated (CA) and Culturally Unidentifiable (CUI) -- Repatriated to Indian Tribes and Native Hawaiian Organizations (NHOs) in FY 2012. 17

TABLE 2.—MNI and Associated Funerary Objects (AFOs) Repatriated to Indian Tribes and NHOs in FY 2012. 17

TABLE 3.—MNI Added in FY 2012, Repatriated, and Remaining in Collections. 17

TABLE 4.—Notice Processing FY 2012. 19

TABLE 5.—Table of Notices Published FY 1992 through FY 2012. 20

TABLE 6.—Repatriation Statistics FY 2012. 22

TABLE 7.—Consultation/Documentation Grants Awarded in FY 2012. 23

TABLE 8.—Repatriation Grants Awarded in FY 12. 24

TABLE 9.—Grants Requested and Awarded FY 1994 – FY 2012. 25

TABLE 10.—Total Number of Written Allegation Letters Received (by Year). 27

TABLE 11.—Disposition of Allegations of Failure to Comply, Based on the Number of Museums in Allegations (FY 2012 and Total). 28

TABLE 12.—Substantiated Counts of Failure to Comply by Category (FY 2012 and Total). 28

TABLE 13.—Training Offered in FY 2012, In person and Webinar, with the Number of Participants and Hours Taught. 34

TABLE 14.—Federal Agency Inventory and Repatriation Data Report FY 2012. 46

List of Figures

FIGURE 1.—Notices Using 43 CFR 10.11, the Disposition of Culturally Unidentifiable Native American Human Remains. 22

FIGURE 2.—Review Committee Members (from left) Alexander Barker, Eric Hemenway, Mervin Wright, Jr., Rosita Worl, and Linda Lee Farm Listen to Testimony. 30

FIGURE 3.—Attendees Listen to Presentations at the Santa Fe Meetings. 31

FIGURE 4.—Leigh Kuwanwisiwma (Hopi Tribe) Presents Testimony Regarding Repatriation Efforts by the Coconino National Forest; to Right are Kimberly Spurr (Museum of Northern Arizona), Arleyn Simon (Arizona State University), Anna Berg (Museum of Northern Arizona), and Peter Pilles (Coconino National Forest). 31

FIGURE 5.—Shane Anton and Angela Garcia-Lewis (Salt River Pima-Maricopa Indian Community) Present Public Comments to the Review Committee. 32

FIGURE 6.—Panel Presenters at the NAGPRA Basics Training; (from left) Theresa Pasqual (Pueblo of Acoma), Christine Landrum (National Park Service), Megon Noble (Burke Museum), and Melanie O'Brien (National NAGPRA Program). 34

Note: acronym in parentheses after the first use of a term in a particular section/page, just the acronym used thereafter within the section/page.

http://www.nps.gov/nagpra/TRAINING/GLOSSARY.HTM

National NAGPRA Program FY 2012 Statistics at a Glance

o **Summaries received:** 1,580 total from institutions, 460 reporting no collection requiring a summary
o **Inventories received**: 1,281 total, 1,138 from institutions, 264 reporting no collection
o **Notices of Inventory Completion**: Published 131 in FY 2012, 1,619 in total

- account for 44,958 human remains and 1,114,179 Associated Funerary Objects (AFOs)
- no requests for extension of time to complete an inventory pending, no new requests in FY 2012

o **Notices of Intent to Repatriate:** Published 57 in FY 2012, 602 in total

- account for 211,065 Unassociated Funerary Objects (UFOs), 4,759 sacred objects, 7,735 objects of cultural patrimony, 1,372 objects both sacred and patrimony, and 292 undesignated

o **Notices of Intended Disposition** (Federal Agency newspaper notices of new discoveries)

- 130 Notices reported for 1,004 minimum number of individuals, 8,847 AFOs, 64 Unassociated Funerary Objects (UFO), and 4 objects of cultural patrimony

o **Notices using the 10.11 rule**: 49 in FY 2012, 82 in total, account for 868 human remains, 1,614 AFOs
o **Notice processing FY 2012**: 162 received, 188 published; aging drafts (pre-2007) 16 remaining
Culturally Unidentifiable Native American Human Remains (CUI): 739 inventories, from 677 institutions

- 127,268 Minimum Number of Individuals (MNI), 937,292 AFOs
- 3,984 MNI transferred as CUI dispositions; 5,573 MNI subsequently culturally affiliated

o **Culturally Affiliated Native American Human Remains (CA):** 547 inventories, from 461 institutions

- 57,258 MNI, 1,119,372 AFOs

o **Total MNI in NAGPRA: CUI 121,695 (127,268 CUI -5,573 CUI now CA) and CA 57,259= 178,954**
o **Grants**: Requested: $2.7 m (33 projects)**;** Awarded: $1.6 m. (21 project) and $186,397 (15 repatriation)
o **Civil Penalties:**

- 16 allegations of failure to comply against 19 museums received
- Investigations completed: FY 2012: 9 counts (3 museums); FY 2006-2012: 144 counts (27 museums); investigations begun but not completed: 12 counts (4 museums)
- FY 2012: 8 counts unsubstantiated (88.8% of counts investigated) and 1 count substantiated (11.1%); FY 2006-2012: 123 counts unsubstantiated and 21 counts substantiated
- Total of $42,679.44 collected through civil penalty assessments and settlement agreements

o **Review Committee:** Meetings: Nov. 8-9, 2011 Reno, NV; May 9-10, 2012 Santa Fe, NM
o **NAGPRA Regulations 43 CFR 10:**

- 10.7 Unclaimed – proposed rule under review at OMB prior to publication
- 43 C.F.R. Part 10 Minor amendments – proposed rule published April 18, 2012, Final rule under review in Department of the Interior as of September 30, 2012
- 43 C.F.R. Part 10 revised - consultation & drafting

o **Technical Assistance and Reports:**

- 184 hours of training provided to 1,418 participants at 29 events;
- 982 views of the training videos on the National NAGPRA YouTube Channel
- 4 FOIA requests
- 2,000 email and telephone requests for technical information
- 8 special reports in progress

NAGPRA: Administration of the Law

This report covers activities of the National NAGPRA Program during Fiscal Year 2012 (October 1, 2011 – September 30, 2012). The information reported is current through September 30, 2012. Regular reports are available at: http://www.nps.gov/nagpra/DOCUMENTS.

The Native American Graves Protection and Repatriation Act (NAGPRA or the Act) was enacted on November 16, 1990, to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations (NHOs) in Native American cultural items, including human remains, funerary objects, sacred objects, and objects of cultural patrimony held in museum or Federal agency collections and discovered on Federal or tribal land after November 16, 1990. The Act assigned implementation responsibilities to the Secretary of the Interior (Secretary). Staff support is provided by the National NAGPRA Program and includes:

o Publishing notices in the Federal Register for museum and Federal agency collections;

o Creating and maintaining databases, including the Culturally Unidentifiable Native American Human Remains (CUI) Inventories Database;

o Administering a grants program, under which the Secretary may award grants to assist museums, Indian tribes, and Native Hawaiian organizations to fulfill the requirements of NAGPRA;

o Investigating allegations of museum failure to comply with the requirements of NAGPRA to assist the Secretary in the civil enforcement of the Act and its implementing regulations;

o Providing staff support to the Native American Graves Protection and Repatriation Review Committee (Review Committee) necessary for the deliberations of the Review Committee and for the Review Committee's annual report to Congress;

o Providing technical assistance concerning the excavation and discovery of cultural items on Federal and tribal lands after November 16, 1990;

o Receiving, processing, and uploading inventories and summaries prepared by museums and Federal agencies, and processing museum requests to the Secretary for an extension of time to complete an inventory;

o Promulgating implementing regulations for review by the Department of the Interior (Department); and

o Providing technical assistance through responses to individual inquiries, training, website information, reports prepared for the Review Committee, and support to law enforcement investigations.

The National Park Service has compliance obligations for the National Park system that are separate from the responsibilities of the National NAGPRA Program. National NAGPRA is an omnibus program whose constituents include all Federal agencies, museums that receive Federal funds, Indian tribes and Native Hawaiian organizations, and the interested public.

Overview of Nation-Wide NAGPRA Implementation and Issues Impacting Repatriation

The National NAGPRA Program receives input from the several NAGPRA constituencies concerning its roles in receiving and processing NAGPRA compliance documents, providing staff support to the Secretary of the Interior to implement the grants, notices, regulations development, Review Committee and civil enforcement functions, and providing training, technical information and outreach products to museums, Indian tribes and NHOs, Federal agencies, and the interested public. Though often anecdotal, this information can contribute toward an understanding of the current status of nation-wide compliance with NAGPRA, as well as provide insight into future trends and issues in NAGPRA compliance, and repatriation generally. Such information also can assist the Review Committee in assessing the progress made, and any barriers encountered, in implementing NAGPRA. Based on the information it received in FY 2012, the National NAGPRA Program (Program) makes the following observations:

Museums and Federal agencies, in consultation with Indian tribes and NHOs, are actively carrying out the requirements of the Act, as indicated by the robust number (188) of notices of inventory completion and intent to repatriate published in the Federal Register in FY 2012.

In response to a recommendation made in the Government Accountability Office (GAO) report of July 28, 2010, each Federal agency has been required as of September 30, 2011, to report the number of Native American individuals for whom transfer of control has passed from the agency to a lineal descendant, Indian tribe, or NHO (the reporting of these numbers by museums is only voluntary, and thus it is likely to be understated). The third such Federal agency report, which appears in this report as Table 14, shows that in FY 2012, Federal agencies reduced the number of Native American individuals whose human remains are in their collections by a minimum of 9,000 individuals transferred to tribes and NHOs.

Only about one-fourth of the Native American individuals represented in published notices of inventory completion are reported to have been transferred to Indian tribes and NHOs. At this time, the reported barriers to a request for transfer are varied, and are known only anecdotally. As more numbers are reported, a substantive study of the barriers to requesting transfer will become possible. Meanwhile, the dearth of places for reburial repeatedly has been voiced as one barrier to transfer. As a result, in FY 2012, the Review Committee formed a sub-committee to study the matter of places for reburial.

Both Indian tribes and museums report a lack of funds as a barrier to NAGPRA consultation and compliance. As state budgets constrict, museum funding has been reduced. Indian tribes cite the lack of capacity within tribal administrations as a reason they do not apply for NAGPRA grants and do not pursue NAGPRA claims. The fact that, in FY 2012, there were fewer NAGPRA grant requests from Indian tribes than in previous years evidences the inability of Indian tribes to request and administer more funds absent sufficient tribal staff. NAGPRA grants do not fund tribal or museum NAGPRA administration.

While staffing problems have contributed to the lower number of grant requests, the amount of funds available for project awards remains a fraction of the total amount of funds requested. One reason why the funds are insufficient is that requests for repatriation grants to fund the transfer of possession and reburial of human remains and funerary objects have remained strong. Repatriation grants are non-competitive awards made prior to apportionment of funds for the competitive project grants and, thus, they reduce the amount of funds available for consultation and documentation project grants. Although all repatriation grant requests continue to be funded, in FY 2012, several consultation/documentation project grant

requests recommended for funding by the grants panel could not be funded, and one consultation/documentation project could only be partially funded.

Indian tribes report their frustration with NAGPRA compliance where no timeframes for compliance exist in the regulations. Museums, on the other hand, continue to report frustration with the restrictive nature of the 90-day timeline for repatriation following receipt of a satisfactory request, as well as any rule that forecloses the opportunity to determine the cultural affiliation of human remains sometime in the future. Both Indian tribes and museums purport to have encountered confusion with the 90-day rule, and report their own confusion with certain definitions in the Act's implementing regulations, such as *possession* and *control*. In response to the many questions and issues raised by NAGPRA constituencies during the last two decades, in FY 2012, the National NAGPRA Program and the Department's Office of the Solicitor undertook the first-ever retrospective review of the regulations since their initial publication as final, in December 1995.

Several Indian tribes have objected to those notices of intent to repatriate cultural items that refer to "cultural items," rather than to the NAGPRA specific category or categories of cultural item to be repatriated, such as "a sacred object" or "an object of cultural patrimony," or "both a sacred object and an object of cultural patrimony."

Indian tribes report that the meaning given to the term *Native American* by the United States Court of Appeals for the Ninth Circuit in Bonnichsen v. United States is a barrier to repatriation, as is the application by some museums of a standard for determining cultural affiliation that is more rigorous than the standard provided under the Act. Nonetheless, Federal agencies and museums largely understand that the age of human remains alone does not disqualify them from being Native American under the Act. In the last year the USDA Forest Service and the Corps of Engineers transferred Native American human remains to tribes that were of an age approximating 10,000 years in each instance.

Indian tribes report their concern over the disposition of funerary objects associated with culturally unidentifiable human remains (AFOs of CUI) being merely voluntary under 43 CFR 10.11. Until such time as this matter is further addressed, notices of inventory completion for CUI must reference the AFOs even if these items are not currently part of the disposition, thus preserving the nexus between these CUI and AFOs and the identity of this population for future discussion.

Federal agencies continue struggling to identify Federal agency collections presently located in non-Federal repositories. They note that the Act and the implementing regulations do not require a repository to notify Federal agencies that they have in their custody Native American human remains and cultural items that were removed from Federal lands. At present, Federal agencies face the labor intensive tasks of searching archives for Federal permits and repeatedly reviewing National NAGPRA Program databases for reported inventories or summaries that reflect a Federal land provenience.

All parties to the NAGPRA process are dealing with increasingly fine-grained issues, giving rise to new questions and the need for continued and specialized training.

FY 2012 National NAGPRA Program Accomplishments in Brief

This section of the report details the National NAGPRA Program's activities in FY 2012, and outlines the Program's goals and projects for FY 2013.

Inventories and Summaries

The Program received 23 inventories and 17 summaries in FY 2012. As inventories and summaries are received, they are updated electronically, both internally and on the public databases. In addition, every year, the Program and each Federal agency review the documents submitted by the agency during that fiscal year, and the information in those documents is used by the Program to compile the Federal Agency Inventory and Repatriation Data Report.

Most of the inventories and all of the summaries received by the Program to date were digitized in FY 2012, and the hard copies of these documents were catalogued for shipment to the National Archives and Records Administration (NARA). The Program will continue to store these records electronically and send the hard copies to NARA on an annual basis. In addition, Indian tribes and NHOs will be consulted on the potential redaction of information contained in the documents that is deemed to be of a sensitive nature, following which the Program will make the redacted documents themselves available on the Program's website via a link from the present database entries. Consequently, in the future, if the originators and recipients of these documents need to replace them, they will be able to do so by accessing the electronic records or the hard copies stored at NARA.

Notices of Inventory Completion and Notices of Intent to Repatriate

Notice publication is one measure of NAGPRA compliance among museums and Federal agencies, as it reflects the degree to which the museums and Federal agencies are working with Indian tribes and NHOs in determining the transfer of control of Native American human remains and cultural items. Each notice tells the story of historic collection practices, as well as Federal agency and museum consultation with Indian tribes and NHOs to resolve interests in cultural items and human remains. In FY 2012, 188 notices were published in the Federal Register. Altogether, 2,221 notices have been published since 1992. These notices account for 44,958 human remains, 1,114,179 Associated Funerary Objects (AFOs), 211,065 Unassociated Funerary Objects (UFOs), 4,759 sacred objects, 7,735 objects of cultural patrimony, 1,372 objects that are both sacred objects and objects of cultural patrimony, and 292 summary objects whose NAGPRA category or categories were not designated in the notice.

Grants

Consultation/Documentation grants play an important role in the NAGPRA compliance process for Indian tribes, NHOs, and museums. Each grant enables a consultation/documentation project to move the process forward, whereas it otherwise might have stalled absent the availability of funds. In FY 2012, as in past years, the Program received letters and comments from non-funded grant requestors expressing disappointment over their inability to move forward on a NAGPRA project. Thankfully, no grant funds have been lost by any grantee as a result of its failure to claim all the awarded funds during the five-year term of the grant, in large part due to active communication between the NAGPRA Grants Coordinator and award recipients. For FY 2012, the Secretary awarded 21 consultation/documentation grants and 15 repatriation grants.

Civil Enforcement

Since FY 2011, there has been no civil penalty investigator. Thanks to the receipt of additional funds, the Program published a request for proposals on a procurement contract addressing civil penalty work. Following receipt of a satisfactory proposal, the National NAGPRA Program was able to obligate these funds for a civil penalty analyst to perform the contract during FY 2012. As of the end of FY 2012, the Program was in the process of addressing the absence of a designated civil penalty investigator. Meanwhile, in FY 2012, investigation was completed regarding nine counts of museum failure to comply with NAGPRA alleged against two different institutions. Eight of the counts were determined to be unsubstantiated and one count was determined to be substantiated. The Program employed the analyst to review and assess all open files and enter data into the first-ever electronic data system for these files.

Review Committee

During FY 2012, the Native American Graves Protection and Repatriation Review Committee held two in-person meetings. Although no disputes were heard, the meeting agendas were packed with substantive reports submitted by Indian tribes, museums, and Federal agencies on the successes and barriers to repatriation. The Review Committee responded to comments on the lack of space for reinterment of human remains and funerary objects by establishing a subcommittee to consider recommendations that would enable human remains and funerary objects to be reburied near the sites where they had been exhumed. In addition, the Review Committee has been working on a detailed revision of its dispute procedures. The Review Committee's annual report to Congress for calendar year 2011 was completed in record time, and was delivered to Congress during the first week of 2012. Also in FY 2012, Review Committee members attended FACA committee leadership skill-building sessions prior to each meeting.

Notices of Intended Disposition

The excavation or discovery and removal of Native American human remains and cultural items from Federal and tribal lands after November 16, 1990 are not subject to the collections provisions of NAGPRA. The decisions of the Federal agencies appear in newspaper notices. As more Federal agency decisions are reported to the Program, a fuller picture of Federal agency efforts to comply with the requirements of NAGPRA will emerge.

Training

As outlined in the FY 2012 Midyear Report, one of the Program's goals was to launch the NAGPRA training DVDs online. This was accomplished in FY 2012. The National NAGPRA YouTube Channel launched in May. It provides on-demand access to the NAGPRA training videos. In just part of the year, there were almost 1,000 visitors to the YouTube site. Also during FY 2012, the National NAGPRA Program provided 184 hours of training to 1,418 participants at 29 events, including 8 webinars. Webinars accounted for 27.6% of the training events and 22.6% of the training participants in FY 2012. Materials from each webinar are posted on the Program website, making them accessible to anyone who is unable to attend the webinar.

Outreach

Each member of the small National NAGPRA Program team responds to over 500 email and phone requests for technical information on an annual basis. This has been a satisfying experience for all

involved, as speaking to a NAGPRA constituent in the midst of the compliance process can lead to better understanding, less frustration, and increased success.

Website

The Program now provides web-accessible databases for Culturally Unidentifiable Native American Human Remains (CUI) inventories, Culturally Affiliated (CA) inventories, summaries, Federal Register notices, Notices of Intended Disposition by Federal Agencies, and the Native American Consultation contact lists, tribal and aboriginal land maps, and other aids to consultation. The Program frequently posts information of importance to NAGPRA constituencies, from warnings of system maintenance action to training announcements, regulation publication and solicitation of comments, and upcoming meetings. The National NAGPRA Program home page is one of the most frequently visited sites on the NPS system.

Information Management Systems

Records are continually being added and checked against originator records to refine, update and audit information. Open access to information on these databases has led to increased communication between museums and Federal agencies on collection responsibilities, has led to updates of records for better data quality and has supported consultation leading to thousands of Native American human remains previously held as Culturally Unidentifiable either being culturally affiliated and in notices or in notices for disposition under the CUI rule at 43 CFR 10.11, which became final in 2010.

A new project is underway in the National NAGPRA Program to digitize inventories submitted by museums and Federal agencies, which will allow better internal record management. In the future, some of this information might be posted on the Program's website. Greater transparency on NAGPRA compliance through web-accessible data has allowed museums, Indian tribes, NHOs and Federal agencies to further refine their NAGPRA compliance activity and approach complex issues.

Emphasis has been placed on digitizing compliance documents, entering repatriation numbers, and reconciling inventory and summary hardcopy and electronic records. This is part of an overall records management plan to archive aging records. The next step in the Program's information management will be to encourage the electronic submission of documents and provide access to all compliance records through the Program's website.

Technology development

A contract was awarded to NuAxis to secure the internal database and begin converting files for migration to a Structured Query Language (SQL) database. This will enable the Program to avail itself of low-cost housing of electronic files.

Regulations

As of September 30, 2012, a draft regulation (to be codified at 43 CFR 10.7) to address the disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony removed from Federal lands after November 16, 1990 and not claimed under Section 3 (a) of NAGPRA was still under review by the Office of Management and Budget. Once it is released for publication, a lengthy comment period on the proposed rule will begin.

Proposed minor amendments to revise the NAGPRA regulations at 43 C.F.R. Part 10 for purposes of factual accuracy and consistency were published in the Federal Register on April 18, 2012. Public

comment was invited for a 60-day period, ending June 18. As of September 30, 2012, a draft final rule was under review at the Department of the Interior.

During FY 2012, the Program and the Department's Office of the Solicitor undertook the first-ever retrospective review of the NAGPRA regulations (43 C.F.R. Part 10) to determine whether revision of these regulations was warranted and, if so, how the rules should be revised. As of September 30, 2012, the Program had forwarded some proposals for revision of 43 C.F.R. Part 10 to the Office of the Solicitor for consideration and discussion. The review will continue within the Department, and any publication of proposed rules will allow a lengthy comment period.

Goals in FY 2013 for the National NAGPRA Program

The Program's goals in FY 2013 are as follows:

- Digitization Project:
    1. Complete scanning inventories.
    2. Index files, insert metadata, and upload scanned compliance documents to the NPS Integrated Resource Management Application (IRMA) for archival and retrieval purposes.
    3. Review compliance documents for digital image quality and contact institutions responsible for clean, electronic version where necessary.
    4. Begin consultation with Indian tribes and NHOs regarding the potential redaction of sensitive material in documents to be made public.

- Archive Project: Complete the archiving of all files, from the inception of the Program through FY 2012, and transfer the files to the National Archives and Records Administration (NARA). Archive electronic correspondence and digitize paper correspondence.

- Complete outstanding research reports requested by the Review Committee.

- Obtain a full-time civil enforcement investigator to begin reducing the backlog of allegations.

- Maintain the pace of notice publication and, if possible, publish notices upon submission to eliminate backlogs.

- Post the FY 2013 Grants guidelines on the Program website by October 1, 2012, continue outreach and education to potential grantees, and support existing grantees.

- Offer six or more webinars and live training on popular and new topics.

- Publish the proposed rule for the disposition of unclaimed cultural items removed from Federal lands after November 16, 1990 (to be codified at 43 CFR 10.7), and publish the final minor amendments rule.

- Host two in-person and one telephonic meeting of the Review Committee.

- Work with the Advisory Council on Historic Preservation (ACHP) to reach consensus on the intersection of Section 106 of the National Historic Preservation Act and NAGPRA, and create a single training document to assist all practitioners.

- Promote efficient and trouble-free NAGPRA compliance through technical information, training, and informational products.

Collections

Inventories, Summaries, Notices, Culturally Unidentifiable Human Remains (CUI), Repatriation, Grants, Civil Enforcement, and the Review Committee comprise the sections of NAGPRA relating to collections.

Inventories

NAGPRA requires each Federal agency and institution that receives Federal funds to complete an inventory of its collection of Native American human remains and associated funerary objects (AFOs) in consultation with potentially affiliated Indian tribes and NHOs. Accordingly, two itemized lists, constituting the decision of the Federal agency or museum concerning the affiliation of the human remains and associated funerary objects in its collection, are submitted to the Program. One list is completed for those individuals whose cultural affiliation can be determined (CA) and one list is completed for those individuals whose cultural affiliation cannot be determined (CUI). An inventory identifies the minimum number of individuals (MNI) represented in a collection. Affiliated human remains and associated funerary objects in an inventory are then usually grouped by Indian tribe or NHO affiliation and published in the Federal Register in one or more Notices of Inventory Completion (NIC). The publication of the notice establishes the right of an Indian tribe or NHO to receive control of the human remains and associated funerary objects listed in the notice. As publication of a NIC does not require a claim or request for transfer of control, a NIC does not presuppose which of the listed affiliated Indian tribes or NHOs will ultimately request and receive control of the human remains and associated funerary objects.

As of September 30, 2012, the Program had received inventories from a total of 1,138 entities (756 non-Federal institutions and 382 Federal agency units). Two hundred and sixty-four statements of "no inventory required" have been received from 135 non-Federal institutions and 129 Federal agency units. Of the 1,281 inventories received, 546 contain decisions as to cultural affiliation of Native American human remains, and 735 contain listings of Culturally Unidentifiable Native American human remains. *Note: There may be duplication of reporting for collections as the law directs those museums with possession or control of collections to submit an inventory and several museums may have collections belonging to Federal agencies, where both the museum and Federal agency submitted an inventory. Although duplicate inventories can exist, the Program resolves the number of MNI, so as not to double count in overall reporting.*

The decisions reflected in the inventories are those of the museum or Federal agency and not the Program. The Program facilitates the publication of notices, but does not audit the collections of the reporting museum or Federal agency unit. The Program's review of a draft notice entails matching the inventory records to the submitted notice. All MNI and AFOs described in the notice must be represented in the inventory. In other words, notices are a reflection of what the museum or Federal agency has in its collections that are reported in their inventory. The Program's database of inventory records includes a link to published notices. Thus, a museum or Federal agency can see both those MNI already in notices as well as those MNI that await listing in a notice.

Museums and Federal agencies are under a continuing duty to report new collections and changes to their prior determinations. Also, the future applicability rule, codified at 43 C.F.R. 10.13, applies whenever cultural items are newly found in a collection, a new collection of cultural items comes under the control of the museum or Federal agency, cultural items in a collection are affiliated with a newly recognized Indian tribes, or an institution that controls cultural items receives Federal funding for the first time since November 16, 1990.

TABLE 1.—Minimum Number of Individuals (MNI) -- Both Culturally Affiliated (CA) and Culturally Unidentifiable (CUI) -- Repatriated to Indian Tribes and Native Hawaiian Organizations (NHOs) in FY 2012.

INSTITUTION	MNI Total	CUI	CA	Repatriated
Federal	33,700	14,629	19,071	10,836
Museum	145,254	107,066	38,188	2,102
TOTAL	**178,954**	**121,695**	**57,259**	**12,938**

TABLE 2.—MNI and Associated Funerary Objects (AFOs) Repatriated to Indian Tribes and NHOs in FY 2012.

INSTITUTION	MNI Total	MNI Repatriated	AFOs	AFOs Repatriated
Federal	33,700	10,836	293,701	142,544
Museum	145,254	2,102	1,762,999	33,674
TOTAL	**178,954**	**12,938**	**2,056,700**	**176,218**

TABLE 3.—MNI Added in FY 2012, Repatriated, and Remaining in Collections.

INSTITUTION	FY 2011	Added FY 2012	MNI Total	MNI Repatriated	Remaining
Federal	32,188	1,512	33,700	10,836	21,352
Museum	142,558	2,696	145,254	2,102	143,152
TOTAL	**174,746**	**4,208**	**178,954**	**12,938**	**164,504**

The above three tables report the status of Native American human remains in museum and Federal collections. The data are presented variously to account for: 1) MNI repatriations with collections divided into CUI and CA; 2) Repatriations of MNI showing the number of AFOs also repatriated; and 3) Adjusted totals from FY 2011, with MNI added in FY 2012, for those remaining after repatriation. The end number from one year would be the starting number in the next year, but for the addition of MNI added to collections over the course of any given year. The audited and adjusted numbers are displayed in Table 3.

Summaries

Summaries of the Native American collections in the possession or control of Federal agencies and museums generally describe potential Native American unassociated funerary objects (UFOs), sacred objects, and objects of cultural patrimony. The purpose of the summary is to inform museum and Federal agency consultation with Indian tribes and NHOs on the collection. In completing the summary, the Federal agency or museum is not expected to know if an object is a cultural item under NAGPRA. Cultural affiliation is not determined in the summary. Those decisions occur upon consultation with interested Indian tribes or NHOs, an Indian tribe or NHO has made a request for repatriation of the object as a cultural item under NAGPRA, and the request for repatriation has satisfied the criteria for such requests. The decision to repatriate a UFO, sacred object, or object of cultural patrimony is reflected in a published Notice of Intent to Repatriate (NIR) cultural items. Consequently, publication of a NIR precedes transfer of control of a cultural item.

To date, National NAGPRA has received 1,580 summaries. Of these, 460 Statements of "no summary required" have been received.

Museums and Federal agencies are under a continuing obligation to comply with NAGPRA. Museums and Federal agencies receiving a new collection, or having collections of new Indian tribes, are to prepare or update inventories within 2 years and summaries within 6 months. If an institution receives Federal funds for the first time since November 16, 1990, its summary is due within 3 years of receipt of the Federal funds and its inventory is due within 5 years of receipt of the funds.

For more information on inventories and summaries, contact Mariah Soriano (Mariah_Soriano@nps.gov).

Notices

Publication of Notices of Inventory Completion and Notices of Intent to Repatriate is a barometer of NAGPRA activity, as it is the culmination of work among museums, Federal agencies, Indian tribes, and NHOs that, ultimately, has led to decisions on the transfer of control of Native American human remains and cultural items. Museums and Federal agencies, in consultation with Indian tribes and NHOs, continue to be very active in NAGPRA compliance, having had 188 notices published in FY 2012.

There has been an increased efficiency in processing notices, from receipt to publication. At the beginning of FY 2005, 195 draft notices were still being processed, 127 of which had been pending publication for over 5 years. At the end of FY 2011, 80 draft notices were still being processed, only 19 of which had been pending publication for 5 or more years. At the end of FY 2012, there were 40 draft notices still being processed for publication, only 16 of which had been pending publication for 5 or more years. In addition to 188 published notices, 12 more were submitted for publication as of September 30, 2012.

For more information on notices, contact Melanie O'Brien (Melanie_O'Brien@nps.gov).

The table below reflects the status of submissions during this period:

TABLE 4.—Notice Processing FY 2012.

Year 2012	Beginning	Received	Removed by Originator*	Published	In Processing end of FY 2012
NIC	71	109	13	131	36
NIR	9	53	1	57	4
Total:	**80**	**162**	**14**	**188**	**40**

* Notice originators (museums or Federal agencies) may remove a notice from publication due to error in submission or in order to revise it at a later time pending further consultation with Indian tribes and NHOs. The decision to remove a draft notice from processing prior to publication rests with the originator.

Notices of Inventory Completion (NIC)

Since 1992, the National NAGPRA Program has published 1,619 Notices of Inventory Completion in the Federal Register, accounting for 44,958 human remains and 1,114,179 Associated Funerary Objects (AFOs). In FY 2012, a total of 131 Notices of Inventory Completion were published, accounting for 3,974 human remains and 90,867 AFOs.

Notably, the minimum number of individuals in notices published during FY 2012 was the largest since 1999. The number of AFOs in notices published in FY 2012 was the fourth largest since the first notices were published, in 1992.

Notices of Intent to Repatriate (NIR)

Since 1993, the National NAGPRA Program has published 602 Notices of Intent to Repatriate in the Federal Register, accounting for 211,065 Unassociated Funerary Objects (UFOs), 4,759 sacred objects, 7,735 objects of cultural patrimony, 1,372 objects that are both sacred objects and objects of cultural patrimony, and 292 undesignated cultural items. In FY 2012, a total of 57 Notices of Intent to Repatriate were published, accounting for 61,668 UFOs, 427 sacred objects, 6,771 objects of cultural patrimony, and 118 objects that are both sacred objects and objects of cultural patrimony.

Notably, more cultural items were published in Notices of Intent to Repatriate in FY 2012 than in any other single year since 1993. Several Notices of Intent to Repatriate included over 1,000 UFOs, and one notice, published in September 2012, covered over 6,000 objects of cultural patrimony.

TABLE 5.—Table of Notices Published FY 1992 through FY 2012.

Year	Notices Published	MNI[1]	AFOs[2]	UFOs[3]	SO[4]	OCP[5]	SO& OCP	CI[6]
1992	2	15	12,225	0	0	0	0	0
1993	14	40	60,071	0	1	0	7	0
1994	13	1,851	269	31,681	1	1	1	0
1995	36	806	18,710	6	243	3	4	0
1996	59	2,292	116,002	32	91	17	10	0
1997	122	1,311	50,606	5,061	116	67	92	0
1998	82	5,305	31,191	2,484	14	62	165	0
1999	108	6,434	31,263	680	106	70	78	0
2000	110	2,026	21,982	3,245	552	11	28	0
2001	199	2,965	167,046	25,583	6	25	5	0
2002	143	3,151	19,772	5,903	110	3	121	0
2003	85	666	31,419	1,195	101	4	135	0
2004	103	1,525	13,851	14,294	37	9	13	0
2005	108	2,342	60,418	1,997	2,183	3	5	0
2006	100	1,373	36,045	10,303	9	6	45	0
2007	108	747	15,619	27,036	28	22	64	215
2008	180	3,789	86,761	7,962	173	78	33	0
2009	200	1,071	227,854	6,712	532	567	16	77
2010	152	1,558	8,760	2,466	11	10	388	0
2011	109	1,717	13,448	2,757	18	6	44	0
2012	188	3,974	90,867	61,668	427	6,771	118	0
TOTAL	**2,221**	**44,958**	**1,114,719**	**211,065**	**4,759**	**7,735**	**1,372**	**292**

[1] = MNI (Minimum Number of Individuals)
[2] = AFOS (Associated Funerary Objects)
[3] = UFOs (Unassociated Funerary Objects)
[4] = SA (Sacred Objects)
[5] = OCP (Object of Cultural Patrimony)
[6] = non-designated cultural item

Repatriation and Culturally Unidentifiable Native American Human Remains (CUI)

In 2010, a report on NAGPRA by the Government Accountability Office of Congress (GAO) posed a question as to the Minimum Number of Individuals (MNI) repatriated to Indian tribes and Native Hawaiian Organizations under NAGPRA. The Secretary of the Interior, who has responsibilities for administering the Act, requested that Federal agencies comply with the GAO request on an annual basis, by reporting their statistics to the National NAGPRA Program. Reporting is voluntary for museums, although keeping repatriation records is part of the regulatory process for museums. The reported repatriations are reflected in Table 6. *Note: The broad picture of Federal agency NAGPRA progress is reflected in Table 14, Federal Agency Inventory and Repatriation Data Report FY 2012.*

The following table indicates the number of culturally affiliated and culturally unidentifiable Native American individuals repatriated to Indian tribes and NHOs. For purposes of administering the Act, the transfer of control of Native American human remains and cultural items is "repatriation," regardless of whether the individuals whose human remains are in a notice are culturally affiliated or culturally

unidentifiable. The table gives the total MNI transferred from Federal agencies and museums (which includes universities), although museum reporting is voluntary.

TABLE 6.—Repatriation Statistics FY 2012.

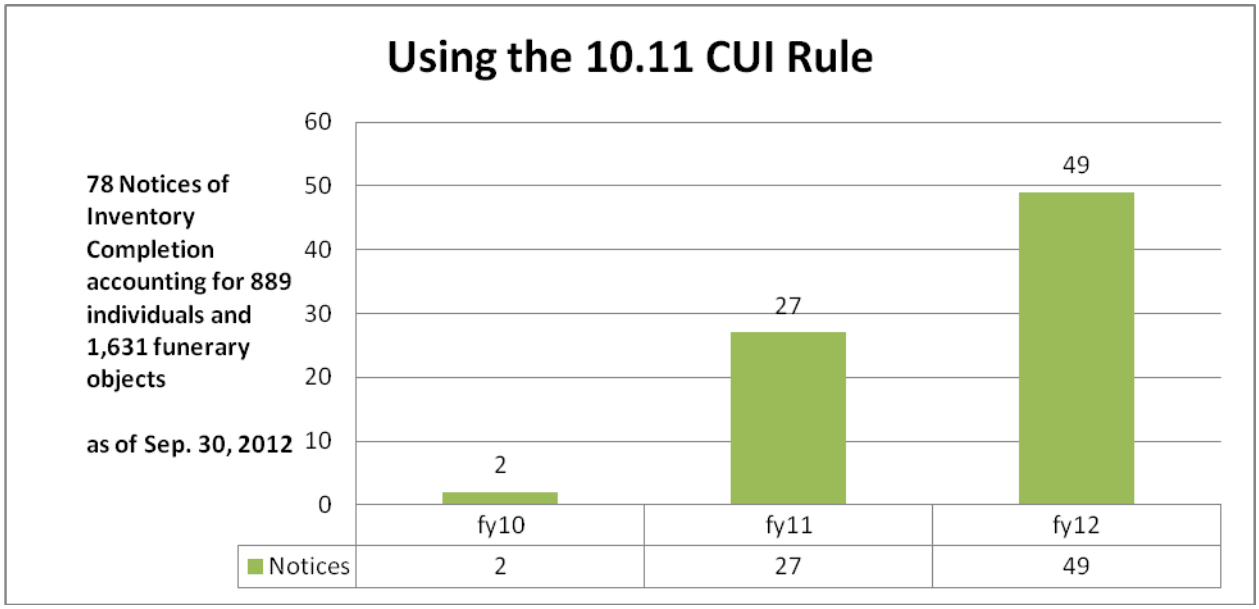
INSTITUTION	MNI Total	MNI Notices	AFOs Notices	MNI Repatriated	AFOs Repatriated
Museums	140,080	27,812	901,080	2, 102	33,674
Federal Agencies	33,700	17,132	213,099	10,836	142,544
TOTAL	**173,780**	**44,944**	**1,114,179**	**12,938**	**176,218**

Note: As the National NAGPRA Program updates databases in consultation with the submitting Federal agency or museum, it will be possible to include data on the size of the collections and the disposition of the collection relative to the whole. A template to accomplish additional detail in reporting is a work in progress with input from the NAGPRA Review Committee.

The rule concerning the disposition of Culturally Unidentifiable (CUI) Native American human remains in inventories became final in March 2010, and is codified at 43 CFR 10.11. During FY 2012, 49 NICs under the CUI rule were published. Figure 1 (below) indicates that, to date, 78 Notices of Inventory Completion have been published, accounting for, at minimum, 889 individuals (MNI) and 1,631 Associated Funerary Objects (AFOs).

Prior to the effective date of 43 CFR 10.11, a museum or Federal agency wishing to transfer CUI to one or more Indian tribes or NHOs could not do so unless the parties had an agreement, the Review Committee recommended to the Secretary that the proposed transfer proceed, and the Secretary concurred with the Review Committee's recommendation. The pre-regulation recommendations of the Review Committee are compiled in the supplemental report, *NAGPRA Review Committee Actions, 25 USC 3006(c)(5); Culturally Unidentifiable Native American Human Remains*, by Sally Butts.

FIGURE 1.—Notices Using 43 CFR 10.11, the Disposition of Culturally Unidentifiable Native American Human Remains.



Grants

Requests

A total of $1.747 million was available for grants in FY 2012. The grant application deadline for consultation/documentation grants was March 6, 2012. Repatriation grant applications are received on a rolling basis. Altogether, 49 grant applications were received in FY 2012: 33 consultation/documentation proposals and 16 repatriation funding requests. Of these, 28 applications were submitted by Indian tribes and Native Hawaiian organizations, and 21 applications were submitted by museums. The total amount of funds requested in FY 2012 was $2,688,881 (Tables 7 and 8).

TABLE 7.—Consultation/Documentation Grants Awarded in FY 2012.

Name of Awardee	Amount
Arizona State Museum	$ 89,671
Ball State Univ., Dept. of Anthropology	$ 90,000
Bear River Band of the Rohnerville Rancheria	$ 89,990
Delaware Tribe of Indians	$ 89,554
Denver Museum of Nature and Science	$ 39,676
Dry Creek Rancheria of Pomo Indians of California	$ 63,682
Fort Collins Museum	$ 57,522
Karuk Tribe of California	$ 88,673
Marin Museum of the American Indian	$ 90,000
Oregon State Parks and Recreation Department	$ 82,260
Peabody Museum of Archaeology and Ethnology, Harvard University	$ 90,000
Smith River Rancheria, California	$ 90,000
Sonoma State Univ., Anthropological Studies Center	$ 49,800
State University of New York	$ 49,500
Univ. of Colorado Museum, Boulder	$ 36,749
Univ. of Denver, Dept. of Anthropology/Museum of Anthropology	$ 76,453
Univ. of Montana, Forensic Anthropology Collection	$ 89,066
Univ. of Washington, Burke Museum	$ 89,882
Univ. of Wisconsin, Madison, Dept. of Anthropology	$ 27,410
Wiyot Tribe	$ 90,000
Yurok Tribe of the Yurok Reservation	$ 90,000
TOTAL	**$1,559,888**

TABLE 8.—Repatriation Grants Awarded in FY 12.

Repatriation Grants: Name of Awardee	Amount
Cheyenne and Arapahoe Tribe	$ 15,000
History Colorado	$ 15,000
History Colorado	$ 15,000
Homer Society	$ 14,719
Hoonah Indian Association	$ 4,723
Ione Band of Miwok Indians	$ 15,000
Ione Band of Miwok Indians	$ 12,888
Jena Band of Choctaw Indians	$ 15,000
Karuk Tribe	$ 15,000
Peabody Museum	$ 13,450
Pit River Tribe	$ 7,232
Saginaw Chippewa Tribe	$ 13,400
University of Colorado Museum	$ 10,296
White Mountain Apache Tribe	$ 6,096
Wiyot Tribe	$ 13,593
TOTAL	**$ 186,397**

Grant applications for consultation/documentation projects are reviewed by an outside panel. The FY 2012 panel met on May 17-18. Since FY 2011, the review process has been automated; applications are reviewed electronically. In addition to eliminating the need to transport large numbers of documents, a database allows reviewers to enter and edit their comments on the application electronically.

Each application was reviewed and ranked by the independent panel. Applicants received an individualized letter from the grants coordinator along with feedback obtained from the panel, to assist them in preparing better grant proposals in the future and in administering successful projects.

One repatriation grant request was not funded in FY 2012 due to a lack of funds and will be funded in FY 2013. In both FY 2011 and FY 2012, Indian tribes received about half of the total funds they requested.

In 2012, the NAGPRA Grants program experienced a drop in over-all applications from FY 2011, when the Program received 37 applications requesting a total of $2,776,201 (Table 9). Altogether, there were 8 fewer tribal grant proposals and six fewer repatriation grant requests in FY 2012 than in FY 2011. Possible factors for the decrease from FY 2011 include the following:

- The current national economic situation makes project-based funding impractical given the demands placed on staff to fulfill ongoing, programmatic functions;
- A perception that chances for funding are poor, and therefore the time needed to submit an application could be better spent elsewhere, as the FY 2011 proposals were of exceptionally high quality and competition was stiff;
- A lack of museum and tribal staff and resources to take on new projects;
- NAGPRA is handled by the tribe or museum when a situation or request arises, rather than on a project basis;
- Indian tribes may be inundated with current projects/requests/initiatives, resulting in the flux in tribal requests, in contrast to museum requests which remain constant over time;

- The funding that an Indian tribe or museum would like to request is considered ineligible under NAGPRA grants, i.e., funding for Federal agency compliance activities.

TABLE 9.—Grants Requested and Awarded FY 1994 – FY 2012.

TRIBES				MUSEUMS			
Year	Number of Applications Received	Amount Requested $	Amount Awarded $	Year	Number of Applications Received	Amount Requested $	Amount Awarded $
1994	106	6,091,594	1,023,200	1994	113	6,643,200	1,116,800
1995	63	3,842,289	1,387,925	1995	56	2,408,165	854,075
1996	54	3,490,414	1,150,985	1996	33	1,530,039	946,905
1997	54	3,148,112	1,425,600	1997	20	1,055,915	550,650
1998	61	3,547,254	1,557,165	1998	23	1,025,061	775,720
1999	57	3,296,264	1,648,220	1999	22	2,251,415	687,780
2000	84	4,814,432	1,629,170	2000	27	1,276,774	622,830
2001	53	3,048,377	1,802,180	2001	20	1,042,261	635,820
2002	57	3,460,873	1,708,268	2002	16	961,775	537,552
2003	60	3,708,782	1,703,194	2003	12	668,730	497,806
2004	41	2,369,685	1,535,659	2004	17	1,037,649	646,341
2005	41	2,344,891	918,560	2005	17	1,060,299	471,669
2006	52	2,999,228	1,500,965	2006	17	825,172	393,893
2007	36	2,100,960	1,247,243	2007	16	815,239	548,825
2008	29	1,691,220	1,089,554	2008	12	559,317	490,258
2009	51	2,674,813	753,809	2009	31	1,809,161	1,092,787
2010	37	1,959,886	938,721	2010	20	1,227,296	811,328
2011	36	1,710,093	897,774	2011	23	1,306,530	848,226
2012	28	1,472,720	736,043	2012	21	1,216,161	1,010,213

Applicants who had participated in NAGPRA grants training or took advantage of a pre-review of their grant request were highly represented among FY 2012 grantees. Of the 21 applicants who received grants, 10 applicants (48%) submitted draft applications for pre-review. As the Program received only 14 drafts, 72% of all the requests undergoing pre-review were funded. In addition, three FY 2012 grantees (14%) had attended *Writing and Managing a NAGPRA Grant* in St. Paul, MN (May 4-5, 2011), a training presented through the National NAGPRA Program's partnership with the National Preservation Institute. Also noteworthy is the success rate of applicants whose requests were declined in FY 2011. Of the seven unsuccessful applicants in FY 2011, three were successful in FY 2012. Those three had taken advantage of the pre-review of their grant request in FY 2012, whereas the four applicants whose requests were declined a second time had not done so.

These figures suggest that applicants who contact the Program early in the year, take advantage of trainings, and submit a grant application for pre-review have a good chance of receiving a NAGPRA grant. Therefore, continued outreach by the Program on a year-round basis is important. Also, face-to-face contact and ongoing one-on-one assistance strongly influences the success rate of applicants.

Grants Management

Sangita Chari, Grants Coordinator, and Vedet Coleman, Grants Management Specialist, continued to work together to strengthen grantee compliance. All FY 2007 grants were closed out by the end of FY 2012 with minimal unused funds returned to the Treasury Department.

Two webinars were presented on NAGPRA Grants. The annual Grants Management training, which covers administrative and programmatic reporting, including reporting requirements and procedures for requesting a modification to the grant, was held on October 25, 2011. On December 6, 2011, the National

NAGPRA Program presented "Applying for a NAGPRA Grant." For more information on grants, contact: NAGPRA_grants@nps.gov

Civil Enforcement

Under NAGPRA, civil penalties may be imposed upon museums that have failed to comply with the requirements of the law. For more information on civil penalties, contact David Tarler, Enforcement Coordinator, National NAGPRA Program (David_Tarler@nps.gov).

The civil penalties rule (43 C.F.R. 10.12) was published as an interim rule in 1997 and as a final rule in 2003. Civil enforcement began in 2006. The NAGPRA regulations set forth nine ways that a museum might fail to comply with the Act or its regulations (43 C.F.R. 10.12 (b)(1)):

i. Sale or transfer of NAGPRA items contrary to NAGPRA.
ii. Failure to complete a summary.
iii. Failure to complete an inventory.
iv. Failure to notify Tribes within 6 months after completion of the inventory.
v. Refusal to repatriate.
vi. Repatriation prior to publishing a notice in the Federal Register.
vii. Failure to consult with Tribes and/or lineal descendants.
viii. Failure to inform recipients that items have been treated with pesticides.
ix. Failure to offer to transfer control of Culturally Unidentifiable (CUI) human remains upon receipt of a claim by an appropriate "tribal land" tribe or "aboriginal land" tribe.

In May 2005, through a Secretarial Order, the Secretary of the Interior gave the National NAGPRA Program the responsibility of providing staff support on civil penalties to the Secretary's designee, the Assistant Secretary for Fish and Wildlife and Parks. From the beginning of FY 2006 through FY 2010, the NAGPRA civil penalty coordinator, who serves in the National NAGPRA Program, and a National Park Service law enforcement officer worked as a team to support the Assistant Secretary. During that time, the civil penalties investigative function was housed within the National Park Service's Law Enforcement, Security and Emergency Services (LESES) branch. Civil penalty investigations were carried out by NPS law enforcement officer Bob Palmer. In FY 2011, LESES could not accommodate the National NAGPRA Program's civil penalty investigative needs. Consequently, since FY 2011, there has not been a designated civil penalty investigator.

Toward the end of FY 2011, thanks to the receipt of additional funds from NPS, the Program published a request for proposals on a procurement contract addressing civil penalty work. Following receipt of a satisfactory proposal, the National NAGPRA Program was able to obligate these funds for a civil penalties analyst to perform certain tasks during FY 2012. Meanwhile, the National NAGPRA Program has continued to address the absence of a designated civil penalty investigator.

Regarding the contractor-analyst's scope of work, the service to be provided involved digesting the information in written allegations of museum failure to comply with the requirements of NAGPRA and establishing the facts needed to determine whether or not a particular allegation is substantiated or unsubstantiated. As envisioned, there were to be two parts to the scope of work in the services contract:

a. Digesting allegations of museum failure to comply. First, the analyst reviews all the written allegations received from 1996 to date, and (1) gives each allegation an identifier; and (2) for each allegation, identifies which of the nine possible counts of museum failure to comply were alleged. After this work product is approved by the civil penalty coordinator, the contractor enters civil penalty data files into a National NAGPRA Program electronic data system. As additional data are obtained during the course of the contract, the analyst updates and supplements the data in the system. In addition, the analyst produces documents that identify the museum, counts alleged, year alleged, and status of the matter (i.e., open/under active investigation/under review

and issuance at the Department/closed), and annotates each of the counts alleged, as set forth at 43 C.F.R. 10.12.

b. Establishing the facts required in order to determine whether or not a particular allegation is substantiated or unsubstantiated. After the analyst annotates the counts alleged, and working according to a prioritized plan of action, the analyst establishes the facts needed in order to show that the counts alleged are either substantiated or unsubstantiated. This work requires the analyst to review the National NAGPRA Program's files and databases for the existence of compliance documents. In addition, the analyst determines what, if any, additional facts would need to be obtained from the museum alleged to have failed to comply, or from the party or parties alleging the failure to comply.

Allegations of Failure to Comply: A Snapshot

Through FY 2012, 98 separate letters alleging museum failure to comply with the requirements of NAGPRA have been received. Most of these allegation letters allege multiple counts of failure to comply against a single institution, and many of the letters name more than one institution in the same letter. The number of written allegations, by year, is as follows (Table 10):

TABLE 10.—Total Number of Written Allegation Letters Received (by Year).

Year	Total # of Allegations
1996	1
1997	5
1998	3
1999	1
2000	2
2001	2
2002	5
2003	4
2004	4
2005	8
2006	3
2007	7
2008	6
2009	5
2010	13
2011	13
2012	16

FY 2012: Investigations and Findings

During FY 2012, investigation was completed regarding nine (9) counts of failure to comply alleged against three (3) different museums. Of the completed investigations, eight (8) of the alleged counts (or 88.8% of the counts alleged) were determined to be unsubstantiated and one (1) of the alleged counts (or 11.1% of the counts alleged) was determined to be substantiated. Also during FY 2012, investigation had begun, but had not been completed, regarding three (3) counts of failure to comply alleged against two (2) different museums.

New Allegations Received in FY 2012

During FY 2012, sixteen (16) individual letters were received, alleging that nineteen (19) different museums had failed to comply (Table 11). By the end of the fiscal year, investigation was completed

regarding nine (9) counts of failure to comply alleged against three (3) different museums. Also, investigation had begun, but had not been completed, regarding three (3) counts of failure to comply alleged against two (2) different museums.

TABLE 11.—Disposition of Allegations of Failure to Comply, Based on the Number of Museums in Allegations (FY 2012 and Total).

	# Museums Represented in Allegations	# Museums in Allegations Investigated	# Museums in Allegations Investigated With One or More Substantiated Counts	# Museums in Allegations Investigated Without a Single Count Substantiated	# Museums in Allegations Remaining to Be Investigated
FY 2012	**19**	**3**	**1**	**2**	**16**
Total 1996-2012	77	27	14	13	50

FY 2006-2012: Investigations and Findings

Through FY 2012, the completed investigation of one hundred and forty-four (144) counts of alleged museum failure to comply, made against twenty-seven (27) different museums, has yielded a determination of failure to comply regarding twenty-one (21) of those alleged counts, involving fourteen (14) museums, and a determination that the allegation was unsubstantiated on one hundred and twenty-three (123) counts. Thus, through FY 2012, the percentage of investigated museums that were determined to have failed to comply with the requirements of NAGPRA on at least one count is 51.5%, whereas the percentage of alleged counts that were investigated and determined to be substantiated is 14.6%.

The twenty-one (21) substantiated counts of failure to comply were comprised of one count of sale or transfer of NAGPRA cultural items contrary to NAGPRA (43 C.F.R. 10.12 (b)(1)(i)); two counts of failure to complete a summary (43 C.F.R. 10.12 (b)(1)(ii)); nine counts of failure to complete an inventory (43 C.F.R. 10.12 (b)(1)(iii)); six counts of refusal to repatriate (43 C.F.R. 10.12 (b)(1)(v)); and three counts of failure to consult with Indian tribes and NHOs (43 C.F.R. 10.12 (b)(1)(vii)). The trends in allegations made and violations substantiated are reflected in the following table (Table 12).

TABLE 12.—Substantiated Counts of Failure to Comply by Category (FY 2012 and Total).

Violation Type	FY 2012	Total
i. Transfer	0	1
ii. No Summary	0	2
iii. No Inventory	1	9
iv. Not Notify	0	0
v. Not Repatriate	0	6
vi. No Notice	0	0
vii. Not Consult	0	3
viii. Pesticides	0	0
ix. Not Offer to Transfer CUI *	0	0

*CUI = Culturally Unidentifiable Native American Human Remains

Penalty Assessments and Settlement Agreements

A museum receiving a notice of failure to comply has 45 days to take specific action, as set forth in the NAGPRA regulations, after which a penalty assessment may issue. To date, nine notices of penalty assessment, involving nine different museums, have been issued by the Assistant Secretary. In addition, one museum paid an amount to satisfy a settlement agreement. In five additional cases, the Assistant Secretary determined that the institution of a civil penalty was not an appropriate remedy (43 C.F.R. 10.12 (d)). As of the end of FY 2012, $42,679.44 in penalties has been paid by nine (9) museums.

Administrative Hearings

A museum receiving a notice of failure to comply or a notice of penalty assessment has 45 days from the date of receipt of the notice to request an administrative hearing. To date, one museum has requested a hearing. As a settlement was reached prior to the hearing, a motion to dismiss the case was granted by the administrative law judge assigned to hear the matter.

Review Committee

With the exception of civil penalties, the entire NAGPRA compliance process pertaining to collections is within the jurisdiction of the Native American Graves Protection and Repatriation Act Review Committee, which has broad authority under the law to: make recommendations to the Secretary of the Interior on implementation of the Act, including regulations; make findings of fact and facilitate the resolution of disputes; and make suggestions to further decision-making and implementation of the Act.

During FY 2012, the following people served on the Native American Graves Protection and Repatriation Review Committee: Sonya Atalay, Alexander Barker, Linda Lee Farm, Eric Hemenway, Adrian John, Rosita Worl, and Mervin Wright, Jr. The Review Committee's Designated Federal Official complies with all filings required by the Federal Advisory Committee Act (FACA). The Review Committee's current charter runs until November 24, 2012.

For more information on the Review Committee, contact Sherry Hutt, Designated Federal Official (Sherry_Hutt@nps.gov).

On November 8-9, 2011, the Review Committee met in Reno, Nevada. The meeting was hosted by the National Judicial College on the campus of the University of Nevada, Reno. At the meeting, the Review Committee heard a request by Los Angeles County, California, that the Review Committee recommend to the Secretary that an agreement to reinter human remains and Associated Funerary Objects (AFOs) determined to be Culturally Unidentifiable (CUI) proceed. As Los Angeles County could not determine that any particular human remains were, more likely than not, "Native American," as this term is defined under NAGPRA, the Review Committee concluded that it could not exercise jurisdiction over the matter. The Review Committee did express its belief that Los Angeles County could proceed with reinterment under other applicable law (i.e., state law, not NAGPRA), and requested that the Secretary's letter to Los Angeles County on this matter reflect this conclusion and belief.

In addition, the Review Committee approved its annual report to Congress for FY 2011, as required by NAGPRA (25 U.S.C. 3006 (h)); appointed a subcommittee to draft the Review Committee's report to Congress for FY 2012; discussed and reviewed the Review Committee's dispute procedures and findings procedures; heard presentations from Federal agencies on agency compliance with NAGPRA; and heard public comment on the progress made, and any barriers encountered, in implementing NAGPRA.

On May 9-10, the Review Committee met in Santa Fe, New Mexico (Figures 2 and 3). During the meeting, the Review Committee commented on the proposed minor amendments to revise the NAGPRA regulations at 43 C.F.R. Part 10, for purposes of factual accuracy and consistency, which were published in the Federal Register on April 18, 2012. In addition, the Review Committee discussed and reviewed its dispute procedures and findings procedures; heard a presentation on the role of the National Archives and Records Administration's role in preserving and making accessible NAGPRA records; heard presentations from Federal agencies and Indian tribes on NAGPRA compliance (Figure 4); and heard public comment on the progress made, and any barriers encountered, in implementing NAGPRA (Figure 5). The Review Committee also established a sub-committee to study reburial on Federal lands, which is a pervasive issue facing NAGPRA communities.

FIGURE 2.—Review Committee Members (from left) Alexander Barker, Eric Hemenway, Mervin Wright, Jr., Rosita Worl, and Linda Lee Farm Listen to Testimony.

FIGURE 3.—Attendees Listen to Presentations at the Santa Fe Meetings.

FIGURE 4.—Leigh Kuwanwisiwma (Hopi Tribe) Presents Testimony Regarding Repatriation Efforts by the Coconino National Forest; to Right are Kimberly Spurr (Museum of Northern Arizona), Arleyn Simon (Arizona State University), Anna Berg (Museum of Northern Arizona), and Peter Pilles (Coconino National Forest).

FIGURE 5.—Shane Anton and Angela Garcia-Lewis (Salt River Pima-Maricopa Indian Community) Present Public Comments to the Review Committee.

The Review Committee's procedures may be found at http://www.nps.gov/nagpra/REVIEW/Procedures.htm. Nominations for six of the seven-member Review Committee vacancies are solicited through a notice published in the Federal Register. The information on all nominees proceeds through a review process in the Department of the Interior, culminating in a decision and appointment by the Secretary of the Interior.

Review Committee Databases of Culturally Unidentifiable (CUI) Human Remains

As part of providing administrative support for the Review Committee, the Program has compiled the Review Committee's inventory of Culturally Unidentifiable Native American Human Remains (CUI), as required by 25 U.S.C. 3006 (c)(5). The Program has entered inventories of the human remains of, at minimum, 121,695 individuals whose cultural affiliation has not yet been determined, and 937,292 funerary objects associated with those individuals. To date, the total number of CUI that subsequently have been culturally affiliated is 5,573, and the total number of CUI that have been transferred to a tribe is 3,984. Ideally, as the population of CUI diminishes in future years, The Program's databases will track the MNI not yet in notices or designated as CA. Use of the database in this manner is something the Review Committee might assess in future years.

Requests for a recommendation to the Secretary that the disposition of CUI proceed may still be presented to the Review Committee in limited circumstances, either where 43 CFR 10.11 does not apply or where required under section 10.11. Notices of Inventory Completion for these CUI may publish upon receipt of the Secretary's authorization, and prior to transfer of control.

Prior to 43 CFR 10.11, there were 66 disposition authorizations granted by the Secretary out of 83 requests, accounting for 1,568 individuals. See the supplemental report on Review Committee actions on CUI requests by Sally Butts, to be posted to the National NAGPRA Program website under Reports to the Review Committee. In this reporting period, there were no requests for disposition recommendations.

The Review Committee has established guidelines and a matrix for a CUI disposition agreement request, which can be found at http://www.nps.gov/nagpra/REVIEW/Procedures.htm, and notice templates are available at http://www.nps.gov/nagpra/NOTICES/INDEX.HTM.

All the requests ever referred to and acted upon by the Review Committee concerning the proposed disposition of CUI are available on the Program's website at http://www.nps.gov/nagpra/REVIEW/INDEX.HTM.

Land

Notices of Intended Disposition

Notices of Intended Disposition published by Federal agencies in newspapers are submitted to the National NAGPRA Program. To date, 130 Notices of Intended Disposition have been submitted, accounting for 1,004 individuals, 8,847 Associated Funerary Objects (AFOs), 64 Unassociated Funerary Objects (UFOs), and 4 objects of cultural patrimony. A listing of these notices is available on the online Notices of Intended Disposition Database.

Regulations

In FY 2012, action occurred with respect to the following regulatory matters:

- Following review by the Department of the Interior, a rule drafted by the National NAGPRA Program, to be published in the Federal Register as a proposed rule and codified at 43 C.F.R. 10.7, went to the Office of Management and Budget for review. This rule would implement section 3(b) of NAGPRA (25 U.S.C. 3002 (b)) by providing procedures for the disposition of unclaimed human remains, funerary objects, sacred objects, and objects of cultural patrimony discovered on Federal lands after November 16, 1990. Pursuant to section 8 (c)(7) of NAGPRA (25 U.S.C. 3006 (c)(7)), it was developed in consultation with the Review Committee.
- Following review by the Department of the Interior, proposed minor amendments to 43 C.F.R. Part 10 drafted by the National NAGPRA Program in FY 2011 were published in the Federal Register on April 18, 2012. The proposed minor amendments revise the already-published rules for factual accuracy and consistency throughout 43 C.F.R. Part 10. Public comment was invited for a 60-day period, ending June 18. As of September 30, a draft final rule was under review at the Department of the Interior.
- The National NAGPRA Program and the Department's Office of the Solicitor have been undertaking the first-ever retrospective review of the NAGPRA regulations at 43 C.F.R. Part 10 since their initial promulgation, in 1995. The purpose of this review is to determine whether substantive revision of the regulations is warranted and, if so, how the rules should be revised. As of September 30, the Program had forwarded some proposals for revision of 43 C.F.R. Part 10 to the Office of the Solicitor for consideration and discussion.
- Every three years the NAGPRA regulations are subject to review and renewal under the Paperwork Reduction Act. This process involves two notice-and-comment periods. The first notice published in March 2012 for comments due to the Program in May. The second notice published in August, with comments due to OMB. Timely submission to OMB was accomplished. As of September 30, 2012, OMB had not completed its review. The renewal period will date for three years from the date of the renewal. In the interim, the regulations are deemed valid. There is no time limit on OMB review.

For more information on regulations, contact David Tarler (David_Tarler@nps.gov).

Technical Assistance

Training

The Program provides training through either Program-sponsored sessions or events hosted by Tribes, museums and Federal agencies (Figure 6). During this reporting period, staff provided 184 hours of training in 29 events to 1,418 participants, in addition to supplying materials for training given by others. For more information on training, contact David Tarler (David_Tarler@nps.gov).

FIGURE 6.—Panel Presenters at the NAGPRA Basics Training; (from left) Theresa Pasqual (Pueblo of Acoma), Christine Landrum (National Park Service), Megon Noble (Burke Museum), and Melanie O'Brien (National NAGPRA Program).

In FY 2012, the National NAGPRA Program provided training and Program presentations as summarized below (Table 13), with the number of attendees:

TABLE 13.—Training Offered in FY 2012, In person and Webinar, with the Number of Participants and Hours Taught.

DATE	STATE	SPONSOR & TITLE	#ATTENDED
Oct. 17-20	AZ	Departments of the Interior, Justice, and Homeland Security: "Cultural Property: Criminal and Civil Enforcement Seminar"	30 (35 hours)
Oct. 25	CA	National Preservation Institute (NPI): "NAGPRA: Summaries, Inventories, and Federal Register Notices" and "NAGPRA: Accessing and Utilizing the Databases"	27 (8 hrs.)

DATE	STATE	SPONSOR & TITLE	#ATTENDED
Oct. 25	webinar	National NAGPRA Program: "NAGPRA Grants Administration"	49 (2 hrs.)
Oct. 26	CA	NPI: "NAGPRA: Determining Cultural Affiliation"	26 (8 hrs.)
Oct. 27	SC	Southeastern Museums Conference, Annual Meeting: "De-Mystifying the Native American Graves Protection and Repatriation Act"	21 (4 hrs.)
Nov. 7	NV	National NAGPRA Program: "NAGPRA Basics"	68 (8 hrs.)
Dec. 6	webinar	National NAGPRA Program: "Applying for a FY 2012 NAGPRA Grant"	21 (2 hrs.)
Feb. 2	webinar	National NAGPRA Program: **"**Complying with Section 3 of NAGPRA on Tribal Land"	49 (2 hrs.)
Feb. 14	DC	United South and Eastern Tribes: "Current Issues NAGPRA"	35 (1 hr.)
Feb. 22	DC	American University, Washington College of Law: Class presentation – "ARPA and NAGPRA Enforcement"	12 (3 hrs.)
March 7-8	MT	Bureau of Indian Affairs & Tribal Historic Preservation Officers: "NAGPRA and Tribal Code"	25 (6 hrs.)
March 21	DC	American University, Washington College of Law: Class presentation – "Legal Issues in NAGPRA"	12 (3 hrs.)
March 22	webinar	National NAGPRA Program: "What Difference Does It Make?: NAGPRA Inventories, Summaries, and Federal Register Notices"	40 (2 hrs.)
April 3	OK	USDA Forest Service – Tribal Liaison Program and the Choctaw Nation of Oklahoma, 11th Annual "To Bridge a Gap" Conference: "NAGPRA Update"	300 (4 hrs.)
April 12	webinar	National NAGPRA Program: "NAGPRA Open Forum"	26 (2 hrs.)
April 19	VA	NPI: "Archaeological Curation and Collections Management" training: "NAGPRA for Museums"	17 (2 hrs.)
April 24	CO	NPI: "NAGPRA: Databases, Summaries, Inventories, and Notices"	27 (8 hrs.)
April 25	CO	NPI: "NAGPRA: Determining Cultural Affiliation	29 (8 hrs.)
April 26	CO	Rocky Mountain Mineral Law Foundation: "Applying NAGPRA"	260 (4 hrs.)
May 1	GA	Army National Guard: "NAGPRA: Summaries, Inventories, and Notices"	22 (8 hrs.)
May 8	NM	National NAGPRA Program: "NAGPRA: Applying the Basics"	88 (8 hrs.)
May 22-23	NM	National Preservation Institute: "NAGPRA: Writing and Managing a Successful Grant"	12 (16 hrs.)
June 5-6	FL	Florida Bureau of Archaeological Research: "NAGPRA: An Overview"	22 (8 hrs.)
June 18	DC	The George Washington University, Museum Studies Program, Collections Management Course: "Overview of NAGPRA"	5 (2 hrs.)
June 28	webinar	National NAGPRA Program: "NAGPRA Notices: Types, Process, and Content"	48 (2 hrs.)
July 20	CA	National Park Service, Albright Training Center, Training Course – Cultural and Natural Resources Law for Superintendents: "NAGPRA"	26 (8 hrs.)
July 25	webinar	National NAGPRA Program: "NAGPRA: Developing State Protocols"	73 (2 hrs.)

DATE	STATE	SPONSOR & TITLE	#ATTENDED
Sept. 13	webinar	National NAGPRA Program: "NAGPRA Databases"	15 (2 hrs.)
Sept. 19-20	WA	NPI: "Native American Cultural Property Law"	32 (16 hrs.)
		TOTAL in 29 training events	1418 (184 hrs.)

Webinars

Of the 29 training events, 8 were webinars (27.6%). Of the 1,418 total attendees at FY 2012 training events conducted either in whole or in part by the National NAGPRA Program, 321 received their training via webinar (22.6%).

For FY 2012, new logistical features were added to support webinars. Registration was automated using the "Open Meeting" technology. Recordings of some webinars provide an opportunity for anyone who did not attend a webinar to listen to it. Also, the PowerPoint and other training materials utilized in the webinars are available on the National NAGPRA Program website.

Social Media

Beginning in FY 2012, the Program entered the 21st century by using the YouTube social media platform, as a natural extension of its training tools, in addition to webinars. The Program launched a government-branded YouTube National NAGPRA Channel as a means to make the eight-segment, NAGPRA Training Video Series, developed in 2010, available to the public on demand. The Channel features all eight video segments. Topics range from grant-writing tips, explanation of the Review Committee, notices, civil enforcement, consultation, decision-making and first-person narratives on the development of NAGPRA, as well as Program statistics, anecdotal evidence, and in-depth coverage of the entirety of the law.

From May 2012, when the Channel was launched, through September 30, 2012, there were 982 views of the video series. The three most viewed videos were *The Development of NAGPRA*, *NAGPRA* (in a nutshell), and *Consultation under NAGPRA*. Over 40% of the traffic sources were from a YouTube channel page; 20% were from mobile applications and 78% of the playback locations were from a YouTube watch page, i.e., YouTube's individual video page. As of September 30, 2012, there were 15 subscribers to the Channel.

Outreach

On a yearly basis, the National NAGPRA Program receives and responds to approximately 2,000 telephonic and electronic inquiries about NAGPRA.

In addition, the Program receives letters of interest from prospective student interns and externs. In FY 2012, students from the following institutions worked in the National NAGPRA Program:

Florida State University
Michigan State University
University of California, Los Angeles

National NAGPRA Website

The National NAGPRA website (http://www.nps.gov/nagpra) continues to be the Program's primary medium for electronic communication. The website provides easy access to the statute, regulations, technical guidance, training and a variety of information resources designed to support NAGPRA implementation.

Overview

The homepage menu includes links to:

Law and Regulations
Documents and Publications,
Online Databases,
Notices,
Grants,
Training, and
Review Committee.

During the reporting period, National NAGPRA posted new materials, including:
National NAGPRA Mid-Year Report to the Review Committee for FY 2012, National NAGPRA FY 2011 Annual Report, FY 2011 Review Committee Report to Congress, and the FY 2012 NAGPRA Grants Awards. The homepage was updated on almost a weekly basis with information on training events, public comment period on proposed regulations, periodic shutdown of the databases for maintenance days, upcoming Review Committee meetings and numerous matters of interest.

Frequently Asked Questions

The FAQ section of the Program's website (http://www.nps.gov/nagpra/FAQ/INDEX.htm) is designed to provide answers to the most commonly asked NAGPRA questions. Topics addressed in the FAQ include general NAGPRA information, as well as specialized subjects, such as inadvertent discoveries, the status of non-federally recognized Indian groups under NAGPRA, and international repatriation. The FAQ section also includes links to the NAGPRA Glossary (http://www.nps.gov/nagpra/TRAINING/GLOSSARY.HTM), where many of the specialized terms used in NAGPRA are defined and explained. Links to specific entries in the Glossary also appear throughout the National NAGPRA Website. The NAGPRA Glossary is a working document, and users are invited to submit comments to NAGPRA_info@nps.gov.

Online Databases

National NAGPRA provides online access to seven searchable databases—

1. Native American Consultation Database (NACD),
2. Notices of Inventory Completion,
3. Notices of Intent to Repatriate,
4. Notices of Intended Disposition,
5. Summaries,
6. Culturally Unidentifiable Native American Inventories, and
7. Culturally Affiliated Native American Inventories.

The Online Databases page (http://www.nps.gov/nagpra/ONLINEDB) provides a single entry point for accessing all current and future National NAGPRA online databases.

Notices

The Notices page (http://www.nps.gov/nagpra/NOTICES/) provides an explanation of the Federal Register notice process, as well as templates and databases for Notices of Inventory Completion, Notices of Intent to Repatriate, and Notices of Intended Disposition.

Documents and Publications

(http://www.nps.gov/nagpra/DOCUMENTS) provides a single point for locating the various print and electronic publications produced by the National NAGPRA Program. The Documents and Publications section has links to:

- Maps (Indian Reservations in the Continental United States, Indian Land Areas Judicially Established 1978, and Military Bases in the Continental United States);
- National NAGPRA reports;
- National NAGPRA brochures;
- Forms;
- Templates;
- Reports Requested by the Review Committee; and
- Other Items.

Training

The Training page (http://www.nps.gov/nagpra/TRAINING) features a section titled *NAGPRA Webinars*, designed to provide information on a series of webinars related to the implementation of NAGPRA. The *NAGPRA Webinars* section includes registration information and lists upcoming and past webinars. Two new webinar features were added in FY 2012. Users can now register for webinars through an automated process. Additionally, the *webinar* sessions can be *recorded* for future playback. New information has also been added regarding additional NAGPRA trainings presented in partnership with the National Preservation Institute (NPI). Additions to the Training page in FY 2012 included presentations from the NAGPRA Basics Training, as well as the NAGPRA Training Videos.

Law and Regulations

The Law and Regulations section of the Website (http://www.nps.gov/nagpra/MANDATES/) has been expanded to include new subsections on Legislative and Regulatory History, and Regulatory History (including the preamble sections of proposed and final regulations). For more information about National NAGPRA Program (the Program) information systems, contact Mariah Soriano, National NAGPRA Program Officer, Web and Database Coordinator, (mariah_soriano@nps.gov).

Information Management

Overview

During the reporting period, the Program focused on evaluating the current databases, the Program's reporting requirements, the input and audit of data, and the online accessibility of data. The Program also continues to reconcile database records and paper files of inventories and summaries. Records are continually being added and checked against originator records to refine, update and audit information. Open access to information on these databases has led to increased communication between museums and Federal agencies on collection responsibilities, the updating of records for better data quality, and

thousands of Native American individuals that heretofore were determined to be CUI either being culturally affiliated and listed in notices or listed in notices under the CUI rule at 43 CFR 10.11.

National NAGPRA Program Database

The amount and complexity of the data that the National NAGPRA Program collects and tracks — through its reporting requirements, as well as through ongoing analyses — continues to increase. Currently, nine linked modules (Tribes, Museums/Agencies, Mailing List, Grants, Notices, Inventories, Summaries, Civil Penalties, and Geographic Data) comprise the NAGPRA database in Access 2007. The Program maintains one internal database (NAGPRA 10) and several public on-line databases. In FY 2012, NuAxis, LLC, a certified 8(a) information technology consulting firm with over 13 years of IT service support to the National Park Service, was awarded a contract with end-of-year funding to serve the National NAGPRA Program IT needs. In FY 2012, NuAxis evaluated the integrity and security of the internal database in response to the Cultural Resources Information Technology (CRIT) security requirements. Additionally, in anticipation of outgrowing the database, the Program asked NuAxis to evaluate and provide programming skills for database migration from Access to a Structured Query Language (SQL) database and eventual conversion to a SQL Server.

Online Databases

The National NAGPRA Program maintains several databases and will be adding additional public access databases in the near future. The National NAGPRA Program receives the compliance documents from Federal agencies and museums, including:

- Inventories of Culturally Affiliated Native American Human Remains (CA),
- Inventories of Culturally Unidentifiable Native American human remains,
- Notices of inventory completion published in the Federal Register of Native American human remains, either culturally affiliated or culturally unidentifiable, as available for transfer of control,
- Notices of intent to repatriate items from the summaries, per agreement with Tribes,
- Newspaper notices published by Federal agencies for new finds on the land and intended disposition, and
- Summaries of Federal agency and museum collections,

The National NAGPRA Program supports consultation between Federal agencies and museums with Tribes in furtherance of the NAGPRA process by making this information publicly available on the web. In addition, other tools to assist consultation are posted on the Program website.

Data Quality

The National NAGPRA Program holds complete paper compliance documents from each institution that has submitted an inventory and/or summary. The Program continues to review and to update summary and inventory records submitted by museums and Federal agencies. This includes, but is not limited to, reconciling records and notices, updating the Culturally Unidentifiable (CUI) records to reflect subsequent cultural affiliations, and including repatriation information in both the Culturally Unidentifiable Native American Inventories and the Culturally Affiliated Inventories Databases as reported by museums and Federal agencies. The reconciliation of paper-to-electronic records during the reporting period provided an opportunity to review and improve the filing system for the paper copies of inventories, summaries, and notices that been submitted to the National NAGPRA Program by museums and Federal agencies. National NAGPRA Program files, systematically catalogued by museum/agency, allow National NAGPRA staff and outside researchers to access inventory, summary, and notice files.

The databases are continuously being updated to add newly submitted records, as well as reconcile Program data to ensure accuracy. New and amended inventories are entered into the databases as they come into the Program, which occurs regularly. The information is cross-referenced against inventory records and notices. Each of the databases is updated as more information becomes available. Corrections, updates, and additions to the databases are made as museums and agencies continue to verify the data that have been entered, or submit revised inventories.

Database Status and Updates

The following databases exist, or are being updated, as follows:

Native American Consultation Database (NACD): This long-standing database provides the names and contact information supplied by each tribe for their NAGPRA contact for consultation. Names and addresses of tribal leaders have been updated from the 2012 Bureau of Indian Affairs Tribal Leaders Directory. This database can be searched by tribal name, tribal representative name, state and county name, and reservation name to yield information on Tribes, their status under NAGPRA, tribal representatives for consultation, reservation lands, and Indian Claims Commission decisions. The information in the database is updated when new information on the names of Tribes and tribal representatives is received from the Bureau of Indian Affairs, or official contact information is received by National NAGPRA from Tribes. An update of this information was completed in July 2012. The National NAGPRA Program is planning to include additional Native American land claims decisions made since the 1980 Final Report of the U.S. Indian Claims Commission.

Consultation efforts are further supported by maps accessible on the Program website, including maps of tribal lands, treaty areas, and the 1906 ethnographic maps of tribal aboriginal areas. Once the area of an item in a collection, or new discovery on the land, is determined, these maps can be used to locate the Tribes with a possible interest in human remains or items from an area. The NACD will supply the contact information for the tribe.

Notice of Inventory Completion (NIC) Database: There is currently available on the website a database of published notices of inventory completion, which is updated as new notices are published. For this reporting period, 131 NICs were posted online. This information is helpful to aid in information sharing and informing consultation on other notices. This database can be searched by date, museum/agency, title, and key word.

Notices of Intent to Repatriate (NIR) Database: This is a searchable library of published Federal Register notices pertaining to Native American Unassociated Funerary Objects (UFOs), sacred objects, and objects of cultural patrimony. Fifty-seven NIRs were posted online for FY 2012.

Cultural Unidentifiable Native American Inventories Database: This database was launched in 2005, and has informed disposition decisions on Culturally Unidentifiable individuals, as well as bringing to public view the contents of Culturally Unidentifiable Native American Human Remains (CUI) inventories from which thousands of individuals have been subsequently listed in amended inventories as culturally affiliated, placed in published notices and made eligible for repatriation. To date, 5,573 have been culturally affiliated since they were first inventoried as culturally unidentifiable.

Culturally Affiliated Native American Inventories Database: This database is a transmission for public use of data from museums and Federal agencies that have NAGPRA compliance obligations. When the database was first launched in FY 2010, 31,205 culturally affiliated human remains were reported in inventories. To date, it accounts for 57,258 Native American human remains. The increase is due in part to the efforts of the reporting agencies and museums to verify the original submissions and to

submit amended inventories. Most of the original inventories dated to 1995. Also, listed in the database are Associated Funerary Objects (AFOs). The number of AFOs is 1,219,462. The Database provides a comprehensive picture of where Culturally Affiliated Native American Human Remains (CA) are housed. Full population of data enables accurate reports of the individuals culturally affiliated but not yet in notices.

Summaries Database: This database of summaries was launched as a public access item in the summer of FY 2010. By posting summaries information on a public access database, Tribes will have easily accessible information on those Federal agencies and museums that list them as having an interest in items, as well as to disclose locations of items when summaries were not sent to a particular tribe. The database should foster consultation and inform claims decisions of Tribes, as well as provide information to museums of similar collections. Each record will contain the name of every tribe and Native Hawaiian Organization (NHO) that has received a copy of a summary from a museum or Federal agency. In May of 2012, the Digitization of NAGPRA Summaries project was completed. The hardcopy files are in the process of being archived for delivery to the National Archives and Records Administration (NARA).

Notice of Intended Disposition Database (NID): Launched in April of FY 2010, this notice database completes the disclosure and public access of the NAGPRA compliance documents for public use, with new discovery information. A Notice of Intended Disposition is published in newspapers by Federal agencies for cultural items excavated or removed from Federal lands. The Federal agency official sends copies of published NIDs to the National NAGPRA Program. The NID database provides this information searchable by agency or by state.

Future Database Development

A report of Review Committee decisions has been supplied in Program reports for several years. These reports have given historical accounting of the parties in a dispute, the general dispute item and the resolution. For purposes of assisting parties, researchers and the general public, having an interest in the varied issues and determinations on the matters, a more issue specific database is needed. A searchable-by-topic database of Review Committee opinions has been evolving and has been the project of several volunteer law school student interns. This project is not yet ready for release.

Planned in the future are public access tools including: listings of training opportunities by government, tribal and private providers; resources to support the NAGPRA process for Federal agencies, Tribes and museums such as providers of toxic substance detection; listings of state/NAGPRA protocols approved by the Secretary of the Interior; Federal agency NAGPRA contact lists; and other products as may be suggested by the Review Committee to support the NAGPRA process.

State Burial Laws Project

This multi-year project is a partnership with American University Washington College of Law. Over the course of several summers, law student interns/externs under the direction of David Tarler collected the enforcement and compliance laws pertaining to human remains and burials for every state and the District of Columbia, and annotated the laws by topic, in order to enable research across all states or within a particular state. By the end of FY 2010, 44 of the 51 jurisdictions had been annotated. The publicly-accessible data was launched on Washington College of Law's website on November 15, 2010, at the *NAGPRA at 20* symposium (http://www.wcl.american.edu/burial). In FY 2011 and FY 2012, the project was on hiatus.

The product of this partnership will assist states in the resolution of repatriation and protection of human remains discovered on state lands, and will support further development by states of repatriation protocols

consistent with NAGPRA. It will be a useful tool for developers and those who work in the field of National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) compliance.

For more information about National NAGPRA Program information systems, contact Mariah Soriano (Mariah_Soriano@nps.gov).

Records Management

Beginning in FY 2012, the Program began scanning NAGPRA summaries as part of a project for future posting on the Program website. Initially, the digitized files were saved on the WASO cultural resources server. However, the server space allotted to the Program was reaching its maximum capacity. In an effort to minimize taking up shared space, the files were then saved on an external hard drive. It is anticipated to save these files back to a server once an alternative means of increased space becomes available.

During FY 2012, the Program developed a records management plan which addressed steps to be taken on storing and archiving NAGPRA case files. Case files document the reporting of human remains and artifacts by Federal agencies and museums. Files contain notices, summaries of collections that may include unassociated funerary objects (UFOs), sacred objects, and objects of cultural patrimony, and inventories of Native American human remains and associated funerary objects (AFOs), and correspondence. The NAGPRA case files also include indexes and databases containing inventory and notice metadata. Many of these compliance documents date as far back as 1992.

According to the National Archives and Records Administration's (NARA) NAGPRA Records Schedule, NAGPRA case files, advisory committee records, and grants files are considered permanent records. NAGPRA case files include compliance documents and databases. Only upon completion of a project is the case considered inactive and closed.

During FY 2012, all summaries were digitized. A project to scan inventories began in July, and approximately 90% of them have been digitized. The electronic records will be housed on a server. Ultimately, they will be linked to existing inventory entries in the Program's databases. All of the hard copy records will be transferred to NARA. Transfer of all historical records will be concluded in FY 2013. Thereafter, there will be an annual transfer of paper records to NARA, including digitized inventories and summaries, files pertaining to closed-out grants (after their 5-year cycle has run), and notice files for notices published in that fiscal year. Electronic records, such as Review Committee materials, will also transfer to NARA on an annual basis, although some items will be accessible on the National NAGPRA Program website on an ongoing basis.

National NAGPRA Program Operations

Externs, Interns

The National NAGPRA Program forms partnerships with the National Center for Preservation Education (NCPE), law schools and universities, and the Cultural Resources Diversity Program within NPS, through the Student Conservation Association (SCA), to offer internships in government service and law school externships, where students earn course credit. Intern/extern projects provide numerous benefits to the National NAGPRA Program and the communities that it serves.

The externs/interns and the projects in progress in FY 2012 were:

Summaries Digitization Project under the direction of Mariah Soriano, contractor Alayna Rasile.

NAGPRA Inventories Digitization Project under the direction of Mariah Soriano. Project carried out by Maya Solis, M.A., Moving Image Archive Studies, University of California, Los Angeles, NCPE Intern. Maya is from the Pascua Yaqui Tribe of Arizona and Blackfeet Tribe of the Blackfeet Indian Reservation in Montana. Her earlier internships were at the Academy of Motion Picture Arts and Sciences, The Sundance Institute, and the Southern Ute Cultural Center and Museum. She has also served in a mentoring role to Native American students as part of an Indian Education Program.

National NAGPRA Program Records Archival Project under the direction of Robin Coates and Mariah Soriano. Project carried out by Kirsten Versaggi, B.A. with a major in Anthropology and a minor in Geography, University of South Florida, NCPE Intern. Kirsten's previous internships included Klamath National Forest, CA, and Prince Williams Forest Park, VA.

Contracts and Cooperative Agreements

There were five contracts and three cooperative agreements in place during this fiscal year. The advertising and bidding process for all contracts was handled through the National Park Service's contracting office in Denver. The cooperative agreements have concluded, or will shortly, and will not be ongoing.

- The successful bidder on a contract to perform digitizing work on Program documents was Contract Solutions, Inc. of Virginia. That contract will continue into FY 2013, when it is projected to finish digitizing NAGPRA summaries and inventories.
- A cooperative agreement was begun with the Museum of Northern Arizona to complete a study of NAGPRA training and to improve the NAGPRA report products. Those products will be completed during FY 2013 for presentation at the fall meeting of the Review Committee and soon thereafter posting the training product on the National NAGPRA Program website.
- The successful bidder on a contract to work as a civil enforcement analyst was Shannon Keller O'Loughlin of Washington, DC. Those efforts are detailed above in the Civil Enforcement section.
- NuAxis was the contractor to add capacity to the database operations and to add security to the data.
- Lesa Koscielski Consulting, Rapid City, South Dakota is in the second year of a five-year bid contract to provide Review Committee and training support. Her Review Committee minutes and transcripts are well known to NAGPRA constituents, as they are posted on the Program's website. Her support of the webinars has enabled the ambitious year in webinar presentations, as well as data produced for reports on NAGPRA activities.
- The cooperative agreement with the National Conference of State Historic Preservation Officers supported the NAGPRA Notice Coordinator, backlog reduction project. That cooperative agreement ended in the first quarter of the fiscal year with the hiring of Alayna Rasile to replace Jaime Lavallee, who left at the end of FY 11. That agreement has now concluded.
- The cooperative agreement with the National Preservation Institute for training, training scholarships for small museums, Indian tribes, and NHOs, and the video production project has concluded. A complete report of agreement accomplishments is attached.
- The National Park Service has an agreement with the National Center for Preservation Education at Cornell to provide interns in various NPS positions. The National NAGPRA Program has been fortunate to hire two interns each year through that program.

National NAGPRA Staff

The National NAGPRA staff roster as of September 30, 2012 is:

Program Manager:	Sherry Hutt
Program Secretary:	Robin Coates
Program Officers:	David Tarler
	Mariah Soriano
	Melanie O'Brien

Melanie O'Brien joined the National NAGPRA Program during the first week of January 2012. She came to National NAGPRA after having worked on tribal trust litigation. Melanie was chosen through a hiring panel, which interviewed a number of talented applicants. Her knowledge of Indian affairs and experience dealing with numerous parties and managing multiple technical documents impressed the panel. Melanie's rapid acclimation to NAGPRA and the Program resulted in the production of new training documents, 200 notices submitted for publication, and 188 notices published by September 30.

The National NAGPRA Program (the Program) is assisted by contractors:

Lesa Koscielski
Alayna Rasile
Shannon Keller O'Loughlin
NuAxis, LLC

In addition, the National NAGPRA Program receives support from NPS employees:

Hampton Tucker and Vedet Coleman, grants administration
Kathleen Murphy, IT support
Jane Fu, IT support
Brian Biegler, budget
Makeba Coleman, human resources

FY 2012 Budget

The National NAGPRA Program receives appropriations from Congress for grants and grants administration. Funding is also provided through the National Park Service. The figures below are in thousands and are approximate pending final invoices.

Congressional appropriation	$2,300
Used for National NAGPRA Program	$ 550
Available for Grants FY 2012	$1,750
Grants Awarded FY 2012	$1,750

National NAGPRA Program Funding

National NAGPRA Program support	$550
Grants administration appropriation	$191
Operations funding from NPS	$289
Total of funding sources:	$ 1,030

Operational Expenses

Personnel Compensation:	$655
Contractors and interns:	$130
Publication (Fed. Reg. & printing)	$120
Travel (NAGPRA staff, Review Com. training & Review Committee meetings)	$50
Equipment, supplies	$10
Review Committee meeting events, transcripts and fees	$65
Total Expenses	$1,030

Federal Agency Inventory and Repatriation Data Report FY 2012

TABLE 14.—Federal Agency Inventory and Repatriation Data Report FY 2012.

Note: *The data compiled for this table consist of presently available electronic inventory records of culturally unidentifiable (CUI) and culturally affiliated human remains that were entered as of September 30, 2012, and information (notice-by-notice dataset) that agencies provided to the National NAGPRA Program. These datasets were cross-referenced with one another and the results are presented below.*

	Collection as of FY12		Culturally Affiliated (CA)		Culturally Unidentifiable (CUI)		Notices of Inventory Completion		Repatriated (as reported by Agency)		Remaining in Collection	
Federal Agency	**MNI**	**AFO**	**MNI**	**AFO**	**MNI**	**AFO**	**MNI**	**AFO**	**MNI**	**AFO**	**MNI**	**AFO**
Reference Letter for Comments Below	**A**	**B**	**C**	**D**	**E**	**F**	**G**	**H**	**I**	**J**	**K**	**L**
Environmental Protection Agency	9	1	0	0	9	1	0	0	0	0	9	1
National Guard Bureau, Air National Guard	32	0	0	0	32	0	0	0	0	0	32	0
Tennessee Valley Authority	8389	23435	359	2565	8030	20870	39	2564	2	0	8387	23435
US Dept. of Agriculture, Forest Service	6577	51714	5807	36692	770	15022	5392	34443	1303	19769	5274	31945
US Dept. of Defense, Air Force	40	88	39	88	1	0	38	85	29	61	11	27
US Dept. of Defense,United States Army Medical Research and Materiel Command, National Museum of Health & Medicine	180	0	22	0	158	0	16	0	10	0	170	0
US Dept. of Defense, Army COE, MCX	3196	63103	968	45790	2228	17313	958	45549	953	45538	2243	17565
US Dept. of Defense, Army	286	3891	111	3138	175	753	117	3189	105	1557	181	2334
US Dept. of Defense, Navy	220	6744	220	6744	0	0	218	6744	218	6744	2	0
US Dept. of Defense, Navy, Marine Corps	1813	739	1599	739	214	0	1599	1596	739	739	1074	0
US Dept. of Energy	26	1437	6	1340	20	97	6	1340	6	1340	20	97
US Dept. of Homeland Security, U.S. Coast Guard	2	0	2	0	0	0	2	0	2	0	0	0
US Dept. of Interior, Indian Affairs	2495	13242	2436	13224	59	18	1959	13196	1950	13180	545	62
US Dept. of Interior, Bureau of Land Management	2002	19334	1576	19032	426	302	1576	19032	1064	14261	938	5073
US Dept. of Interior, Fish and Wildlife Service	1072	6048	323	933	749	5115	166	628	66	372	1006	5676
US Dept. of Interior, Indian Arts and Crafts Board	2	0	2	0	0	0	2	0	0	0	2	0
US Dept. of Interior, National Park Service	6494	100472	4886	85838	1608	14634	4468	84722	3823	38938	2671	61534
US Dept. of Interior, Bureau of Reclamation	854	3450	706	3408	148	42	567	3342	564	3342	290	108
US Dept. of Justice (Federal Bureau of Investigation and Marshalls Service)	11	3	9	2	2	1	9	2	2	1	9	2
Total	**33700**	**293701**	**19071**	**219533**	**14629**	**74168**	**17132**	**216432**	**10836**	**145842**	**22864**	**147859**

KEY: MNI=Minimum Number of Individuals; AFO=Associated Funerary Objects

A. Total MNI in Inventory (Culturally Unidentifiable Native American Human Remains [CUI] and Culturally Affiliated Native American Human Remains (CA)
B. Total AFO in Inventory (CUI and CA)
C. culturally affiliated MNI
D. culturally affiliated AFO
E. Culturally Unidentifiable MNI
F. Culturally Unidentifiable AFO
G. Sum of MNI in NICs
H. Sum of AFO in NICs
I. MNI Repatriated (reported by agency)
J. AFO Repatriated (reported by agency)
K. Difference of total MNI in collections (Column A) and total repatriated (Column I)
L. Difference of total AFO in collections (Column B) and total repatriated (Column J)