

Fiscal Year 2022 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, 2021 – September 30, 2022

Native American Graves Protection and Repatriation Act

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National NAGPRA Program

National Park Service

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Native American Graves Protection and Repatriation Act

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

This report covers Program activities on the following delegated tasks during Fiscal Year 2022 (October 1, 2021- September 30, 2022):

Section 3: On Federal or Tribal Lands

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

Section 4: Trafficking

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

Sections 5, 6, & 7: In Holdings or Collections

- Receiving and recording inventories and summaries prepared by museums and Federal agencies
- Publishing notices in the *Federal Register* for museums and Federal agencies
- Maintaining databases of inventories, summaries, notices, and Federal agency repatriations

Section 8: Review Committee

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

Section 9: Civil Enforcement

- Providing staff support on allegations of museums who fail to comply with the Act

Section 10: Grants

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

Section 13: Regulations

- Drafting and updating regulations

Section 14: Appropriations

- Carrying out the Act using the funds appropriated

National NAGPRA Program Statistics

NAGPRA At-A-Glance Fiscal Year 2022

215	notices published in the Federal Register
10	Review Committee meetings
0	letter alleging failure to comply received
\$2.1	million awarded for grants
\$72,505	6 repatriation grants
\$2,084,495	24 project grants

NAGPRA collections increased – the number of human remains reported in NAGPRA inventories increased by 6,445 individuals.

NAGPRA activity increased – the number of human remains that have completed the regulatory process grew by nearly 19%.

NAGPRA funding increased –available grant funds increased to \$2.1 million.

More NAGPRA work needed – Over 108,000 Native American individuals are still in collections and 94% of those have not been culturally affiliated with any present-day Indian tribe or NHO. Cultural affiliation studies and in-depth consultations could resolve the rights to many of these individuals.

NAGPRA Accomplishments FY 1990 – FY 2022

92% of culturally affiliated human remains have completed the NAGPRA process.

Over 1.86 million associated funerary objects have been transferred with human remains.

31% of museums subject to NAGPRA have resolved all Native American human remains under their control.

More than 353,000 unassociated funerary objects have been repatriated.

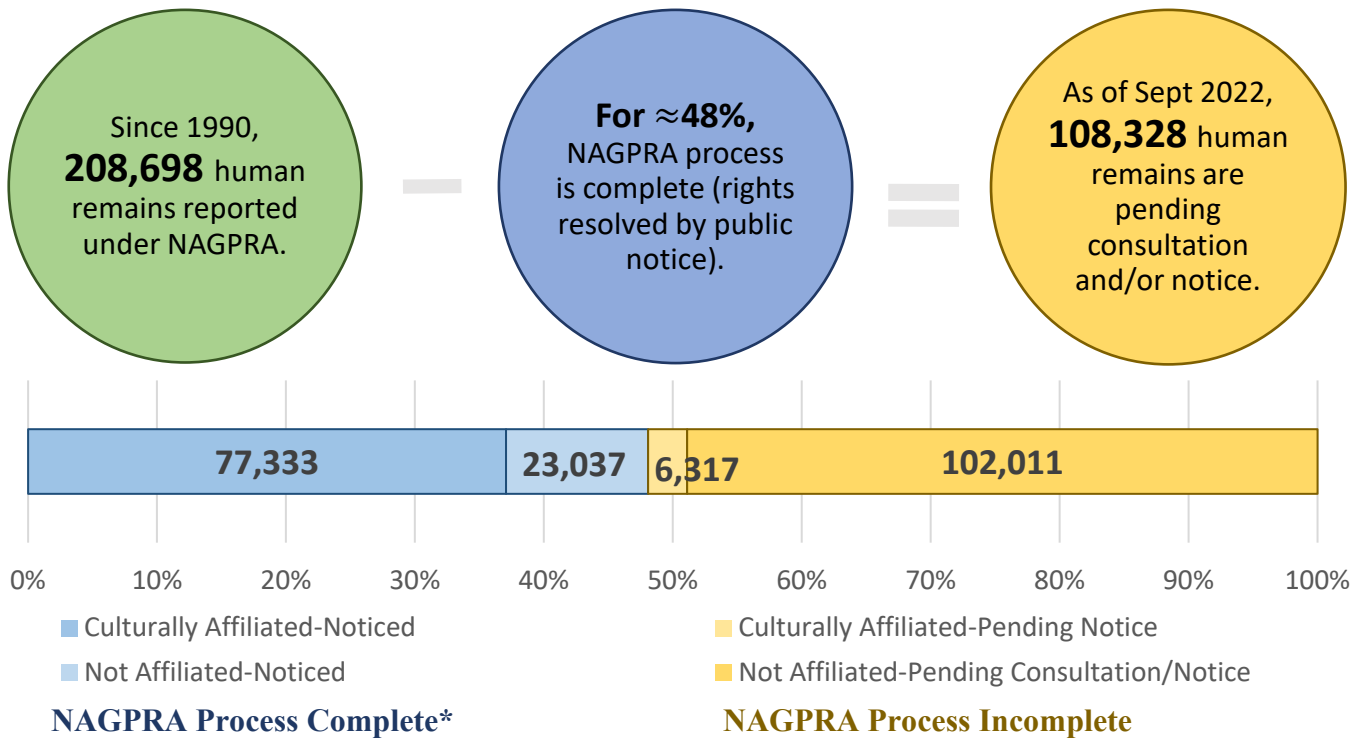
About 22,600 other cultural items have been repatriated.

82 Review Committee meetings have been held between FY 1990-FY 2022.

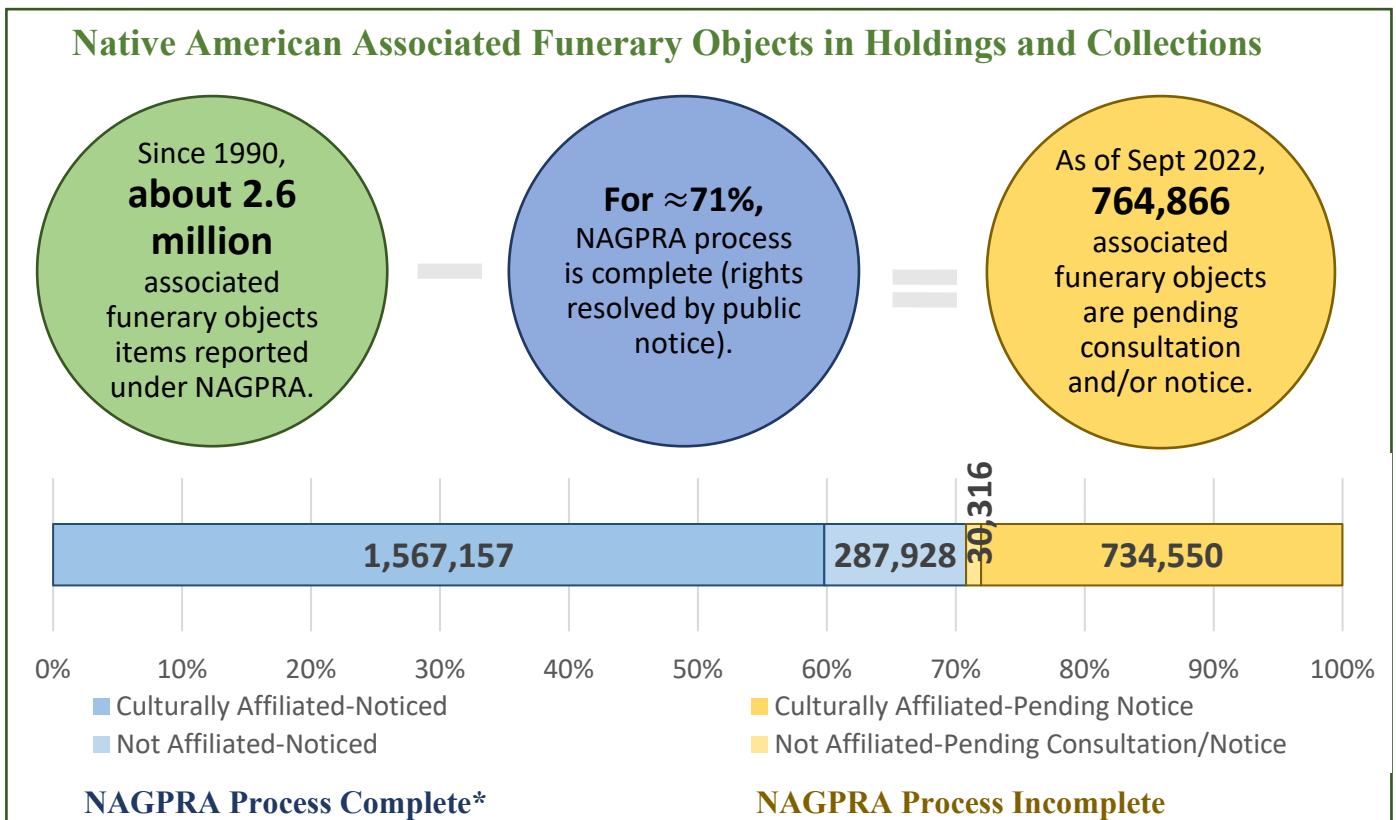
\$59,111 has been collected in civil penalties for failures to comply.

\$56 million has been awarded in NAGPRA grants.

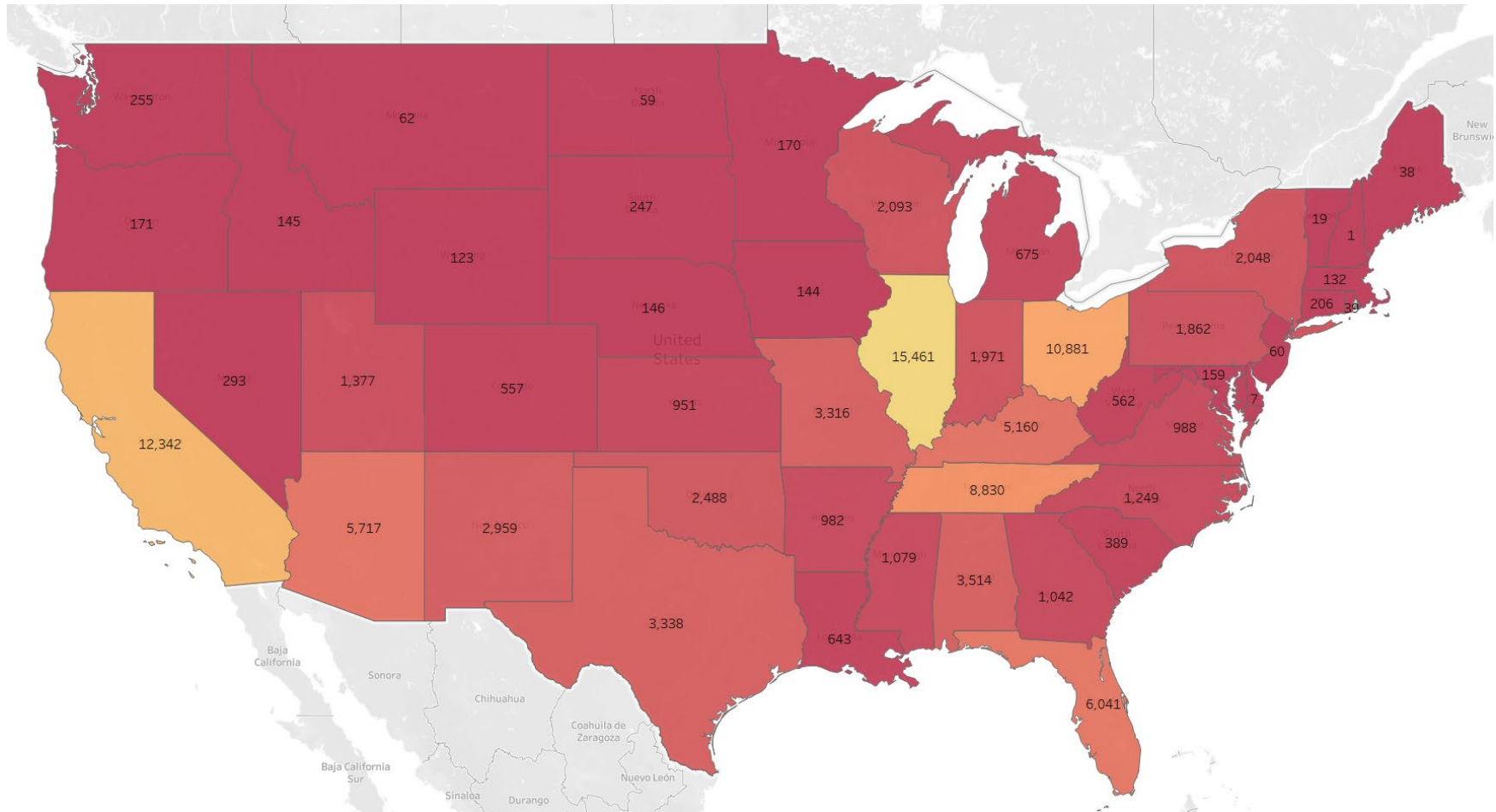
Native American Human Remains in Holdings and Collections



Native American Associated Funerary Objects in Holdings and Collections



Sets of Native American human remains by state of removal/excavation.
Showing the **108,328** human remains in holdings and collections as of Sept 2022.



Sets of Native American individuals by institution/Federal agency.
20 largest holdings or collections as of Sept 2022.

Univ. of California, Berkeley	9,062
Illinois State Museum	7,590
Ohio History Connection	7,167
Harvard University	6,484
Indiana University	4,838
Univ. of Tennessee, Knoxville	4,154
Univ. of Kentucky	3,713
Tennessee Valley Authority	3,284
Univ. of Alabama Museums	2,952
Univ. of Florida, Florida Museum of Natural ..	2,589
Univ. of Arizona, Arizona State Museum	2,471
Univ. of Missouri, Columbia, Museum of Ant..	2,451
Univ. of Oklahoma, Sam Noble Oklahoma M..	2,367
Center for American Archeology, Kampsvill..	1,947
American Museum of Natural History	1,938
Univ. of Texas at Austin, Texas Archeologic..	1,909
Milwaukee Public Museum	1,600
Florida Dept. of State	1,426
U.S. DOD, Army Corps of Engineers	1,352
Field Museum	1,324

Section 3: Federal or Tribal Lands

Notices of Intended Disposition

The Program received copies of 7 Notices of Intended Disposition published in newspapers by Federal agencies. Since 1990, 221 notices have been published. See <https://grantsdev.cr.nps.gov/NagpraPublic/Home/NID>.

Unclaimed Cultural Items

The Program received 3 lists of unclaimed cultural items from Federal agencies. See <https://www.nps.gov/subjects/nagpra/unclaimed-cultural-items.htm>.

Sections 5, 6, & 7: Collections or Holdings

Inventories of Native American human remains

The Program received 11 new inventories. See <https://grantsdev.cr.nps.gov/NagpraPublic/Home/Inventory>.

Summaries of Native American cultural items

The Program received 10 new summaries. Summaries contain only general descriptions of Native American collections, so no statistical data on summaries is available. See <https://grantsdev.cr.nps.gov/NagpraPublic/Home/Summary>.

Federal Register Notices

The Program received 242 notice submissions this year and published a total of 215 notices. Publication of a notice in the *Federal Register* is the last step in the NAGPRA process. See <https://grantsdev.cr.nps.gov/NagpraPublic/Home/Notice>.

Repatriation

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

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

Table 1: Repatriations reported by Federal agencies as of Sept 30, 2022

Federal Agency	Sets of Human Remains	Associated Funerary Objects
Agriculture, Forest Service	2,289	21,772
Defense, Air Force	29	61
Defense, Army	190	4,166
Defense, Army Corps of Engineers	3,791	188,682

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Defense, Marine Corps	1,599	739
Defense, National Guard Bureau	96	32
Defense, National Museum of Health & Medicine	43	0
Defense, Navy	824	7,882
Energy	7	1,341
Environmental Protection Agency	0	0
Homeland Security, U.S. Coast Guard	2	0
Interior, Bureau of Land Management	1,237	17,553
Interior, Bureau of Reclamation	629	3,940
Interior, Fish and Wildlife Service	233	498
Interior, Indian Affairs	2,553	35,696
Interior, Indian Arts and Crafts Board	1	0
Interior, National Park Service	5,445	82,256
International Boundary and Water Commission	0	0
Justice, FBI and Marshalls Service	3	1
Tennessee Valley Authority	9,277	119,630
Total	28,248	484,249

Section 8: Review Committee

Members and Meetings

The Review Committee held 10 public meetings this fiscal year. See <https://www.nps.gov/subjects/nagpra/review-committee.htm>.

Culturally Unidentifiable Native American human remains

The Review Committee is responsible for compiling inventories of culturally unidentified Native American human remains and making recommendations for the disposition of those human remains. See <https://grantsdev.cr.nps.gov/NagpraPublic/Home/Inventory>.

The Review Committee made 2 recommendations to the Secretary of the Interior. Since 1992, the Review Committee has heard and taken action on 114 requests for human remains with no cultural affiliation. Of these requests, 111 were requests for disposition of particular sets of human remains, and 3 were requests to consider and approve a state process for disposition. See <https://www.nps.gov/subjects/nagpra/disposition-recommendations.htm>.

Section 9: Civil Enforcement

Allegations and Findings

The Program received no letters alleging that a museum failed to comply with the Act. Prior to 2019, the Program reported information related to civil enforcement in annual reports, including the number of allegations, the number of violations, and the unique number of entities/museums involved in those allegations. In this report, in order to reflect more accurate and informative data, the Program has revised this statistical information to count only the unique number of allegations received. As a result, the figures reported below differ from what was previously reported.

Since 1996, the Program has received 122 unique allegations of failure to comply. Previously, the Program reported a total of 142 allegations. In past reporting, one allegation that involved separate museums was counted as more than one allegation. In other cases, an allegation against one museum

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might result in a substantiation, in part, and a determination of no failure to comply, in another part, and was then counted as more than one allegation. The status of the 122 unique allegations is reflected below:

Table 2: Allegation Results as of Sept 30, 2022

Allegation Result - Status	Number of allegations
Substantiated - Failure to comply	23
Not substantiated - No failure to comply	36
Pending	63
Total	122

Of the 23 allegations that were substantiated, the Assistant Secretary for Fish and Wildlife and Parks assessed penalties in response to 12 allegations, but only 11 assessments have been paid to date. The Assistant Secretary determined that a penalty was not an appropriate remedy for 7 allegations and entered into a settlement agreement in response to 4 allegations. Civil enforcement under NAGPRA has yielded \$59,111.34 in penalties and settlements paid to the U.S. Treasury.

Table 3: Allegation Substantiated as of Sept 30, 2022

Museum	Penalty Amount
Andover Newton Theological Seminary	\$4,900.00
Bernice P. Bishop Museum (2010)	Not appropriate
Bernice P. Bishop Museum (2008)	Settlement (\$13,500.00)*
City of Harrisburg	\$9,820.00
East Carolina Univ.	\$3,750.00
Fremont County Coroner	Settlement without payment
Hamilton County Parks and Recreation	\$6,533.00
Harvard University Art Museums	Not appropriate
Marshall University	\$4,999.00
Nelson-Atkins Museum of Art	Not appropriate
Northern Illinois Univ.	\$2,500.00
Oregon State Univ.	Not appropriate
Pacific Lutheran Univ.	Not appropriate
Pierce College	\$3,750.00
Safety Harbor Museum of Natural History	\$439.34
St. Joseph Museums, Inc. (2007)	\$1,420.00
St. Joseph Museums, Inc. (2016)	Pending petition**
St. Martin's Waynick Museum	Not appropriate
Texas Parks and Wildlife	\$5,000.00
Univ. of California, Berkeley (2013)	Settlement without payment
Univ. of California, Berkeley (2013)	Settlement without payment
Univ. of Massachusetts, Amherst	Not appropriate
Univ. of Puget Sound	\$2,500.00
Total	\$59,111.34

* Payment through settlement, not penalty assessment.

** Penalty assessed, but not yet paid. Pending a petition for relief.

The Program has evaluated the 63 allegations still pending. Some of the allegations (17) require further investigation. These allegations are currently the top priority for the National NAGPRA Program. Many of the allegations (42) are under review prior to submission to the Assistant Secretary for a finding. A few

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allegations (4) can be administratively closed, without further investigation or review or submission to the Assistant Secretary.

Table 4: Allegations Pending as of Sept 30, 2022

Evaluation Result – Status	Number of allegations
Requires further investigation	17
Under Program review	42
Can be administratively closed	4

Table 5: Investigations Pending as of Sept 30, 2022

Investigation Result – Status	Number of allegations
Active investigation	1
Not yet begun	2
Investigated in part	4
Related to previously resolved allegation	2
Related to repatriated items	7
Investigation on hold	1

Section 10: Grants

Awards to Indian Tribes and Museums

The Program awarded \$2.1 million in grants to nine Indian Tribes and 20 museums. Since 1994, over \$56 million has been awarded. See <https://www.nps.gov/subjects/nagpra/previously-awarded-grants.htm>.

Section 13: Regulations

The Program provided staff support to the Department of the Interior on proposed revision to the NAGPRA regulations. See <https://www.nps.gov/subjects/nagpra/regulations.htm>.

Section 14: Appropriations

Program Budget

(in thousands of dollars)

NAGPRA Grants	\$ 2,157
Program administration	\$ 846
Grants administration	\$ 225
Total appropriations/authorizations	\$ 3,228
Grants Awarded	
Project Grants	\$ 2,085
Repatriation Grants	\$ 72
Operational Expenses	
Personnel	\$ 505
Grants administration	\$ 225
Publication (<i>Federal Register</i>)	\$ 105
Contractors	\$ 155
Review Committee stipends	\$ 19

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Travel (Review Committee)	\$ 0
Travel (Program staff)	\$ 2
Conference scholarships	\$ 58
Equipment, supplies, other	\$ 2
Total expenditures	\$ 3,228

Technical Assistance

The Program corresponded with over 500 people at nagpra_info@nps.gov and over 100 phone calls to 202-354-2201. In addition, each staff member responded to direct inquiries. This does not include correspondence on notices, which accounts for another 500 emails this year. Much of the email and phone calls results in referrals to information on the Program website <https://www.nps.gov/nagpra>. Analytics for the website show 156,859 pageviews and 8,701 unique download events. The top pages visited were the index page, compliance page, getting started page, and frequently asked questions. The top downloads were Senate Report 101-473, draft regulations overview, summary template, draft regulations for consultation, and sample inventory template-culturally affiliated. Since 2012, the Program has hosted a <https://www.youtube.com/channel/UCnW4iTYwRskuV9OUgG0trzQ> featuring an eight-segment video series, recorded webinars, and a four-hour *NAGPRA Basics* training recorded live in 2014. This fiscal year, the channel received over 8,300 views and 516 subscribers.

Since 2019, the Program has shared data annually on the number of Native American human remains reported through a data visualization webpage https://public.tableau.com/app/profile/nationalnagpra/viz/2022NativeAmericanGravesProtectionandReparationAct/1_Reported. Data is shown by status in the regulatory process (complete or pending consultation/notification) and determination of a connection to present-day Indian Tribes of NHOs (culturally affiliated or not). The data can be filtered or highlighted within each visualization. There are 5 pages (Reported, Pending, Complete, Museums, and Federal Agencies). There are tabs within each page (overview, removed from, and located in).

National NAGPRA Program

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