



Twenty-fifth Meeting of the Native American Graves Protection and Repatriation Review Committee
National NAGPRA Reports

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[PDF version only](#): Several blank pages appear in this document. These blank pages were inserted in the original file for printing purposes only, and should be ignored.

NAGPRA Overview

Summaries, Inventories and Notices¹

- Summaries received from 859 institutions (694 museums and 165 Federal agencies) (3 new summaries received since October 1, 2002). Statements of no summary received from 100 museums and 47 Federal agencies.
- Inventories received from 757 institutions (543 museums and 214 Federal agencies) (2 new inventories received since October 1, 2002). Statements of no inventory received from 126 museums and 46 Federal agencies.
- Notices of Inventory Completion: 675 notices published (increase of 21 notices since October 1, 2002).
- Notices of Intent to Repatriate: 248 notices published (increase of 14 notices since October 1, 2002).
- Notices of Intended Disposition: 31 reported pairs of notices published (no change since October 1, 2002).

Grants

- 51 tribal and 11 museum documentation grant applications have been received to date for FY2003.
- 4 tribal and 1 museum repatriation grant applications have been received to date for FY2003.
- 1 tribal repatriation grant and 1 museum repatriation grant have been awarded to date for FY2003.

Culturally Unidentifiable Human Remains

As part of providing administrative support for the Review Committee, National NAGPRA is compiling a list of culturally unidentifiable human remains. To date, National NAGPRA has logged 356

inventories of culturally unidentifiable Native American human remains from 306 museum and 50 Federal agencies. Approximately 86 percent of the 356 inventories (294 inventories from 250 museums and 44 Federal agencies) have been entered into National NAGPRA's "Culturally Unidentifiable" inventory database.

Civil Penalties

The final civil penalties rule (43 CFR Section 10.12) was published in the Federal Register on April 3, 2003, and become effective May 5, 2003. National NAGPRA is collaborating with the U.S. Department of the Interior's Solicitor's office and the office of the National Park Service Chief Ranger to establish a protocol for evaluating and investigating complaints, and assessing penalties. Evaluation of all allegations received to date (approximately 13) will begin after agreement on the civil penalty evaluation, investigation, and assessment protocol.

Regulations

Four sections of regulations are pending, and existing regulations need some technical modifications. The four reserved sections are:

- **Section 10.7, *Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony***, is in preparation by the National NAGPRA staff.
- **Section 10.11, *Disposition of culturally unidentifiable human remains***, is under review by the National NAGPRA staff and the Review Committee.
- **Section 10.13, *Future applicability***, had been drafted by the National Park Service and discussed by the Review Committee at its meetings in Billings, MT, June 9-11, 1996, and Tulsa, OK, May 31-June 2,

¹ All statistics in National NAGPRA reports as of close of business March 31, 2003.

2002, currently under review by the National Park Service.

- **Section 10.15(b)**, *Failure to claim where no repatriation or disposition has occurred*, has been assigned to a National NAGPRA staff member.

Outreach

Meetings

- Conference on Partnership Opportunities for Federally Associated Collections (December 5-7, 2002, Washington, DC)
- National Park Service's American Indian Law and Policy course (March 13-14, 2003, Philadelphia, PA)
- Distributed information on contaminated collections at the Environmental Protection Agency's Tribal Pesticide Program Council meeting (March 13-14, 2003, Arlington, VA)
- Ongoing participation in U.S. Department of the Interior's Contaminated Collections Work Group (Washington, DC)

Website

- A new section, "NAGPRA Reports," was added to the National NAGPRA Website (www.cr.nps.gov/nagpra/REPORTS). This section provides links to PDF versions of the National NAGPRA reports presented at Review Committee meetings.
- The "Legal Mandates and Guidance" page has been modified to include links to NPS congressional testimony regarding NAGPRA and sacred sites (see: www.cr.nps.gov/nagpra/MANDATES).

Media inquiries

- *American Indian Report*
- *Arizona Daily Star*
- *Deseret News*
- *Las Vegas Sun*
- *New Scientist.com*
- *Salt Lake Tribune*

Training

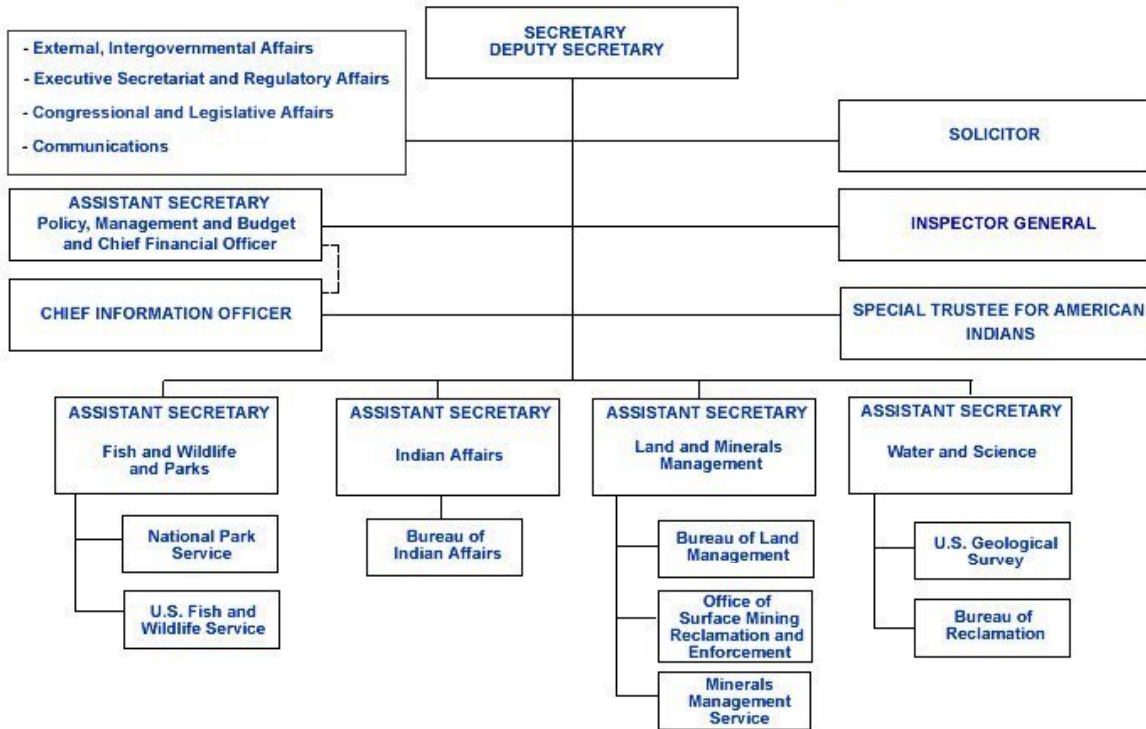
Completed during this reporting period –

- *Seattle NAGPRA Seminar* (November 8, 2002, Seattle, WA)
 - *NAGPRA Grants Writing Workshop* (November 11, 2002, San Diego, CA)
- Scheduled –
- *Implementing NAGPRA Section 3: Excavations and Inadvertent Discoveries on Federal and Tribal Lands* (Milwaukee, WI, April 10, 2003)
 - *St. Paul NAGPRA Seminar*, May 8, 2003, St. Paul, MN
 - *NAGPRA Grants Proposal Writing Workshop* (November 19, 2003 [date tentative], Albuquerque, NM)
 - *Albuquerque NAGPRA Seminar* (November 20, 2003 [date tentative], Albuquerque, NM)

Information Management Systems

The National NAGPRA data management systems continue to develop and improve, with a special focus on data entry for inventories of culturally unidentifiable human remains and associated funerary objects.

U.S. Department of the Interior



Organizational Chart - NPS Cultural
Resources

Notices

Notices of Inventory Completion

675 notices published (**increase of 21 notices²**) accounting for –

- 27,312 human remains (increase of 113 sets of human remains).
- 543,081 associated funerary objects (increase of 8,059 objects).

Notices of Intent to Repatriate

248 notices published (**increase of 14 notices**) accounting for –

- 77,208 unassociated funerary objects (**increase of 816 objects**).
- 1,166 sacred objects (**increase of 82 objects**).
- 262 objects of cultural patrimony (**increase of 1 object**).
- 509 sacred objects/objects of cultural patrimony (**no change during the reporting period**).

Notices of Intended Disposition (no change since October 1, 2002)

31 reported pairs of notices published accounting for –

- 80 human remains.
- 181 funerary objects.
- 5 objects of cultural patrimony.
- (One pair of notices, accounting for one set of human remains, was subsequently rescinded.)

Unpublished Notices

The cumulative total of all logged notices of inventory completion and intent to repatriate is 1,248 as of March 31, 2003. In 30 cases, the museum or Federal agency subsequently requested that the notice be withdrawn prior to publication. Of the remaining 1218 notices, 923 (76%) have been published in the Federal Register.

As of March 31, 2003, 325 notices are unpublished, of which 262 are assigned to National NAGPRA staff for processing. The other 34 are National Park Service notices assigned to the Archeology and Ethnology program staff.

Processing time

The two tables on page 6 provide information on the time it has taken to publish notices of inventory completion and notices of intent to repatriation from the date the notice was received by National NAGPRA to the date it is approved for publication in the Federal Register. For the purposes of providing a meaningful comparison, the “date received” was set at 12/31/1999 for all notices logged prior to 2000. The tables list the average, maximum, and minimum number of days to prepare a notice for publication, and the number of notices for that year. Overall, there is a trend for more timely processing of notices, which may be due primarily to three factors. First, a larger, permanent National NAGPRA staff may have increased the processing rate. Second, as a result of developing templates and posting them online, and as a result of National NAGPRA’s continued technical assistance, museums and Federal agencies submit notices whose content and format is much more readily processed into a final notice for publication. The third reason is related to the second – older notices often take longer to prepare because museums and Federal agencies originally supplied the notice prior to the publication of the final regulations or because, as a result of the museum or Federal agency’s improved records management, after reviewing the old notice the institution needs to modify the notice and the associated inventory.

² All increases shown are since October 1, 2002.

Number of Days to Process Notices of Inventory Completion

Year received	Number of days from date received to date approved for publication	Total
1994	Average	252
	Maximum	252
	Minimum	252
	Number of notices	1
1995	Average	545
	Maximum	847
	Minimum	203
	Number of notices	17
1996	Average	574
	Maximum	972
	Minimum	199
	Number of notices	11
1997	Average	422
	Maximum	934
	Minimum	138
	Number of notices	46
1998	Average	415
	Maximum	774
	Minimum	55
	Number of notices	39
1999	Average	439
	Maximum	973
	Minimum	10
	Number of notices	43
2000	Average	189
	Maximum	846
	Minimum	1
	Number of notices	100
2001	Average	106
	Maximum	505
	Minimum	5
	Number of notices	51
2002	Average	91
	Maximum	281
	Minimum	9
	Number of notices	36

Number of Days to Process Notices of Intent to Repatriate

Year received	Number of days from date received to date approved for publication	Total
1996	Average	1,223
	Maximum	1,259
	Minimum	1,150
	Number of notices	3
1998	Average	549
	Maximum	549
	Minimum	549
	Number of notices	1
1999	Average	182
	Maximum	415
	Minimum	99
	Number of notices	7
2000	Average	147
	Maximum	217
	Minimum	77
	Number of notices	45
2001	Average	118
	Maximum	194
	Minimum	52
	Number of notices	33
2002	Average	70
	Maximum	121
	Minimum	5
	Number of notices	26

The two tables on page 7 provide information on the time it has taken to publish a notice of inventory completion or a notice of intent to repatriate from the date it is approved for publication to the date it appears in the Federal Register. Only notices published between 2000 and 2003 are included in this table because the National NAGPRA database and record keeping procedures were standardized beginning in 2000.

Number of Days to Publish Notices of Inventory Completion

Year published	Number of days from date approved for publication to date published in the Federal Register	Total
2000	Average	10
	Maximum	38
	Minimum	4
	Number of notices	115
2001	Average	29
	Maximum	134
	Minimum	4
	Number of notices	146
2002	Average	45
	Maximum	99
	Minimum	15
	Number of notices	70
2003	Average	40
	Maximum	79
	Minimum	17
	Number of notices	13

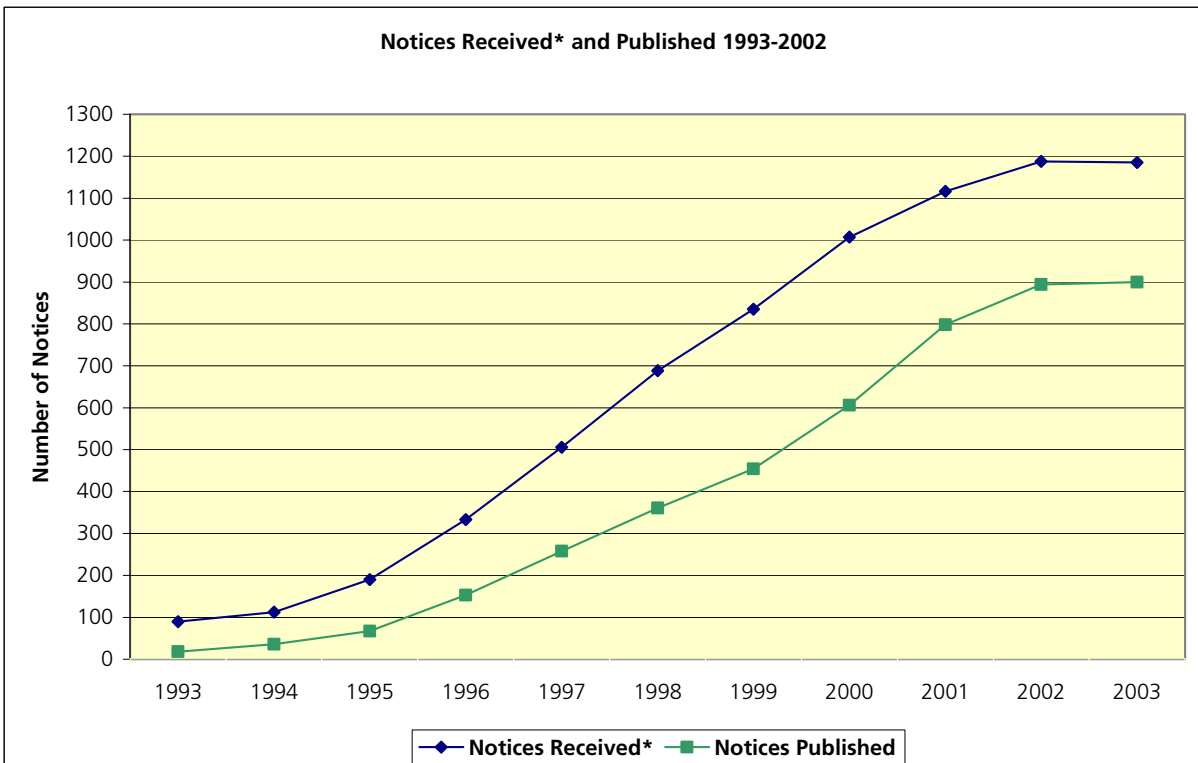
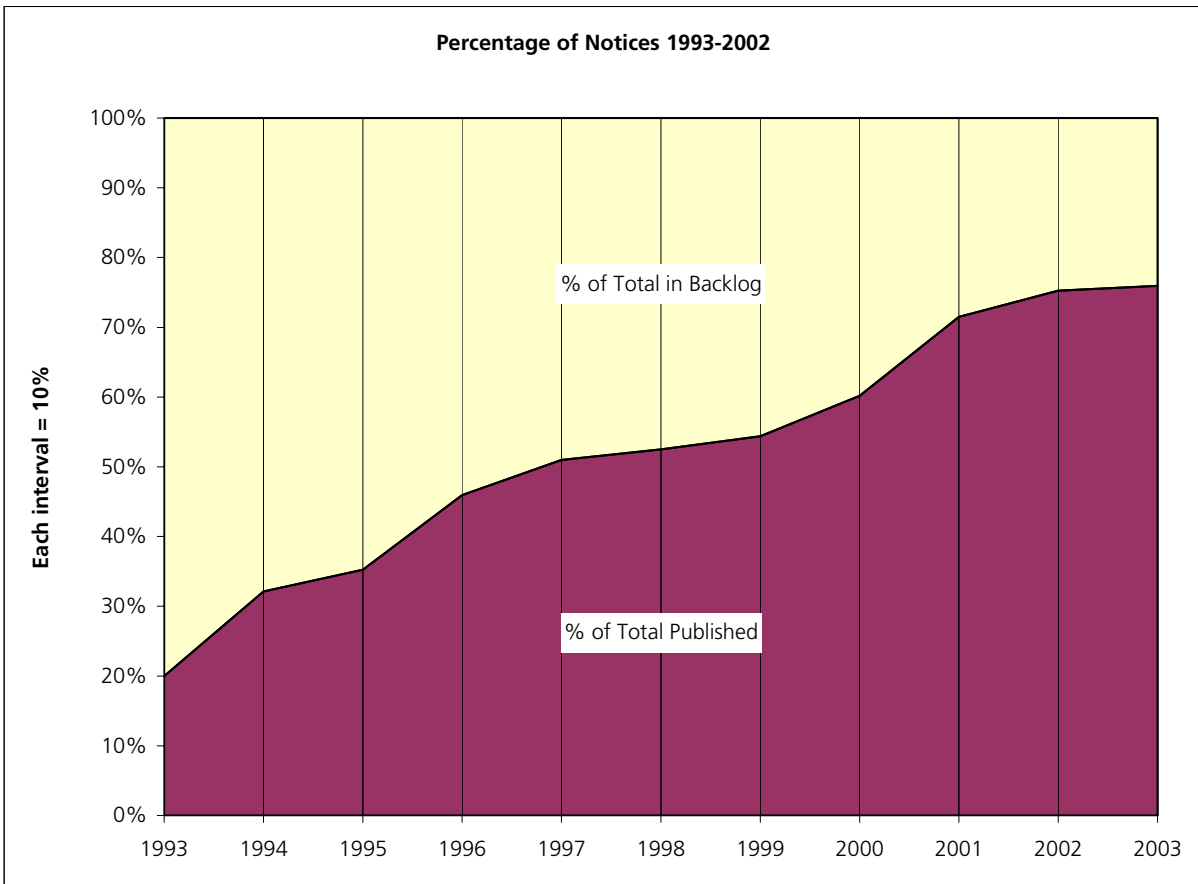
revised with citations and language that better reflects the statute and regulations.

Number of Days to Publish Notices of Intent to Repatriate

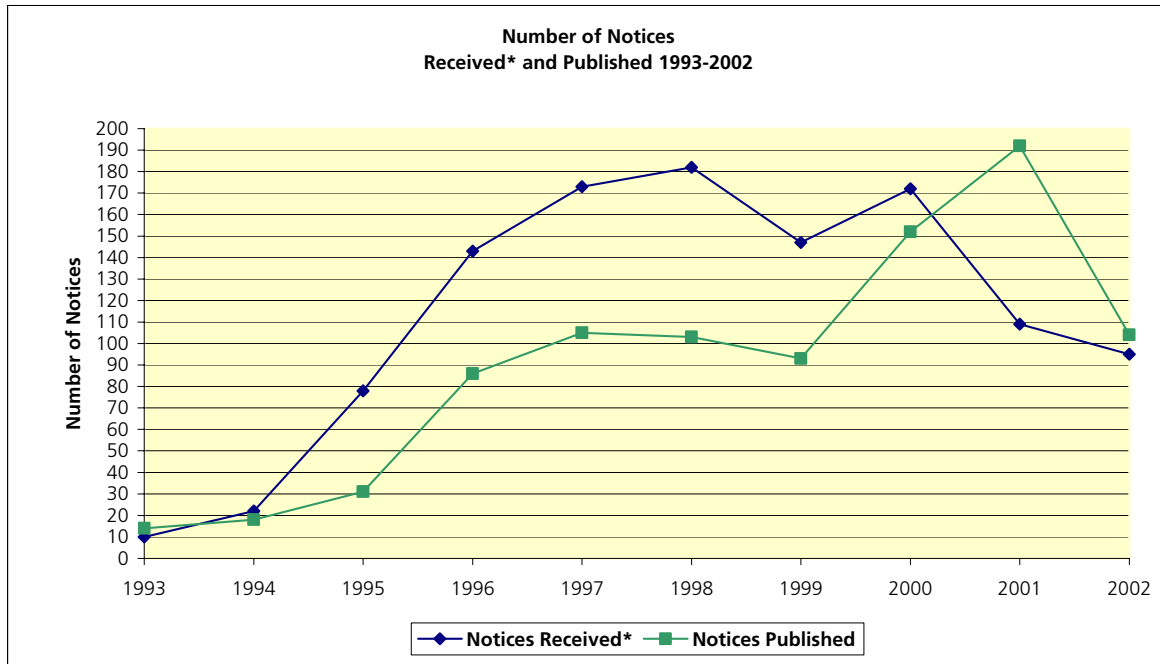
Year published	Number of days from date approved for publication to date published in the Federal Register	Total
2000	Average	10
	Maximum	47
	Minimum	2
	Number of notices	35
2001	Average	34
	Maximum	106
	Minimum	4
	Number of notices	42
2002	Average	46
	Maximum	101
	Minimum	13
	Number of notices	31
2003	Average	41
	Maximum	52
	Minimum	38
	Number of notices	7

Notice templates

The notices templates are available on the National NAGPRA Website to guide museums and agencies' initial notice preparation. The templates recently were



* The yearly cumulative total of notices is the total number of notices received less the number withdrawn for the year



* The yearly cumulative total of notices is the total number of notices received less the number withdrawn for the year

Calendar		
Year	Notices Received	Notices Published
1993	10	14
1994	22	18
1995	78	31
1996	143	86
1997	173	105
1998	182	103
1999	148	93
2000	179	152
2001	115	192
2002	84	96
2003 (YTD)	10	21

NAGPRA Grants

Information about FY2003 NAGPRA grants, including guidelines and applications, was posted on the NAGPRA Website (www.cr.nps.gov/nagpra/GRANTS/) on September 30, 2002. FY2003 NAGPRA Grants guidelines and applications were distributed via the National NAGPRA mailing list in mid-October. A NAGPRA Grants writing workshop was held on November 10, 2002, in conjunction with the National Congress of American Indians 59th Annual Session, in San Diego, CA. Draft grant proposals were accepted for prereview and comment until December 31, 2002. Twenty-one draft proposals were received, and comments were sent to proposal writers by mid-January 2003.

To date, the National NAGPRA program has received 67 NAGPRA grant applications for FY2003. Of these, there are 4 tribal repatriation grant proposals, 51 tribal documentation grant proposals, 1 museum repatriation grant proposal, and 11 museum documentation grant proposals. The deadline for submission of FY2003 NAGPRA documentation grant proposals was February 28, 2003. Proposals for repatriation grants are accepted throughout the fiscal year. The FY2003 NAGPRA Grants review panel will meet in late April to evaluate the documentation grant applications. Repatriation grant proposals are evaluated by staff when received.

A NAGPRA Grants writing workshop is planned for November 2003, in conjunction with the National Congress of American Indians 60th Annual Session, in Albuquerque, NM.

From FY1994 to FY2002, the National Park Service received 919 NAGPRA grant applications, for a total request of approximately \$62 million. From FY1994 to

FY2002, the National Park Service awarded 378 NAGPRA Grants, for a total award of approximately \$20 million. The NAGPRA Grants tables below provide an overview of NAGPRA grants activity, FY1994-FY2003.

NAGPRA Grants Appropriations*	
Year	Appropriation
FY94	2,300,000
FY95	2,296,000
FY96	2,234,000
FY97	2,290,000
FY98	2,496,000
FY99	2,496,000
FY00	2,472,000
FY01	2,467,000
FY02	2,467,000
FY03	2,451,000
TOTAL	23,969,000

*Annually, a portion of the NAGPRA grant appropriation is reprogrammed for grants administration and/or program administration

Tribal and Museum NAGPRA Grants (documentation and repatriation)				
Year	No. of Proposals Submitted	Amount Requested	No. of Grants Awarded	Amount Awarded
FY94	220	\$23,177,665	41	\$2,140,000
FY95	117	\$6,243,718	43	\$2,242,000
FY96	86	\$5,038,043	38	\$2,025,365
FY97	74	\$4,236,645	37	\$1,976,250
FY98	84	\$4,533,830	45	\$2,338,420
FY99	79	\$4,483,027	43	\$2,331,150
FY00	112	\$6,091,207	45	\$2,252,000
FY01	74	\$4,137,575	46	\$2,438,000
FY02	73	\$4,422,648	40	\$2,245,820
FY03 ¹	67	\$4,306,224	2	\$30,000
TOTAL	986	\$66,670,582	380	\$20,019,005

¹Includes repatriation grants awarded to date only.

Tribal NAGPRA Grants (documentation and repatriation)

Year	No. of Proposals Submitted	Amount Requested	No. of Grants Awarded	Amount Awarded
FY94	107	\$17,664,506	16	\$1,023,200
FY95	61	\$3,812,950	24	\$1,387,925
FY96	53	\$3,508,963	19	\$1,078,460
FY97	54	\$3,180,690	27	\$1,425,600
FY98	61	\$3,508,769	29	\$1,562,700
FY99	57	\$3,234,101	32	\$1,643,370
FY00	84	\$4,814,432	31	\$1,629,170
FY01	54	\$3,095,310	33	\$1,802,180
FY02	57	\$3,460,873	31	\$1,708,268
FY03 ¹	55	\$3,635,905	1	\$15,000
TOTAL	643	\$49,916,499	243	\$13,275,873

¹Includes repatriation grants awarded to date only.

Museum NAGPRA Grants (documentation and repatriation)

Year	No. of Proposals Submitted	Amount Requested	No. of Grants Awarded	Amount Awarded
FY94	113	\$5,513,159	25	\$1,116,800
FY95	56	\$2,430,768	19	\$854,075
FY96	33	\$1,529,080	19	\$946,905
FY97	20	\$1,055,955	10	\$550,650
FY98	23	\$1,025,061	16	\$775,720
FY99	22	\$1,248,926	11	\$687,780
FY00	28	\$1,276,775	14	\$622,830
FY01	20	\$1,042,265	13	\$635,820
FY02	16	\$961,775	9	\$537,552
FY03 ¹	12	\$670,319	1	\$15,000
TOTAL	343	\$16,754,083	137	\$6,743,132

¹Includes repatriation grants awarded to date only.

For additional information about NAGPRA Grants, contact Paula Molloy, Program Officer, National NAGPRA (paula_molloy@nps.gov).

Information Management Systems

National NAGPRA Program Database
Between November 2002 and March 2003, the National NAGPRA data management system has continued to undergo development and improvement, with a special focus on data entry for the inventories of culturally unidentifiable human remains and associated funerary objects, and the development of stand-alone databases to track training attendance and evaluations, and to perform an analysis of NAGPRA Grants funding patterns.

The table on the next page summarizes the National NAGPRA program database, including the main modules. Each module is comprised of a single table or several linked tables, creating a variety of data search and report capabilities. (For instance, a search on a tribe name can yield all grants and notices linked to that tribe, as well as the associated contact name, reservation, and land claims.) Stand-alone databases are also listed in the table; in the future, these data tables will be integrated into the National NAGPRA program's database.

Native American Consultation Database (NACD)

The Native American Consultation Database (NACD) is hosted by the National Park Service's partnership organization, Center for Advance Spatial Technologies (CAST) at the University of Arkansas, Fayetteville and is available to the public through the National NAGPRA Website. This database can be searched by tribal name, tribal representative name, State and county name, and reservation name to yield information about tribes, their status under NAGPRA, tribal representatives for consultation, reservation lands, and Indian Claims Commission decisions. In May 2002, the online database was updated to

reflect information available from the Bureau of Indian Affairs on the status and names of tribes, and contact information received by the National NAGPRA office. The next update is planned for Summer 2003.

NACD:

www.cr.nps.gov/nagpra/nacd/index.htm

CAST:

www.cast.uark.edu/other/nps/nacd/

National NAGPRA program database

Module	Main fields for recording	Changes during the reporting period
Tribes (1,403 records)	Tribe name (per the BIA), other names, tribal contact and certifying authority for contact, reservations, land claims, notes	Contact information, as received, has been added
Institutions (1,879 records)	Name, type of institution, notes	Approximately 400 records, primarily for Federal agencies, have been added.
Mailing List (4,621 records)	Name, address, and linkages to other modules	Approximately 200 records have been added.
Grants: Tribal (646 records) and Museum (343 records)	Institution, tribe, date application received, action, description	All FY03 grant applications received to date have been logged.
Notices (1,248 records)	Museum/Federal agency, date received, logged, published, number of human remains and objects, affiliated tribes, status, staff assigned	36 notices logged.
Inventories (972 inventories submitted by 929 institutions/agencies)	Museum/Federal agency, date received, tribes receiving copies, location, age, affiliation, number of human remains and associated funerary objects	Inventories are logged as they are received. Entry of culturally unidentifiable inventory data remains a priority.
Summaries (1,251 summaries submitted by 859 institutions)	Museum/Federal agency, date received, tribes receiving copies, description of objects	Review of the summaries and corresponding data entry are ongoing.
Geographic Data: (296 reservations, 175 land claims, 298 military installations)	Reservation, land claims, and military installations are linked to State and county data	No changes.
Training Registration: (134 records; stand-alone database)	Course, registrant name and contact information, registration status	Data have been entered for the Tulsa, OK, and Seattle, WA, NAGPRA Seminars.
Training Evaluations: (369 records; stand-alone database)	Course, location, instructors, ratings, comments	Data have been entered for all training evaluations on file from FY1994 through FY2002.
Grants Analysis: (372 records; stand-alone database)	Awarded project, project type, museum or tribal grant, participating tribes	Data entry for the project type and participating tribes is ongoing; all other data entry is complete through FY2002.
Notices of Intended Disposition	proposed/in design	–
Review Committee	proposed/in design	–
Federal Agency Implementation	proposed/in design	–

Disputes

Authority

25 U.S.C. 3006 (c). Responsibilities.

“[The Review Committee] shall be responsible for – ...

(3) upon the request of any affected party, reviewing and making findings related to – (A) the identity or cultural affiliation of cultural items, of (B) the return of such items; [and]

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable.”

Status

During the reporting period, the National NAGPRA program received one request from an Indian tribe for the Review Committee to consider a dispute between the tribe and a museum. The National NAGPRA program received two additional requests for disputes from parties that are not federally recognized Indian tribes, Native Hawaiian organizations, lineal descendants, Federal agencies, or museums. Four requests for disputes are pending further guidance by the Review Committee on who may be an “affected party” for the purposes of the Review Committee’s reviewing and making findings under 25 U.S.C. 3006 (c)(3).

The table on the next page summarizes all requests submitted to the Review Committee since 1992 and their current status.

Dispute assistance requests to the Review Committee

About this table –

The table summarizes all requests submitted to the Review Committee per Section 8(c)(3) and (4) of NAGPRA since 1992 – including requests submitted or considered during the reporting period.

The following dispute-related documents are available online –

Dispute resolution procedures: www.cr.nps.gov/nagpra; click on “Review Committee,” then click on “Procedures.”

Meeting minutes that summarize the Review Committee’s consideration of disputes: www.cr.nps.gov/nagpra; click on “Review Committee,” then click on “Meetings.”

Dispute findings and recommendations: www.cr.nps.gov/nagpra; click on “Review Committee,” then click on “Findings.”

Status	Parties	Summary
Finished	Hui Malama I Na Kupuna ‘O Hawai‘i Nei and Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley	<u>Issue:</u> Hui Malama I Na Kupuna ‘O Hawai‘i Nei requested the Review Committee’s assistance in a dispute regarding the cultural affiliation of human remains. <u>Record:</u> Minutes of the fourth meeting of the Review Committee, February 26-27, 1993. <u>Action:</u> Findings and recommendations published in the Federal Register, April 15, 1993, vol. 58, no. 71, pp. 19688-19689.
Finished	Office of Hawaiian Affairs and Hui Malama I Na Kupuna ‘O Hawai‘i Nei, and City of Providence, RI	<u>Issue:</u> The Office of Hawaiian Affairs and Hui Malama I Na Kupuna ‘O Hawai‘i Nei requested the Review Committee’s assistance in a dispute regarding whether a Hawaiian figure met NAGPRA’s criteria for repatriation. <u>Record:</u> Minutes of the 12 th meeting of the Review Committee, November 1-3, 1996, and the 13 th meeting of the Review Committee, March 25-27, 1997. <u>Action:</u> Findings and recommendations published in the Federal Register, May 1, 1997, vol. 62, no. 84, pp. 23794-23795.
Finished	Hopi Tribe and U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park	<u>Issue:</u> The Hopi Tribe requested the Review Committee’s assistance in a dispute regarding the process by which Chaco Culture National Historical Park made its determinations of cultural affiliation of human remains and associated funerary objects. <u>Record:</u> Minutes of the 17 th meeting of the Review Committee, May 3-5, 1999, and the 18 th meeting of the Review Committee, November 18-20, 1999. <u>Action:</u> Federal Register, February 10, 2000, vol. 65, no. 28, pp. 6621-6622.
Finished	U. S. Department of Defense, U.S. Marine Corps, and Ka Ohana Nui o Na Iwi Kupuna o Mokapu, Princess Nahoa Olelo o Kamehameha, Temple of Lono, and Eric Poohina (individual claimant)	<u>Issue:</u> The U.S. Marine Corps requested the Review Committee’s assistance concerning multiple claims for human remains and associated funerary objects from Kaneohe Naval Air Station, Oahu, HI. The 15 claimants were unable to make a unified claim within 30 days of publication of the notice of inventory completion. <u>Record:</u> Minutes of the eighth meeting of the Review Committee, November 17-19, 1994. <u>Action:</u> The Review Committee declined to consider the dispute and recommended that the U.S. Marine Corps retain possession of the human remains and associated funerary objects until the claimants agree upon the proper recipient(s).

National Park Service
National NAGPRA

Status	Parties	Summary
Finished	Field Museum of Natural History and Oneida Nation of New York and Oneida Tribe of Wisconsin	<p><u>Issue:</u> The Field Museum requested the Review Committee's assistance concerning competing claims from the Oneida Nation of New York and Oneida Tribe of Wisconsin for an object of cultural patrimony.</p> <p><u>Record:</u> Minutes of the 10th meeting of the Review Committee, October 16-18, 1995, and the 12th meeting of the Review Committee, November 1-3, 1996.</p> <p><u>Action:</u> At the 12th meeting of the Review Committee, the Review Committee decided that a formal finding regarding the dispute was not necessary, and recommended that the tribes reach agreement on arrangements for custody of the wampum belt.</p>
Finished	Fallon Paiute-Shoshone Tribe and U.S. Department of the Interior, Bureau of Land Management, Nevada State Office	<p><u>Issue:</u> The Fallon Paiute-Shoshone Tribe requested the Review Committee's assistance concerning the cultural affiliation and disposition of human remains and associated funerary objects from Spirit Cave, NV.</p> <p><u>Record:</u> Minutes of the 22nd meeting of the Review Committee, November 17-19, 2001.</p> <p><u>Action:</u> Findings and recommendations published in the Federal Register, April 10, 2002, vol. 67, no. 69, pp. 17463.</p>
Finished	Pechanga Band of Luiseno Mission Indians and U.S. Department of Defense, U.S. Army Corps of Engineers	<p><u>Issue:</u> California Indian Legal Services, on behalf of the Pechanga Band of Luiseno Mission Indians, requested the Review Committee's assistance in a dispute regarding the disposition of human remains and cultural items excavated by U.S. Army Corps of Engineers from a site near Lake Elsinore, CA.</p> <p><u>Record:</u> No formal record; this dispute was not been considered by the full Review Committee.</p> <p><u>Action:</u> In the fall of 2001, legal representation for the Pechanga Band of Luiseno Mission Indians informed the National NAGPRA program by telephone that the matter had been resolved.</p>
Finished	Western Apache NAGPRA Working Group and Denver Art Museum	<p><u>Issue:</u> The Western Apache NAGPRA Working Group, on behalf of the five federally recognized Western Apache Tribes, requested the Review Committee's assistance in a dispute regarding whether seven objects were cultural items under NAGPRA.</p> <p><u>Record:</u> Minutes of the 23rd meeting of the Review Committee, May 31, June 1-2, 2002.</p> <p><u>Action:</u> Findings and recommendations published in the Federal Register, September 12, 2002, vol. 67, no. 177, pp. 57836-57837.</p>
Finished	Ho-Chunk Nation and Field Museum of Natural History	<p><u>Issue:</u> The Ho-Chunk Nation requested the Review Committee's assistance regarding a NAGPRA repatriation claim for the Thunder Clan War Bundle as a sacred object. The museum determined that the object did not meet NAGPRA's criteria for repatriation and offered to repatriate it to the tribe under a compromise of claim, which the Ho-Chunk Nation declined.</p> <p><u>Record:</u> Minutes of the 24th Review Committee meeting, November 8-9, 2002.</p> <p><u>Action:</u> This dispute was withdrawn per a November 4, 2002, letter from the Ho-Chunk Nation Legislature and a November 9, 2002, Statement of Record from the Field Museum of Natural History.</p>

National Park Service
National NAGPRA

Status	Parties	Summary
Pending	Hopi Tribe and U.S. Department of the Interior, National Park Service, Mesa Verde National Park	<p><u>Issue:</u> The Hopi Tribe requested the Review Committee’s assistance in a dispute regarding the process by which Mesa Verde National Park made its determinations of cultural affiliation of human remains and associated funerary objects.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The Review Committee Chair and the Designated Federal Officer (DFO) for the Review Committee have not determined whether the Review Committee should consider the dispute.</p>
Pending	American Indian Intertribal Association and University of Toledo	<p><u>Issue:</u> The American Indian Intertribal Association (AIIA), requested the Review Committee’s assistance in a dispute regarding cultural affiliation of human remains and cultural objects in the possession of the University of Toledo.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute. AIIA is not a federally recognized Indian tribe and one consideration is whether AIIA qualifies as an “affected party” under NAGPRA.</p>
Pending	Narragansett Indian Tribe and Peabody Museum of Archaeology and Ethnology	<p><u>Issue:</u> The Narragansett Indian Tribe requested the Review Committee’s assistance in a dispute regarding the Peabody Museum of Archaeology and Ethnology’s determination of cultural affiliation of human remains and associated funerary objects.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute, pending receipt of additional information.</p>
Pending	Piro-Manso-Tiwa and U.S. Department of the Interior, National Park Service, Salinas Pueblo Missions National Monument	<p><u>Issue:</u> The Piro-Manso-Tiwa (a nonfederally recognized group) requested the Review Committee’s assistance in a dispute with Salinas Pueblo Missions National Monument because human remains repatriated from the park had not been reinterred in the original burial location within the park. The Piro-Manso-Tiwa tribe is not federally recognized, and the park did not formally consult with the tribe regarding the repatriation.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute. One consideration is whether the Piro-Manso-Tiwa qualifies as an “affected party” under NAGPRA.</p>
Pending	Sand Creek Massacre Descendant’s Trust and Cheyenne Tribal Governments	<p><u>Issue:</u> The U.S. Department of Interior, Bureau of Indian Affairs, Southern Plains Regional Office forwarded a letter and attachments to the National NAGPRA program regarding the Sand Creek Massacre Descendant’s Trust’s claims to all human remains, artifacts, sacred objects, and objects of cultural patrimony originating from the 1864 Sand Creek Massacre that are in the possession or control of any private or State museum, or Federal agency.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The Review Committee Chair and DFO have not determined whether the Review Committee should consider the dispute. One consideration is whether the Sand Creek Massacre Descendant’s Trust qualifies as an “affected party” under NAGPRA.</p>

National Park Service
National NAGPRA

Status	Parties	Summary
Pending	Hopi Tribe and U.S. Department of the Interior, National Park Service, Aztec Ruins National Monument	<p><u>Issue:</u> The Hopi Tribe requested the Review Committee's assistance in a dispute regarding the process by which Aztec Ruins National Monument made its determinations of cultural affiliation of human remains and associated funerary objects.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The Review Committee Chair and DFO informed the tribe that the Review Committee would not hear this dispute because the human remains and other cultural items had been repatriated prior to the tribe's dispute request. The Hopi Nation then asked that the entire Review Committee consider the request, at which point the Review Committee developed an appeals process as part of its Dispute Resolution Procedures. The tribe has not formally requested further consideration of this matter.</p>
Under consideration	Royal Hawaiian Academy of Traditional Arts and the Bishop Museum	<p><u>Issue:</u> The Royal Hawaiian Academy of Traditional Arts requested the Review Committee's assistance in a dispute regarding the manner by which the Bishop Museum transferred custody of cultural items to culturally affiliated claimants.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> Scheduled for hearing at the 25th Review Committee meeting, May 9-11, 2003.</p>
Pending	Narragansett Indian Tribe and the Robert S. Peabody Museum of Archaeology	<p><u>Issue:</u> The Narragansett Indian Tribe requested the Review Committee's assistance in a dispute regarding the museum's consultation with the tribe and other matters.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The National NAGPRA program requested information from both parties and is waiting for their responses before the Review Committee Chair and DFO determine whether the dispute is appropriate for Review Committee consideration.</p>
Pending	Hopi Tribe and the University of Denver Museum of Anthropology	<p><u>Issue:</u> The Hopi Tribe requested the Review Committee's assistance in a dispute regarding the museum's determination of cultural affiliation for human remains and associated funerary objects in six published notices of inventory completion.</p> <p><u>Record:</u> None at this time.</p> <p><u>Action:</u> The National NAGPRA program requested information from both parties and is waiting for their responses before the Review Committee Chair and DFO determine whether the dispute is appropriate for Review Committee consideration.</p>

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Action List

Short-Term Tasks:

Short-Term Task	Actions Taken	Final Action
1. Status of Fort Hunter Liggett request (Kelseyville)	Representatives of Fort Hunter Liggett appeared before the Review Committee in 1995 requesting a recommendation regarding the disposition of culturally unidentifiable human remains to the Salinan Indian Tribal Council (a nonfederally recognized Indian group). The Department of the Army revised its cultural resource management policy in 1998 to restrict NAGPRA compliance activities to federally recognized Indian tribes, Native Hawaiian organizations, and lineal descendants. The human remains remain in the control of Fort Hunter Liggett.	Review completed; item will be removed from Action List.
2. 1999-2001 Report to Congress (several meetings)	Report completed	Report published May 2003; item will be removed from Action List
3. Disputes (several meetings)	Ongoing. See National NAGPRA Report – Disputes, and Review Committee Business – Disputes	
a. Language regarding “affected party” for Dispute Resolution Procedures (Seattle)	Review Committee Business – Disputes provides excerpts from minutes and transcripts of past Review Committee meetings on this topic	
b. Ms. Worl’s request for clarification of the definition of cultural affiliation in the National Park System Advisory Board’s report. (Seattle)	The National Park System Advisory Board did not intend to create a substitute definition for cultural affiliation in the report. The definition in the statute applies.	Review completed; item will be removed from Action List
c. Update the Review Committee on the implications of the National Park System Advisory Board’s report (Seattle)	In process.	
5. Notices		
a. Statistics on processing time (several meetings)	Ongoing. See National NAGPRA Report – Notices	Topic will be included in National NAGPRA reports; item will be removed from Action List

Short-Term Task	Actions Taken	Final Action
b. Review "on hold" notices and develop time tables for these notices being published or withdrawn and resubmitted (Seattle)	Ongoing; National NAGPRA program staff contacted museums and Federal agencies with on hold notices to discuss the notices and update their status. National NAGPRA will continue to review the status of on hold notices on a regular basis.	National NAGPRA Report – Notices reflects review of on hold notices; item will be removed from Action List
6. Regulations		
a. Provide the U.S. Department of Justice's process/model of consultation to Review Committee (Seattle)	Based on work by the National NAGPRA staff, it appears that the U.S. Department of Justice does not have a model of consultation. The document referenced at the Seattle Review Committee meeting can be found at http://ncjrs.org/pdffiles1/jr000247c.pdf	Review completed; item will be removed from Action List.
b. Update proposed rule on Section 10.11 per discussions at Seattle meeting and distribute for public comment. (Seattle)	Ongoing. See National NAGPRA Report – Regulations	
7. Letters regarding disposition of culturally unidentifiable human remains	No new requests. See National NAGPRA Report – Culturally Unidentifiable Native American Human Remains	
a. Abenaki Nation and Franklin Pierce College (Cambridge)	Conditions met by museum; Notice approved for publication in Federal Register, Feb. 27, 2003	Item will be removed from Action List.
b. Joint Readiness Training Center and Fort Polk (Tulsa)	Letter sent prior to Seattle meeting; no reply from agency	Item will be removed from Action List.
8. Nomination process due to expiration of Mr. Hart's term in 2001 and the upcoming expiration of Mr. Bradley, Mr. Minthorn; and Mr. O'Shea's terms June 1, 2003	Ongoing. National NAGPRA is in discussions with the Office of the Secretariat regarding the nomination process and solicitation for nominations.	
9. Van Horn Diamond's request to the RC (Tulsa)	In process. As reported in Seattle, National NAGPRA is reviewing aspects of this matter, including ascertaining the land status and confirming the Mr. Diamond's requests. The dispute under consideration at the May 2003 meeting concerns the same matter..	
10. Database of culturally unidentifiable human remains and associated funerary objects	In process. See National NAGPRA Report – Culturally Unidentifiable Native American Human Remains	Topic will be reported on regularly in National NAGPRA reports; item will be removed from Action List
11. Address concerns about excavations by California Department of Transportation	At the Seattle meeting, Mr. Lara expressed concern about human remains and associated funerary	Review completed; item will be removed from Action List.

Short-Term Task	Actions Taken	Final Action
(CALTRANS) and Sonoma State University (Seattle)	objects from CALTRANS's excavations at Freshwater Spit, CA, in 1949 and Sonoma State University's 1976 excavations, apparently at Stone Lagoon, in Dry Lagoon State Park, CA. According to CALTRANS, the human remains from Freshwater Spit were reburied near the site. In 1999 and 2000, three notices of inventory completion were published for human remains and associated funerary objects in the possession of Sonoma State and in the control of California Department of Parks and Recreation were for the human remains and associated funerary objects from Stone Lagoon.	
12. Status of statute of limitations for civil penalties (Seattle)	To be discussed at the Review Committee meeting in St. Paul, MN.	Following discussion, item will be removed from Action List.
13. National NAGPRA reports online – Seattle and future meetings (Seattle)	Ongoing. National NAGPRA Reports for the Seattle meeting have been posted in PDF format at www.cr.nps.gov/nagpra/REPORTS . Future National NAGPRA reports will be posted prior to Review Committee meetings.	Task completed; item will be removed from Action List.

Long-Term Tasks:

Long-Term Task	Actions Taken	Final Action
14. Summaries/Inventories		
a. Review of institutions to ensure accurate submissions	Ongoing. Review is part of the process to prepare for notices of intent to repatriate or notices of inventory completion for publication	Review completed; item will be removed from Action List
15. Federal agency implementation	Ongoing. See National NAGPRA Reports – Federal agency implementation	Topic will be reported on regularly in National NAGPRA reports; item will be removed from Action List
a. Revise Implementation survey and provide Review Committee with updates on the development of the survey (Seattle)	Ongoing. See National NAGPRA Reports – Contamination.	Topic will be reported on regularly in National NAGPRA reports; item will be removed from Action List
16. Contaminated collections (several meetings)	Ongoing. See National NAGPRA Reports – Contamination.	Topic will be reported on regularly in National NAGPRA reports; item will be removed from Action List
17. Grants – Analysis of grants process	In process. National NAGPRA has initiated an analysis of all NAGPRA	

Long-Term Task	Actions Taken	Final Action
	documentation grants, from FY94 to present. The analysis looks at how NAGPRA funds have been used, and who benefited.	
18. Web publication of newspaper notices for inadvertent discoveries/planned excavations	On hold. As reported at the Review Committee meeting in Tulsa, OK, May 2002, this task is on hold pending a review of the National NAGPRA Website.	
19. Investigate possible processes with U.S. Department of State to deal with international collections	Ongoing. See National NAGPRA Reports – International repatriation.	Topic will be reported on regularly in National NAGPRA reports; item will be removed from Action List

Federal Agency Implementation

Assistance to Federal Agencies with NAGPRA Responsibilities

Program staff chaired and participated in a panel discussion on Federal agency NAGPRA collections at the Conference on Partnership Opportunities for Federally Associated Collections in December 2002, and will lead a new training workshop, focusing specifically on excavations and inadvertent discoveries on Federal lands, at the Society for American Archaeology annual meeting in April 2003.

The National NAGPRA program is developing online resources and new training opportunities to assist Federal agencies in their NAGPRA activities. Examples of Federal agency policies, action plans, comprehensive agreements, and other resources will be accessible through a module on the National NAGPRA Website.

Federal Agency Implementation Statistics

Work within the National NAGPRA program currently is underway to assemble a comprehensive list of all Federal agency units to augment the existing list of respondent units. National NAGPRA program staff are adding information to the National NAGPRA database about specific units, such as national parks and national forests, that contributed information to an agency-wide summary or inventory. Continued entry of summary and inventory data, and of statements of no collection, will enable National NAGPRA to generate statistics about Federal agencies' NAGPRA activities. National NAGPRA will expand the database to record additional data about Federal agency NAGPRA activities, including information contained in

Review Committee meeting presentations (see below).

Federal Agency Consultation

The National NAGPRA program is developing a schedule for consultation with Federal agencies about NAGPRA regulation 10.7, *Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony*, concerning the disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony that were removed from Federal or tribal lands since 1990. Decreased base funding in the 2003-2004 budget of many Federal agencies, however, has affected this schedule. Across-the-board recisions and reduced travel budgets forced the National NAGPRA program to cancel a roundtable consultation with representatives of Federal agencies at the Society for American Archaeology annual meeting in April 2003. An Interior Department-wide meeting of NAGPRA coordinators to discuss issues relating to NAGPRA implementation and regulation 10.7 will be scheduled in Washington, DC.

Federal Agency NAGPRA Reporting

Efforts are underway to systematically review and compile presentations made by Federal agency representatives at Review Committee meetings. If travel to Review Committee meetings by Federal agency representatives is curtailed in the immediate future, the National NAGPRA Federal Implementation Survey instrument will be important in structuring information provided by Federal agencies in the interim. The agenda for National NAGPRA's Interior Departmentwide meeting with NAGPRA coordinators includes issues on reporting on Federal agency NAGPRA activities.

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Outreach and Training

National NAGPRA seeks to raise public awareness of NAGPRA and NAGPRA compliance responsibilities through a variety of outreach and training activities.

Outreach

National NAGPRA engages Native America, museums, Federal agencies, and the general public through a coordinated outreach program. Meetings and other face-to-face exchanges provide an important means through which National NAGPRA disseminates information and improves its understanding of regional and national implementation concerns. During the reporting period, National NAGPRA staff participated in the Conference on Partnership Opportunities for Federally Associated Collections (December 5-7, 2002, Washington, DC), a panel discussion at Cornell University entitled Cultural Property as Art and Art as Cultural Property (February 9, 2003, Ithaca, NY), and the National Park Service's American Indian Law and Policy course (March 13-14, 2003, Philadelphia, PA). Upcoming meetings at which National NAGPRA will be represented include the Society for American Archaeology annual meeting (April 9-13, 2003, Milwaukee, WI), the George Wright Society/Cultural Resources 2003 conference (April 14-18, 2003, San Diego, CA), the American Association of Museums annual meeting (May 18-22, 2003, Portland, OR), and a meeting on Native American consultation hosted by the U.S. Department of Defense, Army National Guard (May 28-30, 2003, Charleston, WV).

National NAGPRA also furthers its outreach efforts through the effective use of print and electronic media. Direct mailings to Indian tribes, Native Hawaiian

organizations, museums, and Federal agencies are an important means of sharing information, and are used to solicit Review Committee nominations, and announce the annual call for NAGPRA grant proposals. *National NAGPRA Update*, the twice-yearly newsletter of the National NAGPRA program, provides a concise overview of current NAGPRA issues and is available in both print and electronic formats. Reliance on electronic media (e-mail and the Web) is expected to increase as Federal funds for printing and mailing decrease.

The National NAGPRA Website continues to be the primary medium for electronic communication. During the reporting period, a new section, "NAGPRA Reports," was added to the National NAGPRA Website (www.cr.nps.gov/nagpra/REPORTS). This section provides links to PDF versions of the National NAGPRA reports presented at Review Committee meetings. In addition, the "Legal Mandates and Guidance" page has been modified to include links to NPS congressional testimony regarding NAGPRA and sacred sites (see: www.cr.nps.gov/nagpra/MANDATES). A planned restructuring of the National NAGPRA Website will commence in Summer 2003, and is expected to enhance the effectiveness of the site by improving content and navigation.

Finally, National NAGPRA strives to maintain an exemplary standard of responsiveness to inquiries from the public and the media. National NAGPRA maintains two public e-mail addresses, NAGPRA_Info@nps.gov and NAGPRA_Grants@nps.gov. Both e-mail

addresses provide an effective way for members of the public to direct inquiries to the program. National NAGPRA has also emerged as a reliable source of substantive and background information for members of media working on NAGPRA-related features. During the reporting period, National NAGPRA provided information to the following news outlets: the *American Indian Report*, *Arizona Daily Star*, *Deseret News*, *Las Vegas Sun*, *New Scientist.com*, and *Salt Lake Tribune*.

Training

National NAGPRA offers both general and specialized NAGPRA training, with an emphasis on quality, accessibility, and cost-effectiveness for participants. National NAGPRA presents a general NAGPRA workshop, the *NAGPRA Seminar*, twice yearly. The *NAGPRA Seminar* is a one-day training opportunity designed for tribal, museum, and Federal agency personnel who wish to expand their working knowledge of NAGPRA. The *NAGPRA Seminar* seeks to foster an interactive and practical approach to NAGPRA, and includes an updated NAGPRA review, group discussions on selected topics, and an open forum for exploring the challenges of implementing NAGPRA. The *NAGPRA Seminar* is offered free of charge on the day immediately preceding the meeting of the Native American Graves Protection and Repatriation Review Committee, and has been presented in Tulsa, OK, and Seattle, WA.

National NAGPRA also provides specialized training designed to address particular NAGPRA implementation issues. Two new specialized training courses have been developed during this reporting period. The *NAGPRA Grants Writing Workshop* was presented

November 11, 2002, in conjunction with the annual meeting of the National Congress of American Indians (NCAI) in San Diego, CA. The *NAGPRA Grants Writing Workshop* is offered free of charge, and will be presented annually in coordination with NCAI. *Implementing NAGPRA Section 3: Excavations and Inadvertent Discoveries on Federal and Tribal Lands* will be presented on April 8, 2003, in conjunction with the annual meeting of the Society for American Archaeology. This workshop has been designed to assist Federal agency officials, Federal land managers, and archeologists who work on Federal and tribal lands, and focuses on developing a more thorough understanding of the excavation and inadvertent discovery provisions of NAGPRA.

In addition to these specialized training opportunities, National NAGPRA continues to offer customized NAGPRA training by special arrangement. For more information on National NAGPRA training, see www.cr.nps.gov/nagpra/TRAINING.

Contaminated Collections

Authority

43 CFR 10.10 (e). “[as part of the repatriation process, the] museum official or Federal agency official must inform the recipients of repatriations of any presently known treatment of the human remains, funerary objects, sacred objects, or objects of cultural patrimony with pesticides, preservatives, or other substances that represent a potential hazard to the objects or to persons handling the objects.”

Discussion

Concerns regarding contaminated collections have grown in recent years, and continue to occupy the attention of tribes, museums, and Federal agencies. National NAGPRA can play a pivotal role in developing tribal and institutional capacities for addressing this issue, and has engaged the problem of contaminated collections through NAGPRA grants, policy development, and outreach.

In FY2002, \$244,000 in NAGPRA documentation grant funds were awarded for projects dealing with contaminated collections. Project activities include education, contamination testing, and the development of tribal protocols for the handling and disposition of contaminated cultural items. While statistics for FY2003 grant applications are not yet available, it is expected that NAGPRA documentation grant funds will again be dedicated to projects pertaining to this issue.

Within the U.S. Department of the Interior, National NAGPRA continues to play an active role in the Department’s Contaminated Collections Work Group. This ad-hoc committee seeks to develop coherent Departmentwide approaches for addressing the many problems associated with contaminated collections, including

consultation, notification, testing, and raising professional and public awareness. Most recently, this group has begun to develop a “Contaminated Collections FAQ.” While the target audience for the FAQ is Department staff, National NAGPRA intends to adapt the FAQ for public use and make it available on the National NAGPRA Website.

National NAGPRA also has begun to intensify its efforts to engage other Federal agencies on this topic. At the March 13-14, 2003, meeting of the Environmental Protection Agency’s Tribal Pesticide Program Council, National NAGPRA distributed information to participants describing the National NAGPRA program and its role in raising awareness of collections contamination. Building on the success of this meeting, National NAGPRA hopes to develop an ongoing relationship with EPA that will serve as a foundation for future cooperation in assisting tribes and others in addressing collections contamination.

The topic of contaminated collections also interests the national media from time to time, and National NAGPRA serves as an important point of contact for journalists writing on this issue. An article on this topic that appeared in the Sunday *Los Angeles Times* on September 1, 2002, quoted National NAGPRA program staff, and led to inquiries from other media outlets. During the reporting period, National NAGPRA was approached by journalists writing on contaminated collections for the *American Indian Report*, *Las Vegas Sun*, and *New Scientist.com*. National NAGPRA will continue to provide authoritative information on contaminated collections, and welcomes the increased public

awareness of this issue that accurate media coverage can provide.

International Repatriation

This report was prepared in response to questions about international repatriation raised at many Review Committee meetings.

This report looks at indigenous cultural property in museums worldwide, with a particular focus on cultural items as defined by NAGPRA.

NAGPRA has a place within the global movement towards recognition of the cultural property rights of indigenous peoples. Many declarations, resolutions, and policies of international organizations and nongovernmental groups reflect a trend towards promoting and protecting rights of indigenous peoples. The decade 1995-2004 was proclaimed by the United Nations as the International Decade of the World's Indigenous People.

1) Does NAGPRA require repatriation of cultural items in collections outside the United States?

NAGPRA requires repatriation of cultural items “which ... are presently in the possession or control of a Federal agency or museum” where Federal agency means “any department, agency, or instrumentality of the United States [and] does not include the Smithsonian Institution,” and museum means “any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items” (25 U.S.C. 3001).

Several questions arise relevant to National NAGPRA's responsibilities regarding international repatriation –

I. Museums subject to NAGPRA: Are any museums outside of the United States subject to NAGPRA?

2. Collections subject to NAGPRA: Are cultural items in any collections outside of the United States subject to NAGPRA? Were cultural items in collections outside of the United States removed under permits from lands that were Federal or tribal lands at the time of collection? If so, what are the permits' conditions and requirements? If not, what is the status of the cultural items relative to NAGPRA?

The National NAGPRA program will continue to research these topics and report to the Review Committee.

2) What are the international instruments for the repatriation of cultural property to its countries of origin?

The *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris in 1970. The *Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation* was established by the General Conference of UNESCO, and held its first session in 1980. The main concern of the Convention has been with assisting art-source countries that are UNESCO members in recovering items exported illegally to art-market countries that are UNESCO members.

The Convention (and the legislation) can only assist the United States in recovering stolen cultural property if it was removed from the United States after the enactment of the Convention. **The Convention is not retroactive.**

The United States ratified the Convention in 1983. The *Convention on Cultural Property*

Implementation Act (19 U.S.C. 2600), the implementing legislation in the United States, defines the conditions under which the United States will take action to protect the cultural property of other state parties to the Convention. Most market countries are not signatories to the Convention. If material was stolen or looted, the United States can seize the material only if it has a bilateral agreement with that country. The United States has agreements with or has taken emergency action to protect archeological and/or ethnological materials in nine countries: Bolivia, Canada, Cyprus, El Salvador, Guatemala, Italy, Mali, Nicaragua and Peru. These are primarily emergency measure agreements, the main purpose of which is to curtail pillaging of sites in countries with whom the United States has the agreement.

The 1995 UNIDROIT *Convention on Stolen or Illegally Exported Cultural Objects* seeks to establish common legal rules for the restitution and return of cultural objects between state parties to its Convention.

The *Draft United Nations Declaration on the Rights of Indigenous Peoples* was agreed upon by members of the Working Group on Indigenous Populations in 1993. To date, 2 of the 45 articles have been ratified. It is expected that it will take many years to adopt the Declaration (www.cwis.org/fwdp/drft9329.html).

3) Which other countries have laws and/or policies similar to NAGPRA?

Australia passed the Aboriginal and Torres Strait Islander Heritage Act in 1984 (and its Amendment in 1987). The purpose of the Act is the preservation and protection from injury or desecration of “areas and objects in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.” In addition to

this Federal law, most states and mainland territories in Australia also have specific legislation.

Canada has developed a policy of repatriation of cultural property to Canadian First Nations, though it has not passed legislation. A “Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples” was passed at the Canadian Archaeological Association’s meeting in 1996.

4) Are there particular instruments for repatriation to or from the United States that involve Canada and Mexico?

As noted above, the United States has a bilateral agreement with Canada through the Cultural Property Implementation Act entitled “Agreement between the Government of the United States of America and the Government of Canada Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological and Ethnological Material.” Signed on April 10, 1997, the agreement restricts importation into the United States of certain cultural property representing Aboriginal cultural groups in Canada. The agreement also allows for cooperation between the two countries to recover cultural property that entered Canada in violation of United States laws.

A “Treaty of Cooperation between the United States of America and the United Mexican States Providing for the Recovery and Return of Stolen Archaeological, Historical and Cultural Properties” was signed in 1970 (prior to the UN Convention) and is concerned primarily with return of items stolen from Mexico that are currently in the United States.

5) Are there nongovernmental organizations that are involved in repatriation across borders?

ICOM: the International Council of Museums, in its Museums and Cultural Diversity Policy, presented to the Executive Council of ICOM by the Working Group on Cross Cultural Issues in December 1997, identified repatriation as one of its key issues. See <http://icom.museum/diversity.html>.

World Archaeological Congress: the Vermillion Accord (adopted in 1989 at the WAC Inter-Congress, South Dakota) calls for respect for treatment of mortal remains. Text at www.wac.uct.ac.za/archive/content/vermillion.accord.html.

See also the WAC Code of Ethics at www.ehlt.flinders.edu.au/wac5/ethics.html.

6) Are there cases of voluntary international repatriation that involve the United States?

- Kelvingrove Museum in Glasgow, Scotland to South Dakota Historical Society. A Ghost Dance shirt that had been in the Kelvingrove Museum since 1892 was returned to the Wounded Knee Survivors Association (WKSA). In April 1995 a WKSA delegation visited Glasgow to negotiate for the return of the shirt, and in November 1998, the Glasgow City Council voted to repatriate it. Under a curation agreement with the WKSA, the South Dakota State Historical Society will provide for the security and preservation of the Ghost Dance shirt until WKSA is able to build a museum of its own.
- Chief Long Wolf from a London cemetery, where he was buried in 1892, to the Sioux Tribe of South Dakota. Elizabeth Knight of Worcestershire, England, discovered the grave and contacted tribal members in 1992. Reburial took place at the Pine Ridge Reservation in September 1997.
- American Museum of Natural History, transferred human remains to Haida Gwaii of Queen Charlotte Islands, British Columbia, Canada, in September 2002 (see New York Times, "Museum to Hand Over Indians' Remains, to be Returned to Canada for Proper Burial, 9/16/02).
- Oakland Museum transferred one set of human remains to Haida Gwaii in September 2002 (see NYT article cited above).
- National Museum of the American Indian is in the process of repatriating human remains and cultural items to indigenous groups in the Americas. To date, it has undertaken repatriations to indigenous groups in Peru, Cuba, and Canada.
- National Museum of Denmark and United States Department of Agriculture, Forest Service, Chugach National Forest transferred human remains to Alaskan villages represented by Chugach Heritage Foundation (see Notice of Inventory Completion, *Federal Register*, August 6, 1997).

Resources

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Fforde, Cressida (ed.) 1992. *World Archaeological Bulletin* 6. Volume devoted to issues surrounding the holding of human

remains in Europe, with an introduction by Peter J. Ucko. www.wac.uct.ac.za/bulletin6.contents.html

Leyten, H. (ed.) 1995. *Illicit Trade in Cultural Property: Museums against Pillage*. Royal Tropical Institute, Amsterdam.

Matunga, H. The Maori Delegation to WAC2: Presentation and Reports, *World Archaeological Bulletin* 5 (1991) 53.

McGuire, Randall H. "Working Together on the Border," *SAA Bulletin* 13:5 (1995). The article deals with the author's Sonoran research and interaction with several American Indian nations, especially the Tohono O'odham people.

Messenger, P. M. (ed.) 1999. *The Ethics of Collecting Cultural Property*. Albuquerque: University of New Mexico Press.

Web Pages

United Nations Press Kit, "Indigenous people: Challenges facing the international community." www.un.org/rights/50/people

Development Gateway, a portal for issues in development, includes a section on Culture and Development with links to Web sites and press releases.
www.developmentgateway.org/

Center for World Indigenous Studies.
www.cwis.org/

U.S. Department of the Interior, Office of Indian Trust: "U.S. Indian Tribal Governments and U.S. International Affairs." www.doi.gov/oait/International.htm

Indian Law Resource Center, Washington, DC, "United States Human Rights Policy: Indigenous Peoples, 2001, a policy Paper." www.indianlaw.org/

Royal Commission on Aboriginal Peoples (Canada). www.ainc-inac.gc.ca/ch/rcap/index_e.html

Amnesty International Canada.
www.amnesty.ca/IndigenousPeoples/

Organization of American States, "The Role of Museums and Heritage Institutions in the Promotion and Preservation of the Cultural Patrimony." www.oas.org/default.htm

International Council of Museums (ICOM), Museums and Indigenous Peoples Bibliography.
http://icom.museum/biblio_list.html (Special section on Repatriation / Collection Ethics)

Illicit Antiquities Research Centre at the McDonald Institute for Archaeological Research, Cambridge University.
www.mcdonald.cam.ac.uk/IARC/cwoc/contents.htm

The United Kingdom Parliament conducted an inquiry through the Select Committee on Culture, Media and Sport on March 23, 2000, in which they discussed the role of the Foundation for the Repatriation of Ritual Objects, its relationship with the United States Government, and its trustworthiness in terms of assisting with repatriation of American Indian cultural property in United Kingdom museum.
www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmcumeds/371/0032303.htm

Culturally Unidentifiable Native American Human Remains

Authority

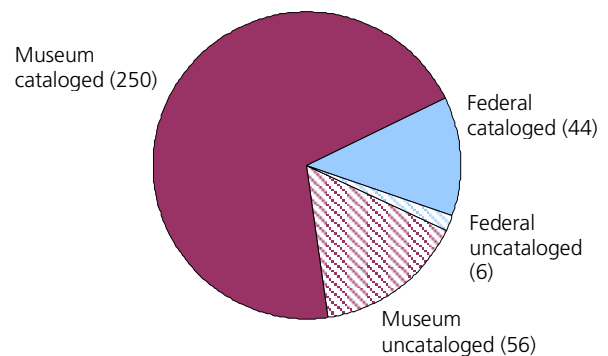
43 CFR 10.10, Repatriation. (g) *Culturally unidentifiable human remains.* “If the cultural affiliation of human remains cannot be established pursuant to these regulations, the human remains must be considered culturally unidentifiable. Museum and Federal agency officials must report the inventory information regarding such human remains in their holdings to the Departmental Consulting Archeologist who will transmit this information to the Review Committee. The Review Committee is responsible for compiling an inventory of culturally unidentifiable human remains in the possession or control of each museum and Federal agency and for recommending to the Secretary specific actions for disposition of such human remains.”

Status of Data Entry of Culturally Unidentifiable Inventories

On behalf of the Review Committee, the National NAGPRA program is compiling the Review Committee’s inventory of culturally unidentifiable human remains. By March 31, 2003, inventories for culturally unidentifiable human remains from 294 institutions (250 museums and 44 Federal agencies) had been entered into the National NAGPRA program’s “Culturally Unidentifiable” (CUI) inventory database, which represents an increase of 167 museums and agencies over the November 2002 report. Approximately 85 percent of the known number of inventories has now been entered. The National NAGPRA program has also included associated funerary objects in the database, although the statute does not mandate including associated funerary objects in the Review Committee’s inventory. The minimum number of individuals (MNI) entered by the end of the reporting period was 60,723, an increase of over 17,000 from the last report.

The number of associated funerary objects entered has increased by almost 65,000 to 361,218. A summary of entries in the CUI database follows this report.

From October 2002 until April 2003, National NAGPRA interns, working part-time, spent approximately 40 hours per week entering and verifying data. We hope to have the assistance of at least one full-time intern to work on the CUI database during Summer 2003.



A sample of the data has been extracted and a pilot program has been developed to demonstrate the CUI database to the Review Committee. Twenty museums from across the country were chosen to take part in the pilot presentation. Museums that have participated in the pilot project verified their data, an important step before the information is made available to the public. Some inventories have changed since submission to this office. In most cases, the change has been a decrease in the number of culturally unidentifiable human remains and associated funerary objects through cultural affiliation and repatriation.

Requests to the Review Committee for Disposition of Culturally Unidentifiable Human Remains

The South Dakota State Archaeological Research Center and the Dakota Tribes Repatriation Committee are requesting the Review Committee’s recommendation concerning the disposition of culturally unidentifiable Native American human remains and associated funerary objects from South Dakota and Montana (see under Review Committee Business – Culturally Unidentifiable Native American Human Remains). A summary of previous requests to the NAGPRA Review Committee for recommendations of disposition since the first request in 1994 follows this report.

Report on the Pilot CUI Inventory Database Project

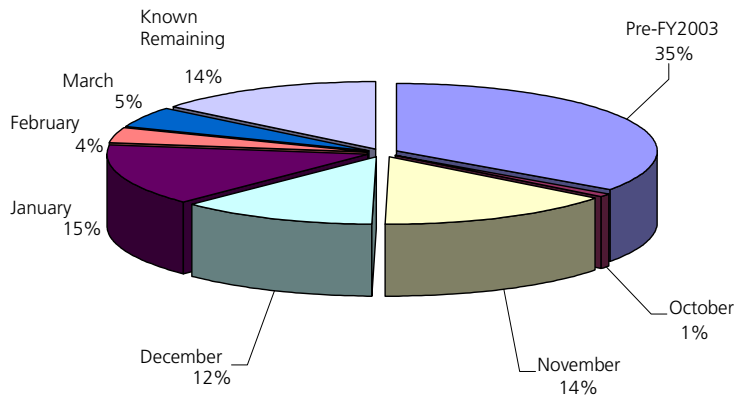
National NAGPRA program interns entered data into the CUI inventory database. These data are from the inventories submitted by museums and Federal agencies. After data entry on the inventory from each institution’s inventory is finished,

the interns record the number of records, human remains, and associated funerary objects in a spreadsheet that calculates the estimated completeness of the database.

The table following this report, *Museums and Federal Agencies With Culturally Unidentifiable Human Remains and Associated Funerary Objects*, was generated from the spreadsheet. Over 80 percent of the inventories of culturally unidentifiable human remains and associated funerary objects that have been identified have been entered into the database, representing an estimated 60 percent of the available data. Inventories from fewer than 100 museums and Federal agencies, including three museums with large inventories, remain to be entered. The interns are proceeding to enter data from these inventories on a State-by-State basis.

For each museum or Federal agency, the information in the inventory database will be checked for accuracy and completeness by the National NAGPRA program staff,

Progress on data entry of CUI inventories identified in museums and Federal agencies



and then sent to the museum or Federal agency for verification. Once the National NAGPRA program has made any corrections, deletions, or additions submitted by the museum, the inventory data will be added to the online database. In February 2003, the National NAGPRA program initiated a pilot project with 20 museums to confirm this process.

The pilot project uses a sample database of approximately 2,000 entries representing 20 museums and containing over 10,000 human remains and over 27,000 associated funerary objects. Searches of the data may be done by museum or geographic area. The sample database and the results of the pilot project will be presented during the Review Committee meeting in St. Paul, MN.

Museums and Federal Agencies With Culturally Unidentifiable Human Remains and Associated Funerary Objects

About this table – The table summarizes information on the numbers of site, minimum number of individuals (MNI) and associated funerary objects from the museums and Federal agencies known to have inventories of culturally unidentifiable human remains and associated funerary objects. The average MNI per site entered is 6.46.

Legend –

- X Data entry of culturally unidentifiable inventories complete for this museum or Federal agency
- * Currently not available for review
- (I) Incomplete-unable to enter
- 86% Percentage of museums and Federal agencies entered with known inventories of culturally unidentifiable human remains.

Cataloged			Sites Entered	MNI	AFO
ALABAMA			6		
1	X	Anniston Museum of Natural History	40	45	192
2	X	Discovery 2000	3	3	24
3	X	Jacksonville State University	7	17	0
4	X	University of Alabama, Office of Archeological Services	112	3482	1019
5	X	University of South Alabama	19	41	173
6	X	US Dept. of Interior, NPS, Russell Cave NM	4	12	0
ALASKA			4		
1	X	Alaska State Museum	2	2	0
2	X	Sheldon Jackson Museum	3	4	0
3	X	University of Alaska Museum, Fairbanks	24	188	30
4	X	University of Alaska-Anchorage, Dept. of Anthropology	7	87	3229
ARIZONA			12		
1	X	Cochise College	8	10	2
2		Eastern Arizona College (catalog card copies)			
3	X	Heard Museum	3	5	2
4	X	Mesa Southwest Museum	7	9	4
5	X	Museum of Northern Arizona	22	51	0
6	X	Phoenix, City of, Pueblo Grande Museum	1	21	0
7	X	Phoenix Museum of History	12	17	6
8	X	Sharlot Hall Museum	2	3	3
9		University of Arizona, Arizona State Museum (in progress)	120	533	101
10	X	US Dept. of Interior, BOR, Lower Colorado-Phoenix Area	1	4	10
11	X	US Dept. of Interior, NPS, Walnut Canyon NM	2	7	0
12	X	US Dept. of Interior, NPS, Wupatki NM	7	11	10
ARKANSAS			15		
1	X	Arkansas State University Museum, Jonesboro	157	518	40
2	X	Arkansas Tech University, Russellville	15	76	61
3	X	Fort Smith, City of	1	1	0
4	X	Arkansas Dept. Parks, Hampson State Museum	96	260	0

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Cataloged			Sites Entered	MNI	AFO
5	X	Henderson State University	1	1	0
6	X	Parkin State Park	1	18	21
7	X	Shiloh Museum	5	10	23
8	X	Southern University of Arkansas, Magnolia	12	30	29
9	X	Toltec State Park	2	6	2
10	X	University of Arkansas , Arkansas Archaeological Survey	44	91	0
11	X	University of Arkansas, Fayetteville, Dept. of Anthropology	46	438	0
12	X	University of Arkansas, Fayetteville, University Museum	31	67	32
13	X	University of Arkansas, Monticello	15	84	12
14	X	University of Arkansas, Pine Bluff	15	54	259
15	X	US Dept. of Interior, NPS, Buffalo National River	5	25	1
CALIFORNIA			36		
1	X	A.W. Ward Museum, Institute of Dental History and Craniofacial Study, University of the Pacific	4	13	0
2	X	Bowers Museum of Cultural Art	34	68	12
3		California Dept. Parks and Recreation			
4	X	California State University Bakersfield	1	8	6
5		California State University Chico			
6	X	California State University Dominguez	3	6	0
7	X	California State University Fullerton	11	14	0
8	X	California State University Sacramento	19	440	516
9	X	Catalina Island Museum Society	6	215	208
10	X	Columbia College	3	3	0
11	X	Crocker Art Museum	1	1	0
12		East Bay Municipal Utility District			
13	X	Foothill DeAnza	1	35	1000
14	X	Los Angeles County Museum of Natural History	9	233	5
15	X	Maturango Museum	2	2	27
16	X	Oakland Museum of California	13	30	3
17	X	Richmond Museum of History	4	5	0
18	X	Oakland, City of, Rotary Nature Center	1	2	0
19	X	Sacramento Museum of History, Science & Technology	10	11	0
20	X	Salinas Union High School District	1	1	0
21	X	San Diego Mesa State University	10	10	0
22	X	San Diego State University	1	76	0
23	X	San Francisco State University	10	17	54
24	X	Santa Cruz City Museum of Natural History	5	23	0
25	X	Southwest Museum	114	159	2014
26	X	Sonoma State	13	267	5465
27	X	Stanford University Planning Office	3	13	0
28		University of California, Berkley, Phoebe Hearst			
29	X	University of California, Davis, Dept. of Anthropology Museum	46	287	3506
30	X	University of California, Los Angeles, Fowler Museum	32	911	581
31	X	University of California, Riverside	3	3	2
32	X	University of California, Santa Barbara, Dept. of Anthropology	4	84	296
33	X	University of California, Santa Cruz	10	81	3971
34	X	US Dept. of Defense, Navy - Naval Air Weapons Station	5	9	52
35	X	US Dept. of Agriculture, FS, Angeles National Forest	3	4	71
36	X	US Dept. of Interior, BOR, Mid-Pacific Region	7	15	3

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Cataloged			Sites Entered	MNI	AFO
COLORADO			13		
1	X	Colorado Historical Society	24	256	156
2	X	Denver Museum of Natural History	7	32	24
3	X	Fort Collins Museum	6	6	6
4	X	Koshare Indian Museum	4	6	0
5	X	Metropolitan State College of Denver, Dept. of Anthropology and Sociology	8	13	0
6	X	Museum of Western Colorado	2	53	0
7	X	Tread of Pioneers Museum	1	1	0
8	X	Trinidad State Junior College	31	64	37
9	X	University of Colorado at Boulder	151	184	216
10	X	University of Colorado at Denver	15	15	0
11	X	University of Denver, Dept. of Anthropology	86	89	8
12	X	US Dept. of Agriculture, FS, Rio Grande National Forest	5	6	0
13	X	US Dept. of Agriculture, FS, Roosevelt National Forest	1	1	22
CONNECTICUT			4		
1	X	Barnum Museum	1	1	0
2	X	Bruce Museum	6	17	17
3	X	Stamford Museum and Nature Center	7	7	0
4	X	Yale University, Peabody Museum of Natural History	31	318	52
DELAWARE			1		
1		Delaware State Museum (I)			
DC			1		
1	X	DOA Armed Forces Institute of Pathology	66	132	0
FLORIDA			17		
1	X	Charlotte Harbor Environmental Center	1	22	0
2		Crowley Museum and Nature Center*			
3	X	Florida Division Historical Resources	171	1084	5836
4	X	Florida Museum of Natural History	157	2610	2664
5	X	Florida Atlantic University	12	643	36
6	X	Florida State University Dept. of Anthropology	32	741	287
7	X	Graves Museum	22	132	0
8	X	Historical Association of Southern Florida	42	160	1100
9	X	Sarasota County Dept. of Historical Resources	8	93	5
10		South Florida Museum*			
11	X	University of West Florida, Archaeology Institute	3	9	0
12	X	US Dept. of Interior, NPS, Big Cypress N PRES	5	20	92
13	X	US Dept. of Interior, NPS, Canaveral NS	6	9	0
14	X	US Dept. of Interior, NPS, De Soto NM	1	2	0
15	X	US Dept. of Interior, NPS, Everglades NP	4	11	1
16	X	US Dept. of Interior, NPS, Fort Matanzas NM	1	1	0
17	X	US Dept. of Interior, NPS, Southeast Archeological Center	11	66	0
GEORGIA			7		
1	X	Columbus Museum	5	10	0

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Cataloged		Sites Entered	MNI	AFO
2	Coosawattee Foundation *			
3	X Georgia DOT	2	2	119
4	X University of Georgia, Dept. of Anthropology	44	238	1100
5	X US Dept. of Defense, Army, Fort Stewart	1	1	1
6	X US Dept. of Interior, NPS, Cumberland Island NS	1	1	0
7	X US Dept. of Interior, NPS, Fort Frederica NM	1	1	0
HAWAII		3		
1	X Bernice P. Bishop Museum	2	2	0
2	Maui Historical Society*			
3	X US Dept. of Defense, Navy, Pacific Division, Naval Facilities Engineering Command	1	14	64
IDAHO		4		
1	X Archaeological Survey of Idaho	21	130	328
2	X College of Southern Idaho, Herret Center for Arts and Sciences	2	5	85
3	Idaho Historical Society*			
4	X Idaho Museum of Natural History	25	32	166
ILLINOIS		15		
2	X Center for American Archaeology	117	1195	8705
3	Elgin Public Museum*			
4	X Field Museum of Natural History and Science	129	1263	468
5	X Illinois State Museum, Springfield	478	5734	32905
6	X Madison County Historical Society	1	3	0
7	Northern Illinois University *			
8	Northwestern University*			
9	X Southern Illinois University - Carbondale	51	1113	1636
10	X Southern Illinois University - Edwardsville	1	17	0
11	X Western Illinois Archaeological Research Lab	10	53	118
12	University of Illinois - Chicago			
13	X University of Illinois - Urbana-Champaign, Dept. of Anthropology	82	815	12957
14	US Dept. of Defense, Army COE, Rock Island District			
15	US Dept. of Defense, Army, COE, Rockland			
INDIANA		13		
1	X Allen County Fort Wayne Historical Society	6	6	2
2	Ball State Dept of Anthropology (I)			
3	X Goshen College	2	2	2
4	X Indiana State Museum	35	70	17
5	X Indiana State University Dept. of Anthropology	25	131	90
6	Indiana University, Dept. of Anthropology (I)			
7	X Indiana University, Glenn Black Laboratory of Archaeology	250	1354	11067
8	X New Harmony – Workingmen’s Institute	14	14	0
9	X Northern Indiana Center for History	26	28	0
10	X Notre Dame University, Dept. of Anthropology	2	6	0
11	X Purdue University	24	50	49
12	X University of Indianapolis, Arch. and Forensics Lab.	12	45	0
13	X US Dept. of Agriculture, FS, Hoosier National Forest	3	5	0

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Cataloged			Sites Entered	MNI	AFO
IOWA			4		
1	X	Palmer Foundation for Chiropractic History	6	6	0
2	X	Putnam Museum of History and Natural Science	20	58	21
3	X	Salisbury House	2	3	0
4	X	University of Northern Iowa	7	6	0
KANSAS			5		
1	X	Fellow Reeve Museum of History and Science	1	2	0
2	X	Kansas State Historical Society	57	161	21300
3		Riley County Historical Society and Museum*			
4	X	University of Kansas - Museum of Anthropology	170	381	548
5	X	Wichita State	17	36	0
KENTUCKY			6		
1	X	JB Speed Art Museum	2	2	0
2	X	Western Kentucky University, Kentucky Museum	29	31	0
3	X	Murray State University, Archaeology Service Center	3	10	0
4		Murray State University Wicklife Mounds Research Center*			
5	X	University of Kentucky, Webb Museum of Anthropology	169	3234	1158
6	X	University of Louisville	20	279	2
LOUISIANA			5		
1	X	Louisiana Dept. of Culture, Recreation and Tourism	5	24	2
2		Louisiana State Exhibit Museum *			
3	X	Louisiana State University, Dept. of Anthropology	12	138	0
4	X	Louisiana State University, Museum of Natural Science	91	911	152
5	X	US Dept. of Interior, NPS, Jean Lafitte NHP and PRES	4	15	0
MAINE			5		
1	X	Maine Archaeological Society	1	4	15
2	X	Maine Historical Society	2	2	0
3	X	Maine State Museum	15	26	21
4	X	Pejepscot Historical Society	1	1	0
5	X	York Institute Museum	1	1	0
MARYLAND			2		
1	X	Maryland Historical Trust	29	133	86
2	X	US Dept. of Interior, NPS, Chesapeake and Ohio Canal NHP	1	1	0
MASSACHUSETTS			8		
1	X	Berkshire Museum	1	2	0
2	X	Boston Museum of Science	1	1	0
3	X	Marblehead Historical Society	1	1	0
4		Peabody Essex*			
5		Harvard University, Peabody Museum of Arch. and Ethnology (in progress)	17	93	39
6	X	Phillips Academy, Robert S. Peabody Museum of Arch.	52	138	355
7		Springfield Science Museum*			
8	X	Wistariahurst	1	1	53

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Cataloged			Sites Entered	MNI	AFO
MICHIGAN			10		
1	X	Alma College	1	2	3
2	X	Central Michigan University, Center for Cultural and Natural History	100	96	389
3	X	Cranbrook Institute of Science	22	64	1
4	X	Grand Valley State	18	117	2038
5	X	Historic Charleton Park and Museum	3	10	0
6	X	Kalamazoo Public Museum	3	5	0
7	X	Michigan Historical Center, Michigan Dept. of State	16	43	6
8	X	Michigan State University Museum	15	110	199
9	X	Public Museum of Grand Rapids	42	182	902
10		University of Michigan*			
MINNESOTA			5		
1	X	Minnesota Historical Society	3	5	0
2	X	Minnesota Indian Affairs Council	248	1379	711
3	X	Science Museum of Minnesota	17	17	22
4		University of Minnesota, Dept. of Anthropology *			
5	X	US Dept. of Interior, NPS, Voyageurs NP	1	3	0
MISSISSIPPI			4		
1	X	Mississippi Dept. of Archives and History	27	191	70
2	X	Mississippi State University, Cobb Institute for Arch.	18	293	50
3	X	US Dept. of Interior, NPS, Natchez Trace Parkway	31	525	214
4	X	US Dept. of Interior, NPS, Vicksburg NMP	1	1	0
MISSOURI			7		
1	X	Central Missouri State	1	67	1
2	X	Kansas City Museum	21	22	0
3	X	Missouri Historical Society	10	14	261
5	X	Southwest Missouri State Center for Arch. Research	15	18	0
6	X	Still National Osteopathic Museum	31	35	0
7	X	University of Missouri, Columbia	86	2870	530
8	X	US Dept. of Interior, NPS, Ozark NSR	2	19	57
MONTANA			3		
1	X	Montana State University, Bozeman, Dept. of Sociology	10	11	49
2	X	Montana State University, Museum of the Rockies	16	12	104
3	X	US Dept. of Interior, BOR, Great Plains Region	7	144	46
NEBRASKA			6		
1	X	Cass County Historical Society	1	1	0
2	X	Nebraska State Historical Society	52	531	10689
3	X	Stuhr Museum of the Prairie Pioneer	2	2	0
4	X	University of Nebraska State Museum	83	626	10647
5	X	US Dept. of Interior, NPS, Agate Fossil Beds NM	3	7	16
6	X	US Dept. of Interior, NPS, Scotts Bluff NM	4	10	0
NEVADA			3		

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Cataloged			Sites Entered	MNI	AFO
1	X	Nevada State Museum	37	186	67
2	X	University of Nevada, Las Vegas	115	207	3
3	X	University of Nevada, Reno	1	1	0
NEW HAMPSHIRE			2		
1	X	Hood Museum of Art, Dartmouth College	11	16	49
2		New Hampshire Division of Historical Resources *			
NEW JERSEY			4		
1	X	Morris Museum	1	1	0
2	X	New Jersey State Museum	3	6	0
3	X	Princeton University	4	4	0
4	X	Rutgers University Geology Museum	1	2	0
NEW MEXICO			12		
1	X	Dept. of Defense Corps of Engineers, Albuquerque Dept.	15	279	170
2	X	Historical Museum and Art Center	1	1	0
3	X	Maxwell Museum	92	596	293
4	X	Museum of New Mexico (MIAC)	23	60	14
5	X	New Mexico Highlands University	12	36	2
6	X	New Mexico State University	44	51	17
7	X	San Juan County Museum Association	5	34	18
8	X	Western New Mexico Museum	2	2	2
9	X	White Sands Missile Range	4	4	0
10	X	US Dept. of Agriculture, FS, Southwest Region	79	455	94
11	X	US Dept. of Interior, NPS, Bandelier NM	7	11	0
12	X	US Dept. of Interior, NPS, El Morro NM	1	4	0
NEW YORK			11		
1	X	American Museum of Natural History	296	1499	2924
2		Brooklyn Museum of Art (I)			
3	X	Brooklyn Children's Museum	3	3	0
4	X	Buffalo Museum of Science	20	72	813
5	X	Buffalo State College	8	7	22
6	X	Chemung County Historical Society	3	3	0
7	X	Cornell University	1	1	0
8		Hartwick College*			
9	X	New York State Museum	39	499	987
10	X	Rochester Museum and Science Center	230	1321	2096
11		Skidmore College*			
NORTH CAROLINA			7		
1	X	Appalachian State University, Dept. of Anthropology	1	1	0
2	X	Charlotte Museum of History	1	2	0
3	X	Discovery Place Nature Museum	9	9	0
4	X	University of North Carolina at Chapel Hill	142	728	66755
5	X	US Dept. of Interior, NPS, Blue Ridge Parkway	1	1	0
6	X	US Dept. of Defense, Navy, Marine Corps, Camp Lejeune	2	56	0
7	X	Wake Forest University Archaeology Labs.	4	98	2453

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Cataloged			Sites Entered	MNI	AFO
NORTH DAKOTA			1		
1	X	US Dept. of Agriculture, FS, Dakota Prairie Grasslands	1	1	0
OHIO			15		
1	X	Allen County Historical Society	4	73	27
2	X	Cincinnati Museum Center, Museum of Nat'l Hist. & Science	26	420	652
3	X	Cleveland Museum of Natural History	52	276	143
4	X	Cleveland State University Dept. of Anthropology	16	59	13
5	X	Dayton Museum of Natural History	61	129	929
6		Hamilton County Park District*			
7	X	Hardin County Historical Museums	5	5	3
8	X	Heidelberg College Archaeology Labs.	7	58	2
9		Ohio Historical Society			
10	X	Ohio University Dept. of Sociology/Anthropology	2	23	0
11	X	Sandusky Library	1	1	0
12	X	Toledo Zoological Society	6	6	0
13	X	University of Toledo	25	324	7568
14	X	US Dept. of Agriculture, FS, Wayne National Forest	2	5	0
15	X	Western Reserve Historical Society	95	95	5
OKLAHOMA			4		
1	X	Mabee Gerrer Museum of Art	2	2	0
2	X	Oklahoma Archaeological Survey	16	22	20
3	X	Oklahoma Historical Society	14	19	7
4	X	University of Oklahoma, Oklahoma Museum of Natural History	50	260	701
OREGON			4		
1	X	High Desert Museum	2	5	10
2		Oregon State University*			
3		Oregon State Historical Soc.*			
4		University of Oregon*			
PENNSYLVANIA			10		
1	X	California University of Pennsylvania	11	180	299
2	X	Carnegie Museum of Natural History	694	701	14,806
3	X	Lackawanna Historical Society	3	3	0
4	X	North Museum of Natural History and Science	17	114	6
5	X	State Museum of Pennsylvania	125	995	79617
6		Temple University Dept. of Anthropology (handwritten catalog card copies)			
7		Tioga Point Museum*			
8	X	University of Pennsylvania Museum	189	504	497
9		US Army Corps of Engineers, Pittsburgh District *			
10		Wistar Museum*			
RHODE ISLAND			2		
1	X	Brown University, Haffenreffer Museum of Anthropology	8	95	11
2	X	Museum of Natural History	7	6	28
SOUTH CAROLINA			2		

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Cataloged			Sites Entered	MNI	AFO
1	X	Charleston Museum	29	123	232
2		University of South Carolina, Inst. for Arch. and Anthro. *			
SOUTH DAKOTA			2		
1	X	South Dakota State Archaeology Research Center	12	37	24
2	X	South Dakota State Historical Society	17	18	0
TENNESSEE			7		
1	X	Pink Palace Museum	8	52	0
2	X	Tennessee Valley Authority	173	4006	6531
3	X	University of Memphis, C.H. Nash Memorial Museum/Chucalissa Museum	192	669	620
4		University of Memphis, Anthropological Research Center *			
5		University of Memphis, Dept. of Anthropology			
6	X	US Dept. of Interior, NPS, Big South Fork NRRRA	9	26	0
7		Vanderbilt University*			
TEXAS			24		
1	X	Brazos Valley Museum of Natural History	3	3	0
2	X	Corpus Christi Museum of Science and History *	28	80	0
3		Cumberland Museum, University of Texas - El Paso			
4	X	Dallas Museum of Natural History	1	1	2
5	X	Fort Concho National historic Landmark	5	5	0
6	X	Houston Museum of Natural Science	1	5	0
7	X	Layland College	5	5	8
8	X	Museum of the Southwest	5	6	0
9		Museum of Texas Tech University*			
10	X	Panhandle Plains Historical Museum	221	243	286
11	X	Rice University, Dept. of Anthropology	1	1	0
12	X	Scurry County Museum	1	2	0
13	X	Southern Methodist University	1	1	0
14	X	Southwest Texas State University	41	117	197
15	X	Texas A&M, Dept. of Anthropology	31	134	0
16		University of Texas, Austin, Texas Archeological Research Laboratory*			
17	X	Texas Dept. of Transportation	5	5	0
18	X	Texas Historical Commission	6	10	0
19	X	University of Texas, El Paso, Centennial Museum	43	50	11
20	X	University of Texas San Antonio, College of Social and Behavioral Sciences	6	255	18
21	X	US Dept. of Interior, NPS, Amistad NRA	10	57	76
22	X	US Dept. of Interior, NPS, Big Bend NP	3	7	75
23	X	US Dept. of Interior, NPS, Guadalupe Mountains NP	1	22	12
24	X	Witte Museum	52	52	30
UTAH			5		
1	X	Brigham Young University, Museum of Peoples and Cultures	40	142	54
2		Southern Utah University*			
3	X	University of Utah, Utah Museum of Natural History	174	385	71
4	X	US Dept. of Agriculture, FS, Uinta National Forest	1	1	13,558

National Park Service
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Cataloged			Sites Entered	MNI	AFO
5	X	US Dept. of Defense, Army, Fort Douglas	2	2	0
VIRGINIA			4		
1	X	Association for the Preservation of Virginia Antiquities	6	6	0
2	X	Fredericksburg Area Museum and Cultural Center	1	1	0
3	X	Valentine Museum	3	30	5
4	X	Virginia Dept. of Historic Resources	32	346	2552
WASHINGTON			4		
1	X	University of Washington, Burke Museum	30	81	42
2	X	Seattle Art Museum	2	2	0
3	X	University of Washington, Dept. of Anthropology	8	16	0
4	X	Washington State Historical Society	11	11	0
WEST VIRGINIA			1		
1	X	Davis and Elkins College	1	1	0
WISCONSIN			10		
1	X	Kenosha Public Museum	1	1	0
2	X	Milwaukee Public Museum	167	1492	620
3	X	University of Wisconsin, LaCrosse, Mississippi Valley Arch. Center	22	49	3
4	X	Neville Public Museum	1	85	22
5	X	Oshkosh Public Museum	7	55	1
7	X	State Historical Society of Wisconsin	113	316	68
8	X	University of Wisconsin - Madison, Dept. of Anthropology	12	75	20
9	X	University of Wisconsin - Milwaukee, Dept. of Anthropology	12	27	7
10	X	University of Wisconsin - Oshkosh	25	55	9
WYOMING			4		
1	X	Buffalo Bill Historical Center, Plains Indian Museum	3	5	1
2	X	Meetcetse Museums	1	1	0
3	X	University of Wyoming, Dept. of Anthropology	91	133	24
4	X	US Dept. Agriculture, FS, Thunder Basin Nat'l Grassland	1	4	2
307			Grand Totals 356	9,526	61,505 361,576

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Summary of requests to the Review Committee for disposition of culturally unidentifiable Native American human remains

About this table –

The table summarizes all requests to the Review Committee for disposition of culturally unidentifiable Native American human remains, including requests during the reporting period. No requests were received or considered prior to the November 1994 Review Committee meeting.

Legend –

- HR number of individuals represented by the human remains
 AFO number of associated funerary objects
 ● yes
 ○ no

	Meeting and institution	HR/AFO	Review Committee recommendations	Letter sent/ date	Federal Register notice reference or status
Eighth: November 1994					
1.	Phillips Academy, Robert S. Peabody Museum of Archaeology	1/14?	Recommended repatriation to Mashpee Wampanoag. (Letter recommended repatriation of human remains and associated funerary objects.)	● 12/21/94	Federal Register, February 15, 1995, vol. 60, no. 31, p 8733 (NIC0026)
Ninth: February 1995					
2.	Virginia Department of Historic Resources (1)	64/105	Requested additional consultation; if no further claims, repatriate to Nansemond. (No specific discussion regarding associated funerary objects, nor any reference in letter. State recognized tribes supported repatriation of human remains and associated funerary objects.)	● 3/22/95	Federal Register, March 27, 1997, vol. 62, no. 59, pp. 14701-14702 (NIC0128)

National Park Service
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	Meeting and institution	HR/AFO	Review Committee recommendations	Letter sent/ date	Federal Register notice reference or status
3.	U.S. Department of Defense, U.S. Army, Fort Hunter-Liggett	3/0	Recommended developing a plan for disposition with the Salinan Indian Tribal Council, California Native American Heritage Commission, and other interested Native American groups and publicizing it broadly	● 3/27/95	In 1988, agency revised its policy to restrict NAGPRA compliance activities, and retains control of the human remains
10th: October 1995					
4.	Hood Museum of Art	1/0	Requested publication in NH and VT newspapers; if no further claims, repatriate to Wabanaki.	● 12/11/95	Federal Register, May 17, 1996, vol. 61, no. 97, p 24950 (NIC 0075)
13th: March 1997					
5.	Baylor University, Strecker Museum	89/5?	Requested additional consultation; move toward cultural affiliation; revise inventory.	● 5/29/97	Museum needs to revise inventory and resubmit request to Review Committee
6.	U.S. Department of Energy, Fernald Site	?	Recommended that DOE retain until clear mechanism for disposition. Consulted groups expressed desire to reinter on Federal lands (see below).	● 5/29/97	
7.	Oakland Museum	5/3	Requested additional consultation and documentation.	● 4/16/97	Museum needs to provide additional information
8.	De Anza College	35/0?	Requested additional consultation and documentation.	● 4/16/97	Museum needs to provide additional information
9.	City of Santa Clara	1/1	Requested additional consultation and documentation.	● 4/16/97	Museum needs to provide additional information

National Park Service
National NAGPRA

	Meeting and institution	HR/AFO	Review Committee recommendations	Letter sent/ date	Federal Register notice reference or status
10.	Henry County Historical Society	4?/0	Requested additional consultation and documentation; revise inventory.	● 5/29/97	Museum needs to revise inventory and resubmit request
14th: January 1998					
11a.	Minnesota Indian Affairs Council		Recommended approval of request, with provision of documentation (see below).	see 11b. below	
12.	Office of the State Archaeologist, Iowa	339/00	Recommended approval of request, with provision of documentation.	● 3/3/99	Federal Register, December 27, 2000, vol. 65, no. 249, pp. 81886-81894 (NIC 0430)
13.	U.S. Department of the Interior, National Park Service, Fort Clatsop National Memorial	1/?	Requested that Chinook Indian Tribe solicit letters from nearest federally recognized tribes (NPS is working with tribe).	● 8/3/98	
14.	California Department of Parks and Recreation	?	Requested additional consultation and resubmission of request.	● 6/3/98	Agency needs to resubmit request
15.	U.S. Department of Energy, Fernald Site		Clarification that letter sent following previous meeting did not intend that remains be retained in the ground.		
15th: June 1998					
16.	Sonoma State University	145/224	Request for additional information/concurrence from other tribes.	● 5/17/99	Institution revising inventory/ notice to reflect recognition of Federated Coastal Miwok
16th: December 1998					

National Park Service
National NAGPRA

	Meeting and institution	HR/AFO	Review Committee recommendations	Letter sent/ date	Federal Register notice reference or status
17.	U.S. Department of the Interior, National Park Service, Carlsbad Caverns National Park and Guadalupe Mountains National Park	3/?	Recommended repatriation to group of 12 tribes (see below). (Review Committee considered associated funerary objects as part of the request. Letter acknowledged objects, but made no specific recommendation regarding objects.)	● 5/25/99	See below
18.	Harvard University, Peabody Museum of Archaeology and Ethnology (1)	16/1	Recommended repatriation to Nipmuc.	● 1/11/00	Draft of notice pending
11b.	Minnesota Indian Affairs Council	1,059/306	Previous request approved (see 11a above). (No specific discussion at meetings regarding associated funerary objects. No reference in letter to associated funerary objects.)	● 2/19/99	Federal Register, August 9, 1999, vol. 64, no. 152, pp. 43211-43222 (NIC 0285)
19.	University of Nebraska-Lincoln	330/0	Recommended repatriation to intertribal group.	● 9/2/99	Federal Register, October 2, 2000, vol. 65, no. 191, pp. 58803-58806 (NIC 0386)
17th: May 1999					
20.	California State University, Fresno	122/0	Recommended repatriation to Central Valley and Mountain Reinterment Association.	● 9/3/99	Federal Register, August 8, 2000, vol. 65, no. 153, p 48530 (NIC 0358)
21a.	Virginia Department of Historic Resources (2)		Requested additional information (see below).	see 21b below	
22.	Harvard University, Peabody Museum of Archaeology and Ethnology (2)	30/6	Recommended repatriation to Abenaki, following receipt of letters of support from recognized tribes. (No recommendation regarding associated funerary objects.)	● 2/7/00	Federal Register, October 9, 2001, vol. 66, no. 195, pp. 51468-51469 (NIC 0564)

National Park Service
National NAGPRA

	Meeting and institution	HR/AFO	Review Committee recommendations	Letter sent/ date	Federal Register notice reference or status
23.	New Hampshire Division of Historical Resources	17/0	Recommended repatriation to Abenaki, following receipt of letters of support from recognized tribes.	● 1/11/00	Federal Register, July 9, 2002, vol. 67, no. 131, pp. 45536-45539 (NIC 0619)
18th: November 1999					
21b.	Virginia Department of Historic Resources (2)	105/0	Previous request approved to repatriate to Monacan (see 21a above).	● 11/30/99	Federal Register, February 10, 2000, vol. 65, no. 28, pp. 6622-6623 (NIC 0326)
19th: April 2000					
24.	U.S. Department of Agriculture, Forest Service, Ocala National Forest	8/0	Recommended repatriation to Miccosukee.	● Letter sent	Federal Register, July 21, 2000, vol. 65, no. 141, pp. 45397-45398 (NIC 0348)
25.	Washington State Historical Society	4/0	Recommended repatriation to Puyallup.	● 4/12/00	Federal Register, July 21, 2000, vol. 65, no. 141, pp. 45403-45404 (NIC 0355)
20th: December 2000					
26.	U.S. Department of the Interior, Bureau of Reclamation, Eastern Colorado Area Office	1/0	Recommended repatriation to Arapaho, Cheyenne and Northern Cheyenne.	● 1/23/01	Federal Register, April 9, 2001, vol. 66, no. 68, pp. 18505-18506 (NIC 0492)
27.	U.S. Department of the Interior, Bureau of Reclamation, Dakotas Area Office	14/4	Recommended repatriation to North Dakota Intertribal Reinterment Committee. (The Review Committee agreed with request to repatriate associated funerary objects, with one disagreement and one abstention.)	● 1/11/01	Federal Register, May 3, 2001, vol. 66, no. 86, pp. 22255-22256 (NIC 0522)

National Park Service
National NAGPRA

	Meeting and institution	HR/AFO	Review Committee recommendations	Letter sent/ date	Federal Register notice reference or status
28.	U.S. Department of the Interior, National Park Service, Carlsbad Caverns National Park and Guadalupe Mountains National Park	3 + 14/?	Second request included additional human remains. Recommended repatriation to group of 12 tribes. (Review Committee agreed to include the associated funerary objects in the recommendation.)	● 2/15/2001	Draft of notice pending
21st: May 2001					
29.	U.S. Department of the Interior, National Park Service, Zion National Park	11/0	Recommended approval of the request for disposition of human remains to a group of seven tribes.	● 8/15/01	Federal Register, May 20, 2002, vol. 67, no. 97, pp. 35580-35581 (NIC 0615)
22nd: November 2001					
30.	Franklin Pierce College	5/0	Recommended repatriation to Abenaki, following receipt of letters of agreement from affected tribes.	● 9/13/02	Federal Register, April 4, 2003, vol. 68, no. 65, pp. 16550-16551
23rd: May/June 2002					
31.	U.S. Department of Defense, U.S. Army, Joint Readiness Training Center and Fort Polk	1/0	Recommended repatriation to Caddo Indian Tribe of Oklahoma.	● Letter sent	Agency needs to submit notice of inventory completion

Chronology of the Review Committee

1. April 29-May 1, 1992, Washington, DC

Present: Rachel Craig, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker (Dan Monroe participated by conference call on May 1, 1992)

Chair: Francis McManamon, Designated Federal Official (DFO) for the Review Committee, agreed to act as chair until the 7th member of the Review Committee was selected and the Review Committee could elect a chair.

Actions:

- discussed Draft 3 of the proposed regulations
- developed and consented to a list of nominees from which the Secretary would select the seventh Review Committee member
- requested that Departmental Consulting Archeologist, Frank McManamon, prepare a memorandum informing museums of procedures for preparing summaries and inventories and to make Draft 3 of the NAGPRA regulations available to the public upon request

2. August 26-28, 1992, Lakewood, CO

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker

Chair: Francis McManamon, DFO, agreed to continue to serve as meeting facilitator until the Review Committee elected a chair

Actions:

- discussed a draft memorandum on guidance for the preparation of NAGPRA summaries and inventories. After revising the language and procedures, the draft memorandum was approved by the Review Committee
- discussed dispute resolution procedures
- discussed a request for intervention from Hui Malama I Na Kupuna O Hawai'i Nei, a Native Hawaiian organization, regarding the cultural

affiliation of four sets of human remains held by the Phoebe A. Hearst Museum, University of California, Berkeley
- elected Rachel Craig as interim chair

3. October 8-10, 1992, Fort Lauderdale, FL

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Rachel Craig

Actions:

- reviewed Draft 4 of the proposed regulations
- recommended that a revised version be published as proposed regulations for general public comment (May 28, 1993, Federal Register vol. 58)
- elected Tessie Naranjo as chair

4. February 26-28, 1993, Honolulu, HI

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- considered a dispute between Hui Malama I Na Kupuna "O Hawai'i Nei and the Phoebe A. Hearst Museum (April 15, 1993, Federal Register vol. 58, no. 71, 19688-19689 [2 findings])
- solicited public comments regarding NAGPRA implementation in Hawaii

5. September 20-22, 1993, Washington, DC,

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- reviewed Draft 5 of the proposed regulations implementing the statute and recommended that a revised version be published as final regulations

(December 4, 1995, Federal Register vol. 60, no. 232, pp. 62134-62169).

6. January 23-25, 1994, Phoenix, AZ,
Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- reviewed draft regulation sections regarding civil penalties and sample inventories
- solicited public comment on the disposition of culturally unidentifiable human remains in museum or Federal collections and the disposition of unclaimed human remains and cultural items from Federal or tribal lands

7. May 12-14, 1994, Rapid City, SD

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- reviewed draft regulation sections regarding civil penalties and sample inventories
- solicited public comment on the disposition of culturally unidentifiable human remains in museum or Federal collections and the disposition of unclaimed human remains and cultural items from Federal or tribal lands

8. November 16-18, 1994, Albany, NY

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- reviewed a draft memorandum on guidance in preparing inventories
- heard a request from the Robert S. Peabody Museum at Phillips Academy, MA, regarding disposition of culturally unidentifiable human remains. The

Review Committee recommended that the human remains in question be repatriated to the Mashpee Wampanoag (February 15, 1995, Federal Register vol. 60, no. 31, pp. 8733)

- discussed a request for consideration of a dispute from the U. S. Marine Corps in Hawaii, and declined the request
- solicited public comment on the culturally unidentifiable human remains

9. February 16-18, 1995, Los Angeles, CA

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- reviewed the 1993-1994 Report to the Congress,
- drafted recommendations for the disposition of culturally unidentified human remains for publication (June 20, 1995, Federal Register vol. 60, no. 118, pp. 32163-32165)
- considered a request from the Commonwealth of Virginia regarding disposition of culturally unidentifiable human remains. Following discussion, the Review Committee recommended that the human remains in question be repatriated to the Nansemond Tribe (March 27, 1997, Federal Register vol. 62, no. 59, pp. 14701-14702)
- considered a request regarding disposition of culturally unidentifiable human remains from the U.S. Army, Fort Hunter-Liggett. The Review Committee recommended that repatriation to the Salinan Indian Tribal Council take place.

10. October 16-18, 1995, Anchorage, AK

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, William Tallbull, Phillip Walker

Chair: Tessie Naranjo

Actions:

- discussed a request for consideration of a potential dispute from Ms. Betty J. Washburn and the University of California, Berkeley, Phoebe Hearst Museum of Anthropology
- discussed a request for consideration of a potential dispute from the Field Museum of Natural History and the Oneida Tribe of Indians of Wisconsin and Oneida Indian Nation of New York
- reviewed comments on its draft recommendations regarding the disposition of culturally unidentifiable human remains and associated funerary objects
- considered a request from the Hood Museum regarding disposition of culturally unidentifiable human remains. Following discussion, the Review Committee recommended that the human remains and associated funerary objects be repatriated to the Abenaki Nation of Missisquoi (May 17, 1997, Federal Register vol. 61, no. 97, pp. 24950)
- solicited public comment regarding NAGPRA implementation in Alaska

II. June 9-11, 1996, Billings, MT

Present: Rachel Craig, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker

Chair: Tessie Naranjo

Actions:

- developed draft recommendations regarding the disposition of culturally unidentifiable human remains and associated funerary objects for publication (August 20, 1996, Federal Register vol. 61, no. 162, pp. 43071-43073)
- reviewed draft proposed regulations regarding future applicability of the statute
- solicited public comment regarding NAGPRA implementation in Montana

12. November 1-3, 1996, Myrtle Beach, SC

Present: Rachel Craig, Lawrence Hart, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker

Chair: Tessie Naranjo

Actions:

- reviewed comments on its draft recommendations regarding the disposition of culturally unidentifiable human remains and associated funerary objects
- considered a dispute between the Field Museum of Natural History, the Oneida Tribe of Wisconsin, and the Oneida Nation of New York, in which the Review Committee asked the tribes to come to a solution without a formal finding
- considered a dispute between Hui Malama I Na Kupuna 'O Hawai'i Nei, the Office of Hawaiian Affairs, and the Museum of Natural History at Roger Williams Park in Providence, RI
- solicited public comment regarding NAGPRA implementation in the southeastern U.S.

13. March 25-27, 1997, Norman, OK

Present: Rachel Craig, Lawrence Hart, Jonathan Haas, Dan Monroe, Tessie Naranjo, Martin Sullivan, Phillip Walker

Chair: Tessie Naranjo

Actions:

- considered a dispute between Hui Malama I Na Kupuna O Hawai'i Nei, the Office of Hawaiian Affairs, and the Museum of Natural History at Roger William Park in Providence, RI (May 1, 1997, Federal Register vol. 62, no. 84, pp. 23794-23795)
- heard testimony from representatives of Federal agencies regarding NAGPRA compliance
- considered requests from the Strecker Museum, Baylor University, Oakland Museum, and the Henry County Historical Society regarding the

- disposition of cultural items in their respective museums
- considered a request from the U.S. Department of Energy regarding the disposition of cultural items from the Fernald site
- solicited public comment regarding NAGPRA implementation in Oklahoma.

14. January 29-31, 1998, Washington, DC

Present: James Bradley, Lawrence Hart, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan

Chair: Tessie Naranjo

Actions:

- heard testimony from representatives of Federal agencies regarding NAGPRA compliance
- considered a request regarding the disposition of culturally unidentifiable human remains from the Office of the State Archeologist, Iowa (December 27, 2000, Federal Register, vol. 65, no. 249, pp. 81886-81894)
- considered a request from the Minnesota Indian Affairs Council regarding the disposition of culturally unidentified human remains
- considered a request from National Park Service officials regarding disposition of culturally unidentifiable human remains from Fort Clatsop National Memorial
- considered a request from the California Department of Parks and Recreation regarding the disposition of culturally unidentifiable human remains
- heard additional testimony from the Department of Energy regarding the disposition of cultural items from the Fernald site
- nominated individuals to be considered by the Secretary of the Interior for appointment as the Review Committee's seventh member

15. June 25-27, 1998, Portland, OR

Present: James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan

Chair: Tessie Naranjo

Actions:

- considered a request from representatives of Sonoma State University regarding the disposition of culturally unidentifiable human remains
- discussed draft recommendations regarding disposition of culturally unidentifiable human remains
- solicited public comment regarding NAGPRA implementation in the Pacific Northwest

16. December 10-12, 1998, Santa Fe, NM

Present: James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan

Chair: Tessie Naranjo

Actions:

- considered a request from National Park Service officials regarding the disposition of culturally unidentifiable human remains from Carlsbad Caverns National Park for which the Review Committee recommended that the human remains be repatriated to a consortium of 12 Native groups
- considered a request from representatives of the Peabody Museum of Archaeology and Ethnology, Harvard University regarding the disposition of culturally unidentifiable human remains, for which the Review Committee recommended that the human remains be repatriated to the Nipmuc (August 15, 2000, Federal Register vol. 65, no. 158, pp. 49833-49835)
- considered a request from the Fine Arts Museum of San Francisco regarding the disposition of cultural items, for which the Review Committee asked that the museum conduct further review and consultation

- heard testimony from representatives of the Central Sierra Me-Wuk and the University of California, Berkeley, Phoebe A. Hearst Museum of Anthropology regarding the museum's completion of its inventory
- considered additional information on a previous request of the Minnesota Indian Affairs Council for disposition of culturally unidentifiable human remains according to State law, for which the Review Committee recommended repatriation (August 9, 1999, Federal Register, vol. 164, no. 152, pp. 43211-43222)
- considered a request from officials of the University of Nebraska-Lincoln regarding the disposition of culturally unidentifiable human remains, for which the Review Committee recommended that the human remains be repatriated to a consortium of tribes (October 2, 2000, Federal Register vol. 65, no. 191, pp. 58803-58806)
- solicited public comment regarding NAGPRA implementation in the southwestern U.S.

17. May 3-5, 1999, Silver Spring, MD

Present: James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan
Chair: Tessie Naranjo

Actions:

- considered a dispute between the Hopi Tribe and the U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park. At the tribe's request, the Review Committee did not make a recommendation at the meeting
- considered a request from the Virginia Department of Historic Resources regarding the disposition of culturally unidentifiable human remains, for which the Review Committee requested additional information about the

circumstances pertaining to these human remains

- considered a request from the California State University, Fresno regarding the disposition of culturally unidentifiable human remains, for which the Review Committee recommended repatriation of the remains in question to the Central Valley and Mountain Reinterment Association (August 8, 2000, Federal Register vol. 65, no. 153, pp. 48530)
- considered separate requests from Peabody Museum of Archaeology and Ethnology, Harvard University and the New Hampshire Division of Natural Resources regarding disposition of culturally unidentified human remains. In both cases, the Review Committee recommended repatriation of the human remains to the Abenaki, following receipt of letters of support from recognized, culturally affiliated tribes (October 9, 2001, in Federal Register vol. 66, no. 195, pp. 51468-51469; July 9, 2002, Federal Register vol. 67, no. 131, pp. 45536-45539)
- commented on the Review Committee's draft principles of agreement regarding the disposition of culturally unidentifiable human remains (June 23, 1999, Federal Register (vol. 64, no. 120, pp. 33502-33504)
- solicited comments from members of the public regarding NAGPRA implementation

18. November 18-20, 1999, Salt Lake City, UT

Present: James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan
Chair: Martin Sullivan

Actions:

- continued the Review Committee's consideration of a dispute between the Hopi Tribe and the U.S. Department of the Interior, National Park Service,

Chaco Culture National Historical Park (February 10, 2000, Federal Register vol. 65, no. 28, pp. 6621-6622)

- considered a request from the Virginia Department of Historic Resources regarding repatriation of culturally unidentifiable human remains to the Monacan Tribe (February 10, 2000, Federal Register vol. 65, no. 28, pp. 6622-6623)
- commented on the Review Committee's draft principles of agreement regarding the disposition of culturally unidentifiable human remains
- solicited public comments regarding NAGPRA implementation in Utah

19. April 2-4, 2000, Juneau, AK

Present: James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Tessie Naranjo, Martin Sullivan

Chair: Martin Sullivan

Actions:

- considered a request from the U.S. Forest Service regarding the disposition of culturally unidentifiable human remains from Ocala National Forest, for which the Review Committee recommended that the human remains be repatriated to the Miccosukee Tribe (July 21, 2000, Federal Register vol. 65, no. 141, pp. 45397-45398)
- considered a request from the Washington State Historical Society regarding the disposition of culturally unidentified human remains, for which the Review Committee recommended that the human remains be repatriated to the Puyallup Tribe (July 21, 2000, Federal Register vol. 65, no. 141, pp. 45403-45404)
- discussed the Review Committee's draft principles of agreement regarding the disposition of culturally unidentifiable human remains (June 8, 2000, Federal Register vol. 65, no. 111, pp. 36462-36464)

- discussed a response from the U.S. Department of the Interior, National Park Service, Intermountain Regional Office to the Review Committee's findings and recommendations in a dispute between the Hopi Tribe and the U.S. Department of the Interior, National Park Service, Chaco Culture National Historical Park
- discussed compliance by bureaus of the U.S. Department of the Interior
- discussed the issue of pesticide contamination of collections
- solicited comments from members of the public regarding NAGPRA implementation in Alaska
- elected Armand Minthorn as chair

20. December 11-13, 2000, Nashville, TN

Present: Garrick Bailey, James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Rosita Worl

Chair: Armand Minthorn

Actions:

- discussed the Review Committee's CY2000 report to the Congress
- heard testimony regarding Federal agency NAGPRA compliance
- considered a request from National Park Service officials regarding the disposition of culturally unidentifiable human remains from Carlsbad Caverns National Park and Guadalupe Mountains National Park. The Review Committee recommended that the human remains be repatriated to a 12 tribe consortium
- considered a request from the Bureau of Reclamation regarding the disposition of culturally unaffiliated human remains from a region administered by the Eastern Colorado Area Office. The Review Committee recommended that the human remains be repatriated to a consortium of three tribes (April 9, 2001, in Federal Register vol. 66, no. 68, pp. 18505-18506)

- considered a request from the Bureau of Reclamation regarding the disposition of culturally unaffiliated human remains and funerary objects from a region administered by the Dakotas Area Office. The Review Committee recommended that the human remains and funerary objects in question be repatriated to the North Dakota Intertribal Reinterment Council (May 3, 2001, Federal Register vol. 66, no. 86, pp. 22255-22256)
- solicited public comments regarding NAGPRA implementation in the Southeast

21. May 31, June 1-2, 2001, Kelseyville, CA

Present: Garrick Bailey, James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Rosita Worl

Chair: Armand Minthorn

Actions:

- discussed the Review Committee's CY1999-2001 report to the Congress
- discussed Federal agency NAGPRA compliance
- considered a request from National Park Service officials regarding disposition of culturally unidentifiable remains from Zion National Park. The Review Committee recommended that the human remains be repatriated to a consortium of seven tribes (May 20, 2002, Federal Register vol. 67, no. 97, pp. 35580-35581)
- solicited public comments regarding NAGPRA implementation in the western United States

22. November 17-19, 2001, Cambridge, MA

Present: Garrick Bailey, James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Rosita Worl

Chair: Armand Minthorn

Action:

- considered a request from Franklin Pierce College regarding disposition of culturally unidentifiable remains. The Review Committee recommended repatriation of the human remains to the Abenaki, following receipt of letters of support from recognized, culturally affiliated tribes (April 3, 2003, Federal Register vol. 68, no. 65, pp. 16550-16551)
- considered a dispute between the Fallon Paiute-Shoshone Tribe and the U.S. Department of the Interior, Bureau of Land Management, Nevada State Office (April 10, 2002, Federal Register vol. 67, no. 69, pp. 17463)

23. May 31, Jun 1-2, 2002, Tulsa, OK

Present: Garrick Bailey, James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Rosita Worl

Chair: Armand Minthorn

Actions:

- considered a dispute between the Western Apache NAGPRA Working Group, on behalf of five federally recognized Apache tribes, and the Denver Art Museum (September 12, 2002, Federal Register vol. 67, no. 177, pp. 57836-57838)
- discussed the draft regulations for 43 CFR 10.11, Disposition of Culturally unidentifiable human remains
- discussed the draft regulations for 43 CFR 10.13, Future applicability
- discussed Federal agency implementation of NAGPRA
- considered a request from the U.S. Department of Defense, Army, Joint Readiness Training Center and Fort Polk regarding disposition of culturally unidentifiable remains. The Review Committee recommended repatriation of the human remains to the Caddo Nation
- solicited public comments regarding NAGPRA implementation

24. November 8-9, 2002, Seattle, WA

Present: Garrick Bailey, James Bradley, Lawrence Hart, Vera Metcalf, Armand Minthorn, John O'Shea, Rosita Worl

Chair: Armand Minthorn

Actions:

- discussed the draft regulations for 43 CFR 10.11, Disposition of Culturally unidentifiable human remains
- discussed the Review Committee's inventory of culturally unidentifiable human remains
- discussed the Review Committee's CY1999-2001 report to the Congress
- discussed Federal agency implementation of NAGPRA

25. May 9-11, 2003, St. Paul, MN

NAGPRA Regulations

Authority

25 U.S.C. 3011, Regulations. “The Secretary [of the Interior] shall promulgate regulations to carry out this Act ... “

Discussion

The Secretary of the Interior delegated responsibility for drafting regulations to the National Park Service.

Proposed NAGPRA regulations were published in the *Federal Register* in 1993; 43 CFR 10 was published in 1995, with five reserved sections. Section 10.12, Civil Penalties, was published as an interim rule in 1997, and as a final rule on April 3, 2003. The final rule of Section 10.12 became effective May 5, 2003.

Regulations provide clarification and guidance in interpreting and implementing Federal laws. Prior to publishing a final regulation, Federal agencies must publish proposed rules that include either the terms or substance of the proposed rule and/or a description of the subjects and issues involved. The proposed and final rules are commonly composed of two parts: a preamble and the regulatory text. The preamble may contain discussion of issues considered in formulating the regulation, summarize public comment, or provide commentary on the text. The preamble is not included when the final regulation is published as part of the Code of Federal Regulations (CFR).

The National Park Service follows the Administrative Procedures Act and other statutes in promulgating regulations. Draft regulations are reviewed internally within the National NAGPRA program, in other programs and the Director’s office within the National Park Service, and within the U.S. Department of the Interior prior to

publication for public comment or as a proposed rule. Interested persons may participate in the rulemaking through submission of written comments. If revisions of the proposed rule are extensive, the draft regulations may be published a second or more times in the Federal Register, inviting written public comment each time.

The Native American Graves Protection and Repatriation Review Committee has an active role in the preparation of 43 CFR 10. It provided initial commentary and guidance for preparation of drafts by NAGPRA staff. After the National Park Service completes an internal review of the draft regulations, the National NAGPRA program provides copies to the Review Committee for additional comment.

Recent change

Section 10.12. Civil penalties

The final Civil Penalties rule was published in the Federal Register on April 3, 2003, and became effective May 5, 2003. (See NAGPRA Overview regarding the protocol for evaluating and investigating complaints, and assessing penalties.)

Reserved sections

Currently, four reserved sections of the NAGPRA regulations remain to be promulgated:

Section 10.7. Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony

The National NAGPRA program currently is preparing to consult with the Review Committee, Native American groups, and representatives of museums and the scientific community prior to drafting the regulation, as is required in the statute.

(National NAGPRA staff assigned: Karen Mudar)

Section 10.11. Disposition of culturally unidentifiable human remains

A draft of this section was provided for Review Committee comment at the May 2002 meeting in Tulsa, OK, and the November 2002 meeting in Seattle, WA. The draft regulations were edited to incorporate the Review Committee's comments. The draft regulations currently are under review by the National NAGPRA program staff. No decisions have been made concerning additional consultation. (National NAGPRA staff assigned: Tim McKeown)

Section 10.13. Future applicability

The Review Committee reviewed a draft of this section in 1996 and in 2002. The National NAGPRA program has prepared a proposed rule, which currently is under review within the National Park Service. (National NAGPRA staff assigned: Tim McKeown)

Section 10.15(b). Failure to claim where no repatriation or disposition has occurred.

No drafting has been completed. (National NAGPRA staff assigned: Karen Mudar)

Section 10.7. Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony

Authority

25 U.S.C. 3002 Ownership ... (b) Unclaimed Native American Human Remains and Objects. – “Native American cultural items not claimed under subsection (a) shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under [25 U.S.C. 3006], Native American groups, representatives of museums and the scientific community.”

25 U.S.C. 3006 (c)(7) – “[The Review Committee shall be responsible for] consulting with the Secretary in the development of regulations to carry out [NAGPRA].”

Scope of the Regulation

Section 10.7 will affect Federal agencies, and will provide for disposition of Native American human remains and other cultural items that have resulted from planned excavations or inadvertent discoveries since November 16, 1990, on Federal and tribal lands and that have not been claimed by a Native American lineal descendant or by the tribe from whose land the human remains or other cultural items came. Currently, the official status of these unclaimed human remains and other cultural items is uncertain because no process of disposition has been developed.

Section 10.7 falls under Subpart B of the NAGPRA final regulations – *Human Remains, Funerary Objects, or Objects of Cultural Patrimony from Federal or Tribal lands*. The sections in Subpart B are –

10.3 *Intentional archaeological excavations*

10.4 *Inadvertent discoveries*

10.5 *Consultation*

10.6 *Custody*

10.7 *Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony.*

“Unclaimed” as a statutory and vernacular concept/term.

The term “unclaimed” seems to have been used most often to refer to Native American human remains and cultural objects that are literally “unclaimed” in both museum and Federal agency collections and not exclusively for Native American human remains and objects removed from Federal and tribal lands after 1990.

The term “unclaimed” Native American human remains and other cultural items, within the context of NAGPRA, refers to Native American human remains and other cultural items that are removed from Federal and tribal lands after November 16, 1990 and have been not been requested for disposition by Indian tribes or individuals that are eligible to receive them with reference to criteria listed in section 3 (25 U.S.C. 3002) of the Act.

As the Review Committee’s recommendations for disposition of Native American culturally unidentifiable human remains were developed, Section 10.11, *Disposition of Culturally*

Unidentifiable Human Remains proceeded independently of Section 10.7. The two regulations differ slightly in priorities of claimants for culturally unidentifiable Native American human remains and for unclaimed Native American human remains, as developed in the regulations and in the law.

Consultations (as mandated by the statute)

The NAGPRA Review Committee

Under NAGPRA, the Review Committee is charged to consult with the Secretary (of the Interior) in the development of regulations (25 U.S.C. 3005(c)(7)), and is specifically charged to consult with the Secretary concerning the development of Section 10.7 (25 U.S.C. 3002(b)). The Review Committee discussed the nature of this consultation in several recent meetings, and concluded that the Review Committee would comment on drafts of Section 10.7, rather than providing extensive commentary prior to drafting.

The Review Committee has regularly sought public comment on disposition of unclaimed and culturally unidentifiable Native American human remains. Comments on these topics are recorded in the meeting transcripts and will be considered in the development of Section 10.7.

Native American groups

NAGPRA mandates that Native American groups and representatives of museums and the scientific community be consulted as part of developing Section 10.7. National NAGPRA currently is planning a series of regional meetings with Native American groups that wish to participate in discussions about this regulation.

Museums and the scientific community

National NAGPRA proposes to present a draft of Section 10.7 to organizations in the scientific and museum community after revisions have been made as suggested by the NAGPRA Review Committee.

Federal agencies

Although not mandated by NAGPRA, consultation with Federal Preservation Officers and Federal agency representatives will be critical to developing mechanisms in Section 10.7 for disposition of Native American human remains that can be regularly monitored. A meeting with bureau representatives within the Department of the Interior is being planned to discuss issues relating to the development of disposition procedures, including the following questions –

- How many unclaimed Native American cultural items discovered since 1990 is your Federal agency responsible for?
- Why does your agency consider these cultural items to be unclaimed?
- How does your agency currently care for these cultural items?
- Does your Federal agencies have authority for accessioning and deaccessioning cultural items?