



May 31, 2022

Shalanda Young
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Young,

In March, I wrote to Secretary of Interior Haaland and members of the Review Committee to express some of the Field Museum of Natural History's concerns about the July 2021 draft proposal revising the Native American Graves Protection and Repatriation Act (NAGPRA) regulations. I understand the Proposed Rule is currently undergoing Office of Management and Budget (OMB) review and thus wanted to share our concerns with you directly.

As background, the Field Museum was founded in 1893 and is one of the world's great natural history museums, with more than 40 million cultural items and scientific specimens in our anthropology, botany, geology, and zoology collections. The Native North American and Hawaiian collections from the U.S. stewarded by the Museum include more than 700,000 ethnographic and archaeological items and thousands of historical photographs taken in the 19th and 20th centuries.

Because of our mission and collections, the Field Museum has had a long history of interacting with Department of Interior agencies. This includes grant awards from the National Park Service for numerous repatriation projects with Native American Tribes since NAGPRA's inception. These awards have enabled us to submit 37 Notices of Inventory Completion and 36 Notices of Intent to Repatriate for publication in the *Federal Register*. Since 1991, we have repatriated more than 647 ancestral human remains and more than 2,650 cultural items to over 57 groups under NAGPRA.

The pandemic has inflicted profound damage on much of the U.S. economy, including on museums. The Field Museum, for one, was closed for seven months in 2020 and 2021, resulting in staff furloughs and lay-offs. Our sector will take years to recover to prepandemic levels of staffing, revenue, and attendance. Compliance with current NAGPRA regulations is already a very detailed and labor-intensive process. Given the proposed short timetables and expanded scope of the draft revisions that we saw, we believe that these changes would result in a significant additional regulatory compliance burden on the Field Museum and sister institutions across the country.

One example is the proposed addition of a new repatriation standard of "geographical affiliation," which would require more staff time and resources for museums to conduct new or additional consultation on all U.S. North American human remains not currently affiliated. This would expand the number of potential groups with which a museum would need to consult. Further, it would also require new research to identify these groups and consult a vastly larger pool of treaties than currently referenced or readily cited. While good-faith extensions are proposed to be available to complete an inventory, they are not proposed for the summary or consultation phases. We hope

expanded timetables and good-faith extensions might be made available for all phases, to help avert already overloaded museum staff from inadvertently triggering civil penalties on their institution.

In addition, significant financial resources will need to be made available for institutions and Tribes to successfully undertake all aspects of repatriation. Overall estimates place the financial impact of the proposed rule changes between \$60 million and \$2.5 billion. Based on our preliminary analysis of the draft rule, the Field Museum anticipates needing to at least double the size of its NAGPRA compliance-dedicated staff as well as set aside additional funds for Tribal consultation expenses. This initial estimate could increase significantly depending on what summary timetables and other requirements are in the new regulations.

The Field Museum welcomes the opportunity for more engaged and meaningful consultation with Tribes, but the draft timetable is so truncated we believe it may be counterproductive. As drafted, interactions would be brief and perfunctory, lacking the time necessary to develop relationships and trust that allow for careful deliberation, meaningful conversations, and respectful repatriation. Rooted in a difficult history, substantive consultation is a complex process that understandably takes time. The tight notice and consultation timelines in the draft are untenable and effectively undermine NAGPRA's intent.

While the Field Museum understands and supports the need to update NAGPRA regulations, we join other museum and Tribal colleagues across the country in expressing reservations about the changes as drafted. We urge you and your staff to revisit those sections of the proposed rule that are contradictory, without statutory precedent, and that impose additional costs on communities already reeling due to the pandemic. There is no doubt that additional resources and time will be necessary for museums, Indian Tribes, and Native Hawaiian Organizations to meet any new requirements. We call on you to work with the Department and Congress to request and secure significant additional funds in FY 2023 and following years for Consultation, Documentation, and Repatriation Grants so that organizations such as the Field Museum can be better equipped to meet the requirements of current and future regulations.

The Field Museum is proud of our accomplishments to date in working with Native American, Alaska Native, and Native Hawaiian peoples and cultural groups under NAGPRA, and we look forward to continuing to foster respectful dialogue and resource-backed successful repatriations in the years to come.

Thank you for your consideration of our concerns as this important proposed rule undergoes OMB review. We stand ready to assist you and your staff as you conduct your review and to work together towards a future of better NAGPRA implementation for all involved.

Sincerely,

A handwritten signature in blue ink that reads "Julian Siggers". The signature is written in a cursive, flowing style.

Julian Siggers, PhD
President & CEO

JS/ln