

## CONCURRENCE IN SENATE AMENDMENTS

AB 977 (Ramos)

As Amended July 8, 2025

Majority vote

**SUMMARY**

Requires, in alignment with the federal and state Native American Graves Protection and Repatriation Act (NAGPRA), the California State University (CSU), in consultation with California Indian tribes, to develop a policy for the reburial of Native American human remains repatriated by the CSU on land it owns.

**Senate Amendments**

- 1) Require the policy, pursuant to the summary above, to do both of the following:
  - a) Require the CSU to consult on topics with California Indian tribes, including, but not limited to, all of the following:
    - i) Campus space or land availability and its location;
    - ii) California Indian tribes culturally affiliated with the potential reburial land;
    - iii) Long-term protection and stewardship responsibilities;
    - iv) Compliance with all applicable federal, tribal, state, and local laws;
    - v) Other burial-related topics as requested by consulting parties;
    - vi) Tribal cultural protocols access and use; and,
    - vii) Confidentiality.
  - b) Require that any proposed location for the reburial by the CSU be mutually agreed upon by the CSU and California Indian tribes culturally affiliated with the potential reburial land.

**COMMENTS**

*Background on federal Native American Graves Protection and Repatriation Act (NAGPRA) and California Native American Graves Protection and Repatriation Act of 2001 (CalNAGPRA).* The federal NAGPRA was enacted on November 16, 1990, to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. In 1990, the Congressional Budget Office estimated that NAGPRA would apply to the remains of between 100,000 and 200,000 individuals in museums and Federal agency collections.

According to the U.S. Department of the Interior, in the last 15 plus years, museums and Federal agencies have announced their willingness to repatriate the remains of 31,093 individuals. Another 111,000 human remains were listed as "culturally unidentifiable."

The federal NAGPRA assigned several implementation responsibilities to the Secretary of the Interior, including:

- 1) Promulgating implementing regulations;
- 2) Establishing and providing staff support to the Native American Graves Protection and Repatriation Review Committee;
- 3) Making grants to assist museums, Indian tribes, and Native Hawaiian organizations in fulfilling their responsibilities under the Act;
- 4) Extending inventory deadlines for museums that demonstrate a good faith effort;
- 5) Publishing notices for museums and Federal agencies in the Federal Register;
- 6) Assessing civil penalties on museums that fail to comply with provisions of the Act; and,
- 7) Responding to notices of inadvertent discoveries of Native American cultural items on Department of the Interior lands.

The CalNAGPRA, enacted in 2001, created a process whereby California Native Tribes could seek to repatriate human remains and objects from their cultural heritage from museums and custodial institutions. Additionally, CalNAGPRA established a 10 member appointed Repatriation Commission with authority to order repatriation, to mediate disputes, to issue subpoenas, and to impose civil penalties. Further, CalNAGPRA required any agency or museum that has possession or control over collections of California Native American human remains and associated funerary objects to complete, by January 1, 2003, an inventory of all items and specified information in facilitating the return of the objects.

The Legislature amended CalNAGPRA in 2018 in response to allegations from stakeholders that the UC had an inferior record of completed repatriations and that participation by tribes in the repatriation process had been limited.

*California State Auditor (CSA) Audit.* The CSA released its report on the CSU's compliance with federal NAGPRA and CalNAGPRA on June 29, 2023. The audit found that, although the CSU Chancellor's Office has recently taken some steps to support the CSU campuses' repatriation efforts, the CSU Chancellor's Office must take additional action to ensure that CSU campuses' prioritize complying with federal NAGPRA and CalNAGPRA.

The audit surveyed all 23 CSU campuses and conducted further on-site reviews at four campuses: CSU Chico, Sacramento, San Diego, and San José. The Auditor found that of the 21 campuses with NAGPRA collections, more than half have not repatriated any remains or cultural items to tribes, and that two campuses that returned remains or cultural items did not follow NAGPRA requirements when returning remains or cultural items. Further, the audit found that more than half of the 21 CSU campuses do not yet know the extent of their collections of remains and cultural items, despite federal law requiring them to do so by late 1995.

Additionally, the audit found that campuses generally lack the policies, funding, and staffing necessary to follow the law and repatriate their collections. The CSU system has repatriated only 6% of its collections to tribes to date. The audit also found that guidance or oversight has not

been provided by the CSU Chancellor's Office to CSU campuses in order to ensure compliance with NAGPRA laws.

As a result of the aforementioned findings, the CSA issued recommendations to the Legislature and the CSU Chancellor's Office. The CSA calls on the Legislature to require annual reporting from the CSU Chancellor's Office on systemwide progress in reviewing its collections, consulting with tribes, and repatriating human remains and cultural items. The audit recommendations also directed the CSU Chancellor's Office to do all of the following, in summary:

- 1) Monitor campus efforts to review their collections and require the completion of their inventories by December 2024.
- 2) Ensure that campuses properly consult with tribes regarding protocols for handling and identifying remains and cultural items, and issue a systemwide NAGPRA policy establishing consistent repatriation processes and training requirements in consultation with California tribes and the Native American Heritage Commission.
- 3) Establish a systemwide NAGPRA oversight committee by December 2023.
- 4) Implement a process for campuses to periodically report their repatriation activity to the systemwide oversight committee.
- 5) Require that campuses with more than 100 remains and cultural items also establish NAGPRA committees and have full-time, experienced repatriation coordinators by June 2024.
- 6) Formalize its administrative structure by assigning a dedicated position to directly oversee the work of the systemwide CalNAGPRA project manager.
- 7) Require each campus with NAGPRA collections to identify and estimate, by January 2024, the funding and other resources they need to complete repatriation in an appropriate and timely manner.
- 8) Identify and provide the required funding from existing systemwide or campus resources or seek additional funding from the Legislature to ensure that campuses have adequate funding to support their federal NAGPRA and CalNAGPRA activities.

Then CSU Interim Chancellor, Jolene Koester, responded to the audit findings, and stated in a letter, dated June 8, 2023, to the State Auditor, "the CSU intends to implement each recommendation made by your office as reflected in the audit report. Additionally, the Chancellor's Office will finalize and implement a systemwide NAGPRA/CalNAGPRA policy, which includes appropriate oversight, that will be vetted through Tribal consultation, require annual campus reporting of NAGPRA/CalNAGPRA activity and progress, and ensure adequate funding and resources for NAGPRA/CalNAGPRA efforts."

*CSU NAGPRA and CalNAGPRA update.* According to the April 2025 CSU NAGPRA/CalNAGPRA Update (Update), "the CSU is committed to the rightful return and repatriation of all Native American ancestral remains and cultural items by enforcing systemwide compliance of NAGPRA, CalNAGPRA, AB 389, and the recently updated Federal regulations.

The CSU continues to establish its systems' infrastructure and is building capacity at each university to ensure the State Auditor's recommendations are implemented."

Existing law, pursuant to AB 389 (Ramos), Chapter 649, Statutes of 2023, in part, requires the CSU to report to the Legislature on the progress each CSU campus has made in reviewing its collections of Native American ancestral remains and cultural items by December 31, 2024. In 2023 and 2024, each CSU campus received instructions from the CSU Chancellor's Office to conduct thorough campus-wide searches for these items. As mandated by AB 389, in December a report was submitted to the legislature, outlining the progress each campus has made in reviewing its inventories.

According to the Update, "the 2023 state audit reported that CSU universities held 5,804 ancestral remains and 692,400 cultural items in their collections. The recently completed 2024 report to the Legislature indicated that CSU universities now hold 2,245 ancestral remains and nearly two million cultural items in their collections. The decrease of more than 2,600 ancestors is due in large part to five universities (Chico, Los Angeles, Sacramento, San Francisco, and Sonoma) having significant progress in repatriating both ancestral remains and cultural items to a variety of Tribes. The increase in cultural items reflects the success of the campus searches and systemwide compliance with reporting and inventory procedures."

As a way to enhance transparency and support connectivity between the Tribes and the CSU, the CSU Chancellor's Office developed an interactive map that shows which campuses house collections from specific California counties. The map allows users to search either by campus or by county. The map is now live and available on the CSU's NAGPRA website: "CSU Campus Collections | CSU CalNAGPRA and NAGPRA."

### **According to the Author**

According to the author, "currently, the CSU system is required to comply with various requirements regarding the repatriation of Native American remains and cultural items. This is in part to AB 389 (Ramos), Chapter 649, Statutes of 2023 based off a State Auditor report on the progress of the system. Although there has been some progress, a certain issue that arises with repatriation is that some tribes may not have the appropriate land available to reburial their ancestors. In some cases, there may be claims by tribal nations, but they are unable to take immediate possession due to not having land available for a proper reburial."

The author contends that, "the Legislature has passed various laws aimed at holding the California State University accountable when it comes to properly repatriating Native American remains and cultural items pursuant to NAGPRA and CalNAGPRA. In efforts to help facilitate the quick repatriation, AB 977 aims to address the issue of available land. In some cases, a tribal nation may have a claim on remains but they are unable to take immediate possession due to not having land available for a proper reburial. Our goal is to allow for a collaborative effort between tribes and the CSU system to identify three burial sites located in the northern, central, and southern regions of the state to help facilitate the reburial of the remains and cultural items. The bill would address inequities for the wrongs faced by Native American tribes and the remains that are currently being held at the CSU campuses."

### **Arguments in Support**

According to the Santa Rosa Rancheria Tachi Yokut Tribe, sponsors of this measure, "AB 977 (Ramos) will require the CSU to consult with California Indian Tribes and conduct a public hearing to develop a policy to identify three burial sites on CSU land to facilitate the burial of

human remains. The sites must be one each in the northern, central, and southern regions of the state."

The Santa Rosa Rancheria Tachi Yokut Tribe contends that, "this bill comes at the right time for the CSU. The Governor's proposed 2025-26 Budget reduces funding for the CSU, which is likely to result in the downsizing of specific CSU campuses rather than across-the-board cuts at all campuses. The opportunity to participate in an act of restorative justice, and to honor California's tribal ancestors – as an alternative to closure and shuttering – could be a silver lining to those campuses which face downsizing. For the three campuses chosen, California Indian Tribes will view the assignment as an honor."

### **Arguments in Opposition**

None on file.

### **FISCAL COMMENTS**

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

### **VOTES:**

#### **ASM HIGHER EDUCATION: 10-0-0**

**YES:** Fong, DeMaio, Boerner, Jeff Gonzalez, Jackson, Muratsuchi, Patel, Celeste Rodriguez, Sharp-Collins, Tangipa

#### **ASM APPROPRIATIONS: 11-0-4**

**YES:** Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

**ABS, ABST OR NV:** Sanchez, Dixon, Ta, Tangipa

#### **ASSEMBLY FLOOR: 79-0-0**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

#### **SENATE FLOOR: 37-0-3**

**YES:** Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

**ABS, ABST OR NV:** Alvarado-Gil, Hurtado, Rubio

**UPDATED**

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