



**ELENI KOUNALAKIS**  
LIEUTENANT GOVERNOR

Friday, October 06, 2023

Chair Wenda Fong  
California State University Board of Trustees  
401 Golden Shore  
Long Beach, CA 90802

**Re: Request for Presentation of Auditor's Report findings regarding CSU NAGPRA compliance**

Dear Chair Fong,

I am writing to formally request that the findings of the July 29, 2023, California State Auditor's Report titled "*Native American Graves Protection and Repatriation Act: The California State University Must Do More to Ensure Timely Return of Native American Remains and Cultural Items to Tribes*" be presented as an informational agenda item to the California State University (CSU) Board of Trustees (BOT) at the upcoming November meeting.

In 1990, the federal government passed the Native American Graves Protection and Repatriation Act (NAGPRA) to create a process by which Native American tribes with ancestral, cultural, or geographic links to human remains and cultural items can request their return from government agencies and museums. When passed, Congress envisioned that NAGPRA activity would be complete in 5 years. A decade later, in 2001, California passed a state version, CalNAGPRA, to cover any gaps in NAGPRA and ensure repatriation to California Tribes that may not have federal recognition.

CSU campuses are estimated to have nearly 700,000 remains and cultural items subject to NAGPRA and CalNAGPRA. Although three decades have passed since the passage of NAGPRA and two decades since the enactment of CalNAGPRA, only six percent of the CSU's collections have been returned to tribes. The State Auditor's report makes clear that work toward compliance has been insufficient and, in many cases, nonexistent. It is unconscionable to withhold these irreplaceable cultural artifacts and keep remains from being returned to tribes for respectful reburial.

Undoubtedly, the CSU has fallen short, not only in its failure to comply with NAGPRA and CalNAGPRA but also in its system-level oversight of this process. As the body charged with oversight of the CSU system, the CSU Board of Trustees must be engaged. I respectfully ask that the findings of this audit and the CSU's response be agendized as an informational discussion item at the November CSU Board of Trustees meeting. The Board of Trustees must be a partner in ensuring that all remains, and cultural items are returned pursuant to NAGPRA and CalNAGPRA as expeditiously as possible. With a change in leadership in the Chancellor's office, it is more imperative than ever that the board is engaged and able to guide and support the Chancellor's office efforts in implementing the report's recommendations.

I appreciate the commitment of Interim Chancellor Koester to implement all the recommendations made by the audit report and hope that this briefing will allow the Board to provide oversight and partnership that ultimately leads to the respectful and timely repatriation of these remains and items. Undoubtedly, this process has caused pain and frustration in our Native communities, who deserve to be able to lay to rest the remains of their ancestors and reclaim irreplaceable cultural artifacts.

Sincerely,

A handwritten signature in black ink, appearing to be 'E.K.', with a small dot above the second letter.

Ambassador Eleni Kounalakis (RET.)  
Lieutenant Governor