

Report to Congress on 1998 Activities

Native American Graves Protection and Repatriation

Review Committee

August 1999

CONTENTS

Introduction	3
Committee Activities in 1998	3
Specific Observations	4
Cost to Comply with NAGPRA	4
Cost of Administering NAGPRA	5
Federal Compliance	7
Recommended Amendments	8
Conclusions	10
Recommendations	11
Committee Roster	13
Appendix 1: Federal Compliance with NAGPRA	15

Introduction

Passage of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) marked a watershed in a long and often troubled relationship between Native Americans and many of America's cultural, educational, and public agencies and organizations. The statute provides for the repatriation to lineal descendants and affiliated Indian tribes and Native Hawaiian organizations of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony in museums and Federal agency repositories or that may be excavated or inadvertently discovered on Federal or Indian land in the future. The statute also provides a means for lineal descendants, Indian tribes, and Native Hawaiian organizations to repatriate funerary objects, sacred objects, and objects of cultural patrimony that were acquired by museums and Federal agencies without the approval of those who had authority to alienate them. The statute provides greater protection of Native American graves located on Federal or tribal lands. Lastly, the statute prohibits trafficking in Native American human remains and, in certain situations, funerary objects, sacred objects, and objects of cultural patrimony. The statute affects all Federal agencies and all institutions that receive Federal funds.

Committee Activities in 1998

This year saw a major change in the composition of the review committee. The terms for four original members of the review committee, Rachel Craig, Jonathan Haas, Dan Monroe and Phillip Walker, expired. They were replaced by James Bradley, Vera Metcalf, Armand Minthorn, and John O'Shea; each to serve a six-year term. In addition, the terms of two original members, Tessie Naranjo and Martin Sullivan were extended for three years. These continuing members, along with Lawrence Hart whose term runs until the year 2001, have provided important continuity to the working of the review committee.

The newly constituted review committee held three meetings in calendar year 1998 in Washington, DC; Portland, Oregon; and, Santa Fe, New Mexico--at which we heard reports from representatives of a number of Federal Agencies, considered several disputes, discussed the disposition of culturally unidentifiable human remains, and heard from many people around the country about how the statute is being implemented. Written summaries of each of these meetings can be found on the World Wide Web: www.cast.uark.edu/other/nps/nagpra/rcm.html; this series of pages allows you to [click](#) and view or print the agenda and summary minutes of all NAGPRA Review Committee meetings for which the minutes have been approved.

A common thread ran through much of the testimony we heard. Many Native Americans anticipate that repatriation will ultimately provide meaningful, long-term benefits to individuals of Native American

descent and to Indian tribes and Native Hawaiian organizations. These repatriations have helped restore a sense of spiritual and cultural integrity to participating Native American people.

Through the required consultation, the statute has also fostered an increased understanding and respect by museums and Federal agencies for Native American people and cultures. At the same time, it is clear that there is still considerable misunderstanding among Native American people, Federal agencies and museums regarding what NAGPRA does, and does not, require. Confusion seems particularly marked as regards how to meet the law's expectation of the required consultation with Native people, the definition of *sacred*, and the permissibility of research on culturally unidentified human remains.

Most museums and Federal agencies appear to be carrying out the provisions of the statute in good faith. As of December 31, 1998, 1032 museums and Federal agencies have distributed summaries of their Native American collections as required under section 6 of the Act, and 733 museums and Federal agencies completed inventories of human remains and associated funerary objects in their collections. Two hundred thirty-eight Notices of Inventory Completion and 99 Notices of Intent to Repatriate have been published in the Federal Register. These notices announced the availability for repatriation of the remains of 13,481 individuals, 326,463 funerary objects, 758 sacred objects, 408 objects of cultural patrimony, and 281 items identified as both sacred objects and objects of cultural patrimony.

To conclude, nearly all parties are generally implementing the statute in good faith. Some difficulties, identified below, need to be addressed and resolved to fully implement the intent or purpose of the Native American Graves Protection and Repatriation Act.

Specific Observations

Cost to Comply with NAGPRA: In 1990, the Congressional Budget Office estimated that implementation of the statute would cost the Federal government between \$20 million and \$55 million over five years. This figure does not include the cost of compliance borne by museums and Indian tribes.

The exact number of human remains held by museums and Federal agencies is still not known. However, information obtained through the grant and inventory process reveals that 175 museums currently hold 110,029 Native American human remains. This figure does not include human remains held by museums that never applied for a grant or by Federal agencies. Based on these data, the Congressional Budget Office's estimate of 200,000 human remains seems reasonable.

The initial appropriations for grants to museums and Indian tribes came in FY1994, and have now totaled approximately \$10.7 million, with awards of \$6.5 million to Indian tribes and Native Hawaiian organizations, and \$4.2 million to museums.

The demand for consultation between museums, Federal agencies, Indian tribes, and Native Hawaiian organizations continues unabated. Yet, neither Indian tribes and Native Hawaiian organizations nor museums are financially able to support all of these costs. Absent a reasonable amount of Federal support, the statute will not be adequately implemented due to lack of funding and the United States will have failed to make a reasonable and fair effort to help return Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to lineal descendants, Indian tribes, and Native Hawaiian organizations who rightfully have control over them.

The review committee strongly recommends that Congress appropriate the following amounts for FY 2000 to ensure continued implementation of the Act:

At least \$5 million in grants to Indian tribes, Native Hawaiian organizations, and museums. This represents a doubling of the current allocation, but is a more accurate representation of the actual needs of Indian tribes, Native Hawaiian organizations and museums; and

The amounts requested by the administration that is targeted for each Federal agency's compliance efforts (see discussion below).

The review committee recommends that the President request the same amounts listed above in his FY2001 budget proposal.

Cost of Administering NAGPRA: Administration of the statute was delegated to the Secretary of the Interior. Appropriations to support these responsibilities--including promulgation of regulations, publishing notices in the Federal Register, providing staff support to the review committee, compiling an inventory of culturally unidentifiable human remains, grant administration, and assessing civil penalties--were initiated in FY1992. Shortage of funding has resulted in severe administrative problems:

Federal agencies and museums may not repatriate items until a notice is published in the Federal Register [43 CFR 10.10 (a)(3) and (b)(2)]. Current staffing levels cannot meet the review necessary for the Federal Register publication requirement. A total of 110 notices were published in FY1998. The current backlog of draft notices is in the range of 250-260, with 3-5 arriving weekly.

The review committee averages two meetings per fiscal year. At least three meetings per year will be necessary for the review committee to fulfill its responsibilities to assist in the resolution of an increasing number of disputes [25 U.S.C. 3006 (c)(4)].

Over one thousand summaries and 700 inventories have been received from museums and Federal agencies. While most of the summaries have been evaluated, only about half of the inventories have been reviewed.

Section 8 (c)(5) of the statute requires compilation of an inventory of all culturally unidentifiable human remains [25 U.S.C. 3006 (c)(5)]. The software application is ready, but at current staff level, completion of this database will require a number of years and shifting effort from other priority actions. The completion of this database is an essential component for implementing recommendations for the disposition of culturally unidentifiable human remains.

Accountability is essential to the success and integrity of the Grants Program. Yet at current staffing levels, the ability to monitor grants is rudimentary at best, particularly compared with other Federal programs, such as the National Institute of Health, National Science Foundation, or National Endowment for the Humanities.

Civil penalty regulations went into effect on February 12, 1997 [43 CFR 10.12]. The Office of the Solicitor has estimated that a single civil penalty assessment may cost the department \$100,000 in staff time and resources. There is currently no appropriation to cover these assessment costs and as a result no actions have been taken. The Secretary is responsible for enforcement.

One complaint against the Secretary in Federal district court [City of Providence v. Babbitt] has been dismissed, but the Department is now a defendant in a new suit [Bonnichsen/Asatru Folk Assembly v. United States Army Corps of Engineers, et al.]. The demands on staff time and resources for litigation are heavy and are expected to increase.

The review committee is extremely concerned that inadequate staffing of the Archeology and Ethnography Program is delaying the repatriation of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. It also is undermining the trust of Native peoples in the NAGPRA process. It is essential that the program receive an additional eight full time equivalent (FTE) targeted to specific critical tasks. The following proposed allocation of effort represents a possible apportionment of these FTEs to the mission critical tasks of the Program.

3 FTE	Monitoring summaries/inventories and publishing notices
1 FTE	Grants administration
1 FTE	Civil penalties and liaison with Department of Justice on trafficking.
1 FTE	Review Committee support
1 FTE	Administrative support
1 FTE	Training and technical assistance, regulations, and coordination

Along with these targeted FTE's, the review committee recommends that Congress appropriate an additional \$500,000 to the National Park Service FY2000 budget to enhance administration of the Act. The crucial need for this additional allocation was repeatedly cited in testimony at the NAGPRA Oversight Hearings of the Senate Committee on Indian Affairs in April of 1999. The review committee recommends that the President request the same amounts listed above in his FY2001 budget proposal.

Federal Compliance: The review committee remains deeply concerned about the failure of Federal agencies to comply with the deadline for the submission of inventories of human remains and associated funerary objects, and with inconsistencies in the application of NAGPRA requirements, particularly in the area of tribal consultation. At the January 29-31, 1998 review committee meeting, we invited Federal Preservation Officers to provide updates on their agencies' compliance activities. Representatives from numerous agencies within the Department of the Interior, Department of Transportation, Department of Agriculture, Department of Defense, Department of Commerce, Department of Energy, and the General Services Administration made presentations to the review committee. These presentations were summarized in a report titled *Federal Compliance with the Native American Graves Protection & Repatriation Act (NAGPRA)*. The review committee discussed this summary report at its Santa Fe meeting. In March, 1999, Federal agency representatives were asked to update the information in the summary report. New or edited text was provided by the Bureau of Land Management, Bureau of Reclamation, Army Corps of Engineers, Air Force, and Tennessee Valley Authority, and were added to the report. This summary report is included as Appendix 1 of this report.

While it is clear from the Federal agency reports that progress is being made, both in the recognition of agency compliance responsibility and in the actual completion of inventories, Federal compliance still falls well short of statutory requirements and lags far behind equivalent progress by non-Federal museums.

Some indirect explanations were offered for the failure of the Federal agencies to comply. In particular, it was pointed out that the agencies did not receive separate budgetary allocations to complete their inventories and were trying to work with what limited funds and resources were available. The review committee finds this excuse to be singularly unconvincing.

The vast majority of non-Federal museums across the country submitted their inventories by the deadline given in the statute. Those institutions that did not submit inventories specifically applied for extensions and met the stringent criteria for having those extensions granted. Many of these institutions were operating under far more restricted budgetary constraints than any of the Federal agencies. The continuing failure of the Federal agencies to meet the standard set by non-Federal museums is inexcusable.

The review committee noted three specific requirements that must underlie future Federal agency compliance efforts:

NAGPRA compliance must be an agency priority, and adequate funds must be earmarked to support compliance activities;

NAGPRA compliance goes beyond simple documentation and inventories, and must include long-term tribal consultation on a government-to-government basis; and

Agencies must be accountable.

Congressional Oversight Committees should hold agencies accountable for failure to comply with the provisions of NAGPRA, and should take failure to comply with NAGPRA into account when assessing agency performance.

Recommended Amendments: Although the statute provides protection for Indian graves found on Federal and tribal lands, it does not provide similar protection for graves that may occur on private or state lands. The review committee has heard a substantial amount of testimony from representatives of Indian tribes and Native Hawaiian organizations regarding disturbance, destruction, deliberate excavation, or grave robbing of Native American graves on private or state lands. Some states have passed legislation to protect graves on non-Federal lands, but many states lack such legislation. Federal attention needs to be given to protect Native American graves from grave robbing and other forms of destruction or disruption.

Under the NAGPRA regulations, monies may be collected as civil penalties from museums that are found by the Secretary of the Interior to be out of compliance with NAGPRA. The costs of such enforcement activities are significant, however, particularly given the limited funds available for the overall NAGPRA program. A reasonable solution is to allow the monies collected as civil penalties to be retained by the Department of the Interior to be used to support continued enforcement.

The review committee has also heard considerable testimony reflecting concerns on the part of Native peoples that information provided to Federal agencies, museums and the review committee in the course of establishing claims of cultural affiliation, or establishing rights to sacred objects or objects of cultural patrimony, could be accessed or made available to the general public via a Freedom of Information Act (FOIA) request. There is a genuine fear that sensitive cultural information could easily be misused, and this fear has caused some to hesitate coming forward to make rightful claims. Information relating to the location of archaeological sites is exempted from FOIA requirements due to a compelling public interest in protecting sites from looting and destruction. It would seem reasonable to extend similar protection to particularly sensitive cultural information relating to the location of sacred sites and to confidential religious or ritual information that is presented solely for the purposes of making a claim under NAGPRA.

The review committee recommends that Congress amend the statute to:

Protect Native American graves located on state or private lands from grave robbing and other forms of destruction;

Provide any monies collected as civil penalties under 43 CFR 10.12 to the Secretary of the Interior to further enforcement activities; and

Exempt sensitive cultural information from the Freedom of Information Act (FOIA) when it involves material that is presented by an Indian tribe or Native Hawaiian organization solely for the purpose of documenting cultural affiliation or asserting a right to specific sacred objects or items of cultural patrimony.

Finally, the review committee has faced an increasing number of instances in which traditional religious leaders have been unable to repatriate sacred objects because their beliefs prevent them from making known details of the ceremonies or rites for which the objects are required. While we appreciate that there must be a standard in the law by which the appropriateness of a claim can be evaluated, we do not believe that it should be necessary for a traditional leader to compromise religious principles in order to repatriate a needed sacred object.

It would seem reasonable to allow the traditional religious leader of an Indian tribe or Native Hawaiian organization to affirm a statement indicating an awareness of the legal standard (specific ceremonial objects which are needed by traditional religious leaders for the practice of traditional Native American religions by their present-day adherents), and to certify that the specific object meets this standard. The statement would then be considered as evidence supporting the claim, without requiring details of particular rites or religious practices. While we do not believe this requires amendment of the law, the review committee encourages the adoption of this standard in the evaluation of future requests.

Conclusions

NAGPRA has, on whole, been successful. It has helped rectify the injustice Native American people have suffered as a result of having their ancestors' remains removed from their graves and located, without permission of relatives or Indian tribes, in museums and Federal agencies. The process of implementing the statute has increased knowledge and understanding of Native American people and cultures within museums and federal agencies. This increased knowledge and understanding will eventually be shared with the public, thereby increasing their respect for and sensitivity to the rights, values, and perspectives of the first Americans. Finally, the statute has helped Native American people and cultures regain a sense of integrity and dignity. It has helped renew or continue traditional Native American religions. And it may ultimately help remedy the corrosive and tragic effects involved in the clash of cultures and the loss of land, culture, and lifestyle Native Americans have endured. It is critically

important that the benefits and rights accorded to Indian tribes be extended to all Indian groups and that Congress appropriate sufficient funds to help implement this statute. The review committee respectfully submits this report to Congress with the full and unanimous support of its members.

**RECOMMENDATIONS OF THE
NATIVE AMERICAN GRAVES PROTECTION
AND REPATRIATION REVIEW COMMITTEE**

May 5, 1999

Authorized by the Native American Graves Protection and Repatriation Act [P.L. 101-601], the Native American Graves Protection and Repatriation Review Committee has served since 1992 to monitor and review implementation of the statute. At its May 3-5, 1999 meeting, the committee made the following recommendations:

_____ **Costs to Comply with NAGPRA.** The committee recommends that Congress appropriate the following amounts for FY2000 to ensure continued implementation of the statute:

- At least \$5 million in grants to Indian tribes, Native Hawaiian organizations, and museums;
- The amounts requested by the administration that is targeted for each Federal agency=s compliance efforts.

The committee also recommends that the President request the same amounts listed above in his FY2001 budget proposal.

2. **Costs of Administering NAGPRA.** The committee recommends that Congress appropriate eight FTE and \$500,000 to the Department of the Interior for FY2000 to enhance administration of the statute. The committee also recommends that the President request the same amounts in his FY2001 budget proposal.

_____ **Federal Compliance.** The committee recommends that Congress hold oversight hearings to ensure Federal agency compliance with the statute.

_____ **Amendments.** The committee recommends that Congress amend the statute to:

- Protect Native American graves on state or private lands from grave robbing and other forms of destruction;
- Provide monies collected as civil penalties under 43 CFR 10.12 to the Secretary of the Interior to further enforcement activities;

- Exempt sensitive cultural information from the Freedom of Information Act (FOIA) when it involves material that is presented by an Indian tribe or Native Hawaiian organization solely for the purpose of documenting cultural affiliation or asserting a right to specific sacred objects or items of cultural patrimony; and

The committee respectively submits these recommendations with the full and unanimous support of all members.

James Bradley /S/

James Bradley

Lawrence Hart /S/

Lawrence Hart

Armand Minthorn /S/

Armand Minthorn

Vera Metcalf /S/

Vera Metcalf

Tessie Naranjo /S/

Tessie Naranjo, committee chair

John M. O=Shea /S/

John M. O=Shea

Martin Sullivan /S/

Martin Sullivan

NATIVE AMERICAN GRAVES PROTECTION REVIEW COMMITTEE

PURPOSE: Monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6, and 7 of the Native American Graves Protection and Repatriation Act.

AUTHORITY: Section 8 of Public Law 101-601, November 16, 1990.

TERMS: Three or six years.

MEMBER	TERM EXPIRES	NOMINATING SOURCE
Dr. James Bradley Robert S. Peabody Museum Phillips Academy Andover, Massachusetts 01810 telephone: (978) 749-4490 fax: (978) 749-4495 email: jbradley@andover.edu	June, 2003	American Association of Museums
Mr. Lawrence H. Hart Route 1, Box 3130 Clinton, Oklahoma 73601 telephone: (580) 323-5320 fax: (580) 323-6225	September, 2001	Cheyenne and Arapaho Tribes Forest County Potawatomi Community
Mr. Armand Minthorn Confederated Tribes of the Umatilla Indian Reservation P.O. Box 638 Pendleton, Oregon 97801 telephone: (541) 276-3165 fax: (541) 276-3095	June, 2003	Confederated Tribes of the Umatilla Indian Reservation
Ms. Vera K. Metcalf NAGPRA Coordinator Bering Straits Foundation P.O. Box 1008 Nome, Alaska 99762 telephone: (907) 443-5252 fax: (907) 443-2985 email: nsvkm@aurora.alaska.edu	June, 2004	Concurrence of six committee members

MEMBER	TERM EXPIRES	NOMINATING SOURCE
<p>Dr. Tessie Naranjo P. O. Box 1807 Española, New Mexico 87532 telephone: (505) 753-3736 fax: (505) 747-3389</p>	<p>June, 2000</p>	<p>Pueblo of Acoma Hui Malama I Na Kupuna O Hawai=i Nei</p>
<p>Dr. John O=Shea Museum of Anthropology University of Michigan Ann Arbor, Michigan 48109-1079 telephone: (734) 763-5795 fax: (734) 763-7783 email: joshea@umich.edu</p>	<p>June, 2003</p>	<p>Society for American Archaeology American Museum of Natural History LA County Natural History Museum Peabody Museum-Harvard University P.A. Hearst Museum-UC Berkeley</p>
<p>Dr. Martin E. Sullivan Historic St. Mary=s City P.O. Box 39 St. Mary=s City, MD 20686 telephone: (301) 862-0960 fax: (301) 862-0968</p>	<p>June, 2000</p>	<p>American Association of Museums Hui Malama I Na Kupuna O Hawai=i Nei</p>

APPENDIX 1:

**FEDERAL COMPLIANCE
WITH THE
NATIVE AMERICAN GRAVES
PROTECTION & REPATRIATION ACT
(NAGPRA)**

June 1999

INTRODUCTION

The Native American Graves Protection & Repatriation Act (NAGPRA) requires all Federal agencies and institutions that receive Federal funds to:

- 1) provide Indian tribes and Native Hawaiian organizations with summaries of their collections that may include unassociated funerary objects, sacred objects, and objects of cultural patrimony with which they may be culturally affiliated; and
- 2) compile inventories of human remains and associated funerary objects in their collections and, in consultation with Indian tribes and Native Hawaiian organizations, determine the cultural affiliation of those items.
- 3) provide copies of the summaries and inventories to the National Park Service.

In addition to these requirements, Federal agencies are required to consult with Indian tribes and Native Hawaiian organizations regarding the disposition of human remains, funerary objects, sacred objects, and objects of cultural patrimony discovered or excavated on Federal lands.

As a result of concerns regarding Federal compliance with NAGPRA, the Native American Graves Protection & Repatriation Review Committee invited Federal agencies to report on their activities. Federal agency reports were made at the review committee's 14th meeting on January 29-31, 1998, in Washington, DC. Bureaus within the Departments of Interior, Transportation, Agriculture, Defense, Commerce, and Energy, as well as the General Services Administration, presented reports.

The National Park Service staff maintains a listing of all the Federal agency NAGPRA summaries (Table 1) and inventories (Table 2) that had been received. Since the January, 1998 meeting, Federal agency officials have been provided with an opportunity to update the information they presented. Several have, and these updates are noted in the text.

Department of the Interior

National Park Service: Ms. Jennifer Schansberg, a contractor working with the National Park Service (NPS), reported that the NPS has met the relevant deadlines for completion of summaries and inventories. A single summary was compiled for the entire agency and was distributed to all Indian tribes, Alaska Native villages and corporations, and Native Hawaiian organizations on October 27, 1993. Five Notices of Intent to Repatriate have been published in the Federal Register. Each park with human remains and associated funerary objects completed a separate inventory. One hundred were completed, of which 55 included human remains and associated funerary objects identified as being culturally affiliated with particular Indian tribes or Native Hawaiian organizations. Twenty-six Notices of Inventory Completion have been published in the Federal Register. The remaining 39 Notices of

Inventory Completion are under review. Sixty-eight of the park inventories included culturally unidentifiable human remains.

Memoranda providing detailed step-by-step instructions for compliance with the statute have been sent to all parks superintendents. A video and workbook has also been completed and has been sent to parks and Indian tribes. Ms. Schansberg added that the NPS is committed to maintaining the government-to-government relationship between the United States and Indian tribes in all consultations.

Fish and Wildlife Service: Mr. Kevin Kilcullen, Federal Preservation Officer for Fish and Wildlife Service (FWS), explained that the agency's primary goal is to protect and restore the Nation's wildlife populations and their habitat. Two key FWS programs are directly involved with NAGPRA: the land management aspect and the law enforcement division. FWS has field offices in every state and most territories and possessions of the United States, including seven regional offices, over 700 field offices, 500 national wildlife refuges and almost 100 national fish hatcheries, encompassing over 92 million acres of land. FWS is a decentralized organization with most of the decisions being made at the regional office level or lower. All FWS offices are expected to follow the guidance set out in the cultural resource management and museum collection sections. Mr. Kilcullen reported that with FWS, day-to-day responsibility for compliance with NAGPRA rests at the regional office level with funding coming from general funding for maintenance of museum collections. There is no separate NAGPRA line item.

Mr. Kilcullen reported that FWS is in compliance with NAGPRA summary and inventory requirements. FWS has completed its summary and will submit a copy to the NPS. FWS completed its inventory in 1996 and submitted it to the NPS. NPS has since requested additional information and revisions. He conceded that the agency would never be totally in compliance with the excavation and discovery requirements of the statute due to the ongoing nature of these activities.

Mr. Kilcullen then outlined several problems faced by the FWS regional offices in complying with NAGPRA. There has been some problem in determining which Indian tribes should be consulted. This has been of particular concern in the Southeast United States. The lack of information regarding existing collections is also a problem. Some tribal claims have caused difficulties, particularly those reflecting a misunderstanding of the statute or those situations where more than one Indian tribe has made a claim. Lastly, FWS is also faced with an active land acquisition program resulting in almost 100,000 new acres per year.

Bureau of Reclamation: At the January 1998 NAGPRA Review Committee meeting in Washington, DC, Mr. Terry Zontek, NAGPRA Coordinator for the Great Plains Region, and Ms. Myra Giesen, NAGPRA Coordinator for all of the Bureau of Reclamation (Reclamation), presented information on Reclamation compliance with NAGPRA. Since that time, Ms. Giesen has reported again to the review committee on two separate occasions (i.e., Portland in June 1998 and Santa Fe in December 1998). The information presented below reflects NAGPRA status information as of April 1999.

A history of Reclamation was provided to the Review Committee at the January 1998 meeting. Since its inception in 1902, Reclamation has played a pivotal role in developing water resources in the 17 western states. Reclamation has jurisdiction over approximately 8.6 million acres, of which just less than 1 million has been inventoried with respect to cultural resources. These lands are used for many different purposes including dams, reservoirs, irrigation facilities, operations, recreation, fish and wildlife, agriculture, grazing, environmental enhancement, education, flood control, transportation, and power generation. Reclamation serves as America's second largest wholesale water supplier, administering 348 reservoirs with a total storage capacity of 245 million acre-feet (an acre-foot, 325,851 gallons of water, supplies enough water for a family of four for one year). The responsibility for NAGPRA compliance rests with Reclamation's regional directors and area managers. Maps of Reclamation boundaries and NAGPRA contact information were distributed to committee members and the public at both the January 1998 and December 1998 meetings.

Summary Status - Section 6: A single Reclamation summary was submitted in November 1993. On earlier versions of Table 1, Reclamation's summary appeared as originating out of Colorado. In March 1999 Reclamation requested NPS to revise its listing to include recognition of all states from which the summary covers, including Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. This revision is particularly important as summary submissions information is available via NPS at their internet site <http://www.cast.uark.edu> on a state-by-state basis. A total of 18 unassociated funerary objects, 1 sacred objects, and 1 object of cultural patrimony were reported in Reclamation's summary. These objects are culturally unidentifiable and have not been repatriated to tribes; they remain part of Reclamation's museum property collection.

Inventory Status - Section 5: All five regions within Reclamation submitted an inventory by the statutory deadline; however, new information or the discovery of a previously unknown archeological collection require amendments to all inventories. Reclamation should be completed with revising all their NAGPRA inventories by summer 2000. To date, Reclamation has inventoried human remains that represent at least 1,564 individuals. This number is likely to increase as final inventories are completed on Reclamation collections at a number of museums. Of the 1,564 individuals reported, 1,497 individuals, at this time, are considered to be culturally unidentifiable, 60 individuals affiliated with the Arikara, Pawnee, and Wichita, and 7 individuals affiliated with the Nambe Pueblo. It is likely culturally unidentifiable items on Reclamation's inventories will be assigned a cultural affiliation as consultations continue and affiliation studies come to a close.

Following the publication of an inventory completion notice for the Nambe Pueblo items, human remains from seven individuals and three dog burials (associated funerary objects) were repatriated in 1996. The Pawnee, Arikara, and Wichita tribes have not yet made a decision regarding the repatriation of their NAGPRA items.

Reclamation has inventoried approximately 60,000 culturally unidentifiable associated funerary objects and roughly 1,100 culturally affiliated associated funerary objects. The human remains and associated funerary objects come from 178 archeological sites and are being curated at 25 different repositories.

Similar to our request for summary information to be available on a state-to-state basis, in November 1998 Reclamation requested NPS provide state information for their inventory submissions. Instead of being listed as complete for each of the 17 western states, Reclamation inventories only appear for five states: California, Idaho, Montana, Nevada, and Utah.

Ms. Giesen expressed concerns with double reporting of inventories by federal agencies and museums. This is to say, museums are reporting on federal collections. In December 1998 she gave the example of the University of Nebraska, Lincoln inventorying and reporting on Reclamation's collections. Reclamation is trying to obtain information on double reporting, but it has been difficult at best.

Inadvertent Discoveries and Planned Excavations: Reclamation's Manual/Directives and Standards LND 02-01 for Cultural Resources Management states that in order "to meet the intent of Section 3 of NAGPRA, the responsible office will have in place a plan for intentionally excavated and inadvertently discovered Native American cultural items. These plans will include a step-by-step outline of what to do when Native American cultural items are encountered." Some regions are working toward initiating comprehensive agreements; Reclamation currently is not tracking this information. Reclamation as a whole does not have specific written guidance on the treatment of human remains.

The Great Plains Region (GP) adopted Policy Directive No. 11, *Inadvertent Discovery of Human Remains on Reclamation Land*, on November 17, 1998. This policy states that all human remains discovered on Reclamation controlled land will be treated with equal respect regardless of cultural affiliation or antiquity. The GP's Policy Directive No.11 is under modification for application across all of Reclamation. Currently, human remains as well as all NAGPRA objects are handled as museum property. They are curated to standards approaching or, in most cases, exceeding those outlined in 36 CFR 79 and DM 411. Until final disposition can be determined, NAGPRA items generally are stored with restricted access. They are treated with respect and are not available for display or study without prior written approval of Reclamation in consultation with the appropriate tribes. Some, but not all regions, restrict photographing human remains.

Recent NAGPRA initiatives: Reclamation hired Ms. Giesen on a part-time permanent basis to deal exclusively with NAGPRA at a bureau-wide level. Reclamation has had two bureau-wide NAGPRA meetings, one in June 1998 and one in December 1998. The June meeting had a day of NAGPRA training provided by Mr. Tim McKeown. Ms. Giesen briefed area managers about NAGPRA at their quarterly meeting in March 1999.

NAGPRA Budget: Reclamation's expended \$159,041 in FY 1998 for NAGPRA compliance. For FY 1999, Reclamation has budgeted \$322,600 for NAGPRA compliance.

Consultation: Reclamation consulted with approximately 80 tribes while completing their NAGPRA inventories. Currently, efforts are being made to better communicate within Reclamation about which tribes have been consulted and by which office within Reclamation. For example, in the past, offices within a single region might have consulted with the same tribes without communicating with each other.

In another case, two different regions consulted with the same eight tribes. To address this concern, Ms. Giesen has gathered information on NAGPRA consultation histories from each office within Reclamation. Results of this investigation are available to all officials tasked with NAGPRA responsibilities, thus allowing for better government-to-government relations in future consultations. Reclamation's Native American Affairs Office completed a guidance document *Protocol Guidelines: Consulting with Indian Tribal Governments* in February 1998.

Bureau of Land Management: Dr. Stephanie Damadio, National Curator, and Dr. Marilyn Nickels, Group Manager, reported for the Bureau of Land Management (BLM). Dr. Damadio identified BLM's primary responsibility as managing public lands, including authorized mineral extraction, timber operations, recreational development, and protection of the natural and cultural environment. BLM is the largest Federal land-managing agency, with 270 million acres or approximately 41% of all Federal lands under its control. Constant land transfers in and out of Federal control have complicated the search for NAGPRA materials.

Since 1812, individuals and institutions have been conducting scientific expeditions on public lands, excavating and collecting millions of objects, which were then transported to hundreds of non-Federal repositories, including universities, museums and historical societies. Since 1906, permits for archeological excavations on public land were issued under the Antiquities Act. BLM has had authority to issue permits for excavation on its own lands only since the mid-1980s.

The resources available to the BLM to accomplish NAGPRA tasks are limited. The BLM has 13 individuals primarily involved with NAGPRA, most of who are also responsible for a variety of other tasks. Specific written guidance distributed bureau-wide (not including extensive guidance issued from individual state offices to the field) consists of a handbook and 15 policy documents providing policy, guidelines, templates, protocols, summary information, as well as copies of secretarial orders, statutes, and regulations.

Inventories and summaries are complete for internal bureau collections. BLM has also completed a multiyear effort to locate outside repositories holding bureau collections. This has resulted in the identification of 186 non-Federal repositories, located in 34 states from Alaska to Florida. BLM has established a cooperative process with those museums where NAGPRA materials were found in order to complete inventories. In some instances this work has been accomplished in cooperation with other Federal agencies. At this point, the majority of these inventories are completed, and in many instances the materials have already been repatriated to Indian tribes. Dr. Nickels felt that the inventory task would take decades to complete and that it is an expression of the BLM's commitment to keep working on the job until it is complete.

To date, the BLM has formally identified 627 human remains and over 14,153 associated funerary objects as subject to repatriation or transfer under NAGPRA. To date, 19 notices have been published in the Federal Register, with three more awaiting publication. This task has required thousands of hours of inventory and analysis by non-Federal museums and BLM staff, as well as tribal consultation. This work has involved interaction with over 200 museums and approximately 150 Indian tribes and Native

Alaskan villages and corporations. Dr. Damadio stated that due to the vast number of individual occurrences of excavations that took place, the exact number of human remains and funerary objects which originated from BLM lands may never be known. She explained that BLM feels it is in compliance with NAGPRA since it is continuing NAGPRA work to the best of its ability. She added that the BLM collections are being cared for in a professional manner and that study will be necessary to help determine affiliation.

Regarding the inadvertent discovery and excavation of Native American human remains and cultural items on BLM lands, Dr. Damadio indicated that the agency has been informing Indian tribes of all NAGPRA related items and proactively contacts them to begin consultation. To date, 22 notices of custody determination disposition have been published in newspapers.

Bureau of Indian Affairs: Mr. Donald Sutherland, Federal Preservation Officer for the Bureau of Indian Affairs (BIA), explained that all human remains and cultural items recovered from land under BIA control are held in non-Federal repositories. The agency has funded a four-year study by the Arizona State Museum to assess a collection of between three and four thousand human remains and the associated funerary objects. He also described a pilot project with the Museum of Northern Arizona to assess repatriation costs. Indian tribes are being consulted in each of these efforts.

Department of Transportation

Federal Aviation Administration: Ms. Ann Hooker, Federal Preservation Officer with the Federal Aviation Administration (FAA), described her agency's functions as regulating commercial spaceport operations and space launches, navigable air space, air craft and airmen, with a primary mission of safety. She explained that the FAA actually owns very little land, as most airports are privately owned and are open for public use, with the exception of Washington National and Dulles airports. She explained that the FAA does not currently have any objects or human remains that fall under the provisions of NAGPRA, and added that the FAA is currently working on developing guidelines for inadvertent discoveries found on FAA land.

Federal Highway Administration: Mr. Bruce Eberle, Federal Preservation Officer for the Federal Highway Administration (FHA), explained that the FHA is a grant-and-aid agency and is not a land-managing agency. The FHA generally works as a contractor for Federal agencies building roads on Federal, tribal and state-owned lands. Discussions concerning any materials recovered during construction occur between the Federal or state agency on whose land the objects were found and the appropriate Indian tribe. Mr. Eberle explained that some states are aggressive in setting up periodic meetings with different Indian tribes, while other states coordinate with tribes on a case-by-case basis when there are proposed projects in certain areas of the state. FHA is working to develop an initiative that will inform more people about FHA public outreach and public participation programs.

Department of Agriculture

Natural Resources Conservation Service: Ms. Kathleen Schamel with the Natural Resources Conservation Service (NRCS), formerly known as the Soil Conservation Service, works directly with private landowners to implement conservation practices on their lands. NRCS does not own any land and has very few collections from cultural resource projects. Each NRCS employee who will be on private lands is required to undergo a week long cultural resource-training program familiarizing them with the resources, the laws, and their responsibilities under these laws. Ms. Schamel explained that if cultural resources are found, NRCS tries to leave the resource in place if possible. Otherwise, a cultural resource specialist evaluates the resource and proceeds with mitigation and consultation with appropriate Indian tribes. NRCS has identified five collections in its control that are currently housed in state or local museums. These collections consist of items not covered by NAGPRA. In addition, human remains of three individuals were found in New Mexico, two of which were reburied at the site in consultation with the local Indian tribe. The third has been retained by the state police lab as part of a homicide investigation. Ms. Schamel also explained that in each state, the NRCS has an agreement with the State Historic Preservation Office to address inadvertent discoveries of human remains, and provided two examples of these state level agreements to the Committee members. She described one successful project with the Klamath Tribe that resulted in permanent protection of burials exposed by erosion.

Rural Housing Service / Rural Business Cooperative Service: Ms. Sue Wieferrich, Environmental Protection Specialist and Federal Preservation Officer for the Rural Housing Service (RHS) and Rural Business Cooperative Service (RBS), explained that these two agencies, along with the Rural Utility Service, constitute the Department of Agriculture Rural Development. She explained that RHS and RBS are both grant and loan guarantee agencies for private individuals and businesses and do not own or possess lands, unless in the rare situation of foreclosure. She added that in those instances, all three agencies are required to follow the provisions of the National Environmental Policy Act (NEPA) requiring environmental assessments before resale of any acquired property, including appropriate measures to protect any cultural resources present on the site. Ms. Wieferrich explained that neither RHS nor RBS have any collections, and therefore, have not filed any summary or inventory reports with the NPS.

Rural Utility Service (RUS): Mr. Larry Wolfe, Senior Environmental Protection Specialist and Federal Preservation Officer for RUS, explained that the RUS provides financing through its insured and guaranteed loan programs for construction and expansion of facilities that distribute electric power in rural areas and the development of water and waste disposal facilities in rural areas and small towns with populations of less than 10,000. The RUS does not own land and does not have any collections of Native American cultural items, and therefore, did not file any summary or inventory reports with the NPS. Further compliance with NAGPRA on each project includes consultation with the appropriate agency officials with jurisdiction on the land resource; including SHPOs for private land, tribal historic preservation officers (THPO) for tribal land, and the appropriate cultural resource specialist of the Federal agency for Federal land.

Forest Service (FS): Mr. Evan DeBloois, Federal Preservation Officer for the Forest Service (FS), explained that the agency was established in 1905 and is the land-managing agency of the Department of Agriculture. FS currently manages 191 million acres of public land. The FS is a multiple-use agency, accounting for approximately 25% of the recreational use of Federal lands in the US, as well as timber areas, watershed management for municipal water systems, mining interests, and grazing. The FS is divided into nine regional offices with approximately 120 forest administrative units.

Activities on FS land can either be initiated by the agency or conducted by another party under FS permit, such as installation of power lines or oil and gas pipelines. The majority of FS collections from prehistoric sites came from permitted activities, such as museums and universities doing research. In the mid-1980s, FS initiated a nationwide effort to identify all agency collections. Collections were identified in approximately 135 museums in the United States and elsewhere, include some collections in Russia, Switzerland, and Sweden.

Mr. DeBloois reported that summaries and inventories have been completed for all but six National Forests. The largest number of human remains B approximately 5,500 individuals -- were identified in the Southwest Region. Repatriation efforts are underway for approximately one third of these remains, including 450 human remains recovered during the Roosevelt Dam construction in the 1920s. Approximately 1,100 human remains have been excavated since 1990. Consultation has been conducted with 52 Indian tribes in preparation for determining proper disposition. The California Region has 150 human remains and has consulted with 40 tribes in the repatriation process. Half of these remains have been repatriated. The Alaska Region has identified 42 human remains and is prepared to repatriate them to the culturally affiliated Alaska Native villages and corporations. Lack of response and intertribal conflicts has delayed any repatriation of these remains. The remaining regions have relatively small numbers of human remains. Intermountain Region identified no human remains or cultural items. Region One identified one individual. Great Basin Region identified 17, of which half were repatriated and the remainder are in process. Pacific Northwest Region identified less than 12 human remains. These human remains are primarily in museum collections, which in some cases is the cause of the delay. He added that in Alaska, a number of human remains were repatriated directly from the museum to the tribes; the FS was only involved due to requests for reburial on FS land. Mr. DeBloois reported the FS has completed 90 to 95 percent of their NAGPRA responsibilities, and is well on the way to repatriating the human remains and cultural items that have been identified and requested by Indian tribes. He added that he needs to clarify the discrepancies between the NPS list of completions and the FS lists to ensure the NPS has the complete information available.

Mr. DeBloois explained that the FS has fiscal concerns regarding NAGPRA in Alaska due to tribal requests to rebury human remains in caves on agency land. Prior to reburial, the FS is responsible to ensure the reburials will have no effects on other cultural resources. He explained that the FS funded one full-time position to do the inventories. He added that an estimated cost for the FS to finance the reburials of human remains was \$5.5 million, but so far no Indian tribes have requested that the FS fund reburials. Mr. DeBloois added that NAGPRA was a budget priority in the FS, but not a specific line item.

Mr. DeBloois indicated that there are problems regarding tribal consultation within the FS, and added that the FS is drafting a set of consultation guidelines to strengthen performance at the field level, including the need for decision-making FS personnel at consultations. Mr. DeBloois also said that NFS has a NAGPRA training course for their Heritage Specialists, which they are trying to offer in every NFS region, and are trying to establish a heritage management training course for line managers covering a variety of cultural resource acts.

Department of Defense

Army: Mr. Lee Foster, Native American Program Coordinator with the US Army Environmental Center, explained that his primary concern is cultural and natural resources on the 12 million acres managed by the Army. The Army's primary mission is to maintain a combat-ready trained force, calling for intensive management of Army lands. In 1994, the Army Environmental Center initiated a centrally funded nationwide program to bring the Army into documentary compliance with NAGPRA, assisted by the Center for Expertise for the Curation and Management of Archaeological Collections (CX-CMAC), St. Louis District. Of the 167 installations investigated, 97 required preparation of a summary, which were completed in September of 1996. These reports included listings of Indian tribes potentially interested and affiliated with NAGPRA items. Twenty installations required inventory reports, which were completed in September of 1997. Individual installations were responsible for initiating consultation and affecting repatriation to the appropriate tribes. In an effort to comply with NAGPRA, the Army developed Army Regulation 200-4, directing installation commanders to comply with NAGPRA requirements as well as the full range of statutory and regulatory requirements of concern to Native Americans. He added that the Army has used examples from other agencies in developing processes and MOAs.

Army Corps of Engineers: The Army Corps of Engineers' report was provided by Mr. Paul Rubenstein, Federal Preservation Officer, and Dr. Michael Trimble, Center for Expertise for the Curation and Management of Archaeological Collections (CX-CMAC). In March, 1999, Mr. Rubenstein provided additional editorial comments. Mr. Rubenstein stated that the Corps' primary mission includes navigation, flood damage control, recreation and environmental management, and manages roughly 10% of total Federal lands. The Corps is organized into 39 districts overseeing 459 lakes and other operating projects. Individual Corps districts pursued first steps toward NAGPRA compliance in 1993, with a Corps-wide program initiated in December of 1994 managed by the CX-CMAC. The Corps reviewed an estimated 141,000 cubic feet of archaeological collections with an estimated 3,660 skeletal remains. NAGPRA was funded as a line item beginning FY 1995.

Mr. Rubenstein stated the CX-CMAC's missions include NAGPRA compliance, management of archaeological collections for the Corps, and assisting other Department of Defense services and government agencies, which will be accomplished through a wide range of specialists within CX-CMAC. One of the biggest jobs related to the NAGPRA process is locating the collections within the various curation facilities around the country. To date, all Corps collections have been identified in the

Western and Central parts of the country, and slightly more than half have been identified in the eastern part of the country.

Of the 39 Corps districts, all have begun preparation of summaries and 46% have been completed. Sixty-four percent of the districts have begun preparation of inventories and 14% have been completed. Consultation has been initiated in 75% of the districts. The Corps is working on consultation guidelines similar to those of the Army, designed to promote better understanding within the individual districts regarding consultation and developing consultation processes. The Corps estimates all collections will be located by FY 1999, all inventories will be completed by FY 2007, and all reports to Indian tribes and the NPS will be completed by FY 2008. Mr. Rubenstein added that even though NAGPRA is a line item, the Corps still does not have adequate funding to properly execute NAGPRA processes, although they are trying to increase the amount yearly.

Dr. Trimble explained that the CX-CMAC is responsible for curation, collections management, and the Corps NAGPRA program. He stated that since many Federal agencies do not have the resources to do this type of work, the CX-CMAC has agreed to do curation and NAGPRA-related work for Federal agencies, including the BIA and BLM. He explained the four-step program that the CX-CMAC has found to be the most effective in researching and locating Federal collections: 1) extensive research at the Federal agency level; 2) extensive research at the State Historic Preservation Office (SHPO) level; 3) aggressively compare the data from both of these sources; and 4) compare the data with collections currently in museums.

Navy: Ms. Kathleen McLaughlin, Consultant with the US Navy, stated that the Navy is a decentralized organization, with NAGPRA responsibility delegated to the commanding officer at each installation. Each installation received a program note outlining responsibilities under NAGPRA. Individual institutions can request funding to bring themselves into compliance. An informal survey found the majority of Navy collections containing NAGPRA items to be in the western United States. The Navy contracted with Corps of Engineers CX-CMAC to inventory all Navy collections for NAGPRA components and complete summaries and inventories when indicated. Most Navy collections in the western United States have completed inventories as of January 1998. The eastern United States has yet to be inventoried, although those installations feel they have very few objects applicable to NAGPRA. The CX-CMAC report on Navy collections is expected to be completed in September of 1999 detailing the locations of NAGPRA objects, at which time applicable summaries and inventories will be completed. Handouts were provided to Review Committee members detailing Naval installation compliance with NAGPRA.

The Navy is currently working on training personnel to deal with inadvertent discoveries, due to problems with inadvertent discoveries found on Navy installations. The Navy has developed extensive training and guidance programs including an introductory class presenting an overview of all historic preservation legislation, including NAGPRA; a historic preservation law and section 106 class, which includes a two-hour NAGPRA section; a week-long Native American Traditions and Cultures course, developed in consultation with Keepers of the Treasures, with at least 50 percent of the instructors being Native American. The Guidance includes development of the US Navy and Marine Corps Guide

to Native American Groups, which contains tribal information and consultation guidance, and the Twentieth Century Warriors brochure, designed to break down barriers between military personnel and Native Americans.

Air Force: The Air Force provided a written summary of the January, 1998 meeting, and additional information in April, 1999, of its efforts to implement the statute. The Air Force has cultural resource management responsibilities for approximately 9 million acres of land in the United States. One of the many facets of the Air Force cultural resource management program is compliance with NAGPRA. Since its passage, the Air Force has had a number of initiatives designed to ensure NAGPRA compliance. These range from integrating NAGPRA consultation guidelines into the Air Force cultural resource management instruction, AFI 320065, to participating in a DOD wide Legacy Resource program initiative to analyze the condition of collections as well as analyzing the content of some of the collections.

The Air Force has participated in several repatriation efforts. The first occurred in the fall of 1991. The Air Force initiated consultation concerning the repatriation of human remains, resulting in the reburial of Quapaw remains on Eaker AFB, Arkansas.

A significant repatriation success story involved the former Williams AFB, in Arizona. In 1997, the Air Force encountered Native American human remains during runway expansion a few months before Williams AFB was converted to Williams Gateway Airport and immediately initiated consultations with several interested Indian tribes. The Air Force developed a plan of action pursuant to NAGPRA for excavation, removal, inventory, description, limited study, report preparation, and repatriation of these and other possible discoveries of human remains during the construction project. The plan of action identified Gila River Indian Community as the primary tribal contact for the Williams runway expansion. The plan was reviewed and signed by five Arizona Indian tribes and by the Federal Aviation Administration. The human remains and associated funerary objects were repatriated to the Gila River Indian community in 1998.

The Air Force's most recent repatriation occurred at Avon Park Bombing Range. In March, 1999, Avon Park completed its first repatriation ceremony. In keeping with the solemnity of the occasion the ceremony was low profile and private, with only the Vice Wing Commander and a representative of the Seminole Tribe of Florida in attendance.

Vandenberg AFB, California, has one of the Air Force's premier Native American Programs. The base has developed an excellent relationship with the nearby Santa Ynez Chumash Band based on trust, rapport, and teamwork. Cultural resource personnel participate in quarterly meetings with the Santa Ynez Chumash Elders Council where issues of mutual concern are discussed and the elders are informed of future projects. This forum affords the base the opportunity to resolve concerns early in the planning stages of a project.

When human remains are encountered or when unanticipated archeological discoveries occur, Vandenberg immediately notifies and consults with the elders. Human remains that are exposed and

likely to remain so for an extended period of time are reported to the coroner and base law enforcement and then recovered, documented, and identified in accordance with NAGPRA and the base's Memorandum of Agreement with the Santa Ynez Chumash Band. If the remains are identified as being Native American, the Chumash rebury them in designated areas. This policy effectively precludes vandalism of exposed remains.

The Air Force continued to strive to improve guidance for NAGPRA compliance. The upcoming revision of the cultural resource management AFI will provide more detailed instructions to assist our installations in NAGPRA compliance.

Department of Commerce

Ms. Stephanie Klodzen, Office of Real Estate Policy and Major Programs, stated that the Department of Commerce is a diverse agency comprised of 12 bureaus, two of which are land-holding agencies, the National Institute of Centers and Technology (NICT) and the National Oceanic and Atmospheric Administration (NOAA). Combined, NICT and NOAA control about 14,000 acres and do not have any collections of Native American human remains. She described one project in Boulder, Colorado where a successful Memorandum of Agreement was developed to deal with inadvertent discoveries on a project, although none were found, and one situation where a proposed NOAA laboratory in Alaska was relocated to avoid disturbance of Native American artifacts.

Department of Energy

Mr. Andy Wallo explained that the Department of Energy (DOE) has a comprehensive cultural resource management program, which covers NAGPRA. Site-specific cultural resource management plans will be prepared for each site under the guidance for the DOE-wide program. In addition, field offices are provided guidance from the NPS, general NAGPRA information, and other agencies in order to achieve comprehensive programs and compliance. The Federal Historic Preservation Officer for the DOE is responsible for managing the cultural resource management program, including NAGPRA compliance. The DOE sites have been informed about and directed to proceed with NAGPRA requirements, and all major sites have compiled summary and inventory information. The designated historic preservation contact at each DOE site ensures compliance with consultation requirements of NAGPRA. DOE sites are strongly encouraged to seek and identify Native Americans who have cultural affiliations with the sites and DOE controlled lands.

Site management mechanisms are developed to provide tribal representatives with information regarding all site activities. Tribal committees developed by the tribes are involved in NAGPRA-related decisions where multiple tribes are affiliated with a site. The DOE currently has MOAs with tribes regarding the Nevada, Idaho, and Washington sites, and the sites are required to undertake comprehensive archaeological survey work to discover locations of archaeological sites and likely locations of burials in the early planning stages of any land-use decisions. On-site monitors at many sites include tribal

representatives. The DOE attempts to identify Indian tribes and Native Hawaiian organizations that might have affiliation with an area that could be disturbed by a project. DOE has provided guidance and cultural sensitivity training for all personnel, in most instances with tribal representatives participating in the training. A long-term initiative that the DOE is considering is including their cultural resource program guidance and policy statements in a DOE directive.

Mr. Wallo indicated that the DOE is trying to have NAGPRA integrated into the mission of the DOE program and each site would have NAGPRA as part of their operations, rather than a stand-alone item. DOE is working to get all sites at similar levels of understanding and compliance, through the DOE directive and active steps with individual sites.

General Services Administration (GSA)

Ms. Constance Ramirez, Federal Preservation Officer for the GSA, reported that the GSA has no NAGPRA collections.

Tennessee Valley Authority (TVA)

Mr. J. Bennett Graham, Senior Archeologist and Deputy Federal Preservation Officer for the TVA reported that the agency filed NAGPRA summaries with ten Indian tribes and furnished a copy of the summary to the Departmental Consulting Archeologist by letter dated June 22, 1994.

Inventories of human remains and associated funerary objects removed from TVA land have also been conducted. All collections of human remains and associated funerary objects removed from TVA lands are curated at either the University of Tennessee-Knoxville or the University of Alabama, Alabama State Museum. With the exception of one small collection, potentially culturally affiliated Indian tribes have been notified regarding inventory of TVA collections at the University of Tennessee by that institution. It recently came to our attention that the University of Alabama did not notify potentially affiliated tribes regarding the inventory of collections from TVA lands held at that institution. TVA is in the process of verifying the inventory of collections from TVA lands conducted by the University of Alabama and experts to provide the inventory to culturally affiliated or potentially culturally affiliated Indian tribes by January, 1998.

The collections of human remains from TVA lands consists of approximately 10,000 sets of individual remains. The vast majority of these are greater than 1,000 years of age and are not considered to be culturally identifiable with a present-day Indian tribe.

Discussion on Federal Compliance

Review Committee members expressed their appreciation for the number of Federal agencies reporting to the Committee, but were concerned about the difference between the perceived level of compliance at the top of agencies and the reality of compliance at the field levels. The committee was particularly concerned with the compliance activities of NPS, BLM, Army, COE, Navy, and Marine Corps, and FS. Committee members were struck by the many questions left unanswered in the agency reports. In particular, there was concern regarding the location and care of artifacts and human remains held in non-Federal repositories.

The Review Committee concluded that three specific requirements must underlie future Federal Agency compliance efforts:

- 1) NAGPRA compliance must be an agency priority, including the necessary funding and staff to carry out the responsibilities established by the law and regulations;
- 2) NAGPRA compliance goes beyond simple documentation and inventories, and must include long-term tribal consultation on a government-to-government basis;
- 3) Agencies must be accountable.

Under the first two headings, the Committee noted that there are opportunities for interagency cooperation and assistance, including the sharing of expertise, databases, training workshops, and guidance. There also seems to be potential for agencies to cooperate in funding strategies.

Under agency accountability, the Review Committee believes that Congressional Oversight Committees are best situated to hold agencies accountable for failure to comply with the provisions of NAGPRA. At the same time, the Committee will continue to monitor agency compliance by requesting periodic update reports from agencies reflecting their compliance activities. This first report will provide a baseline against which agency progress can be measured.

**TABLE 1: FEDERAL AGENCY
SUMMARIES ON FILE [June, 1999]**

Department of Agriculture

Forest Service:

Alaska Regional Office (no summary submitted, stated reasons), AK
 Chugach National Forest, AK
 Tongass National Forest, Chatham Area, AK (no summary submitted, stated reasons)
 Tongass National Forest, Ketchikan Area, AK
 Tongass National Forest, Stikine Area, AK
 Angeles National Forest, CA
 Cleveland National Forest, CA (incomplete)
 Eldorado National Forest, CA
 Inyo National Forest, CA
 Klamath National Forest, CA (no summary submitted, stated reasons)
 Lake Tahoe Basin Management Unit, CA
 Lassen National Forest, CA
 Mendocino National Forest, CA
 Modoc National Forest, CA
 Plumas National Forest, CA
 San Bernardino National Forest, CA
 Sierra National Forest, CA (incomplete)
 Six Rivers National Forest, CA
 Stanislaus National Forest, CA
 Tahoe National Forest, CA
 Chippewa National Forest, MN
 Kootenai National Forest, MT
 Lolo National Forest, MT
 Cibola National Forest, NM
 Southwest Region, NM (incomplete)
 Rogue River National Forest, OR
 Umpqua National Forest, OR
 Winema National Forest, OR (no summary submitted, stated reasons)

Soil Conservation Service:

Georgia
 North Carolina

Department of Commerce

Economic Development Administration, DC (no summary sent, stated reasons)

Department of Defense

Air Force:

Hurlburt Air Field, FL (no summary submitted, stated reasons)
 Patrick Air Force Base, FL (no summary submitted, stated reasons)
 F.E. Warren Air Force Base, WY (no summary submitted, stated reasons)

Army:

Fort Hunter Liggett, CA

Fort Carson (No summary submitted, stated reasons)

National Museum of Health & Medicine of the Armed Forces Institute of Pathology, DC

White Sands Missile Range, NM

Fort Sill, OK

45th Infantry Division Museum, OK (no summary submitted, stated reasons)

Fort McCoy, WI

Corps of Engineers:

Mobile District, AL (incomplete)

Little Rock District, AR

Rock Island District, IL

Newport Army Ammunition Plant, IN

Lake City Army Ammunition Plant, MO (incomplete)

St. Louis District, MO

Tulsa District, OK (incomplete)

Pittsburg District, PA

Memphis District, TN (no summary submitted, stated reasons)

Galveston District, TX

Walla Walla District, WA

Forces Command:

Fort Irwin, CA

Presidio of San Francisco, CA

Fort McPherson, GA

Fort Stewart, GA

Hunter Army Airfield, GA

Fort Riley, KS

Fort Campbell, KY

Fort Polk, LA

Fort Devens, MA

Sudbury Training Annex, MA

Fort Dix, NJ

Fort Bragg, NC

Fort Indiantown Gap, PA

Fort Lewis, WA

Vancouver Barracks, WA

Yakima Training Center, WA

Material Command:

Coosa River Storage Annex, AL

Redstone Arsenal, AL

Yuma Proving Ground, AZ

Pine Bluff Arsenal, AR

Sierra Army Depot, CA

Pueblo Depot Activity, CO

Rocky Mountain Arsenal, CO

Joliet Army Ammunition Plant, IL

Rock Island Arsenal, IL

Savanna Army Depot, IL

Indiana Army Ammunition Plant, IN

Jefferson Proving Ground, IN
 Iowa Army Ammunition Plant, IA
 Sunflower Army Ammunition Plant, KS
 Lexington-Blue Grass Activity, KY
 Louisiana Army Ammunition Plant, LA
 Cornhusker Army Ammunition Plant, NE
 Hawthorne Army Ammunition Plant, NV
 Fort Monmouth, NJ
 Picatinny Arsenal, NJ
 Fort Wingate Depot Activity, NM
 Seneca Army Depot, NY
 Ravenna Army Ammunition Plant, OH
 Letterkenny Army Depot, PA
 Holston Army Ammunition Plant, TN
 Milan Army Ammunition Plant, TN
 Lone Star Army Ammunition Plant, TX
 Longhorn Army Ammunition Plant, TX
 Red River Army Depot, TX
 Dugway Proving Ground, UT
 Tooele Army Depot, UT
 Radford Army Ammunition Plant, VA
 Vint Hill Communications and Electronics
 Support Activity, VA
 Woodbridge Research Facility, VA
 Badger Army Ammunition Plant, WI
 Medical Command:
 Fitzsimons Army Medical Center, CO
 Walter Reed Army Medical Center, DC
 Fort Detrick, MD
 Camp Bullis Training Site, TX
 Fort Sam Houston, TX
 Military Academy:
 West Point Military Reservation, NY
 Military District of Washington:
 Fort George G. Meade, MD
 Fort A.P. Hill, VA
 Fort Belvoir, VA
 Pacific Command:
 Fort DeRussy, HI
 Fort Kamehameha, HI
 Fort Shafter, HI
 Kahuku Training Area, HI
 Makua Military Reservation, HI
 Pohakuloa Training Area, HI
 Waianae Army Recreation Center, HI
 Reserve Command:
 Fort Douglas, UT
 Fort Pickett, VA
 Traffic Management Command:
 Military Ocean Terminal Sunny Point, NC
 Training and Doctrine Command:
 Fort McClellan, AL
 Fort Rucker, AL
 Fort Huachuca, AZ

Aberdeen Proving Ground, MD
 Adelphi Laboratory Center, MD
 Blossom Point Field Test Facility, MD
 Army Materiel Technology Laboratory
 (Watertown Arsenal), MA
 Fort Chaffee, AR
 Fort Ord, CA
 Presidio of Monterey, CA
 Fort Benning, GA
 Fort Gordon, GA
 Fort Benjamin Harrison, IN
 Fort Leavenworth, KS
 Fort Knox, KY
 Fort Leonard Wood, MO
 Carlisle Barracks, PA
 Fort Jackson, SC
 Fort Bliss, TX
 Fort Eustis, VA
 Fort Lee, VA
 Fort Monroe, VA
 Fort Story, VA

Navy:
 North Island Naval Air Station, CA
 Pacific Division, Naval Facilities Engineering
 Command, HI
 Marine Corps:
 Camp Pendleton, CA

Department of Energy

Naval Petroleum Reserves, CA
 Rocky Flats Office, CO (no summary
 submitted, stated reasons)
 Western Area Power Administration, CO
 Idaho Operations Office, ID
 Fermilab, Fermi National Accelerator Laboratory, IL
 (no summary submitted, stated reasons)
 Nevada Operations Office, NV
 Yucca Mountain Site Characterization Project, NV (no
 summary submitted, stated reasons)
 Princeton Area Office, Princeton Plasma Physics
 Laboratory, NJ (no summary submitted, stated
 reasons)
 Los Alamos Area Office, NM
 Brookhaven Area Office, NY (no summary
 submitted, stated reasons)
 Bonneville Power Administration, OR (no
 summary submitted, stated reasons)
 Savannah River Operations Office, SC
 (no summary submitted, stated reasons)
 Superconducting Super Collider Project Office, TX
 (no summary submitted, stated reasons)
 Richland Field Office, WA
 Naval Petroleum and Oil Shale Reserves, WY

Department of the Interior

Bureau of Indian Affairs:

ANCSA Office, AK

Division of Property Management, DC

(no summary submitted, stated reasons)

Bureau of Land Management:

For entire agency, DC (no summary submitted,
stated reasons)

Arizona State Office, AZ

Anasazi Heritage Center, CO (no summary
submitted, stated reasons)

Idaho State Office, ID

New Mexico State Office, NM

Oregon State Office, OR

Bureau of Reclamation

For entire agency, CO: covering Arizona,
California, Colorado, Idaho, Kansas,
Montana, Nebraska, Nevada, New Mexico,
North Dakota, Oklahoma, Oregon, South
Dakota, Texas, Utah, Washington, and
Wyoming.

Fish and Wildlife Service:

Minnesota

Holocaust Memorial Museum, DC (no summary
submitted, stated reasons)

Indian Arts and Crafts Board

Washington, DC

Museum of the Plains Indian & Crafts
Center, MT

Southern Plains Indian Museum & Crafts
Center, OK

Sioux Indian Museum & Crafts Center, SD

Interior Museum, DC

National Park Service:

For entire agency, DC

Alaska Support Systems, AK

Bering Land Bridge National Preserve, AK

Glacier Bay National Park and Preserve, AK

Katmai National Park and Preserve, AK

Northwest Alaska Areas, AK

Sitka National Historical Park, AK

Department of Transportation

Coast Guard Museum, CT

National Archives and Records

Administration Presidential Libraries [*incomplete*]

Tennessee Valley Authority

TABLE 2: FEDERAL AGENCY INVENTORIES ON FILE [June, 1999]

U.S. Department of Agriculture

Forest Service:

Chugach National Forest, AK (incomplete)
 Tongass National Forest, Chatham Area, AK (incomplete)
 Tongass National Forest, Ketchikan Area, AK
 Tongass National Forest, Stikine Area, AK (incomplete)
 Angeles National Forest, CA
 Mendocino National Forest, CA (incomplete)
 San Bernardino National Forest, CA (incomplete)
 Stanislaus National Forest, CA (incomplete)
 Southern Region, GA
 Chippewa National Forest, MN
 Custer National Forest, MT (incomplete)
 Kootenai National Forest, MT
 Lolo National Forest, MT (no inventory submitted, stated reasons)
 Santa Fe National Forest, NM
 Southwestern Region, NM
 Malheur National Forest, OR (no inventory submitted, stated reasons)
 Rogue River National Forest, OR
 Winema National Forest, OR (No inventory submitted, stated reasons)
 Manti-LaSol National Forest, UT
 Unita National Forest, UT
 Gifford Pinchot National Forest, WA

Department of Commerce

Economic Development Administration, DC (No inventory submitted, stated reasons)

Department of Defense

Air Force:

F. E. Warren Air Force Base, WY (No inventory submitted, stated reasons)

Army:

Armed Forces Institute of Pathology, National Museum of Health and Medicine, DC (incomplete)

Armor Center and Fort Knox, KY (No inventory submitted, stated reasons)

Corps of Engineers:

Rock Island District, IL (incomplete)
 Newport Army Ammunition Plant, IN (No inventory submitted, stated reasons)
 Tulsa District, OK (incomplete)
 Pittsburgh District, PA (incomplete)
 Seattle District, WA

45th Infantry Division Museum, OK (No inventory submitted, stated reasons)

Fort Douglas, UT

Fort Kamehameha, HI

Fort McCoy Headquarters, WI (no inventory submitted, stated reasons)

Fort Pickett, VA (No inventory submitted, stated reasons)

Pueblo Chemical Depot, CO

White Sands Missile Range, NM

Navy:

Naval Air Weapons Station, China Lake, CA
 West Coast Naval Facilities Engineering Command, CA (incomplete)

Pacific Division, Naval Facilities Engineering Command, HI

Naval Air Station, Fallon, NV (incomplete)

Port Hadlock Detachment, WA

Department of Energy

Nevada Operations Office, NV
 Fernald Environmental Management Project, OH
 Savannah River Operations Office, SC
 Richland Operations Office, WA

Department of Health & Human Services

Office of Environmental Health & Engineering, AK (No inventory submitted, stated reasons)

Department of Interior

Bureau of Indian Affairs

ANSCA Office, AK (no inventory submitted, stated reasons)

Bureau of Reclamation

Mid-Pacific Region: California, Nevada, and Oregon

Pacific Northwest Region: Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming

Lower Colorado Region: Arizona, California, Nevada, New Mexico, and Utah

Great Plains Region: Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming

Upper Colorado Region: Arizona, Colorado,

Nevada, New Mexico, Texas, Utah, and Wyoming

Fish and Wildlife Service
 For entire agency, DC (incomplete)
 Mountain-Prairie Region, CO
 Stillwater National Wildlife Refuge, NV (incomplete)

Geological Survey
 For entire agency, VA (No inventory submitted, stated reasons)

Holocaust Memorial Museum, DC (No inventory submitted, stated reasons)

Indian Arts and Crafts Board
 Museum of Plains Indian and Crafts Center, MT

National Park Service
 Horseshoe Bend National Military Park, AL
 Russell Cave National Monument, AL
 Glacier Bay National Park and Preserve, AK
 Katmai National Park and Preserve, AK
 Noatak National Preserve, AK
 Sitka National Historical Park, AK
 Canyon de Chelly National Monument, AZ
 Casa Grande National Monument, AZ
 Fort Bowie National Historic Site, AZ
 Glen Canyon National Recreation Area, AZ
 Grand Canyon National Park, AZ
 Hubbell Trading Post National Historic Site, AZ
 Montezuma Castle National Monument, AZ
 Navajo National Monument, AZ
 Organ Pipe Cactus National Monument, AZ
 Petrified Forest National Park, AZ
 Pipe Spring National Monument, AZ
 Saguaro National Park, AZ
 Tonto National Monument, AZ
 Tumacacori National Historical Park, AZ
 Tuzigoot National Monument, AZ
 Walnut Canyon National Monument, AZ
 Western Archeological and Conservation Center, AZ
 Wupatki National Monument, AZ
 Arkansas Post National Monument, AR
 Buffalo National River, AR
 Channel Islands National Park, CA
 Death Valley National Park, CA
 Joshua Tree National Park, CA
 Lassen Volcanic National Park, CA
 Pacific West Field Area, CA
 Yosemite National Park, CA
 Bent's Old Fort National Historic Site, CO
 Dinosaur National Monument, CO
 Hovenweep National Monument, CO
 Mesa Verde National Park, CO
 Rocky Mountain National Park, CO
 Fort Washington National Park, DC

Big Cypress National Preserve, FL
 Canaveral National Seashore, FL
 De Soto National Monument, FL
 Everglades National Park, FL
 Fort Caroline National Monument, FL
 Fort Mantanzas National Monument, FL
 Gulf Islands National Seashore, FL
 Southeast Archeological Center, FL
 Cumberland Island National Seashore, GA
 Fort Frederica National Monument, GA
 Ocmulgee National Monument, GA
 Haleakala National Park, HI
 Hawaii Volcanoes National Park, HI
 Pu'uhonua o Honaunau National Historical Park, HI (no inventory submitted, stated reasons)
 Pu'ukohola Heiau National Historic Site, HI (no inventory submitted, stated reasons)
 Effigy Mounds National Monument, IA
 Cumberland Gap National Historical Park, KY
 Mammoth Cave National Park, KY
 Jean Lafitte National Historical Park and Preserve, LA
 Acadia National Park, ME
 Chesapeake and Ohio Canal National Historical Park, MD
 Cape Cod National Seashore, MA
 Isle Royale National Park, MI
 Grand Portage National Monument, MN
 Voyageurs National Park, MN
 National Scenic Riverways, MO
 Natchez Trace Parkway, MS
 Vicksburg National Military Park, MS
 Grand-Kohrs Ranch National Historic Site, MT
 Little Bighorn Battlefield National Monument, MT
 Agate Fossil Beds National Monument, NE
 Scotts Bluff National Monument, NE
 Great Basin National Park, NV
 Lake Mead National Recreation Area, NV
 Aztec Ruins National Monument, NM
 Bandelier National Monument, NM
 Carlsbad Caverns National Park, NM
 Chaco Culture National Historical Park, NM
 El Morro National Monument, NM
 Fort Union National Monument, NM
 Gila Cliff Dwellings National Monument, NM
 Pecos National Historical Park, NM
 Salinas Pueblo Missions National Historical Park, NM
 Southwest Regional Office, NM
 Statue of Liberty National Monument, NY
 Blue Ridge Parkway, NC
 Fort Union Trading Post National Historic Site, ND

Knife River Indian Villages National Historic Site, ND
Hopewell Culture National Historical Park, OH
Chickasaw National Recreation Area, OK
Delaware Water Gap National Recreation Area, PA
Badlands National Park, SD
Big South Fork National River and Recreation Area, TN
Shiloh National Military Park, TN
Alibates Flint Quarries National Monument, TX
Amistead National Recreation Area, TX
Big Bend National Park, TX
Guadalupe Mountains National Park, TX
Padre Island National Seashore, TX
San Antonio Missions National Historical Park, TX
Canyonlands National Park, UT
Capitol Reef National Park, UT
Zion National Park, UT
Colonial National Historical Park, VA
Fort Vancouver National Historic Site, WA
Olympic National Park, WA
San Juan Island National Historical Park, WA
Yellowstone National Park, WY

Department of Veterans Affairs

For entire agency, DC (No inventory submitted, stated reasons)