

Statement of
The American Association of Museums
The Association of American Universities
The National Conference of State Historic Preservation Officers
The Native American Rights Fund
The Society for American Archaeology
and
The Society for Historical Archaeology
On Funding for the Grant Program
Established in the Native American Graves
Protection and Repatriation Act
(P.L. 101-601)

Presented to the
Subcommittee on Interior
of the
Committee on Appropriations
U.S. House of Representatives
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Mr. Chairman and members of the Subcommittee: I am Willard Boyd, CEO and President of the Field Museum of Natural History in Chicago. With me is Henry Sockbeson, Attorney for the Native American Rights Fund. We are appearing before you today on behalf of a consortium consisting of the American Association of Museums, the Association of American Universities, the National Conference of State Historic Preservation Officers, the Native American Rights Fund, the Society for American Archaeology, and the Society for Historical Archaeology.

As you know, Section 10 of the Native American Graves Protection and Repatriation Act (P.L. 101-601) authorizes the Secretary of the Interior to "make grants to Indian tribes and native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items" and to "make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6." To date, however, no funds have been appropriated for this purpose. At the same time, the authorizing law is now ready for implementation. The NAGPRA Review Committee and the Department of Interior have completed their work on the law's regulations and Federal Register publication and public comment are expected in early 1993.

Thus it is clear that the communities represented by the consortium will soon be called upon to take a much increased role in implementing P.L. 101-601. We are here today to provide information on how the requirements of the law are already creating significant costs for our communities and to seek your support for funding for the grant program authorized in the law, so that we can continue to comply with it in a timely and responsible way.

Let me start by addressing in generic terms the needs of the museum community. In order to comply with P.L. 101-601, museums will have to engage in activities falling into four categories: (1) preparation of inventories, in the case of human remains and associated funerary objects, and written summaries, in the case of unassociated funerary objects, sacred objects and cultural patrimony; (2) notification and consultation with Native American groups and visitation by those groups to museum collections; (3) research to identify cultural affiliation of human remains and objects; and (4) repatriation.

With respect to preparing the inventories of human remains and funerary objects, museums need to: physically locate every item within the museum's storerooms; locate and review existing records to compile information necessary to determine whether a funerary object is "associated" or not, and to determine the cultural affiliation of the objects; catalog any remains and objects that are not catalogued; document (e.g., measure and photograph) and analyze the human remains and funerary objects; and compile an inventory of human remains and funerary objects containing the information required under P.L. 101-601, including cultural affiliation.

With respect to unassociated funerary objects, sacred objects and cultural patrimony, a museum is required to prepare a written summary rather than an itemized inventory of its collections. Nevertheless, museums will likely need to undertake many tasks similar to those noted above in order to collect the required information. Throughout all of this, museums will need to engage in consultation with Native American tribes who might have an interest in the objects. The time and funds

spent on consultation with Native American peoples will vary according to the physical proximity of the museum to the particular group.

Once the inventory and written summary are complete, the museum will need to identify, if it has not already done so during the consultation process, the tribal representatives authorized to accept repatriable objects, and formally notify those representatives. Tribal representatives will need to travel to the museums to examine the objects and consult with the museum. Remains and artifacts will need to be packed and shipped to the appropriate Native American group. During this process, disagreements may arise as to the disposition of items covered by P.L. 101-601, and these issues will need to be resolved.

Let me turn now to some specific cases. My own institution, the Field Museum, has had a policy on repatriation since 1989 which includes an effort to work cooperatively with Indian groups and Native Americans on these issues. The Field holds the remains of 1,000 individuals from North America. We also have over 200,000 anthropological objects coming from over 150 tribal groups throughout the United States. To date we have received requests from approximately 20 groups seeking information about remains and objects held by the Museum and formal requests from three groups for the return of ancestral remains. In two of the latter cases the remains have been returned, and we are currently working on the third. In the past two years we have had visits by representatives of eight groups to gain information about cultural materials and ancestral remains and to provide us with counsel about the appropriate treatment of the Museum's collections. Half of these visits have been at the instigation of the Museum and half at the instigation of the groups.

Our ability to respond to all of the requests is necessarily limited by available staff and resources. We currently have two Native American interns to assist in our repatriation activities. To fully respond to the requirements of P.L. 101-601 would require at least ten similarly trained individuals working full-time for a period of at least five years -- and we are one institution alone. In addition, our experience at the Field with actual repatriation of human remains is that the cost of repatriation will be approximately \$300 per individual, including the costs of transportation. With regard to sacred objects and objects of cultural patrimony, the Field's experience of the need to bring tribal members to the Museum to determine whether given objects fit one of these categories indicates that these visits have cost approximately \$3,000 per visit, with every effort made by the Museum and the Native Americans to cut all possible costs.

We currently have a staff of three to care for our archives and collections of over 600,000 objects from around the world. To comply with the most basic requirements of P.L. 101-601 will greatly exceed the current resources of the Museum, and we believe this to be the case for other similarly situated museums -- i.e., those with larger holdings of human remains and anthropological objects.

Let me provide other examples from a cross section of the museum, archaeological and university communities:

C.L. Dill, Director of the Museum Division of the State Historical Society of North Dakota, reports that while North Dakota has already repatriated all its non-federal human remains and associated grave goods, "we have in excess of 1,000,000 artifacts in our History,

Ethnology, and Archaeology Collections which appear to be subject to review and inventory under P.L. 101-601...Grant funding and the promulgation of the regulations are absolutely vital if we, and other museums, are to comply with P.L. 101-601."

Prof. Phillip W. Walker of the Department of Anthropology at the University of California, Santa Barbara, says:

My department has a collection of approximately 300 skeletons and associated artifacts from sites in the Santa Barbara Channel area...We estimate that it will cost us about \$30,000 to assemble the minimal documentation necessary to identify burial associations and make determinations of cultural affiliation.

Henry M. Miller of the Society for Historical Archaeology indicates that "historic period burials often have numerous trade artifacts. These artifacts are crucial evidence to learn about change in native culture and trace the interaction between Native Americans and Europeans...A major problem is that many of the human remains and related artifacts have become separated...As a conservative estimate, each burial will require between \$400 and \$600 to photograph, measure, record and do the work to locate all the associated objects."

On a broader scale, we have preliminary results from the American Association of Museums' recent repatriation survey of 500 of its member institutions, including all of its natural history museums and a selected sample of its art and history museums. The survey response rate was 43.6%. Of those responding, 76% of the natural history museums, 43% of the history museums and 23% of the art museums had Native American objects. Those respondents--a little more than 200--alone had almost 3.5 million objects which fell into NAGPRA categories, and that does not include 15 responding natural history museums, including 3 large institutions, which could not give an estimate of their NAGPRA-related holdings. An overwhelming number of these institutions suggested that a national clearing-house be established for such information as lists of tribes--with examples of what those tribes consider to be sacred objects or objects of cultural patrimony--and lists of experts who can be consulted, as well as noting how lack of final regulations and of NAGPRA grant funding has hindered or prevented their repatriation efforts.

All sizes of institutions showed large numbers of objects. Among small history museums, 65 responded, with 31 affected. This is in a context of 4,500 history museums nationally, of which 90% are small.

Estimating aggregate costs is not yet possible from survey data, given the great disparities in how institutions calculated their own costs. It is clear, however, even from preliminary data, that thousands of institutions across the country are affected to some degree by NAGPRA costs.

The Native American community will also incur major expenses under NAGPRA. Because of the complexity of the situation in that community and space limitations in our joint testimony, our Native American colleagues are submitting complementary testimony to you which provides details on the particular needs of their community. In brief, we are agreed that the tribes must be provided with sufficient funding to allow them to be equal partners in the NAGPRA process or that

process cannot succeed. We are also agreed that some form of funding set-aside for the tribes would be an appropriate means to that goal.

Cost estimates to implement the law have varied and are somewhat uncertain until the various communities can be systematically surveyed. In October 1990, the Congressional Budget Office estimated costs to museums of \$40 million and to tribes and Native Hawaiian organizations of \$5-10 million over 5 years, assuming that museums and federal agencies hold between 100,000 and 200,000 Native American remains and that the cost to inventory and review each remain would be \$50-150. Those estimates now seem very low in light of our experience since that time. In addition the delays in implementation due to delays in having final regulations mean that actions to meet the law's timetables for completing inventories will need to be accelerated, thus increasing the annual cost. Thus, the consortium believes that at least \$10 million will be needed in FY 1994 to begin to make up for lost time.

We also agree as a group that the best place to administer these funds would be through the National Park Service's Office of Archaeological Assistance, which has been tasked with producing the regulations for NAGPRA and working with the Review Committee mandated in the law. We believe that any Park Service allocations of grant funding for the second year of the program should not be based on the number of grant applications from any particular community in the first year. A more accurate measure of needs in various communities should be found if funds are to be allocated by community; one possible source of more accurate information would be surveys of the developing needs of various communities which the Park Service might undertake toward the end of the first year of funding.

In closing, let me add that while museums and tribes must have this grant program funded simply in order to comply with the requirements of NAGPRA, it is also true that the grant program will accomplish far more than technical compliance. Museums and tribes are discovering that the exchange of data required under NAGPRA is yielding new information that helps us all. In the process of identifying sensitive cultural items, museums are learning much more about their entire collections. Delegations of elders and religious leaders have supplied valuable new insights about many objects in the repositories they have visited, and in turn they are discovering items of immense interest to their own tribes, the existence of which had been unknown in recent generations. Few items in these categories are being sought for repatriation; it is simply that access to the collections has led to much better mutual understanding and exchange of knowledge.

Thus this funding will not just support expenses mandated by law. It is also an excellent investment that serves the public interest now--and will continue to pay dividends in the future--through more accurate and respectful exhibits and education programs that are the fruits of long-term collaborations.

We appreciate this opportunity to testify before you. My colleague from the Native American community would now like to testify briefly on the particular needs of that community.