

**Statement of
The American Association of Museums and
The Society for American Archaeology
On Funding for the Grant Program established by
The Native American Graves Protection and Repatriation Act (P.L. 101-601)**

**Subcommittee on the Interior
Committee on Appropriations
U.S. House of Representatives
March 18, 2005**

Mr. Chairman and members of the Subcommittee: I am Jason Hall, Director of Government and Media Relations for the American Association of Museums, presenting written testimony on behalf of a consortium consisting of the American Association of Museums, and the Society for American Archaeology.

As you know, Section 10 of the Native American Graves Protection and Repatriation Act (P.L. 101-601 – “NAGPRA”) authorized 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.” Past support for this grant has allowed these recipients to make substantial progress in fulfilling their responsibilities under NAGPRA. Nevertheless, a great deal of work remains to be done. We respectfully request an appropriation in the amount of \$3.5 million for FY 2006. This sum reflects unmet needs in the grant program demonstrated in the most recent (FY2004) NPS records, both for valid grant requests for the tribes and museums and for increased manpower to reduce the publication backlog of more than 200 notices of inventory completion or intent to repatriate as of the end of FY 2004. We present the following reasons in support of this request:

Congress enacted NAGPRA in 1990 in large part to ensure that Native American remains and funerary and other objects retained by the federal government and museum community are returned under the law to appropriate tribes and organizations for reburial or other appropriate treatment. NAGPRA cannot meet this objective, however, unless adequate dollars are appropriated so that tribes and museums can complete the repatriation process – which is now under way but which necessarily proceeds slowly in many cases because of essential museum-tribe consultation and other factors. Activity has intensified immensely in recent years and will continue to do so as the number of actual repatriations continues to increase. Thus the costs associated with NAGPRA compliance continue to increase.

In order to comply with P.L. 101-601, museums 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.

To prepare the inventories of human remains and funerary objects, museums have needed 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. The delay in promulgation of the final regulations, and the late start and low level of grant funding for repatriation grants to the tribes and museums slowed the process such that a significant number of museums were not able to prepare inventories by the November 16, 1995, deadline called for in the law, despite timely and continuing good faith efforts, and had to appeal for extensions.

With respect to unassociated funerary objects, sacred objects and objects of cultural patrimony, museums were required to, and did, prepare written summaries by November 16, 1993, rather than itemized inventories of their collections. Nevertheless, many museums needed to undertake many tasks similar to those noted above in order to collect the required information. Throughout all of this, museums have needed to consult with Native American tribes which might have an interest in the objects.

Once the inventory and written summary are complete, the museum must identify the tribal representatives authorized to accept repatriable objects and formally notify those representatives. Tribal representatives must travel to the museums to examine the objects and consult with the museum. Remains and artifacts must 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 must be resolved.

Through the end of FY 2004, the NPS had been able to make 457 NAGPRA grant awards totaling approximately \$24.4 million since the beginning of the program, but during that time, it received 1,049 grant proposals totaling more than \$70 million, and in recent years funding has essentially been flat at about \$2.2 million annually. The \$2.2 million appropriation continues to fall short of valid needs, with more than \$3.4 million in grant funds requested in FY 2004, as well as a large backlog of unpublished notices as discussed below.

In October 1990, the Congressional Budget Office estimated NAGPRA implementation costs to museums of \$40 million and to tribes and native Hawaiian organizations of \$5-10 million over five 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 set of remains would be \$50-150. Those estimates now appear to be very low in light of our experience since that time. As a result, viable tribal and museum request for grants continue to exceed available funds by a large margin. In addition, museums cannot repatriate to the tribes until appropriate notices go into the *Federal Register*, and there is currently a backlog of about 200 such notices at the NPS as of the end of FY 2004, about a year's worth, due to lack of staff to process them.

While the museums and tribes must have this grant program funded simply to comply with the requirements of NAGPRA, it is also true that the grant program helps accomplish far more than

compliance. Museums and tribes have discovered 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. While the repatriation process will eventually end as the transfer of materials is completed, the long-term relationship created between museums and tribes will continue. 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.

Thank you for your consideration.