

SOCIETY FOR AMERICAN ARCHAEOLOGY  
Government Affairs Program  
Legislative and Administrative Agenda  
Status Report  
106<sup>th</sup> Congress, Second Session  
Donald Forsyth Craib  
Manager, Government Affairs, and Counsel  
March 31, 2000

**Legislative Agenda**

**1) Issue: *Fiscal Year 2001 Appropriations***

Bills: Not yet introduced

Description: FY'01 appropriations for programs important to archaeology are now being considered by the House and Senate Appropriations Committees. These programs include cultural resource budgets for NPS, BLM, USFS, F&WS, HPF, ACHP, as well as budgets for NEH and NSF.

Status: House and Senate committees are currently holding hearings.

SAA activity: SAA will submit testimony and lobby Congressional staff in support of these programs.

**2) Issue: *Cultural Property Procedural Reform Act***

Bills: S.1696 (Sen. Moynihan, D-NY)

Description: Bill would amend the Convention on Cultural Property Implementation Act by changing the procedural requirements regarding the way the Cultural Property Advisory Committee conducts its work and the method used to appoint members to the committee.

Status: Bill has been referred to the Senate Finance Committee. A hearing has not yet been scheduled.

SAA activity: SAA along with AIA have made several visits to Capitol Hill to discuss the bill with Sen. Moynihan's staff and Finance Committee staff. SAA and AIA oppose the legislation.

**3) Issue: *Effigy Mounds National Monument Additions Act***

Bills: HR 3745 (Rep. Nussle, R-IA), and S. 1643 (Senators Grassley, R-IA, and Harkin, D-IA)

Description: The bills authorize the Secretary of Interior to acquire specific parcels of land as an addition to the Effigy Mounds National Monument in Iowa. Authorizes appropriations to carry out the act.

Status: The bills have been referred to the House Resources Committee and the Senate Energy & Natural Resources Committee for consideration. Hearings have not yet been scheduled.

SAA activity: SAA supports the legislation and has sent letters to the chairmen of the House and Senate Committees urging quick consideration of the measures.

**4) Issue: *Direct the Secretary of the Interior to conduct a feasibility study on the inclusion in Biscayne National Park, Florida, of the archaeological site known as the Miami Circle***

**Bills:** HR 2557 (Rep. Meeks, D-FL), and S. 763, S.Rpt. 106-91 (Sen. Graham, D-FL)

**Description:** The bills direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

**Status:** S.763 has passed the Senate (S.Rpt 106-91) and has been sent over to the House. HR 2557 received a House Resources Committee Subcommittee hearing in February. Further action in the House is uncertain at this time.

**SAA activity:** SAA is monitoring the legislation.

**5) Issue: *Amendments to the Native American Graves Protection and Repatriation Act***

**Bills:** HR 2643 (Rep. Hastings, R-WA)

**Description:** The bill repeals the ownership provisions of the statute based on aboriginal lands and allows limited scientific study under certain conditions and specific time periods.

**Status:** A similar bill received a hearing in the 105<sup>th</sup> Congress, but action is unlikely until several issues have been resolved in the Kennewick Man litigation.

**SAA activity:** SAA supports the legislation.

**6) Issue: *Senate Indian Affairs Committee oversight hearing on the implementation of the Native American Graves Protection and Repatriation Act***

**Bills:** None

**Description:** On April 20, 1999, SAA president Keith Kintigh was invited to testify before the Senate Indian Affairs Committee regarding an oversight hearing on the implementation of NAGPRA ( <http://www.saa.org/Government/Lobby/sciatestimony/html> ). Kintigh addressed four major issues in his testimony: (1) maintenance of NAGPRA coordination functions within the NPS's Archeology and Ethnography Program; (2) problems with federal agency compliance; (3) extensions for museums that are making good-faith efforts to complete their inventories; and (4) problems associated with the implementation of the Act's definition of cultural affiliation.

**Status:** No action has been taken by the Committee since the hearing.

**SAA activity:** Prior to the hearing, SAA met with staff of members on the Committee.

**7) Issue: *Galisteo Basin Archaeological Protection Act***

**Bills:** HR 1970 (Rep. Udall, D-MN), S. 1093, S.Hrg. 106-301, (Sen. Bingaman, D-NM)

**Description:** Designates specified archaeological sites in New Mexico as the Galisteo Basin Archaeological Protection Sites. Requires the Secretary of Interior to submit a general management plan for the identification, research, protection, and public interpretation of the archaeological resources and authorizes the Secretary to acquire lands within the boundaries of the site.

**Status:** A Senate Energy & Natural Resources Committee Subcommittee held a hearing on S.1093 (S.Hrg. 106-301) and the bill is now waiting for markup by the full Committee. No action yet in the House.

**SAA activity:** SAA supports the legislation and has sent letters of support to Capitol Hill.

**8) Issue: *Establishment of National Conservation Areas***

**Bills:** HR 2941 (Rep. Kolbe, R-AZ), HR 1751 (Rep. Capps, R-CA), S. 2034 (Sen. Campbell, R-CO)

**Description:** The bills would create national conservation areas in Arizona, California, and Colorado. Requires the Secretary of Interior to manage the areas in a specified manner.

**Status:** S. 2034 has been withdrawn by Sen. Campbell. HR 2941 and 1751 have received subcommittee hearings in the House.

**SAA activity:** SAA is monitoring the bills and is concerned that any management plan adopted allow for scientific study.

**9) Issue: *The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict***

**Senate Treaty Document:** 106-01

**Description:** On January 6, 1999, the president submitted to the Senate for consideration and ratification the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict ( <http://www.icomos.org/hague> ). The Treaty was completed in 1954 and provides guidelines for the protection of archaeological sites, monuments, artifacts, and collections during wartime. While the United States participated in the drafting of the Treaty, this is the first time it has been submitted to the US Senate for ratification.

**SAA activity:** SAA along with AIA met with staff from Senate Foreign Relations Committee and were told that the Treaty is unlikely to receive committee attention in this Congress.

**10) Issue: *Extending the authorization of the HPF and ACHP until 2005***

**Bills:** HR 834, H.Rpt. 106-241 (Rep. Hefley, R-CO), S.Rpt. 106-237

**Description:** Reauthorizes the Historic Preservation Fund and the Advisory Council on Historic Preservation to receive annual appropriations through fiscal year 2005.

**Status:** HR 834 passed the House in September and was received in the Senate and referred to the Committee on Energy & Natural Resources. The bill has been reported out of committee (S.Rpt. 106-237) and is awaiting floor action by the Senate.

**SAA activity:** SAA supports the legislation and has been actively lobbying for its passage.

**11) Issue: *Conservation and Reinvestment Act of 1999***

**Bills:** HR 701, H.Rpt. 106-499, Part I (Rep. Young, R-AK), S. 2123 (Sen.Landrieu, R-LA), S. 2181 (Sen. Bingaman, D-NM)

**Description:** The bills amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding to the historic preservation fund.

**Status:** HR 701 is awaiting action by the House. Both Senate bills have been referred to the Committee on Energy & Natural Resources. A permanent appropriation for the Historic Preservation Fund at \$150 million is being requested.

**SAA activity:** SAA supports the permanent appropriation for the HPF and is working with its colleagues in the historic preservation community to secure passage of the bills.

**12) Issue: *Private Property Rights Implementation Act of 1999***

**Bills:** HR 2372, H.Rpt. 106-518 (Rep. Canady, R-FL)

**Description:** Extends federal jurisdiction over certain local land-use issues.

**Status:** HR 2372 passed the House and has been referred to the Senate Committee on the Judiciary. The White House has stated it will veto the legislation.

**SAA activity:** SAA has been monitoring the legislation and has not taken a formal position on it. The historic preservation community opposes it.

**13) Issue: *Religious Liberty Protection Act of 1999***

**Bills:** HR 1691, H.Rpt. 106-219 (Rep. Canady, R-FL), S. 2081 (Sen. Hatch, R-UT)

**Description:** Prohibits a government from substantially burdening certain religious activities of persons and prohibits imposing land-use regulations that treat religious institutions differently from non-institutions.

**Status:** HR 1691 has passed the House. The Administration has issued a veto threat if the legislation reaches the president's desk.

**SAA activity:** SAA has joined the historic preservation community in opposing the bills.

**14) Issue: *American Land Sovereignty Protection Act***

**Bills:** HR 883, H.Rpt. 106-142 (Rep. Young, R-AK), S. 510 (Sen. Campbell, R-CO)

**Description:** Prohibits the Secretary of Interior from nominating any federal lands for inclusion on UNESCO's World Heritage list without Congress first authorizing the nomination.

**Status:** HR 883 passed the House as a similar bill did in the 105<sup>th</sup> Congress. Hearings have been held in the Senate, but passage is unlikely. The Administration has issued a veto threat over the measure.

**SAA activity:** SAA along with representatives from US/ICOMOS have made visits to Capitol Hill to lobby against passage.

**15) Issue: *Antiquities Act amendments***

**Bills:** HR 1487 (Rep. Hansen, R-UT)

**Description:** Amends the Antiquity Act to require the President before declaring a national monument to solicit public participation and comment as well as consult with state officials and the congressional delegation.

**Status:** Passed the House, and the Senate Committee on Energy & Natural Resources has reported the bill favorably without amendment. The Administration has issued a veto threat because it slows the president's ability to designate monuments.

**SAA activity:** SAA has worked with a broad-based coalition to defeat the bill.

## **Administrative Agenda**

**1) U.S. Forest Service.** In February, SAA submitted written comments to the U.S. Forest Service regarding the proposed rule for its Resource Management Plan that was published in the *Federal Register* late last year. SAA commented that the proposed rule focused appropriately on ecological and social sustainability and provided the Forest Service with an excellent opportunity

to integrate heritage resource management and natural resource management. On the negative side, SAA pointed out that the proposed rule failed to take advantage of the opportunity and instead diluted the role of heritage management in the planning process.

<http://www.saa.org/Government/fsproposedrule.pdf>

In early March, both the Senate and House Resources Committees held oversight hearings on the Forest Services' proposed rule. SAA sent copies of its comment letter to each Congressional committee.

**2) NAGPRA Review Committee.** In July 1999, the National Park Service published a notice in the *Federal Register* seeking comments on the NAGPRA Review Committee's Draft Principles of Agreement Regarding the Disposition of Culturally Unidentifiable Human Remains. SAA submitted comments on the draft principles in which it recognized the legitimacy of Native American interests in determining the disposition of their ancestors' remains and the legitimacy of scientific interests in learning from the study of those remains. "We believe that conflicting claims concerning the proper treatment and disposition of particular human remains must be resolved on a case-by-case basis through consideration of the scientific importance of the material, the cultural religious values of the interested individuals or groups, and the strength of their relationship to the remains in question."

<http://www.saa.org/Government/Lobby/nagpraltr.html>

The NAGPRA Review Committee has not yet taken any final action on the matter.

**3) Bureau of Land Management.** BLM published in the *Federal Register* a Call for Nominations for Resource Advisory Councils (RACs). RACs provide recommendations to BLM on land-use planning and management of the public lands within their geographic areas. One category of RAC members includes "representatives of nationally or regionally recognized environmental organizations, archaeological and historic interests...."

SAA is compiling a list of names for the BLM to consider.

---

To ascertain the status of current legislation, visit Thomas: <http://thomas.loc.gov>

Other sources of federal legislative and administrative information include:

U.S. Senate: <http://senate.gov>

U.S. House of Representatives: <http://house.gov>

White House: <http://whitehouse.gov>

*Federal Register*: <http://www.access.gpo.gov>

Department of the Interior's Congressional Affairs Office: <http://www.doi.gov/ocl>

U.S. Cultural Property Advisory Committee: <http://e.usia.gov/education/culprop/index.html>

Federal Cultural Resource Laws and Regulations: <http://www.cr.nps.gov/linklaws.htm>

