

August 1999

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ACRA Needs Members Input on Hastings Bill

You may have heard about the new Hastings Bill which would allow archaeologists to study Native American remains (in reaction to Kennewick Man) and force Native American groups to show direct lineage before they could prevent such study. Last year, the ACRA board decided to support the Hastings bill along with the SAA and various other archaeological organizations. The board was somewhat divided on this issue, but those against the bill bowed to the majority view. This year, the bill is reportedly even more pro-archaeology and "anti" Native American. Before making a decision to support or oppose the bill, the board has (in its wisdom) decided to open the issue for discussion among the membership (corporate members). Any input would be appreciated. —
Tom Wheaton

Hastings Bill

To amend the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not readily ascertainable. (Introduced in the House)
HR 2643 IH
106th CONGRESS
1st Session
H. R. 2643

To amend the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not readily ascertainable.

IN THE HOUSE OF REPRESENTATIVES - July 29, 1999

Mr. HASTINGS of Washington introduced the following bill; which was referred to the Committee on Resources:

A BILL

To amend the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not readily ascertainable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OWNERSHIP

(a) REPEAL OF OWNERSHIP BASED ON ABORIGINAL LANDS- Paragraph (2) of section 3(a) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)) is amended—

(1) by inserting or' at the end of subparagraph (A);

(2) by striking ; or' at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

(b) INADVERTENT DISCOVERY- Subsection (d) of section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002) is amended—

continued on page 3.

In This Issue...

ACRA Business

1999 Congressional Calendar	pg. 2
Conference Highlights	pg. 4
Conference Information	pg. 5

Committee Reports

Governmental Relations Committee	pg. 6
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Contributing Articles

Legislative Update contd.	pg. 7
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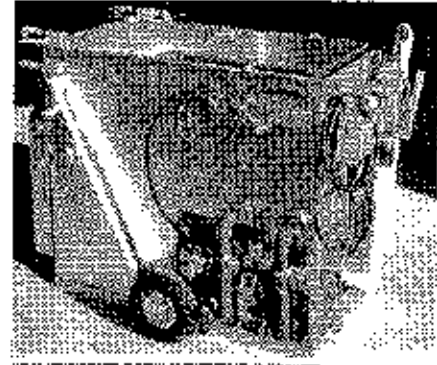
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House and Senate Calendars for 1999

HOUSE CALENDAR - 106TH CONGRESS

January 6	House Convenes
January 8-18	Winter District Work Period
February 13-21	President's Day District Work Period
March 27- April 5	Spring District Work Period
May 28 - June 1	Memorial Day District Work Period
July 3 - July 11	Independence Day District Work Period
August 7 - September 7	Summer District Work Period
October 29	Target Adjournment

SENATE CALENDAR

February 13-21	President's Day Recess
March 27-April 11	Easter Recess
May 1-9	State Work Period Recess
May 28- June 1	Memorial Day Recess
July 3 - 11	Fourth of July Recess
August 7 - September 7	August Recess
October 9-11	Columbus Day Recess
October 29	Target Adjournment Recess

continued from page 1

(1) in paragraph (1), by inserting those' before Federal lands'; and

(2) in paragraph (2), by adding at the end the following new sentence: Any person or entity that disposes of or controls a cultural item referred to in the preceding sentence shall comply with the applicable requirements of subsection (c).'

(c) RECORDING AND STATUS OF ITEMS EXCAVATED OR DISCOVERED AFTER NOVEMBER 16, 1990- Section 3 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002) is amended by adding at the end the following new subsection:

(f) RECORDING AND STATUS OF ITEMS EXCAVATED OR DISCOVERED AFTER NOVEMBER 16, 1990- Cultural items excavated or discovered on Federal lands after November 16, 1990, except those items whose ownership or control is established under paragraph (1) or paragraph (2)(A) of subsection (a)—

(1) shall be reasonably recorded according to generally accepted scientific standards;

(2) shall remain under the control of the agency having primary management authority for the land on which the cultural item was excavated or discovered until 90 days after the publication in the Federal Register of a notice setting out a general description of the item, its estimated age, and the general area of discovery; and

(3) are subject to the study provisions of subsection 7(b).'

SECTION. 2. LIMITED AUTHORIZATION FOR STUDY.

The last sentence of section 5(b)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3003(b)(2)) is amended by inserting , except as expressly set forth in sections 3(f) and 7(b),' after mean, and'.

SECTION. 3. STUDY AND RECORDING.

Subsection (b) of section 7 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3005) is amended to read as follows:

(b) STUDY AND RECORDING- (1) In cases of human remains and associated funerary objects for which no lineal descendants have been identified and in cases of all other cultural items:

(A) If the cultural affiliation of a cultural item has not been established, studies may be conducted in an attempt to establish such an affiliation or to obtain scientific, historical, or cultural information. If the cultural affiliation of a cultural item is determined pursuant to this subparagraph, the Federal agency or museum having custody of the cultural item shall, not later than 90 days after such determination, notify any culturally affiliated Indian tribe or Native Hawaiian organization of their affiliation. Such notice shall be given in the manner specified in paragraphs (2) and (3) of section 5(d).

(B) If the cultural affiliation of a cultural item has been established with an Indian tribe or Native Hawaiian organization, studies of such item may be conducted if needed for the completion of a specific scientific study, the outcome of which is reasonably expected to provide significant new information concerning the history or prehistory of the United States. If the culturally affiliated tribe or

organization requests the return of the cultural item, the Federal agency or museum shall return such item to the Indian tribe or Native Hawaiian organization not later than 90 days after the date on which the scientific study is completed. Study of a cultural item under this subparagraph shall not be permitted to delay return of the item for more than 180 days after the item is made available for study, unless a longer period of study is agreed upon by the culturally affiliated tribe or organization that has requested return of the cultural item.

(2) Not later than 180 days after a study conducted under this subsection is completed, the Federal agency or museum with custody of the cultural item shall provide a report of the results of the study to any Indian tribe or Native Hawaiian organization that has an established cultural affiliation with the cultural item studied.

(3) If study of a cultural item pursuant to subparagraph (A) or (B) of paragraph (1) is requested, the Federal agency or museum with custody of such item shall make such item reasonably available for such study unless, not later than 90 days after the request for the study is made, the Secretary determines that the Federal agency or museum has reasonably established that the potential scientific benefit of the requested study is outweighed under the circumstances by curatorial, cultural, or other reasonable considerations.

(4) Nothing in this subsection shall be construed to require any museum to undertake or permit any study of a cultural item that is contrary to policies of the museum or to its prior agreements.'

1999 ACRA Conference Highlights: Make Your Reservations Now

A varied and interesting program awaits you at this year's conference in New Jersey. Here are some highlights:

Fun trips. We have two evening events planned. On Friday, October 8, 1999, a trip to the state capital of Trenton will feature a guided tour by the former city planner, with an emphasis on historic preservation and urban renewal. This will be followed by a reception and buffet dinner at the recently restored 1758 Old Barracks and a tour of the also recently restored State House (the second oldest in the country). On Saturday two ACRA staff, Patrick O'Bannon and Dan Roberts, will lead a short walking tour of Philadelphia as a lead-in to self-misguided eating and drinking tours.

Lunchtime diversions. In keeping with recent conference practice there will be lunchtime presentations on local subjects: the archaeology of Trenton and Dutch architecture in New Jersey.

Two plenary sessions are scheduled.

One on "The Changing CRM Workforce" continues the ongoing debate on how we can find, train, develop, and keep our greatest assets. The second one is simply called "Current Concerns." Cory Bretemitz has bravely agreed to moderate this, so bring lots of thoughts, currents, and concerns and put them on his list.

Workshops and Breakout Sessions feature panelists and presenters who are all expecting lots of interaction and discussion from the attendees. "Public Participation and Outreach Initiatives" features a middle school principal, an editor, a public relations consultant with CRM experience, and Dana MacGowan. One workshop will emphasize "OSHA Safety Requirements" and discuss how to create safety programs that are workable, that everyone buys into, and which don't take us forever to get written. OSHA veteran Chuck Niquette will be guiding this one. Two National Park Service presenters will lead the workshop on "Documenting and Evaluating Historic Buildings: Methods and Trends."

The two breakout sessions on Saturday are business oriented. "Benefits and Retirement Plans" will be a wide-ranging discussion on the wonderful world of benefits and how we can afford to pay them. "Marketing and New Work Opportunities" promises to be a lively brainstorming session with lots of group participation.

So register and make your hotel registrations NOW! Our hotel is just minutes away from the historic New Jersey Turnpike (as immortalized by Simon and Garfunkel). The Garden State (soon to be renamed the Sprawl State) awaits you. Registration information is on the ACRA Website. Questions and more information: Ian Burrow 609-695-0122 or burrow@hunterresearch.com

Please note that when making a room reservation for the conference at the Travelodge you should mention both "ACRA" and "Hunter Research." While we have informed the hotel that Hunter Research is reserving the block of rooms on behalf of ACRA, this message may not have got through to the desk clerk you talk to.

Any problems, please call Ian, Christine, or Patty at Hunter Research 609-695-0122.



A Maturing Profession

Fifth Annual Meeting of the American Cultural Resources Association

Mt. Laurel, New Jersey
October 7-10, 1999

Hotel Information Ground Transportation Preliminary Schedule
 Registration Hotel Information

Accommodations

Travelodge Reservations:
 Exit 4, Nj Turnpike?
 1111 Route 73609
 Mt. Laurel, Nj 08054
 800-578-7878
 609- 234-7000
 609- 235-3909 (fax)

Group Rates:
 Singles: \$75.00
 Doubles: \$75.00
 Rate includes free breakfast buffet coupons for up to
 two people per room (Plus 6% sales tax)

Cut-off date for Group Rates is September 7, 1999

Ground Transportation

Ground transportation from the Philadelphia Airport is available from Rapid Rover (\$14 one way). No reservation is needed for pickup at the airport, simply go to the ground transportation counter located in the baggage claim area and ask to use Rapid Rover. For the return trip to the airport 24 hours in advance reservation is required. The number is 609-344-0100. Taxis are also available.

Preliminary Schedule

Thursday, October 7, 1999
 Board Meeting (9 a.m. to 5 p.m.)
 Friday, October 8, 1999
 Workshops

Workshops

8:30 a.m. to 12:00 p.m. - Public Participation and Outreach Initiatives in Cultural Resource Management.

12:00 p.m. to 1:00 p.m. - Lunchtime speaker Dr. Ian Burrow: *Archaeological studies in the City of Trenton, New Jersey*

1:00 p.m. to 3:30 p.m. OSHA Safety Requirements.

1:00 p.m. to 3:30 p.m. Documenting and Evaluating Historic Buildings: Methods and Trends

Excursion: *Tour of Trenton Followed by Dinner at the Old Barracks* (Bus departs hotel 3:45 p.m.)

Saturday, October 9, 1999 Plenary Session

8:30 a.m. to 12:00 p.m. The Changing CRM Workforce.

12:00 p.m. to 1:00 p.m. - Lunchtime speaker Clifford Zink: *Dutch and English Architecture in Colonial New Jersey*

Breakout Sessions

1:00 p.m. to 3:30 p.m.
 Session A: **Benefits and Retirement Plans**
 Session B: **Marketing and New Work Opportunities**

Plenary Session

3:15 p.m. to 4:30 p.m. **Current Concerns.**

Reception

5:00 p.m. bus departs from hotel
 5:30 p.m. Walkabout in Old City led by Dan Roberts (John Millner & Associates Inc) and Patrick O'Bannon (Kise, Straw and Kolodner) 6:30 p.m. Reception at the City Tavern, Philadelphia Dinner on your own in one of Philly's numerous eateries (information will be available) 9:30: Bus departs from City Tavern. (The PATCO Speedline rail service runs back to NJ until late).

Sunday, October 10, 1999

9:00 a.m. to 12:00 p.m. **General Membership Meeting**

Registration information is on the ACRA Website. Questions and more information: Ian Burrow 609-695-0122 or burrow@hunterresearch.com.

Comittee Reports

Governmental Relations Committee

In late July, ACRA joined Preservation Action, the National Trust for Historic Preservation, the National Conference of State Historic Preservation Officers, the National Alliance of Preservation Commissions, and Scenic America as cosigners of a letter to Members of Congress, requesting that full funding for the Historic Preservation Fund be included as part of the Conservation and Reinvestment Act. The letter is reproduced below.

July 27, 1999

Dear _____:

We are writing to ask you to include full funding for the Historic Preservation Fund as part of S. 25, the Conservation and Reinvestment Act. Congress established the Land and Water Conservation Fund (LWCF) and the Historic Preservation Fund (HPF), in 1965 and 1976 respectively, as a means to direct Outer Continental Shelf (OCS) oil lease revenues to programs that protect non-renewable natural, scenic and historic resources. Over the course of its existence, the HPF, authorized at \$150 million, has received only one-third to one-half of its authorization annually, compromising its ability to achieve the objectives envisioned by its creators.

We believe that long-term environmental protection can not be achieved without a sustained commitment to the preservation and restoration of the built environment. For more than 30 years the HPF has underwritten proven programs that restore existing buildings, revitalize established neighborhoods and prevent rather than promote environmental degradation. For example, through the HPF, the federal government certifies commercial rehabilitation projects eligible for a commercial rehabilitation tax credit. This incentive has leveraged millions of dollars in private investment for historic resources. Similarly, grants-in-aid, matched dollar for dollar at the local level, have allowed citizens to restore their most treasured community assets.

S. 25 would provide full funding for LWCF. Inclusion of the HPF would fulfill the federal promise to use OCS revenues to preserve and restore our nation's precious resources for the benefit of all citizens and for generations to come. Attached, please find examples of projects in your state that could benefit under a fully funded HPF, as well as a broader discussion of programs supported by the HPF.

Sincerely yours,

Susan West Montgomery, President
Preservation Action

Richard Moe, President
National Trust for Historic Preservation

Eric Hertfelder, Executive Director
National Conference of State Historic Preservation Officers

Pratt Cassidy, Executive Director
National Alliance of Preservation Commissions

Susan Chandler, Vice-President
American Cultural Resources Association

Meg Maguire, President
Scenic America

Contributing Article

Legislative Update

August 2, 1999
Prepared by CEHP Incorporated,
Washington, DC
CEHPInc@aol.com
Fax 301-215- 9236

1. Senate FY00 Interior Appropriations Bill Floor Action Delayed by New Authorization Rule

The Senate hopes to wind up action on its FY00 \$13.924 trillion Interior Appropriations bill - S 1292 - this week. On Monday a week ago, a curve was thrown by a 53-45 vote along party lines that reinstated Rule 16 - to limit amendments that can be offered for floor votes on appropriations bills to those that do not change authorizations. In short, amendments must be germane, changing funding levels but not changing existing authorizations.

Prior to the reinstatement of Rule 16, the minority party has often used various appropriations bills as their only hope of getting a floor vote on sticky issues such as gun control, campaign reform, and education issues. While only four issues were dropped from the bill after the vote, they were some of the more contentious issues dealing with grizzly bear reintroduction in Idaho and Montana, the withdrawal of certain forest land from lead mining activity in Missouri and surrounding states, blockage of the administration's efforts to implement the Kyoto climate change agreement, and an extension by two years of the moratorium on crude oil royalties change. Some introducers of the amendments are busy rewording their concerns to make them suitable to Rule 16 and eligible for a vote.

Sens. Murkowski (R-AK), Boxer (D-CA) and Lautenberg (D-NJ) got the green light to introduce an amendment to add \$30 million to stateside Land and Water Conservation Funding as has already been done in the House bill. 1

The Senate bill is considered somewhat more generous than its House counterpart but is below the Administration's requests and slightly below last year's funding levels. Assuming that action will be completed before the recess, a conference will take place when Congress returns in September.

2. Senate Passes Roth Tax Cut Bill - Action Moves to a House/Senate Conference

To the surprise of few, the Senate voted out its 10 year, \$792 billion tax cut measure - on a 57-43 vote last Friday. Bipartisan efforts in the Senate to offer scaled back compromise versions of a tax cut measure with shorter duration (5 years) and greatly reduced price tags (\$500 billion and \$290 billion) never came to a vote. In the final measure, Chairman Roth's proposal received help from four Democrats (Breaux (D-LA), Kerrey (D-NE), Torricelli (D-NJ) and Landrieu (D-LA) and defections from Majority Leader Lott (R-MS) and Whip Nickles (R-OK).

The Senate vote clears the way for a conference with the House this week. With wide differences between House and Senate measures and a promised veto from the Administration, many believe that a tax cut may not happen this year, or possibly even this session. With issues such as Social Security, Medicare, debt reduction, and surpluses to contend with as a part of the tax cut negotiation, the efforts toward a compromise will be an interesting lesson in the political adeptness of both sides of the aisle as well as both ends of Pennsylvania Avenue.

The Historic Homeownership Assistance Act (HHAA), in its scaled back version, was included in the Senate measure, not in the House measure, and will be a subject of conference negotiation.

HAA continues to gain acceptance in both House and Senate, with co-sponsorship increasing to 177 in the House, 29 in the Senate. Although conferees have not been named, hopes are high that the

group will include more than the House/Senate committee chairs and ranking minority members. Should that happen, however, the fate of tax cuts will be in the hands of Sens. Roth (R-DE) and Moynihan (D-NY) and Reps. Archer (R-TX) and Rangel (D-NY). All but Archer have been recent supporters of the HHAA.

3. OCS Measure Sidelined in the Senate, House Mark-up Scheduled for August 4th Is Postponed

Last Wednesday, all eyes were on the Senate Energy and Natural Resources Committee's mark-up of S. 25 - the Reinvestment and Environmental Restoration Act of 1999 and - the result was a fizzle: no mark-up, just an announcement of an executive session behind closed doors to continue discussion. At issue is the need to craft compromise between competing proposals, factions, and regional concerns about what should be included and excluded from the final measure.

For those who have held out hope that the scheduled House Resources Committee mark-up for August 4th would kick off a compromise proposal, there is also bad news; the mark-up has been postponed.

It is clear that the committee leaders must work out solutions to contentious issues before they can rally the votes needed to move any measure out of committee. Federal land acquisition is an issue for westerners - who feel plagued by the large federal holdings already in their states - and see increased LWCF funding for new land acquisition as an affront to the huge existing backlog of maintenance and acquisition affecting their federal sites and parks. One source suggested requiring that land acquisition be delayed until the General Accounting Office certifies that the parks backlog is reduced by 50 percent.

Other noncoastal states point out that the Great Lakes states are included for restoration assistance from the consequences of offshore oil and gas drilling when there is no drilling in the Great

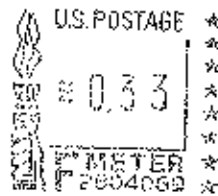
Lakes. Most troubling, is a proposal to include the Sovereignty legislation in the final measure to prohibit designation of World Heritage Sites and Biosphere Reserves without congressional approval.

The proposed bills in both House and Senate have electrified national interest in permanent funding for the LWCF, HPF, and other important wildlife, recreation, and conservation programs. But, it will never happen without continued pressure from the voters!

The August recess is an excellent time for the grassroots to speak out on this issue. Staff has signaled that constituent support for full funding of the HPF lags far behind that of the lobbying effort in support of the LWCF. Letters, calls, and E-mails really do matter and each of us should take a few minutes to let Congress know what we, the voters, really want. If you have questions about who to contact, what to say, or when to say it, contact your editor via return E-mail!

4. Bills on the Move this Week

Mark-up in the House Resources Committee: HR 2435 - Goodling (R-PA) - expand boundaries of the Gettysburg National Military Park to include the Wills House where Lincoln worked on the Gettysburg Address.



Charissa Wang
Hardlines: Design & Dellneation
4608 Indlanola Ave
Columbus, OH 43214

1318 Main Street, Cincinnati, Ohio 45210

ACRA's New Members Only Listserver

ACRA now has an online discussion group just for members. "Membersonly" is a Listserver that operates much the same way as ACRA-L, with the exception that it is only available to members. Its purpose is to offer the board, members, and the executive director a venue to share the latest news from ACRA; promote dialogue between members on current issues; and enable members to post announcements or inquiries to other members.

To subscribe to the list a member must contact ACRA's Executive Director Tom Wheaton. Once you have supplied Tom with your E-mail address, he will subscribe you to this list. Contact Tom at 770-498-5159 or E-Mail: tomwheaton@newsouthassoc.com.

1999 ACRA EDITION SCHEDULE

DEADLINE	PRODUCTION
February 1	February 15
March 29	April 12
May 31	June 14
August 2	August 16
October 4	October 18
December 6	December 20

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ACRA Edition

is a bi-monthly publication of The American Cultural Resources Association. Our mission is to promote the professional, ethical and business practices of the cultural resources industry, including all of its affiliated disciplines, for the benefit of the resources, the public, and the members of the association.

This publication's purpose is to provide members with the latest information on the association's activities and to provide up to date information on federal and state legislative activities. All comments are welcome.

Please address comments to:

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