

The Secretary of the Interior's Report to Congress on the Federal Archeology Program

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June 1992

[Originally published in *Federal Archeology Report* 5(2):1, 4-10. (June 1992)]

Comprehensive reports about specific types of nationwide activities performed by a variety of government agencies can support agency-specific as well as synergistic interagency resource management programs and initiatives. They can be used to develop public and congressional support for activities and funds. Developing such reports is a tremendous administrative and logistical challenge requiring interaction among the corporate cultures of the involved agencies, all of which have varying structures, program needs, reporting requirements, capabilities, and staffing levels. Such is the case with Federal archeology in the United States. The Secretary of the Interior is required to report to Congress about the Federal archeology program. These reports provide historical documentation of the program, opportunities for addressing strategic and policy issues, and the possibility of building programs and identifying and launching interagency initiatives.

The Federal Archeology Program

The Federal Archeology Program in the United States has its origins in the Antiquities Act of 1906, which applied to "lands owned or controlled by the Government of the United States" (Sec. 1; 16 USC 431; Lee 1970). The Departments of the Interior, Agriculture, and War were authorized to issue permits regulating archeological activities, but there was no coordination of the overall government archeological activities. The statute also provided a basis for setting aside and protecting areas referred to as National Monuments (Rothman 1989).

Several other pieces of legislation authorize various elements of the Federal Archeology Program, especially the Historic Sites Act, National Historic Preservation Act, National Environmental Policy Act, Archeological and Historic Preservation Act, Archaeological Resources Protection Act, and Abandoned Shipwreck Act.

The National Historic Preservation Act and the National Environmental Policy Act each require an annual program report to Congress by the Advisory Council on Historic Preservation and the Council on Environmental Quality, respectively. Archeological activities are mentioned in these reports only occasionally, and there is no comprehensive evaluation of the archeological component of each of their

programs. However, as discussed below, there are specific legal requirements for Congressional reports that comprehensively evaluate the Federal Archeology program.

Reporting Prior to 1974

The Historic Site Act of 1935 (16 USC 461ff.) declared that preservation of antiquities, and other historic sites and objects, for their public use was a national policy, and delegated the responsibility for implementing that policy to the Secretary of the Interior through the National Park Service (NPS). The NPS was directed to survey, collect data, research, acquire, use, manage, and provide technical advice and public education about archeological sites, and to cooperate with any Federal agency to do this. This leadership role was not complemented by a coordination function in this legislation, and there were no reporting requirements.

In 1960 the Reservoir Salvage Act (16 USC 469-469c) specifically provided for the preservation of archeological data that might be “irreparably lost or destroyed” as the results of “alterations of the terrain [by] any agency of the United States, or by any private person or corporation holding a license issued by any such agency.” The Secretary of the Interior was given the responsibility to implement and coordinate this national program, which the Secretary in turn delegated to NPS. The 1960 Act did not have any reporting requirements. The Office of Archeology and Historic Preservation (OAHP) was established in NPS in 1967 and included a Division of Archeology. The division managed archeological survey and salvage excavation contracts for Federal agencies that needed assistance in order to comply with the Reservoir Salvage Act since those agencies did not have their own archeological expertise. Again, the law identified a leadership role for the Secretary, without specifying a coordination function. However, in 1968, reports on the Federal archeology program were initiated (Table 1), in support of OAHP and other agency funding requests, and were completed for fiscal years 1968, 1969, and 1970. These reports documented the program funding (\$1,720,211 was spent across the entire United States in FY68, of which 87% came from NPS appropriations), accomplishments, personnel, and archeological research reports.

The 1974 Reporting Requirements

In 1974 the Archeological and Historic Preservation Act (AHPA) mandated (Sec. 5 (c); 16 USC 469a-3(c)) that

The Secretary shall coordinate all Federal survey and recovery activities authorized under this Act and submit an annual report at the end of each fiscal year to [Congress] indicating the scope and effectiveness of the program, the specific projects surveyed and the results produced, and the costs incurred by the Federal Government as a result thereof.

The Secretary's responsibilities under the 1974 Act were delegated administratively to NPS, specifically to the Departmental Consulting Archeologist. OAHF now had an Interagency Archeological Services (IAS) Division whose chief was the Departmental Consulting Archeologist (DCA). Several individuals within NPS had held the DCA title since the 1920s, and in 1958 the NPS Division of Archeology Chief was given that title and the authority to issue Antiquities Act permits for the Secretary of the Interior. However, it was not until passage of the 1974 Act that the inter-departmental nature of the DCA's responsibilities became mandated, though prior to that, the DCA had provided some review of Antiquities Act permit applications for the Department of Defense and Agriculture. In March, 1976, the IAS issued a report to the archeological community about the scope and nature of IAS activities and listed the professional credentials of AIS staff members.

The first Secretarial report to Congress under the AHPA was the FY75 report, a 12-page document that addressed the legal requirements with a textual discussion on program scope and effectiveness and a tabulation of projects, contractors, costs, nature of investigations, and stage of project completion. The FY76 report on the Interagency Archeology Program described its scope, program implementation and effectiveness, innovations, and budget and cost effectiveness. Appended were abstracts of archeological investigation reports available through the National Technical Information Service (NTIS) and a table of project costs, contractors, and research reports.

In 1978 the Heritage Conservation and Recreation Service (HCRS) was created in the Department of the Interior and IAS was transferred into HCRS from NPS. IAS published a single report on the 1977 and 1978 fiscal years archeological and historic data recovery activities, noting that IAS had "assumed a vital leadership role" in large-scale archeological mitigation projects with initiation of the Tennessee-Tombigbee Waterway in Alabama and Mississippi. The FY77-78 report provided case studies of projects in which the IAS was involved directly, NTIS abstracts, a discussion of budget and cost effectiveness, and tables specifying projects, agency served, costs, contractors, and final reports. The report noted that information about archeological activities had not been provided to IAS by the Soil Conservation Service, the Department of Housing and Urban Development, or the Environmental Protection Agency, though

each of them funded or guaranteed loans for numerous construction projects that could have involved archeological inventory and salvage excavation. The FY77-FY78 report noted that IAS previously had made blanket requests of Federal agencies about their archeological activities, but that in the future IAS would rely on responses to the 1974 Act's notification and reporting requirements to generate Congressional report data.

Two reports on the FY79 Federal Archeology Program were developed. The first of these, prepared when IAS was within HCRS, consisted of NTIS abstracts for federally supported archeological investigations across the United States. Subsequently, HCRS was dissolved and IAS was returned to NPS. Later, a more comprehensive report on FY79 activities was developed. The NPS FY79 report, which was published after HCRS was abolished in May 1981, included a description of federal archeological activities, the collection of report information via a detailed questionnaire, a summary of IAS costs of archeological assistance to other agencies, the distribution of projects and archeological project dollars across the United States, information from 61 agencies queried about their archeological activities, case studies (Vandenberg Air Force Base, Rye Patch Reservoir, Tennessee-Tombigbee Waterway, Averbuch), limitations of the Federal Archeology Program and possible solutions, a list of projects and reports accepted in FY79, and NTIS abstracts. This report was finished after the 1979 passage of the Archaeological Resources Protection Act, but was directed only toward the reporting requirements of the 1974 Act.

ARPA Reporting Requirements

The 1979 Archaeological Resources Protection Act (ARPA; Sec. 13, 16 U.S.C. 4701l) states that, as part of the annual report prepared in response to the 1974 Act,

...the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to the cooperation of private individuals.

A 1988 ARPA amendment (P.L. 100-588) includes the new requirement (Sec. 10(c); 16 U.S.C. 470ii) that

Each [federal] land manager shall submit an annual report to [Congress] regarding the actions taken under [each agency's public archeological awareness] program.

Again, the Secretarial responsibility has been delegated administratively to the DCA and staff, which since the mid-1980s has been the NPS Archeological Assistance Program (AAP), that encompassed many of the IAS functions when it was formed in the early 1980s.

The first report to Congress developed under the requirements of both the 1974 and 1979 Acts was a slim administrative compilation for FY80-82 based on information collected from 47 federal agencies. It documented 1774 projects, most of them conducted by 13 agencies, for a cost of \$57 million over 3 years. It documented the significant (80%) drop in number of archeological projects from 1980 to 1981. The FY80-FY82 report listed completed federal archeological studies, and the resulting reports. The major contributions of this report may have been the appendices:

- 1.) a Fact Sheet on the Department of the Interior's Program Approach on Evaluating Federal Agency Requests for a Waiver of the One Percent Limitation on Archeological and Historical Data Recovery Activities; and
- 2.) the Guidelines for the Disposition of Archeological and Historical Human Remains.

The report also announced the availability of a one-week training course, "Archeology for Federal Managers."

In 1986 a report was sent to Congress on the Federal Archeology Program for fiscal years 1983 and 1984. The small staff within the DCA/AAD office and the task of collecting, compiling, and analyzing data from over three dozen federal agencies had combined to create a decade-long pattern of report completion delayed for several years. In developing the FY83-FY84 report, a computerized database of information about the Federal Archeology Program was attempted. The database initially was intended to focus on archeological project data, including information about authorizing agencies, permits, costs, and resulting reports. The National Archeological Database (NADB) is, in part, an outgrowth of this reporting need. The reports portion of NADB is the most developed today, and will be available in September [1992] to federal agency, tribal, and state preservation offices (Canouts 1992). The project-based information system (McManamon, Limp and Farley 1988) has not been developed, because of administrative difficulties in collecting these data. Alternatively, the federal agency questionnaire developed for the FY85-FY86 Congressional report has been used with relatively minor modifications from 1986 to the present day, and provides the basis for longer-term comparisons in reports submitted in recent years.

The FY83-FY84 report on the Federal Archeology Program noted the October 1982 reorientation of the NPS AAP, so that NPS no longer routinely assisted federal agencies that had their own archeology programs other than on unusually complex or sensitive projects. When assistance was provided, it was generally through interagency memoranda of agreement. Even given the computerized database, the FY83-FY84 report focused on information about contracts administered by NPS for other federal agencies, with their costs and reports, and listed the interagency agreements in force during the reporting period. The report had a more extensive discussion of archeological activities involved in the National Register of Historic Places and the National Landmarks programs, and the AAP activities implementing ARPA and the 1974 [AHPA] Act.

In mid-1985 an interdepartmental meeting of federal archeologists and historic preservation officers resulted in an agreement to work cooperatively and expand the scope of information collection for reporting on the Federal Archeology Program. The resulting 77 item questionnaire, primarily requesting quantitative information but with some narrative questions, was sent out to 42 agencies. The collected information for fiscal years 1985 and 1986 was extensively analyzed and reported in 1989 (Keel et al. 1989). Out of that review and analysis came a set of recommendations for improving federal archeology. These recommendations subsequently were endorsed by the Secretary of the Interior and sent to all Department of the Interior bureaus (McManamon 1992). In October 1991, the Secretary issued these recommendations as a policy statement, the *National Strategy for Federal Archeology* (Lujan 1991). The *National Strategy* was sent by the Interior Secretary Manual Lujan, Jr. to the Secretaries of Agriculture, Energy, Defense and, Transportation; the Tennessee Valley Authority Chairman; and the Environmental Protection Agency Administrator with a letter urging each of them to adopt this approach to archeology done by and for their respective departments or agencies.

The FY85-FY86 Congressional report documented Federal Archeology Program expenditures of \$78 million in FY86 by the 32 agencies that reported expenditures, and estimated that no more than 7% of federal lands had been inventoried to identify their archeological resources.

The FY85-FY86 and subsequent reports provided more detailed information on how federal agencies conduct their archeology and the kinds of activities that are involved. Among agencies that traditionally have focused on development rather than on resource management activities, the U.S. Army Corps of Engineers reports the largest programs, actually surpassing all other agencies in the total amount expended. This is, in part, because the Corps provides archeological resource management services for the U.S. Army, which manages vast public lands. After the Corps, agencies that have traditionally

focused on land and resource management have reported the most archeological activity. This is logical, given their responsibility to protect archeological sites on the land they administer. In the past 15 years agencies such as the Bureau of Land Management and the U.S. Forest Service, as well as the smaller land-managing agencies, have developed substantial archeological programs. NPS has increased its archeological resource management activities.

The development and regulatory agency archeology program are the most under- or unreported. For example, in FY87 the Environmental Protection Agency reported on 95 identification and evaluation projects nationwide, but it is common knowledge that there were many others. Both the Federal Highway Administration and the Federal Energy Regulatory Commission either fund or require substantial amounts of archeological activity, but they do not report on this and thus it is not included in the national program assessments.

The reported data show a strong focus in the Federal Archeology Program on resource inventory and evaluation. About 15,000 inventory and evaluation activities were reported in recent years, compared to about 1,000 data recovery actions. This suggests that in most cases sites identified during project planning are avoided during construction. The Federal Archeology Program has been criticized for not producing advances in understanding equivalent to expenditures. Inventory and evaluation research does not provide detailed chronological or behavioral data; those are generated primarily from data recovery projects. However, they do provide significant distributional and other data. There is a need for improved methods and techniques for using these data, as well as for educating scholars about the wealth of research data present in inventories and registers.

The record keeping, reporting, consolidation, description, analysis, review, and production of the Secretary's report is time-consuming, but is worth the time spent. The 1988 amendments to ARPA, which have improved its use as a resource protection tool and strengthened its resource management aspects, are an example of such reports' value. The benefit of having detailed quantitative data to develop or support improvements in policy, statute, and perhaps in appropriations, was demonstrated in their use by Congress in assessing the needs for amending ARPA, and then so amending it. The bases for several sections of the amendments were recommendations in a detailed report by the General Accounting Office (1987), which described, as quantitatively as possible, problems in Federal archeological resource management in the Four Corners area of the Southwest United States. Quantitative data on archeological looting collected by the FY85-86 report to Congress (Keel et. Al. 1989) played an important role in other sections of the 1988 ARPA amendments. These data were used by House of Representatives committee

to staff to justify the need for strengthening law enforcement in looting prosecutions. These quantitative data supported and supplemented the substantial anecdotal account of looting collected during Congressional committee hearings (House Committee on Interior and Insular Affairs 1988a,b).

The FY85-FY86 report is the most recent available summary of the Federal archeology program. The report on the Federal archeological activities based on FY87 data has been prepared and currently is undergoing departmental review. It records a minimum of \$75 million in reported expenditures by Federal agencies. The data for fiscal years 1988, 1989, and 1990 have been compiled in a dBASE III PLUS database. This information is being reviewed and analyzed for publication later this year. Procedural guidelines for requesting, compiling, and analyzing the complex interagency information are being developed, recognizing that dealing with the diversity of agency corporate cultures is almost as important and time-consuming as the specific program and activity analyses. In coordination with development of the FY88-FY90 report on the Federal archeology program, and collection of the FY91 information, the AAD is developing a report on the information collection systems involved in this interagency coordination program.

Why go through all this? The nonrenewable nature of archeological resources and their lack of immediately available public economic benefit makes them vulnerable to the vagaries of public administration. Information about those resources and their management, their loss through non-management and looting, and the lack of information about their distribution, can be a powerful tool in shaping attitudes of the general public as well as politicians and public administrators (McManamon 1991:125-126). All involved in the reporting effort over the last 25 years have learned from and about it, and procedures and processes have been developed that will increase the efficiency of data collection and support more focus on the charge – to recommend changes or improvements based on an analysis of the scope and effectiveness of the Federal Archeology Program. Everyone's help is needed and the public benefit is there.

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Table 1. Reports on the Federal Archeology Program, 1968-1987

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