

THE SECRETARY OF THE INTERIOR
Washington

ORDER NO. 3261

SIGNATURE DATE: May 23, 2005

Subject: Realignment of Functions Relating to the Native American Graves Protection and Repatriation Act

Sec. 1 **Purpose.** This Order realigns certain functions related to implementation of the Native American Graves Protection and Repatriation Act (NAGPRA), to ensure efficient and effective implementation of NAGPRA's requirements.

Sec. 2 **Authority.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and NAGPRA.

Sec. 3 **Organizational Changes.** This Order assigns responsibility for assessing civil penalties under NAGPRA to the Assistant Secretary for Fish and Wildlife and Parks and establishes a consultative relationship regarding NAGPRA implementation between the Assistant Secretary for Fish and Wildlife and Parks and the Assistant Secretary - Indian Affairs. The specific organizational changes relating to the exercise of responsibilities under NAGPRA are reflected in the program responsibilities set forth in Section 4. This Order supersedes all preceding organizational directives regarding the exercise of responsibilities under NAGPRA.

Sec. 4 **Program Responsibilities.**

a. The Assistant Secretary for Fish and Wildlife and Parks is responsible for issuing regulations to carry out NAGPRA after consultation with the Assistant Secretary - Indian Affairs; granting extensions of inventory deadlines; awarding grants to assist in implementation of NAGPRA to Indian tribes, Native Hawaiian organizations, and museums. In consultation with the Office of the Solicitor, the Assistant Secretary for Fish and Wildlife and Parks is also responsible for executing the NAGPRA provisions for civil penalties against museums that fail to comply with NAGPRA, including investigating allegations of failure to comply with NAGPRA requirements and developing and assessing civil penalties.

b. The Director, National Park Service is responsible for carrying out the duties and responsibilities of the NAGPRA Program other than those reserved to the Assistant Secretary for Fish and Wildlife and Parks. The Director is also responsible for receiving and responding to recommendations of the NAGPRA Review Committee.

c. The National NAGPRA Program Manager, reporting to the National Park Service Director through the Associate Director for Cultural Resources, manages the operations of the National NAGPRA Program and provides staff support to the Assistant Secretary for Fish and Wildlife and Parks. Such duties include preparing regulations for issuance by the Assistant Secretary for Fish and Wildlife and Parks; reviewing and recommending disposition of requests for extensions of the inventory deadline; publishing notices in the Federal Register; serving as the Designated Federal Official for the NAGPRA Review Committee; in consultation with the Office of the Solicitor, providing technical assistance to the

Department of Justice in implementation of the trafficking provisions of NAGPRA; developing and issuing guidelines, technical information, training and other programs; and administering grants to assist Indian tribes, Native Hawaiian organizations and museums in meeting their NAGPRA obligations. The National NAGPRA Program Manager is also responsible for providing staff to support the civil penalty responsibilities of the Assistant Secretary for Fish and Wildlife and Parks, who will report directly to the Assistant Secretary in the performance of these duties.

d. The Park NAGPRA Program Manager, reporting to the National Park Service Director through the Associate Director for Cultural Resources, develops guidance for and ensures compliance by the National Park System regarding the requirements of NAGPRA.

e. Bureau heads are responsible for assuring compliance with the provisions of NAGPRA on lands under their administrative responsibility and for cultural items under their administrative responsibility.

Sec. 5 Implementation. The Director, National Park Service is responsible for the appropriate transfer of personnel, funds, programs, records and property.

Sec. 6 Delegation of Authority.

a. The Assistant Secretary for Fish and Wildlife and Parks is delegated all authority necessary to carry out the duties and responsibilities set forth in Section 4a. This authority may not be redelegated below the level of Deputy Assistant Secretary.

b. The Director, National Park Service, is delegated all authority necessary to carry out the duties and responsibilities set forth in Sections 4b, 4c and 4d. Duties and responsibilities relating to response to recommendations of the NAGPRA Review Committee may not be redelegated below the level of Associate Director.

c. Delegations of authority under this Order do not include authority to charter and appoint members to the NAGPRA Review Committee.

Sec. 7 Expiration Date. This Order is effective immediately. This Order will remain in effect until its provisions are converted to the Departmental Manual and appropriate regulations are amended to reflect the provisions of this Order, or until it is amended, superseded or revoked, whichever occurs first. In the absence of any of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on March 31, 2007. The termination of this Order will not nullify the realignment effected herein.

/s/ Gale A. Norton
Secretary of the Interior