

DOI Museum Property Directives

Title: Introduction to Managing Museum Collections (Museum Property)

Directive Number: 1

Originating Office: Office of Acquisition and Property Management, Department of the Interior (DOI)

Approved By: Debra E. Sonderman, Director 

Official Title: Director, Office of Acquisition and Property Management

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Expiration Date: This Directive will remain in effect until superseded.

- 1.1 **Purpose.** To identify what is and what is not museum property (museum collections), and to establish policy and procedures for managing DOI museum collections as required by Part 411 of the Departmental Manual (411 DM), *Identifying and Managing Museum Property*.
- 1.2 **Scope.** This policy applies to all bureaus and offices responsible for managing museum collections.
- 1.3 **Definitions.** See Section 1.13 of this DOI Museum Property Directive (Directive).
- 1.4 **Authorities.** Museum collections are identified, acquired, and managed by bureaus and offices in compliance with Federal laws and regulations. The requirements and relationships for managing museum collections are outlined for the most pertinent authorities in Appendix I.
- 1.5 **Responsibilities.** The policy and procedures described in this Directive are the obligation of bureaus and offices responsible for managing museum collections as presented in 411 DM 1.6.
 - A. The Director, Office of Acquisition and Property Management (PAM) and the Museum Property Executive Program Committee (EPC) are responsible for establishing policy contained in the Directives and providing executive oversight of the management, documentation, and accountability of DOI museum collections.
 - B. Heads of Bureaus and Offices, the Assistant Secretary - Indian Affairs, and the National/Chief Curator, as applicable, are responsible for ensuring the policy and procedures in this Directive are implemented in the bureau/office museum program.
 - C. Curatorial staff, museum property management staff, Accountable Officers, Custodial Officers, and other designated authorities, as established in

bureau/office policy, are responsible for implementing the policy and procedures in all of the Directives.

1.6 Identification of DOI Museum Collections. “Museum collections” is the standardized term used by museum professionals to describe museum property, which is a subset of personal property that is retained for long-term preservation, study, and interpretation consistent with statutory requirements, its relationship to the mission of the respective bureau/office, or other appropriate factors. Museum collections come in many forms and all possess attributes that warrant their long-term preservation for present and future generations. Each bureau/office must set parameters in their Scope of Collection Statements to determine the items that are appropriate for designation as museum collections. These parameters are based on characteristics that include:

- A. Significant and valuable assets that support scientific and historical research and science-based decision-making about resource management.
- B. Material evidence of human culture and society.
- C. Specimens taken from the living and non-living components of the natural world.
- D. Integral components of public education and interpretation about cultural and natural resources, eminent figures, and significant events that are part of the DOI portfolio of lands, property, and resources.
- E. Distinction from other kinds of personal property if maintained for public benefit (e.g., research and exhibit) and include one or more of the following principal characteristics (see Appendix II for examples):
 - (1) Identified by a bureau/office or unit mission.
 - (2) Commissioned by a bureau/office.
 - (3) Collected during research, resources management, or exploration.
 - (4) Collected from Federal land.
 - (5) Associated with a significant event, person, or resource.
 - (6) Rare or unique.
 - (7) Significant due to age.
- F. Distinguished as a type or voucher specimen.

- G. Published literature, including books, collected for their physical attributes or associations, such as a signed, first edition or a publication associated with a historic figure.
- H. Elements, fragments, and components of buildings or structures if they are no longer a part of the original building or structure. Examples include molding, wallpaper, doorknobs, and window shutters.

1.7 Identification of What Is Not Included in DOI Museum Collections. Items that are determined not to be museum collections must be managed as personal property, records, or in a systematic manner based on bureau/office policy. While the following items may share some characteristics with museum collections, they are not considered to be museum collections.

- A. Records. As defined by the National Archives and Records Administration in 44 U.S.C. 3301, "...all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included." Records as defined in 44 U.S.C. 3301 are not part of a museum collection unless indicated as such in an approved bureau/office records disposition schedule.
- B. Photographs generated in the work of a bureau for short-term analysis, administrative reports, public information, or education. These items are records.
- C. Published literature that is kept only for its intellectual content (e.g., library reference textbooks, journals, and magazines).
- D. Working Collections. Organic or inorganic items acquired and managed by bureau/offices that are not intended for long-term preservation and care as museum collections due to their expendable nature. Working collections are intended to be used during ongoing research, education, outreach, and/or interpretation and may be expended or consumed during their use. Examples include reproductions of vertebrate fossils for educational purposes, collections forfeited under the Archaeological Resources Protection Act that lack provenience information, and a collection of soil samples for a short-term particle size study. Bureaus/offices that administer working collections must have policy to address the following issues:

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- (1) Consumption or disposal during analysis. This must include consideration of whether a voucher specimen or a sample of the items used in the research will be retained in order to allow future verification of the initial research results.
 - (2) Consumption or disposal during education, outreach, and interpretation, which may occur over a long period of time.
 - (3) Disposal when it is determined that an item or group of items is no longer needed to achieve its original purpose.
 - (4) Reevaluation of a working collection to determine if all or a portion of the collections possess scientific integrity and/or serve to ensure the reproducibility of prior research. Working collections that have any of the following characteristics should be considered for museum collections after they have been evaluated by curatorial staff with input from appropriate discipline specialists:
 - (a) Items that are referenced or illustrated in published literature, including professional journals, edited volumes, and books.
 - (b) Items that are recognized as unique or may not be easily or cost-effectively acquired by future researchers.
 - (c) Items that are collected from a unique context that may be useful for future resource management actions, such as samples of biota recovered from the vicinity of an ecological disaster.
 - (d) Items that otherwise possess the principal characteristics of museum collections set forth in section 1.6E of this Directive.
- E. Commercially mass-produced items, such as posters, reprints, paintings, and decorative and personal items.
- F. Exhibit mounts, aids, and props generated in the work of a bureau/office. These include, but are not limited to, armatures, equipment, exhibit cases, dioramas, display panels, photographs, and other display art produced in connection with an exhibit.
- G. Reference materials. Cultural or natural history items that are used to identify similar items and are replaceable, such as animal bones and teeth, common plants, geological samples, stamps, and coins.
- H. Reproductions and antiques used in exhibits. The decision to accession and catalog these items as museum objects, particularly if they are unique or culturally significant, must be considered on a case-by-case basis.

- I. Reproductions and antiques used in interpretative programs and demonstrations, such as “living history.” Such items should be managed according to standard personal property procedures and should be labeled appropriately.

1.8 Classification of Museum Collections. In order to fulfill its mission to protect and manage the Nation’s natural resources and cultural heritage and to provide scientific and other information about those resources, DOI manages museum collections in the following disciplines:

- A. Archeology. The scientific study of past human life and culture through the examination of material remains.
- B. Archives. Audiovisual, electronic, or text documents created or received by a person, family, or organization, public or private, in the conduct of their affairs and preserved because of the enduring value of the information they contain or as evidence of the functions and responsibilities of their creator.
- C. Art. Creative activity resulting in the production of paintings, drawings, sculpture, or other original works.
- D. Biology. The science of life and of living plant or animal organisms, including their structure, function, growth, origin, evolution, and distribution. Biological collections include botany and zoology specimens and environmental samples.
- E. Ethnography. The study and systematic recording of human cultures, including the objects used in daily life.
- F. Geology. The study of the planet Earth - the materials of which it is made, the processes that act on these materials, the products formed, and the history of the planet and its life forms since its origin.
- G. History. The study of the past events of a period in time or in the life or development of a people, an institution, or a place.
- H. Paleontology. The study of life in past geologic time, based on fossil plants and animals and including their phylogeny, their relationships to existing plants, animals, and environments, and the chronology of Earth's history.

1.9 Policy to Manage Museum Collections. All DOI bureaus/offices that are responsible for managing museum collections must develop and implement a museum program using professional standards and staff with professional museum training and/or discipline expertise. All museum programs must comply with Federal laws and regulations (see Appendix I in this Directive) as well as the following DOI policies:

- A. Departmental Manual (DM). Museum collections possess attributes that require management standards and procedures that differ from other types of personal property. Departmental Manual Part 411 (411 DM), *Identifying and Managing Museum Property*, establishes organizational responsibilities, policies, and standards for the preservation, protection, and documentation of DOI museum collections, and for developing bureau/office and unit plans to implement these policies and standards. 411 DM is approved by the Assistant Secretary - Policy, Management and Budget following comprehensive review by the Interior Museum Property Committee (IMPC) and review and approval by the EPC.
- B. DOI Museum Property Directives (Directives). Directives are mandatory policy documents that set forth the processes and procedures for executing the requirements and standards outlined in 411 DM. Each Directive also contains definitions and references. Directives are approved by the Director, PAM, following comprehensive review by the IMPC, and review and approval by the EPC.
- C. Bureau/Office Museum Collection Management Policy. As appropriate, bureaus/offices are responsible for issuing policy to supplement 411 DM and the Directives to manage bureau/office museum collections.

1.10 Implementing DOI Policy to Manage Museum Collections. 411 DM, which includes standards for documenting and preserving DOI museum collections, was first issued in 1993; however, bureaus/offices have not consistently implemented these standards for all known museum collections. All DOI museum collections that are acquired by bureaus/offices and housed in bureau and non-bureau facilities after the reissuance of 411 DM in 2012 must meet the required documentation standards in Directive 3, *Required Standards for Documenting Museum Property*, and preservation standards in Directive 4, *Required Standards for Managing and Preserving Museum Property*. In addition, the Museum Property Management Plan (see 411 DM 1.10A) for each DOI bureau/office must address strategies, goals, priorities, funding, and a schedule for meeting the required standards outlined in 411 DM and detailed in the Directives for existing and new bureau/office museum collections. The bureau/office Museum Property Management Plan must be reviewed annually and updated at least every five years. Changes to priorities, funding, and scheduling must be reported in the bureau/office Museum Property Management Summary Report (see 411 DM 1.12C) on an annual basis.

1.11 Responsibilities for Funding the Management of Museum Collections. Bureaus/offices that authorize and/or permit projects, which may result in museum collections such as archeological artifacts, paleontological resources, or biological specimens, must establish policy regarding the long-term responsibilities for managing those collections. These responsibilities include designating a facility to house the museum collections and ensuring funding is available to process, document, house, and manage the museum collections over the long term.

1.12 Components of Museum Collections Management. DOI serves as a steward of irreplaceable, non-renewable museum collections that are preserved for present and future generations. Central to the stewardship responsibility is the process of preserving and managing museum collections in perpetuity. Collections management requires long-term vision, accountability, high ethical standards, subject matter expertise, sensitivity to diverse perspectives, anticipation of future needs to access and use the collections, and a commitment to professional standards. Critical components of museum collections management are:

- A. Acquisition or designation of a museum object or museum collection. Museum collections are recognized as distinct from other categories of personal property because they possess attributes that warrant long-term preservation. These attributes are scientific, historic, or artistic and have the potential to enrich the human experience. Furthermore, Federal laws and regulations often mandate the acquisition and designation of museum objects.
- B. Long-term preservation and future availability of museum collections. Factors that tend to shorten an object's life must be minimized. Bureaus/offices must control access to and use of museum collections and museum records with the goal of preventing deterioration. Special storage and handling procedures for museum collections must be implemented. Environmental variables, such as temperature, relative humidity, visible and ultraviolet light, and pests, must be monitored and maintained within recommended ranges/levels at facilities housing museum collections.
- C. Documentation of museum collections. Documentation in the form of museum records ensures ongoing physical and intellectual access to museum collections, and is used to achieve accountability for all museum collections. Museum records:
 - (1) Are official electronic or paper records created to manage museum collections, such as accession, catalog, inventory, loan, and deaccession records.
 - (2) Place objects into meaningful context for research, interpretation, and management purposes by documenting significance, provenance, physical attributes, and associated data.
 - (3) Document changes in the condition of the objects to allow curatorial staff to plan for conservation treatments and develop detailed budget requests.
 - (4) Are not museum collections.
- D. Accountability of museum collections. Responsible stewardship of museum collections requires verifying and recording the location, condition, quantity, and type of objects in museum collections. This information is necessary for

responsible decision-making regarding staffing, space, and budget allocations for the museum program. This information is also used to fulfill the annual reporting requirements listed in 411 DM 1.11 and to respond to audits and Congressional inquiries.

- E. Access to and use of museum collections. Bureaus/offices and their units must ensure museum collections are accessible to the public for research, education, exhibit, and other legitimate purposes. The conservation, care, and security of museum collections must be considered prior to granting access and use.

1.13 Definitions

Accountable Officer – A Government official assigned overall responsibility for a specified group of personal property items, including museum collections/museum property, and for ensuring the establishment and maintenance of accountability records to provide effective overall control over that property. Accountable Officers are usually the individuals in charge of personal property in a region, area, project, park, refuge, office, etc. (see Interior Property Management Directives 114-60.1).

Armature – A metal rod, series of rods, or framework that supports a museum object for display purposes.

Curatorial staff – A DOI employee who has the appropriate knowledge, training, experience, and direct responsibility to manage the nature, scope, and content of bureau/office or unit museum collection/museum property. This may include museum curators, museum specialists, and museum technicians, as well as staff possessing expertise in an academic discipline along with requisite museum training and experience. (See also Museum property management staff.)

Discipline specialist – A person with specialized knowledge of one or more academic fields of study. Examples include but are not limited to: archeologist, archivist, art historian, biologist, botanist, conservator, ethnographer, geologist, historian, paleontologist, and zoologist.

Executive Program Committee (EPC) – The Museum Property EPC is a chartered committee established to provide executive oversight of DOI museum collections and programs and the Interior Museum Property Committee. The primary purpose of the EPC is to oversee, evaluate, and direct Department-wide efforts to manage museum collections within the context of the Department's goals and objectives for personal property and resource management.

Facility – A building, administrative unit, or partner facility that has space(s) dedicated to the display, exhibit, study, and/or storage of museum collections/museum property.

Interior Museum Property Committee (IMPC) – The IMPC is a chartered committee created to support responsible stewardship and use of DOI's museum collections. IMPC

members represent the bureaus and offices which manage museum collections to ensure that the unique interests and situations of each bureau/office are fully represented at the Department level.

Museum collection / Museum property – A subset of personal property that is retained for long-term preservation, study, and interpretation consistent with statutory requirements, its relationship to the mission of the respective bureau/office mission, or other appropriate factors. A museum collection/museum property, which includes objects, works of art, and archives, is acquired according to a rational plan, such as a Scope of Collection Statement. It consists of 1) all accessioned, unaccessioned, cataloged, and/or uncataloged objects and 2) all museum objects under the control of a facility, unit, or bureau/office. Museum property is synonymous with and referred to as “museum collection(s)” in the DOI Museum Property Directives, a standardized term that is used by museum professionals.

Museum Property Management Plan – All bureaus/offices responsible for managing museum property must have a Museum Property Management Plan. This plan must include bureau/office-specific strategies, goals, and priorities for meeting the requirements in 411 DM for managing museum collections/museum property in bureau/office facilities and non-bureau facilities and repositories.

Museum property management staff – A DOI employee with delegated responsibilities to manage museum collections/museum property on a regular basis who does not have specialized training in professional museum work. This may include archeologists, archivists, historians, interpreters, property management specialists, rangers, resource management specialists, or others who manage museum property as a collateral duty. (See also Curatorial staff.)

Museum records – Records created to manage museum collections/museum property, such as accession, catalog, loan, deaccession, and inventory records. These records must be appraised through agency record schedule procedures. Museum records are not a museum collection/museum property.

Object – A physical item of a museum collection/museum property. It includes art and history objects, archeological artifacts, ethnographic objects, archival items, and natural history specimens.

Personal property – Property of any kind or an interest therein, except real property and records of the Federal government. Personal property includes all equipment, materials and supplies, and museum objects. It does not include property which is incorporated in, or permanently affixed to, real property (see Interior Property Management Directive 114-60.1).

Scope of Collection Statement (SOCS) – The SOCS is the basic museum collections planning document required for all DOI units that are, or expect to be, responsible for managing museum collections. The SOCS defines the purpose of the museum

collections, identifies the parameters of collecting activities, sets limits on collecting, and describes the uses and restrictions of the museum collections. The SOCS guides the unit's acquisition of museum collections that contributes directly to the understanding and interpretation of its mission, history, and resources, and/or compliance with applicable Federal laws.

Type specimen – The single specimen designated as the name bearer for a taxon or other classification.

Unit – A bureau/office organizational entity, such as an accountability area, administrative unit, center, laboratory, museum, office, park, school, sites, refuge, or repository, that manages museum collections/museum property.

Voucher specimen – A specimen that physically and permanently documents data in published literature by verifying the identity of the organism(s) used in the study and by doing so ensures that a study which otherwise could not be repeated can be accurately reviewed or reassessed. For example, rock and mineral specimens may serve as vouchers to document the geology of an area.

Working collection – Organic or inorganic specimens and items maintained by bureau/office programs that are not intended for long-term preservation and care as museum property due to their expendable nature. Working collections are intended for use during education or ongoing research and may be consumed or discarded during the analysis process according to bureau policy. Some specimens and items may subsequently be designated museum property. Working collections will be discarded when it is determined there is no longer a need for the collection for future research or education or upon completion of the ongoing research according to standards set in bureau policy.

1.14 References

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APPENDIX I

LAWS, REGULATIONS, AND POLICIES RELATED TO MANAGING MUSEUM COLLECTIONS BY SUBJECT MATTER

Cultural Resources

Laws

Act for the Preservation of American Antiquities of 1906 (Antiquities Act) (16 U.S.C. §§ 431-433)

- Authorizes Federal departments to grant permits for survey and excavation and to enforce protection of archeological sites and objects under their jurisdiction.
- Requires that excavated materials be permanently preserved in public museums.

Reservoir Salvage Act of 1960, as amended (16 U.S.C. §§ 469-469c)

- Provides for the recovery and preservation of “historical and archeological data (including relics and specimens)” that might be lost or destroyed as a result of the construction of dams and reservoirs through the National Park Service.

National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. §§ 470-470t)

- Directs the Secretary of the Interior to issue regulations to ensure that significant prehistoric and historic artifacts, and associated records are deposited in an institution with adequate long-term curatorial capabilities.
- Sets inventory, nomination, protection, and preservation responsibilities for Federally-owned cultural properties in Section 110.

Archeological and Historic Preservation Act of 1974 (AHPA) (16 U.S.C. §§ 469-469c)

- Extends the application of the Reservoir Salvage Act of 1960 to recover and preserve “historical and archeological data (including relics and specimens)” that might be lost or destroyed as a result of any Federal construction project or Federally-licensed activity or program.

Archaeological Resources Protection Act of 1979 (ARPA), as amended (16 U.S.C. §§ 470aa-mm)

- Defines “archaeological resources.”
- Requires a permit to conduct archaeological studies on public lands.
- Requires that information on the nature and location of resources on public and Indian lands remain confidential if its release may harm the resources. This may be applicable to information in the associated records of an archaeological project, which must be protected when the location or nature of the resources is requested for research or other legitimate use and its release may harm the resource.
- Establishes civil and criminal penalties for the excavation, removal, damage or defacing of archaeological resources on public and Indian lands without a permit (material remains lawfully acquired prior to the passage of the law are not subject to the penalties). DOI bureaus may take possession of archaeological resources that

were illegally removed from bureau lands and, after any civil or criminal penalties have been issued by prosecutors and their release approved, may determine that such items are museum collections.

- States that archaeological resources excavated from public lands will remain the property of the United States, and the material remains and copies of associated records will be preserved in a suitable university, museum, or other scientific or educational institution.
- Authorizes the Secretary of the Interior to issue regulations for the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands.
- Gives the Secretary of the Interior authority for the ultimate disposition of archaeological resources from public lands.

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. §§ 3001-3013)

- Provides for Native American tribes and individuals, or Native Hawaiian Organizations, to claim Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony that were excavated or discovered on Federal or tribal lands after passage of NAGPRA.
- Establishes criminal penalties for trafficking in cultural items obtained in violation of the law. DOI bureaus may take custody of human remains and/or cultural items that were illegally trafficked in violation of the law and, after any criminal penalties are issued by prosecutors and approval for transfer is granted, may assume responsibility for such items until appropriate consultation with tribes occurs and ultimate disposition is determined.
- Requires Federal agencies and museums receiving Federal funding to review their collections for any items subject to NAGPRA, consult with tribes, determine cultural affiliations, and repatriate such items to tribes and/or individuals.

Regulations

Curation of Federally-Owned and Administered Archeological Collections, 36 C.F.R. Part 79

- Outlines the responsibilities of Federal agencies to manage and preserve archeological collections.
- Identifies methods for Federal agencies to use to secure and fund curatorial services.
- States terms and conditions for Federal agencies to include in contracts, memoranda, agreements, and other written instruments with repositories for curatorial services.
- Establishes standards for Federal agencies to use to determine the capabilities of a repository to provide long-term curatorial services.
- Provides guidelines for use of archeological collections.
- Specifies procedures and guidelines for conducting periodic inspections and inventories of archeological collections.

Native American Graves Protection and Repatriation Act Regulations, 43 C.F.R. Part 10

- Places responsibility on Federal agencies and other institutions receiving Federal funds that have possession or control of items subject to NAGPRA to ensure that

statutory requirements are met for all collections from Federal lands or generated by agency actions.

- Requires that museums and Federal agencies draft and submit summaries and inventories for all items subject to NAGPRA that are in Federal agency possession and/or control.
- Outlines the requirements for intentional excavation and inadvertent discoveries of items subject to NAGPRA from Federal or tribal lands.
- Applies to all collections and future holdings of Federal agencies and museums that receive Federal funding.

Preservation of American Antiquities, 43 C.F.R. Part 3

- Implementing regulations for the Antiquities Act.
- Authorizes Federal land managers to seize materials recovered illegally from archeological resources located on Federal lands. Directs Federal land managers to dispose of seized materials by depositing them in the proper national depository or by other means.
- Requires that every collection recovered under the Antiquities Act be preserved in a public museum as designated in the respective permit, and be accessible to the public.
- Requires that the removal of an Antiquities Act permitted collection from a public museum be approved in writing by the Secretary of the Smithsonian Institution and such a collection must be transferred to another public museum.
- Identifies procedures for the transfer of Antiquities Act permitted collections in the event that the depository housing such collections ceases to exist.

Protection of Archaeological Resources, 43 C.F.R. Part 7

- Implementing regulations for ARPA.
- Requires that for a repository to house archeological collections, as proposed in an ARPA permit, it must certify in writing its willingness to assume curatorial responsibility for the collections, and to safeguard and preserve the collections as property of the United States.
- Requires that Federal land managers specify in ARPA permits the name of the repository in which collections are to be deposited.
- Specifies that archeological resources excavated or removed from public lands remain the property of the United States, and that archeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.
- Authorizes the Secretary of the Interior to issue regulations for the curation of Federally-owned and administered collections. In the absence of such regulations Federal land managers are authorized to provide for the exchange of collections among suitable repositories.

Federal Standards

Federal Accounting Standards Advisory Board, Statement of Federal Financial Accounting Standards (SFFAS) No. 29 – Heritage Assets and Stewardship Land

- Changes the classification of information reported for heritage assets and stewardship land in SFFAS No. 8 – Supplementary Stewardship Reporting.
- Reclassifies all heritage assets and stewardship land information as basic except for condition information, which is reclassified as required supplementary information.
- Requires that Federal agencies disclose information about heritage assets and stewardship land as a note on the balance sheet, but without an asset dollar amount. Instead, the note disclosure must provide a description of major categories of heritage assets, physical units added and withdrawn during the year, a description of the methods of acquisition and withdrawal, and condition information. DOI museum collections are considered to be heritage assets.
- Requires additional reporting disclosures regarding Federal agency stewardship policies and the relevance of heritage assets to the agency mission.

Natural Resources

Laws

Lacey Act of 1900 (18 U.S.C. 43-44; 16 U.S.C. §§ 3371-3378)

- Places stipulations on the importing and labeling of wildlife and their parts.
- Poses complex problems for museums in relation to the acquisition and disposal of wildlife materials and the sale of wildlife materials in museum shops because it is hard to prove the legal history of such pieces.

Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712)

- Makes it illegal to kill, capture, collect, possess, buy, sell, ship, import, or export listed species including their parts, nests, and eggs, but allows museums and non-commercial institutions to obtain permits for legal possession, collection, and transportation of objects. The permits, however, impose extensive record-keeping requirements.
- States that only museums and other specified institutions can purchase any protected bird, or part thereof, and the seller must possess a Federal permit for legal sale.

Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. §§ 668-668d)

- Prohibits and imposes civil and criminal penalties for taking, buying, selling, trading, possessing, importing, or exporting of eagles or their parts, nests, eggs, or products made of them. Bureaus must be careful about the legality of potential acquisition or possession of eagles or their parts, nests, eggs, or products made of them.
- Authorizes permits for taking, possessing, and transporting eagles and their parts for scientific, exhibition, and Native American religious purposes. Bureau and museum staff must obtain permits for taking, possessing, and transporting eagles and their parts for purposes of science or exhibition.
- Requires permits for any materials acquired by museums after the law was enacted.

Marine Mammal Protection Act of 1972 (16 U.S.C. §§ 1361-1407)

- Requires permits for exhibiting marine mammals and their parts and for holding them in storage.

- Exempts museums from permit requirements for pre-Act materials or to purchase legitimate handcrafts, although they should consider getting permits for all other marine mammal materials.

Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1543), including Section 8A (16 U.S.C. § 1537a) through which the United States implemented the 1983 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

- Requires museums to have a permit to purchase more recent objects that contain parts of endangered or threatened species.
- Allows gifts of endangered or threatened specimens to museums if there is proof of pre-Act ownership and if the objects have not been offered for sale since the date of this law.
- Allows loans or gifts between educational institutions. Permits are not required in such instances, even if the objects cross state lines.

Paleontological Resources Preservation Act of 2009 (16 U.S.C. § 470aaa et seq.)

- States that the Secretary of the Interior must manage and protect paleontological resources on Federal land using scientific principles and expertise.
- States that the Secretary of the Interior will establish a program to increase public awareness about the significance of paleontological resources.
- Prohibits collecting paleontological resources from Federal land without a permit issued by the Secretary of the Interior.
- Allows “casual collecting” of invertebrate and plant paleontological resources on some Federal lands without a permit.
- Provides for paleontological resources collected under a permit to remain the property of the United States.
- States that any paleontological resource and any data and associated records collected under a permit are to be preserved for the public in an approved repository, to be made available for scientific research and public education.
- Prohibits excavation, removal, damage, alteration, defacing, or any attempt to excavate, remove, damage or otherwise alter or deface any paleontological resources located on Federal land, unless authorized by permit.
- States that the Secretary of the Interior may transfer administration, including ownership, of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

Archives and Records

Laws

Federal Records Act of 1950, as amended (“Records Management by Federal Agencies” [44 U.S.C. § 3101 et seq.]

- Requires that the head of each Federal agency make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency.

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- States that the head of each Federal agency is responsible for establishing safeguards against the removal or loss of records determined to be necessary and required by the Archivist.
- Prohibits unlawful removal, defacement, alteration, or destruction of records in the custody of the agency.

Freedom of Information Act of 1966 (FOIA) (5 U.S.C. § 552)

- Outlines what information should be published and available to the public including for inspection and copying.
- Does not apply to museum collections and museum records, with the exception of Federal records that are managed in museum collections (such as NPS resource management records).
- Exempts Federal records from FOIA that are protected by laws, such as ARPA, NHPA, and the National Parks Omnibus Management Act of 1998. These laws allow withholding of information on the nature and location of certain resources that might be in associated records.

Disposal of Records of 1968, as amended (44 U.S.C. § 3301 et seq.)

- Defines “records” and distinguishes them from “museum materials.”
- Outlines procedures for determining what type of records may be disposed of and the manner of disposal.

Preservation, Arrangement, Duplication, Exhibition of Records of 1968, as amended (44 U.S.C. § 2109)

- Requires that the Archivist provide for the preservation, arrangement, repair, rehabilitation, duplication, and reproduction (including microcopy publications), description, and exhibition of records or other documentary material, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use.
- States that the Archivist may, when approved, create finding aids for Federal records and other collections.

Copyright Act of 1976 (17 U.S.C. § 101 et seq.)

- Defines the scope and application of copyright protection to original works of authorship including literary works, musical works, dramatic works, pantomimes and choreographic works, pictorial, graphical and sculptural works, audiovisual works, sound recordings, and architectural works.
- States that the United States Government may not hold copyrights on work produced by the Federal government, but can receive and hold copyrights transferred to the Government by assignment, bequest, or otherwise. This applies to museum objects that are donated or bequeathed to a DOI bureau/office.

Regulations

Federal Records; General, 36 C.F.R. Part 1220

- Requires Federal agencies to be responsible for establishing and maintaining a records management program that complies with National Archives and Records Administration and General Services Administration regulations and guidance.

Implementing Disposition, 36 C.F.R. Part 1226

- Provides implementation regulations for the proper scheduling of records dispositions and retention of temporary records.

Records Disposition Program, 36 C.F.R. Part 1224

- Outlines implementation regulations for an effective records disposition program.

Departmental Manual

Records Management, 380 DM

- Defines the Departmental Records Management Program and assigns responsibilities for managing Departmental records.
- Requires that the Director of Administrative Services for the Office of the Secretary and Heads of Bureaus be responsible for establishing and maintaining active and continuing records management programs for their organizations.
- Identifies the responsibility of the Secretary of the Interior to make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures, and the Department's essential transactions, and to provide the information necessary to protect the Department's legal and financial rights.

Property

Laws

Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 524)

- Establishes uniform procedures for the procurement and supply of personal property and non personal services, including related functions such as contracting, inspection, storage, specifications, property identification and classification, transportation, and traffic management.
- Establishes procedures for the use of available property, the disposal of surplus property, and records management.

Regulations

Federal Property Management Regulations, 41 C.F.R. Part 101

- Outlines regulations, policies, procedures, and delegations of authority about the management of Federal property.

Departmental Manual

Personal Property Management, 410 DM

- Prescribes policies, procedures, and responsibilities governing the receipt, accountability, record-keeping, management, and survey of personal property in the Department.
- Ensures the safeguarding of government property against waste, fraud, and abuse.
- Notes procedural exceptions applied to the management of museum collections.

APPENDIX II**PRINCIPAL CHARACTERISTICS OF MUSEUM COLLECTIONS AND EXAMPLES**

CHARACTERISTIC	EXAMPLES
Identified by the bureau/office or unit mission	<ul style="list-style-type: none"> – tribal arts held by the Indian Arts and Crafts Board – Navajo rugs held by the Bureau of Indian Affairs
Commissioned by the bureau or office	<ul style="list-style-type: none"> – paintings of Bureau of Reclamation construction projects by Richard Diebenkorn
Collected during research, resources management, or exploration	<ul style="list-style-type: none"> – artifacts, samples, and associated records resulting from an archeological investigation – specimens and associated records from a vegetation survey deposited in a herbarium – specimens, field notes, and maps from a geological or paleontological survey – amphibian, reptile, and mammal specimens from a biological survey
Collected from Federal land	<ul style="list-style-type: none"> – historic artifacts from the Bertrand, a sunken steamship at DeSoto National Wildlife Refuge – vertebrate fossils from Bureau of Land Management public lands – artifacts recovered and the associated records created from mitigation of effects to archeological sites at Mesa Verde National Park conducted in compliance with Section 106 of the NHPA and from investigations resulting from Section 110 activities of the NHPA – paleontological specimens and the associated records from mitigation of effects to paleontological resources conducted in accordance with the National Environmental Policy Act and Federal Land Policy Management Act
Associated with a significant event, person, or resource	<ul style="list-style-type: none"> – the derringer used to assassinate Abraham Lincoln – a historic mantle from a structure protected or interpreted by a DOI unit – George Washington's tent
Rare or unique	<ul style="list-style-type: none"> – a skeleton or study skin of a whooping crane – original photographic prints by Edward Curtis

Introduction to Managing Museum Collections (Museum Property)

	<ul style="list-style-type: none">– a fossil that preserves soft tissue or original pigmentation
Significant due to age	<ul style="list-style-type: none">– a miner’s carbide lamp used in the early 20th century selected because it is representative of former Bureau of Mines activities– duck decoys hand-carved in the 19th century