

DOI Museum Property Directives

Title: Working with Non-Bureau Facilities and Repositories to Manage DOI Museum Collections

Directive Number: 17

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

Approved By: Megan Olsen

Official Title: Director, Office of Acquisition and Property Management

Effective Date: November 27, 2018

Expiration Date: This Directive will remain in effect until superseded.

1.1 Purpose. To establish policy and procedures for working and partnering with non-bureau facilities and repositories through their staff to house DOI museum property (museum collections) on a long-term basis.

A. Non-bureau relationships include those:

- (1) Between DOI bureaus (e.g., Bureau of Land Management and National Park Service); and
- (2) Between bureaus and non-DOI repositories that are:
 - (a) Non-DOI Federal (e.g., U.S. Department of Agriculture) agencies; or
 - (b) Non-Federal facilities and repositories (e.g., universities; state, tribal, or local museums).

B. This action complies with Part 411 of the Departmental Manual (411 DM), *Identifying and Managing Museum Property*, and as detailed in DOI Museum Property Directives (Directives).

C. Identification and management of working collections are not covered in this Directive.

1.2 Scope. This policy applies to all DOI bureaus and offices (bureaus) responsible for managing museum collections that are housed in non-bureau repositories.

1.3 Authorities. The bureau and non-bureau repository must comply with the applicable laws and regulations provided in Appendix I of this Directive. The bureaus must also abide by and adhere to DOI and bureau policies and procedures, which reflect professional standards and ethics regarding museum collections. (See Appendix I of

Directive 1, *Introduction to Managing Museum Collections (Museum Property)*, for additional applicable laws and regulations).

1.4 Responsibilities. Bureaus that manage and are accountable for museum collections housed in non-bureau repositories are responsible for the requirements that are stated in this Directive.

- A. The Director, Office of Acquisition and Property Management and the Museum Property Executive Program Committee are responsible for establishing policy and guidance for working with non-bureau repositories to preserve, document, house, and provide access to and use of DOI museum collections.
- B. Heads of Bureaus are responsible for:
 - (1) Ensuring that this Directive is implemented in the bureau museum program and in the appropriate bureau units.
 - (2) Providing resources to carry out the bureau's responsibilities in support of this Directive.
 - (3) Assigning qualified bureau staff with knowledge, skills, and abilities to fulfill the bureau's responsibilities per this Directive.
- C. The bureau Chief/National Curators are responsible for providing general oversight, technical and policy guidance, and internal coordination related to working with non-bureau repositories, including repository agreements.
- D. Accountable Property Officers (APO) have overall responsibility for a specified group of personal property items, including museum property. An APO ensures the establishment and maintenance of accountability records to provide overall management of personal property. An APO designates, in writing, Custodial Property Officers.
- E. Bureau curatorial and/or museum property management staff in units that have authority over museum collections in non-bureau repositories are responsible for:
 - (1) Communicating with non-bureau repositories that house the bureau unit's collections. Visits to non-bureau repositories are recommended.
 - (2) Ensuring, as practicable, that museum object(s) acquired after the issuance of this Directive are deposited at an appropriate non-bureau repository per the requirements in this Directive.
 - (3) Developing and implementing repository agreements as practicable and as required in 411 DM 1.11B(7).

- (4) Monitoring non-bureau repository performance and making recommendations to the Accountable Officer to address deficiencies that are identified.

1.5 Guidance. The accompanying *Department of the Interior Guidance for Working with Non-Bureau Facilities and Repositories to Manage DOI Museum Collections* provides additional information and best practices about working with non-bureau repositories that are not required in this Directive.

1.6 Relationship between Bureaus and Non-Bureau Repositories. As stewards of bureau museum collections, non-bureau repositories support the responsibilities of DOI bureaus to document and preserve bureau museum collections using professional standards and practices and make the collections available for research and educational purposes. Non-bureau repositories accrue greater object diversity through housing bureau museum collections, and, in some cases, fulfill permit or other requirements (e.g., if staff or faculty at a non-bureau repository or its parent organization generated a collection). The public benefits by having access to bureau museum collections that are well documented, preserved, and protected for interpretation, research, education, and heritage purposes. The relationships and responsibilities of the DOI bureaus and non-bureau repositories are as follows.

A. A bureau:

- (1) Retains all rights in and obligations of ownership of its museum objects, including intellectual property ownership.
- (2) Remains accountable for museum collections under the Federal Property and Administrative Services Act of 1949.
- (3) Documents and preserves museum collections for future access and use under the authorities listed in Appendix I of this Directive.
- (4) May not act arbitrarily or capriciously, abuse authority, or violate any constitutional rights or contractual rights of the parties. (See Administrative Procedure Act of 1988.)
- (5) May not delegate authority to a non-DOI repository for the bureau's statutory responsibilities unless:
 - (a) Congress clearly indicates that such responsibility is to be given to a non-Federal entity, such as a non-DOI repository; or
 - (b) The bureau retains final reviewing authority.

- B. Collaboration among multiple DOI bureaus or bureau units. DOI bureaus and bureau units must consider collaborating and coordinating with each other to reduce the burden on a non-bureau repository and achieve efficiencies.

1.7 Evaluating and Selecting a Non-Bureau Repository for a Bureau Museum

Collection. A non-bureau repository is typically evaluated to determine if a bureau's museum collections will remain at that repository or whether a specific non-bureau repository should be selected to curate a bureau museum collection. Evaluation and selection of a non-bureau repository occurs prior to renewing or forming a repository agreement.

- A. The following criteria are to be considered when evaluating and/or selecting a non-bureau repository to house a bureau museum collection:
- (1) **Mission.** Does the non-bureau repository have a mission for preservation, research, education, interpretation, and/or outreach?
 - (2) **Scope of Collection Statement (SOCS).** Does the collection to be deposited fit within the non-bureau repository's SOCS or equivalent?
 - (3) **Local impact.** Is the repository in a region, state, or community where a collection originated?
 - (4) **Staffing.** Does the non-bureau repository have a sufficient number of professionals with appropriate museum expertise to curate and manage the repository collections?
 - (5) **Long-term capacity.** Does the staff at a non-bureau repository have the ability to house a bureau museum collection, whether physical and/or digital, for the long term?
 - (6) **Policies and procedures.** Are the curatorial and intellectual property policies and operating procedures of the non-bureau repository consistent with the requirements of 411 DM, its Directives, and bureau policies?
 - (7) **Access.** Does the non-bureau repository staff provide reasonable access to collections and museum records for bureau staff, researchers, and the public through appropriate procedures that meet professional museum standards?
 - (8) **Facility condition.** Does the non-bureau repository have a rating of "Good" from an evaluation using the *Museum Facility Checklist for Non-Bureau Facilities Housing DOI Museum Property* (Museum Facility Checklist) or is it accredited by the American Alliance of Museums (AAM)? If a non-bureau repository already houses one or more bureaus' museum collections, a rating of "Fair" or "Poor" on the Museum Facility

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Checklist will require developing a plan to correct the deficiencies and achieve a “Good” rating within a period of time agreed to by both the bureau and non-bureau repository.

- (9) Compliance. Is the non-bureau repository in compliance with Federal laws and regulations?
- (10) Cultural connection. Is there a cultural connection between the non-bureau repository and the bureau museum collection?

B. If during an evaluation of a non-bureau repository, it is determined that the non-bureau repository lacks the ability to provide adequate curation for a museum collection(s) it currently houses, by not being able to meet the criteria in Paragraph 1.7A of this Directive, a bureau must:

- (1) Work toward addressing the deficiencies;
- (2) Enter into, or amend an appropriate written agreement with the non-bureau repository that would remedy the deficiencies; or
- (3) Remove the collection from the non-bureau repository and deposit it in another repository that can meet the requirements of this Directive.

1.8 Retention of and Access to Museum Records by Bureaus. A bureau must:

- A. Maintain originals or copies of museum records, or have reasonable access to museum records for the bureau museum collections that are located at each non-bureau repository.
- B. Ensure that museum records are backed up with no data loss.

1.9 Repository Agreements. Bureaus must have a formal, written agreement, as practicable, with repositories housing or wishing to house a bureau museum collection(s) in accordance with 411 DM 1.11B(7). Bureaus must replace existing long-term loan agreements with repository agreements, as soon as is practicable. Bureaus must consider the following components, as appropriate, when drafting a repository agreement:

- A. Introduction. The introduction designates and addresses the following:
 - (1) Entities and signatories. Identify the bureau and non-bureau repository, and specify whether the DOI entity is a specific bureau, a bureau unit, multiple units within a bureau, or multiple bureaus. Identify an authorized party for the bureau and for the non-bureau repository. The parties must have the authority to bind the non-bureau repository (e.g., a university official with authority to bind the university must sign on behalf of a university department or university museum).

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- (2) Background. Summarize the history and provenance of a collection and the rationale for an existing or selected non-bureau repository.
 - (3) Purpose and scope. Summarize the reasons for the agreement; the collection(s) to be covered and any other U.S. Government-owned personal property; and the intent, if any, for a bureau and non-bureau repository to collaborate on various matters.
 - (4) Benefits. State the advantages of the agreement to the bureau, non-bureau repository, and the American public.
 - (5) Ownership. Affirm that the U.S. Government owns the collection and has a right to remove the collection.
 - (6) Legal obligations. State a bureau's obligation to care for a collection under law, regulation, and/or policy.
 - (7) Mission and SOCS. Explain how a collection, and curating a collection, fits within a bureau's and non-bureau repository's mission and SOCS or equivalent.
- B. Legal authorities to enter into and comply with the terms of an agreement. Appendix I of this Directive and DOI Museum Property Directive 1, *Introduction to Managing Museum Collections (Museum Property)*, provides references to applicable authorities for citation in the repository agreement.
- C. Definitions. Ambiguous terms and terms that were the subject of negotiations.
- D. Scope of Work. The following bureau and repository responsibilities for providing professional curatorial and collection management services that comply with DOI and bureau requirements must be considered for inclusion in a repository agreement. (See 411 DM and Directive 3, *Required Standards for Documenting Museum Property*, and Directive 4, *Required Standards for Managing and Preserving Repository Property*.) Address the following:
- (1) Care of the collection(s). The status or level of care of a bureau museum collection may not be changed without the bureau's written consent.
 - (2) Accessioning.
 - (3) Cataloging. (See Directive 20, *Cataloging Museum Collections*.)
 - (4) Maintaining an electronic collection management system. (See Directive 18, *Interior Collection Management System*.)

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- (5) Transmittal documents, which are often part of the associated records.
- (6) Museum records management and access. (See Section 1.8 of this Directive.)
- (7) Facility requirements, such as appropriate space, equipment, physical security, controlled environment, and emergency management provisions.
- (8) Physical inventories. (See Directive 21, *Inventory of Museum Collection*.)
- (9) Intellectual property and associated rights.
- (10) Facility condition evaluation schedule and procedure. (See Directive 14, *Museum Facility Checklist for Spaces Housing DOI Museum Property*.)
- (11) Reporting requirements.
- (12) Staffing, such as staffing levels and professional expertise.
- (13) Insurance.
- (14) NAGPRA. A non-bureau repository must notify the bureau of any NAGPRA issues that arise relating to a bureau's museum collection.
- (15) Bureau access to and use of its collections. State the notice period that a bureau must give to a non-bureau repository.
- (16) Access to and use of the bureau museum collection by non-bureau repository staff, researchers, and others. Considerations include:
 - (a) Non-bureau access and use procedures for physical and digital museum objects, such as access and use agreements, terms and conditions, and any necessary bureau approvals.
 - (b) Written attribution of museum objects and acknowledgement of all bureau's objects, including those that are used in any exhibition, publication, interpretive media, educational program, reproduction, study, digital files, or other use that exhibits or highlights bureau museum objects, images, or replicas.
 - (c) Restrictions, where applicable, regarding access to information under the Freedom of Information Act, Archaeological Resources Protection Act of 1979, Endangered Species Act of 1973, National Historic Preservation Act of 1966, Paleontological Resources Preservation Act of 2009, bureau-specific authorities, and/or any other relevant authority.

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- (d) Any cultural or religious significance and traditions.
 - (e) Short-term loans. No part of the collection, physical or digital, may be loaned to a third-party without a written loan or license agreement. (See Directive 23, *Outgoing Loans of Museum Collections*.)
 - (f) International loans.
 - (g) Consumptive analysis, including the written approval process.
 - (h) Reproduction. Define the term “reproduction” and list any permissions granted by the bureau. Repository and third-party users of bureau museum objects acquire no intellectual property rights unless granted by a bureau in a repository agreement. All permissions for reproductions not granted in a repository agreement are to be proposed by a non-bureau repository in writing and approved by a bureau’s authorized party.
 - (i) Commercial use. Define the term “commercial use” and explain DOI and the bureau requirements and permissions needed to engage in commercial use. All permissions for commercial use are to be proposed by a non-bureau repository in writing and approved by a bureau’s authorized party.
- (17) Advertising and endorsement, including how, if at all, a non-bureau repository may use DOI’s and/or a bureau’s name, staff’s name, seal, insignia, trademark, or tradename; relevant permissions; and an approval process.
- (18) Costs/fees.
- E. Contact information.
- F. Notifications.
- (1) A non-bureau repository must contact a bureau in writing and by phone as soon as possible when an object in the custody of a non-bureau repository is damaged, stolen, missing, the subject of unlawful activity, or in violation of any Federal law. (See Directive 21, *Inventory of Museum Collections*.)
 - (2) A non-bureau repository must notify a bureau promptly in writing concerning significant changes and state the resulting effect on a bureau museum collection.

- G. Mutual understandings and agreements. The following clauses must be included in a repository agreement:
- (1) Compliance with applicable laws, regulations, and DOI and bureau policies.
 - (2) Transfers and encumbrances. A non-bureau repository must not mortgage, pledge, assign, transfer, give, sublet, exchange, discard, repatriate, sell, part with possession of, abandon, or deaccession a bureau museum collection without the prior written permission of a bureau authorized party that can bind a bureau.
 - (3) Confidentiality, including a definition of what a bureau and non-bureau repository consider to be confidential in an agreement for archeological and paleontological collections.
 - (4) Start and end dates of the agreement.
 - (5) Procedures and dates for renewal, extension, and termination of the agreement and survival of specific clauses.
 - (6) Warranty and liability.
 - (7) Impossibility. Neither a bureau nor a non-bureau repository will be in default if lawful performance of a repository agreement or any part thereof by either a bureau or a non-bureau repository is rendered impossible by laws, regulations, or other legal action.
 - (8) Force Majeure. Neither a bureau nor a non-bureau repository will be in default for failure or delay in fulfilling or performing any term of a repository agreement when such failure or delay is beyond the reasonable control (e.g., war, natural disaster) of the affected bureau or non-bureau repository.
 - (9) Non-discrimination. Discrimination on the grounds of race, color, sex, age, religion, disability, or national origin is not allowed per Title VI of the Civil Rights Act of 1964.
 - (10) Antideficiency Act. A bureau must not expend any sum in excess of appropriations made by Congress for the purposes of this agreement or involve a bureau in any obligation for the further expenditure of money in excess of such appropriations.
 - (11) Transfer, assignment, modification, amendment, and waiver must not occur without the written consent of the designated authority(ies).

- (12) **Severability.** Invalid or illegal terms must be removed for continued enforcement of remaining terms.
 - (13) **Agency and partnership.** A legal entity is not formed under anything arising from or related to a repository agreement.
 - (14) **Dispute resolution.** DOI and the bureaus must not engage in binding arbitration.
 - (15) **Indemnification.** A bureau may not indemnify or pay a non-bureau repository or any third-party for losses or damages unless Congress has specifically provided for this by statute. (See the Antideficiency Act.)
- H. **Interpretation of conflicting terms.** DOI and bureau policy prevail with respect to a bureau's museum collection if a policy of a non-bureau repository conflicts with DOI or bureau policy.
- I. **Sovereign immunity.** Waivers for immunity from jurisdiction and enforcement are included in repository agreements with sovereign or sovereign-controlled entities (e.g., foreign museums).
- J. **Additions.** Future submissions or discoveries of museum objects and other DOI personal property are covered through written amendments or modifications to the repository agreement that are signed by the bureau and non-bureau repository.
- K. **Attachment(s) or Appendix(es).** Any attachments or appendixes to the repository agreement are incorporated by reference.
- L. **Entirety of the Agreement.** The contents of the document constitute the entire agreement between the parties and supersedes prior discussions, negotiations, correspondence, and agreements, whether written or oral.
- M. **Authorizing Signatures.** Signers of a repository agreement warrant that they have the authority to bind the bureau or non-bureau repository.
- 1.10 Definitions.** Many of the following definitions are stated in 411 DM and therefore refer to museum property. Museum property and museum collections are synonymous in these definitions and can be physical or digital.

Abandonment – The process of giving up a legal interest in property.

Access – The right, opportunity, or means of finding, making available, or viewing objects, documents, and/or information.

Accessioning – The formal, documented process to legally add an object or group of objects to a museum collection. A single accession transaction occurs when one or more objects are acquired in the same manner, from one source, and at one time.

Accreditation – A certification process that indicates an entity has met a standard or set of standards by a recognized professional organization or governmental entity.

Acknowledgment – Information or a statement about the ownership of a museum object or its image or reproduction. This statement is associated with the object anytime the object, images, or reproductions of it are used in exhibitions, publications, research, or other uses, whether hard copy or digital.

Associated Records – All documentation generated by the activity of collecting and analyzing artifacts, specimens, or other resources that are or are subsequently designated museum property. Associated records are “associated” with objects collected and analyzed during such activities and should be maintained as part of the museum collections. Examples include site forms, field notes, drawings, maps, photographs, slides, negatives, films, video and audio cassette tapes, oral histories, object inventories, laboratory reports, manuscripts, reports, and printouts of computerized data. Electronic or digital documentation stored on a computer or server or stored on media, such as computer cards, tapes, disks, diskettes, CDs, and DVDs, are included. Also, refer to the definition in 36 C.F.R. Part 79.

Attribution – Information or a statement that gives credit to the creator of a museum object, which includes, if known, the creator, title, medium, and year of its creation. This statement is visually associated with the object any time the object or its images and reproductions are used in exhibitions, publications, research, or other uses, whether hard copy or digital.

Authorized parties – Persons representing one or more entities, either within or outside of the Federal Government, who have authority, in writing, to act on behalf of their institutions or themselves.

Cataloging – The action of assigning a unique identifying catalog number to an object or group of objects and completing descriptive documentation, including physical description, condition, provenience, and other pertinent information to facilitate physical and intellectual access to object(s) and the collections.

Commercial Use – The exchange of funds or value for access to or use of bureau museum collections. No uses or organizations, including educational and research institutions, are exempt from following Federal and state laws and DOI and bureau policies when a commercial use arises from housing or using bureau museum collections. Examples of commercial use include selling reproductions of bureau museum objects; using bureau museum collections to create pharmaceuticals; and renting bureau’s museum collections.

Conservation – Actions taken by a conservator for the long-term preservation of museum property. Conservation activities include examination, documentation, treatment, and preventive care, supported by research and education.

Consumptive Analysis – The alteration, removal, or destruction of a museum object or parts thereof for approved, scientific research. Also referred to as destructive analysis.

Curation – The processes to preserve, document, house, interpret, exhibit, provide access to, and account for museum property.

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.)

Custody – The physical possession of objects. Custody does not automatically convey legal ownership or the right to reproduce an object.

Deaccessioning – The formal, documented process by which an accessioned object or group of objects are permanently removed from a museum collection.

Digital – For museum collections, the term means representation of information in a sequence of units (e.g., binary code). Digital includes information created on an electronic or other device (“born-digital”) and archives, specimens, and objects that are digitized by various methods.

Encumbrance – A legal interest in museum property owned by another entity, such as a bureau, that can impede the free use of the property and can potentially subject the property to seizure and use by another (e.g., using museum property as collateral on a loan).

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.

Indemnification – An agreement to pay another entity for loss and damage. A Federal agency cannot, unless specifically authorized by Congress, execute an indemnification agreement.

Intellectual Property (IP) – A valuable, intangible asset that includes copyrights, trademarks, and patents and can be distinct from possession, or even ownership, of the museum object.

Inventory – An itemized listing of objects; and/or the act of physically locating all or a random sample of the objects for which a unit is responsible.

Loan – The temporary transfer of custody of museum property on either a short-term (three years or less) or long-term basis. A loan must be for official purposes and may be incoming or outgoing. The terms of loans are documented in loan agreements or similar instruments.

Museum collection/Museum property – A subset of personal property, including objects, works of art, and/or archives that are retained for long-term preservation, study, and interpretation consistent with statutory requirements, its relationship to the mission of the respective bureau mission, or other appropriate factors. A museum collection/museum property is acquired according to a rational plan, such as a Scope of Collection Statement. It consists of all accessioned, unaccessioned, cataloged, and/or uncataloged objects; and all museum objects under the control of a facility, unit, or bureau. 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 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.

Non-bureau Facility – Any facility, which a specific bureau does not own and/or operate and maintain, that houses the bureau museum property. This includes facilities of other bureaus and offices within DOI, other Federal agencies, and entities outside of the Federal government, such as a museum or university.

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

Partner/Partnership – Non-Federal entity/situations where DOI or its bureaus work together with non-Federal groups or entities in a cooperative manner to foster mutual objectives. The terms “partner” and “partnership” are not meant in the corporate/business sense because Federal agencies may establish or acquire a corporation to act as an agency only under specific authority.

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).

Records – As defined by the National Archives and Records Administration (NARA) 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 museum property unless indicated as such in an approved bureau records disposition schedule. Associated records are not included in this definition.

Repository – A type of facility that is dedicated to managing, preserving, processing, studying, and storing museum property according to professional museum and archival practices.

Repository Agreement – A formal, written instrument between a bureau and a non-bureau facility that identifies and details mutually agreed upon roles, responsibilities, and outcomes in preservation, documentation, and use of museum collections and intellectual property.

Scope of Collection Statement (SOCS) – 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 collection, 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 contribute directly to the understanding and interpretation of its mission, history, and resources, and/or compliance with applicable Federal laws.

Severability – A legal concept by which a portion of an agreement can be "severed" from the rest of the agreement. This generally occurs when a section of an agreement is illegal or impracticable to save the rest of the agreement from becoming void.

Standards – Authoritative principles or rules for managing museum property. DOI standards for managing museum property are based on professional museum and archival standards referenced in 411 DM and detailed in the DOI Museum Property Directives.

Title – Legal ownership of property under which the owner has a bundle of rights to the property, including the right to possess the property, control and exclude others' use of the property, and dispose of the property. The legal owner may also convey permission

to, or license, others to use any or all of these rights and both can financially benefit from doing so.

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

Working Collections – 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/office policy.

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APPENDIX I

**LAWS, REGULATIONS, AND POLICIES RELATED TO WORKING WITH
NON-BUREAU FACILITIES AND REPOSITORIES ON MANAGING
MUSEUM COLLECTIONS BY SUBJECT MATTER**

A. Cultural Resources.

- (1) Archaeological Resources Protection Act of 1979, as amended (ARPA) (16 U.S.C. §§ 470 aa-mm);
- (2) Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. §§ 3001-3013);
- (3) National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. §§ 300101 et seq.);
- (4) Monuments, Ruins, Sites, and Objects of Antiquity (Act for the Preservation of American Antiquities of 1906) (“Antiquities Act”) (54 U.S.C. §§ 320301-320303);
- (5) Curation of Federally-Owned and Administered Archeological Collections (36 C.F.R. 79);
- (6) Preservation of American Antiquities (43 C.F.R. 3);
- (7) Protection of Archaeological Resources (43 C.F.R. 7);
- (8) Native American Graves Protection and Repatriation Regulations (43 C.F.R. 10).

B. Natural History Resources.

- (1) Paleontological Resources Preservation Act of 2009 (PRPA) (16 U.S.C. §§ 470aaa-4);
- (2) Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712);
- (3) Marine Mammal Protection Act of 1972 (16 U.S.C. §§ 1361-1407);
- (4) Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. §§ 1531-1543);
- (5) Lacey Act of 1900 (16 U.S.C. §§ 3371-3378; 18 U.S.C. §§ 42-44).

Working with Non-Bureau Facilities and Repositories to Manage DOI Museum Collections

- C. Records.
 - (1) Freedom of Information Act (FOIA) (5 U.S.C. § 552);
 - (2) Federal Records Act of 1950 (44 U.S.C. § 3101 et seq.).
- D. Property. Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. § 524).
- E. Intellectual Property.
 - (1) Lanham Act of 1946 (15 U.S.C. §§ 1051 et seq.);
 - (2) Stevenson-Wydler Technology Innovation Act (15 U.S.C. § 3701);
 - (3) Federal Technology Transfer Act (15 U.S.C. § 3710);
 - (4) Copyright Act of 1976 (17 U.S.C. §§ 101 et seq.);
 - (5) Patent Act (35 U.S.C. §§ 100 et seq.);
 - (6) Bayh-Dole Act (35 U.S.C. §§ 200-212).
- F. Other.
 - (1) Administrative Procedure Act (5 U.S.C. §§ 551 et seq.);
 - (2) Emblems, Insignia, and Names (18 U.S.C. § 700-716);
 - (3) Antideficiency Act (31 U.S.C. § 1341);
 - (4) American Indian Religious Freedom Act of 1978 (42 U.S.C. § 1996);
 - (5) Civil Rights Act of 1964 (42 U.S.C. §§ 2000(d) et seq.).
- G. Bureau/office-specific authorizing legislation, regulations, policies, and procedures that may apply.