



UNITED SOUTH AND EASTERN TRIBES, INC.

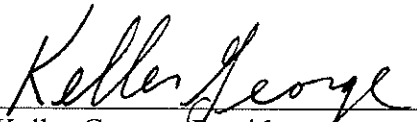
Resolution No. USET 97:39

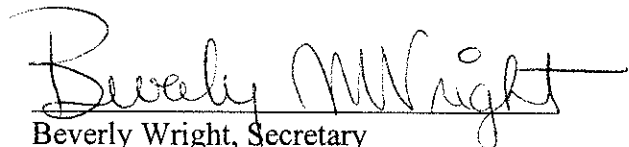
INTERIM RULE ON PENALTIES FOR FAILURE TO COMPLY WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA)

- WHEREAS**, the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-three (23) federally recognized tribes; and
- WHEREAS**, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and
- WHEREAS**, since 1990, the Native American Graves Protection and Repatriation Act (Act) included civil penalties upon museums that fail to comply with the provisions of the Act, which included the loss of federal funding; and
- WHEREAS**, an interim rule is proposed by the U.S. Department of Interior, effective February 12, 1997, which substantially reduces the civil penalty to \$5,000.00 or 25% of the museum's annual federal budget, whichever is less; and
- WHEREAS**, written comments on this interior rule are solicited from Indian Tribes, Native Hawaiian organizations, museums, federal agencies and members of the public and will be taken into account in developing a final rule; and
- WHEREAS**, the loss of American Indian human remains, funerary objects, sacred objects and objects of cultural patrimony are of extreme importance to lineal descendants, Indian Tribes and Native Hawaiian organizations; and
- WHEREAS**, the proposed interim rule includes a civil penalty which is an amount sufficient only to compel compliance without inflicting undue damage, particularly on small institutions; therefore, be it
- RESOLVED**, that the United South and Eastern Tribes, Inc. provide written comments to the U.S. Department of the Interior rejecting the implementation of the proposed interim rule and recommending the establishment of a civil penalty provision which could result in the loss of federal funding, payment of actual damages, and a civil fine and payment of all attorney fees and court cost.

CERTIFICATION

This resolution was duly approved at the USET Washington Impact Week meeting, at which a quorum was present, in Washington, DC on Wednesday, February 5, 1997.


Keller George, President
United South and Eastern Tribes, Inc.


Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”