

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

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**TRIBAL CULTURAL PRESERVATION NEEDS IN FY2020**  
**Testimony to the House Appropriations Subcommittee on the**  
**Interior, Environment and Related Agencies Budget, Fiscal Year 2020**

Chair McCollum, Ranking Member Joyce, and Members of the Subcommittee, I appreciate this opportunity to present the National Association of Tribal Historic Preservation Officers (NATHPO)'s recommendations for Fiscal Year 2020 appropriations. My name is Valerie Grussing and I am the new Executive Director. In this year of transition for the organization, we have some grand and exciting plans, some of which rely on this Subcommittee's continued support for the budgetary needs of tribal cultural preservation activities. Each of the recommended line item amounts are discussed in detail below.

1. National Park Service, Historic Preservation Fund, Tribal line item (\$20 million)
2. National Park Service, National NAGPRA Program:
  - a. Exclusively for NAGPRA Grants (\$2.331 million)
  - b. Program administration (\$1 million for Program Use)
3. Bureau of Indian Affairs – Create line items and support the following divisions:
  - a. 12 Regional Offices support for Cultural Resource compliance (\$3 million)
  - b. Central Office cultural resource efforts throughout the bureau (\$200,000)
  - c. NAGPRA compliance work (\$765,000)
  - d. To fight ARPA crimes on Indian reservations (\$200,000)
4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office (\$1.25 million)

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*Background Information:*

***What are Tribal Historic Preservation Officers (THPOs)?*** THPOs are appointed by federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the State HPO, per the National Historic Preservation Act. Tribal historic preservation plans are grounded in self-determination, traditional knowledge and cultural values, and may involve projects to improve Indian schools, roads, health clinics and housing. THPOs are the first responders when a sacred site is threatened, when an ancestral home is uncovered, and when Native ancestors are disturbed by development. THPOs are also often responsible for their tribe's oral history programs and

operating tribal museums and cultural centers. They perform many functions and responsibilities in Indian country and, through their activities, represent an active expression and exercise of tribal sovereignty.

***What is the National Association of Tribal Historic Preservation Officers?*** NATHPO is a national non-profit membership association of tribal governments that are committed to preserving, rejuvenating, and improving the status of tribal cultures and cultural practices by supporting Native languages, arts, dances, music, oral traditions, cultural properties, tribal museums and cultural centers, and tribal libraries. NATHPO assists tribal communities in protecting their cultural properties, whether they are naturally occurring in the landscape or are manmade structures.

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**1. Historic Preservation Fund (HPF), administered by the National Park Service – Tribal line item (\$20 million)**

As of January 1, 2019, there are 184 National Park Service (NPS)-recognized Tribal Historic Preservation Officers (THPOs). Each THPO represents an affirmative step by an Indian tribe to assume the responsibilities of the State Historic Preservation Officers for their respective tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act. Collectively, these Tribes exercise responsibilities over a land base exceeding 50 million acres in 30 states. The HPF is the sole source of federal funding for THPOs and the main source of funding to implement the nation's historic preservation programs. HPF revenue is generated from oil and gas development on the outer Continental Shelf. We recommend \$20 million to carry out the requirements of the National Historic Preservation Act. This would provide the nearly 200 federally recognized THPOs an average of \$100,000 to run their programs. Funding THPOs and staff creates jobs, generates economic development, and spurs community revitalization. It also facilitates environmental and historic review processes, including for infrastructure permitting.

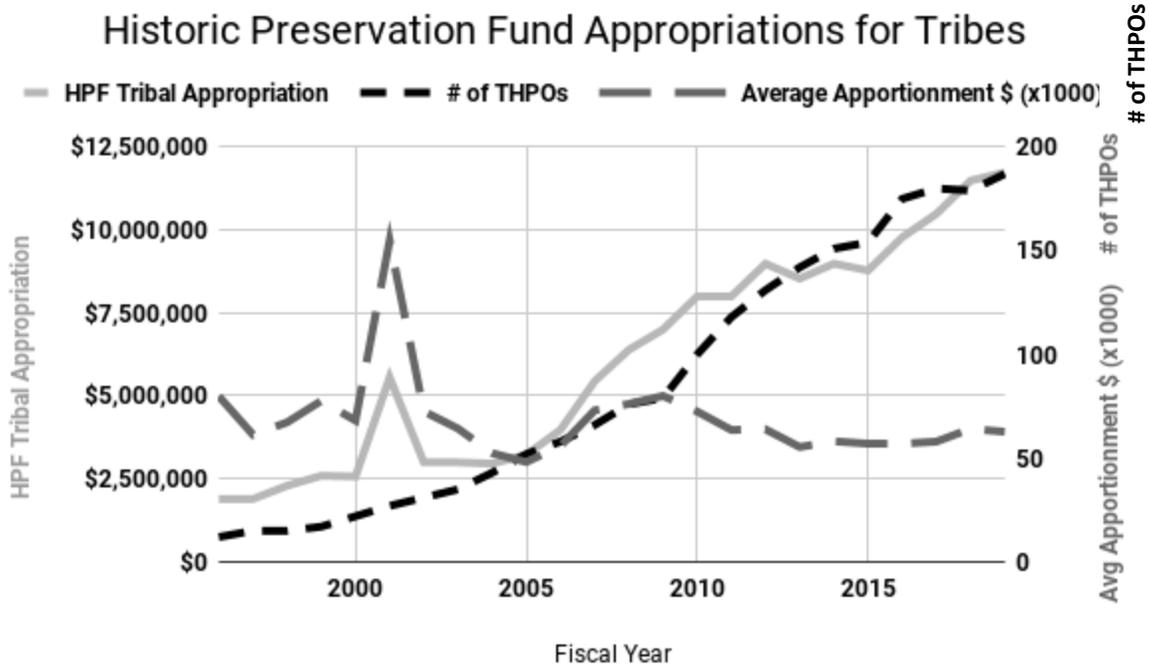
**What is at stake?** As the number of Indian tribes with THPO programs increases, the amount of HPF funding appropriated and apportioned to THPOs must keep pace. Native American cultural properties on millions of acres of tribal lands are at risk. For the past several years, each THPO program has been asked to conduct important federal compliance work with fewer financial resources. In the first year of congressional funding support for THPOs (FY1996), the original 12 THPOs each received an average of \$83,000 per THPO, while in FY2018, 179 tribes received an average of \$64,000. There are expected to be almost 200 THPOs in FY20. Reconnecting Native peoples to their cultural heritage, traditions, and places has the power to help heal deep generational wounds. To continue historic preservation and cultural revitalization in Indian country, it is essential that THPO programs receive increased funding to meet the increasing need. The chart below demonstrates the program growth and funding need.

**Additional HPF programs administered by the National Park Service:**

NATHPO appreciates the strong HPF funding levels the Committee has provided in recent years. We support the request of the National Trust for Historic Preservation that Congress provide a total FY 2020 HPF appropriation of \$148.5 million. Within that funding we recommend:

- \$60 million for State Historic Preservation Officers (SHPOs);

- \$20 million for Tribal Historic Preservation Officers (THPOs);
- \$5 million for a competitive grant program for SHPOs and THPOs to conduct mapping and digitization of historic resources – which would enable their identification at the very earliest stages of project planning, leading to both protection of historic sites and increased efficiency of infrastructure projects (minimizing controversy, legal challenges, and delays);
- \$30 million for grants to preserve the sites and stories of underrepresented communities;
- \$10 million for grants to Historically Black Colleges and Universities;
- \$15 million for Save America’s Treasures grants;
- \$7.5 million for preservation grants to revitalize significant historic properties;
- \$1 million for competitive grants for the survey and nomination of properties associated with communities currently underrepresented on the National Register of Historic Places and National Historic Landmarks.



HPF Tribal appropriation has steadily increased, as has the number of THPOs. Therefore the average apportionment per THPO has remained the same.

## 2. National Park Service, National NAGPRA Program

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items<sup>1</sup> removed from Federal or tribal lands, or in the possession or control of museums or federal agencies, to lineal descendants, Indian tribes, or Native Hawaiian organizations based on descent or cultural or geographic affiliation. NAGPRA prohibits trafficking of Native American cultural items and created a grants program exclusively for Indian tribes, Native Hawaiian organizations, and public museums.

<sup>1</sup> Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

NAGPRA Grants Program:

- a. \$2.331 million to be used exclusively for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. We recommend that the Committee restore the amount that the NAGPRA grants program received each year for most of its history prior to when the NPS began to divert a greater amount of funds for administrative use within the cultural resource division. NAGPRA grants have been “level-funded” at \$1.65 million. NATHPO requests that the Congress restore the grants to the \$2.331 million funding level.

Administration of National NAGPRA Program:

- b. \$1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

**3. Bureau of Indian Affairs – Create line items and support the following divisions:**

The BIA has federally mandated responsibilities to work with Indian tribes and comply with the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and NAGPRA. Currently the BIA does not have any budget line items that are devoted to complying with these federal laws, nor does the BIA have resources dedicated to compliance with the Archaeological Resources Protection Act (ARPA) and executive orders and directives in the cultural resource field. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development that are estimated to number over 7,000 per year. ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from tribal and federal lands. The BIA does not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian country and we urge the creation of a dedicated line item within the BIA.

NATHPO recommends the BIA create line items and support the following divisions:

- a. To support Cultural Resource compliance at the 12 Regional BIA Offices (\$250,000 x 12 regional offices = \$3 million)
- b. Central Office cultural resource efforts throughout the bureau (\$200,000)
- c. NAGPRA compliance work (\$765,000)
- d. To fight ARPA crimes on Indian reservations (\$200,000)

**4. Smithsonian Institution, National Museum of the American Indian and the National Museum of Natural History Repatriation Programs**

NATHPO requests that the Smithsonian Institution receive \$1.25 million for its repatriation activities, including operation costs of the Review Committee and repatriation office.

Thank you for considering our testimony. I would be pleased to answer any questions you may have.