



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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**Statement of the National Association of Tribal Historic Preservation Officers
Valerie J. Grussing, PhD, Executive Director
Fiscal Year 2024 Interior, Environment, and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
March 17, 2023**

Chair Simpson, Ranking Member Pingree, 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 2024 appropriations. My name is Valerie Grussing and I am the Executive Director.

We greatly appreciated the Committee's decision to include \$23 million in the Tribal line item of the Historic Preservation Fund (HPF) in the Fiscal Year 2023 Interior Appropriations bill, which matched the Biden Administration's and the Senate appropriators' budget requests. And we were beyond thrilled that the FY23 Omnibus bill followed through on this commitment! What this means for THPOs: for the first time in the history of the federal Tribal Historic Preservation Program, funding at this level provides each one an average of \$108,000 per THPO, which funds one whole staff member per Tribe. Following decades of underfunding, we and our members have been ecstatic at this increase and its real impacts on THPOs' ability to protect Tribal Nations' cultural resources and sacred sites.

It is imperative that the Subcommittee continue close the gap of adequately funding the Tribal line item of the HPF. We urge the Subcommittee to provide funding for Fiscal Year 2024 that continues to make up for more than two decades of failures to adequately support the federal THPO program. Specifically, we urge the Subcommittee to support these funding levels:

1. National Park Service, Historic Preservation Fund, Tribal line item (\$34 million)
 2. National Park Service, National NAGPRA Program:
 - a. Exclusively for NAGPRA Grants (\$10 million)
 - b. Program administration (\$1 million for Program Use)
 3. Bureau of Indian Affairs – Create line items and support the following divisions:
 - a. Cultural Resource compliance at the 12 Regional BIA Offices (\$8 million);
 - b. Central Office cultural resource efforts throughout the bureau (\$800,000);
 - c. NAGPRA compliance work (\$1.5 million);
 - d. To fight ARPA crimes on Indian reservations (\$850,000);
 - e. Museum property and curation (\$400,000).
 4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office (\$3 million)
 5. Bureau of Land Management: Tribal Liaison Program, NAGRPA compliance (\$3 million)
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What are Tribal Historic Preservation Officers (THPOs)? THPOs are an exercise of Tribal sovereignty, appointed by federally recognized Tribal governments that have an agreement with the Department of the Interior to assume the federal compliance role of the State Historic

Preservation Officers (SHPO), per the National Historic Preservation Act (NHPA). 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 or when Native ancestors are disturbed by development. THPOs are often responsible for their Tribe's oral history programs, operating museums and cultural centers, leading revitalization of Native traditions and languages, and many more related functions.

What is NATHPO? NATHPO is a national non-profit association of THPOs protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance.

1. Historic Preservation Fund (HPF), administered by NPS – Tribal line item (\$34 million)

As of March 1, 2023, there were 215 National Park Service (NPS)-recognized THPOs. Each THPO represents an affirmative step by an Indian Tribe to assume the responsibilities of the SHPO for their respective Tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act (NHPA). Collectively, they exercise responsibilities over a land base exceeding 50 million acres in 30 states. The HPF is the sole source of federal funding for THPOs. We recommend \$34 million to carry out the requirements of the NHPA. This would provide the 215 federally recognized THPOs an average of \$158,139 each to run their programs. Funding THPOs and staff creates jobs, generates economic development, and spurs community revitalization. It also facilitates required environmental and historic review processes, including for energy and infrastructure permitting. Tribes don't want to stop this development – they need it more than anyone. But they also need to reap the benefits rather than just continue to incur the costs. If these review processes are to proceed, THPOs must be able to do the required work.

What is at stake? As the number of Indian Tribes with THPO programs increases, the amount of HPF funding appropriated to THPOs must catch up. 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 \$80,000, while in FY2022, 208 THPOs received an average of \$76,923. This funding was inadequate for THPOs to handle their current workloads, which have increased exponentially with the enactment of the Bipartisan Infrastructure Bill. Additionally, the number of Tribes with a THPO continues to grow; around 10 Tribes successfully establish a THPO program each year. The epidemics we see rampant in Indian Country are the *symptoms* of historical trauma – of people systematically cut off from their families, languages, practices, and lands. Reconnecting Native peoples to their cultural heritage, traditions, and places has the power to help heal deep generational wounds. Treating the *cause*: that is the work THPOs do. To continue this work 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 2024 HPF appropriation of \$225 million. Within that funding we recommend:

- \$70 million for State Historic Preservation Officers (SHPOs);
- \$34 million for Tribal Historic Preservation Officers (THPOs);
- \$28 million for competitive grants related to African American Civil Rights;
- \$7 million for the History of Equal Rights Grants program;
- \$13 million for grants to Historically Black Colleges and Universities;
- \$40 million for Save America's Treasures grants;
- \$17 million for Paul Bruhn Historic Revitalization grants;
- \$5 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks;
- \$5 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks;
- \$11 million for the Semiquincentennial grant program to preserve historical sites commemorating the 250th Anniversary of the United States of America.

We also recommend the Committee encourage the NPS to work with states and Tribes to improve what has become a burdensome apportionment process so that SHPOs and THPOs can more readily and efficiently access funding Congress has allocated for their work.

2. National Park Service, National NAGPRA Program

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items¹ 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.

NAGPRA Grants Program:

The National Park Service is currently revising the regulations implementing NAGPRA. These revisions will dramatically increase the burden on Indian Tribes, Native Hawaiian organizations, and museums. We request that the NAGPRA grants program be funded at \$10 million to be used exclusively for NAGPRA Grants to Indian Tribes, Native Hawaiian organizations, and museums. We also request that you direct the Government Accountability Office to evaluate the effectiveness of this grant program.

Administration of National NAGPRA Program:

\$1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs. We also request that you direct the Government Accountability Office to evaluate the effectiveness of the National NAGPRA Program's implementation of civil penalty investigations.

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 NHPA, the National Environmental Policy Act (NEPA), NAGPRA, and the Archaeological

¹ Cultural items include human remains, funerary or sacred objects, and objects of cultural patrimony.

Resources Protection Act (ARPA). Currently the BIA does not have any budget line items devoted to complying with these federal laws. 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. 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. Until recently, the BIA did not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian Country. There are now four agents nationwide and we urge the Committee to enable two additional agents nationwide plus two in Alaska.

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

- a. Cultural Resource compliance at the 12 Regional BIA Offices (\$8 million);
- b. Central Office cultural resource efforts throughout the bureau (\$800,000);
- c. NAGPRA compliance work (\$1.5 million);
- d. To fight ARPA crimes on Indian reservations (\$850,000);
- e. Museum property and curation (\$400,000).

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 \$3 million specifically directed to expediting its repatriation activities.

5. Bureau of Land Management: Tribal Liaisons and Cultural Resources Management

The BLM oversees the largest, most diverse and scientifically important collection of historic and cultural resources on our nation's public lands, as well as the museum collections and data associated with them. We appreciate the Committee's commitment to ongoing oversight of the Department's reorganization. NATHPO and many other organizations are profoundly concerned with the impact of the reorganization and loss of staff within the Cultural Resources Division. The cultural resources program also supports NHPA Section 106 review of land-use proposals, Section 110 inventory and protection of cultural resources, compliance with NAGPRA, and consultation with Tribes and Alaska Native Governments. We are very appreciative of the Committee's continuing support for the agency to enhance its National Cultural Resources Information Management System (NCRIMS).

Additionally, responsive to recommendations in the 2010 GAO report on NAGPRA, BLM stated at that time that nine new positions and \$22 million were needed to improve compliance. Neither of these has happened, and now the current proposed NAGPRA regulation changes are anticipated to present further demands that BLM (and other agencies as well as Tribes) are not equipped to meet. It is incumbent upon this Committee to provide commensurate resources to assist with the critical and overdue task of bringing ancestors home. We recommend providing specific funding of \$3 million above enacted, specifically to continue building the vital Tribal Liaison Program, including the Headquarters agency lead and 12 State Office positions, and staffing related to NAGPRA compliance.

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