



National Association
of Tribal Historic
Preservation Officers
Protecting Native Places

**Statement of the National Association of Tribal Historic Preservation Officers
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Fiscal Year 2021 Interior, Environment, and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
February 6, 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 2021 appropriations. My name is Valerie Grussing and I am the Executive Director. First, thank you for the FY 2020 Interior Appropriations bill – it was the most preservation friendly appropriations bill in history. Our FY21 goals in service of our members rely on this Subcommittee's continued support for the needs of tribal preservation activities. The recommended line item amounts are discussed below.

1. National Park Service, Historic Preservation Fund, Tribal line item (\$22 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)
 5. Bureau of Land Management: Fill vacant Tribal Liaison Positions, HQ agency lead and 10 of the 12 State Offices (\$1.5 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 HPO, 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 the National Association of Tribal Historic Preservation Officers? NATHPO is a national non-profit membership association of tribal government officials committed to protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. NATHPO assists tribes in protecting their historic properties, whether they are naturally occurring in the landscape or are manmade structures.

1. Historic Preservation Fund (HPF), administered by the National Park Service – Tribal line item (\$22 million)

As of December 31, 2019, there are 195 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 (NHPA). 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 \$22 million to carry out the requirements of the NHPA. This would provide the nearly 200 federally recognized THPOs an average of \$110,000 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 ever to be “streamlined,” 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 FY2020, 185 THPOs received an average of \$70,000. If the original \$80,000 were adjusted for inflation, the current apportionment would be \$131,000 per THPO; that is the gap we must begin to close. Additionally, the number of tribes with a THPO continues to grow; there are expected to be more than 200 THPOs in FY21. 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.

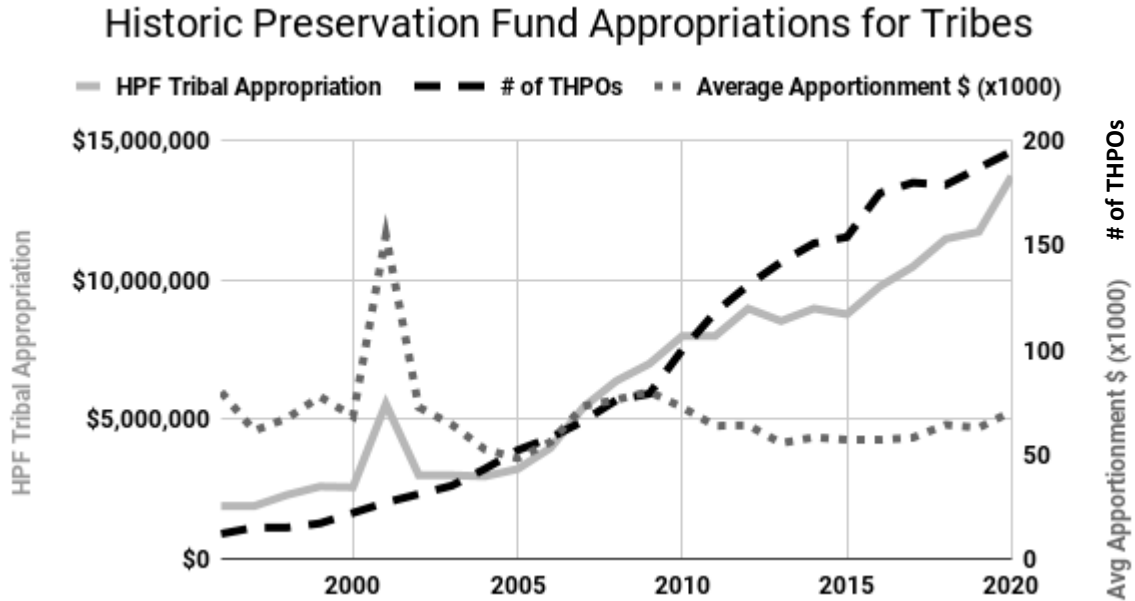
Additional HPF programs administered by the National Park Service:

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 2021 HPF appropriation of \$150 million. Within that funding we recommend:

- \$61 million for State Historic Preservation Officers (SHPOs);
- \$22 million for Tribal Historic Preservation Officers (THPOs);
- \$28 million for competitive grants to preserve the sites and stories Civil Rights;
- \$10 million for grants to Historically Black Colleges and Universities;
- \$18 million for Save America's Treasures grants;
- \$10 million for Paul Bruhn Historic Revitalization grants;

- \$1 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks.

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.



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 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:

- 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.

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

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 NHPA, the National Environmental Policy Act (NEPA), NAGPRA, and the Archaeological 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. 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. Cultural Resource compliance at the 12 Regional BIA 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.

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 last year's dedicated increase of \$1.5 million for the agency to enhance its National Cultural Resources Information Management System (NCRIMS). We recommend once again providing specific funding of \$1.5 million above enacted, specifically to fill vacant Tribal Liaison Positions, including the Headquarters agency lead and at 10 of the 12 State Offices.

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