



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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**Statement of the National Association of Tribal Historic Preservation Officers
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Fiscal Year 2025 Interior, Environment, and Related Agencies Appropriations
Committee on Appropriations, United States House of Representatives
May 8, 2024**

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 2025 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 2024 Interior Appropriations bill. The Committee's support was instrumental in the Tribal line item, which supports Tribal Historic Preservation Officers (THPOs), being funded at \$23 million in FY24.

Despite the Committee's strong support, Tribal Nations still lack the funding they need to fulfill their federally delegated responsibility to protect and preserve cultural resources and sacred places. The \$23 million for the Tribal line item for FY24 is the same amount as was allocated for the line item in FY23. This is problematic for two key reasons: THPOs have experienced a significant increase in the number of projects on which they are required to consult, related to efforts under the Inflation Reduction Act, the Bipartisan Infrastructure Law, renewable energy development, and improving broadband buildout. THPOs have not received a commensurate increase in funding for staffing to handle these increased reviews. The growing workload on THPOs is exacerbated by the significant annual increase in the number of THPOs. While the funding for the Tribal line item stayed at \$23 million from FY23 to FY24, the number of THPOs increased from 211 to 222. These combined challenges have resulted in the average amount of funding that each THPO receives declining from \$108,000 in 2023 to \$104,000 in 2024.

What is at stake? The work that THPOs do is about much more than restoring culturally important land or rivers or preserving species that are central to Tribal Nations' stories. At its core, THPOs' work is about addressing epidemics in Indian Country that 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 significant need. We urge the Committee to also support the following 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 (\$12.4 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, NAGPRA compliance (\$3 million)
 6. Department of Justice, Environmental Crime Section: STOP Act, NAGPRA, ARPA enforcement (\$1 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 nonprofit 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, 2024, there were 222 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 222 federally recognized THPOs an average of \$153,153 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. Providing \$34 million for THPOs for FY25 would strengthen the permitting process, while at the same time making sure Tribal Nations’ cultural resources and sacred places are protected and preserved.

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 an overall FY25 HPF request 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.

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 repatriation of cultural items in possession or control of museums or federal agencies to lineal descendants, Indian Tribes, or Native Hawaiian organizations. NAGPRA also prohibits trafficking of cultural items.

NAGPRA Grants Program: The National Park Service recently revised the regulations implementing NAGPRA. These revisions dramatically increased the burden on Indian Tribes, Native Hawaiian organizations, and museums. We request that the NAGPRA grants program be funded at \$12.4 million. We also request that you direct the Government Accountability Office to evaluate the effectiveness of this grant program and the cost estimates prepared by the Department of the Interior for the regulations.

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 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. The new NAGPRA regulations place

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

significant compliance requirements on the Tribes regarding grave protection, discoveries, and excavations on Tribal lands, including non-trust lands within the exterior boundaries of Indian reservations.

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);
- f. Assistance to Tribes to carry out responsibilities for grave protection, discoveries, and excavations on Tribal lands (\$40 million).

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 new NAGPRA regulations 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.

6. Department of Justice, Environmental Crime Section

Add \$1 million to the budget of the Environmental Crime Section specifically to enforce the Safeguard Tribal Objects of Patrimony Act, Native American Graves Protection and Repatriation Act, and Archaeological Resources Protection Act

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