

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS  
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TRIBAL CULTURAL PRESERVATION NEEDS IN FY2019  
**Testimony to the House Appropriations Subcommittee on the  
Interior, Environment and Related Agencies Budget, Fiscal Year 2019**

The National Association of Tribal Historic Preservation Officers (NATHPO) is pleased to submit testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies regarding Fiscal Year 2019 budgetary needs for 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 (\$15 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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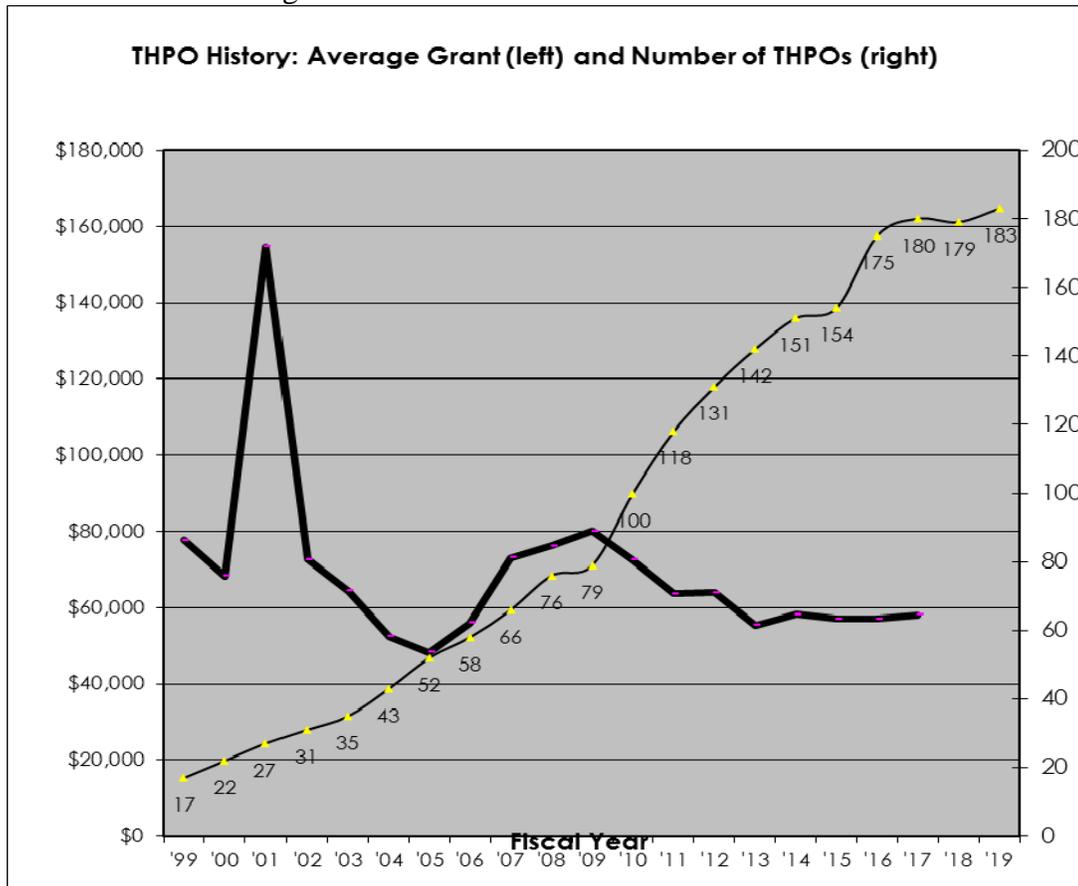
*Background Information:*

- ***What are Tribal Historic Preservation Officers (THPOs)?*** THPOs are federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the SHPO, per the National Historic Preservation Act. They are actively involved with 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 not-for-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 protect their cultural properties, whether they are naturally occurring in the landscape or are manmade structures. In addition to members who serve as THPOs for their respective tribes, our membership includes Indian tribes that support our mission and goals.

**1. Historic Preservation Fund (HPF), administered by the National Park Service – Tribal line item (\$11.985 million)**

As of May 18, 2018, there are 179 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.

**What is at stake without additional funds for Indian tribes?** Without an increase in FY2019 to take into account the expected increase in the number of tribes participating in the THPO program, Native American cultural properties located 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 an artificially low and inadequate level of 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. There are currently 179 THPOs in FY18 and there is an expectation that there will be at least 183 THPOs in FY19. If 183 Tribes each received the average \$83,000 per THPO received in FY 1996, Congress would need to appropriate much more than the current level of funding. This chart demonstrates the program growth and an unmet funding need:



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

In addition to the Tribal line item in the Historic Preservation Fund, NATHPO supports FY2019 appropriations for these HPF programs: State Historic Preservation Officers, Civil Rights Movement and the African American experience, Historically Black Colleges and Universities, Save Americas Treasures, and underrepresented communities.

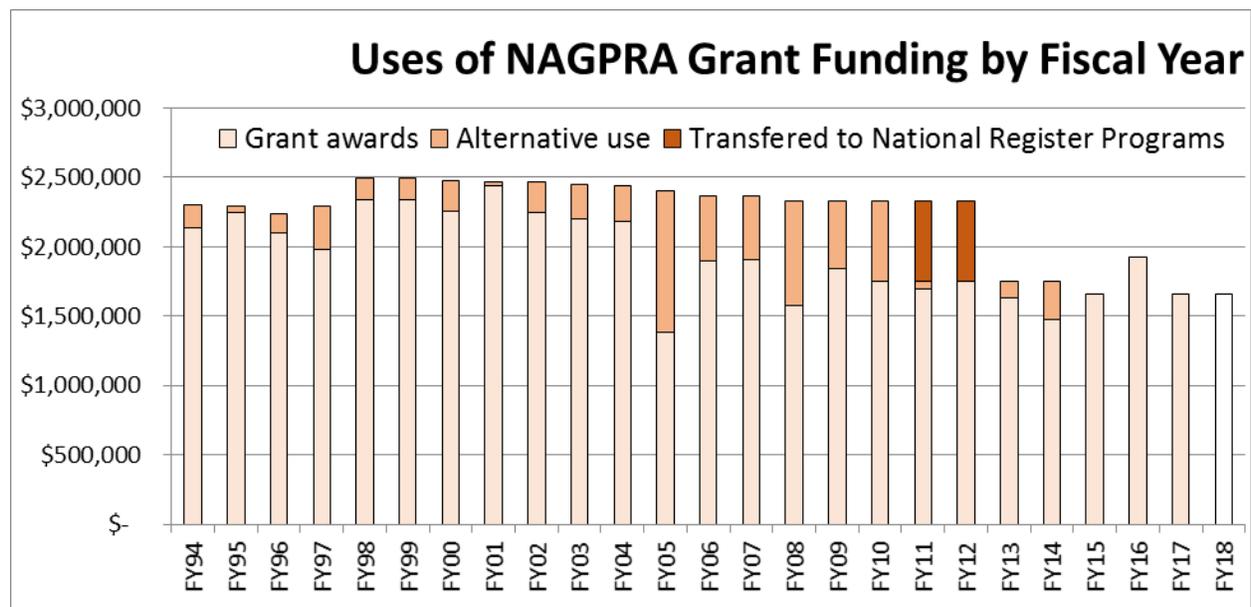
**2. National Park Service, National NAGPRA Program**

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.

**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. In FY2011, the NPS "cut" the \$2.3 million NAGPRA grants program by transferring \$581,000 to fund NPS "cultural resources/National Register programs" via an "internal transfer or other non-policy/program change," and with other NPS reductions, only \$1.698 million was awarded in actual grants. NATHPO requests that the Congress restore the grants to the \$2.331 million funding level.

This chart demonstrates the funding history of NAGPRA Grants:



<sup>1</sup> Cultural items include human remains, funerary objects, 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 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.