



HISTORIC & CULTURAL PRESERVATION

The protection and preservation of Native cultures and historic and sacred sites is a priority for tribal nations and relies on a complex federal statutory and regulatory system. Success in navigating these complex structures has resulted in the repatriation of cultural items, guidance regarding tribal member possession of eagle feathers, and protection of and increased tribal access to sacred places for religious and spiritual purposes. This success is due, in no small part, to the efforts of Tribal Historic Preservation Officers (THPOs) and other tribal administrators that take on these responsibilities absent formal Tribal Historic Preservation Offices. THPOs and other tribal heritage preservation professionals act as an essential bridge between tribal traditional cultures, ecological knowledge, and tribal sciences and the actions of federal agencies, private actors, and even international institutions. Increasing funding provided to these programs not only contributes to capacity building efforts, but also to the long-term health and well-being of tribal communities.¹¹⁷

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

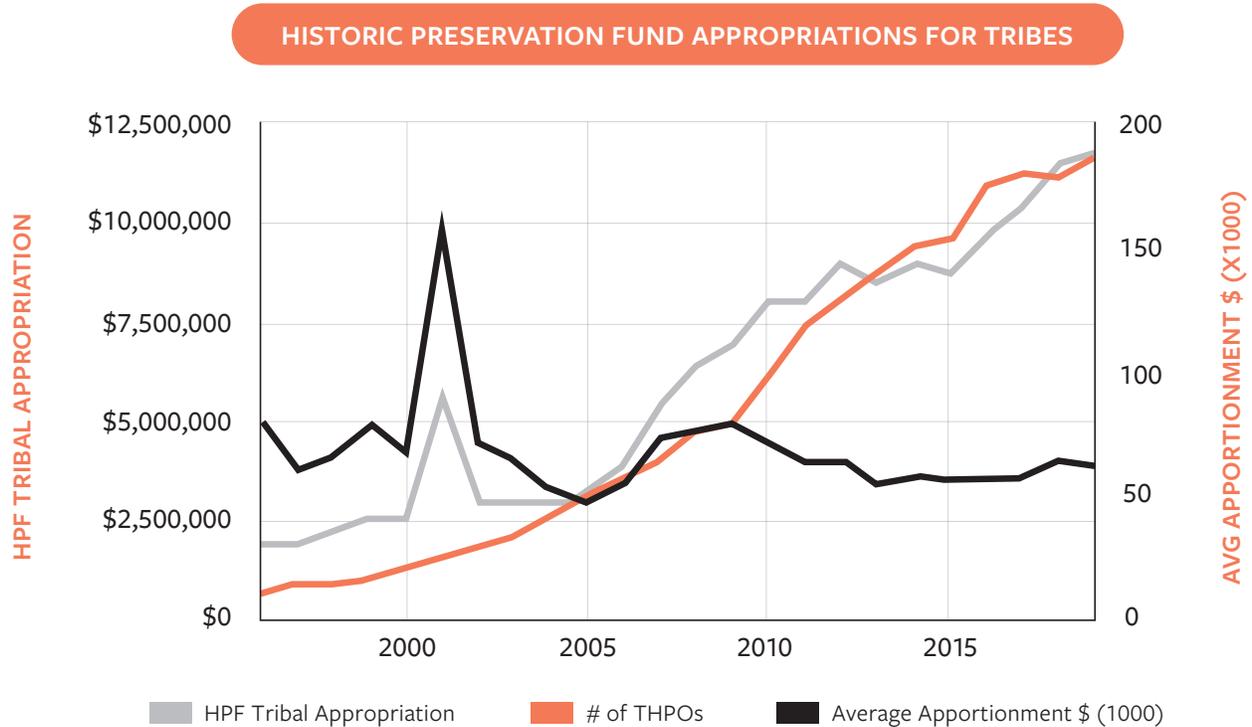
Tribal Historic Preservation Officer Program

- Provide \$20 million for the THPO Program.

Created in 1996, the THPO program has grown from 12 participating tribal nations to more than 194 tribal programs.¹¹⁸ THPOs' main responsibilities are to assist federal agency compliance with the National Historic Preservation Act (NHPA). The program is operated by the National Park Service and funded through the Historic Preservation Fund. THPOs provide essential technical and cultural expertise to the preservation and protection of a variety of tangible and intangible cultural resources of their respective tribal nations. They are active in recording oral histories, preserving and revitalizing Native languages, seeking the return of Native ancestral and sacred objects, and developing mitigation plans for impacted cultural resources. THPOs also have a critical role in the government-to-government relationship expressed through the unique Section 106 consultation process of the NHPA, which is designed to ensure the sanctity and sustainability of tribal sacred places, objects, and ideas.

Authorizing \$20 million specifically for THPOs will ensure that funding from the Historic Preservation Fund keeps pace with the cultural preservation needs of the country’s 574 federally recognized tribal nations. This amount would provide approximately \$103,093 to each existing Tribal Historic Preservation Office. This represents a modest increase in funding that still falls short of actual needs. As illustrated in the graph below, although the average annual funding has risen at that same proportional rate as the increase in the number of THPOs over time, the average apportionment to each THPO has slightly decreased since the programs founding, except for a one-time increase in funding.

FIGURE 4



Source: Graph courtesy of the National Association of Tribal Historic Preservation Officers ¹¹⁹ HPF Tribal appropriation has steadily increased, as has the number of THPOs. Therefore the average apportionment per THPO has remained the same.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Native American Graves Protection and Repatriation Act

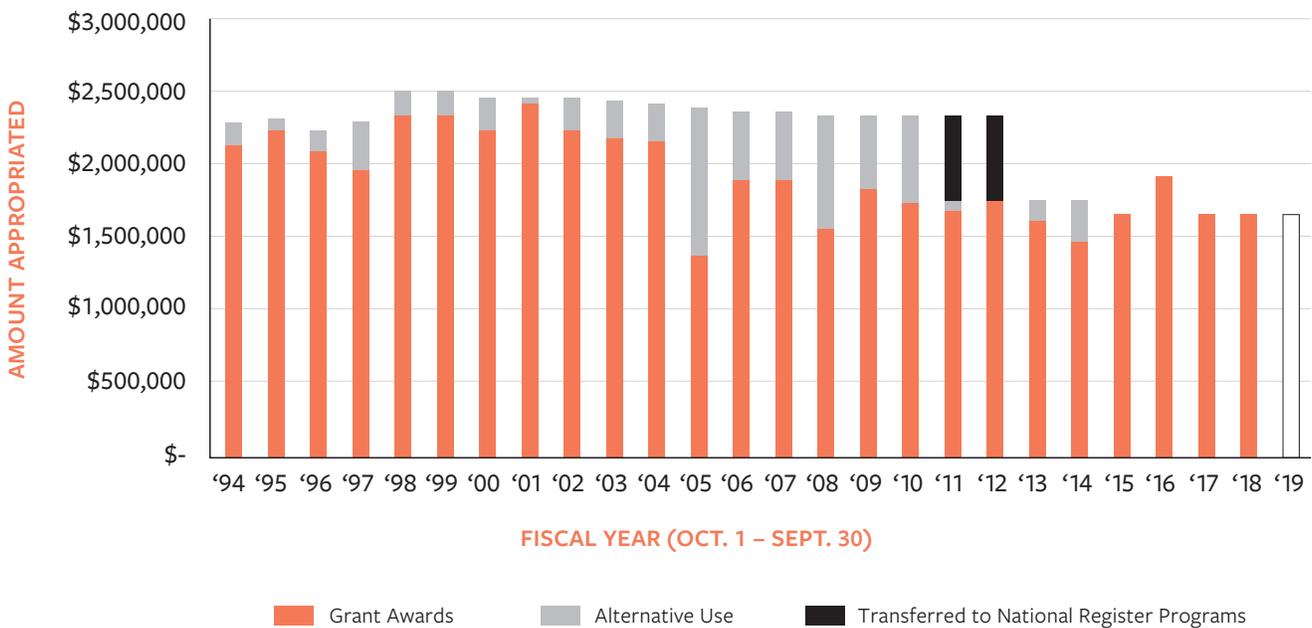
- Provide \$4 million for Section 10 of the Native American Graves Protection and Repatriation Act (P.L. 101-601) (NAGPRA) and create a line item for grants to fund work that would lead to clear determinations of culturally unidentifiable remains.

The NAGPRA Section 10 program authorizes the Secretary of the Interior to award funds to tribal nations, Native Hawaiian Organizations, and museums to implement provisions of the Act, including the repatriation of human remains and other cultural items. Prior to FY 2013, an increased percentage of Section 10 funds were diverted to cover NAGPRA administrative costs under the National Park Service. Starting in FY 2014, Section 10 funding was reduced by 25 percent and funding for administrative costs was increased by a corresponding amount.¹²⁰ This practice has diverted critical funds from tribal nations and their statutory and cultural responsibilities to return cultural heritage and patrimony to their homelands in favor of government overhead. A tribal priority should be established under Section 10 to ensure that grant funding is awarded to tribal nations. Additionally,

Pursuant to 25 U.S.C. § 3003(b)(2), Congress should ensure that no Section 10 funding is used to initiate new scientific studies or other means of acquiring or preserving additional scientific information from Native American human remains or associated funerary objects. A separate line item should be created to fund repatriation of culturally-unidentifiable remains to further support tribal repatriation efforts. Because ancestral remains or items are at times initially listed as culturally unidentified, it often takes more resources to decipher inadequate or incomplete historic records to correctly determine the cultural affiliation of an ancestor or item and ensure it is returned to its proper home pursuant to 36 C.F.R. § 10.11. The National Park Service should restore funding for grants and staff in the NAGPRA program.

FIGURE 5

USES OF NAGPRA GRANT FUNDING BY FISCAL YEAR



See endnote 121 below.¹²¹

- Provide 10 percent increase for investigations into the failure of museums or other institutions to comply with NAGPRA, and create a line item for investigations of complaints brought by tribal nations against museums or other institutions.

The failure of some museums to comply with NAGPRA has been an ongoing issue that inhibits and delays tribal repatriation efforts. Resources for law enforcement efforts have been sporadic and resulted in a backlog of uninvestigated allegations. Providing a 10 percent increase for these investigations and a tribal-specific line item will assist the Department of the Interior’s efforts to respond in a timely manner. Such directives will further ensure the successful implementation of NAGPRA.

- Provide adequate funding to federal agencies to carry out their NAGPRA responsibilities.

While tribal nations and museums are eligible for grant assistance to carry out their NAGPRA-based responsibilities, federal agencies lack a similar funding source. In the most recent GAO report to explore federal agency compliance with NAGPRA, agencies identified a lack of funding as one of the key reasons for their failure to fully comply with the requirements of NAGPRA.¹²² Congress should provide federal agencies with additional resources so they can carry out their statutory obligations.