



**NATIONAL ASSOCIATION
OF TRIBAL HISTORIC
PRESERVATION OFFICERS**

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September 29, 2023

Shalanda D. Young
Director, Office of Management and Budget
725 17th St NW
Washington, DC 20503

Dear Ms. Young,

The National Association of Tribal Historic Preservation Officers (NATHPO) urges the Biden Administration to propose funding Tribal Historic Preservation Officers (THPOs) in the FY2025 Budget at a level that enables THPOs to strongly protect and preserve Tribal Nations cultural resources and sacred places.

NATHPO is the only national organization devoted to supporting Tribal historic preservation programs. Founded in 1998, NATHPO is a 501(c)(3) non-profit membership association of Tribal government officials who implement federal and Tribal preservation laws. NATHPO empowers Tribal preservation leaders protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance. Connections to cultural heritage sustain the health and vitality of Native peoples.

THPOs are funded through the Historic Preservation Fund (HPF) which is administered by the NPS. The funding that THPOs receive through the HPF can only be used for specific duties that they assume from the State Historic Preservation Officer (SHPOs). NATHPO requests that the Biden Administration's Department of the Interior (DOI) Budget propose \$40 million for the THPO line item in the HPF. That funding level would both account for the increased workload and the increase in the number of THPOs.

The passage of landmark infrastructure and clean energy laws has exponentially expanded the number of projects on which THPOs consult. During the same time that these laws have been enacted, the Biden Administration has asserted its strong commitment to both Tribal sovereignty and meaningful consultation with Tribal Nations. NATHPO's members support the Administration's efforts on infrastructure and clean energy and appreciate the recognition of the importance of Tribal sovereignty and meaningful consultation. In order for infrastructure and clean energy projects to proceed without unnecessary delays, while at the same time upholding commitments to Tribal sovereignty and meaningful consultation, it is imperative that the Administration request that THPOs receive the resources that they need.

Demands on current THPOs are exacerbated by the fact that every year Tribal Nations create five to 10 new THPOs. The National Historic Preservation Act (NHPA) was amended in 1992 to authorize the establishment of THPOs to assume the responsibility of protecting Tribal Nations' cultural resources and sacred places. In the absence of THPOs, these responsibilities are assumed by the SHPOs. In order to establish a THPO, a Tribal Nation must submit an application to the National Park Service (NPS) that proves that they are "capable" of assuming the duties of the SHPO. Initially, 12 Tribal Nations applied and were deemed "capable." There are currently 219 THPOs and, based on pending applications, the number of THPOs is expected to reach 221 by the end of 2023.

The establishment of a THPO is an act of sovereignty by a Tribal Nation. NATHPO strongly supports and actively encourages Tribal Nations to establish THPOs. Unfortunately, with each additional THPO that is

PROTECTING NATIVE PLACES

added, the funding that existing THPOs receive is diluted. It would be unconscionable to address this challenge by discouraging Tribal Nations from establishing THPOs. NATHPO calls on the Biden Administration to provide a funding level that both supports existing THPOs and encourages the establishment of new THPOs.

THPOs are engaged in many other activities, including repatriation and language revitalization, that they are not permitted to support using HPF funding. Regarding repatriation, NATHPO requests that the DOI budget specifically provide Tribal Nations with \$17.2 million in Native American Graves Protection and Repatriation Act (NAGPRA) funding for FY2025. Regarding language revitalization, NATHPO requests a FY2025 budget proposal that aligns with the White House Council on Native American Affairs' (WHCNAA) draft 10-year National Plan on Native Language Revitalization.

Under the current funding system, Tribal Nations must compete with non-Tribal museums and universities for a limited amount of competitive NAGPRA funding. While this is already problematic, the situation will be exacerbated by a proposed NPS rule that would require museums to determine the disposition of culturally unidentifiable human remains within 30 months. The current rule only requires museums to initiate consultation on the disposition of culturally unidentifiable human remains when a Tribe makes a claim. While NATHPO appreciates the effort to speed up the repatriation process, it also recognizes that it will place a significant burden on Tribal Nations. The current rule permits Tribal Nations to factor in other priorities and initiate consultation at a time that works for them. The proposed rule would require Tribal Nations to engage within 30 months from the effective date or permanently lose their rights to reclaim these remains. NATHPO's request for \$17.2 million in NAGPRA funding for Tribal Nations is based on documented expenditures from NAGPRA grants that Tribal Nations have received.

NATHPO was very excited to read the WHCNAA's plan to develop a 10-year National Plan on Native Language Revitalization. As the proposal makes clear, the revitalization of Native languages is a substantial undertaking. THPOs are often leaders in efforts to preserve and revitalize Native languages, but because this is not one of THPOs' official responsibilities as laid out in the NHPA, THPOs are not permitted to use money they receive from the HPF to pay for language revitalization work. NATHPO strongly encourages the Biden Administration to propose funding levels for Native language revitalization that recognize the importance and difficulty of the undertaking.

The Biden Administration has provided long overdue leadership in confronting the history of the federal government's historic efforts to eliminate Tribal Nations and, as much as possible, to right those wrongs. Dispossession of land and water, including destruction of cultural resources, sacred places, and languages, was at the heart of the efforts to destroy Tribal Nations. Any effort to address the federal government's systematic effort to eradicate Tribal Nations must include support for the revitalization, protection, and preservation of Tribal Nations cultural resources, sacred places, languages, and the return of ancestors. NATHPO greatly appreciates the Biden Administration's support for Tribal Nations and looks forward to working with the Administration on establishing funding levels that accurately reflect the enormity of the task.

Sincerely,

A handwritten signature in black ink that reads "Valerie J. Grussing". The signature is written in a cursive, flowing style.

Valerie J. Grussing, PhD
Executive Director