



SOCIETY FOR AMERICAN ARCHAEOLOGY

Testimony of the Society for American Archaeology Before the House Appropriations Committee Subcommittee on Interior, Environment and Related Agencies

Regarding Fiscal Year 2011 Funding for the NAGPRA Grants Program

March 19, 2010

The Society for American Archaeology (SAA) supports the Native American Graves Protection and Repatriation Act (NAGPRA), and our testimony today is in regards to funding for the NAGPRA Grants Program, which is essential to the continued success of repatriation efforts in the United States.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

Of concern today is the issue of funding for the NAGPRA Grants Program in FY2011. The administration's budget proposal, if enacted, would cut funding for the program by \$581,000, instead of providing a much-needed increase to reflect current demand. SAA respectfully requests that Congress reject this proposed cut, and increase funding to a level of \$4.2 million, as recommended by the 2008 National NAGPRA Review Committee report, in order to meet demonstrated need.

Cuts to the NAGPRA Grants Program would be counter-productive

The NAGPRA Grants Program serves a critical purpose. In the 16 years since it was established, the funding it provides has been an indispensable resource for Indian tribes, Native Hawaiian organizations, and museums in facilitating the repatriation process outlined by the NAGPRA statute. The goal of the Grants Program is "to increase the number of successful repatriations through the support for projects that increase the ability of tribes and museums to facilitate consultation and work together through the NAGPRA process." As the process has evolved, with increasingly productive relationships developing between the various parties in consultation and repatriation efforts, the importance of the Grants Program has increased as well. In its recent "Journeys to Repatriation" report, the National NAGPRA Program noted that many of the applications they receive have gone from funding a museum's need to identify objects in its collections in order to prepare for consultation with tribes, to more complex projects involving joint collaboration and consultation among Indian tribes or Native Hawaiian organizations, and museums. Further, between the years 1994 and 2008, the Grants Program has awarded over \$31 million dollars to 265 tribes, Native Hawaiian Organizations and museums to fund NAGPRA-related activities. As the Curator of Anthropology at the Denver Museum of Nature and Science states:

“I believe that museums have a deep ethical obligation to proactively address the legacies of collecting, and the NAGPRA Grants program is a vital means of enabling museums to fulfill their duties as stewards and caretakers. From the consultations and conversations that result from dealing with NAGPRA, museums have the potential of creating new kinds of relationships with Native American communities. When tribes see that museums are genuinely committed to NAGPRA, both the spirit and the letter of the law, new friendships and partnerships can develop.”

If the grants are reduced, the very growth of collaboration and consultation that the enactment of NAGPRA was designed to facilitate will be endangered.

Cuts will worsen already-inadequate funding levels

Even though substantial progress has been made in repatriation work under NAGPRA, the amount of existing funds in the Grants Program does not meet current demand. The total number of funding requests for FY2009 more than doubled from FY2008 (see Table 1). Additionally, the total number of grant proposals received by the program has always been twice as many as have been awarded. A reduction in funds available to the Grant Program will only exacerbate this situation.

Table 1. Grants Requested and Awarded FY 1994 – FY 2009 by Tribes and Museums*

Tribes				Museums			
Year	Number of Applications Received	Amount Requested \$	Amount Awarded \$	Year	Number of Applications Received	Amount Requested \$	Amount Awarded \$
1994	106	6,091,594	1,023,200	1994	113	6,643,200	1,116,800
1995	63	3,842,289	1,387,925	1995	56	2,408,165	854,075
1996	54	3,490,414	1,150,985	1996	33	1,530,039	946,905
1997	54	3,148,112	1,425,600	1997	20	1,055,915	550,650
1998	61	3,547,254	1,557,165	1998	23	1,025,061	775,720
1999	57	3,296,264	1,648,220	1999	22	2,251,415	687,780
2000	84	4,814,432	1,629,170	2000	27	1,276,774	622,830
2001	53	3,048,377	1,802,180	2001	20	1,042,261	635,820
2002	57	3,460,873	1,708,268	2002	16	961,775	537,552
2003	60	3,708,782	1,703,194	2003	12	668,730	497,806
2004	41	2,369,685	1,535,659	2004	17	1,037,649	646,341
2005	41	2,344,891	918,560	2005	17	1,060,299	471,669
2006	52	2,999,228	1,500,965	2006	17	825,172	393,893
2007	36	2,100,960	1,247,243	2007	16	815,239	548,825
2008	29	1,691,220	1,089,554	2008	12	559,317	490,258
2009	51	2,674,813	753,809	2009	31	1,809,161	1,092,787

*Taken from National NAGPRA Program FY09 Final Report (p.14).

In addition, the awards provided, particularly those for consultation and documentation, often do not suffice to defray the total costs incurred. As noted in the National NAGPRA Program’s FY2009 report, the costs of consultation are often absorbed by museums in excess of the funding requested. For instance, in the “Journeys to Repatriation” report, institutions such as the Burke Museum at the University of Washington “ha[ve] dedicated in excess of one million of its own funding in compliance with NAGPRA.” The grants received from the NAGPRA Program have enabled the Burke Museum to supplement its funding and to assist in such important facets of the repatriation process as consultations. As they state: “[t]hese in-depth consultations have

significantly strengthened our relationships with tribes and have led to lasting relationships that will continue to go beyond NAGPRA efforts.” This situation is typical of museums across the U.S. However, the economic crisis has made it more difficult for museums to continue to absorb the costs of this unfunded mandate.

Increased funding is needed to meet higher present and future demand

SAA believes that there could be a substantial increase in demand for grant funding in the near future, on top of the already-unmet demand. The National NAGPRA Program has completed inventories for culturally unidentifiable Native American human remains that account for 124,377 individuals and 916,432 associated funerary objects (FY2009 Final Report, p.11). During the last fifteen years, only 40,000 sets of human remains have been culturally affiliated. Final disposition for the almost 125,000 sets of culturally unidentifiable Native American human remains was put on hold until the completion of regulations (43 CFR 10.11) dealing with that part of the NAGPRA statute. The new rule, published on March 15, will take effect in May, and creates guidelines for tribes, Native Hawaiian organizations, museums, and federal agencies to work collaboratively to establish disposition of the culturally unidentifiable Native American human remains. Tribes and museums, in order to deal with this challenging situation, could submit a huge increase of applications for grant funding. There could also be increased pressure on National NAGPRA Program staff to complete notices, answer questions, and investigate complaints.

Increased funding will also assist in providing valuable and much-needed training to more Indian tribes, Native Hawaiian organizations, and museums. The lack of adequate funds for training has been particularly alarming for a number of tribes, museums and federal agencies, as noted in the 2008 report prepared by the National Association of Tribal Historic Preservation Officers (NATHPO) and the Makah Indian tribe. In the report they state that one of the obstacles to successful repatriation efforts is the lack of training available to not only Indian tribes, but also to museums and agencies who must comply with the Act. They recommend that the NAGPRA Grants Program further develop training tools and include Native people who have extensive experience with NAGPRA-related issues in their training efforts (p. 46).

While education has proven an effective tool in increasing the number of applications, the grants process itself requires further review and revision in order to increase the success rate of applicants. In FY2009, the National NAGPRA Program, which administers the Grants Program, went through a review and significant restructuring designed to more effectively address issues of concern regarding the grant application process, and the administration and oversight of grants awarded. We recognize that this is an ongoing process for the National NAGPRA Program and we commend its efforts to date, and urge the program to broaden its work in consulting with those who implement NAGPRA for tribes and museums.

Conclusion

It is important that we remember how crucial NAGPRA is to Native American and Native Hawaiian Organizations, and conclude with Senator Daniel Inouye’s statement regarding the passage of NAGPRA:

“In light of the important role that death and burial rites play in Native American cultures, it is all the more offensive that the civil rights of America’s first citizens have been so flagrantly violated for the past century. Mr. President, the bill before us today is not about the validity of museums or the value of scientific inquiry. Rather, it is about human rights.”

NAGPRA has proved to be crucial in the capacity-building of Indian tribes and Native Hawaiian organizations and in the creation of innovative and collaborative relationships. The funding made available by the NAGPRA Grants Program has assisted many tribes, Native Hawaiian organizations, and museums in furthering their repatriation efforts. The proposed reductions would have detrimental effects on not only repatriation, but also

on the still-fragile collaborative relationships that exist among these entities. Further, there is a great need for an increase in funding to this important program. We therefore request that Congress oppose the proposed cut to the NAGPRA Grant Program for FY2011, and that the program's funding instead be increased to \$4.2 million as suggested by the National NAGPRA Review Committee.

Thank you for your time and consideration on this most important issue.