



## SOCIETY FOR AMERICAN ARCHAEOLOGY

### **Testimony of Daniel H. Sandweiss, President of the Society for American Archaeology, before the Subcommittee on Interior, Environment, and Related Agencies**

#### **Senate Appropriations Committee**

**May 17, 2023**

The Society for American Archaeology (SAA) once again appreciates this opportunity to present its recommendations for fiscal year 2024 cultural resources program appropriations for the Department of the Interior. I am Dr. Daniel H. Sandweiss, president of the SAA.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 5,500 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

The members of the SAA thank the subcommittee for supporting an increase in funding for federal and federally funded historic and cultural preservation programs in FY 2023. These programs, created under the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and other preservation statutes and funded through annual appropriations, constitute the foundation of these activities in the United States. These activities comprise the principal means of preserving and protecting our nation's irreplaceable historic, archaeological, and cultural treasures. In addition to ensuring that all Americans can learn about and enjoy the artifacts and knowledge of America's history, funding federal archaeology programs facilitates economic growth and infrastructure project delivery.

Given the above, our testimony for FY 2024 appropriations continues to emphasize the message that we have expounded on for the past three years—protecting our irreplaceable historic and cultural legacy requires the necessary staffing and resources, especially for State Historic Preservation Offices (SHPO) and Tribal Historic Preservation Offices (THPO), and in federal archaeologist staff levels. Some progress was made during FY 2023, but to maintain the momentum, we urge increased allocations for FY 2024.

#### **Department of the Interior—Increase Archaeologist Staff: \$10 million**

Federal archaeologists perform a huge number of important tasks. Recent fiscal years saw an increase in the number of federal archaeologists. In FY 2020, there were 1,371 archaeologists government-wide. Federal archaeologists increased by 37 in FY 2021, and by 70 in FY 2022, for a total of 1,478 (1,377 were permanent federal employees, and 101 were term or seasonal appointments). Of that number, 572 currently work in the Department of the Interior. This represents some progress in the government's ability to meet the increase of projects authorized under recent legislation including the Bipartisan Infrastructure Law, the Inflation Reduction Act (IRA), and the Great American Outdoors Act. Nevertheless, the scale of the work is immense. The following table shows the number of acres overseen by the top land-managing agencies and the number of archaeologists each agency employs to carry out reviews under Section 106 of the NHPA for federally funded projects, projects requiring a federal permit, or projects on federal lands; conducting surveys for historic and cultural resources under Section 110 of

the NHPA; protection of archaeological sites and materials and investigating instances of looting of sites under the Archaeological Resources Protection Act (ARPA); preservation and repatriation of highly sensitive cultural and spiritual tribal objects under the Native American Graves Protection and Repatriation Act (NAGPRA); consultation with Indigenous and descendant communities on the effects of federal actions on their cultural resources; addressing cultural resources in NEPA documents; development of contracts and cooperative agreements between federal agencies and private firms or universities; technical assistance on archaeological matters; coordination and management of volunteers helping to preserve cultural sites; and curation of federal archaeological collections.

Agency	Acreage	Archaeologists
BLM	244 million	217
USFS	191 million	462
USFWS	89 million	22
NPS	80 million	268
DOD	9 million*	305
Total	613 million	1,274

\* Domestic acreage only

If the Section 106 process is to function effectively, and federally sponsored undertakings are to be delivered in a timely manner, the NPS, BLM, other DOI agencies need still more archaeologists to satisfy the statutorily required and program responsibilities.

**National Park Service—National Recreation and Preservation Cultural Programs: \$44.1 million**

The overwhelming majority of our nation’s parks contain historical and cultural sites, including sacred lands of deep meaning and critical importance to Indigenous Americans and places that tell the story of America’s history and development. NPS National Recreation and Preservation Cultural Programs provide vital technical assistance and other support for resource protection within National Parks and for other federal agencies. The archaeological component identifies, documents, and inventories archaeological resources in parks; produces archaeological technical and programmatic publications; implements regulations for protecting archaeological resources; and assists other agencies through program development and training. The SAA greatly appreciates the \$39.3 million allocation in the final FY 2023 bill and supports the administration’s request for \$44.1 million for FY 2024. \$3 million of the requested increase for FY 2024 should go to fund the new African American Burial Ground Network program. Other priorities that the subcommittee should support include

- **Establishing baseline data**—baseline information about archaeological sites (their types, locations, and condition) is vital for meeting resource management objectives and in complying with statutes that protect our nation’s cultural heritage. Accurate baseline data expedites NHPA Section 106 compliance in particular, especially related to infrastructure. Some NPS units still have inadequate baseline inventory data.
- **Digital data management**—the NPS manages over 80,000 archaeological sites. There is a “Cultural Resources Inventory System” (CRIS) that contains information about archaeological sites, cultural landscapes, historic structures, and ethnographic resources. Many fields within the database remain unpopulated, however, and more information is needed that would aid park planning efforts, make data accessible during emergencies, and support geospatial modeling to facilitate identification of resources most vulnerable to climate change or looting. Improving the CRIS database would greatly improve access to data about archaeological sites and improve

planning and management.

- **Digitizing the permitting process**—the NPS is exploring the feasibility of creating a web-based process for ARPA and Antiquities Act permitting, which would reduce review workloads and approval time frames for program staff. A more efficient process is now critical, as more infrastructure and renewable energy projects that require NHPA Section 106 compliance are proposed for NPS lands. This model could also be applied by other agencies.

In addition to the administration’s request, Congress should explore applying funding under the IRA to the above initiatives.

### **National Park Service—Historic Preservation Fund: \$225 million**

The Historic Preservation Fund (HPF) provides crucial support to SHPOs and THPOs and matching grants to nonprofits and local governments to preserve and document historic resources. The HPF (among other programs) plays a crucial role in the ability of states and local municipalities to comply with the preservation system established by the NHPA—particularly with regard to Section 106 consultations. SHPOs and THPOs constitute the “front line” in the effort to preserve our cultural heritage. With the passage of the Bipartisan Infrastructure Law and the Inflation Reduction Act, their workloads continue to expand. In addition to compliance with Section 106, communities rely on HPF grants to attract tourism, retain a unique sense of place, and promote economic development.

The increases for the HPF in the omnibus FY 2023 appropriations legislation were badly needed. THPOs in particular faced—and continue to face—a difficult situation. There are 215 offices, and more are added each year, but even with the current year increase of \$7 million (to \$23 million), the average THPO receives just \$107,000. Though an improvement over earlier allocations, this remains an inadequate amount for the tasks that they continue to face, including engagement on a government-to-government basis with federal agencies on many undertakings. Unfortunately, the president’s request of \$177.9 million for the HPF, which would represent an overall decrease of \$26.6 million from FY 2023 enacted levels, is wholly inadequate, even though SHPO and THPO funding would remain the same. The SAA strongly endorses the recommendations put forward by the preservation community in February for a total of \$225 million for the HPF in FY 2024, of which \$70 million would go to SHPOs and \$34 million to THPOs.

### **Bureau of Land Management—Cultural Resources Management: \$25 million**

The BLM manages 245 million acres, which makes the agency the largest land manager in the United States. These lands contain an enormous number of known and as-yet-undiscovered cultural resources, many of which are in remote locations, and some are in areas with high visitation rates. Many sites on BLM lands are subject to looting, particularly in the Southwest. Patrol, inventory, and monitoring of cultural heritage sites is essential to their protection, and the 217 archaeologists on staff, along with the small number of other cultural resources specialists and law enforcement officers, is simply not enough to accomplish the mission. BLM lands also contain sites and areas, such as Bears Ears, that many tribes consider sacred. The low staffing levels make liaising with tribal officers during project planning very difficult, especially with respect to sacred sites and areas. The BLM needs additional funding to support more staff to do its work around protecting, inventorying, and monitoring cultural resources, in addition to providing effective tribal consultation. The administration’s requested increase is insufficient. We urge Congress to allocate \$25 million to this important program.

### **Bureau of Land Management—National Landscape Conservation System: \$72.9 million**

The National Landscape Conservation System (NLCS), first established in 2000 and authorized by Congress in 2009, contains more than 35 million acres of National Monuments, Wilderness Areas, Wild and Scenic Rivers, and other sensitive lands. This land also includes an extensive and diverse array of the nation's archaeological and cultural resources. We thank the subcommittee for supporting the \$12.3 million increase in the FY 2023 omnibus appropriations bill for this account, thus restoring the NLCS to its FY 2006 funding level of \$65.1 million. In order to secure the gains made to stewardship of these lands and the cultural resources they contain, we support the administration's request of \$72.9 million for FY 2024, an increase of \$11.3 million. More than \$5 million of this increase will go toward much-needed management changes, and \$3 million for the Increasing Representation in Our Public Lands initiative, which expands preservation of the historic and cultural sites important to traditionally underrepresented groups.

### **Native American Graves Protection and Repatriation Act Grants: \$3.4 million**

The NAGPRA Grants Program is the primary means of restoring culturally affiliated human remains, funerary objects, sacred objects, and objects of cultural patrimony to their Native American tribes and Native Hawaiian organizations. These ancestors and sacred items represent critical heritage for their traditional beliefs and practices. The program fills a key role in facilitating cooperation between tribes and museums to document covered items and realize their repatriation under NAGPRA. Although the law was passed in 1990, over 30 years ago, many museums, universities, and federal agencies have not completed their mandated inventories, let alone repatriated remains. In FY 2022 a total of \$2.15 million was allocated to grant recipients for consultation between tribes and repositories, documentation of items in covered collections, and repatriation of claimed objects to affiliated tribes and lineal descendants. Nevertheless, FY 2022 saw 17 grant applications go unfunded. In fact, in most years since the program's FY 1994 inception, the number of requests exceeded the amount of available funding. We congratulate the subcommittee for agreeing to a FY 2023 allocation of \$3.4 million. This substantial increase will go a long way toward eliminating the backlog of unfunded requests. In order to ensure that this trend continues, and that sensitive objects of cultural patrimony are returned to the affiliated tribes as the law intended, we ask that the panel approve another \$3.4 million for the NAGPRA Grants Program for FY 2024, no change from the current fiscal year.

### **Implementing the STOP Act—\$3 million**

Late last year the president signed the Safeguard Tribal Objects of Patrimony Act into law. The SAA applauds this important measure that will create an explicit prohibition on the export of items obtained in violation of NAGPRA or ARPA, make it easier for Native American tribes to access other countries' law enforcement mechanisms to regain their stolen property, increase penalties for violations of NAGPRA, facilitate coordination between the government and tribes to protect tribes' cultural heritage and enable its return, establish an export certification system to allow for transactions of legally acquired materials, and establish a federal framework to support voluntary returns from private collections. The Act authorized \$3 million in FY 2024 for its implementation. We ask that the FY 2024 appropriations legislation include this funding so that the work of carrying out the STOP Act can begin.

The SAA greatly appreciates your time and consideration of these important issues. Please contact us if you have any questions or concerns.