



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Jayme Davis

District 9
601 John Street
Rolette, ND, 58366-7209
jdavis@ndlegis.gov

COMMITTEES:

Human Services
Political Subdivisions

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Good Morning Chairman Schauer and Members of the Committee,

Thank you for the opportunity to testify in support of House Bill 1603. This bill is an important step forward in addressing the ongoing need for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA). The appropriation of \$5,000,000 to the State Historical Society will provide critical resources to support the repatriation of Native American human remains, funerary objects, and other cultural items, allowing our state to fulfill its obligations under federal law.

While I strongly support this bill, I believe there are opportunities to strengthen its provisions to better respect and uphold tribal sovereignty. Historically, repatriation efforts have been hindered by a lack of direct tribal involvement in decision-making processes. To ensure that this bill serves the interests of tribal nations effectively, I respectfully recommend the following amendments:

Establish a Tribal Repatriation Advisory Council

Rather than relying solely on the State Historical Society, I propose the creation of a Tribal Repatriation Advisory Council, composed of representatives from each federally recognized tribe in North Dakota. This authority would oversee the distribution of funds and ensure repatriation efforts are conducted in alignment with tribal customs and traditions.

Require Tribal Consultation at Every Stage

The bill should explicitly mandate formal consultation with tribal nations before any funding is allocated for repatriation projects. This ensures that tribal governments are setting priorities for the identification, transportation, and reburial of remains. Consultation must be documented and enforceable, with penalties for non-compliance to prevent unilateral decision-making by non-tribal entities.

Direct Funding for Tribal Nations

Instead of funneling resources through the State Historical Society, this bill should allow for direct grants to tribal governments to conduct their own repatriation efforts, including research, field surveys, and reburial planning. Tribes should have autonomy over how funds are spent to best align with their cultural protocols.

House Bill 1603 represents an important commitment to justice and the respectful return of sacred items to their rightful tribal nations. However, this bill must go further in ensuring that repatriation efforts are led by tribes, not merely consulted upon. By adopting these amendments, the legislature will affirm the sovereignty of North Dakota's Indigenous nations and fulfill its responsibility to uphold the spirit and intent of NAGPRA.

I urge the committee to pass House Bill 1603 with these strengthened provisions. Thank you for your time and consideration.