

Dear Chairman Schauer and members of the Government and Veterans Affairs Committee,

My name is Crystal Alberts. I am a professor of English at the University of North Dakota (UND), where I also serve as the co-chair of UND's NAGPRA Compliance Committee along with Laine Lyons, an enrolled member of the Turtle Mountain Band of Chippewa and Development Officer at UND's Foundation & Alumni Association. I am writing **in support of HB 1603**.

For the past three years, UND has been working hard to become compliant with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq) and its implementing regulations (43 CFR part 10) (NAGPRA), which includes the significant revisions that went into effect in January 2024. NAGPRA compliance is required by federal law for all entities that receive federal funds.

While no one person at UND had expertise in NAGPRA, we were able to find a group of faculty and staff on our campus who each had some of the necessary skills. UND was also able to hire a cultural resource management (CRM) firm with extensive experience with NAGPRA, who has the technical expertise and cultural knowledge needed to assist in our repatriation process. And, most importantly, UND was able to work closely with Tribal Historic Preservation Officers (THPOs) and other designated tribal representatives throughout North Dakota and the across region from the beginning of our process. The tribal representatives have been extremely generous with their time and knowledge, providing us with guidance and grace as we have partnered to return ancestors (human remains), their belongings, and culturally significant materials back to their tribal communities.

We know that other institutions in our state are facing and will continue to face the need to repatriate ancestors and culturally significant materials. For better or worse, we've learned a number of things during our process and have shared that knowledge to those who have asked. We offer three of the most pressing to you, which can be addressed with the proposed funds in this bill:

- **More financial assistance is needed:** Repatriation requires multiple full-time employees with specialized knowledge, a dedicated space to complete this work, legal assistance, and significant amounts of time: all of which require financial resources.

There are federal grants, but the pool of funds available nationally is limited, and the maximum award is \$150,000. Moreover, institutions and tribal nations are eligible to apply only *after* meeting the initial requirements of NAGPRA and the implementing regulations: sending the required notifications to tribal nations. However, the majority of expenses are accrued by institutions *when preparing* the required itemized inventories. These initial costs are ineligible under these grants.

Although repatriating institutions should cover the costs incurred by tribal nations during the NAGPRA process (this is UND's practice), not all institutions do often because of lack of resources. Consequently, tribal nations in North Dakota face additional financial burdens prior to and after the official notices. THPOs and designated tribal representatives may have to travel to every institution in the US that requests their presence for consultation and research, as required by federal law. They then must travel to every repatriating institution to transport ancestors back home and plan for their reinterment. Travel is also required if they are claiming culturally significant items. Generally speaking, NAGPRA cannot legally be completed in a single trip, so multiple flights or cross-country drives are necessary. Tribal

nations also must build or expand facilities to care for cultural items that are finally being returned.

- **Additional training is required:** There is a statewide shortage of people with knowledge of culturally competent cultural resource management, cultural collections care, and/or legal expertise in NAGPRA and its procedures. With additional financial resources and partnerships between state and tribal entities, we are hopeful that we can build capacity both at state institutions and in tribal communities. This includes hiring more full-time employees with these skills and on-the-job training when appropriate.
- **Tribal guidance is essential:** Under NAGPRA, institutions are required to consult with Tribal Historic Preservation Officers (THPOs). The law also clearly states that “Native American traditional knowledge is expert opinion.” It is often a matter of different world views. And, while non-Native run cultural institutions and educational institutions are changing, historically, one reason that state entities find themselves needing to repatriate ancestors or items that are significant to Native American nations is that some of us who aren’t Native American saw the burial mounds, villages, and cultural items of the First Peoples of this continent (from time immemorial) as objects to study rather than as the ancestors and cultural heritage of contemporary Native American peoples who live in North Dakota and beyond. At UND, our NAGPRA Compliance Committee and our contracted CRM firm includes numerous individuals who are enrolled members of tribes in North Dakota, South Dakota, or Minnesota. UND is literally caring for and returning their ancestral relatives and culturally significant items.

Simply put, state entities are returning the human remains of Native American ancestors to their relatives in communities throughout North Dakota and elsewhere, along with items of cultural significance that were taken without the consent of these communities. Their voices should be heard and their wishes followed.

Finally, as President Andy Armacost has said, UND will not be seeking the use of any of these proposed funds. However, we hope that these funds will expedite the repatriation of ancestors and culturally significant items to the tribal communities that have been waiting far too long for their return.

I respectfully ask for a “Do Pass” on this bill.

Sincerely,

Crystal Alberts, PhD
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University of North Dakota