



December 1, 2020

President-elect Joe Biden
Vice President-elect Kamala Harris
Office of Presidential Transition
1401 Constitution Ave, NW
Washington, DC 20230

Dear President-elect Biden and Vice President-elect Harris:

The American Cultural Resources Association (ACRA) congratulates you and offers you best wishes as you prepare to take office in January.

ACRA is the national trade association supporting the common interests of cultural resource management (CRM) firms of all sizes, types, and specialties. ACRA member firms undertake much of the legally mandated cultural resource studies and investigations in the United States, employing thousands of professionals, including archaeologists, architectural historians, historians, ethnographers, and an increasingly diverse group of other specialists in the museum and non-profit sectors.

CRM firms help tell the story of America. They work to help preserve, protect, and record evidence of the historic events, both great and small, that have shaped who we are as a nation. Moreover, ACRA members ensure that local communities have a voice in the process. Through their efforts, the American people are able to enjoy the benefits of a 21st century infrastructure while maintaining bonds with our shared heritage.

ACRA member firms are an integral component of our nation's infrastructure system, working side-by-side with those businesses and industries that design, construct, and renovate our transportation networks, energy grid, energy production systems, telecommunications systems, and built environment. Our firms interface between these businesses, industries and the tribal, state, and federal agencies that permit projects. CRM firms are predominantly small businesses that encounter the same challenges that all small businesses face, particularly in the current economic crisis.

ACRA members also lead efforts to engage diverse community members on behalf of developers and government agencies. While the legal priorities remain with our agency partners, ACRA firms begin the process and elevate the conversation so that common goals can be pursued. This remains the crux of the 1966 Act that empowered the American public to have a voice in the process by injecting community values in the projects that literally power our country.

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As you assemble your Administration and begin to confront the major issues facing our nation, we wish to share our key federal policy priorities that directly support your agenda to Build Back Better.

Protecting the Cultural Resource Review Process

Section 106 of the National Historic Preservation Act (NHPA) is the cornerstone federal policy that balances the need to build our nation with the need to preserve our past. Section 106 applies to all federal agencies and requires them to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve, and provide the public the opportunity to review and comment on projects.

CRM professionals and their clients respect the Section 106 process because it provides a clear, consistent roadmap that ensures projects can move forward while considering their impact on the country's diverse cultural heritage. Communities value the process because Section 106 gives citizens a voice in preservation. The public and every state in the Union have benefitted from the Section 106 process, from preserving a place on Main Street to leveraging the economic benefits of history and heritage.

Through the years, there have been attempts to weaken Section 106 by exempting certain project types from such reviews or circumventing the process. These actions threaten our nation's ability to preserve our cultural resources and therefore the ability of future generations to appreciate our shared heritage. At a time of economic crisis and urgent demand to quickly deliver infrastructure spending, it is more important than ever to make sure that, as we build back better, we do not abandon our historic treasures by weakening Section 106 and the NHPA.

Safeguarding our Environment

The National Environmental Policy Act (NEPA) works in tandem with the NHPA to ensure that infrastructure projects consider the impacts on people and the environment at the outset. Recognizing the fragility of our natural environment, NEPA is a vital tool to make sure that we build in ways that do not threaten our ecosystem.

We are concerned that a recently issued revision to the Council on Environmental Quality's regulations that implement NEPA will severely undermine the intent of the law and result in a degradation of our natural and human environment, not to mention eroding the influence that local communities have on their future.

We do not oppose genuine efforts to update regulations so that they are as efficient and effective as possible. But we oppose efforts to weaken and dilute these important protections in the name of "regulatory streamlining," especially if it reduces the ability of the public to review and comment. Therefore, we urge your administration to revisit the NEPA revisions.

Investing in Historic Preservation

For more than 40 years, the Historic Preservation Fund (HPF) has provided funds to rescue and rehabilitate significant historic sites, revitalize communities, and create opportunities for economic

growth. Funding for the HPF comes from offshore oil leases and not from taxpayer dollars. The Fund helps the National Park Service administer heritage programs such as the National Register of Historic Places and the Historic Tax Credit Program. State and Tribal Historic Preservation Offices (S/THPOs), which also are partially supported by the HPF, are additional key players in these programs tasked with survey and inventory of America's historic resources. The investments we make in state and tribal preservation programs yield big returns in economic development and jobs.

Recognizing the immense economic and cultural value of historic preservation, Congress has increased funding for the HPF in recent years. Despite these increases, the investments have not kept up with the rising costs to S/THPOs in meeting their responsibilities under Section 106 of the NHPA.

The economic crisis has only exacerbated the problem, as states seek ways to cut their own budgets, imperiling SHPOs. Without adequate funding, preservation offices will lack the capacity and ability to carry out programs that support management of our cultural resources, heritage preservation, and community development. Ironically, such slowdowns would end up costing jobs, which will make the budget crises worse. Federal support is vital for ending this vicious cycle.

As your administration develops its budget proposals for FY2022 and beyond, we urge you to ask Congress to appropriate full authorized funding for the HPF.

African American Burial Grounds

African American burial grounds are an integral part of our nation's heritage. But far too many of them have been neglected and abused, effectively erasing the memory of countless Americans whose history deserves to be told.

Rep. Alma Adams (D-NC) and Sen. Sherrod Brown (D-OH) introduced the African American Burial Grounds Network Act in 2019. The bill would establish the U.S. African-American Burial Grounds Network within the National Park Service to provide technical assistance, training, and public awareness to ensure that historic African American burial grounds are protected and recognized.

If this legislation is not enacted in the last days of the current Congress, we expect it to be re-introduced in 2021. We strongly encourage your administration to support this legislation to make sure that our nation's historical record does not neglect the stories of many people of color who have shaped our country.

Ensuring a Capable Federal Workforce

Our nation's cultural heritage relies on a competent, talented federal workforce to administer Section 106 and other programs. ACRA member firms have seen firsthand the immense contributions that dedicated federal preservation officers and other civil servants have made to protecting our historic assets.

Unfortunately, federal cultural resources staff have been badly impacted in recent years by agency personnel decisions that have reduced capacity, depleted institutional memory, left vacancies unfilled, damaged morale, and created inefficiencies. As just one example, efforts by the Department of the Interior to force Bureau of Land Management staff to relocate have endangered our country's ability to protect and preserve our cultural resources. Worse, these actions have been taken without Congressional oversight or authorization.

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Therefore, we urge you to place a priority on attracting and retaining qualified preservation staff across the federal government and rectifying recent decisions that have impaired the capacity of federal agencies to serve the public.

Supporting Small Entrepreneurs

Nearly 97 percent of CRM firms in the United States are small businesses; they operate in every state and region in the country, creating jobs, helping infrastructure projects move forward in an efficient manner, and protecting our nation's cultural heritage. They also foster new generations of scientists and professionals that elevate programs within primary, secondary, and higher education, including executing programs that use

CRM disciplines to help veterans return to the civilian workforce. These firms employ some 10,000 professional archaeologists, architectural historians, historians, and members of related disciplines. Further, these companies generate over a billion dollars in revenue each year. But the pandemic and economic crisis have made it hard for many CRM firms to keep their doors open. Delays and stoppages on construction projects have severely damaged cash flow, which, combined with the additional costs of PPE and other safety measures, has pushed many CRM firms to the brink of insolvency.

Economic stimulus measures enacted early this year have made a difference for many CRM firms; were it not for Paycheck Protection Program (PPP) loans, many CRM firms would have been forced to cut jobs, exacerbating an already challenging economic climate.

As the pandemic and resultant economic fallout continues, ACRA urges your administration to work with Congress to extend programs that provide a critical lifeline for small businesses, and support reauthorizing the Small Business Administration to continue helping small entrepreneurs prosper.

CRM professionals across the country are committed to building a better future for all Americans while preserving and protecting the past. As you prepare to assume the presidency, we offer ourselves as a resource to you and your administration to ensure that our nation can move forward.

Sincerely,



Nathan Boyless
President
American Cultural Resources Association