ACRA
American Cultural Resources Association

The Voice of Cultural Resources Management

ISSUE BRIEF

Oppose the Senate Threat to Our Heritage

ACRA Position

The Bipartisan American Affordability and Jobs Act (BAAJA) would endanger some of our most irreplaceable historic sites, sow confusion and chaos in the project delivery process, and by allowing federal agencies to run roughshod over local concerns, provide neither affordability nor jobs.

Background

For 60 years, the NHPA has enshrined into law the idea that we can build modern infrastructure while minimizing damage to historic places. Before the NHPA, countless historic sites were bulldozed with no public input. Section 106 ensures that the public is consulted, historic sites identified, and mitigation considered before historic sites are lost to history. Section 106 does not stop projects, but provides for collaboration to address conflicts early on. In fact, the majority of projects are approved without delays from Section 106.

Federal permitting can be made more efficient. But BAAJA – drafted behind closed doors and being rushed to a vote in a lame-duck Congress – will not do so. BAAJA would:

- Strip protection from thousands of historic sites by severely limiting the definition of an undertaking. Even projects that receive federal funding would be exempt from Section 106, as would any project an agency decides meets an undefined "substantial Federal control and responsibility" standard.
- Remove protections from visual, atmospheric and audible impacts for all but a small number of historic sites, meaning that sites like battlefields and scenic vistas could be marred by data centers and other large infrastructure; and sacred Tribal spaces could be disturbed by noise and other interference.
- Enable federal agencies to make unilateral decisions from Washington with little or no consultation with the communities impacted by those decisions. Under the bill, even Tribal nations would lose their ability to have a say in how their sacred spaces are affected.
- Allow a single federal official to reject approaches to mitigate the damage done to historic sites if they feel that preserving our heritage is a low priority.

These changes will not make permitting faster; they will invite more confusion, more controversy and more delay as communities confront the peril to the places that tell their stories.

ACRA appreciates that BAAJA would require agencies to begin the Section 106 process when they start environmental reviews. But such steps will do nothing to help the many historic properties that will be lost to posterity should the bill be enacted.

Congress must oppose these provisions, so we don't repeat the mistakes of the past.

About the American Cultural Resources Association

ACRA is the national trade association supporting and promoting the common interests of cultural resource management (CRM) firms of all sizes, types and specialties. Member firms undertake much of the legally mandated CRM studies and investigations in the United States.

1025 Thomas Jefferson Street NW, Suite 400 West
202.367.9094 • www.acra-crm.org • info@acra-crm.org

10.2026