November 5, 2026

Plains Anthropological Society Statement on the Bipartisan American Affordability and Jobs Act (BAAJA)

On behalf of the Plains Anthropological Society (PAS) and its 400 members, we write to express our strong opposition to S. 5653, the Bipartisan American Affordability and Jobs Act (BAAJA). If passed as written, the bill would significantly weaken the National Historic Preservation Act (NHPA) as well as its implementing regulations at 36 CFR 800. While we recognize that aspects of the NHPA can be modernized, these regulations should remain as intended: a fundamental obligation, not an administrative option.

For 60 years, the NHPA has provided a framework by which federal agencies interact with the Advisory Council on Historic Preservation (ACHP) to determine the effects of federal undertakings on the nation's irreplaceable historic and cultural resources through a process of consultation between agencies and State and Tribal Historic Preservation Officers (SHPOs, THPOs). The proposed changes would reduce or eliminate opportunities for consultation and therefore limit or preclude input from concerned stakeholders including sovereign Tribal nations and a large cross-section of the American public.

Narrowing the scope of federal review would leave significant historic districts, archaeological sites, cultural landscapes, and places of traditional religious and cultural significance without protection that, once destroyed, can never be replaced. We address our specific concerns as follows:

1. **Weakened consultation and federal accountability.** The proposed regulatory changes would effectively remove federally recognized Tribes from the consultation process, undermining the federal government's trust responsibilities. The NHPA currently provides a mechanism for consultation between Tribes and federal agencies. Weakening or eliminating that process would diminish Tribes' ability to protect ancestral places and lifeways associated with those places.

2. **Negative impacts on local economies.** The NHPA has led to the creation of hundreds of small businesses that specialize in identifying, evaluating, and mitigating adverse effects on historic sites. These independent contractors provide jobs for skilled professionals. In addition, crews conducting field investigations generate revenue for local hotels, restaurants, gas stations, rental car companies, equipment suppliers, and other local businesses. In rural communities, cultural resource investigations have a substantial economic impact. Reduced demand for such projects will trickle down to local communities. Any assessment of anticipated savings must account for these broader economic consequences rather than considering federal expenditures in isolation.

3. **Increased uncertainty and unintended delays.** Supporters of BAAJA claim the proposed changes will accelerate the completion of undertakings. As professionals familiar with the regulatory process, we believe the opposite. Delays in regulatory compliance are caused not by the process itself, but rather by late or insufficient project planning, inconsistent implementation, and insufficient staffing to carry out compliance. The proposed changes will result in inconsistent implementation, disputes, and litigation. When implemented correctly, the existing regulations provide for early identification of historic properties and allow meaningful consultation to resolve conflicts before they become costly obstacles. They also provide mechanisms for avoiding such conflicts, including programmatic agreements, streamlined consultation, and smooth interagency coordination, all of which have a proven record of increasing efficiency without sacrificing essential protections to historic resources. When the standard procedures are inadequate, the current process offers flexible approaches.

In closing, the Plains Anthropological Society stands firm in our belief that historic preservation and economic development can be mutually beneficial. For decades, the NHPA has demonstrated that federal agencies can accomplish their missions while responsibly considering our nation's heritage. Reform should strengthen that balance, not dismantle it.

We urge Congress to oppose the provisions of BAAJA that would weaken the NHPA. Instead, we recommend that Congress conduct hearings to evaluate the economic, cultural, and administrative consequences of any proposed changes to the NHPA. This should include effects on Tribal sovereignty, the federal trust responsibility, and the long-term preservation of historic properties, as well as collateral effects on private-sector employment, small businesses, and local economies.