Archaeology Southwest Exploring and protecting heritage places while honoring their diverse values

The Honorable Mark Kelly
Hart Senate Office Building
Suite 516
Washington, DC 20510

The Honorable Ben Ray Luján
498 Russel Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
709 Hart Senate Office Building
Washington, DC 20510

The Honorable Ruben Gallego
Hart Senate Office Building
SH-302 Washington, DC 20510

October 15th, 2026

RE: The Bipartisan American Affordability and Jobs Act Is Bad for the Southwest

Dear Senators Kelly, Gallego, Luján, and Heinrich:

We emphatically oppose the Bipartisan American Affordability and Jobs Act (BAAJA) (S. 5653). BAAJA "fixes" things that are not broken; transfers to federal bureaucrats essential local and state controls over communal heritage places and environments; and legislatively silences Native American communities and histories. We oppose BAAJA because it prioritizes incompletely planned and needlessly harmful land-alteration and resource-extraction projects over the interests of Tribes and local communities.

From our offices in Tucson, Taos, and Las Cruces, Archaeology Southwest works with Tribes and communities to understand and conserve places because of the histories, memories, and meanings they hold. For four decades we have effectively promoted the senses of identity, beauty, and relationship grounded in historic places and intact landscapes. These historic places—not the powerlines, pipelines, mines, and oilfields that BAAJA promotes—are what the people in Arizona and New Mexico live for and come to visit.

BAAJA would destroy what Archaeology Southwest and legion other organizations opposing the act have worked to build and safeguard. BAAJA would decimate the essential, ever-present connections to the past that endow the Southwest with robust senses of place and magnificence. In particular—and among many other harmful provisions—BAAJA (Title III) would:

- Amplify industry voices while eliminating requirements for federal agencies to listen to your constituents, especially the Tribal Nations, landowners, and neighbors most affected by land alteration and resource extraction proposals;
- Prohibit Tribal Nations, communities, and the public from challenging agreements that enable the destruction of living landscapes and historic places, stripping courts of jurisdiction to hear objections;

281 N. Stone Ave. Tucson, AZ 85701
phone 520-882-6946 fax 520-882-6948
email info@archaeologysouthwest.org
www.archaeologysouthwest.org
Stephen E. Nash, Ph.D.
President and CEO

- Allow diverse federally funded and assisted projects to evade regulatory review, leaving reviews only for projects with "substantial Federal control and responsibility," a key phrase BAAJA fails to define;
- Strip federal courts of the power to set aside unlawful project approvals, while empowering industrial proponents to go to court to enforce new and largely unreasonable timelines;
- Impose a statutory definition of properties of traditional religious and cultural importance, conditioning protection on a "living community" and an "event" that "occurred" there, with Congress writing language that governs Native sacred places without input from Tribal Nations or Native Hawaiian organizations;
- Bar federal agencies from considering visual, atmospheric, and auditory harms that desecrate sacred landscapes, destroy historical settings, or intrude upon the sanctity of battlefields, cemeteries, and Tribal cultural sites unless federal officials determine such impacts would "significantly" diminish the property, and eliminate consideration of cumulative harms altogether.

BAAJA would undo what Tribal Nations, government officials, and organizations and communities across the Southwest have co-created—namely, reasonable practices for avoiding and reducing harms to cherished landscapes and places. BAAJA would disable a future in which people's relationships with heritage places and natural environments thrive, guided by shared appreciation, respect, and responsibility.

Please vote NO on S.5653 or the Bipartisan American Affordability and Jobs Act.

Sincerely,



President & CEO
Stephen E. Nash