



November 2023 Government and International Government Affairs Update

Dear Matt Cipriani,

Even though the situation in Washington remains dysfunctional at best, as you will read below, the SAA remains active in pressing its message on permitting reform. On November 27, representatives from the SAA and NCSHPO and several CRM archaeologists from Delaware met with staff from the Senate Environment and Public Works Committee, which is chaired by Sen. Tom Carper (D-DE). In that meeting, the SAA and colleagues emphasized the facts that archaeology, cultural resources preservation, and economic development go hand in hand and that Section 106 reviews enhance infrastructure project delivery, not delay it. They added that if further streamlining of permitting processes is on Congress's agenda, it must not weaken the National Historic Preservation Act reviews that not only protect our irreplaceable cultural heritage but help generate economic growth and jobs as well. This issue may become a hot topic during the upcoming election cycle, and we will remain vigilant in 2024 and beyond.

Dan Sandweiss
President

Domestic Issues

After weeks of confusion and false starts that delayed legislative deliberations, on October 25 Rep. Johnson (R-LA) was elected as Speaker of the House. The most pressing issue facing Congress is the rapidly expiring continuing resolution (CR) that is keeping the government funded until November 17. While the House has passed five of the 12 annual appropriations bills, and the Senate is working on its versions of others, as of this writing none are signed into law. The new speaker suggested another stopgap funding bill through early 2024, until January 15 or even April 15, but reaction was mixed at best. The

current CR will lapse at midnight November 17. Unless Congress can agree on an omnibus measure that incorporates all the spending bills, or passes a new CR, there will be a shutdown. The SAA reiterated its [message](#) to Senate appropriators to fight for its allocations for cultural resources accounts in negotiations with the House on an omnibus bill.

David Lindsay

Manager, Government Affairs

Federal Legislation

H.R. 1—Lower Energy Costs Act of 2023

Sponsor—Rep. Scalise (R-LA)

Status—passed the House on March 30

This bill is the House Republicans' marker on reforming the permitting process for energy and transportation infrastructure projects. It would require Interior to resume quarterly lease sales on federal lands and a minimum of four annual offshore lease sales, require publication of 2023–2028 offshore oil and gas lease sales plans, end the existing moratorium on new coal leasing, codify the Trump administration's NEPA regulatory changes, end NEPA compliance for "non-major" federal actions (geotechnical investigations, transmission infrastructure upgrades, off-road vehicle use in existing rights-of-way, meteorological towers, geothermal exploratory wells, etc.), limit NEPA environmental reviews for lease sales to impacts directly related to extraction, enforce a 120-day deadline to file a claim on any final agency action subject to NEPA, end Section 106 compliance for activities on lands where the federal government owns less than 50% of the subsurface mineral rights, and set NEPA review deadlines at one year for environmental assessments and two years for environmental impact statements. On March 28, the SAA joined a [letter](#) by the National Trust that outlined our opposition to the bill and suggested alternative approaches to improve the federal permitting process. While some streamlining provisions were included in the debt limit suspension bill, further action on permitting is possible in this Congress, and the SAA will continue to work to defend NHPA reviews as part of the permitting process.

H.R. 178—Public Land Renewable Energy Development Act of 2023

Sponsor—Rep. Mike Levin (D-CA)

Status—pending before the House Natural Resources and Agriculture Committees

The measure would require the Secretary of the Interior to establish renewable energy priority areas on public lands and update the Final Programmatic Environmental Impact Statements (PEIS) for geothermal (issued October 2008), solar (issued July 2012), and wind (issued July 2005) to include those priority areas. The department would be required to coordinate with state, tribal, and local governments as well as industry stakeholders to ensure that priority areas are economically viable and that the undertakings would minimize impacts on habitat, recreation, cultural resources, and other uses. This bill was approved by the House Natural Resources committee in the

previous Congress.

H.R. 356—Unleash American Energy Act of 2023

Sponsor—Rep. Jerry Carl (R-AL)

Status—pending before the House Natural Resources Committee

This bill is a reintroduction of a similar measure from the previous Congress. It would “require a minimum of two oil and gas lease sales a year in the Gulf of Mexico and in the Alaska Region of the Outer Continental Shelf.” It would also prohibit any administration from imposing future moratoriums or delays on offshore oil and gas leasing.

H.R. 923—To prohibit the President from issuing moratoria on leasing and permitting energy and minerals on certain Federal land

Sponsor—Rep. Harriett Hageman (R-WY)

Status—pending before the House Natural Resources Committee

Like H.R. 356 above, this measure would direct the executive branch to further develop domestic energy resources, in this case by preventing an administration from placing a moratorium on oil, gas, and mineral extraction activities on federal land.

H.R. 2167—To limit funds for the Historic Preservation Fund for fiscal year 2024

Sponsor—Rep. Andy Biggs (R-AZ)

Status—pending before the House Natural Resources Committee

This legislation would cap spending from the HPF in the fiscal year beginning October 1, 2023, to \$102,660,000. Rep. Biggs has introduced hundreds of similar bills to reduce or eliminate spending in federal programs as part of an effort to bring the budget situation under control. The SAA will oppose this measure and similar bills introduced by Rep. Biggs should they move forward in the Natural Resources Committee.

H.R. 3350—The Historic Preservation Fund Reauthorization Act

Sponsor—Rep. Michael Turner (R-OH)

Status—pending before the House Natural Resources Committee

This legislation would extend authorization for the Historic Preservation Fund (HPF) for 10 years and increase the annual funding limit to \$250 million. Authorization for the HPF expired on September 30. The SAA will continue to work to support this measure in the Congress to build support for an extension of the HPF’s authorization. It now has 19 [co-sponsors](#). Please go to our [Take Action](#) portal to thank your member of Congress (if they have already co-sponsored) or to urge your member to become a co-sponsor.

S. 1399—Building American Energy Security Act of 2023

Sponsor—Sen. Joe Manchin (D-WV)

Status—pending before the Senate Energy and Natural Resources Committee

The bill is nearly identical to the measure that Manchin sponsored in the previous Congress. Some of the provisions include requiring courts to expedite consideration of litigation of energy project permits. If a federal court remands or vacates a permit, the court must set and enforce a reasonable schedule and

deadline, not to exceed 180 days, for the agency to act on the remand. It requires the president to designate and periodically update a list of at least 25 high-priority energy infrastructure projects. The list is required to be balanced in terms of project types, such as critical minerals, nuclear, hydrogen, fossil fuels, electric transmission, renewables, and carbon capture, sequestration, storage, and removal.

S. 1456—Spur Permitting of Underdeveloped Resources Act **Sponsor—Sen. John Barrasso (R-WY)**

Status—pending before the Senate Energy and Natural Resources Committee
Designed to greatly increase energy and mineral production on federal lands, it would mandate that the Secretary of the Interior resume onshore quarterly lease sales, exempt operations on state and private surface from federal permitting review requirements (including Section 106 reviews) if the federal government holds less than a 50% interest in the subsurface mineral estate, and other provisions streamlining transmission and pipeline construction.

S. 1804—FASTER Act of 2023 **Sponsor—Sen. Heinrich (D-NM)**

Status—pending before the Senate Energy and Natural Resources Committee
Among other provisions, the legislation would give the Federal Energy Regulatory Commission (FERC) siting authority and make it the lead agency to coordinate state, local, and federal authorizations for transmission infrastructure that carries between 345 kV and 750 MW and crosses two or more states, or is named by the Department of Energy as being of national importance; requires FERC to approve or deny an application from initial pre-filing application to notice-to-proceed within three years; incentivizes communities and project sponsors to negotiate an enforceable Community Benefits Agreement (CBA); and ensures greater community engagement by developing clear protocols to help communities negotiate a CBA.

Agency Actions

The Advisory Council on Historic Preservation met for its fall business meeting on November 15 in Washington, DC. You can watch the proceedings [here](#). Two major rulemakings are expected before the end of the year. The first is a new final revision of the regulations implementing the Native American Graves Protection and Repatriation Act. The second is a proposed rule by the US Army Corps of Engineers that is expected to begin the process of rescinding Appendix C and replacing it with a new policy that more closely tracks the National Historic Preservation Act regulations at 36 CFR 800. The SAA continues to closely monitor both issues.

In The States

The Arkansas Game and Fish Commission (AGFC), a state agency, issued permits allowing people to “treasure hunt” after lowering the levels of Lake

Conway. Mel Zabecki, the state archaeologist with the Arkansas Archeological Survey, asked the agency to revoke the permits. After some initial resistance, the AGFC removed the permits, and more information can be found [here](#). Jess Cogburn (review archaeologist at the SHPO in Arkansas) reports that the AGFC may hold “clean up” events next year, where archaeologists will be invited to be on the premises for educational outreach.

In The Courts

A group led by Utah is challenging President Biden’s decision to restore the Grand Staircase-Escalante and Bears Ears National Monuments. They have appealed to the federal Tenth Circuit Court, arguing against a district court’s dismissal of their case on sovereign immunity grounds. They claim that the restoration of the monuments violates the Antiquities Act’s “smallest area provision.” Various state governments, a city, politicians, and legal groups have filed amicus curiae briefs in support of the appeal. The administration has until December 19 to respond to the Utah brief. If successful, this lawsuit could remove protections from cultural resources within the Grand Staircase-Escalante and Bears Ears national monument and limit presidential authority to establish landscape-scale monuments. If the Tenth Circuit Court upholds the lower court’s decision, the Utah group plans to appeal to the Supreme Court. The SAA, in collaboration with AAA and AIA, plan to file an amicus brief in opposition to the appeal.

Insight and Analysis

The following piece first appeared as a blog post on the Coalition for Archaeological Synthesis (CfAS) website (www.archsynth.org) on November 8, 2023. You can find the original post, along with comments, at <https://www.archsynth.org/cultural-resource-management-and-higher-education/>. We encourage readers who would like to comment to do so in the comments section of the original blog post.

Where Does Cultural Resource Management Fit In Higher Education?

Jeff Altschul, Keith Kintigh, and Terry Klein

November 8, 2023

In the past few days there have been two articles presenting diametrically opposed views of the job prospects for US archaeologists. One article by Miranda Willson, “[An Archaeologist Shortage Could Stifle the Climate Law](#),” in Energywire, a publication of Politico’s E&E News, outlines the shortage of qualified archaeologists in CRM and how this might affect the administration’s clean energy agenda. Willson argues that archaeologists, along with specialists in other fields required to comply with components of the National Environmental Policy Act (NEPA), are in critically short supply.

Jamie Pleune of the University of Utah captures the dire nature in which many project proponents find themselves: “The problem I encountered was when you don’t have enough archaeologists, you’re just waiting in line to get that one archaeologist—waiting for them to be available.” But it’s not just field workers that are in demand. Willson notes that according to Erik Hein, Executive Director of the National Conference of State Historic Preservation Officers, “about 30 percent of positions at historic preservation offices in some states are now vacant.” Without these positions, the regulatory process breaks down, leading to project delays and increased project costs. These delays and cost increases are not lost on Congress. Currently, there are numerous bills to further restrict the time allocated to complete NEPA compliance as well as the reach of the law for entire classes of projects.

The second, published two days later by Anemona Hartocollis in the *New York Times*, is entitled “[Can Humanities Survive the Budget Cuts?](#)” The article begins with a report from the state auditor of Mississippi, Shad White, which questions the degree programs offered by state universities. According to Hartocollis, White argued that “state appropriations should focus more on engineering and business programs . . . and less on liberal art majors like anthropology, women’s studies, and German language and literature.” Speaking specifically of anthropology, White stated that “more than 60 percent of anthropology graduates leave to find work.” Mississippi is not alone. Other institutions announcing cuts to humanities include the University of Alaska, Eastern Kentucky University, North Dakota State University, Iowa State University, and the University of Kansas. At Miami University, which is reappraising 18 undergraduate majors, Provost Elizabeth Reitz Mullenix is quoted as lamenting, “It’s an existential crisis. . . . There’s so much pressure about return on investment.” A related, and perhaps more serious, problem, is that even when the existence of the department is not threatened, numbers of relevant faculty are being reduced when faculty positions are simply eliminated with retirements rather than being rehired.

It may be true that some anthropology majors have a difficult time entering the labor force in jobs remotely related to their field of study. But that is not the case for archaeologists! Two of us ([Altschul and Klein](#)) have forecasted that the current shortage of CRM archaeologists will continue for at least a decade. As archaeologists make the case to expand programs to train CRM professionals, we need to be mindful that CRM is not encapsulated in a single discipline but a field that includes archaeology, architecture, cultural anthropology, curation, history, historical architecture, museums and public interpretation, collections management, law, and planning. Further, CRM professionals not only need technical skills of their professional specialization but also the social skills needed to engage and consult with tribes and descendant communities, work with stakeholders and the general public, and much more.

Clearly, if we are to maintain the legal and regulatory requirements to consider and address the effects of government actions on cultural resources, the industry will have to have the capacity to accomplish the needed work and the

government will have to have officials to manage and review this work. However, we know that, as things stand, the number of new professionals entering the CRM workforce is nowhere near current or projected demands. So, what can be done? Of course, there are no easy answers, but we can begin to outline some of the challenges and pose a number of questions that need to be answered. We don't have good answers to these questions, but we invite your comments and discussion on this blog. We will focus on mainly the archaeology component of CRM, but similar problems apply to other CRM specializations.

Meeting the demands for new professionals will require both an adequate supply of individuals who are interested in CRM employment and an increased capacity to properly train and credential them. Solving the first of those problems will require having well-paid jobs with attractive benefits and job security. As has been argued previously in the [CfAS blog](#), entry-level pay for archaeological technicians has been, and continues to be, significantly lower than similar jobs in the construction and environmental industries. Certainly, all sectors of CRM (professional societies, trade associations, government agencies, etc.) need to work together to raise entry-level pay rates and benefits. We also need to make the career path in CRM more attractive. Simply put, we need to shorten the time spent between working as an archaeological technician and the next rung of the career ladder: crew chief, a position that generally is permanent (i.e., staff position with benefits) and paid reasonably well. The second problem—credentialing CRM professionals with the proper skills and in a timely manner—has to be solved within the training infrastructure provided by educational institutions and the industry itself (e.g., via internships and on-the-job training).

So, how do we get the word out to prospective CRM practitioners that there are jobs and rewarding careers in this field? The word needs to get out, likely in different ways, to several audiences: high school students looking to go to college, students in community colleges, students in colleges and universities, and current majors in anthropology or archaeology departments. The job is easiest for the existing majors, and the major conduit would be archaeology faculty, and mainly the US-focused faculty. For all the potential audiences, professional societies can conceivably play a role, but it will need to be greatly expanded from what they have been doing. [TwinCairns](#) and other archaeology job websites provide some key information on jobs available, pay, and benefits by region—but that information is probably not reaching those who are not already in the field.

How do we then train the prospective practitioners? For decades, the CRM industry has been pointing out that universities are not providing the training that CRM professionals need. Yet with few exceptions, not much has changed. ACRA has recently begun a [University Partnership Program](#) that recognizes colleges, universities, and other institutions of higher learning that prepare their students for a career in CRM. As of this writing ACRA lists 15 programs with their program foci.

Achieving the needed changes in the educational infrastructure will require

that the demand for the CRM training is recognized by the key university officials, from department chairs on up. University resources, including faculty lines, are often allocated based on the charmingly labeled metric, butts-in-seats (in classrooms of offered classes). If we are to get increases in the numbers of relevant faculty or investments in new degree and certificate programs, Liberal Arts and Sciences deans will need either to see opportunities or to feel pressures that warrants a response. It will be in the interests of department chairs—especially in potentially threatened programs—to create and staff course offerings that attract students to their classes and enable them to make the case to university administrators to further enhance CRM training.

There is probably no single best model for the needed training—what will work will depend on the university structure and existing staffing as well as the local context of CRM. On the university side, certificate programs, which can be at an undergraduate or graduate level, are easier to establish than degree program and have the potential to certify different levels of expertise and sorts of specializations within an overall CRM certificate. A certificate program might span several disciplines (e.g., archaeology, public history, historic architecture, and historic preservation) and share some courses, such as in cultural resource law. Professional master's degree programs (e.g., MBA) are explicitly designed to move graduates from the academy into professional jobs. They are attractive to universities because students are expected to pay full tuition (and not be supported by the university; e.g., through teaching assistantships) but are not attractive to students who are not in a position to pay for them.

Field schools and other field training opportunities in colleges and universities are becoming much less common. Where they exist, they often do not involve what is the bulk of CRM archaeological investigations (i.e., survey and assessing site significance) and are rarely equipped with the technology commonly employed in the industry. It seems clear that both industry and agency internships will be one essential tool to provide key training for new professionals. An incentive for companies and agencies to offer internships is that they create a pipeline to, at graduation, move promising interns into professional positions in their organization. ACRA will soon be issuing internship guidelines for industry.

The problems are daunting, and they are immediate. Even if CRM-focused programs were already in place (which they mostly are not), the university supply chain has a lag measured in the years it takes for a student to complete a program. Much worse, is likely to take several years in order for the demand to be felt by university administrators, for the completion of the academic bureaucracy needed to create certificate or degree programs, for schools to staff the programs, and for substantial numbers of students enroll and graduate. Employing part-time CRM industry professionals as professors of practice would both benefit quality of the programs and speed and ease the process (given that hiring regular faculty is often contested and typically takes a year after approval of the position).

The problems we face will not be remedied by universities, by the CRM industry, by government agencies, or by professional societies alone. It will require major efforts by all of them that are both quick and sustained. And even then, we'll need to figure out how to best face the shortages in the meantime.

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