The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES

Bipartisan American Affordability and Jobs Act of 2026 Resolution

Resolution No.26-27

Chuck Hoskin, Jr.
Principal Chief

Chris Anoatubby
Governor

Gary Batton
Chief

David W. Hill
Principal Chief

Sena Yesslith
Chief

WHEREAS, the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole Nations, representing approximately 877,000 Indian people throughout the United States; and

WHEREAS, all ITC member tribes have experienced the loss of portions of their ancestral homelands through treaties and federal policies, including the forced removal of their citizens to present-day Oklahoma, and because present-day reservation boundaries do not encompass their ancestral homelands, meaningful tribal participation in federal decisions affecting those lands and cultural resources remains essential; and

WHEREAS, for more than two decades, ITC member tribes have participated in consultation with federal agencies under the National Historic Preservation Act (NHPA) regarding federal undertakings that may affect historic properties and places of religious and cultural significance to the tribes, including properties located within and outside present-day reservation boundaries; and

WHEREAS, this consultation has resulted in the identification, documentation, evaluation, and treatment of historic properties and cultural resources that are important to ITC member tribes, while also contributing to the preservation of the broader historical and cultural heritage of the United States; and

WHEREAS, four ITC member tribes have entered into agreements with the National Park Service pursuant to Section 101(d)(2) of the NHPA to assume the functions of a State Historic Preservation Officer for purposes of historic preservation activities on tribal lands; and

WHEREAS, ITC member tribes recognize that the NHPA and its implementing regulations may be improved and modernized, but find that the existing framework has provided an important and effective mechanism for tribal participation in federal historic preservation decisions and for meaningful consideration of tribal interests; and

WHEREAS, NHPA consultation has provided ITC member tribes with information concerning tribal history, cultural landscapes, archaeological resources, and other historic properties that have supported tribal heritage revitalization, education, cultural preservation, and heritage tourism efforts; and

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WHEREAS, On September 30, 2026, Congress released draft language of the Bipartisan American Affordability and Jobs Act of 2026; and

WHEREAS, This Act, if signed into law, would enact significant changes to the National Historic Preservation Act and other laws in ways that will impact the government-to-government relationship between tribes and the US federal government, the ability of tribes to meaningfully consult on federal undertakings that have the potential to impact tribal historic sites and sacred sites, the function of Tribal Historic Preservation Offices, and the general preservation of tribes' historic sites and sacred sites; and

WHEREAS, Congress has not systematically consulted with tribes about the Bipartisan American Affordability and Jobs Act of 2026 or indicated if or how the perspectives of federally recognized tribes, to whom the federal government has a trust responsibility, have been incorporated into the act; and

NOW THEREFORE LET IT BE RESOLVED THAT, the Inter-Tribal Council of the Five Civilized Tribes calls upon Congress to:

1. Reject statutory amendments that would weaken the National Historic Preservation Act, diminish Section 106 protections, or reduce meaningful tribal participation in the federal historic preservation process;
2. Ensure that any proposed statutory changes affecting the NHPA, Section 106, tribal historic properties, or tribal consultation are developed through meaningful government-to-government consultation with federally recognized Indian tribes;
3. Recognize that present-day reservation boundaries do not define the extent of tribal ancestral homelands, historic interests, or cultural and religious connections to place, and that meaningful tribal participation in Section 106 should extend to federal undertakings that may affect historic properties and places of religious and cultural significance within those homelands;
4. Support a Section 106 regulatory framework that preserves meaningful tribal participation in identification, evaluation, assessment of effects, consultation, and resolution of adverse effects; and
5. Urge the Advisory Council on Historic Preservation and federal agencies to consult meaningfully with federally recognized tribes on any proposed regulatory changes that would materially alter the Section 106 process.

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CERTIFICATION

The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Durant, Oklahoma on this 9th day of October, 2026, by a vote of All for 0 against and 0 abstentions.

Chris Anoatubby, Governor
The Chickasaw Nation

David W. Hill, Principal Chief
Muscogee (Creek) Nation

Gary Batton, Chief
Choctaw Nation of Oklahoma

Sena Yesslith, Chief
Seminole Nation of Oklahoma

Chuck Hoskin Jr., Principal Chief
Cherokee Nation