October 26, 2026

The Honorable Lisa Murkowski
Chairman, Senate Committee on Indian Affairs
United States Senate
Washington, DC 20510

Re: Title III of S. 5653, the Bipartisan American Affordability and Jobs Act of 2026

Dear the Honorable Senator Lisa Murkowski:

On behalf of the undersigned sovereign Tribal Nations, Village Corporations, Alaska Native entities, and Regional Corporations of Southeast Alaska, we respectfully ask for your leadership on Title III of S. 5653, the Bi-partisan American Affordability and Jobs Act. Our peoples, the Tlingit, Haida, and Tsimshian, have cared for and governed the lands, waters, and air of Southeast Alaska since time immemorial. Our villages, burial grounds, sacred places, and harvest areas lie across federal, state, Native corporation, private, and (limited) Tribal jurisdictions. Section 106 of the National Historic Preservation Act requires an agency to consider the effects of federal undertakings on those lands, in consultation with the Tribal Nations who know them, before a project is approved. Title III would rewrite that law, gutting our rights to consultation as Alaska Native people, and it was written without us.

Our communities need seaports, ferries, harbors, power, housing, and roads as much as any in Alaska, and we want them built. Section 106 gives us a voice in how that work is done. Title III would take that voice away. Under it, an agency only "may consult" us when it identifies the places at stake, and the agency decides on its own whether a project harms them. We would have 30 days to respond before the agency "shall proceed" without us, a window that does not fit Tribal governance or a harvest calendar. Federal officials would decide which of our places count as sacred. A project funded only by a federal grant would no longer be reviewed at all. The Secretary of the Interior would be required to take over a Tribal Historic Preservation Office that falls behind. And no court could stop a project that broke the law.

You have said that "there are no better stewards of our Alaska lands than the people who have lived on them for thousands of years." We agree. Title III rests on the opposite premise. It lets a federal official decide whether our places matter, and set them aside whenever, in that official's "sole discretion," other considerations outweigh them.

Title III changes the federal government's consultation obligations to every Tribal Nation and directs the Secretary to take over Tribal preservation programs. These issues lie at the heart of your committee's jurisdiction, yet S. 5653 was referred only to the Committee on Energy and Natural Resources, not the Committee on Indian Affairs. As Chair of the Interior Appropriations Subcommittee, you also know the difference between an authorization and an appropriation. The bill replaces the $150 million deposited in the Historic Preservation Fund each year with $200 million that is only authorized. Its Tribal database grants, at most about $85,000 a year per office for four years, would require us to list sacred places in databases federal and state officials can reach. The penalties on Tribes are mandatory. The funding is not.

We respectfully ask that you:

1. **Join Senator Merkley amend S. 5653, striking Title III before the bill reaches the floor.**
2. **Insist that any change to Tribal consultation under the National Historic Preservation Act come before the Committee on Indian Affairs, with a hearing at which Tribal Nations can testify.**

3. **Vote no on cloture on the motion to proceed, now scheduled for November 9, if Title III remains in the bill.**
4. **Meet with the leaders of Southeast Alaska's Tribal Nations at your earliest opportunity to hear directly how these changes would affect our communities.**

Thank you for your long record of standing with Alaska's Tribal Nations. We look forward to working with you.

Gunalchéesh, Háw'aa,

Signature: _____ Title: Executive Secretary - Delegate

Organization: Metlakatla Indian Community Date: 10/24/26

Signature: Lung A Strong Title: Pres.

Organization: Chilkat Indian Village Date: 10/24/2026

Signature: Sam D Kaplan Title: Chairman

Organization: Shee Atika Inc Date: 10/24/26

Signature: Ellen Sauser Title: President

Organization: Chilkoot Indian Association Date: 10/24/26

Signature: M Ambler Jr Title: Corporate Secretary

Organization: Sealaska Corporation Date: 10/24/26

Signature: W. Kadle Title: Vice President

Organization: Tlingit & Haida Date: 10/24/26

Signature: Mike Jones Kasaan Title: President

Organization: Organized Village of Kasaan Date: 10-24-26

Signature: Karen A. Gallagher Title: Trustee

Organization: Sealaska Heritage Institute Date: 10-24-2026

Signature: Gloria Berns Title: President

Organization: Ketchikan Indian Community Date: 10-24-2026