MONTANA AMERICAN INDIAN CAUCUS

October 29, 2026

Dear Leaders Thune and Schumer, and Senators Lee, Capito, Heinrich, and Whitehouse,

On behalf of the Montana American Indian Caucus, an organized group of Native American lawmakers working together to uphold Tribal sovereignty and advance the interests of Native people, we write to express our unequivocal opposition to Title III of the Bipartisan American Affordability and Jobs Act (BAAJA).

While other provisions in BAAJA are deeply flawed, this letter focuses on the proposed changes to the Section 106 review process of the National Historic Preservation Act. Title III's provisions are antithetical to federal trust and treaty obligations owed to every Tribal Nation. BAAJA violates the federal government's trust responsibilities to engage in government-to-government Tribal consultation and if enacted will cause irreversible harm to our cultural heritage.

The potential impacts of this bill would shift decision making power to federal agencies while reducing the roles and inherent authority of Tribal Nation's right to protect ancestral lands, cultural and historical resources, and storied places that hold significance to our cultural heritages. Tribal and cultural review should never be caught in loopholes that restrict the rights of Tribal Nations to exercise our sovereignty. Montana recognized this inherent right and codified it through the Montana Antiquities Act Title 22, chapter 3. The National Historic Preservation Act: Section 106 additionally recognized and strengthened these rights and we oppose any measures that could diminish our ability to fulfill our responsibilities to our people and future generations.

We oppose any legislative or administrative action that undermines Section 106 of the National Historic Preservation Act as an affront to Native cultures, the practice of our spiritual traditions, and the protection of our sacred sites.

We urge the immediate rescission of Title III from the proposal, and we expect meaningful consultation with Tribal Nations on permitting reform that will bring Tribal Nations to the federal decision-making table earlier so that together we may guard against the further destruction of our cultural resources.

Sincerely,
MAIC Chairperson- Representative Tyson Running Wolf
Senator Jacinda Morigeau
Senator Susan Webber
Senator Shane Morigeau
Representative Thedis Crowe
Representative Donavan Hawk
Representative Shelly Fyant
Representative Mike Fox
Representative Sydney Fitzpatrick
Representative Elect Natalie Weeks Oneal
Representative Elect Lona Running Wolf

MONTANA AMERICAN INDIAN CAUCUS

Senator John Thune
Republican Leader
U.S. Senate
511 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Mike Lee
Chairman, Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Shelley Moore Capito
Chairman, Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Chuck Schumer
Democratic Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Senator Martin Heinrich
Ranking Member, Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Sheldon Whitehouse
Ranking Member, Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510