ALASKA FEDERATION OF NATIVES
2026 ANNUAL CONVENTION
RESOLUTION 26-49

TITLE: CALLING ON CONGRESS TO PROTECT TRIBAL SOVEREIGNTY AND WITHDRAW OR REVISE THE SECTION 106 PROVISIONS OF THE BIPARTISAN AMERICAN AFFORDABILITY AND JOBS ACT (BAAJA)

WHEREAS: The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 192 federally recognized tribes, 152 village corporations, 11 regional corporations and 11 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and

WHEREAS: The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

WHEREAS: The United States holds trust and treaty responsibilities to Tribal nations, including responsibilities concerning the protection of traditional homelands, waters, sacred places, and cultural resources; and

WHEREAS: Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, requires federal agencies to consider the effects of their undertakings on historic properties; and

WHEREAS: Section 101(d)(6)(B) of the NHPA, codified at 54 U.S.C. § 302706(b), requires federal agencies, in carrying out their Section 106 responsibilities, to consult with any Indian Tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking, regardless of whether those properties are located on Tribal lands; and

WHEREAS: The regulations implementing Section 106, at 36 C.F.R. Part 800, establish a process for government-to-government consultation with Tribal Nations, including opportunities to identify concerns, evaluate effects on historic properties, and develop measures to resolve adverse effects; and

WHEREAS: Alaska Tribal Nations maintain enduring cultural, spiritual, subsistence, and community connections to ancestral lands and waters throughout Alaska, including sacred places, burial grounds, traditional cultural properties, Native Allotments, and harvest areas located across federal, state, Tribal, Alaska Native corporation, and private lands; and

WHEREAS: Alaska's vast geography, remote communities, seasonal subsistence activities, and disparities in Tribal staffing and resources make timely notice and meaningful consultation before federal decisions are made essential to protecting Tribal cultural heritage and ensuring that Alaska Tribal Nations can exercise their sovereign rights and responsibilities; and

WHEREAS: AFN supports timely and efficient federal permitting that delivers infrastructure and economic opportunity to Alaska Native communities, and believes that permitting reform can be achieved without weakening Tribal consultation; and

WHEREAS: The Advisory Council on Historic Preservation's proposed revisions threaten Tribal participation by weakening consultation requirements and the role of Tribal Historic Preservation Offices (THPOs), limiting opportunities for Tribal input, and expanding federal discretion over historic properties in ways that conflict with the NHPA; and

WHEREAS: Division B, Title III of S. 5653 (BAAJA) would substantially alter the Section 106 process in ways that threaten meaningful Tribal participation, including by making Tribal consultation optional at key stages, narrowing the scope of review, shortening opportunities for Tribal input, increasing federal discretion over the treatment of historic properties, imposing penalties on THPOs, and limiting meaningful judicial review; and

NOW THEREFORE BE IT RESOLVED: that the delegates of the 2026 Annual AFN Convention call on Congress to withdraw or substantially revise the Section 106 provisions of S. 5653, BAAJA (Division B, Title III, Section 2301), to strengthen Tribal consultation; and

BE IT FURTHER RESOLVED: that AFN call on Congress to ensure that any future legislation affecting Section 106 or Tribal consultation is developed through meaningful government-to-government consultation with Tribal Nations, including Alaska Tribal Nations, and consultation with Alaska Native Corporations, and that any proposed changes be referred to the appropriate congressional committees for consideration at hearings, including field hearings, where Tribal leaders can testify; and

BE IT FURTHER RESOLVED: that AFN call on the US to uphold its federal trust responsibility to Tribal Nations by strengthening Tribal consultation policies rather than engaging in efforts to limit Tribal consultation; and

BE IT FURTHER RESOLVED: that AFN oppose any changes to Section 106 or Tribal consultation that undermine meaningful Tribal participation in federal decision-making, diminish THPOs or their funding, compromise the confidentiality of sensitive Tribal cultural information, impair judicial review, or otherwise impair the ability of Alaska Tribal Nations to protect sacred places and cultural resources; and

BE IT FURTHER RESOLVED: that AFN distribute this resolution to the Alaska Congressional Delegation (and relevant congressional committees and agencies) and urge them to advocate for revisions that strengthen Tribal consultation, and meet directly with Alaska Tribal leaders to hear how the proposed changes would affect their Tribes, lands, waters, cultural resources, and communities; and

BE IT FURTHER RESOLVED: that AFN urge the Alaska Congressional Delegation to advocate for revisions to the Section 106 provisions of S. 5653 that strengthen the Tribal consultation process, and to work with Alaska Tribal leaders in developing those revisions.

SUBMITTED ON BEHALF OF THE SOUTHEAST ALASKA CAUCUS BY UNANIMOUS CONSENT ON OCTOBER 22, 2026

CONVENTION ACTION: ADOPTED ON THE FLOOR AND PASSED