

October 22, 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 Alliance of Sovereign Tribes of Southeast Alaska, we respectfully ask for your leadership on Title III of S. 5653. Our Tribal Nations have cared for the lands and waters of Southeast Alaska since time immemorial. Our villages, burial grounds, sacred places, and harvest areas lie across the Tongass, state land, Native corporation land, and private land. Section 106 of the National Historic Preservation Act is one of the few laws requiring a federal agency to come to us before it approves a project that could harm those places. Title III would rewrite that law, and it was written without us.

Our communities need seaports, ferries, harbors, docks, 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.



United Opposition to S.5653 (BAAJA)

We respectfully ask that you:

1. **Work to strike Title III from S. 5653 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.

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