Iowa Tribe of Kansas and Nebraska
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November 8, 2026

The Honorable John Thune, Senate Majority Leader
The Honorable Chuck Schumer, Senate Democratic Leader
United States Senate
Washington, DC 20510

Re: Opposition to the Manager's Amendment to S. 5653

Dear Majority Leader Thune and Democratic Leader Schumer:

On behalf of the Iowa Tribe of Kansas and Nebraska, I write to oppose the November 7 Manager's Amendment to the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA), introduced as S. 5653. We urge the Senate to delay consideration of the bill so Tribal Nations can participate in meaningful government-to-government consultation and testify at a public hearing. If the Senate proceeds without a delay, we ask that it strike Division B, Title III (Historic Preservation) in its entirety.

The Iowa Tribe supports permitting reform that makes federal decisions more timely while respecting Tribal sovereignty, treaty obligations, and the protection of sacred places. Our responsibility to protect Ioway burial grounds, ceremonial places, and other sites of cultural significance extends beyond our present reservation boundaries. Section 106 of the National Historic Preservation Act gives our Tribe a process to identify those places and work with federal agencies to prevent harm before it occurs.

The Manager's Amendment leaves three fundamental problems in Title III:

- **Federal discretion to allow harm.** Federal officials could conclude their Section 106 obligations are satisfied even when a project would harm a historic property, including when they decide other considerations outweigh preservation or the damage would leave the property eligible for the National Register.

- **Consultation reduced to a written response.** An agency could fulfill its consultation obligation on a Section 106 report by responding in writing to Tribal objections, even when the Tribe's concerns remain unresolved.
- **Limits on judicial relief.** If a court finds a Section 106 violation, the amendment generally limits final relief to sending the decision back to the agency while leaving it in effect. Construction could continue while the agency corrects the violation, and damage to a burial ground or sacred place may be irreversible.

These changes were negotiated behind closed doors without giving Tribal Nations an opportunity to testify on Title III at a public congressional hearing. The Senate should give Tribal governments a meaningful opportunity to shape legislation that directly affects our ability to protect our sacred places. **Please delay Senate consideration of BAAJA. If the bill moves forward, strike Division B, Title III in full.**

Respectfully,



Missty Slater
Chairwoman
Iowa Tribe of Kansas and Nebraska