TABLE MOUNTAIN RANCHERIA
TRIBAL GOVERNMENT

November 5, 2026

The Honorable John Thune
Majority Leader, U.S. Senate
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader, U.S. Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Chair, U.S. Senate Committee on
Environment and Public Works
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member, US Senate Committee on
Environment and Public Works
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Mike Lee
Chair, U.S. Senate Committee on
Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member, U.S. Senate Committee on
Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Re: S. 5653, Bipartisan American Affordability and Jobs Act

Dear Honorable Congressional Leaders,

On behalf of the Table Mountain Rancheria, a federally recognized Indian Tribe with a Rancheria and ancestral homelands in California's Central Valley, we write

Michelle Heredia-Cordova
Tribal Chairperson

Richard L. Jones
Tribal Vice-Chairperson

Jenna Gosselaar
Tribal Secretary/Treasurer

Samantha Toles-Rodriguez
Tribal Council Member

Mark Martinez
Tribal Council Member

23736
Sky Harbour Road
Post Office
Box 410
Friant
California
93626
(559) 822-2587
Fax
(559) 822-2693

to request formal, government-to-government consultation on specific provisions of Senate Bill 5653, the Bipartisan American Affordability and Jobs Act (BAAJA), prior to any Senate vote on this legislation. We are primarily concerned with the potential impacts and consequences of Title III, Historic Preservation.

The Table Mountain Rancheria is a member of the Central California Yokuts NAGPRA Coalition (Coalition), established more than a decade ago to seek the return and respectful reburial of Yokuts ancestors from federally funded institutions in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) and California NAGPRA. The Coalition also works to minimize the impacts of federal undertakings and other development projects on Yokuts cultural resources, sacred sites, cemeteries, burial sites and Traditional Cultural Landscapes in the Central Valley.

The National Historic Preservation Act and Related Laws

The National Historic Preservation Act (NHPA) was enacted to protect our sacred sites and the burials of our ancestors. The Section 106 regulations under the NHPA require federal agencies to consider how their actions affect historic properties, including sacred places, burial grounds, and cultural landscaped Section 106 requires that Tribes be consulted early in the planning stages of any federal undertaking that could adversely affect Tribal historical and sacred places.

These critical protections were reinforced with the passage of NAGPRA in 1990. In our experience, NHPA and NAGPRA work in tandem, and have established the framework for significant progress in our ability to carry out the return and respectful reburial of thousands of our ancestors who were shamefully held for decades in lockers and storage cabinets at federally funded museums and other institutions.

Table Mountain Rancheria is concerned that Title III of BAAJA will threaten the existing protections for our remaining sacred sites and the burial places of our ancestors. As reported by the National Congress of the American Indian (NCAI) and the National Association of Tribal Historic Preservation Officers (NATHPO), if BAAJA is enacted in its current form, federal agency consultation with Tribes will become optional instead of mandatory. Title III will substantially weaken current protections by reducing opportunities for meaningful Tribal Consultation.

Title III of BAAJA will facilitate unilateral decision-making by the federal government and federal agencies. If S. 5653 becomes law, decades of federal protections will be erased and the authority to determine what resources are sacred to Tribes will be delegated to federal agencies, or even individual federal employees.

Most concerning, Title III of the bill would restrict our access to seek redress in court. The bill limits judicial review of federal decisions, and restricts the ability of

a court to intervene or stop a project, creating the risk that irreversible damage will be done, without any opportunity for judicial oversight or remedies.

As written, and in the complete absence of consultation with Tribes, the draft BAAJA bill removes Tribal Governments from the early planning process, thereby putting Tribal sacred places and cultural resources at risk. It expands the authority of the federal government and its agencies to determine what protections are available for Tribal cultural landscapes and resources, and it weakens our ability to seek the protection of the courts when a federal agency oversteps its authority.

Request

Our relationship with the United States is built on the federal trust responsibility, on our inherent authority over our lands, our people, and our cultural heritage. We respectfully request that Congress reach out to Tribes across the United States and engage in meaningful government-to-government consultation with Tribes on any revisions to the National Historic Preservation Act before voting on this legislation. We ask that the bill not go forward until meaningful consultation with Tribes has occurred. If the bill moves forward, we urge you to withdraw the historic preservation provisions in Division B, Title III of the BAAJA, to prevent the loss and destruction of irreplaceable Tribal sites and resources. Thank you for your attention to this important concern.

Respectfully,
The Tribal Council of the Table Mountain Rancheria

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Tribal Chairperson

Richard L. Jones
Tribal Vice-Chairperson

Jenna Gosselaar
Tribal Secretary/Treasurer

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Tribal Council Member

Mark Martinez
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cc:
The Honorable Adam Schiff
The Honorable Alex Padilla