Nebraska Intertribal Coalition

November 8, 2026

The Nebraska Intertribal Coalition of Tribes opposes the November 7 manager's amendment to the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA) S, 5653. We call on Senate leadership to delay consideration of the bill and give Tribal Nations the time and opportunity to engage in meaningful Tribal consultation. If the Senate moves forward, it must strike **Division B, Title III (Historic Preservation) in its entirety**.

The manager's amendment changes portions of Title III but leaves in place a rewrite of how federal agencies carry out Section 106 of the National Historic Preservation Act. Our concerns remain. Tribal Nations need a meaningful opportunity to influence federal decisions before project plans are set. Tribal Historic Preservation Officers must be able to bring their Nations' expertise to decisions about places of religious and cultural significance, including places beyond present-day reservation boundaries. And Tribal Nations must have access to judicial review and meaningful remedies before harm becomes irreversible.

Our sacred places, burial grounds, and ancestral landscapes carry responsibilities that our Nations have held for generations. Once a burial ground is disturbed or a sacred place is destroyed, a later finding that an agency failed to follow the law cannot undo the damage. Congress must preserve a process that allows Tribal Nations to identify these harms early and seek relief in time to prevent them.

Our Nations build housing, roads, water systems, and other infrastructure, and we know the costs of permitting delays. Earlier coordination and clear agency responsibilities can improve permitting while respecting Tribal sovereignty and the federal government's trust and treaty responsibilities. A substitute released days before Senate consideration gives Tribal governments too little time to assess the changes and respond through their own governing processes.

We urge Nebraska's senators and Senate leadership to **delay the bill** so Tribal Nations can help shape any proposed changes to Section 106. If the Senate proceeds, **strike Division B, Title III in full**.

Best,

Candace Schmidt

Nebraska Intertribal Chair