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Sokaogon Chippewa Community: 'Bipartisan American Affordability & Jobs Act' Assaults Tribal Sovereignty

CRANDON, Wis.—November 17, 2026—The Sokaogon Chippewa Community (SCC) Tribal Council today announced its strong opposition to the substantially harmful BIPARTISAN AMERICAN AFFORDABILITY AND JOBS ACT (S 5653), which proposes to eliminate crucial longstanding processes laid out in Section 106 of the National Historic preservation Act under the guise of reform and jobs.

National Historic Preservation Act (NHPA) was passed in 1966. However, it was not until the 1992 amendments and the establishment of the Tribal Historic Preservation Program in 1995 before Tribes were afforded inclusion in a substantive way. The elimination of this hard won Tribal voice from the process is an assault on Tribal Sovereignty established by Treaty and subsequent and numerous Federal legal precedents.

Bill (S 5653) has four sponsors. They are Senators Mike Lee (Utah), Shelley Moore Capito (West Virginia), Martin Heinrich (New Mexico), and Sheldon Whitehouse (Rhode Island). Per recent discussions between Democratic Senators Heinrich and Whitehouse and the National Association of Tribal Historic preservation Officers (NATHPO), it was revealed that they are unwilling to modify any of the bill's language related to Tribes due to "sensitive negotiations to balance the proposed Bill."

It is thought that there has been a tacit verbal agreement for the Administration to release green energy project monies for each of those states currently being held in limbo. The sacrifice of an entire section of functioning Federal Law to release funding that could be released without any concessions is unconscionable.

The list of proposed changes and their impacts to Tribal Nations is extensive but a few key concerns are listed as follows:

- The Bill nearly fully eliminates the requirement for the identification of new historic properties and the ability of Tribal Nations to assert any input on the size and significance of properties outside of the narrow confines of Reservation Lands.

- The bill also severely limits what types of landscapes and natural features that can be considered as Traditional Cultural Properties to only those that show evidence of human modification in spite of the fact that their inherent natural state is the thing that makes them significant.

- The proposed changes essentially eliminate Tribal and public involvement by creating an extremely narrow set of projects that would qualify as Federal Undertakings.

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- While it allows for public comment, the Bill does not require agencies to actually open projects for public comment meaning there will be little if any chance for substantive engagement.

- The new proposed statute allows the Federal Government to take over a Tribal Historic Preservation Office to enforce compliance in the way they see fit regardless of Tribal knowledge and tradition.

Since the formal establishment of the Sokaogon Chippewa Community Tribal Historic Preservation Office in 2022, the Tribe has proactively participated in efforts to create more efficient relationships with Federal, State, and Local governments who conduct business within the Tribe's ancestral footprint.

Starting in 2023 the Tribe engaged the Federal Highway Administration and the Wisconsin Department of Transportation (WisDOT) in drafting programmatic agreement (PA) for the delegation of NHPA Section 106 authorities to the State. Between 2025-2026 we also worked with WisDOT on the redraft of Chapter 26 Of the Facilities Development Manual that guides their historic preservation compliance and added Tribal hiring policy specifically supporting Tribal monitors for sensitive cultural sites. The Tribe also participated in the execution of Section 106 Programmatic Agreement with the Chequamegon-Nicolet National Forest establishing appropriate field methodologies and review exemptions. Currently, the Community is working with the Ottawa National Forest and the regional FEMA office to execute similar PA's. These agreement documents set standards and provide efficiencies for the Agency while still protecting Sovereign Tribal rights and supporting various Agency missions.

Even these few examples show that the Sokaogon Chippewa Community has engaged in meaningful and evidenced based consultation on Agency planning within the ancestral footprint of the Tribe resulting in process improvement without sacrificing protection of irreplaceable resources significant to Tribal history and the continued practice of Tribal culture.

To be blunt, the bill needs to be quashed.

The Sokaogon Chippewa Community Mole Lake Band of Lake Superior Chippewa *is located in the Town of Nashville, in Forest County, Wisconsin. The reservation is southwest of the city of Crandon. The Mole Lake Indian Reservation is 4,904.2 acres in size, and includes land around Rice Lake, Bishop Lake and Mole Lake. Approximately 570 Tribal Members live on tribal trust lands., with an additional 1,198 Members living off the reservation. The Sokaogon Chippewa Community continues to harvest wild rice and spear fish in traditional ways and exercise their treaty rights. The Tribe utilizes state of the art technology to protect the resources of their environment for future generations. The Tribe uses gaming revenues wisely by investing in cultural preservation and restoration projects, environmental planning of their resources, education of their community members, and social programs that enhance the general health and welfare of the Sokaogon Chippewa Community. # # #*

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