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PUEBLO OF ISLETA
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November 2, 2026

The Honorable Martin Heinrich
United States Senator
303 Hart Senate Office Building
Washington, DC 20510

The Honorable Ben Ray Luján
United States Senator
498 Russell Senate Office Building
Washington, DC 20510

The Honorable Melanie Stansbury
U.S. House of Representatives
Washington, DC 20515

The Honorable Teresa Leger Fernández
U.S. House of Representatives
Washington, DC 20515

The Honorable Gabe Vasquez
U.S. House of Representatives
Washington, DC 20515

RE: Tribal Concerns with S. 5653, the Bipartisan American Affordability and Jobs Act of 2026

Dear Senator Heinrich, Senator Luján, Representative Stansbury, Representative Leger Fernández, and Representative Vasquez:

On behalf of the Pueblo of Isleta, we write to our delegation regarding S. 5653, the Bipartisan American Affordability and Jobs Act of 2026. We understand the Senate will hold its first cloture vote on the motion to proceed on Monday, November 9th, and that the bill's four authors, including Senator Heinrich, are preparing a manager's amendment before then. Several provisions in this bill would strip Tribal nations, and in many cases the State of New Mexico, of authority we have long held over our land, our water, and our sacred places. As your constituents, we ask for your help in fixing them.

The Pueblo of Isleta is not opposed to permitting reform. We know what federal delay costs a community, and a faster and more predictable process *could* serve our people well. But speed cannot come at the expense of the government-to-government relationship, or of the authority Congress has long recognized that Tribes hold. The provisions below would take that authority away.

Tribal consultation under the National Historic Preservation Act. Title III of the bill would effectively make consultation with Tribal nations under Section 106 optional. It defines "sacred places" so narrowly that most of the sites that matter to us, like Chaco Canyon, would fall outside it. Visual and noise impacts would no longer count, and a federal agency could acknowledge that a project will harm a historic or sacred site and then do nothing to avoid or reduce that harm. Tribes and other consulting parties would also lose meaningful remedies in court. The Advisory Council on Historic Preservation has proposed many of the same changes by regulation. Writing them into statute would make them permanent.

For Isleta this is not abstract. Our people have lived along the Rio Grande since time immemorial. Our ancestral villages, shrines, and burial places extend well beyond the boundaries of our Tribal lands today, across the Middle Rio Grande Valley and into the mountains around it. Much of our ceremonial life depends on those places staying undisturbed, including their quiet and what can be seen from them. Removing visual and noise effects from review means federal agencies would no longer have to consider the harms that matter most to us. Section 106 is often the only point in the federal process where we have a seat at the table. Making consultation optional takes that seat away.

Federal takeover of Tribal and state historic preservation offices. The bill would allow federal agencies to step in and take over the work of Tribal Historic Preservation Officers and State Historic Preservation Officers, including on Tribal land, if those offices do not move on a timeline set in Washington. This is a direct intrusion on Tribal sovereignty. It should also concern New Mexico, because it would let federal agencies override the State's own Historic Preservation Division on projects inside our state. New Mexico is home to 23 Tribal nations, and the Tribal and state offices that review projects here already do that work with limited staff and funding. When they fall behind, the answer is to resource them, not to replace them.

Clean Water Act Section 401. The Pueblo of Isleta was one of the first Tribes in the nation approved by EPA to set its own water quality standards under the Clean Water Act. When the City of Albuquerque challenged those standards, the federal courts upheld them. We sit directly downstream of Albuquerque on the Rio Grande, and our people depend on that river for irrigation and for ceremony. The bill would limit the ability of states and authorized Tribes to condition federal permits to direct discharges at a crossing point, rather than the full footprint of a pipeline, transmission line, or other linear project. It would also limit conditions on dams and similar facilities. We also understand that EPA's own rule narrowing state and Tribal 401 authority has cleared OMB review and could be published at any time. Isleta fought for this authority and won. Together, these changes would hollow it out.

Project certainty and taxpayer exposure. Sections 1401 through 1403 would bar federal agencies from amending existing permits or taking any action that interferes with a project's "full operational capacity" as of September 16, 2026, and would allow companies to seek damages from the Judgment Fund. In practice this locks in today's permits for the life of a project, no matter what

is later learned about its effect on water or public health, and it puts the American taxpayer on the hook for the bill. We do not believe that is a responsible result.

Other Tribal and conservation partners have raised concerns with the bill's changes to NEPA, the Endangered Species Act, and federal mining law, and we share many of them. The provisions above, however, are the ones that most directly affect the Pueblo of Isleta.

We respectfully ask that you work to address these issues in the manager's amendment before the November 9 vote. Specifically, we ask for the following changes:

First, keep consultation with Tribal nations mandatory under Section 106, and adopt a definition of sacred places that reflects how Tribes actually identify and protect them.

Second, strike the provisions that would allow federal agencies to take over Tribal and state historic preservation offices.

Third, preserve the authority of states and Tribes under Section 401 to review and condition the full footprint of a project, including dams.

Fourth, strike or substantially narrow the project certainty and Judgment Fund provisions in Sections 1401 through 1403.

Senator Heinrich, as one of the bill's authors, you are in the best position to make these changes. Senator Luján, we ask that you press for them and withhold your support for cloture and final passage until they are made. Representatives Stansbury, Leger Fernández, and Vasquez, we ask that you make these changes a condition of your support for any permitting bill that comes before the House. Until these issues are resolved, the Pueblo of Isleta cannot support this bill.

Our delegation has stood with Isleta before. Together you defended the cleanup of the former Los Lunas Air Force Range, and Senator Heinrich introduced S. 5299 to support our Head Start teachers. We ask you to bring that same commitment to this bill and make sure permitting reform respects the authority of Tribes rather than overriding it.

Respectfully,

Governor Eugene Jiron
Pueblo of Isleta

Council President Joseph R. Lucero, Sr.
Pueblo of Isleta

cc:
Senator Shelley Moore Capito, Chair, Committee on Environment and Public Works
Senator Sheldon Whitehouse, Ranking Member, Committee on Environment and Public Works
Senator Mike Lee, Chair, Committee on Energy and Natural Resources