GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.

US Post Office Box 988, Rapid City, SD 57709

November 8, 2026

Opposition to the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA)

Dear Senators:

As Chairman of the Great Plains Tribal Chairmen's Association, I write to request that you defer action on S. 5653, the recently released permitting bill entitled the Bipartisan American Affordability and Jobs Act of 2026 (BAAJA). To comport with our nation-to-nation treaty relationship, Congress must provide a deliberative process that allows time for consultations with Indian nations, states, hearings, and government, stakeholder, and public testimony. That's due process for Mother Earth.

On Tuesday, November 3, 2026, the American People sent a profound message—Americans stand together to preserve our way of life. Native Americans came together to promote the election of two Native American women to the U.S. Senate, a Native American woman to serve as Governor of New Mexico, and several Native American House Representatives.

Congress must listen to the voice of the American People. Americans want more regulation of Artificial Intelligence (AI) Data Centers, and incoming Members of Congress have called for reform. AI leaders recognized the public concerns about Data Centers and offered reforms.

Yet, Congress has declared that it's business as usual and seeks to plug forward with so-called Bi-Partisan Permit Reform through the BAAJA bill. The BAAJA bill would weaken the:

- National Environmental Policy Act (NEPA);
- Clean Water Act (CWA);
- Endangered Species Act (ESA);
- National Historic Preservation Act (NHPA); and
- Federal Power Act.

BAAJA would undercut the environmental protections of the National Environmental Policy Act (NEPA) by restricting the scope of Federal undertakings, review of agency undertakings, and the reasons for engaging in environmental impact studies to protect our Lands, Waters and Natural Resources. NEPA served the American People for 50 years to protect our environment, and Congress must not act hastily to limit NEPA in a manner that might negatively impact our children's future and the sustainability of our living space.

And BAAJA goes further, limiting state and tribal government jurisdiction to protect our drinking water under the Clean Water Act. Paring back oversight under the National Historic Preservation Act, species protections under the Endangered Species Act, and the opportunity for state, tribal and public review of projects under the Federal Power Act. The profound changes that would be wrought by BAAJA call for open, public and deliberate review, not a rush to judgment that disregards the 2026 Midterm Course Correction.

In this 250th year of our Independence, we remember that American government was "instituted" to protect the People's Lives, Liberty and Pursuit of Happiness. For our Native American Peoples, Mother Earth is sacred and we have a duty to protect her. As Tribal Governments we seek to protect Mother Earth by requiring federal undertakings on our traditional lands to promote safe and sustainable development with environmental protection.

BAAJA must be stopped, until it can be amended to preserve the environmental protections of the NEPA, Clean Water Act, ESA and Federal Power Act. Congress must hold hearings on a bill of this magnitude. The Manager's Amendment retains the "ram it down" the public's throat approach to permitting.

America cannot return to the days when our rivers caught fire. We cannot subject our children to Flint-type Clean Water Act violations. Instead, we must listen to the voice of the American People, and as Native Nations we demand free, prior and informed consent for projects that impact our traditional lands.

With respect, we call upon Congress to act in a deliberate manner to provide for American energy needs in a deliberate manner that protects our children's future. Defer the cloture vote on BAAJA until our Native Nations have had a chance for consideration.

Sincerely,



Frank Star Comes Out
Chairman, Great Plains Tribal Chairmen's Association, Inc.