LEECH LAKE BAND OF OJIBWE

Faron Jackson, *Sr., Chairman*
Cynthia Kingbird, *Secretary-Treasurer*
Jonathan White, *District I Representative*
Steve White, *District II Representative*
Leon Staples, Jr., *District III Representative*

November 6, 2026

Senator John Thune
Republican Leader
U.S. Senate
511 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Chuck Schumer
Democratic Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Senator Mike Lee
Chairman
Energy & Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Martin Heinrich
Ranking Member
Energy & Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Shelley Moore Capito
Chairman
Environment & Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Senator Sheldon Whitehouse
Ranking Member
Environment & Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Opposition to BAAJA, HR.2347 / S.5653

Dear Leaders Thune and Schumer, and Senators Lee, Capito, Heinrich, and Whitehouse,

I write on behalf of the Leech Lake Band of Ojibwe to express our strong opposition to the Bipartisan American Affordability and Jobs Act (BAAJA), H.R.2347/S.5653, and respectfully ask that you not bring this bill forward during the lame duck session.

While we appreciate that the managers of the bill made changes, the manager's amendment to BAAJA continues its direct attack on tribal sovereignty, violating the Government's treaty and trust obligations to Indian tribes and eroding the ability of Tribal governments to protect our sacred places and waters, and closing off our right to dispute illegal agency actions.

Tribal governments nationwide ceded or had taken hundreds of millions of acres of our homelands to help build this nation. Through treaties and a course of dealing that led to the trust relationship, the United States has incurred solemn legal obligations to protect tribal religious and cultural resources on the more than 640 million acres of federal lands. These lands were carved out of our ancestral homelands. Our historic and spiritual connection to these lands was never extinguished, and we continue to access these lands to exercise our treaty rights, gather medicine, and practice our religion and way of life.

Despite the gravity of the impacts of the bill on Tribal governments, the bill's negotiators drafted the manager's amendment behind closed doors and again failed to bring Tribal leaders to the table to

discuss the changes needed in a meaningful way. This revised bill disappointingly reflects that fact – it continues to strip protections for Tribes in current law and gives industry unchecked power, breaking trust with the American voters who demand more – not less – accountability.

As noted above, the manager's amendment to BAAJA falls far short. We urge negotiators of the bill to continue to revise the bill and make the following changes:

Revise the project certainty provisions: Agencies must retain the ability to address significant and unanticipated environmental or public health harms. The bill must preserve established processes for updating operating permits and applying future pollution standards. Any disparate treatment claim should require credible evidence of intentional targeting, permit review of a complete evidentiary record, use a baseline that does not unduly favor the current administration's energy choices, and eliminate disproportionate taxpayer funded payments.

Preserve meaningful judicial remedies: Courts must retain the authority to fix unlawfully approved permits and pause construction under the CWA, NEPA, and the NHPA. Legal protections are substantially diminished if courts cannot provide an effective remedy when violations occur.

Restore clean water protections: Congress should remove heightened burdens on Tribes and states (evidentiary standards); preserve the ability of Tribes and states to address a full range of water quality effects and improve projects; and avoid further weakening of the general permit program.

Retain endangered species protections: The legislation should remove the transfer of important federal consultation responsibilities to states and remove language that could constrain reasonable precautions when scientific information is incomplete.

Respect and uphold Tribal sovereignty: Any changes to the historic preservation law should be developed with Tribal Nations, preserve meaningful consultant, and elevate the unique expertise Tribes hold in identifying and protecting their cultural resources and sacred places.

Ultimately, long-lasting and faster infrastructure deployment that provides greater certainty in the permitting process can only be achieved by providing early and meaningful consultation with Tribal governments and adequately resourcing Tribal historic preservation offices. We strongly oppose the approach taken in the BAAJA and its manager's amendment, which vests complete trust and authority in federal agencies at the expense of Tribal consultation, Tribal sovereignty, our sacred sites, our waters, and our public health and safety.

For the above stated reasons, the Leech Lake Band of Ojibwe strongly opposes the manager's amendment to BAAJA. We urge you to withdraw this bill and work in collaboration with Indian Country on a more honorable alternative.

Sincerely,

Faron Jackson, Sr. (Nov 8, 2026 17:07:18 CST)

Faron Jackson, Sr.
Chairman

Cc: Senator Amy Klobuchar
Senator Tina Smith