The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
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FORT HALL BUSINESS COUNCIL
P.O. BOX 306
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November 8, 2026

VIA EMAIL

RE: Opposition to the Manager's Amendment for BAAJA

Dear Members of the Senate Democratic Caucus:

On behalf of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) of the Fort Hall Reservation, I write to express our strong opposition to the Manager's Amendment for the Bipartisan American Affordability and Jobs Act (BAAJA) and respectfully request that you vote NO on cloture.

The revisions included in the Manager's Amendment to BAAJA do not fundamentally address the many objections that the Shoshone-Bannock Tribes have previously expressed. Even with the Manager's Amendment, BAAJA remains a direct attack on tribal sovereignty and would rewrite how the United States consults with Tribal Nations, make it more difficult to protect our sacred places, limit our ability to protect our water and other natural resources, and limit access to the judicial system when federal agencies fail to uphold their trust and treaty responsibilities.

The Manager's Amendment to BAAJA DOES NOT resolve our objections. It merely masks legit concerns that BAAJA will upend the National Historic Preservation Act's (NHPA) Section 106 process limiting our ability to effectively consult on projects that impact our cultural resources, allowing federal officials to ignore harms to our cultural resources, and limiting the ability of courts to prevent those harms when federal officials have violated the NHPA. Similarly, BAAJA's amendments to the National Environmental Protection Act (NEPA) also limit courts to only be able to remand NEPA violations back to federal agencies to "correct errors" while the project still moves forward. NHPA and NEPA were passed not only to prevent bad projects from happening, but also to make all projects safer and better for communities, including tribes. BAAJA turns NEPA and NHPA into paperwork to be completed by agencies but having no meaningful bearing on the project moving forward. By limiting NHPA and NEPA, BAAJA will lead to the destruction of our cultural resources and more environmental damage to federal and tribal lands.

Even worse, the Manager's Amendment retains and expands project certainty provisions to an array of federal actions and projects, locking in harmful projects and actions and limiting effective review of those actions by federal officials or the courts. The Manager's Amendment also retains Clean Water Act (CWA) provisions that effectively limit tribes' ability to deny water certifications or to place conditions on those certifications, endangering our water quality. The Manager's Amendment still allows mining companies to claim as many 5-acre sites on federal land as they need to dump their toxic waste. Combined with the weakening of NHPA, NEPA, and the CWA, this will allow companies to turn public lands that have historical and cultural significance to tribes into toxic waste dumps that contaminate watersheds and groundwater.

Through the Constitution, Supreme Court decisions, numerous treaties, federal laws, and executive orders, the federal government has a treaty and trust responsibility to tribes. The cornerstone of the treaty and trust responsibility is the government-to-government relationship and consultation with tribal governments. Congress failed to consult with tribes on BAAJA and on the Manager's Amendment. This failure has resulted in legislation that will cause great harm to our cultural resources, water, and other natural resources. However, it is not too late to stop and meaningfully engage in consultation with the Shoshone-Bannock Tribes and other tribes on permitting reform that will result in a better permitting process without the evisceration of bedrock environmental and historical protection laws.

We respectfully urge you to vote NO on cloture for BAAJA and to work with tribes to address these many objections.

Sincerely,

Donna Thompson

Donna Thompson, Chairwoman
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Shoshone-Bannock Tribes
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