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November 5, 2026

GENERAL MEMORANDUM 26-048

Senate Permitting Reform Vote Scheduled for November 9; Tribal Advocacy Resources and 106 Strong Rally

Overview of BAAJA and Tribal Concerns. The Bipartisan American Affordability and Jobs Act of 2026 (BAAJA; S. 5653), introduced September 30 by Senators Capito (R-WV), Lee (R-UT), Whitehouse (D-RI), and Heinrich (D-NM), proposes changes to federal environmental reviews and permitting under the National Environmental Policy Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act (NHPA), and energy infrastructure laws in the name of accelerating project approvals. Tribal organizations have expressed strong opposition to Title III, which would revise the NHPA Section 106 review process. They warn that narrower definitions of covered projects and adverse effects, shorter consultation timelines, changes to Tribal Historic Preservation Officer oversight, and limits on judicial remedies could reduce Tribal participation and protections for sacred places. Tribal advocates have also raised concerns about the bill's potential impacts on water, fisheries, wildlife habitat, and treaty resources.

Senate Vote Scheduled for Monday, November 9. The Senate is scheduled to return Monday, November 9, with a procedural vote at 5:30 p.m. ET on whether to end debate and move forward with floor consideration of the bill. Tribal Nations and advocates are organizing events and outreach ahead of Senate consideration.

106 Strong Rally on November 9. The 106 Strong coalition will hold its public rally for "history, culture, and sovereignty" on Monday, November 9, from 12:30 to 2:00 p.m. ET on the West Lawn of the U.S. Capitol in Washington, D.C. The event will feature Tribal leaders and preservation advocates discussing the proposed Section 106 changes and their implications for sacred places, historic preservation, and Tribal sovereignty. Event details and registration are available on the 106 Strong rally page.

Tribal Letters and Resources for Contacting Senate Offices. Tribal Nations wishing to share their views may still send letters or contact Senate offices. The November 9 vote is not a vote on final passage of the permitting reform package, and further outreach remains relevant. The Association on American Indian Affairs has published sample call and email scripts that can be used, and contact information is available through the official Senate directory.

Please let us know if you would like assistance preparing a letter or sharing your concerns with Senate offices.

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