November 7, 2026

Dear Members of Congress,

On behalf of the 62 undersigned organizations, the America the Beautiful for All Coalition respectfully urges you to eliminate the most controversial parts of Senate Bill 5653, the Bipartisan American Affordability and Jobs Act ("BAAJA"), or otherwise oppose the legislation. The goal of reducing carbon emissions and delivering clean, affordable energy is one that we share. However, sweeping changes proposed to bedrock conservation and historic preservation laws such as the National Environmental Policy Act (NEPA), the Clean Water Act (CWA), the Endangered Species Act (ESA), and the National Historic Preservation Act (NHPA) and new provisions aimed to provide "project certainty" pose grave and compounding threats to the health and vitality of ecosystems and our communities across the country.

The America the Beautiful for All Coalition (Coalition) was founded in 2022 to advance a national policy agenda at the intersection of conservation, health, and justice. Today we are 300+ members strong, working in and with communities that have the most at stake when it comes to climate impacts, nature loss, and natural resource exploitation. Our communities are already reeling from the Trump administration's swift deregulatory, pro-industry, anti-equity agenda which has fallen disproportionately on rural, low-income, indigenous, immigrant and people of color communities.

As written, BAAJA gives more power to the Trump administration to carry out this harmful agenda. The bill represents a false choice between a clean energy transition and common sense protections for our land, air, water, sacred sites, and public health. Weakening environmental oversight, overhauling bedrock environmental and conservation laws, and restricting judicial accountability do not resolve underlying causes of permitting delays, including inadequate agency capacity, incomplete project applications, poor planning, and failures to engage affected communities early. **We can and must do better.**

The Coalition would like to lift up five key areas of concern outlined below for your attention as you consider potential amendments and revisions to the bill.

Threatens sacred lands, cultural resources, and tribal sovereignty

No tribes were consulted in the proposed changes to Section 106 of the National Historic Preservation Act, and there is widespread opposition to these provisions. As drafted, this bill is not only an affront to Tribal sovereignty, but it would also directly threaten sacred sites and cultural resources across ancestral lands. It would also weaken meaningful Native Hawaiian consultation—Section 106 is one of the few federal tools Native Hawaiians have to be heard before a federal decision irreparably damages cultural resources or culturally significant places. Places of spiritual and cultural significance like Chaco Canyon or Bears Ears National Monument would also be at risk. For example, under these new standards, negative impacts from oil and gas rigs, mines, waste disposal facilities, roads and transmission infrastructure on the border of protected areas would not be considered a direct harm. The bill also attempts to rewrite the provision that is used to identify historic places, consult with Tribal Nations and affected communities, consider alternatives, and seek ways to avoid, minimize, or mitigate harm before federal undertakings move forward. It would make consultation with Tribes and communities optional, arbitrarily restrict what is considered an important cultural site, allow more projects to skip review and require fewer environmental impacts to be taken into consideration. Egregiously, it would also establish additional federal oversight of Tribal Historic Preservation Officers, including periodic evaluations and potential intervention and usurpation of preservation functions. By establishing strict statutory time limits on Tribal consultation and treating non-response within 30 days as a waiver, the bill diminishes meaningful government-to-government consultation to nothing more than a box to check. Taken together, these changes would restrict the power of Tribal Nations and communities to define the places that matter to them, silencing those who should have a voice in decisions that impact their lands.

Locks in Trump-era decisions to sell out public lands and waters, endangering the health of our communities

This bill opens the floodgates to unchecked exploitation of public lands and waters by locking in drilling, mining, and development projects (including AI data centers), even when permits were approved unlawfully, and prevents future administrations from correcting those decisions. This bill emboldens the current administration to continue to make reckless, unlawful decisions and limits the public from being able to challenge illegal decisions and future administrations from fixing the damage—even if approvals were flawed, rushed, or based on inadequate science. This could lock in authorized projects for decades or longer, even if new research reveals catastrophic effects. If this becomes law, important public lands such as the Greater Chaco Canyon region in New Mexico, Bears Ears and Grand Staircase-Escalante National Monuments in Utah, the Boundary Waters in Minnesota and the Arctic in Alaska will be opened to rampant exploitation from drilling and mining. Critical public waters are also threatened, including those subject to the administration's push to dramatically expand offshore drilling in areas such as

the California coast, the eastern Gulf, and Alaska's Beaufort Sea. The administration's dangerous rush to issue permits for seabed mining in the U.S. Territories are also decisions that could not be challenged if this bill becomes law. Finally, as detailed in this letter to the bill's co-sponsors, the certainty provisions may also limit the Environmental Protection Agency's (EPA) ability to update pollution standards and enforce environmental laws. This threatens to potentially turn EPA permitting upside down. EPA issues permits to protect public health from pollution, but BAAJA could turn permits into shields that protect polluters from updated standards, ultimately threatening our public health.

Shuts the public out of public agency decision-making and limits access to the courts. Participation in management decisions through public comment periods and other input opportunities ensures our public agencies serve the common good rather than private interests. Since 2025, the administration and Congress have weakened transparency and limited the public's ability to engage in decisions that shape and affect our communities. Through proposed changes to NEPA and NHPA, this bill will narrow the ability for Tribes and *all* members of the public to raise concerns about projects that affect their lands, waters, cultural resources, and health. The opportunity for legal challenges would also be significantly limited. If this bill becomes law, most public land management and energy infrastructure decisions will go under the radar, and communities will be severely limited in their ability to comment on or oppose them. New science and research that could have informed a project will not be considered after the publication of a notice of intent. And communities will have to conform to stricter standards to prove harm from a project and challenge decisions in court.

Expands infrastructure development and extractive industry impacts on public lands and waters with limited accountability

In an effort to speed transmission and energy development, BAAJA expands the suite of projects exempted from NEPA, including exclusions for certain infrastructure repairs, pipeline transmission modifications within existing rights-of-way, and specified administrative or federally funded activities. These changes could exclude environmentally consequential projects from NEPA review while narrowing the alternatives considered for projects that remain subject to it, with a built-in bias for the project sponsor as opposed to the public interest. Also, narrowed judicial remedies mean that if a court determines a federal agency violated NEPA, construction could still continue while the agency attempts to correct its deficient review. For projects involving pipelines, mining, drilling, or development near sensitive waterways, environmental damage may become irreversible before the legal violations are addressed. Furthermore, proposed federal mining law provisions would provide mining corporations, including foreign-owned companies, an unprecedented right to seize public lands for dumping their mining tailings and toxic waste dumps and building roads and powerlines. This free rein to

dump toxic waste and build infrastructure wherever they want would apply regardless of impacts to recreation, wildlife, water and cultural resources.

Puts America's wildlife and protected waters at risk

BAAJA proposes fundamental changes to the management and protection of wildlife and waters through revisions to the Endangered Species Act (ESA) and Clean Water Act (CWA). First, the bill proposes to define "best scientific and commercial data available" under the ESA such that it would prevent protections for vulnerable wildlife and allow harmful projects to proceed without important safeguards. The bill would also shorten timelines for Section 7 consultations and allow states to take the place of federal wildlife agencies as leads on consultations over projects that could impact threatened or endangered species. This would result in a patchwork of wildlife management programs causing cross-border conflicts, inconsistent projections, and reduced oversight for projects on federal lands. Proposed changes to Sections 401 and 404 of the CWA would constrain the ability of states and eligible Tribal Nations to protect waterways from industrial pollution and infrastructure development. For communities already confronting contaminated drinking water, degraded fisheries, and industrial pollution, these restrictions could further diminish opportunities to prevent harm. New restrictions on judicial review and remedies would leave communities with fewer options to challenge harmful projects.

America the Beautiful for All Coalition members know we can move toward a clean energy future while ensuring that our shared public lands, waters, and wildlife habitat are conserved for future generations. That is the standard elected officials should insist on as well. Smart permitting reform improves coordination among federal, state, and Tribal governments, avoids unnecessary duplication, protects public lands and cultural resources, improves community access to information and accountability measures, and ultimately should improve the health outcomes of all communities.

Respectfully,

Adamah
Alliance of Nurses for Healthy Environments
Azul
Californians for Western Wilderness
Carolina Ocean Alliance
Chesapeake Legal Alliance
Children's Environmental Health Network
Continental Divide Trail Coalition
FURIA Inc.
Gulf Reach Institute
Justice Outside
Kuaaina Ulu 'Auamo
Minorities in Shark Sciences
Mountains to Sound Greenway Trust
Nimiipuu protecting the environment
Oceans Connect
Pacific Islands Heritage Coalition
Papahānaumokuākea Coalition
Partnership for Southern Equity

Rio Grande International Study Center
Shark Stewards
The Culture Keepers Circle (The Circle)
Vermont Law Environmental Justice Clinic

Organizations below officially oppose S. 5653

Alaska Wilderness League Action
Bayou City Waterkeeper
Brown Folks Fishing
CalWild
Center for Biological Diversity
Creation Justice Ministries
Earthjustice
Endangered Species Coalition
FOUR PAWS USA
Great Old Broads for Wilderness
GreenLatinos
Healthy Ocean Coalition
Iditarod Historic Trail Alliance
Inland Ocean Coalition
Latino Outdoors
Los Padres ForestWatch
Monterey Bay Aquarium
Next Interior
North American Climate, Conservation and Environment (NACCE)
Nuestra Tierra Conservation Project
NYC Plover Project
Oceana
Oregon Wild
People's Justice Council
Piscataway Indian Nation
Presbyterian Church U.S.A. Hunger Program
Refaluwasch Journal of Knowledge and Culture (RJKC)
Sacred Places Institute for Indigenous Peoples
San Luis Valley Ecosystem Council
Soda Mountain Wilderness Council
Southern Environmental Law Center
Standing Trees
Surfrider
The Ocean Project
The Wilderness Society
Tuleyome
Western Watersheds Project
Wild Hope
Wildlife for All