OMAHA TRIBE OF NEBRASKA

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Omaha Tribe Condemns Closed-Door Negotiations on BAAJA Managers' Amendment

The Omaha Tribe of Nebraska condemns the closed-door negotiations that produced the managers' amendment to the Bipartisan American Affordability and Jobs Act (BAAJA), S. 5653. We oppose the amendment and call on Congress to strike Title III in its entirety.

While we thank the Coalition of Large Tribes (COLT) for acknowledging and taking responsibility for their participation in "closed door negotiations" surrounding Title III amendments we object to this process for it undermined a massive outpouring of Tribal Nation opposition to Title III of BAAJA. Those negotiations proceeded while Tribal Nations across Indian Country were calling on Congress to remove Title III. Each Tribal Nation has the sovereign authority to determine its own position and decide who may speak on its behalf. Any organization negotiating in a Tribal Nation's name must have that Nation's express authorization.

The Omaha Tribe's membership in COLT ended more than a decade ago. COLT's public website still lists the Omaha Tribe, and we call on COLT to remove our name. The Omaha Tribe did not authorize COLT to negotiate on our behalf.



COLT's justification for inserting themselves in front of Indian country is unacceptable. COLT negotiated on behalf of Tribes who are 1) not members of COLT and 2) member Tribes who did not give COLT explicit consent to negotiate on their behalf. The discussion paper (See Joshua Seigel on X referencing Punchbowl News) linked in the article is a document on COLT letterhead listing 9 Tribes who support striking Title III, acting in direct opposition to tribal leaders positions. The Punchbowl article is hidden behind a pay wall, but can be seen here:

November 03, 2026

The tribal push to save permitting

Not all Native American tribes want to throw the Senate's bipartisan energy permitting bill in the trash.

The Coalition of Large Tribes (COLT) has been quietly pushing negotiators for targeted technical fixes to the section that streamlines the National Historic Preservation Act (NHPA). The group has been circulating a discussion paper with Hill offices, which we obtained, that includes proposed amendments that they say could attract bipartisan support.

Tribes represented by the group, which includes the Navajo Nation and the Ute Indian Tribe, produce their own energy on their lands through a mix of fossil fuels and renewables. Here's what **OJ Semans, Sr.**, COLT's executive director and a member of the Rosebud Sioux Tribe, told us:

> "There is a lot of good in the bipartisan bill, and COLT believes that permitting reform can be accomplished without doing violence to tribal sovereignty, tribal consultation, and the federal processes that exist to protect cultural resources, which are what COLT's edits seek to do."

Semans added he expects the bill to pass the Senate, so the group is focusing its attention on ways to improve the deal. Its leaders met last week with more than a dozen Democrat and Republican offices on the Hill, including Environment and Public Works and Energy Committee staff.

"Working to make BAAJA better for large land base tribes seems much more productive to COLT than suggesting the bipartisan drafters scrap it and start over," he said.

Tribal concerns.

The push is a marked break from other tribes and groups that have vehemently pushed back on the bill's changes to NHPA. They have directly targeted bill co-author Sen. **Martin Heinrich** (D-N.M.), whose home state has 23 federally recognized tribes.

COLT's proposal is in line with the types of changes we've previously reported that negotiators are considering as part of a promised manager's amendment, which is due before the first vote on the permitting bill after the election. If some narrower changes are adopted, it could provide cover for Democrats with tribal interests – particularly out West. These lawmakers are looking to get to yes on the bill but want to show they are accommodating tribal concerns.

- *Josh Siegel*

In this Punchbowl article a leaked redline negotiation document was released on COLT Letterhead naming the following Tribes:



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Colville Reservation
Confederated Tribes of the Warm Springs Indian Reservation of Oregon • Crow Creek Sioux Tribe • Crow Nation
Eastern Shoshone Tribe • Fort Belknap Indian Community • Hopi Tribe • Mandan, Hidatsa & Arikara Nation • Mescalero Apache Tribe
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Northern Cheyenne Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spirit Lake Nation • Spokane Tribe • Standing Rock Sioux Tribe • Ute Indian Tribe
Ute Mountain Ute Tribe • Walker River Paiute Tribe

Permitting Reform Discussion Paper – October 2026

We commend the Tribal Leaders with over 91 letters of opposition to BAAJA S. 5653 and a call to strike Title III, including the Great Plains Tribal Chairmans Association, The Nebraska Intertribal Coalition, and all four Nebraska Tribes, including the Omaha Tribe of Nebraska. Included in the letters of opposition are 9 Tribes listed on COLT's letterhead that were used as a bargaining chip during senate negotiations. These letters of opposition to BAAJA Title III include: Northern Arapaho Tribe, Eastern Shoshone Tribe, Spirit Lake Tribe, Crow Creek Sioux

Tribe, Standing Rock Sioux Tribe, Cheyenne River Sioux Tribe, Shoshone Bannock Tribes, Walker River Paiute Tribe, and Muscogee (Creek) Nation. Congress should look to the positions those Tribal leaders put in writing and seek direct confirmation before attributing any negotiating position to their Nations.

We call on COLT to publicly identify every member Tribe that expressly authorized it to negotiate with Congress on that Tribe's behalf regarding BAAJA. We ask COLT to release any resolution it adopted in support of the bill or authorizing its role in negotiations, along with any Tribal resolutions, letters, or other records documenting each Tribe's consent and the scope of that authority. If COLT had no such authorization, it should say so publicly and clarify whose position it presented to Congress.

Let us be clear, BAAJA was designed and written in the dark to the exclusion of Tribal Nations. Congress advanced Title III without giving Tribal Nations an opportunity to testify on its provisions in a public hearing. The managers' amendment leaves in place provisions that weaken Tribal consultation, reduces judiciary review and put sacred places and cultural resources at risk. Tribal leaders deserve an opportunity to address those provisions directly and on the public record. Joining in decision making as a collaborator does not make the BAAJA better it allows a deeply flawed bill more political cover and damages the proper message that Title III must be stricken.

The Omaha Tribe urges Tribal Nations to continue calling for the removal of Title III. We call on the United States Senate and House of Representatives to hear directly from Tribal Nations and strike Title III from S. 5653 in its entirety.



Cheyenne Robinson
Chairwoman
Omaha Tribe of Nebraska and Iowa