PACIFIC LEGAL FOUNDATION

October 27, 2026

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Majority Leader Thune, Leader Schumer, Speaker Johnson, and Leader Jeffries:

We, the undersigned organizations, urge Congress to promptly consider and pass S. 5653, the Bipartisan American Affordability and Jobs Act (BAAJA) of 2026. As organizations committed to free markets, property rights, and energy abundance, we believe BAAJA represents a critical opportunity to modernize the federal permitting system and ensure America can build the infrastructure necessary to meet the demands of the 21st century.

For too long, energy projects and critical infrastructure have been delayed or blocked by a costly, unpredictable federal permitting system in desperate need of reform. As a result of our broken federal permitting process, it takes an average of 29 years to develop and permit a new mine in the United States, the second-longest timeline in the world. These delays prevent critical projects from moving forward, drive up costs for consumers, undermine American competitiveness, and constrain our ability to develop the energy and natural resources essential to our economic future.

BAAJA directly addresses these challenges through several key reforms to the federal permitting process, including:

- Streamlining the National Environmental Policy Act (NEPA): Reaffirming NEPA's procedural role, establishing additional guardrails for standing, shortening the statute of limitations to 150 days to provide greater certainty,

and reforming judicial remedies to allow remand without vacatur for NEPA violations.

- Reforming the Clean Water Act (CWA): Promoting regulatory certainty by refocusing Section 401 certifications on water quality and ending preemptive and retroactive vetoes under the EPA Administrator's Section 404(c) authority.
- Modernizing the Endangered Species Act (ESA): Providing states with greater flexibility to conduct Section 7 consultations and ensuring ESA determinations are grounded in the best available science.
- Advancing complementary permitting reforms: Reforming transmission policy to ensure the electric grid can meet growing demand, streamlining the National Historic Preservation Act (NHPA), unlocking America's geothermal energy potential, and providing greater certainty in the mining permitting process.

Taken together, these reforms would represent the most significant modernization of the federal permitting system in a generation. By reducing unnecessary delays, increasing regulatory certainty, and removing barriers to responsible development, BAAJA would help lower costs for Americans, strengthen domestic energy production, and support the infrastructure and industries that drive economic growth.

Congress has an opportunity to deliver meaningful, bipartisan permitting reform. We urge you to seize this moment and advance BAAJA without delay to protect property rights, promote energy abundance, and restore America's ability to build.

Sincerely,

James L. Martin
Founder/Chairman
60 Plus Association

Taylor Barkley
Director of Federal Government Affairs
Abundance Institute

Chris Barnard
President
ACC Action

Tim Chapman
President
Advancing American Freedom

Saulius "Saul" Anuzis
President
American Association of Senior Citizens

Phil Kerpen
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American Commitment

David Ibsen
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Concerned Veterans for America

Jason Solomon
Head of Policy and Government Affairs
ConservAmerica

Craig Richardson
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Energy & Environment Legal Institute (E&E Legal)

Emmet Penney
Director of Energy and Infrastructure
Foundation for American Innovation

Akash Chougule
President
Foundation for Research on Equal Opportunity (FREOPP)

Kendall Cotton
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Brian Norman
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