National Association of State Energy Officials

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November 6, 2026

The Honorable Mike Lee
Chairman
U.S. Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Martin Heinrich
Ranking Member
U.S. Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Chair
U.S. Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member
U.S. Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lee, Chair Capito, and Ranking Members Heinrich and Whitehouse:

On behalf of the National Association of State Energy Officials (NASEO), I write to convey the organization's support for the *Bipartisan American Affordability and Jobs Act* (BAAJA), share our implementation considerations, and to thank you for your bipartisan leadership in developing this agreement. NASEO's members include the State Energy Offices of the 56 States, Territories, and District of Columbia, and we are committed to a balanced, bipartisan approach to energy policy.

Current federal permitting statutes do not protect fully permitted projects from shifting political priorities. Both the current and former federal administrations have delayed fully permitted energy projects. These delays range from recent halts to wind and solar energy to reversals of conventional energy projects a few years ago. Where national security concerns are raised, they should be supported by project-specific evidence and addressed through a timely, transparent process. Durable, technology-neutral rules can reduce "whiplash" and the risk that successive administrations pick different winners and losers. The language you have offered to require a federal agency to justify specified actions affecting an issued permit by "clear and convincing" evidence for permit reversals is key. This is similar to the "rebuttable presumption" language NASEO proposed in our January 28, 2026, testimony before the U.S. Senate Environment and Public Works Committee.

The bill's essential elements are important to our members: faster permitting and grid interconnection, appropriate cost allocation for large loads, retention of key state authorities, and an updated framework governing the Federal Energy Regulatory Commission (FERC) and the U.S. Department of Energy. Your legislation makes progress in each of these areas.

As you continue your deliberations, we recommend that you consider state concerns related to the Section 2101 "one-year trigger" and state siting authority. On the one-year trigger, we support the decision to continue relying on judicial review, on a case-by-case basis, regarding the presumption for lack of "completeness" of a permit application. Upon implementation, FERC should ensure that applicants cannot game the system by obtaining a permit without genuinely submitting a "complete" application. Such gaming would create needless backlogs of permitting decisions at the state and federal levels and slow valid applications. Implementation requirements should affirm that completeness determinations consider materiality rather than focusing on minor issues that can reasonably be corrected.

We also greatly appreciate the bipartisan effort your staffs made to brief all 56 of our State and Territory members on key elements of the bill. The October 22, 2026, briefing included more than 100 state officials, and your staffs responded thoughtfully to their many questions. Although NASEO's members have differing priorities among electric generation technologies, they broadly agree on the need for more generation, transmission, energy storage, grid optimization, and energy efficiency. Continued engagement with State Energy Offices and other relevant state agencies can help resolve implementation questions and build support for a durable agreement.

Thank you for your continuing leadership. We urge you to carry this bipartisan agreement through Senate consideration and to work with the House and the Administration to enact permitting reform this year that lowers customer costs, supports economic growth and national security, and establishes a workable balance of state and federal authority.

Best regards,



David Terry
NASEO President