October 30, 2026

The Honorable Shelley Moore Capito
Chairman
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Mike Lee
Chairman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Capito, Chairman Lee, Ranking Member Whitehouse, and Ranking Member Heinrich:

Western Governors are encouraged by the bipartisan progress to introduce the comprehensive permitting reform legislation contained in S. 5653, the Bipartisan American Affordability and Jobs Act (BAAJA). Western Governors believe that a clear, consistent, focused, and effective environmental review process is essential to protect environmental and cultural resources, ensure public participation, and facilitate timely decision making in the design, financing, and execution of critical infrastructure and land management projects.

The Governors have long held that Congress and the administration should streamline the review of critical infrastructure projects and land management activities, where appropriate, to achieve the goals of federal and state policy that invests in improving infrastructure and enhancing ecosystem function. Western Governors also assert that federal agencies should consider only those impacts that are reasonably foreseeable, include robust socioeconomic analysis, and have a proximate relationship to the proposed permitting action.

Western Governors affirm that states are co-sovereigns with the federal government pursuant to the Tenth Amendment of the U.S. Constitution and other federal law. Congress and federal agencies must recognize state authority, which is presumed sovereign in the absence of Constitutional delegation of authority to the federal government. Federal legislative and regulatory actions should be limited to issues of national significance or scope, pursuant to federal constitutional authority. Preemption of state laws should be limited to instances of necessity.

Elements of this legislation would shift funding responsibilities and litigation risk to states. Western Governors affirm that Congress and federal agencies should avoid imposing unfunded federal mandates on states. Where the legislation proposes to shift responsibilities to states, especially in cases where the states are taking on the delegated responsibility of a federal program,

the bill should provide adequate federal funding, technical assistance, and research support to assist states in meeting these new federal requirements.

The Governors also note that western states include the vast majority of tribal lands in the United States. Tribal consultation should be a core component of the federal government's intergovernmental collaboration efforts.

Western Governors may have different positions on the legislation and specific provisions included within it. We encourage the Committees and the full Senate to take the support and concerns of our individual Governors into account as you consider amendments to the legislation.

Detailed information on Western Governors' collective policy on permitting issues can be found in the following WGA policy resolutions:

- 2026-11, Permitting;
- 2024-01, Strengthening the State-Federal Relationship;
- 2024-02, National Forest and Rangeland Management;
- 2024-03, Species Conservation and the Endangered Species Act;
- 2024-07, Water Resource Management in the West;
- 2024-09, Water Quality in the West;
- 2025-01, Energy in the West;
- 2025-06, National Minerals Policy; and
- 2026-08, Broadband Connectivity.

Thank you for your consideration of Western Governors' views. The Governors are eager to work with you to enact responsible permitting reforms that will benefit all our residents.

Sincerely,



Jack Waldorf
Executive Director