

SUMMARY

The Bipartisan American Affordability and Jobs Act of 2026 (BAAJA) supports policy certainty needed to unlock private capital, strengthen grid reliability, and protect families from rising energy costs. As households and businesses face rate hikes and developers deal with regulatory uncertainty and permitting delays, the introduction of BAAJA represents a meaningful compromise that addresses greater efficiency and certainty for permitting, along with the critical need for transmission expansion and interconnection queue reforms.

The provisions in the newly introduced [Bipartisan American Affordability and Jobs Act of 2026](#) are aligned with ACORE's 2025 [Permitting Principles and Policy Recommendations](#), which called for streamlined NEPA reviews, predictable permitting timelines, and protections against the arbitrary cancellation of fully permitted projects.

BENEFITS OF THE BIPARTISAN AMERICAN AFFORDABILITY & JOBS ACT (BAAJA)

INCREASES INVESTOR CERTAINTY

Ensuring Fairness

Prevents a “pattern of disparate treatment” against a single type of resource, as evidenced by that resource having delays or denials that exceed the average for that resource over the past five years.

Impact

Operational consistency and predictability, avoid discrimination against certain resources.

Maintaining Federal Permits

Prohibits federal agencies from arbitrarily suspending, altering, or revoking fully permitted projects, except under narrow exceptions, placing the burden of proof on the agency.

Impact

Adds certainty to the permitting process and encourages greater investment.

IMPROVES TRANSMISSION

Transmission Permitting

FERC backstop siting no longer requires Department of Energy (DOE) approval of a National Interest Electric Transmission Corridor. Empowers FERC to issue permits for lines “necessary in the national interest” that are 230 kV or larger that states fail to approve within 12 months.

Impact

Expedited permitting for critical interest projects.

Consolidated Planning Process (CPP)

Codifies FERC Order 1920. Requires a 20-year CPP, combining generator interconnection queues with long-term regional transmission planning, eliminating the ad-hoc practice of submitting projects to queues just to learn about expensive infrastructure upgrades.

Impact

Introduces cost certainty for developers and filters out speculative projects.

Advanced Transmission Technologies (ATTs)

FERC must establish rules to ensure transmission-owning utilities regularly evaluate where ATTs are cost-effective and deploy them whenever benefits exceed costs, penalizing non-compliant utilities, such as via a lower allowed return on equity.

Impact

Delivers immediate capacity while new lines are constructed.

STREAMLINES PERMITTING

Permitting Improvement Fund

Establishes a “Permitting Improvement Fund” available to the Council on Environmental Quality (CEQ) to distribute to key permitting agencies to improve their implementation of NEPA.

Impact

Improved agency resources, expedited permitting.

Create Government-wide Data Standards

Directs CEQ to create government-wide data standards, requiring agencies to adopt interoperable digital tools, and establishing an ePermit Unified Interagency Data System that allows agencies to share permitting information and coordinate reviews more efficiently.

Impact

Reducing duplication, improving transparency, and increasing interagency coordination.

Timely and Unified Federal Reviews

Directs the Chairman of CEQ to facilitate the resolution of disputes or delays of a project involving more than one agency, and order the relevant agencies to act. Establishes an Environmental Review and Permitting Tracker to monitor compliance status of each agency with deadlines.

Impact

Predictable and transparent timelines, expedited dispute resolution, increased clarity and efficiency within the permitting process.

Adds deadlines to key parts of the process surrounding the environmental studies, including the notification that an application is complete, the identification of all cooperating agencies, whether an environmental study is needed, the issuance of a decision, and when authorizations from other permitting agencies must be completed.

Judicial Review

Reduces the current six year Administrative Procedure Act (APA) window to 150 days to seek judicial review and restricts standing to parties that submitted comments during public review. Significantly narrows the circumstances for the Court to issue an injunction or vacatur, limiting its actions to a remand requiring an agency action within 180 days.

Impact

Concentrated, predictable litigation risk; allows project work to continue while agencies correct deficiencies.

INCLUDES COMMUNITY ENGAGEMENT & ENVIRONMENTAL REVIEW

Record of Stakeholder Engagement

Requires documentation of pre-application stakeholder engagement outreach in a Record of Stakeholder Engagement that includes engagement with Federal agencies, State, local, and Tribal officials and local communities, and how community feedback was incorporated into the project proposal.

Impact

Increased opportunity for community concerns to be heard and addressed through the permitting process.

Programmatic Environmental Document

Increases the validity of programmatic environmental impact studies or environmental analysis from 5 years to 10 years, allowing agencies to reduce repetitive environmental reviews.

Impact

Reduces redundant work, more efficient permitting processes.