October 14, 2026

The Honorable Shelley Moore Capito, Chairman
The Honorable Sheldon Whitehouse, Ranking Member
Committee on Environment and Public Works

The Honorable Mike Lee, Chairman
The Honorable Martin Heinrich, Ranking Member
Committee on Energy and Natural Resources
United States Senate

Dear Senators Capito, Whitehouse, Lee, and Heinrich:

On behalf of the Alliance for Innovation and Infrastructure (Aii), thank you for the bipartisan leadership on the Bipartisan American Affordability and Jobs Act of 2026. Aii supports this legislation as a substantial and necessary step toward more predictable and efficient infrastructure development. Federal review should protect important public interests without duplicative procedures and uncertain timelines that invite repeated litigation designed to thwart final decisions.

Aii is an independent, nonpartisan research and educational organization focused on improving infrastructure safety, efficiency, and resilience. Our research favors measurable performance, prudent regulation, private innovation, and recognition that infrastructure systems must operate together.

Areas of Support

The bill advances several significant and worthwhile changes. Stronger lead-agency coordination, parallel reviews, more consistent decision schedules, better use of existing analyses, and defined dispute-resolution mechanisms can minimize wasteful duplication, inter-agency friction, and project uncertainty. Time itself is a cost in infrastructure development. Regulators, project investors, and communities benefit when the process clearly identifies the decisionmaker, required information, and clear timelines. Aii also welcomes the effort to modernize the underlying review process through shared software systems, data interoperability, transparency, and agency performance reporting.

Additionally, once a project has secured necessary authorizations, businesses and communities should be able to plan around that decision rather than face repeated procedural challenges. Aii supports clearer judicial timelines and rules that allow valid issues to be resolved without unnecessarily stopping progress, while preserving meaningful safeguards for safety, environmental protection, and the public interest.

The energy provisions of the bill are particularly positive. Better transmission and generator interconnection planning, upgrades to existing corridors, and increased grid capacity benefits all. New generating capacity matters only when infrastructure exists to deliver it reliably to homes and businesses.

Opportunities to Build on the Bill

The bill's coordination and planning provisions provide a strong foundation for timely infrastructure development and regulatory reform. Congress has an opportunity to build upon these reforms by looking beyond permitting decisions to the broader development of bringing infrastructure systems into service. A power generation facility can clear its site and environmental reviews while the transmission and interconnection infrastructure needed to connect it lags by years. Faster permitting accomplishes little if the entire system is not ready to deliver power.

But the challenge goes beyond electrical grids. In our recent comments on America's Great Corridors of Commerce, Aii emphasized that corridor readiness is not the same as site readiness, and that federal review cannot substitute for state legal authority, actual private demand, financing, or commercial agreements. We urge Congress to build on the bill's coordination and planning provisions with a practical framework for interdependent projects: early identification of related assets and jurisdictional requirements, a shared critical-path schedule, parallel review wherever lawful, accountable decisionmakers, and protocols when one component threatens the schedule of the whole. Such a system does not have to be a one-size-fits-all review mechanism or replace state and local authority. The role of the federal government should serve as a facilitator, not a micromanaging project leader.

Broad permitting reform is necessary to address complex, multi-stage projects that connect transportation, energy, and telecommunications infrastructure. At the same time, policymakers should create opportunities for innovative solutions that leverage existing infrastructure, including distributed hydrogen pathways and utilizing existing fiber-optic networks to enhance data center and power grid resilience.

Likewise, permitting performance should ultimately be judged by the outcomes it produces, not the speed or volume of administrative activity. Aii's Building Smarter, Safer Systems called for regulation grounded in data, risk, and measurable results rather than static mandates. Congress should measure not only how quickly agencies review applications, but also how long it takes for infrastructure projects to be completed and put into service. These timelines should be considered alongside the capacity delivered, total lifecycle costs, and outcomes for safety, environmental compliance, and resilience. Within a properly structured regulatory regime, innovation and safety are not competing objectives, but mutually reinforcing priorities.

In many cases, innovative delivery models can be used to facilitate the alignment of financing, construction, operation and maintenance of complex projects. When properly structured, public-private partnerships (P3s) can bring private-sector expertise and capital, allocate risk away from the public, and strengthen accountability across the asset lifecycle while preserving public stewardship. However, they are not universal solutions, and require credible demand, transparency, and disciplined governance. Aii encourages better alignment between permitting coordination, project readiness, and existing public and private financing tools.

Aii also urges Congress to keep performance at the center of provisions affecting technology choices, competitive transmission development, or regulatory enforcement. Our transmission research, Building New Critical Infrastructure: No Time to Waste, underscores the need to compare project approaches on total delivered cost and the economic effects of delay, not simply the rules governing procurement. As the bill's judicial and permit-certainty provisions are refined, strong accountability for delays should coexist with proportionate remedies and the ability to respond to demonstrated safety or environmental concerns.

These are opportunities to extend the bill's value, not reasons to postpone needed reform. We appreciate the serious bipartisan effort reflected in this legislation and support its advancement. Aii looks forward to working with policymakers to strengthen the remaining connections between permitting, financing, construction, and system performance. The goal should be more than faster individual approvals – it should be the timely delivery of complete, safe, efficient, and resilient infrastructure.

Sincerely,



Benjamin R. Dierker
Executive Director
Alliance for Innovation and Infrastructure