October 26, 2026

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

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

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

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

Dear Chairmen Capito and Lee, and Ranking Members Whitehouse and Heinrich:

On behalf of the companies that produce, transport, and deliver natural gas across the nation, the Natural Gas Council strongly supports S. 5653, the Bipartisan American Affordability and Jobs Act of 2026. We commend you for reaching a bipartisan agreement that represents meaningful progress toward a more efficient, predictable, and durable federal permitting process.

Reliable and affordable energy is essential to America's economic competitiveness, energy security, and meeting growing demand for electricity. Natural gas infrastructure plays a critical role in supporting these objectives, as well as domestic manufacturing and energy exports. Meeting increased energy demand requires continued investment in natural gas production, transportation, and delivery infrastructure that reliably and affordably serves homes, businesses, manufacturers, and electric generators.

However, complex, duplicative, and often unpredictable federal permitting processes can delay critical infrastructure investments, increase costs, and create prolonged uncertainty without necessarily improving environmental outcomes. S. 5653 would establish a more efficient, coordinated, and predictable federal permitting framework that maintains rigorous environmental review and public participation while providing greater certainty for infrastructure development.

Of particular significance to the natural gas sector are the legislation's reforms to Section 401 of the Clean Water Act (CWA). For interstate natural gas pipeline projects requiring a certificate of public convenience and necessity under Section 7 of the Natural Gas Act, the bill would more closely tie certification requirements to federal authorizations involving a direct point-source discharge into

waters of the United States. It would also establish a maximum nine-month certification period, with waiver consequences when a certifying authority fails to act within the applicable timeframe.

More broadly, CWA Section 401 certification reviews would focus on compliance with applicable water-quality requirements. Denials would require clear and convincing evidence that no reasonable modification or condition could allow compliance, while certification conditions would need to be necessary, least burdensome, and consistent with the scope of the underlying federal authorization. States and authorized Tribes would retain important water-quality responsibilities within more clearly defined statutory parameters. These provisions would reinforce Section 401's water-quality purpose while promoting consistent, timely, and legally defensible decisions.

The legislation also makes several significant improvements to CWA Section 404 and the Nationwide Permit program. Significantly, the proposal provides greater certainty for Nationwide Permit 12, which is critical for pipeline construction, maintenance, replacement, and modernization. Additionally, the proposal clarifies that qualifying discharges involving less than two acres of navigable waters for each single and complete project should be considered to have minimal adverse environmental effect, extends the maximum duration of general permits from five to ten years, and limits the risk that litigation over the issuance or renewal of nationwide permits disrupts otherwise authorized activities. These important changes ensure the durability, predictability, and efficiency of the Nationwide Permit program while keeping applicable environmental requirements and oversight in place.

The proposal's National Environmental Policy Act (NEPA) reforms would establish more predictable review schedules – generally one year for environmental assessments and two years for environmental impact statements – while improving coordination among federal agencies and reducing duplicative reviews. Consistent with the Supreme Court's *Seven County* decision, the bill would reinforce NEPA's procedural and informational purpose and clarify the appropriate scope of environmental analysis. These changes would support meaningful review and public participation alongside timely, informed federal decisions.

The legislation also recognizes the value of modernizing existing natural gas infrastructure. Qualifying repairs, replacements, upgrades, capacity enhancements, and other improvements within existing interstate pipeline corridors would receive more streamlined treatment. This approach would facilitate safety, efficiency, and reliability improvements while making responsible use of existing rights-of-way and limiting unnecessary new land disturbance.

Equally significant are provisions strengthening the certainty and durability of federal authorizations. For qualifying projects, federal agencies generally could not revoke, suspend, withdraw, or alter previously issued approvals, subject to specified exceptions for court orders, violations, fraud, urgent harms, and sponsor-requested action. These protections would give project sponsors and affected communities greater confidence in approvals issued following required reviews while retaining appropriate federal oversight and accountability.

Finally, the judicial review reforms would establish clearer filing periods, standards, and remedies for challenges to federal permitting decisions. These reforms include 150-day filing periods for certain claims, limits on vacatur and injunctive relief, opportunities for agencies to correct deficiencies through remand without automatically invalidating authorizations, and mechanisms to

enforce certain missed agency deadlines. These provisions would preserve meaningful judicial oversight while reducing the risk that correctable procedural errors unnecessarily halt otherwise lawful infrastructure activities.

Taken together, S. 5653 addresses the full permitting lifecycle: completing environmental review more predictably, obtaining necessary authorizations under clearer standards and timelines, and providing greater confidence that lawfully issued approvals will remain effective. These improvements can support energy reliability and affordability, infrastructure investment, environmental stewardship, and economic competitiveness across a broad range of technologies.

The Natural Gas Council commends your bipartisan leadership in advancing meaningful permitting reform. The Bipartisan American Affordability and Jobs Act represents an important opportunity to provide the certainty necessary to develop and modernize critical energy infrastructure while maintaining appropriate environmental safeguards.

Our nation's energy needs continue to grow, and now is the time for the Senate to act. We urge the Senate to advance this legislation and stand ready to work with you and your colleagues to secure its enactment this Congress.

Sincerely,

Karen Harbert
President & CEO
American Gas Association

Mike Sommers
President & CEO
American Petroleum Institute

Edith Naegele
President & CEO
Independent Petroleum Association of America

Amy Andryszak
President & CEO
Interstate Natural Gas Association of America

Dena Wiggins
President & CEO
Natural Gas Supply Association