ATTORNEYS GENERAL OF CALIFORNIA, MASSACHUSETTS, WASHINGTON, ARIZONA, DELAWARE, ILLINOIS, MAINE, OREGON, AND VERMONT

October 21, 2026

VIA EMAIL

The Honorable John Thune
Majority Leader, U.S. Senate
511 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader, U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Capito
Chair, U.S. Senate Committee on
Environment and Public Works
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Sheldon Whitehouse
Ranking Member, U.S. Senate Committee
on Environment and Public Works
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Mike Lee
Chair, U.S. Senate Committee on Energy and
Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

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

Re: S. 5653, "Bipartisan American Affordability and Jobs Act"

Dear Esteemed Congressional Leaders:

Thank you for releasing a draft of the Bipartisan American Affordability and Jobs Act of 2026, S.5653. The undersigned State Attorneys General have spent the last two weeks reviewing the bill's extensive changes to existing laws and assessing the effects they will have on our Offices and States.

We commend your desire to improve clean energy permitting and share your goals to reduce energy costs, create jobs, and promote clean energy and environmentally responsible growth. Certain provisions of the bill offer language that could further national progress toward achieving these goals. At the same time, however, we have substantial concerns about various aspects of the current draft legislation. Without amendment, some of the bill's provisions will unnecessarily intrude upon states' rights, harm critical resources in our states, and create uncertainty in ways that undermine the purposes of the bill. We further fear that these provisions will add to historical inequities and limit the ability of states—as well as Indigenous peoples and communities—to ensure appropriate environmental and public health protections for their residents.

With the aim of sharing our unique perspectives and improving the bill, we ask for an opportunity for our staff to meet with you and share more detailed concerns about the draft bill in the coming week. Our staff is available at your convenience.

Thank you,

ANDREA JOY CAMPBELL
Attorney General of Massachusetts

ROB BONTA
Attorney General of California

NICHOLAS BROWN
Attorney General of Washington

CHARITY N. CLARK
Attorney General of Vermont

KATHLEEN JENNINGS
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Attorney General of Illinois

KRIS MAYES
Attorney General of Arizona