~~EXPLOITERS~~
FRIENDS
of ANIMALS

Dear Senator <Last Name>

On behalf of Friends of Animals and our thousands of members, I am writing to urge you, in the strongest possible terms, to vote against the *Bipartisan American Affordability and Jobs Act of 2026 (BAAJA)*, introduced in the U.S. Senate on September 30, 2026. The legislation would fundamentally undermine two of our nation's most important environmental laws—the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA)—and severely weaken the federal government's ability to protect our nation's natural resources, wildlife, and public lands.

National Environmental Policy Act (NEPA)

With regard to NEPA, this legislation would dramatically narrow the scope of projects subject to environmental review, potentially excluding projects with significant environmental consequences, including the destruction of essential wetlands and other critical natural resources. It would then require federal agencies to dismiss alternatives to a proposed action simply because a non-federal project sponsor objects to them, effectively stripping NEPA of one of its most fundamental purposes: ensuring that agencies meaningfully consider alternatives before committing to actions with potentially irreversible environmental consequences.

The legislation would also severely constrain the ability of future administrations to revoke, withdraw, or reform unlawful authorizations issued by the Trump administration, including those for large-scale projects that threaten irreplaceable natural areas, wildlife, cultural and historical resources, and the health of our waterways. It would further allow federal agencies to delegate NEPA and ESA responsibilities to state agencies and prevent other federal agencies from conducting environmental reviews when the designated lead agency determines that review is unnecessary. Finally, by limiting judicial remedies under NEPA to remand rather than vacatur, the legislation would allow projects to proceed even when their underlying federal approvals are found to be unlawful.

Endangered Species Act (ESA)

The legislation would similarly weaken the ESA by allowing the state in which a project is located to serve as the consulting agency under Section 7 of the Act in place of the U.S. Fish and Wildlife Service or National Marine Fisheries Service. This would undermine the consistency, scientific expertise, and independence of the federal consultation process that Congress established to protect threatened and endangered species.

This legislation would also prevent agencies from applying a presumption in favor of species protection when scientific uncertainty exists. Uncertainty is an inherent part of wildlife and ecological science, and it should not become a justification for withholding

protections from species already at risk of extinction. This is particularly dangerous at a time when the federal government has significantly reduced monitoring, research, and resources spent on protecting threatened and endangered species. This legislation would allow agencies to deny necessary protections not because threats have been disproven, but because insufficient information remains to establish them. In effect, the legislation could reward the absence of scientific information rather than encourage the precaution necessary to protect imperiled species and their habitats.

Please Oppose This Legislation

To consider legislation of this magnitude in the wake of the 2026 midterm elections would disregard the concerns of constituents who voted with the expectation that their elected representatives would defend, rather than dismantle, our nation's environmental safeguards. The whole country just gave Congress a mandate to reverse course on Trump's agenda, not to entrench it in law before new elected officials can take office. If Democrats are serious about protecting the environment and responding to the ongoing erosion of federal environmental protections, this is the moment to restore and strengthen NEPA and the ESA—not to further weaken them or surrender the protection of our natural heritage to the interests of unchecked development.

Our nation's wetlands, waterways, wildlife, public lands, and irreplaceable natural and cultural resources cannot be recovered once they are destroyed. NEPA and the ESA exist to ensure that these resources are not sacrificed without meaningful consideration of the consequences. I urge you to stand up for these laws, for the resources they protect, and for the public interest by voting **NO** on the Bipartisan American Affordability and Jobs Act of 2026.

Sincerely,

Jennifer Best

Wildlife Law Program, Director
Friends of Animals