

Congress Should Pass BAAJA And Let America Build The Grid It Needs

By Governor Kelly Armstrong

When I served in Congress, learned that Washington has a talent for turning simple problems into decade-long ones. Here's a simple one: North Dakota produces far more energy than it consumes, and the power lines we need to move it are not keeping up.

We're a Top 10 energy-producing state and the nation's No. 3 oil producer. Our coal plants, wind farms, and natural gas facilities keep the lights on well beyond our borders. Coal Creek Station alone sends power across a high-voltage line to roughly 1.7 million customers in Minnesota. That's what an energy-exporting state does. But exporting electricity, like exporting oil or wheat, only works if you can get the product to market.

If we are serious about letting America build infrastructure to move American energy where it needs to go, Congress should pass the Bipartisan American Affordability and Jobs Act (BAAJA).As a recovering attorney, I know the importance of fixing permitting and streamlining judicial review for approved projects. The bill accomplishes this by reigning in federal reviews, setting firm deadlines, and adding guardrails to frivolous litigation after permits have been approved.

Last year, I testified on behalf of the National Governors Association before Congress, highlighting the need for many of these same permitting fixes. This legislation addresses them in a comprehensive way.

The bill covers a lot of ground, but its most important work is on interregional transmission projects that connect one regional power grid to another. North Dakota sits right where several grids meet. MISO serves much of the Midwest, SPP covers much of the Plains states, and the Western grid sits just across the Montana line. Power hubs like ours are where good projects go to die. Each region plans for itself, nobody plans to connect with neighbors, and arguments over who pays drag on for years.

The BAAJA fixes that. It requires neighboring regions to plan interregional lines together, measure the benefits, and decide who pays through up-front cost allocation. North Dakota families should not foot the bill for a line built to serve another state's policy goals, and nobody should get a free ride on projects that improve reliability and lower costs. The BAAJA locks in these principles, ensuring all costs follow the beneficiaries. The bill also requires grid operators to adopt the streamlined interconnection process already used in the Great Plains to connect new projects to the grid. That's a model born in our part of the country, and it works.

Take the North Plains Connector, a proposed 420-mile, high-voltage line linking the Eastern and Western grids through North Dakota and Montana. I've supported it because it expands the export opportunities for our homegrown energy, and when a polar vortex or a heat wave hits one region, the ability to let American energy move prevents blackouts and price spikes for homes and businesses. Projects like that should not take longer to secure permits than they take to build.

I know some of my fellow conservatives are wary of anything that expands federal authority. I share that instinct. I spent six years in Congress fighting federal overreach, and as governor I've pushed back when Minnesota tried to dictate how North Dakota produces the power they buy from us. So, let's be clear about what this bill does.

States still get the first say. A developer can ask the Federal Energy Regulatory Commission (FERC) for approval only after a state rejects an eligible project or sits on it for a year. If FERC determines the project meets a high bar for the reliability and economic benefits it will deliver, only then, after notice and public hearing, can FERC issue a permit. That's a backstop, not a takeover.

The bigger conservative win is certainty. When President Biden killed the Keystone XL pipeline with the stroke of a pen, he told every investor in America that a federal permit was only as good as the next election. When I was in Congress, I introduced legislation in the House to stop that from happening to cross-border energy projects. The BAAJA goes further, sharply limiting when agencies can pull permits that have already been issued. That protection endures whether the project is a pipeline, a wind project, or a transmission line. Permitting reform must be energy agnostic. Major projects often take more than four years to build. What one administration approves, the next should not be able to erase.

That certainty matters now more than ever. Electricity demand is climbing for the first time in a generation. That demand needs reli-



able, around-the-clock power, like the kind North Dakota produces. But reliable power stranded behind a permitting backlog doesn't help anyone. Permitting reform has been "the next big bipartisan deal" for as long as I've been in public office. The BAAJA is the most serious attempt yet, and it won't please everyone. No bill this size does. But both sides of the aisle should not let perfect be the enemy of good - a grid that works, a permit that lasts, and an energy economy that can grow.

In short, North Dakota stands ready to help power America. Congress has the opportunity to create the permitting system to do it.