

CLEARPATH ACTION

July 18, 2025

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Jared Huffman
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
1332 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Westerman and Ranking Member Huffman:

The need for new sources of reliable and affordable energy is urgent. The resources and technologies are ready, but they will not be developed and built if they cannot secure permits on a predictable, expeditious timeline. Companies deploying emerging energy technologies face an overly complex, unpredictable permitting regime that obstructs energy, climate and economic development goals at the federal, state, and local levels. A key part of the solution to this challenge that Congress must act upon quickly is modernizing the National Environmental Policy Act (NEPA).

As noted by the Supreme Court in *Seven County Infrastructure Infrastructure Coalition v. Eagle County*, NEPA imposes no substantive environmental obligations or restrictions that require federal agencies to evaluate and disclose potential environmental impacts of their actions before making a decision to proceed. In that case, the Supreme Court has meaningfully narrowed the scope for agencies to consider the potential effects of a proposed project and have more appropriately delineated the role of NEPA as a purely procedural statute.

The combination of recent Supreme Court cases, past Congressional actions, administrative executive orders, state policy changes, and a surge in energy demand has created a window of opportunity for Congress to deliver effective, bipartisan permitting reform. ClearPath Action commends this Committee's determination to foster bipartisan discussions and enact critically needed permitting reform policy.

ClearPath respectfully suggests that the Committee build on revised NEPA provisions enacted through the Fiscal Responsibility Act. We offer the following recommendations for consideration:

- **Modernize NEPA:** Congress can take additional steps to streamline permitting, such as integrating requirements under substantive environmental laws into NEPA analysis, consistent with revised NEPA implementation procedures recently adopted by federal agencies. Finding ways to reduce duplicative agency work and still maintain high environmental standards is achievable.
- **Leverage FPISC:** Congress should consider ways to further leverage the Federal Permitting Improvement Steering Council (FPISC). For example, one approach could be to give FPISC specific authority to approve project permits for certain kinds of well-understood activities and/or projects in pre-designated areas. One approach to this could be to pilot a permit-by-rule system for certain projects.
- **Increase Transparency:** Congress should codify elements of the [Permitting Technology Action Plan](#) issued by the Council on Environmental Quality (CEQ) in May 2025 to require accountability, provide transparency, and encourage the use of modern

technology, like artificial intelligence.¹ Congress should also establish additional timelines for agency action and consequences for inaction because that can increase certainty about the process, which is critical to deploying energy projects at scale.

- **Reform Litigation Practices:** The current system is arguably tilted in favor of those seeking to delay or block projects. Notably, agencies have won in roughly 80% of appeal cases since 2013, underscoring how litigation disproportionately harms projects more than it changes environmental review outcomes.² By repeatedly filing lawsuits, project opponents often aim to stretch the process until developers run out of funding and abandon their projects. Congress should limit legal challenges to clear and material errors under natural resources laws, narrow the scope of review, and enforce statutory timelines for resolving disputes.
- **Unlock Transmission:** American energy security, AI leadership, and manufacturing competitiveness require a robust transmission system. Insufficient transmission hinders the development of all types of energy, posing a direct threat to America's energy dominance agenda. Congress should modernize the federal siting and permitting regime for transmission to create more streamlined development processes that reflect the urgency of grid expansion while respecting states' roles in the process.

It is essential for Congress to expeditiously act on this challenge. Provisions which enact our suggestions above provide the necessary first steps to reform the permitting system. ClearPath Action is ready to work with this Committee and other policymakers to advance these and additional policies that will achieve broad permitting reform, expand energy deployment, revitalize and advance U.S. manufacturing and strengthen U.S. supply chains. We thank the Committee for its leadership and commitment to practical solutions that unleash clean, reliable, affordable energy for Americans.

Sincerely,



Jeremy Harrell
CEO
ClearPath Action

¹ https://permitting.innovation.gov/CEQ_Permitting_Technology_Action_Plan.pdf

² https://thebreakthroughimgix.net/Understanding-NEPA-Litigation_v4.pdf;
https://naep.memberclicks.net/assets/webinars/2024/10.15.24_NAEP_Webinar_NEPA_Caselaw_Update_Slides.pdf