

July 18th, 2025

The Honorable Bruce Westerman, Chairman  
Natural Resources Committee  
United States House of Representatives  
Washington, DC 20515

The Honorable Jared Huffman, Ranking Member  
Natural Resources Committee  
United States House of Representatives  
Washington, DC 20515

Dear Chair Westerman and Ranking Member Huffman,

The Institute for Progress is writing to support bipartisan efforts to reform the National Environmental Policy Act.

At a time when the United States needs a comprehensive approach to meet new energy demand, NEPA acts as a drag on American competitiveness, pushing projects away from federal lands and creating uncertainty for developers. Everything including energy generation, transmission lines, pipelines, mines, roads, bridges, transit and highways, forest fire prevention, semiconductor fabs, data centers for AI, and even military readiness activities require extensive review under NEPA. NEPA creates enormous delays, lengthening average completion time for Environmental Impact Statements to 4.5 years, holding up multi-billion dollar projects and leaving project sponsors in limbo.

**The heart of the problem with NEPA is judicial review:** NEPA has been warped by decades of litigation and regulatory accretion, creating a legal hook for opponents of projects to exploit. Frequent lawsuits create a "litigation doom-loop" that traps projects in a multi-year cycle of legal delay and uncertainty, even after a decision under NEPA has been finalized. Uncertainty chills private investment, reducing innovation and undermining bipartisan policy goals. This process is rife with abuse — even though the government defeats 80% of lawsuits against NEPA decisions, litigants use the legal process to extract delays, court injunctions, and attorney's fees to chill investment and force developers to cancel important projects.

The Institute for Progress supports bipartisan reform of NEPA, which has become a tax on building in America. Policymakers have an opportunity to limit the litigation attack surface and reduce the endless uncertainty. Congress must end decades of litigation abuse that defeats the law's environmental goals while paralyzing critical infrastructure. The current system neither protects the environment nor develops the economy. Congress can reform the litigation doom-loop by reducing the attack surface for litigation and by limiting the judicial remedies of remand, injunction, and vacatur.

We look forward to working with Congress to address these urgent challenges.

Sincerely,

Alec Stapp  
Co-CEO, Institute for Progress