

July 30, 2025

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

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

Dear Chairman Westerman and Ranking Member Huffman,

America's economic competitiveness depends on our ability to build critical infrastructure quickly. With electricity demand surging from AI, manufacturing, and industrial growth, we need transmission lines, pipelines, and energy generation—and we need them now.

Unfortunately, today's permitting system was designed for a different era. In particular, while the National Environmental Policy Act (NEPA) was written with good intentions, it has evolved into a litigious procedural gauntlet where routine infrastructure can face decades of delay. The average Environmental Impact Statement now takes 4.5 years to complete and runs over 600 pages. Energy projects of all types run into years of spurious litigation, which add substantial costs and drag out project timelines further. These delays don't improve environmental outcomes, but they do prevent America from building the modern infrastructure we need.

The bipartisan SPEED Act marks a critical step forward in modernizing the NEPA process to meet the challenges of the 21st century. By clarifying NEPA's scope and establishing reasonable limitations on judicial review, the SPEED Act will help unlock US energy and infrastructure while maintaining environmental safeguards.

These commonsense reforms will benefit projects across all sectors:

- **Focusing on Real Impacts:** The Act's requirement that reviews focus on effects proximately caused by projects—rather than speculative or distant impacts—will produce clearer, more useful, and less burdensome environmental documents.
- **Right-Sizing Remand:** By removing the ability for courts to vacate or enjoin agency actions under NEPA, the Act would allow critical projects to move forward while still requiring agencies to fulfill NEPA's procedural requirements.
- **Recognizing Harmless Errors:** The Act would bar courts from invalidating an agency action unless the agency's abuse of its discretion under NEPA would have led it to reach

a different result. This “harmless error” standard would allow actions with mere procedural defects to move forward.

Faster permitting will mean lower project costs, reduced electricity prices, and more competitive manufacturing. It will mean American technology companies can build the data centers needed to lead in artificial intelligence, and it will mean that energy developers can deliver reliable, affordable power when and where it's needed.

The SPEED Act represents an essential step toward comprehensive permitting reform. We look forward to working with Congress on this critical issue.

Respectfully,

Thomas Hochman

Director of Infrastructure Policy

Foundation for American Innovation