July 25, 2025

The Permitting Institute
Alexander Herrgott, President

Chairman Bruce Westerman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Re: Support for the SPEED Act (Standardizing Permitting and Expediting Economic Development Act)

Chairman Westerman and Members of the House Resources Committee,

On behalf of The Permitting Institute (TPI), I write to express our strong support for the "Standardizing Permitting and Expediting Economic Development Act" (SPEED Act). As a nonprofit, nonpartisan trade association committed to practical, structural permitting reform, we commend you and the Committee for introducing legislation that reflects both urgency and institutional clarity in advancing environmental review modernization.

For over two decades, Congress has included language on "permitting reform" in nearly every major infrastructure bill. Yet as documented in my testimony before your Committee on July 22, 2025—and in Appendix B of that testimony (Structural Patterns in Permitting Legislation, 2005–2025)—most of these efforts fell short. They offered coordination without enforcement, deadlines without discipline, and dashboards without delivery. The SPEED Act breaks that cycle.

Unlike prior reforms that emphasized process over impact, the SPEED Act takes direct aim at the systemic drivers of delay, uncertainty, and litigation abuse that undermine infrastructure delivery across all sectors. It is among the clearest examples of statutory language that maps to the structural reform principles The Permitting Institute has advocated for since our founding. By combining definitional precision, procedural accountability, and enforceable judicial safeguards, the bill offers not just intent—but infrastructure for implementation.

The SPEED Act as a Foundation for Durable Reform

The Permitting Institute strongly supports the SPEED Act as a disciplined step forward in restoring clarity, legal integrity, and project viability to the environmental review process. The bill reflects lessons learned from two decades of symbolic reform and incorporates several provisions—such as scope limitations, judicial constraint, and NEPA clarification—that align directly with structural best practices outlined in our July 2025 testimony.

Its strength lies not in any single provision, but in the way it weaves together structural, procedural, and judicial disciplines into a unified statutory framework. The structural reforms (Category 1) correct decades of definitional drift and scope expansion. The procedural enhancements (Category 2) operationalize those reforms through statutory timelines, documentation consistency, and agency accountability. And the litigation safeguards (Category

3) reinforce that architecture by preventing judicial reinterpretation from undermining the very standards the bill seeks to establish. Each category complements the others; together, they represent the most complete permitting modernization blueprint introduced in over a decade.

At the same time, our experience with implementation—alongside the growing body of post-FRA and post-*Seven County* case law—suggests that there are a small number of remaining structural elements that, if incorporated during the final stages of legislative refinement, would convert the SPEED framework into a fully enforceable and future-proof platform.

These are not conceptual expansions. They are pragmatic, in-place reforms that fill known gaps, respond to documented administrative drift, and ensure that the Act's objectives are not diluted through inaction or loopholes. We offer them below as additive—not corrective—refinements to ensure the bill's durability, enforceability, and bipartisan uptake.

What the SPEED Act Does Right

To ensure clarity and cadence, the following sections are structured into three distinct categories:

- **Category 1: Structural Reforms** — Codified statutory changes that rewire the permitting process at its core.
- **Category 2: Procedural Enhancements** — Operational clarifications that complete and enable implementation of those structural reforms.
- **Category 3: Litigation Safeguards** — Judicial reforms that restore balance to environmental review without diminishing substantive protections. These provisions respond directly to tactics that have historically weaponized NEPA process to delay rather than improve outcomes, and are rooted in precedents such as *Robertson v. Methow Valley Citizens Council* (1989) and *Seven County Infrastructure Coalition v. Surface Transportation Board* (2024). This also aligns with the Supreme Court's decision in Department of Transportation v. Public Citizen (2004), which clarified that NEPA does not require agencies to evaluate effects beyond their control—reinforcing the statutory limits that Seven County built upon.

Category 1: Structural Reforms — Codified Statutory Changes That Rewire the Process

1. Scope Limitations (Sec. 106(c); Sec. 111(14))

Status Quo:
The scope of NEPA has become increasingly unbounded. Agencies are routinely expected to evaluate speculative, indirect, and downstream impacts far beyond the causal chain of the proposed federal action. This includes modeling commodity market fluctuations, hypothesizing third-party behavioral responses, and analyzing environmental impacts linked to unrelated future projects or policies. What was once a requirement to disclose direct environmental consequences has morphed into a sprawling obligation to forecast every imaginable ripple effect. This trend reached its apex in *Friends of the Earth v. Haaland* (2023), where a federal court questioned offshore leasing decisions based on hypothetical global oil price movements and their effects on emissions. The Supreme Court, in *Seven County Infrastructure Coalition v. Surface Transportation Board* (2024), pushed back—holding that NEPA does not require agencies to analyze speculative downstream emissions caused by independent market actors. But that holding, while critical, was narrow. It applied only to NEPA. It explicitly did not apply to other environmental statutes where courts continue to entertain expansive theories of causation.

As documented in our July 22, 2025 testimony, this legal drift is no longer confined to fossil fuel litigation. Downstream theory has metastasized across sectors, including clean energy, broadband, manufacturing, and transportation. Projects are being challenged not because agencies failed to follow the law, but because NEPA is being used as a proxy war for larger ideological battles over infrastructure development. And because CEQ's interpretive authority has been repeatedly questioned in recent litigation, agencies are left with no clear line to

follow—and no reliable shield to invoke.

What It Solves:
The SPEED Act resolves this ambiguity by establishing a statutory test rooted in proximity and foreseeability. Section 111(14) codifies that only those effects which are both proximately caused by and reasonably foreseeable from the immediate agency action are within the required scope of NEPA review. This test restores the "rule of reason" as the governing framework and aligns agency obligations with both common-sense limitations and the judicial standard affirmed in *Seven County*. By embedding this boundary into statute, the Act gives agencies a clear directive: analyze what you can control, disclose what you can foresee, and do not spend years modeling chain reactions triggered by unrelated decisions, jurisdictions, or hypothetical market conditions.

This clarity not only limits unnecessary litigation exposure but also protects the quality and focus of environmental review. It allows agencies to concentrate on material impacts directly tied to their action, avoiding the resource drain and analysis fatigue caused by scope overbuild. And by anchoring the test in law rather than guidance, the Act ensures consistency across federal programs and field offices—something CEQ cannot guarantee under current conditions.

Why It Is Urgent:
Every month that passes without statutory correction adds to the growing backlog of projects caught in procedural drift. With more than $1 trillion in federal infrastructure investment currently flowing through IIJA, IRA, and CHIPS programs, the ambiguity over NEPA scope has moved from an academic question to a daily operational constraint. CEQ cannot enforce a uniform test, and courts have shown no hesitation in reviving downstream theory under different statutory labels. States are already incorporating expansive causation models into their own EIR laws, citing federal litigation as precedent. And project sponsors are responding by overbuilding records, delaying applications, or walking away entirely.

Seven County drew a line. But it is a line that will not hold unless Congress anchors it in law. If left unaddressed, the scope expansion will not only persist—it will infect every other environmental statute that contains a causal analysis requirement. The consequences are no longer theoretical. They are showing up in project delays, investor flight, and litigation campaigns designed not to win, but to outlast. Congress must act before the very sectors it sought to promote—clean energy, transmission, advanced manufacturing, find themselves functionally blocked by a process designed to protect, not paralyze.

Suggested Enhancements for Consideration in Final Markup:
To ensure the scope provision in Section 111(14) provides durable protection against judicial reinterpretation and statutory circumvention, we recommend that Congress incorporate a definitional clause that explicitly ties "proximate cause" to a standard consistent with tort law, such as that outlined in *Paroline v. United States* (2014), which defines proximate cause as requiring a "substantial factor" relationship and the absence of intervening causal chains. This would guard against attempts to stretch the test into a generalized but-for analysis. Additionally, the statute should clarify that "reasonably foreseeable" does not include effects separated by multiple degrees of causation, contingent on independent decisions of third parties, or dependent on macroeconomic behavior beyond the scope of the proposed federal action.

To strengthen the enforceability of this section, Congress should include language that applies the proximity standard "across all statutory schemes requiring environmental review, unless otherwise expressly required by statute," thereby preempting creative reapplication under CWA § 401 or ESA cumulative impacts. The provision should also state that CEQ guidance, while informative, may not expand the statutorily required scope of review and shall be used only to assist in implementation—not to reinterpret the standard. Finally, we recommend that OMB or the Federal Permitting Improvement Steering Council (FPISC) be directed to publish a cross-agency implementation memorandum within 120 days of enactment, establishing a causation and scope evaluation protocol with enforceable guidance on how proximity and foreseeability determinations are to be documented, applied, and challenged.

2. Judicial Review Constraints (Sec. 113)

Status Quo:
Under the current NEPA litigation framework, federal agencies face an untenable procedural dynamic: even after conducting exhaustive environmental reviews, disclosing potential impacts, and satisfying every statutory obligation, they remain exposed to open-ended legal challenge. Plaintiffs may file lawsuits without any obligation to seek injunctive relief or demonstrate irreparable harm, leaving projects suspended under the shadow of litigation. The standard of review—commonly referred to as the "hard look" doctrine—originates from *Kleppe v. Sierra Club* (1976), which requires agencies to take a thorough look at environmental consequences. Yet in practice, this standard has evolved into a license for judicial second-guessing, allowing courts to substitute their own policy views or technical preferences under the guise of procedural review. This has created a litigation environment in which the mere filing of a complaint becomes a veto in fact, even when it fails as a matter of law.

Examples of this abuse are now widespread. A pipeline in West Virginia was compelled to model salamander mating responses to vibration from compressors. A solar installation in Arizona was ordered to assess the effect of headlamp frequency on migratory moths. A DOE-funded hydrogen hub had to respond to claims that it might influence fertilizer prices in Chile. These examples are not drawn from satire—they are real litigation claims that, under the present judicial standard, were given enough weight to derail timelines, escalate costs, and sow uncertainty. In the current system, the burden is not on plaintiffs to demonstrate that agencies erred in a way that affected the outcome. It is on agencies to prove they anticipated every novel theory that may arise, regardless of how far removed it is from the actual decision record.

What It Solves:
The SPEED Act replaces this unstable standard with a structured, outcome-sensitive test. It imposes a two-pronged requirement: for a court to invalidate an agency action under NEPA, it must find both that the agency abused its discretion and that the outcome of the decision would likely have been different but for the error. This formulation grounds NEPA litigation in the actual stakes of the administrative process, restoring judicial review to its appropriate role: checking for lawful process, not re-adjudicating the merits of the decision. The Act also includes a presumption that agency actions remanded by a court will remain in effect during correction unless a specific judicial finding of irreparable harm is made. In doing so, it removes the incentive for weaponized remand requests and allows agencies to correct good-faith deficiencies without inviting paralysis.

In essence, this section of the SPEED Act recalibrates judicial oversight to match the function NEPA was designed to serve. It ensures that process remains robust without being endlessly malleable. It protects the ability of agencies to govern while preserving the right of litigants to challenge unlawful conduct. And it reasserts the boundaries of administrative finality that are necessary for infrastructure permitting to function in a modern economy.

Why It Is Urgent:
The misuse of NEPA litigation has now become a bipartisan crisis, with clean energy, transmission, broadband, and even water projects suffering the same fate once reserved for controversial fossil infrastructure. As demonstrated in our July 22, 2025 testimony and the litigation summaries compiled in the *Procedural Obstruction of Energy Infrastructure* memo, project opponents are no longer trying to win on the merits. They are trying to delay long enough to outlast capital. Courts, for their part, have shown no unified standard and no meaningful gatekeeping function. The result is an imbalance in which any project, however compliant, remains vulnerable to death by remand.

Without statutory intervention, this model will continue to spread. It will not just block the projects of one industry or party—it will erode the foundational trust that agencies, investors, and communities must have in environmental review. Judicial review must be restored to its rightful role: not as a veto mechanism, but as a procedural safeguard with defined contours and predictable triggers.

Suggested Enhancements for Consideration in Final Markup:

To maximize the effectiveness of the judicial review provision and prevent circumvention through procedural manipulation, Congress should consider refining Section 113 to include a statutory requirement that any plaintiff filing a NEPA-based challenge must also seek a temporary restraining order or preliminary injunction within 60 calendar days of filing the complaint. This requirement would eliminate the current strategic loophole that allows a complaint to stall a project for months or years without a court ever making a determination on harm or legality. The provision should further codify that agency actions challenged under NEPA may proceed during the pendency of litigation unless a court affirmatively finds both (a) that the plaintiff is likely to succeed on the merits and (b) that the project's continuation will cause irreparable harm.

In addition, Congress should embed language clarifying that courts may not substitute their judgment for that of the agency on matters involving technical or scientific expertise unless there is clear evidence of arbitrary and capricious conduct. This reinforces the principle that administrative records are entitled to deference and that courts are not intended to act as parallel agencies. Finally, to ensure consistent application across jurisdictions, the Act should require that all NEPA-based judicial challenges be filed in the federal district court for the primary location of the project's environmental impacts and resolved within 180 days of the record being filed, absent good cause shown. Together, these additions would preserve access to judicial relief while restoring the integrity and finality that environmental review is meant to provide.

3. Clarification of NEPA's Procedural Nature (Sec. 2(b))

Status Quo:
Although the National Environmental Policy Act has always been a procedural statute—designed to ensure transparency and informed decision-making—its application in modern litigation has drifted toward a substantive regime. Courts and litigants increasingly treat NEPA not as a vehicle to disclose potential environmental impacts, but as a mandate to achieve specific environmental outcomes. This shift, which stands in direct conflict with the Supreme Court's rulings in *Strycker's Bay Neighborhood Council v. Karlen* (1980) and *Robertson v. Methow Valley Citizens Council* (1989), has transformed NEPA from a process requirement into an informal veto authority.

In today's legal climate, agencies are routinely penalized not for failing to evaluate or disclose impacts, but for approving projects whose end results opponents deem environmentally unfavorable—even when the law has been followed and public input solicited. This pattern has emerged in lawsuits across all sectors. Whether the project is a transmission line, a renewable energy installation, or a highway corridor, NEPA compliance is often recast as insufficient solely because the final agency action did not align with the plaintiff's policy preferences. This blurs the line between democratic accountability and judicial discretion, and leaves agencies operating under the implicit threat that fully disclosed—but politically disfavored—projects may still be vacated or remanded.

What It Solves:
Section 2(b) of the SPEED Act restores the foundation of NEPA by codifying its procedural identity in statute. It makes explicit that NEPA does not create substantive environmental rights, does not require agencies to select the environmentally preferable alternative, and does not authorize courts to invalidate decisions simply because they result in environmental harm. Rather, it affirms that NEPA's sole function is to ensure that agencies evaluate and disclose the environmental consequences of their actions before decisions are made.

By grounding this procedural boundary in statute, the SPEED Act forecloses future attempts to judicially recast NEPA into a results-oriented standard. It insulates lawful agency decisions from meritless legal attack, strengthens the durability of Records of Decision, and reestablishes that NEPA is a decision-making tool—not a policy override. In doing so, it upholds the agency's right to approve projects with known impacts, provided the process was legally sufficient and the analysis transparent.

Why It Is Urgent:
In the absence of congressional reaffirmation, this erosion of NEPA's procedural character will continue—and it will continue to be exploited. CEQ guidance lacks binding force, and recent rulings have cast doubt on CEQ's ability to

offer definitive interpretations. In that vacuum, courts are left to reinterpret the purpose of NEPA based on evolving ideological currents rather than statutory language or precedent.

This drift has already had chilling effects. Agencies hesitate to approve projects even after thorough analysis, fearing that doing so will invite litigation grounded not in process failure, but in outcome disapproval. Developers face growing uncertainty about whether a fully compliant NEPA process will result in a durable authorization. And federal policy goals—especially those tied to clean energy deployment, resilience infrastructure, and semiconductor manufacturing—are increasingly at risk of being delayed or derailed by procedurally sufficient decisions being attacked on political grounds.

Reasserting that NEPA is procedural is not an abstract legal correction. It is an operational necessity for agencies, stakeholders, and the rule of law. Without it, we risk turning every NEPA Record of Decision into a policy referendum subject to perpetual second-guessing.

Suggested Enhancements for Consideration in Final Markup:
To fully protect the procedural foundation of NEPA and eliminate any residual ambiguity that might invite further erosion, Congress should consider incorporating specific language that anchors Section 2(b) in the controlling Supreme Court precedents of *Strycker's Bay* and *Robertson*. The legislative text should cite these decisions explicitly, affirming that NEPA's sole purpose is to ensure informed decision-making and public transparency—not to dictate, compel, or imply any particular environmental result.

Additionally, Congress should include a statutory clause stating that an agency's compliance with NEPA's procedural requirements shall be considered satisfied once the agency has (1) taken a hard look at reasonably foreseeable environmental consequences, (2) disclosed its findings in the public record, and (3) incorporated those findings into its decision-making process in a good-faith manner. This would prevent courts from imposing extraneous expectations or requiring supplemental analysis purely to achieve policy symmetry with environmental preferences.

To guard against re-litigation through judicial expansion of implied mandates, Congress should also clarify that NEPA does not create a cause of action for challenging project approvals based solely on disagreement with the selected alternative, the chosen mitigation measures, or the agency's balancing of environmental and non-environmental considerations. This language would provide meaningful statutory closure to the process and help preserve the integrity of the final agency decision.

Finally, to ensure cross-agency compliance and eliminate field-level variability, Congress could direct CEQ, in coordination with OMB and FPISC, to publish an implementation memorandum confirming that NEPA is not to be interpreted as a substantive decision-making statute and may not be relied upon to confer procedural standing for challenges grounded in dissatisfaction with the outcome of agency decisions lawfully made. This would insulate lawful projects from future judicial efforts to stretch NEPA into a policy mechanism, while preserving robust procedural review and public participation as originally intended.

4. Exclusion of Federal Funding Alone as Trigger (Sec. 111(10)(C))

Status Quo:
Under current NEPA implementation, the mere receipt of federal financial assistance—whether in the form of discretionary grants, credit guarantees, or programmatic subsidies—is often treated by agencies as sufficient to trigger full environmental review. This occurs even when the federal agency in question exercises no permitting, siting, or operational authority over the project. The result is a disconnection between legal responsibility and procedural burden: agencies are forced to initiate full-scale NEPA reviews for projects over which they have no practical control, and project sponsors are required to comply with federal review processes that have little relevance to the actual scope of federal involvement.

This dynamic has produced costly delays in sectors that Congress intended to accelerate. As documented in both our July 22, 2025 testimony and in Appendix B of our permitting reform case analysis, projects funded under the CHIPS Act, IIJA, and IRA have been subjected to years of environmental review solely because they received a federal grant—even when all substantive decisions were made by state or local authorities. In one instance, a semiconductor fabrication facility that received less than 5% of its funding from federal sources was required to complete a full Environmental Impact Statement because of its inclusion in a discretionary award package. In another case, a broadband deployment project governed entirely by local siting and rights-of-way decisions was subjected to NEPA review on the basis of a USDA infrastructure loan.

This practice represents a fundamental misreading of the statutory language. NEPA requires analysis of the environmental impacts of "major federal actions significantly affecting the quality of the human environment." It was never intended to apply where the federal government merely contributes financial assistance but exercises no authority over the outcome. Yet in the absence of a statutory floor or clear exclusion clause, agencies have defaulted to an expansive interpretation, driven more by litigation risk aversion than legal necessity.

What It Solves:
Section 111(10)(C) of the SPEED Act restores proportionality by codifying that financial assistance alone does not constitute a major federal action under NEPA. It reinforces the principle that NEPA applies only when the federal government has an actual decision-making role—such as through permitting authority, direct regulatory control, or substantive approval power—not when it merely supplies funds. This provision reestablishes alignment between responsibility and review, ensuring that federal agencies are not required to conduct environmental analysis for projects they do not govern.

By creating this threshold, the Act protects federally funded projects from unnecessary duplication of state and local review. It allows infrastructure and industrial investments to proceed based on the permitting jurisdiction that actually governs the project's siting and execution. And it removes the perverse incentive for agencies to impose full NEPA obligations out of an abundance of legal caution, even where the statute clearly does not require it.

Why It Is Urgent:
The urgency of this provision cannot be overstated. With hundreds of billions of dollars in discretionary infrastructure funding now being distributed through the IIJA, IRA, CHIPS Act, and related federal programs, the absence of statutory clarity has created an escalating procedural bottleneck. Agencies are defaulting to NEPA reviews simply because they lack confidence that financial assistance alone is an insufficient trigger. This not only delays projects—it drains limited agency capacity, diverts review resources from truly major federal actions, and undermines Congress's broader infrastructure and industrial policy goals.

This confusion is already having material consequences. Projects with limited or no federal permitting nexus are being subjected to full NEPA compliance timelines, often requiring a year or more of additional process—despite the absence of any federal decision point that could meaningfully shape the project. These delays are particularly acute in the CHIPS and IRA-funded clean energy and semiconductor sectors, where global competition and narrow construction windows make time a critical factor. If Congress does not act, the very programs it designed to accelerate strategic infrastructure will be mired in process loops triggered not by federal action, but by funding alone.

This dynamic poses an even greater risk as Congress approaches the 2026 expiration of the Infrastructure Investment and Jobs Act (IIJA) and the need to reauthorize the next multi-year surface transportation bill. That reauthorization will be one of the most significant bipartisan opportunities to rebuild, modernize, and expand our national infrastructure—particularly in highway, transit, and freight mobility. But if Congress fails to resolve the ambiguity over what constitutes a major federal action, even programs funded and authorized under that reauthorization will remain vulnerable to the same procedural overreach. This section of the SPEED Act should be read not only as a course correction, but as a forward-looking instruction and warning to both Republicans and Democrats: unless we fix the definitional flaws now, we risk handicapping the very surface transportation reforms

and investments that both parties have repeatedly affirmed as national priorities. NEPA must return to its original function—not as a funding tripwire, but as a targeted procedural safeguard that reflects where the federal government actually exercises control. Anything less will jeopardize the next chapter of bipartisan infrastructure delivery.

Suggested Enhancements for Consideration in Final Markup: For statutory clarity and litigation-proofing, refer to Category 1 recommendations under Section 111(10)(C). This universal presumption is detailed in the structural section and need not be restated here.

Congress should also direct uniform implementation guidance, consistent with the Category 1 recommendation. This principle—regarding non-trigger status for fiscal support—is already fully addressed in Category 1.

To avoid litigation loopholes, Congress should clarify—as discussed above—that financial participation does not equal control absent express statutory authority. Finally, as previously detailed in Category 1, Congress should allow agency certification of jurisdiction where no major federal action is implicated. As previously stated, such certifications should be presumed valid absent clear arbitrary conduct.

Taken together, these enhancements will ensure that Section 111(10)(C) functions as intended—not only as a statutory exclusion, but as an operational directive capable of eliminating unnecessary procedural burdens, protecting local and private autonomy, and preserving NEPA's focus on actions that are truly federal in nature.

Category 2: Procedural Enhancements – Completing the Operational Infrastructure of Reform

While structural reforms rewire the legal architecture of permitting, procedural improvements provide the operational backbone that ensures those reforms work in practice. The provisions in this section are not critiques of the SPEED Act's structure—nor are they new concepts. They are longstanding and widely supported adjustments that, had they been included, would have resolved many of the procedural inefficiencies Congress has long identified. Their absence is not a flaw in the bill's vision, but an expected step in a legislative process that Chairman Westerman wisely initiated by getting SPEED introduced for broader digestion. These refinements are grounded in real-world permitting experience and reflect our commitment to help this bill not only pass, but perform. They are forward-looking, constructive, and fully consistent with the historic intent of NEPA. Where appropriate, we strongly encourage the adoption of these additional provisions into the base bill—either as part of committee markup, before the bill is reported to the House floor, or ultimately as part of final codification. These adjustments are not secondary—they are essential to ensuring that the procedural vision of SPEED becomes an enforceable and enduring legislative framework.

1. Limits on Use of New Science Post-Application (Sec. 107(b)(2))

Status Quo:
Agencies and litigants frequently require sponsors to consider new scientific studies that were published after a project's environmental application was deemed complete. These shifting evidentiary baselines extend the review cycle indefinitely—often for marginal scientific gain—and create a perverse incentive for agencies to delay final decisions in hopes that new data will justify reopening the process. In recent cases, developers were asked to model nighttime moth migration patterns using Doppler radar, revise impact projections based on unvetted emissions indices, or incorporate evolving floodplain projections well after their application was accepted.

What It Solves:
The SPEED Act wisely limits this moving-target phenomenon by cutting off the obligation to incorporate new science after the date of application or the NOI—whichever is earlier. This empowers agencies to make timely decisions based on the best available data at the time of submission and discourages litigants from weaponizing emerging data as a backdoor strategy for delay.

Why It Is Urgent:
Without a statutory limit on the evidentiary scope of review, projects remain vulnerable to indefinite postponement based solely on the appearance of newly published studies—regardless of whether those studies were available or relevant during the formal review period. Agencies often lack the legal certainty to disregard new data, even when that data is tangential, unverified, or contradicted by prior record evidence. This ambiguity creates an open-ended timeline for completion, eroding sponsor confidence and contributing to what many developers now call the "never-ending review cycle." In one documented case, an infrastructure permit was delayed after a late-breaking academic article raised a previously unconsidered habitat modeling theory, even though the species in question had never been observed in the project area. In another instance, public comments introduced post-submittal aerial imagery not available during the scoping phase, prompting a full supplemental review and forcing the project off its construction window. These are not outliers—they are the logical consequence of a system with no legal boundary on evidentiary scope. Until that boundary is defined, agencies and project sponsors will continue to face process uncertainty and timeline drift even when the original record is complete and legally sufficient.

Suggested Enhancements for Consideration in Final Markup:
To ensure that this provision remains appropriately flexible without opening the door to abuse, Congress may wish to include a narrowly defined discretionary override authority that permits the use of new scientific information after the application or NOI date only under clearly justified and material circumstances. Specifically, the Act could authorize the lead agency to formally determine—through a documented, public memorandum—that such new science presents a material, previously unanticipated risk to public health, national security, or irreplaceable critical environmental resources. This override should be permissible only in cases where the agency finds that excluding the information would result in a demonstrable failure to identify a substantial, site-specific environmental hazard.

The process for invoking this override should be transparent and subject to interagency notice, but it must also be constrained in scope to avoid becoming an invitation for discretionary drift. This enhancement would safeguard the SPEED Act's core purpose—preventing data churn from paralyzing the process—while providing agencies with a narrow, legally defensible exception to account for true scientific game-changers that could not have been foreseen at the time of application. It also gives Congress and courts a clear standard by which to evaluate any post-submittal expansions of the evidentiary record, ensuring that the exception does not swallow the rule.

2. Extension of Programmatic Document Shelf-Life (Sec. 108)

Status Quo:
Under current law, programmatic environmental documents—including Environmental Impact Statements (EISs) and Environmental Assessments (EAs)—expire after five years, regardless of whether material project conditions have changed. This hard-coded expiration applies even when land use, environmental baselines, or mitigation frameworks remain stable and legally defensible. For large, multi-phase infrastructure initiatives—particularly those involving transmission corridors, regional hydropower relicensing, or phased corridor buildouts—this five-year sunset creates inefficiency, redundancy, and procedural risk. Agencies must remobilize consultant teams, reengage cooperating agencies, and sometimes repeat entire modeling efforts, not because the underlying data has changed, but because the clock has run out.

This mechanical expiration creates perverse incentives. Sponsors of long-term projects are often forced to choose between accelerating implementation to stay within the window or risking a wholesale re-review of otherwise valid environmental documents. In practice, this discourages sequencing and phasing—approaches that are often more environmentally responsible and cost-effective. It also consumes limited agency review capacity on repetitive documentation efforts, diverting resources from reviews that actually require new analysis due to changed conditions.

What It Solves:
The SPEED Act pragmatically extends the shelf-life of programmatic environmental documents from five years to ten, aligning with real-world project implementation timelines and the demonstrated durability of environmental

data in stable conditions. The Act recognizes that environmental baselines do not degrade at the speed of bureaucracy—and that in the absence of material changes, well-documented programmatic reviews remain valid, useful, and protective.

This reform eliminates unnecessary remobilization of consultant teams, avoids the duplication of public outreach processes, and enables agencies to re-use prior analysis when project context remains substantially unchanged. It provides predictability to long-lead infrastructure sponsors and reinforces public trust by maintaining continuity in agency rationale. And by doing so through codified language, it prevents internal agency policies from continuing to enforce artificial expiration dates absent legal basis.

Why It Is Urgent:
Delays caused by forced re-reviews of otherwise valid documents are not merely administrative inefficiencies—they are a major bottleneck in national infrastructure delivery. Transmission corridors, regional power plans, highway system expansions, and other long-horizon projects routinely exceed five years from scoping to implementation. If Congress fails to extend the default shelf-life, many of these projects will face procedural do-overs midstream—not because the facts have changed, but because the rules require reinvention of what has already been reviewed.

This problem has already manifested in pipeline development, where multi-jurisdictional routes—particularly those crossing federal lands or national forests—have faced delays simply because the programmatic baseline expired during implementation. In the case of the Mountain Valley Pipeline (MVP), portions of the corridor originally cleared through coordinated environmental reviews were later forced back into supplemental NEPA review when agencies determined the original documents were no longer current—even though no material changes in land use or regulatory obligations had occurred. The resulting delay compounded ongoing litigation risk and contributed to cost escalation, despite the stability of the underlying environmental context. Similarly, in the Ruby Pipeline and Atlantic Sunrise projects, FERC and cooperating agencies were forced to reassess large segments of corridor-wide documentation due to the five-year default expiration, requiring new modeling and re-engagement with stakeholder groups even though the corridor alignment, mitigation plan, and construction protocols had remained unchanged.

Moreover, this misalignment undermines the very premise of strategic, tiered environmental planning. Agencies that invest in programmatic reviews to guide future permitting decisions are effectively penalized for doing so unless those documents can be fully relied upon for a decade or more. Without reform, this discourages early planning, disrupts multi-agency alignment, and slows down precisely the kinds of integrated, corridor-scale infrastructure efforts that Congress has prioritized. This risk is particularly acute for states and project sponsors gearing up for large-scale initiatives under expiring IIJA authorities and the forthcoming reauthorization of the surface transportation program. The next generation of infrastructure cannot be reviewed on five-year cycles if it is designed on twenty-year horizons.

Suggested Enhancements for Consideration in Final Markup:
To further strengthen the operational value of this reform and ensure it delivers consistent benefits across agencies and project types, Congress may wish to modify the SPEED Act language to include a material-change clause that defines the circumstances under which early expiration of programmatic documents may be appropriate. This clause should allow for earlier sunset only when the lead agency makes a formal, documented finding that significant changes in ecological conditions, governing legal frameworks, or local land use have occurred since the document's issuance—changes that materially affect the accuracy or relevance of the prior analysis. This provides an escape valve for legitimate review updates while preventing arbitrary or political reinterpretations of "expiration" that do not reflect the facts on the ground.

Additionally, Congress could consider pairing the ten-year default shelf-life with a mandatory review trigger at the end of the period—rather than automatic expiration—requiring agencies to evaluate whether updated review is necessary based on measurable change indicators. This would preserve environmental integrity while preventing unnecessary restarts. Finally, to encourage reuse of programmatic reviews across agency boundaries, Congress may wish to include language authorizing federal agencies to rely on each other's programmatic documents when the

affected resources, geography, and regulatory frameworks overlap, provided that the lead agency determines the information remains relevant and valid. Together, these refinements would help the SPEED Act fulfill its promise of modernizing environmental review without compromising analytical rigor.

3. Limits on Cooperating Agency Scope (Sec. 107(a)(3))

Status Quo:
Cooperating agencies participating in environmental reviews are currently permitted to submit expansive and often tangential comments, regardless of whether they hold legal or statutory jurisdiction over the issue at hand. While interagency coordination is an essential part of NEPA implementation, the absence of defined limits on cooperating agency scope has led to instances where agencies without permitting authority or subject-matter responsibility inject process-disruptive demands into the review timeline. These can include requests for additional cultural surveys, species habitat overlays, geospatial modeling, or viewshed simulations that fall well outside the lead agency's statutory mission or the cooperating agency's core legal function.

In several notable cases, agencies whose missions have no connection to regulatory enforcement—such as those tasked solely with research, advisory, or administrative roles—have delayed projects by demanding consideration of factors that neither Congress nor the applicable statutes ever intended them to control. The result is not better environmental analysis. It is procedural overreach, where project schedules are slowed, analytical scope is broadened, and lead agencies lose control over the review process they are legally responsible for managing.

What It Solves:
The SPEED Act appropriately addresses this gap by limiting cooperating agency comments and participation to issues within their existing statutory jurisdiction. This ensures that only agencies with a legitimate regulatory interest in the outcome may influence the timing, content, or structure of the environmental review. By reaffirming the authority of the lead agency to define the contours of the process, the Act reinforces interagency roles, preserves review focus, and prevents mission creep that undermines predictability and accountability.

This clarification also improves the quality and utility of agency feedback by encouraging cooperating agencies to stay within their core expertise and statutory mandate. When agencies know their comments must be rooted in defined legal authority, their contributions are more likely to improve the process rather than dilute it. The result is a more efficient, disciplined, and mission-aligned review that enhances coordination without compromising schedule certainty.

Why It Is Urgent:
The absence of enforceable limits on cooperating agency scope has become a recurring source of delay in energy, transportation, and broadband infrastructure permitting. In one corridor-scale transmission line project, a non-regulatory agency insisted that the lead agency model potential visual impacts to ceremonial sites located more than 25 miles from the nearest tower location—despite having no jurisdiction over viewshed mitigation, land ownership, or Section 106 review authority. In a natural gas pipeline case, a resource agency submitted species-level modeling demands that went beyond the ESA consultation requirements, triggering supplemental analysis and delaying the Record of Decision by six months—despite having previously signed off on the mitigation framework.

These kinds of interventions, while often well-intentioned, impose real costs and create legal exposure for the lead agency. When disagreements over jurisdictional boundaries are allowed to persist without a resolution mechanism, they lead to informal stalemates, process drift, and schedule breakdowns. This is particularly harmful in multi-agency reviews where consistency and predictability are essential to maintaining stakeholder/investor confidence.

As Congress prepares for surface transportation reauthorization and future rounds of corridor-scale investment, the risk posed by overreaching cooperating agencies cannot be ignored. A single misaligned comment—or an open-ended demand for modeling beyond scope—can derail months of progress. To keep permitting accountable, the roles of participating entities must be both clear and enforceable.

Suggested Enhancements for Consideration in Final Markup:
To operationalize this reform and prevent ambiguity during implementation, Congress should include statutory language requiring the lead agency to establish, as part of the scoping and project initiation process, a formal jurisdictional boundary statement for each cooperating agency. This statement should identify the specific legal authorities under which each cooperating agency may participate and limit their comments to those areas explicitly defined. Comments submitted outside that jurisdictional scope would not be binding and should not be considered as part of the administrative record for decision-making purposes unless formally accepted by the lead agency.

Furthermore, Congress should authorize the lead agency to issue a written determination—subject to administrative record inclusion—that resolves jurisdictional disputes with cooperating agencies. This determination should be presumed valid unless overturned by a higher-level agency review body (such as OMB or FPISC) within a defined period. To ensure timeliness and prevent process drift, Congress may also include a requirement that cooperating agency comments be submitted within a fixed window—such as 45 days from issuance of the draft EIS or EA—unless an extension is granted for cause. This deadline would ensure that comments contribute constructively to the process, rather than serving as post hoc objections or strategic delay tactics. These additions would provide clarity, balance interagency roles, and reinforce the SPEED Act's intent to streamline—not fragment—the permitting process.

4. Statutory Trigger and Deadline for Pre-NOI Phase

Status Quo:
The most persistent permitting delays occur not during formal NEPA review, but in the months—and often years—before a Notice of Intent (NOI) is filed. This period, commonly referred to as "pre-application" or "pre-scoping," is entirely unregulated by statute. During this phase, project sponsors are expected to engage in informal meetings with agencies, develop feasibility-level alternatives, conduct biological and cultural surveys, and produce environmental data summaries—all without any defined legal trigger to initiate the formal permitting timeline.

For large infrastructure projects—particularly those with controversial components or complex jurisdictional footprints—this ambiguity allows for silent procedural drift. Sponsors are often caught in a recurring loop of agency feedback and document revision, waiting for the lead agency to declare the application "complete." In many cases, this decision is delayed not for substantive reasons, but because of internal risk aversion, political sensitivities, or anticipation of stakeholder opposition. With no formal timeline governing this phase, projects may sit idle in "permitting purgatory," accruing sunk costs without generating any formal review milestone.

What It Solves:
This reform introduces a statutory trigger mechanism that brings predictability and accountability to the pre-NOI phase. Under the SPEED Act's recommended framework, agencies would be required to make a completeness determination within 120 days of receiving an initial submittal from a project sponsor. If the submission is deemed incomplete, the agency must issue a deficiency letter specifying what information is missing. If the submission is deemed complete, the agency must publish a Notice of Intent within 30 days. This simple procedural scaffold replaces discretionary silence with transparent decision points.

By imposing a statutory window for agency responsiveness, the reform protects developers from indefinite limbo and ensures that permitting clocks begin ticking in a timeframe aligned with congressional intent. It also reduces agency workload over time by minimizing informal churn, narrowing pre-application ambiguity, and establishing record-ready baselines from the outset. Most importantly, it creates an enforceable pathway into formal NEPA review, so that infrastructure can advance through a system of rules—not preferences.

Why It Is Urgent:
Silent delays in the pre-NOI phase are now among the most damaging features of the federal permitting process. TPI has documented dozens of clean energy, broadband, and transportation corridor projects that remained in pre-NOI status for more than 18 to 24 months—despite having submitted technical material, engaged cooperating

agencies, and completed preliminary environmental fieldwork. In one case involving a multistate transmission project, the sponsor submitted a 1,200-page feasibility and alignment package, only to receive informal agency feedback for over a year without any formal completeness determination. The project missed its financing window and was ultimately downsized. In another case, a natural gas export terminal submitted multiple rounds of agency-requested modeling revisions without receiving confirmation that the application met scoping requirements—leading to a two-year delay and the loss of a key offtake agreement.

These examples underscore what is now widely acknowledged: that the permitting process does not begin with the NOI—it begins with a bureaucratic interpretation of when the NOI is warranted. And in the absence of a legal trigger, this interpretation varies wildly between field offices, agencies, and regions. Until Congress requires agencies to act on submittals within a defined window, sponsors will continue to operate in procedural darkness—investing resources without the certainty of progress. For developers, this uncertainty represents the single greatest hidden cost in the permitting system. For the federal government, it represents a failure to govern infrastructure delivery with clarity, transparency, or accountability.

Suggested Enhancements for Consideration in Final Markup:
To fully operationalize this reform and ensure it does not inadvertently create a new form of silent delay, Congress should include language requiring that all agency communications related to application completeness—whether deficiency letters, requests for additional information, or NOI readiness confirmations—be time-stamped, made public, and included in the official project docket. This would allow oversight bodies, project sponsors, and the public to track progress and ensure that agencies are not engaging in off-record gatekeeping. It would also prevent agencies from shifting expectations midstream by requiring them to state, with specificity, what constitutes a complete submission.

Congress may also wish to allow agencies a one-time 30-day extension to the 120-day completeness window, provided that the extension is documented with written justification and made public. This would give agencies modest flexibility to respond to complex or novel submittals, while maintaining the overall integrity of the timeline. Finally, to promote interagency alignment, Congress could authorize OMB or FPISC to publish a completeness evaluation framework within 180 days of enactment, establishing uniform criteria for what constitutes a materially sufficient project submittal in key sectors (e.g., transmission, pipelines, ports, broadband). These additions would ensure that the statutory trigger envisioned by the SPEED Act functions not only as a legal deadline, but as a practical solution to the most invisible—and most damaging—source of permitting delay in the federal process.

5. Elevation Authority for Lead Agencies

Status Quo:
The SPEED Act designates lead agencies to coordinate environmental review and permitting across multi-agency processes, but under current law, those lead agencies lack sufficient authority to resolve disputes when cooperating or participating agencies introduce delay, object to findings, or demand additional analysis beyond statutory scope. In practice, when conflicts arise—whether over modeling assumptions, consultation status, or mitigation requirements—the lead agency is left to negotiate informally, often relying on political escalation or external intervention. There is no structured, enforceable dispute resolution pathway. As a result, agencies that are legally tasked with shepherding infrastructure reviews lack the institutional tools to keep those reviews on track.

Cooperating and participating agencies can withhold agreement, demand iterative modeling cycles, or fail to respond altogether—and do so without consequence. Even when lead agencies attempt to clarify scope or schedule, there is no statutory recourse when other agencies ignore or resist coordination. The result is an imbalance that undermines project certainty and leads to chronic permitting delays.

What It Solves:
This provision restores authority and accountability by allowing lead agencies to elevate unresolved conflicts to the Office of Management and Budget (OMB) or the Federal Permitting Improvement Steering Council (FPISC)—both

of which already operate under FAST-41 mandates to coordinate environmental review across federal programs. By codifying a binding resolution pathway, the Act ensures that interagency disputes do not become permanent bottlenecks. It provides lead agencies with a formal process for seeking timely adjudication of procedural deadlock and prevents projects from being derailed by the absence of consensus or passive noncooperation.

The elevation mechanism also creates institutional clarity. Rather than relying on informal appeals, phone calls, or political pressure, agencies will have access to a clear process, with defined steps, participants, and timelines. This creates pressure to resolve disagreements early and transparently, and it allows project sponsors and regulators to move forward once a decision is made—rather than relitigating the issue for months through informal backchannels.

Why It Is Urgent:
The inability of lead agencies to enforce procedural timelines and coordinate interagency responsibilities has become one of the most frequent causes of delay in infrastructure permitting. In the permitting of interstate transmission corridors, for example, resource agencies such as the U.S. Fish and Wildlife Service (USFWS) and the Environmental Protection Agency (EPA) have withheld concurrence or demanded new modeling at the eleventh hour—even when the lead agency had already issued a draft EIS and confirmed analytical sufficiency. In one documented case, a lead agency overseeing a critical water infrastructure project was forced to delay publication of its final review by more than eight months after a cooperating agency failed to provide comment responses or Section 7 concurrence, despite repeated requests.

In these situations, there is currently no default mechanism for resolution. Project sponsors bear the cost of delay while agencies remain deadlocked. Worse, when delays are caused by agency inaction rather than active dispute, the lead agency often lacks leverage to compel timely participation. This problem is magnified in complex, multi-jurisdictional reviews—such as port modernization projects, cross-border pipelines, or shared watershed developments—where multiple agencies hold narrow slices of authority but can collectively stall the entire process. Until lead agencies are empowered to elevate and resolve these disputes in a timely, accountable way, these bottlenecks will persist. And as Congress prepares for the next wave of corridor-scale investment—particularly under the forthcoming surface transportation reauthorization—the need for a reliable interagency dispute resolution mechanism is no longer optional. It is structural.

Suggested Enhancements for Consideration in Final Markup:
To ensure that the elevation authority envisioned in the SPEED Act is meaningful and enforceable, Congress should consider codifying a formal 30-day elevation window that begins once the lead agency determines that a material interagency conflict exists and cannot be resolved through informal coordination. Upon initiating elevation, the lead agency would transmit a written dispute statement to OMB and FPISC, triggering a binding interagency resolution process governed by deadlines and public notice requirements. The response from OMB or FPISC—whether affirming the lead agency's position, modifying conditions, or requiring limited additional coordination—should be final for purposes of procedural progress, allowing the project to proceed without further delay unless challenged under separate legal authority.

To support uniform implementation and legal clarity, Congress should require that any agency failing to respond within the 30-day elevation window be recorded in a central dashboard maintained by FPISC or OMB, including the agency's name, the nature of the delay, and the specific impact on the permitting timeline. This would create public accountability and deter nonparticipation or silent obstruction. Additionally, Congress may wish to empower lead agencies with interim authority to proceed with environmental documentation (e.g., to release a final EIS or move forward with Section 404 coordination) while the dispute is being resolved, provided they document the pending elevation and notify stakeholders accordingly. These measures would give lead agencies the procedural tools they need to carry out their statutory mandates and prevent infrastructure projects from becoming hostage to unresolved bureaucratic conflict.

6. Lifecycle Tracking and Dashboard Transparency

Status Quo:
Public understanding of permitting timelines is severely hampered by selective, inconsistent, and incomplete data reporting. The January 2025 CEQ report—issued just days before the presidential transition—cited a "2.2-year average EIS" duration. But that figure excluded the full pre-NOI phase, administrative stall-outs, withdrawn projects, incomplete reviews, and litigation-induced delays. It was not a reflection of lifecycle performance; it was a curated slice of favorable outcomes. This kind of selective accounting has distorted congressional oversight, undermined public confidence, and given stakeholders a fundamentally incomplete picture of the permitting system's true pace and friction points.

Moreover, even when project data is published, it is often incomplete, contradictory, or misleading. In one documented case involving a multistate transmission corridor, the permitting dashboard listed the project as having a "decision rendered," when in fact the "decision" was merely a request for more data. In another case, three different agencies listed the same infrastructure project with inconsistent status levels—some indicating "in progress," others "complete," and a third with no data at all. Additionally, projects that require concurrent authorizations under NEPA, the Endangered Species Act, Section 404 of the Clean Water Act, and the National Historic Preservation Act frequently lack a unified record-of-decision timeline, making it impossible for Congress or stakeholders to determine the true source of delay or duplication.

What It Solves:
This provision mandates that OMB or FPISC maintain a publicly accessible dashboard that tracks the full lifecycle of federal permitting for covered projects. This includes pre-submittal milestones, completeness determinations, publication of Notices of Intent, draft and final EIS stages, public comment periods, supplemental reviews, formal consultation outcomes, litigation holds, and ultimate disposition (approved, withdrawn, remanded, denied). By capturing the entirety of the permitting process—from first contact to final decision—the dashboard becomes a neutral, fact-based tool for accountability and improvement.

This reform addresses a central flaw in current permitting analysis: that performance is measured only from NOI to Record of Decision, ignoring the protracted—and often most consequential—periods of informal engagement, internal indecision, or administrative drift. A full-lifecycle dashboard would allow Congress, state agencies, developers, and the public to pinpoint where delays occur, how often deadlines are met, and which agencies contribute to bottlenecks. It would convert permitting data into operational intelligence—something the current dashboard system has failed to deliver.

Why It Is Urgent:
The absence of a lifecycle dashboard has created a data vacuum that not only obscures real permitting timelines, but actively impedes reform. Without accurate tracking, agencies face no public accountability for missed deadlines, delayed consultations, or repeated document revisions. Sponsors, meanwhile, are left navigating a process with no benchmarks, no schedule integrity, and no visibility into the interagency coordination dynamics that determine whether a project will succeed or fail.

In one illustrative case, a broadband deployment initiative funded through a federal rural infrastructure grant was listed as "environmental review complete" on one agency dashboard—while another agency, required to issue a concurrent cultural clearance, had not even begun its review. The project remained stalled for seven additional months, yet no data discrepancy was ever reported, and no agency was held responsible.

A similar problem was documented in the case of a major interstate natural gas pipeline that required both a FERC certificate and separate right-of-way approvals across federal lands. While the project was shown as "in process" on the permitting dashboard, the timeline failed to capture a full year of delay caused by unresolved Section 106 consultation at the regional level and iterative modeling demands from a cooperating resource agency. Because the delays occurred outside the NOI-to-ROD reporting window, there was no public accounting of the bottleneck, and stakeholders—including state utility commissions and funding partners—were misled into believing the project was progressing.

Transmission projects have encountered the same problem. In one corridor-scale electric line expansion subject to FAST-41 coordination, the dashboard listed milestone dates that conflicted with internal agency communications. Two of the three responsible agencies had placed the project into "on hold" status for over 90 days due to internal litigation risk reviews—yet the dashboard continued to list it as "actively under review," creating a false sense of procedural certainty for regulators and investors alike.

As Congress prepares for the reauthorization of surface transportation programs and oversight of IIJA implementation, having an accurate, integrated view of permitting timelines is no longer a convenience. It is essential infrastructure for governance. Without a lifecycle dashboard, every oversight hearing, audit, and reform proposal operates in partial darkness. The SPEED Act provides a rare opportunity to modernize this system—and to bring daylight to the very process the public most mistrusts.

Suggested Enhancements for Consideration in Final Markup:
To ensure that the dashboard delivers the transparency and accountability envisioned, Congress should require that project sponsors verify their entries at key milestones and that agencies be required to confirm or correct those entries within 14 calendar days. Any discrepancies should be time-stamped, publicly disclosed, and accompanied by a written rationale explaining the variance. This would prevent agencies from quietly revising project statuses or misrepresenting the stage of review. In addition, Congress may wish to require that all project milestones be logged under uniform metadata categories—such as "submission received," "completeness determination issued," "NOI published," "Section 7 initiated," "consultation closed," and "record of decision rendered"—so that comparison across agencies and sectors is possible.

To enhance visibility for decision-makers, Congress could also direct OMB or FPISC to color-code project timelines based on statutory compliance: green for on-track, yellow for pending or late with justification, and red for overdue without explanation. These visual cues would allow members of Congress, staff, and agency leadership to identify chronic bottlenecks in real time. Finally, Congress should make clear that lifecycle tracking applies not only to FAST-41 "covered projects," but to all infrastructure projects receiving federal review under major environmental statutes, ensuring that sectors outside the scope of FAST-41—such as broadband, rail, and energy storage—receive the same level of transparency. These refinements would transform the permitting dashboard from a passive archive into an active tool for oversight, reform, and improved interagency performance.

7. Defining "Feasibility" in Alternatives Analysis

Status Quo:
NEPA regulations require agencies to evaluate "reasonable alternatives" to a proposed action, but the term "feasible" remains undefined in statute. This ambiguity has created a litigation vulnerability where project opponents routinely challenge alternatives analysis not because the agency failed to consider options that were truly viable, but because it did not model every hypothetical possibility, regardless of engineering reality, cost, or legal feasibility.

The absence of a statutory feasibility standard opens the door to adversarial re-litigation of the administrative record. Agencies must defend their exclusion of unreasonable alternatives without having a clear definition to rely on—leaving courts to determine after the fact what "feasible" should have meant. This second-guessing dynamic consumes agency time, discourages forthright scoping decisions, and undermines the purpose of alternatives analysis: to focus on options that can be meaningfully evaluated and implemented.

What It Solves:
This reform directs agencies to define "feasible" using both technical and economic viability as guiding criteria, grounded in sector-specific benchmarks. It allows agencies to exclude alternatives that are not constructible, fundable, permittable, or operationally achievable, so long as they provide a documented justification explaining why those alternatives fall outside the zone of reasonable consideration.

This change clarifies that feasibility is not an abstract concept—it is a functional standard. It also protects the

integrity of the alternatives analysis by encouraging agencies to focus their energy on viable options, rather than paper-examining concepts that exist only to satisfy speculative objections. With a clearly defined feasibility threshold, agencies can build more disciplined records and project sponsors can model, compare, and respond to alternatives with confidence that the process will not later be overturned by litigation over unbuildable concepts.

Why It Is Urgent:

Challenges to alternatives analysis have become a primary procedural tactic for stopping or delaying projects. In recent litigation, a hydrogen facility was ordered to analyze an alternative that would have required electricity from a grid interconnection that did not exist and had no plan for expansion. In another case involving a coastal wind project, opponents challenged the exclusion of a turbine layout that would have made the entire project uneconomical—requiring full decommissioning of half the installation mid-cycle to satisfy speculative wildlife corridor objections.

Oil and gas pipeline projects have faced the same issue. In one instance, a pipeline route that crossed multiple pre-cleared energy corridors was challenged for not including an alternative alignment that would have bypassed all federal lands, even though such a route would have required condemnation of hundreds of miles of private land, failed to comply with state routing protocols, and increased environmental surface disturbance by over 30 percent. Despite the factual record supporting exclusion of the alternative, litigation proceeded—costing the sponsor millions in legal fees and delaying the project by over a year.

These examples highlight the consequences of failing to define feasibility. Agencies are vulnerable to lawsuits not because they failed to consider legitimate options, but because they lacked a legal standard for why clearly unviable options were excluded. Until feasibility is defined by Congress, this vulnerability will remain—and with it, the risk that the alternatives process becomes a forum not for decision-making, but for endless dispute.

Suggested Enhancements for Consideration in Final Markup:

To ensure consistency and durability across federal reviews, Congress should consider tying the definition of feasibility to existing engineering review and procurement standards maintained by key agencies such as the Department of the Interior (DOI), Department of Energy (DOE), and Department of Transportation (DOT). These agencies already utilize internal protocols for evaluating technical and financial viability in project funding and authorization decisions. By codifying that agencies may rely on these existing protocols when determining feasibility under NEPA, Congress would reduce ambiguity and promote consistency across programs.

Additionally, Congress should affirmatively state that agencies may exclude from detailed analysis any alternative that lacks a clear pathway to permitting, financing, or constructability—provided that the agency provides a documented justification in the administrative record. This would shield agencies from judicial second-guessing on exclusion decisions and allow the alternatives analysis to remain focused on actionable, policy-relevant choices. To further insulate decisions from adversarial challenge, Congress may wish to include language clarifying that feasibility determinations made by the lead agency are entitled to deference unless shown to be arbitrary, capricious, or inconsistent with documented sector standards.

Finally, to ensure the standard is implemented consistently, Congress could direct CEQ or FPISC to develop a cross-agency feasibility determination guide—establishing illustrative factors (e.g., engineering constraints, rights-of-way acquisition, operational compatibility, statutory consistency) and reinforcing that agencies are not obligated to model options that cannot be lawfully or practically achieved. These refinements would preserve the integrity of the alternatives process, reduce litigation risk, and focus environmental analysis on real-world decisions rather than speculative hypotheticals.

Category 3: Litigation Safeguards – Restoring Judicial Balance Without Eroding Environmental Integrity

While the SPEED Act advances long-overdue structural and procedural corrections, its greatest potential may lie in

restoring predictability to the litigation environment surrounding NEPA. For decades, project opponents have used process-based lawsuits not to improve outcomes, but to delay and destabilize lawful approvals. The result is a system where even fully compliant agencies remain at risk of litigation-based paralysis.

The provisions below address that imbalance—clarifying standards of review, constraining abusive delay tactics, and reinforcing the integrity of agency records without restricting access to justice. They are designed to ensure that judicial oversight remains fair and focused—never weaponized.

Category 3: Litigation Safeguards — Reiterating and Reinforcing Key Protections

The provisions described in Category 3 have been fully detailed earlier in the document under Category 1. Rather than restating those sections, we underscore that the judicial safeguards embedded in the SPEED Act—including Section 113 (Judicial Review Constraints), Section 2(b) (NEPA's Procedural Nature), and Section 111(10)(C) (Funding as Trigger)—must be defended not only through statutory inclusion but through litigation-proof construction. We respectfully recommend that Congress adopt the enhancements offered in earlier sections, which provide specific language to reinforce those provisions across jurisdictions and prevent reinterpretation by courts or internal agency guidance. These safeguards are foundational—not supplemental—and we highlight them here to emphasize their integrative role in restoring legal predictability and implementation certainty.

Section 1. Judicial Review Constraints (Sec. 113)

Status Quo:
Under current law, plaintiffs may file lawsuits challenging federal environmental reviews without any obligation to seek injunctive relief, allowing projects to be delayed indefinitely even when the underlying claims have no legal merit. Courts apply the vague and subjective "hard look" standard—originating in *Kleppe v. Sierra Club* (1976)—which permits judges to second-guess agency records based not on factual deficiency, but on perceived inadequacy of depth, modeling, or policy justification. This framework incentivizes procedural litigation not to improve environmental outcomes, but to exhaust project momentum through delay.

As documented during our July 22nd hearing testimony, these lawsuits rarely focus on substantive violations of law. Instead, they are designed to paralyze: they halt progress, disrupt financing, destabilize interagency coordination, and drag compliant projects into multi-year litigation over process minutiae. Opponents can target scoping defects, modeling assumptions, or claim insufficient consultation even when stakeholder engagement has been exhaustive. The mere filing of a complaint—even without a ruling—can suspend a project for years. In one case, the Jordan Cove LNG terminal spent over a decade in review and litigation before being withdrawn, despite complying with all federal obligations. In another, the Millennium Bulk Terminals project was ultimately abandoned—not because the legal claims succeeded, but because capital walked away long before adjudication.

This strategy has become a form of lawfare: weaponizing environmental statutes to create maximum uncertainty. And because courts allow claims to sit unlitigated without requiring prompt action, NEPA litigation has become a low-cost, high-impact tool for attrition—one that rewards delay over resolution, and process over progress.

What It Solves:
The SPEED Act restores judicial balance by codifying a threshold for NEPA challenges that re-centers the purpose of litigation: to correct unlawful conduct, not to suspend lawful action. It imposes a two-part test for judicial invalidation of agency decisions: a plaintiff must demonstrate both that the agency abused its discretion and that the outcome would have been materially different but for the alleged error. This reform ensures that lawsuits cannot succeed based solely on procedural technicalities if the decision was sound and the record complete.

The Act also includes a critical safeguard: it presumes that agency actions remain in effect during judicial remand unless a court makes a specific finding of irreparable harm. This provision disrupts the default tactic of filing a complaint to force a project into limbo. It allows agencies to correct procedural errors without halting project

timelines and provides sponsors with continuity, transparency, and predictability while a resolution is pending.

Together, these reforms insulate lawful decisions from indefinite sabotage and ensure that judicial review reinforces—rather than undermines—the purpose of environmental law.

Why It Is Urgent:
The abuse of NEPA litigation timelines is no longer a theoretical concern—it is a systemic risk to national infrastructure delivery. Across sectors, lawsuits are being filed not to protect the environment, but to freeze progress. In the case of the Atlantic Coast Pipeline, the project was ultimately canceled after years of litigation despite prevailing at the U.S. Supreme Court in *U.S. Forest Service v. Cowpasture River Preservation Association* (2020). The financial and political exhaustion had already taken its toll. In the Millennium Bulk Terminals case, procedural litigation over scoping and Section 401 coordination dragged the project into perpetual review even though all major permits were actively under agency consideration.

The problem is not that these cases were decided poorly—it's that many were never truly decided at all. Opponents succeeded merely by keeping the projects in a suspended state, eroding financial backing and political will. In one port dredging case, a NEPA lawsuit was filed and allowed to sit dormant for 18 months before a motion to dismiss was even considered. No injunction was sought, no harm alleged, and no ruling made. But the project lost two construction seasons and its contractor withdrew. This is not adjudication. It is attrition dressed as process.

If Congress does not act, this pattern will repeat itself with the very infrastructure it is working to fund: transmission lines, semiconductor plants, flood resilience tunnels, and industrial decarbonization projects—all vulnerable to procedural litigation that thrives on ambiguity, delay, and judicial inertia. Without clear standards and procedural discipline, compliance with NEPA will remain no guarantee of progress. It will only be a ticket to litigation.

Suggested Enhancements for Consideration in Final Markup:
To ensure that Section 113 of the SPEED Act delivers the predictability and protection it promises, Congress should include a statutory requirement that any plaintiff filing a NEPA-based complaint must also file a motion for temporary restraining order or preliminary injunction within 60 calendar days of the complaint's filing. This would ensure that a court considers whether real harm is alleged before a project is frozen in place. If no injunction is sought, the project should be allowed to proceed while litigation is pending, preserving the agency's decision unless and until overturned.

Congress should also clarify that the "abuse of discretion" standard is to be interpreted narrowly, with deference given to the agency's technical expertise and documented record, unless shown to be arbitrary, capricious, or contrary to law. This would prevent courts from substituting policy preferences for agency judgment. In addition, to discourage indefinite litigation delay, the statute should impose a 180-day resolution window for all NEPA complaints, measured from the filing of the certified administrative record. Any extension beyond that period should require a public justification and be reportable to OMB and Congress.

Finally, to reinforce finality in agency action, Congress may wish to include language stating that remanded decisions shall remain in effect unless a court explicitly finds that irreparable environmental harm will occur and that continued implementation would render the judicial review process meaningless. This would preserve judicial oversight while blocking the use of lawsuits as de facto project moratoria. Together, these refinements would restore discipline, fairness, and finality to the litigation process—without diminishing public access or environmental protection.

Section 2. Clarification of NEPA's Procedural Nature (Sec. 2(b))

Status Quo:
Although NEPA was enacted as a procedural statute, recent litigation trends have blurred that boundary—treating NEPA not merely as a tool for disclosing environmental consequences, but as a mechanism for compelling particular

outcomes. Courts and litigants alike increasingly argue that the failure to select the environmentally "preferable" alternative is itself a violation, even when all statutory and regulatory obligations have been met. This doctrinal shift undermines both the original legislative intent of NEPA and the well-established judicial precedent affirming its procedural limits.

Supreme Court decisions in *Strycker's Bay Neighborhood Council v. Karlen* (1980) and *Robertson v. Methow Valley Citizens Council* (1989) held unequivocally that NEPA does not mandate environmental results—it mandates informed decision-making. However, despite those holdings, NEPA is now frequently litigated as though it creates enforceable environmental rights. In these cases, process compliance is treated as insufficient unless it produces a litigant-approved outcome. This expectation distorts the role of the judiciary and weakens the ability of federal agencies to make policy decisions based on tradeoffs, priorities, and statutory missions.

What It Solves:
Section 2(b) of the SPEED Act restores clarity by explicitly reaffirming NEPA's procedural character in statute. It declares that NEPA does not confer substantive environmental rights, does not mandate selection of any particular alternative, and does not authorize courts to substitute their judgment for that of the agency so long as the agency has met its procedural obligations. This codification insulates agency records from outcome-driven challenges, clarifies the role of courts, and aligns the statute's interpretation with decades of Supreme Court precedent.

It also provides a defensible legal framework for agencies to approve projects that may have environmental consequences—so long as those consequences are disclosed, understood, and weighed through lawful decision-making. By affirming that NEPA requires "look before you leap," not "look until nothing can be built," the provision allows agencies to govern with confidence while ensuring that environmental risks are meaningfully assessed and communicated.

Why It Is Urgent:
The failure to codify NEPA's procedural nature has opened the door to escalating litigation that reframes compliance as failure. In our July 22nd hearing testimony, we highlighted projects that were stalled or remanded not because agencies failed to disclose environmental impacts, but because the final decision did not align with the litigants' preferred policy goals. In one case involving a clean energy generation project, the agency disclosed significant but manageable environmental impacts, consulted all affected stakeholders, and chose the alternative that balanced operational need and environmental stewardship. Yet the project was remanded—not for failing to analyze impacts, but for choosing the "wrong" one. In another instance, a natural gas pipeline EIS that thoroughly analyzed route alternatives and mitigation options was challenged for failing to adopt an alternative that would have required hundreds of miles of new corridor construction through private lands with no utility access, simply because the chosen route involved a designated federal corridor.

When NEPA is treated as a veto mechanism rather than a procedural framework, even fully compliant projects become litigation targets. Agencies lose confidence, sponsors withdraw, and judicial review becomes a form of policy arbitration rather than legal oversight. Unless Congress draws a statutory line, courts will continue to treat NEPA as a de facto tool for outcome-based intervention—undermining its purpose, distorting its role, and driving further unpredictability into the permitting system.

Suggested Enhancements for Consideration in Final Markup:
To solidify this clarification and prevent future judicial reinterpretation, Congress should anchor Section 2(b) by explicitly referencing *Strycker's Bay* and *Robertson*, affirming that NEPA requires procedure—not results. Including these precedents within the legislative findings or statutory text would provide a controlling framework for lower courts and reduce the likelihood of misinterpretation.

Additionally, Congress should state unequivocally that agency compliance with NEPA is satisfied when the agency (1) takes a hard look at reasonably foreseeable environmental effects, (2) discloses that analysis publicly, and (3) makes its decision based on the record—even if that decision is to proceed with the alternative that carries greater

environmental impact. Courts should be instructed that they may not invalidate an agency's Record of Decision merely because a different alternative might have been preferable, unless there is a demonstrated procedural deficiency in the record itself.

To protect against creeping substantive mandates, Congress should also prohibit courts from using NEPA to enforce mitigation measures not legally required by other statutes. This would preserve the informational function of the statute while ensuring that mitigation remains a policy choice—not a backdoor legal obligation. Finally, Congress may direct CEQ or FPISC to issue post-enactment guidance reinforcing that NEPA remains a process statute and may not be construed as granting standing based solely on dissatisfaction with the agency's selected course of action. These enhancements would preserve NEPA's foundational purpose while ensuring that it is not misused to delay or derail lawful infrastructure decisions.

Section 3. Litigation Shield for Financial Assistance Threshold (Sec. 111(10)(C))

Status Quo:
While the SPEED Act's structural definition of "major federal action" is addressed in Category 1, Section 4, this section focuses on a different—but equally critical—component: ensuring that the exclusion of federal financial assistance alone as a NEPA trigger is protected from future judicial reinterpretation. Even if Congress successfully codifies the funding threshold, that provision remains vulnerable to litigation-driven erosion unless paired with clear statutory language that defines, limits, and defends its application in court.

Under current NEPA practice, the mere receipt of federal funding—whether a discretionary grant, credit guarantee, or subsidy—is often treated as sufficient to trigger full environmental review, even in the absence of any federal decision-making authority over siting, permitting, or project execution. This has led to cases where agencies initiate comprehensive NEPA reviews solely because of fiscal participation, not because they control the project. This disconnect invites legal challenge and procedural overreach—not based on environmental substance, but on implied responsibility created by funding alone.

What It Solves:
This section ensures that the SPEED Act's structural trigger reform remains legally durable. It clarifies that financial assistance, by itself, does not create a judicially enforceable NEPA obligation unless the federal agency also retains regulatory authority over project outcomes. It provides the litigation defense that prevents courts from resurrecting expansive trigger theories based on vague funding relationships, cooperative agreements, or indirect administrative support.

In doing so, this section complements—but does not duplicate—the structural provisions addressed earlier in the bill. It positions the funding threshold exclusion as not just a definitional fix, but as a litigation-proof firewall against the next generation of procedural challenge. It also gives agencies the tools to defend their jurisdictional scope and avoid being drawn into NEPA litigation for projects they do not govern.

Why It Is Urgent:
As emphasized in our July 22nd hearing testimony, multiple infrastructure projects have already faced significant delays due to litigation theories asserting that federal funds alone create NEPA obligations. This is particularly prevalent in projects funded through the CHIPS Act, IIJA, and broadband programs, where local governments or private sector recipients have received federal grants but retained full operational and permitting control. In several instances, NEPA lawsuits were filed not because agencies failed to act, but because funding was present and interpreted by opponents as de facto federal endorsement—despite the absence of actual decision-making authority.

Without a litigation shield, the very projects Congress is trying to accelerate—clean energy buildout, broadband expansion, semiconductor manufacturing, and modern water systems—will remain exposed to speculative NEPA claims that conflate financing with jurisdiction. Courts will be left to fill in the gaps. And where ambiguity exists, litigation risk thrives.

The SPEED Act must therefore do more than define what constitutes a "major federal action." It must also protect that definition from erosion. This is not redundancy—it is legal reinforcement. The trigger must be built and then defended. This section ensures the latter.

Suggested Enhancements for Consideration in Final Markup: For statutory clarity and litigation-proofing, refer to Category 1 recommendations under Section 111(10)(C). This universal presumption is detailed in the structural section and need not be restated here.

Congress should also direct uniform implementation guidance, consistent with the Category 1 recommendation. This principle—regarding non-trigger status for fiscal support—is already fully addressed in Category 1.

To avoid litigation loopholes, Congress should clarify—as discussed above—that financial participation does not equal control absent express statutory authority. Finally, as previously detailed in Category 1, Congress should allow agency certification of jurisdiction where no major federal action is implicated. As previously stated, such certifications should be presumed valid absent clear arbitrary conduct. Taken together, these enhancements will ensure that Section 111(10)(C) functions as intended—not only as a statutory exclusion, but as a legal safeguard against litigation theories that would otherwise blur the line between funding and federal control.

These clarifications complete the SPEED Act's statutory firewall against financial-trigger litigation and ensure that Section 111(10)(C) stands as a durable threshold—not a backdoor invitation to judicial expansion.

Closing Reflections and Forward Path

The permitting system will either be reformed by Congress—or reshaped by the courts. SPEED is Congress reclaiming that authority.

Over the past decade, both Democratic and Republican administrations have recognized the need for disciplined permitting reform. President Obama stated in 2011, *"If there's red tape that's stopping a project and we can do it faster, we're going to do it."*

In his 2014 State of the Union address, President Obama explicitly tied national permitting reform to job creation and economic competitiveness. He stated:
"The all-of-the-above energy strategy I announced a few years ago is working, and today, America is closer to energy independence than we've been in decades. One of the reasons why is natural gas. Businesses plan to invest $100 billion in new factories that use natural gas. I'll cut red tape to help states get those factories built. I'll act on my own to slash bureaucracy and streamline the permitting process for key projects so we can get more construction workers on the job, as fast as possible."

At the time, this call to accelerate infrastructure permitting—particularly for projects linked to "plentiful, affordable natural gas and natural gas liquids"—was met with broad support. Americans invested in projects like Mountain Valley Pipeline (MVP) and other long-lead infrastructure based on President Obama's and then–Vice President Biden's endorsement of this vision. Today, many of those same projects—nearing the final stages of deployment years later—are being subjected to shifting political headwinds, retroactive opposition, and accusations of environmental betrayal for doing exactly what national leadership once encouraged. That is not regulatory certainty. That is a reversal of the goalposts.

More recently, in May 2023, President Biden reinforced the same logic: *"We are cutting red tape so we can build infrastructure faster, smarter, and better."* The SPEED Act reflects this shared legacy—streamlining federal review without compromising environmental integrity.

The Permitting Institute is proud to support the SPEED Act. It represents the most credible and substantive permitting reform framework introduced in Congress in over a decade. The Act's structural clarity, procedural accountability, and litigation safeguards signal a return to disciplined governance—one grounded in enforceable law, not aspirational language.

The SPEED Act is also a bipartisan bill—led by House Natural Resources Chair Bruce Westerman (R-Ark.) and Representative Jared Golden (D-Maine), a member of the Blue Dog Coalition. It reflects a practical consensus that spans both chambers and both parties: that permitting reform is necessary, overdue, and fully reconcilable with environmental protection.

As documented throughout our testimony and in the case studies referenced therein, the burden of delay does not fall on one side of the aisle or one energy sector. It is now overwhelmingly impacting renewable and clean energy developers—many of whom are building shovel-ready projects with Inflation Reduction Act or IIJA funding in hand, but who remain trapped in pre-scoping limbo, jurisdictional gridlock, or speculative litigation over indirect emissions modeling. This is not theoretical. It is operational—and it is happening now.

We understand that while the legislation originated under Chairman Westerman's leadership and that the tone of the committee hearing often reflected partisan division. But the pain this bill seeks to resolve is bipartisan—and so is the solution. The bill's structural improvements help Democrats and Republicans alike. This is not about fossil fuels or eroding NEPA—it is about ending the procedural rot that now threatens to derail the very energy transition this Congress has committed to deliver.

The defense of the status quo is indefensible. If opposition to the SPEED Act is rooted in fear that it might streamline one oil and gas pipeline, then we have failed to account for the far greater damage being inflicted daily on the energy projects developers are actively building today—projects in wind, geothermal, transmission, solar storage, and clean hydrogen. Clean energy developers—across both red and blue states—are investing billions and bearing the consequences of a permitting system that was never designed to handle the scale of this transition. The hyperbole surrounding the division within this committee and the broader Congress—especially after recent appropriations and infrastructure debates—ignores a basic fact: these sectors are where permitting relief is most urgently needed.

While many House Democrats have voiced caution about legislative overreach, the opposition is not uniform. The New Democrat Coalition—a centrist caucus focused on economic competitiveness—emphasized in 2023 that *"climate change does not wait for siting authorities and environmental reviews,"* affirming that Congress must *"lower energy costs… secure energy independence… and transition the U.S. to a cleaner economy."* At the same time, during House Resources Committee hearings, Ranking Member Jared Huffman (D-CA) warned that Republican proposals like the SPEED Act would *"tear down NEPA to the studs,"* framing it as part of a broader deregulatory push. That language echoes a familiar pattern: where bipartisan permitting reform is supported in concept, but reflexively characterized as environmental rollback the moment it reaches implementation stage.

Some critics have argued that proposals like the SPEED Act would reduce public involvement—particularly for tribal nations, underserved communities, and historically overburdened regions. But the reality is the opposite. As documented in our July 22, 2025 testimony, the permitting process today is more transparent, accessible, and participatory than at any point in NEPA's history. Public input now happens in real time, across livestreamed hearings, automated dockets, and open geospatial data layers. Developers are required to disclose cumulative impacts, consult early, and build records that are broader and more accessible than ever before. We now operate in full daylight. Faster does not mean less protective. It means more focused. The notion that environmental protection and procedural clarity are incompatible is outdated. Speed and scrutiny are not opposites—they are complements.

SPEED protects not just process, but integrity—ensuring that decisions are made with urgency, transparency, and full accountability.

It is therefore striking that in 2025, many of the same policy concepts are now denounced as deregulation. In recent House Resources Committee hearings, Democratic members repeatedly described the SPEED Act as a "giveaway to polluters" or an attempt to "gut environmental safeguards," despite echoing Obama-era priorities and President Biden's own calls to cut red tape. This whiplash in rhetoric reflects the real danger of permitting reform becoming a partisan Rorschach test - where the same text is labeled responsible under one administration, but radical under another. That inconsistency is what most threatens bipartisan progress.

Inaction here is not neutral. It is unforgivable. And the notion that we should stall national permitting reform to prevent theoretical benefits to a disfavored sector—while standing by as billions in IRA and IIJA funds go unspent—is not a defensible posture. It is a policy double standard with real economic cost.

We submit this letter in strong support of the SPEED Act's introduction and legislative momentum—but also in the spirit of constructive refinement. As this bill moves toward committee markup, floor action, and eventual conference deliberation, we urge Congress to adopt the structural, procedural, and judicial enhancements outlined above. These changes are not in conflict with the SPEED Act's vision—they are essential to fulfilling it.

The time for durable, bipartisan permitting reform is now. "We stand ready to assist with technical language, **implementation support, or bipartisan outreach to ensure this reform becomes law—and delivers the results American infrastructure demands."**

Sincerely,

Alexander Herrgott

Alexander Herrgott
President
The Permitting Institute