FAST-41: A Decade of Permitting Progress and Opportunities for Further Improvement

Testimony of Eric Beightel before the House Natural Resources Committee, Energy and Mineral Resources Subcommittee

July 21, 2026

Thank you, Chairman Stauber, Ranking Member Ansari, and Members of the Subcommittee, for the opportunity to testify today on H.R. 8003 and the proposal to expand the benefits of FAST-41 to additional infrastructure projects. My name is Eric Beightel, and I serve as Federal Strategy Director at Environmental Science Associates (ESA), a 100 percent employee-owned environmental planning, engineering, and technology consulting firm that integrates technical expertise with digital solutions to help public and private sector clients navigate the federal environmental review and permitting process.

Prior to joining ESA, I served as the Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) under President Biden. Over the course of my 25-year career, I have worked to improve the efficiency and effectiveness of federal permitting from multiple perspectives—as a federal policymaker at the Office of Management and Budget (OMB) and the U.S. Department of Transportation (USDOT), as a consultant advising on some of the nation's largest and most complex infrastructure projects, as Executive Director of the Permitting Council, and now at ESA where I serve as an advisor to project sponsors navigating the federal permitting process.

My connection with the FAST-41 program precedes my time as Executive Director. I helped pilot the structure as a senior policy advisor at OMB and USDOT, lead the development of the Federal Permitting Dashboard (Dashboard), and helped draft the legislation that eventually became Title 41 of the FAST Act. My testimony today reflects that unique perspective and my experience designing, implementing, and now advising project sponsors who rely on the FAST-41 framework. I'm proud of my connection to a program that offers predictability, accountability, and transparency to the permitting process without undermining the critical environmental protections established in our environmental laws and regulations.

Summary of Testimony

I support H.R. 8003 because it builds upon the FAST-41 framework to expand the eligibility by lowering the total investment threshold from $200 million to $50 million, allowing more projects to access the benefits of the program's focused permitting support. This means that smaller projects like community water infrastructure, regional energy upgrades, and others can move through the process more efficiently, enabling the benefits of those investments to be realized by the communities they serve sooner.

After 10 years of implementation, FAST-41 has demonstrated that the biggest permitting improvements often come not from changing environmental laws, but from improving how agencies coordinate, manage, and execute the permitting process. Better coordination, stronger project management, greater transparency, clearer accountability, and more adequate resources can materially improve delivery of critically important infrastructure without compromising environmental protections. Expanding those benefits to additional projects is a logical next step.

During my tenure as Executive Director, I had the opportunity to speak with dozens of project sponsors considering FAST-41 coverage. Their interest was not driven by a desire to *avoid* environmental review. Instead, they consistently sought greater certainty, clearer communication, more predictable schedules, and a forum for resolving issues before they became delays.

My testimony also offers several recommendations to further strengthen FAST-41 and encourages Congress to consider lessons learned from 10 years of implementation as it considers future permitting reforms.

FAST-41 and Permitting Council Context

At its core, the Permitting Council provides oversight and coordination through active project management. It breaks down institutional silos by promoting early communication, information sharing, and recognition of the interdependence between agency reviews and approvals. This structure and approach were first piloted through executive actions by President Obama and implemented by USDOT and OMB. The success of that initiative caught the attention of Senators Portman and McCaskill, leading to the statute that governs the work of the Permitting Council today. Continued interest from Congress and project sponsors in expanding FAST-41 suggests that this governance model works, but also that more work remains to make these practices the standard way government permits infrastructure projects.

The FAST-41 process gives project sponsors a meaningful seat at the table, assigning dedicated Infrastructure Project Advisors to engage with the project sponsor and coordinate across agencies to maintain schedule discipline. In addition to dedicated staff at the Permitting Council, the statute requires that each agency identify a Chief Environmental Review and Permitting Officer (CERPO), responsible for overseeing their respective agency's compliance with FAST-41 and coordinating with Permitting Council staff on project delivery and broader adoption of best practices. The process also provides elevation and dispute resolution mechanisms to address the inevitable challenges that emerge on complex projects—leveraging CERPOs, agency leadership, and the executive office of the President, when necessary.

FAST-41 does not replace or usurp the permitting requirements administered by the regulatory or funding agencies, but it helps to bring structure to the permitting process. FAST-41 is a governance model crafted to improve the federal permitting process through better coordination among agencies and accountability to permitting timelines. The benefits of that model are real. During my time as Executive Director, we found that **projects in the FAST-41 portfolio reached a record of decision 18 months faster than projects that did not enter the FAST-41 process**.[1] Those time savings have real economic consequences. When projects move into construction sooner, construction employment begins sooner, financing costs are reduced, and critical investments in infrastructure reach the public more quickly. Importantly, cutting those 18 months was not a product of cutting corners or eliminating reviews, but rather focused attention on project management, coordination, and schedule adherence.

A central pillar of the FAST-41 structure is the Dashboard that publicly tracks agency progress on a comprehensive permitting timetable. Its creation fundamentally changed the relationship between agencies, project sponsors, and the public by making project schedules, milestones, and agency responsibilities visible to everyone. Before its launch, there was no centralized tool that tracked permits and approvals across multiple agencies for multiple projects. Today, the Dashboard provides transparency and accountability into agency performance. Public schedules encourage earlier coordination, provide project sponsors with greater certainty, and create visibility into agency performance. Over time, the Dashboard has also become a source of information about how permitting actually works in practice. By tracking project milestones across agencies and sectors, it creates

[1] "Executive Director's Summary of Accomplishments" – Permitting Council, 2025; https://www.permitting.gov/sites/default/files/2025-01/Permitting-Council_ED-Accomplishments-Summary.pdf

opportunities to identify recurring bottlenecks, evaluate successful management approaches, and inform future reforms with empirical data rather than anecdotes.

Another core element of the FAST-41 structure is the dedicated staff assigned as the primary point of contact for covered project sponsors and the CERPOs working on the project. These staff are the backbone of the coordination process, and the sponsor-facing arm of the Permitting Council, working to keep projects moving, identifying potential challenges, and collaborating with both sponsors and agencies to resolve issues before they become delays.

Notably, the Permitting Council itself remains a relatively small organization. Its effectiveness comes not from creating a new layer of federal permitting bureaucracy, but from improving coordination across existing agencies and holding agencies and sponsors accountable to a project schedule.

But the benefits of FAST-41 are not limited to the permitting timetables and Infrastructure Project Advisors; projects that enter into FAST-41 are eligible for the Permitting Council to direct funds from the Environmental Review Improvement Fund (ERIF) towards agencies working on those covered projects to bolster capacity and ensure that the agencies are adequately resourced to maintain project schedules and complete permitting milestones on time.

The Permitting Council also serves as a permitting center of excellence and has invested heavily in improving agency performance, through staff capacity investments, technological solutions, and focused training:

- **Agency Capacity** investments supported pooled hiring authority and an expansion of the permitting workforce across agencies to help improve permitting review timelines, identify process improvements, and integrate permitting best practices.
- **Information Technology Investments** to support information technology solutions spanning from artificial intelligence and GIS mapping to online applicant portals and innovative data sharing systems. The investments were made to speed federal permitting review, improve data quality, and foster public transparency.
- **Tribal Assistance Program** made funding available to support capacity building for Tribal governments to enable their meaningful participation in environmental reviews and Tribal consultations associated with FAST-41 covered projects.
- **Permitting University** provided a pooled resource fund supporting agency training to ensure frontline staff are equipped with the skills necessary to do their work efficiently and effectively.

In addition to making investments to improve permitting capacity and performance, the Permitting Council's role as a center for permitting excellence produces actionable recommendations for agencies.[2] Each year the Permitting Council identifies successful permitting practices developed on FAST-41 covered projects and shares those lessons across agencies through its permitting best practices reports. As more projects enter the FAST-41 portfolio, agencies have greater opportunities to refine coordination practices, adopt innovative technologies, improve public transparency, and share successful approaches across the federal government. In that respect, FAST-41 serves not only the projects it covers, but also as a proving ground for improving federal permitting more broadly.

Expanding FAST-41 Eligibility

H.R. 8003, "Expanding the Fast Track Act of 2026," recognizes that FAST-41 is a proven program and lowers the cost threshold for covered projects from $200 million to $50 million, opening the opportunities and benefits associated with FAST-41 to a larger universe of projects**. I fully support this legislation as a targeted, discrete change to the FAST-41 statute that would have broad and far-reaching benefits.**

Under current law, to access those benefits and be "covered" under FAST-41, projects must meet statutorily defined eligibility criteria. A project must be[3]:

- In one of the covered sectors;
- Subject to environmental review under the National Environmental Policy Act (NEPA);
- Likely to require a total investment of more than $200,000,000; and
- Ineligible for abbreviated authorization or environmental review processes under any applicable law.

Congress established the $200 million threshold at a time when the Permitting Council was a new institution. Congress appropriately limited eligibility while the Council established its governance processes, developed the Dashboard, built relationships across agencies, and demonstrated the value of coordinated project management. That cautious approach made sense in 2015 when FAST-41 was still an unproven framework. It makes less sense today. The question before Congress is no longer whether FAST-41 works, but whether its benefits should remain limited to a relatively small class of projects. Agencies understand

[2] 42 U.S.C. § 4370m-8
[3] 42 U.S.C. § 4370m (6)

their responsibilities, the Dashboard continues to evolve, and the Council has implemented a successful model for coordinating complex projects.

Expanding eligibility will increase the size of the FAST-41 portfolio and expose more projects and agencies to the benefits of FAST-41 participation. A lower cost threshold means that smaller projects that are impactful to their communities and regions receive enhanced coordination and accountability afforded to our largest projects. In many states, these projects are not megaprojects measured in billions of dollars, but they are nonetheless transformational. Drinking water infrastructure, broadband deployment, electric transmission upgrades, flood resilience projects, and other regionally significant investments often fall below the current threshold while presenting many of the same coordination challenges. More importantly, it exposes more agencies and projects to practices that should ultimately become standard throughout the federal permitting process.

With a lower cost threshold, there would be more opportunities to deploy permitting best practices across the agencies and further institutionalize the management strategies that have made FAST-41 successful. A lower cost threshold and larger portfolio mean more opportunities to invest in agency capacity through the ERIF.

With more projects in the FAST-41 portfolio and more opportunities to invest, Congress should consider requiring the Permitting Council to implement its fee authority. FAST-41 authorizes the Permitting Council to "issue regulations establishing a fee structure for sponsors of covered projects to reimburse the United States for reasonable costs incurred in conducting environmental reviews and authorizations for covered projects."[4] To date, the Permitting Council has not exercised that authority and continues to rely on the Inflation Reduction Act advance appropriations, coupled with the smaller annual appropriations from Congress, when available. That's a missed opportunity.

Project sponsors have repeatedly expressed a willingness to pay for certainty. If they can budget the cost of FAST-41 into their capital expenditures, most project sponsors are willing to invest in a solution that provides them with a more efficient and predictable process. Project sponsors recognize the benefits of FAST-41 and, based on my conversations with sponsors, they are willing to pay for it. The authority exists to collect those fees; the missing piece is implementation.

[4] 42 U.S.C. § 4370m-8

A lower threshold that expands eligibility coupled with implementing the fee authority is a win-win reform idea. It is a surgical step to invite more projects into the FAST-41 portfolio that will return benefits beyond those immediately available to the projects themselves by continuing to institutionalize permitting best practices, increasing capacity of agency permitting staff through targeted ERIF investments, and making transparency, predictability, and accountability the standard for infrastructure permitting rather than the exception.

H.R. 8003 is ultimately a recognition that FAST-41 has matured beyond its pilot phase. Expanding eligibility is not an experiment; it is the deliberate extension of a proven governance framework to a broader class of infrastructure projects. Coupled with implementation of the existing fee authority and continued investment in agency capacity, it would allow more communities, more project sponsors, and more federal agencies to benefit from the transparency, accountability, and coordination that FAST-41 has demonstrated over the past decade.

Additional Reforms to Strengthen FAST-41 and the Permitting Council

While H.R. 8003 appropriately expands access to the FAST-41 framework, a decade of implementation has also identified opportunities to strengthen the program itself. The following recommendations build upon the governance model Congress created by improving project management, expanding transparency, and making better use of permitting data to support future reforms.

A. Expand Dashboard Project Management Beyond FAST-41 Covered Projects

Repeatedly, the biggest deficiency I've observed in permitting major infrastructure projects is a lack of coordinated project management. Our current systems do not mandate or even incentivize centralized project management to enable effective interagency coordination. A simple but impactful reform to help address this gap is to require a permitting timetable for any project requiring an environmental assessment or an environmental impact statement (a "major" project) and post that timetable to the Dashboard. The FAST Act requires that USDOT post NEPA schedules for projects administered by the Federal Highway Administration, Federal Transit Administration, and the Federal Railroad Administration—that transparency has helped both agencies and the public track project progress. The simple act of detailing permitting milestones and laying out a public schedule can force the conversation earlier in the process to identify interdependencies across agency permitting responsibilities. Further, requiring permitting timetables of all "major" infrastructure projects will:

- Provide a dynamic database of permitting timelines that will inform future reforms by revealing common pain points in the process and encouraging greater accountability across agencies.
- Create greater predictability in the process and timing for project sponsors. As mentioned above, certainty of project schedule is as valuable as any other reform—sponsors are willing to pay for predictability.
- Offer greater transparency to the public, Congress, and industry on the projects under review, where resources are allocated, timing of actions, and other essential planning information. This shouldn't be discounted—knowing the volume of work and where that work is located is valuable planning information for many different stakeholders.

B. Carry Agency FAST-41 Responsibilities Through Construction, Commissioning, and Operation

For many infrastructure projects, public attention and agency accountability effectively end once a permit decision is issued. Yet anyone who has worked on a major project understands that significant agency involvement often continues for years after the NEPA Record of Decision or permit issuance. Permit modifications, compliance reviews, mitigation requirements, design refinements, and construction-phase approvals can all influence ultimate project delivery.

Today's Dashboard measures permitting completion rather than project delivery. The statute requires that the Executive Director post a permitting timetable to the Dashboard with "a comprehensive schedule of dates by which all environmental reviews and authorizations, and to the maximum extent practicable, State permits, reviews and approvals must be made."[5] However, that requirement is interpreted to stop once an initial permit is issued and does not consider the frequent permit modifications and other changes that inevitably occur after an agency issues a permit decision on a complex project. The result of only tracking to the initial permit decision is that the Dashboard distorts the timeline associated with project delivery.

By limiting Dashboard accountability to the initial permitting phase, we miss an opportunity to better understand *all* the factors that influence project delivery. This added transparency and accountability would provide valuable information on the factors that contribute to

[5] 42 U.S.C. § 4370m-2(c)(1)(A)

project schedules and delays. That information can then inform other reforms, as necessary.

C. Track and Report on Environmental Commitments Made as Part of the Environmental Review and Permitting Process

One of the principle aims of environmental review is the identification of commitments, mitigation measures, and permit conditions that enable projects to proceed while avoiding, minimizing, or compensating for environmental impacts. Currently, those commitments are not centrally tracked and thus the efficacy of those commitments is not well understood. Without that information, Congress and the agencies have little empirical basis for evaluating which mitigation measures are most effective, where unnecessary duplication may exist or how future reforms should be targeted.

As we continue to discuss permitting reforms to accelerate delivery, it is important that we not lose sight of the reason we have permitting requirements—to consider whether environmental impacts are consistent with law and what, if any, mitigation or offsets are necessary to make those impacts acceptable.

Tracking the success of environmental commitments on the Dashboard—first for covered projects and then, potentially, for all Dashboard projects—would produce valuable information on effective mitigation strategies, the cost and benefits of environmental commitments, and other insights that can inform future planning and permitting reforms. As the federal permitting enterprise develops richer and more reliable datasets on permitting timing and durations and environmental commitments, the Permitting Council should continue serving as a center of excellence by helping agencies identify technologies that improve how those data are collected, analyzed, and applied. Artificial intelligence, advanced geospatial analysis, and other digital tools have the potential to improve coordination, consistency, and transparency if implemented thoughtfully.

Each of these recommendations builds upon the same principles that have made FAST-41 successful over the past decade: greater transparency, stronger project management, better data, and continuous institutional learning. They illustrate that meaningful permitting improvements can often be achieved by strengthening how government manages the process, rather than by fundamentally changing the substantive environmental laws that govern it.

Lessons Learned From FAST-41 for Future Permitting Reform

Ten years into FAST-41 implementation, we've made progress in improving the permitting process, but more work remains. However, as Congress continues to debate broader permitting reform efforts, the success of the FAST-41 program is instructive.

- Federal permitting is not a collection of independent statutes and agency actions. It is an integrated system in which environmental review, agency coordination, public engagement, staffing, technology, project management, and regulatory decision-making all influence one another. There is risk in working on individual permitting components without stepping back and considering the broader effects of those reforms. The success of FAST-41 is grounded in its approach to governance and process that recognizes the interplay between agencies in the permitting process.

- Transparency should be the minimum standard for federal permitting. Public schedules, publicly available project information, and clear agency accountability improve project management, build public confidence, and allow Congress, project sponsors, and affected communities to better understand how the permitting system is functioning.

- Process reforms and legislative changes still require agency staff to implement. Agency capacity is constrained and that lack of personnel contributes to project delays, reinforcing the idea that the process is broken. Our experience under FAST-41 demonstrated that when agencies are provided with adequate staffing, modern technology, and effective project management tools, they can deliver timely decisions without sacrificing environmental review.

- Project sponsors demand consistency and predictability in the process. Do they want the permitting process to move faster? Of course, but most of all they want some assurance that the requirements in place at the beginning of their project will remain throughout project planning and delivery. A perpetual cycle of change and reform may be well intentioned, but the practical reality is that it introduces uncertainty. Uncertainty introduces risk. Risk introduces cost.

- Over the past several years, Congress, the courts, and successive Administrations have all implemented significant changes to the federal permitting process. Many of those changes are only now beginning to influence active projects. Before undertaking another generation of sweeping reforms, Congress should take the opportunity to evaluate how those recent changes are functioning in practice and where additional improvements are truly warranted.

There is room to improve our processes but at a time when so much is unsettled, reforms should be surgical until we can better assess the effects of the changes already underway. Congress should continue to pursue targeted reforms that are informed by implementation experience while evaluating the effects of the significant recent changes already made. Policy change should be based on data, not anecdotes, and we don't yet have reliable data to understand where challenges remain which undermines our ability to develop targeted reforms. Waiting for data to inform policy is politically difficult, but it is the responsible way of legislating reforms to our foundational environmental laws and the permitting process.

The FAST-41 experience demonstrates that thoughtful, evidence-based reforms can produce meaningful improvements in project delivery. As Congress considers permitting reform legislation, the Committee can build on those lessons by pursuing reforms that are targeted, coordinated, and informed by implementation experience rather than assumption.

Conclusion

After more than a decade, FAST-41 has proven that thoughtful permitting reform can improve project delivery without weakening the environmental laws that protect our communities and natural resources. Rather than replacing existing statutory authorities, Congress created a governance framework that improved coordination, increased transparency, strengthened accountability, and encouraged agencies to work together more effectively. That framework has delivered measurable benefits to project sponsors, federal agencies, and the public alike.

H.R. 8003 represents the next logical step in the evolution of the FAST-41 program. By expanding eligibility to a broader universe of infrastructure projects, Congress can extend the benefits of enhanced coordination, project management, agency capacity investments, and institutional learning to projects that today remain outside the program despite facing many of the same permitting challenges. Coupled with thoughtful implementation of the existing fee authority and other targeted improvements, this legislation will strengthen—not dilute—the value of the FAST-41 program.

The broader lesson of FAST-41 is that better permitting begins with better governance. Congress did not create a new environmental review process; it created a better way to manage the one that already existed. As Congress considers future reforms, I encourage it to continue building on that success by strengthening coordination, transparency, project management, and agency capacity before fundamentally restructuring the permitting framework itself.

Throughout my career, I have had the privilege of helping shape the FAST-41 framework, leading its implementation as Executive Director of the Permitting Council, and now working alongside project sponsors who would benefit from it to deliver nationally important infrastructure. Those experiences have reinforced my belief that meaningful permitting reform does not require choosing between environmental stewardship and economic development. The most successful reforms improve how government manages the permitting process so that infrastructure projects are delivered more predictably, more transparently, and with greater public confidence.

Thank you again for the opportunity to appear before you today. I appreciate the Committee's consideration of H.R. 8003 and your continued leadership on improving the federal permitting process. I look forward to your questions.