



PERMITTING REFORM FRAMEWORK

WORKING GROUP ON PERMITTING, ENERGY, AND ENVIRONMENT
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WHY PERMITTING REFORM?

There is wide consensus that for the first time in some decades, the U.S. will see a significant increase in demand for energy. As American communities and businesses continue to grow and thrive, the **demand for affordable and reliable energy of all kinds becomes increasingly urgent**. Unfortunately, energy infrastructure projects are dragged out for years — sometimes over a decade — burdened by outdated regulatory processes, duplicative reviews, and recurrent litigation that stifle innovation, harm workers, and inflate costs.

WHY NOW?

This Congress, members from both parties are rallying behind reform. The Problem Solvers Caucus Working Group on Permitting, Energy, and Environment has sought input from energy producers, industry experts, and Members across committees of jurisdiction to **propose bipartisan and comprehensive policy recommendations to modernize our permitting system**. These recommendations will streamline the permitting process, increase energy production of all kinds, and provide certainty for investments in America. **By cutting through red tape, we can meet energy demand, lower costs, strengthen national security, and create high-quality jobs, while being responsible stewards of the environment. The urgency is real, and the appetite for change is bipartisan.**

CUTTING RED TAPE FOR LINEAR INFRASTRUCTURE PROJECTS

- **Depoliticize and streamline the permitting process** for cross-border linear infrastructure — including pipelines and transmission lines — by removing the Presidential permit requirement and enforcing a one-year deadline from the issuance of the environmental document with automatic approval if unmet.
- Clarify that Clean Water Act Section 401 certifications by states should focus only on water quality impacts of the project that result from the federally permitted or licensed activity.

- **Consolidate judicial review** for DOE and FERC linear infrastructure projects under the exhaustion and judicial review provisions of the Federal Power Act.
- For Section 368 corridors on federal lands, clarify that the corridor-wide NEPA review satisfies the purposes of NEPA, **eliminating the duplicative need for a line-specific NEPA review** within such designated energy corridors.
- Expand Section 368 corridors on federal lands to include CO₂ pipelines and retroactively validate existing corridors to cover future CO₂ pipelines.
- Amend the process for National Interest Electric Transmission Corridors (NIETC) to **allow for the designation of individual national interest high-impact transmission lines**.
- In the NIETC process, allow for simultaneous state and federal environmental reviews – recognizing state authority – and require the Department of Energy to act on an application within 90 days.
- **Create categorical exclusions for simple updates** to existing linear infrastructure with minimal environmental impact, especially in natural disaster-prone areas.
- **Expedite the Forest Service's forest management and wildfire mitigation activities** in utility rights-of-way.
- Direct the President's Advisory Council on Historical Preservation to engage with other federal and federal-state entities to **improve consistency across states** under National Historic Preservation Act Section 106 permitting.

MEETING INCREASED ENERGY DEMAND

- Require FERC to initiate interregional transmission planning (excluding ERCOT) **to improve reliability, resilience, and affordability**. Congress should provide strong guidance on the allocation of the costs of these infrastructure projects, while explicitly prohibiting the allocation of costs to customers who receive no or trivial benefits.
- **Promote grid-enhancing technologies** to maximize capacity from existing transmission lines.
- End mandatory Nuclear Regulatory Commission hearings for nuclear licenses **when no stakeholders raise objections**
- **Expedite the permitting process for geothermal energy projects** by allowing for simultaneous consideration of multiple project phases, while requiring agencies to approve or deny applications within 30 days after completing all legal and regulatory reviews.
- **Extend existing categorical exclusions** created for oil and gas development to geothermal energy.

- Clarify that geothermal operators **should not need a federal drilling permit for wells that are on state and private lands** where the subsurface geothermal estate is less than 50% federally owned.
- Require FERC to report annually, not biennially, on hydropower relicensing progress.

REFORMING OUTDATED, DUPLICATIVE NEPA REQUIREMENTS

- Exempt the provision of federal grants and loans from **triggering NEPA** requirements when funding itself is the sole nexus of federal involvement.
- Codify the longstanding functional equivalence to **exempt projects from NEPA permitting** if they 're already reviewed under functionally equivalent laws, such as the California Environmental Quality Act, Clean Air Act, etc.
- **Prohibit courts from delaying**, setting aside, limiting, staying, vacating, or enjoining a project, unless it poses risk of a proximate and substantial environmental harm and no other equitable remedy is available.
- Elevate litigation for large multi-state infrastructure projects directly to the U.S. Court of Appeals.
- **Restrict judicial standing for litigating projects** to parties who submitted detailed comments during public review.
- Direct the Federal Permitting Improvement Steering Council to provide a report with actionable recommendations to Congress to **help developers voluntarily and proactively engage with community stakeholders** and enhance transparency early in the permitting process.

SETTING CLEAR AND ENFORCEABLE PERMITTING DEADLINES

- **Reduce statute of limitations** for lawsuits to one year or less, with 150-day limits for FAST-41 projects.
- **Ensure compliance with environmental review timelines** by requiring agencies to begin reviews upon receipt of complete applications, and issue final decisions once reviews are complete, without delay.
- Require courts to **set a reasonable schedule and deadline for agencies** when acting on remand with specific direction on necessary remand. The project sponsor may continue project activities per the permit that is subject to remand, so long as such actions do not interfere with the additional directions required by the court.
- Courts cannot require the agency to prepare a new environmental document, unless the court finds the agency failed to prepare the required document.
- Direct federal agencies to **replace outdated paper systems** with centralized, cloud-based platforms for all permitting processes and mandate shared data systems and strict adoption timelines to make interagency coordination more efficient. Online permitting portals should also improve communication and transparency between agencies, project sponsors, and community stakeholders.

STRENGTHENING DOMESTIC SUPPLY CHAINS

- Require DOE to **regularly assess electricity generation and transmission supply chains** for security and resilience.
- **Fix the Rosemont decision** to allow use of public lands for ancillary purposes connected to a mining project, that can only be used within an agency-approved Plan of Operations.
- Create a revenue stream from new mill site claims to **fund abandoned mine cleanup**.

