



**FROM:** Kountoupes Denham Carr & Reid

**DATE:** Wednesday, September 10, 2025

**RE:** House Natural Resources Full Committee Legislative Hearing on H.R. 573, H.R. 4503, H.R.4776

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**Topline Summary**

- The House Natural Resources committee convened to discuss three bills: H.R. 573, “Studying NEPA’s Impact on Projects Act”; H.R. 4503, “ePermit Act”; and H.R. 4776, “Standardizing Permitting and Expediting Economic Development Act” or the “SPEED Act”. During the hearing, there was bipartisan recognition of the need for modernization in the permitting process, though the hearing underscored the vastly different perspectives on how to do so.
- Republicans discussed how the current NEPA process leads to high costs, lengthy timelines, and foreign competitors gaining advantages in infrastructure and energy development. There was lengthy discussion on the SPEED Act, and how it aims to streamline NEPA procedures, reduce delays, and support critical industries like mining and data centers.
- Democrats raised issues about potential impacts on community engagement and environmental protections from these bills. They expressed concerns that the bills would limit public input, reduce environmental safeguards, and infringe on tribal rights. They discussed how many viable clean energy projects were getting shut down, despite calls from the administration and congressional republicans to speed up energy projects and get more power on the grid.

**Members Attending:** Chairman Bruce Westerman (R-AR), Ranking Member Jared Huffman (D-CA), Rep. Rob Wittman (R-VA), Rep. Yassamin Ansari (D-AZ), Rep. Amata Coleman Radewagen (R-AS), Rep. Pete Stauber (R-MN), Rep. Jared Golden (D-ME), Rep. Tom Tiffany (R-WI), Rep. Seth Magaziner (D-RI), Rep. Daniel Webster (R-FL), Rep. Sarah Elfreth (D-MD), Rep. Tim Walberg (R-MI), Rep. Julia Brownley (D-CA), Rep. Jeff Crank (R-CO), Rep. Darren Soto (D-FL), Rep. Addison McDowell (R-NC), Rep. Mike Levin (D-CA), Rep. Nick Begich (R-AK), Rep. Emily Randall (D-WA), Rep. Cliff Bentz (R-OR), Rep. Adam Gray (D-CA), Rep. Susie Lee (D-NV), Rep. Troy Downing (R-MT), Rep. Harriet Hageman (R-WY), Rep. Mike Ezell (R-MS), Rep. Luz Rivas (D-CA), Rep. Nydia Velázquez (D-NY), & Rep. Wesley Hunt (R-TX)

**[Live Hearing Link](#)**

*Meeting called to order by Chairman Westerman*

**Opening Statements**

**Chairman Bruce Westerman (R-AR):** In my office, I often hear a lot of people come through and say we need to do permitting reform, that permitting is holding up progress, that the results of permitting are



they're not only hurting economic development, oftentimes we're missing opportunities to actually protect and enhance the environment. As I said it's a bipartisan issue. It's not just people who vote republican who are coming in my office to tell me that.

We had a hearing on this topic in July and in that hearing many of my friends across the aisle were calling fouls on the current administration, saying they shouldn't be doing this, but you know what this time a year ago, on our side of the aisle, we were calling fouls on the Biden administration, saying they shouldn't be doing this. So, I think this is an opportunity for Congress to exert their article 1 authority and to create a system that doesn't change when an administration changes, but a system that's fair, a system that allows access for all projects, and a system that's blind to the project that is being proposed.

As we've heard from a lot of witnesses, reforming NEPA will provide certainty for all projects and for all sectors of the economy. In fact, the minority's witness at our July hearing stated, and I quote, "any need for reform shouldn't pick winners or losers" end quote. Fairness requires that the permitting process proceed in a way that is blind to the project. By ensuring this, we will allow the free market to make decisions. I asked engineers who testified in July if the process can be streamlined without sacrificing environmental quality, they both said unequivocally that we can. And I fully agree.

Amending the underlying statute to provide predictability for the regulated community and our federal agencies will strengthen the economy, improve the environment, and save agency resources. We have 3 bipartisan bills before us today. They would address these issues and different ways. First off, we have H.R. 573, introduced by Representative Yakym from Indiana, which would create common sense reporting requirements for the Council of Environmental Quality, or CEQ.

As part of a thorough review of previous NEPA practices, the first Trump administration analyzed 656 environmental impact statements or EIS's, published between 2013 and 2018. The review found that on average, an EIS was 575 pages long and took 4.5 years to complete with 1/4 of them taking over six years to complete. According to a study from the Breakthrough Institute, NEPA related litigation on EIS takes an average of 4.2 years to resolve, and environmental non-government organizations or NGOs were involved in 75% of legal claims. H.R. 573 would coalesce prior data collection and reporting efforts into a single report published annually by CEQ on NEPA litigation, timelines, and page length. Reinstating these reports will help identify bottlenecks.

Next we have H.R. 4503, the ePermit Act, introduced by Representative Johnson of South Dakota and Peters of California. Today's technology landscape for federal permitting consists of diverse and isolated systems spread across different federal agencies. Generally, these systems are not interoperable or sufficiently accessible for project sponsors and the general public. To address these issues, the Trump administration issued a memorandum titled updating permitting technology for the 21st century, and CEQ then issued a permitting technology action plan, which sets the foundation for seamless information exchange between agencies, simplified interactions for applicants and greater transparency and predictability on environmental review and permitting schedules for project sponsors and stakeholders. The ePermit Act codifies key aspects of the CEQ action plan and directs federal agencies on how to implement electronic permitting systems. It also instructs CEQ to work with other agencies to establish a unified interagency data system for environmental permitting and to integrate AI into agencies permitting processes.

Also on today's agenda is H.R. 4776, the SPEED Act, which I look forward to discussing in greater depth later in this hearing. For now I'll simply say this, over the years we passed different pieces of legislation that usually include funding for different projects and purposes which are then celebrated and lauded in



DC, but what always happens afterwards? The projects themselves can't be permitted because Congress has shot away from addressing permitting reform head on. We have said this several times in this committee, but our broken permitting system isn't just holding back our economy, it's threatening our national security. So, the time to advance bipartisan permitting reform is now. I look forward to hearing testimony from some of today's leading experts on these bills.

**Ranking Member Jared Huffman (D-CA):** Today, we have three bills on the agenda relating to the National Environmental Policy Act, or NEPA. Two of them, H.R. 573 and H.R. 4503, aim to enhance data collection and use, and I especially want to thank Reps. Johnson and Peters for their work on the e-Permitting bill. There's a lot of bipartisan work we can do to leverage modern tools and data to improve the permitting process, and their bill is a great example of that.

But then we get to the third bill on the agenda today, Chair Westerman's so-called SPEED Act. And here's where the conversation takes a hard turn. In the name of "speed", this legislation takes a sledgehammer to NEPA's core functions—the very things that help keep communities safe, projects accountable, and our environment protected.

Now, let me say that speed can be great when you're headed to the right destination. But say you're recklessly speeding down the road without working brakes, steering, or headlights—obviously, that's a wreck waiting to happen. That's exactly what the SPEED Act would invite."

The SPEED Act treats public input like a hurdle rather than a resource that can guide better decisions. It restricts what major environmental impacts can even be considered for review, eliminating the spotlight that NEPA provides the public. And by shrinking analysis and compressing timelines—without investing in greater agency permitting capacity—it invites shoddy analysis and ultimately more litigation, not less.

The good news on the permitting front is that we can maintain NEPA's core protections and speed up the permitting process. For one, the most effective, proven way to speed permitting is to ensure we have properly staffed and trained federal permitting offices to process applications. That's why Democrats funded \$1 billion in the Inflation Reduction Act to do exactly that. And it was working. The Biden administration cut the time it takes to complete an EIS by eight months, 23 percent faster than the first Trump administration. And in 2024, the median time to complete an EIS was just over 2 years.

But Republicans just rescinded most of those unspent funds. The administration's DOGE efforts and indiscriminate firings at key permitting agencies have made things even worse.

Who is this legislation actually for? Because it's not tribes whose sacred land is at risk of being desecrated. It's not impacted communities worried about toxic projects that could irreversibly pollute where they live. It's certainly not hardworking, everyday folks being pummeled by the insane cost of living, who are desperate for more affordable energy. It's crystal clear that this legislation is for corporate polluters and Big Oil donors so they can keep padding their pockets at the expense of every other person in America. The American people deserve better.

## **Legislation**

**H.R. 573** (Rep. Yakym), "Studying NEPA's Impact on Projects Act"

**H.R. 4503** (Rep. Johnson), "ePermit Act"



**H.R. 4776** (Chair Westerman), “Standardizing Permitting and Expediting Economic Development Act” or the “SPEED Act”

### **Witnesses**

#### **Panel I**

**Mr. Jeremy Harrell**, Chief Executive Officer of ClearPath and ClearPath

**Mr. Thomas Hochman**, Director of Infrastructure Policy, Foundation for American Innovation

**Mr. Nick Loris**, Vice President of Public Policy, C3 Solutions

**Mr. Robert Glicksman**, J.B. & Maurice C. Shapiro Professor of Environmental Law, The George Washington University Law School

#### **Panel II**

**Mr. Dominick A. Longobardi**, Deputy Town Comptroller, Town of Hempstead, New York

**Mr. Rich Nolan**, President and CEO, National Mining Association

**Mr. Josh Levi**, President, Data Center Coalition

**Mr. Bob Dreher**, Environmental Attorney (retired)

### **Q&A**

#### **Panel I**

**Rep. Rob Wittman (R-VA)** began by entering an article written by Mr. Hochman into the record, titled “NEPA Stats”. He said that the article cites extremely high costs associated with categorical exclusions, environmental assessments, and environmental impact statements. He added that timelines have a big impact on construction projects. He said that our competitors around the world are improving their infrastructure while we struggle and stated that 350 major infrastructure projects were canceled between 2010 and 2018. He asked Mr. Hochman to speak on the environmental impacts and changes in both federal government and industries building out American infrastructure have on what we are able to do as a country. Mr. Hochman talked about how the permitting process touches every sector of the American economy, emphasizing the importance of a more streamlined permitting process. Rep. Wittman then talked about Community Project Funding, and how it often requires permitting as well, at the local, state and federal levels. He asked Mr. Hochman to describe how NEPA affects these kinds of projects. Mr. Hochman talked about how just a few months ago, someone from the American Public Works Administration said that they would try to avoid federal dollars by any means necessary. He said that what is happening is that these community projects are avoiding federal dollars to steer clear of NEPA, even though those federal dollars are sorely needed. He said that the SPEED Act provision that says federal financial assistance itself should not be sufficient to trigger NEPA is a critical response to this problem.



**Rep. Yassamin Ansari (D-AZ)** began by talking about the importance of this topic, and that we should absolutely expedite the responsible built-out of twenty-first century infrastructure, including for clean energy projects. She said that these clean energy projects are vital to address the climate crisis and stabilize energy prices. She said that while she opposes the SPEED Act, she appreciates the Chairman's effort to be technology-neutral on this front, however the administration has demonstrated that it does not support wind and solar. She asked the witnesses whether wind and solar can be reliable sources of energy with battery storage. Mr. Harrell answered that we absolutely should be investing in all sources of clean energy to ensure a reliable energy system that meets our needs. Mr. Hochman answered yes. Mr. Loris said that wind and solar are "reliably unreliable", so in order for them to be more practical we need battery storage. Rep. Ansari said that administration officials that have come before the committee seem to think that batteries don't exist. She asked the witnesses whether fully permitted and reviewed energy projects, like offshore wind, that are mere months away from providing affordable, reliable power, should be able to finish construction. Mr. Harrell answered yes. Mr. Hochman said he supports making it easier to bring new electrons to the grid. Mr. Loris agreed. Rep. Ansari then discussed the administration's failure to recognize stop-work orders, with them continuing to pull permits. She said that she wanted to point out that the three Republican witnesses on this panel agree that renewable energy is affordable and reliable. She said that this administration is out of line with that, and no one on the other side seems willing to stand up to this. She said that she cannot support this bill and urged for more "common sense" permitting reform.

**Rep. Amata Coleman Radewagen (R-AS)** asked Mr. Harrell to go into detail about how important our energy production is from a national security standpoint and in his opinion is the U.S. on the right track to compete with China and other global actors, if not, what needs to be done to catch up. Mr. Harrell said he did not believe the U.S. was on track but they had the opportunity to correct course by establishing more predictable regulatory processes to build out energy to meet rising needs, through bipartisan, durable reforms, such as the SPEED Act. Rep. Radewagen asked Mr. Hochman and Mr. Loris for their opinions. Mr. Hochman agreed with Mr. Harrell and added the need for the pace of the permitting process to keep up with the increased energy demands from AI and data centers. Mr. Loris reiterated that they need permitting reform to keep pace with adversaries, touting previous advancements with LNG exports and the need to continue to innovate, invest, and build.

**Ranking Member Jared Huffman (D-CA)** thanked the witnesses for their candor about the chaos the administration was inflicting on clean energy and criticized administration actions on clean energy projects. He spoke about what would happen if the SPEED Act were to become law. He asked Mr. Glicksman to talk about why Congress includes options for judicial review when it passes legislation. Mr. Glicksman said it was an important policy to ensure accountability to the American people in terms of what government agencies do. Ranking Member Huffman highlighted that section 3 of the bill would make it very hard for courts to intervene and asked Mr. Loris to break the section down. Mr. Loris said it would work to block most if not all challenges to NEPA noncompliance because the statute requires litigants to demonstrate that an agency failed to consider the input provided during the comment period and it caused them direct harm, which was not able to be proven as NEPA was a procedural statute. Ranking Member Huffman noted that there was nothing to ensure agencies look at their actions under NEPA and asked Mr. Loris if a claim got through and an agency had failed to consider NEPA, what did the SPEED Act do to prevent courts from intervening in that scenario. Mr. Loris said the most problematic provision was the one that precluded courts from enjoining projects pending NEPA compliance which was contrary to longstanding law. Ranking Member Huffman asked Mr. Loris if the bill became law what incentive federal agencies would have to take a serious look and make sure they get it right. Mr. Loris said there would be very little, if any.





**Rep. Pete Stauber (R-MN)** began by asking Mr. Harrell about his testimony to where Mr. Harrell spoke about the nexus between permitting reform and international economic competitiveness. Rep. Stauber asked Mr. Harrell to expand on how failing to act on permitting reform will affect America's competitiveness on the global stage. Mr. Harrell responded and stated that he believes it is directly correlated, and that Americans need more access to reliable affordable electricity to expand the growth. Rep. Stauber responded and stated that in Mr. Harrell's testimony, he said that the National Environment Policy Act (NEPA) is not the only policy enacted by congress to protect our environment, and he mentioned the Endangered Species Act, and The Clean Water act, after NEPA was signed into law. Rep. Stauber asked Mr. Harrell to clarify if amending NEPA will jeopardize environmental protections and regulations. Mr. Harrell responded that NEPA is a procedural law, and that other environmental laws will still apply. Rep. Stauber continued and asked if they passed the NEPA reforms in the SPEED act, will the other environmental laws still remain on the books. Mr. Harrell confirmed that the other laws will still be in place. Rep. Stauber is concerned that by reforming the policies, and that it will put "polluters over people", he asked Mr. Harrell to clarify if the reforms in the SPEED act benefit all kinds of projects including renewable energy projects and the build out of transmission lines. Mr. Hochman began to answer and stated that he believes that it would benefit all kinds of projects since this is a tech-neutral permitting reform. He stated that all types of industries are pleased by this reform. Rep. Stauber then mentioned the SPEED act's judicial review provisions where the bill would set a 150-day statute of limitations for litigation over NEPA reviews. Rep. Stauber asked if the provisions would block interested parties from commenting on an EA or EAS during the NEPA review process. Mr. Hochman responds and says that the 150-day statute is achievable for those who want to bring a suit. Rep. Stauber continued the questioning and asked if the provisions will impact an interested party's ability to sue other environmental laws. Mr. Hochman responded and said it would not. Rep. Stauber asked if it was correct that the provisions simply impact the party's to sue over procedure or paperwork, Mr. Hochman confirmed. Rep. Stauber then shared that the SPEED act is a good start for the environment moving into the next century.

**Rep. Jared Golden (D-ME)** began by asking for Chair Westerman to respond to the fact that they have heard concerns that the SPEED Act might undermine community engagement during the permitting process and asks the Chair to walk the audience through whether this is true. Chair. Westerman responded that they are aiming to protect this through the process, and that they aim to speed up the process. He agreed that the time frame should be reduced to 150 days, allowing all to comment on a project. Rep. Golden continued and stated that the public has input in front of the federal agencies. He wanted to point out that the SPEED act is a permitting process written by and for fossil fuel polluters and extractive industries. Rep. Golden believes that the problem with the NEPA is that there is significant delays due to litigation, and that they are energy neutral, detrimental to both fossil fuels and renewable energy projects and used to delay. He stated that NEPA is a pro energy bill that takes a technology technology-neutral. Rep. Golden then asked Mr. Harrell if he wanted to comment on way he has seen the permitting process hinder clean energy expansion and development. Mr. Harrell in response stated there are a major challenge due to litigation. He believes that the bill still adds limitations but allows the public to litigate when there are errors. Mr. Loris added that in addition there is a barrier for innovative clean energy technologies of tomorrow. He stated that the bill is not just for the incumbent projects, but also the future projects.

**Rep. Tom Tiffany (R-WI)** began by asking Mr. Glicksman whether he has ever represented a company through the NEPA process. He answered that he had not. He then asked Mr. Hochman whether environmental reviews will continue under this bill and whether projects will still have to provide an environmental analysis of their projects under the SPEED Act. Mr. Hochman answered yes to both questions. He asked Mr. Hochman to talk about some of the longest permitting times that he has seen. Mr. Hochman said that the longest he has seen are the ones that have never ended. He said that there are many



projects, even low carbon ones, that have been stuck in limbo. Rep. Tiffany then asked whether it is common to see projects that are stuck in NEPA for over ten years. Mr. Hochman answered that this is common. Rep. Tiffany asked him how many project ideas there are that never even begin the permitting process due to the obstacles involved. Mr. Hochman answered that there is a nickname that they use for this, the “dark matter of NEPA”. He said that examples of this are the significant number of potential geothermal and solar projects that could go on viable federal lands but never see the light of day because NEPA is so difficult to navigate. Rep. Tiffany asked Mr. Harrell whether China has a process like NEPA. Mr. Harrell answered that they do not, and the U.S. has a process that makes sure we build our infrastructure in a more environmentally efficient way. Rep. Tiffany said that despite Europe’s “green fantasy”, America is the one who reduced CO2 footprint, and asked Mr. Harrell whether this is accurate. Mr. Harrell answered that this is true, and that the U.S. has significantly reduced its CO2 emissions and U.S. LNG exports have significantly contributed to global emissions reductions. Rep. Tiffany clarified that many of the people who have harped on the U.S. for not reducing emissions more haven’t been doing so themselves and asked Mr. Harrell if this was true. Mr. Harrell talked about how we need to be leaders in this space and export our technology to reduce global emissions and meet our global energy needs. Rep. Tiffany said that he will “accept” Rep. Ansari’s challenge in regard to “so-called” renewables. He talked about where he grew up in Wisconsin and how thousands of acres are being transformed to wind and solar, all being paid for by taxpayer money. He expressed his belief that renewables are distorting rural America and driving up electricity prices. He then asked Mr. Loris whether renewable projects require more minerals than other forms of energy. Mr. Loris answered that renewable projects tend to be more mineral-intensive, and we will need a much larger supply to meet demand. He talked about how we need more domestic mining to meet this demand and noted that our mining projects are much cleaner than in many other countries. Rep. Tiffany said that when Rep. Ansari introduces a bill to allow mining in America, he will take her admonitions seriously.

**Rep. Seth Magaziner (D-RI)** said that he wants to get to yes on this bill, but he is not there yet. He said that he knows we need to build out our energy infrastructure and make the permitting process more efficient while protecting the environment and tribal sovereignty. He said that we need to have this conversation but are having it at a time when the Trump administration is canceling energy projects left and right, including Revolution Wind in his district. He also pointed out the fact that the administration has cut NEPA staff who are supposed to conduct the reviews, all while claiming they want to speed up the permitting process. He said that he wants to have this conversation, but we cannot have it without mentioning what the administration is doing that directly contradicts an “all-of-the-above” energy strategy. He then asked whether this is an openness to amending the bill to establish a baseline level of what the standard should be for a state-level environmental review in order to meet the federal standards. Chairman Westerman said that he is absolutely open to modifications to the bill but directed the question to the witnesses to provide more input on details. Mr. Harrell said that an example where this would make sense is with the EPA’s review of Class VI permits. He said that in many cases the EPA delegates permitting authority to states if they can show that they can uphold the minimum standards for a permitting decision. He said that they have seen this dramatically accelerate permits. Rep. Magaziner said that it occurred to him that public comments would be limited to only those who could directly be harmed. He then inquired with the Chairman whether he was open to amending the bill to allow public comment for potential harm to an endangered species or historical site as well. Chairman Westerman said that there is openness to make the bill work, and that both speeding up the permitting process and conducting proper environmental review is his ultimate goal. Rep. Magaziner said that we also need to see some changes from the administration’s behavior.

**Rep. Daniel Webster (R-FL)** spoke about the vague nature of section 404 requirements of the Clean Water Act causing delays. He asked Mr. Hochman what lessons they could learn from the SPEED Act



when it comes to the permitting process under the Clean Water Act. Mr. Hochman said that individual permits under section 404 may be considered major federal actions which sets off NEPA reviews so that process could be improved by the SPEED Act through streamlining NEPA. Rep. Webster spoke of his support for efforts to improve America's critical infrastructure and ensure its modernization and the bureaucratic delays that cost taxpayers. He asked Mr. Harrell how the legislation they were considering would help America to build more efficiently. Mr. Harrell said it would resolve outstanding questions to provide predictability in the process through restoring the original intention of NEPA.

**Rep. Sarah Elfreth (D-MD)** said she wanted to get to yes to deliver big, bold projects for her district and the country, but the devil was in the details, and they needed to work those out specifically for renewable energy projects, national security, and transportation projects. She emphasized that the administration was openly hostile to clean energy projects. She said the SPEED Act's 150-day limit on judicial review was too quick for meaningful community engagement on projects and asked Mr. Glicksman what the Fiscal Responsibility Act (FRA) did and to speak to the pressures and why 150 days may not be the answer and what could be the right answer. Mr. Glicksman said the FRA set timelines for preparation of NEPA documents, page limits and authorized the broader use of categorical exclusions which should streamline NEPA analysis. Mr. Glicksman said the provision that concerned him was that once an agency published a notice of intent to prepare an environmental impact statement it need not consider any further scientific or technical data which was prior to public input meaning it could be ignored. Rep. Elfreth asked Mr. Glicksman if they were in a position as a federal government to deliver on the reforms of the SPEED Act given the staffing cuts made by the administration to the federal workforce. Mr. Glicksman said that the cuts would make it more difficult to comply with the FRA deadlines and to move things expeditiously, and there would be a considerable loss of expertise which would contribute to delays. Rep. Elfreth asked Mr. Hochman, Mr. Harrell and Mr. Loris if they had helped a company through the NEPA review process. The witnesses said they had not. Rep. Elfreth recommended meeting with stakeholders who had gone through it to try to get to the details of the bill.

**Rep. Tim Walberg (R-MI)** stated that he wants meaningful bipartisan reform. He states that if reform is wanted, it needs to start with NEPA. He states that the SPEED act presents an opportunity to make lasting change, and he hopes to move the bill forward. He believes that the current system that is in place in his district is outdated and expensive, he stated that he believes that the SPEED act would codify narrowing the scope of NEPA, reduce duplicative review, clarify the definition of major federal action building on fiscal responsibility, he asked Mr. Harrell to speak to the impact of clarifying the definition of major federal action and codifying principles of the seven county Supreme Court decision. Mr. Harrell believes this is a critical policy steps being made in this legislation, he believes that the decision by the Supreme Court aims at separating the time and place of evaluating projects. He stated that it is critical for Congress to step in and codify these principles to law in order to see decisions play out. Mr. Harrell states that there is a need for strong bipartisan congressional actions to codify some of the limitations and get NEPA back to its procedural roots. Rep. Walberg asked Mr. Harrell if he believes that the procedural permitting process is outdated and holds back potential. Mr. Harrell responded and agreed that they have to modernize their system, which will also provide more transparency. Rep. Walberg then asked Mr. Hochman how their archaic permitting process give China the upper hand in the global AI energy space and how would legislation allow us to counter China on the critical mineral supply. Mr. Hochman responded and states that it is important to have energy available when figuring out where to put a data center. On the critical mineral side, it takes the United States 29 years to develop a new mine due to the permitting process.

**Rep. Julia Brownley (D-CA)** discussed the importance of clean energy, and the actions being taken from the Trump administration that are increasing the difficulty for communities to meet their clean energy





pledges. Rep. Brownley asked Mr. Harrell if he is concerned that the administration defunding many clean energy initiatives that it will hurt us on our path to a clean energy economy. Mr. Harrell said they believe the major fluctuations between administrations create unpredictable regulatory policy that makes it difficult for businesses to plan and invest. Rep. Brownley asked Mr. Glicksman if he believed the current permitting reform being proposed would help clean energy projects advance on the same footing as fossil fuels. Mr. Glicksman said in a vacuum it may be equal but noted that in reality the president has his thumb on the scale in favor of fossil fuels. Rep. Brownley asked Mr. Glicksman how allowing agencies to disregard climate change in NEPA reviews affects communities on the front line of climate change. Mr. Glicksman said it would increase the risk associated with climate change. He added that NEPA and other environmental legislation passed in the 70s is generally worded allowing for flexibility and analysis that reflect our increased understanding of climate change.

**Rep. Jeff Crank (R-CO)** discussed the prime opportunity Colorado is in to help power the United States going into the future and the importance of harnessing our critical minerals to lower reliance on other countries. Rep. Crank asked Mr. Harrell how this measure would help the United States develop our own energy and mineral resources, and what are the consequences if congress fails to act. Mr. Harrell said if we fail to act, is that we will lose this global competition. He added that we are far beyond the point of needing to implement permitting reform, the uncertainty in our system is the single largest barrier in addressing our energy and mineral needs. Rep. Crank asked how an online platform can ensure agencies meeting their deadlines. Mr. Harrell said it would create consistency, that both Trump and Biden permitting officials both sited frustration with the lack of consistency and centralization.

**Rep. Darren Soto (D-FL)** discussed how critical it is that they have this discussion as so many aspects of our economy become more expensive and continue pointing downward. Rep. Soto asked Mr. Glicksman for a guesstimate on how the Fiscal Responsibility Act is going. Mr. Glicksman said it is a bit early, but his gut feeling is that it has already begun to accelerate the process. Rep. Soto asked Mr. Glicksman to explain the type of acceleration we are seeing. Mr. Glicksman said if it used to be that it took 4 years to prepare an EIS and now the statute says it must be done in 2 years, it must be done in that time. Rep. Soto asked how the Chevron decision affects NEPA reviews now. Mr. Glicksman said there are enough provisions that have not been fully interpreted by agencies or courts. He added that if the agency interprets the provisions that could delay projects, the courts could intervene saying they aren't following what the law intended. Rep. Soto asked Mr. Harrell how the Chevron decision affects agencies ability to conduct NEPA in an efficient way. Mr. Harrell said it underscores why congressional action is needed. Rep. Soto asked Mr. Hochman the same question. Mr. Hochman said agreed that it is more critical than ever for congress to write clear laws.

**Rep. Addison McDowell (R-NC)** began by talking about how permitting times affect everyone's constituencies, and that a process that was originally meant to balance environmental stewardship with responsible growth has become an anchor that is weighing down industry. He talked about how these delays lead to fewer jobs, higher costs for families and missed opportunities for communities. He added that the permitting delays leave American businesses behind those of our competitors. He said that we need a more efficient and predictable system and expressed his support for the SPEED Act. He asked Mr. Hochman how the current NEPA process has impacted the timelines for critical energy infrastructure projects. Mr. Hochman said that for project developers, delays can mean death, so many projects either never begin or get canceled after years of review. Rep. McDowell asked Mr. Hochman what role the states should play in the environmental process. Mr. Hochman said that states may better understand the local conditions and the needs of their constituents. Rep. McDowell asked Mr. Hochman whether Americans or foreign competitors benefit from these delays. Mr. Hochman answered that the foreign competitors do.



**Rep. Mike Levin (D-CA)** talked about what he views as an “erosion” to environmental protections by oil and natural gas companies, even if it means higher costs for consumers. He said that the people in this country who benefit from this erosion of environmental protections are not the American people, but rather the oil and natural gas companies. He said that the present administration has been doing everything possible to stifle clean, affordable energy. He talked about how he and many of his colleagues want to tackle high energy prices, but the administration is doing the opposite. He noted that clean energy tends to be the cheapest form of energy out there, and that despite this, the administration continues to cancel clean energy projects. He then listed various examples of canceled projects. He asked the witnesses whether agencies should be adequately resourced to be able to properly review permits in a timely manner. All the witnesses answered yes. He said that he wants to be able to work in a bipartisan fashion to lower energy costs for consumers.

**Rep. Nick Begich (R-AK)** said most of renewable energy was Chinese energy because the supply chains supporting them was locked up by China, but the reforms in the bill would allow them to compete in all forms of energy. He said wealth came from the ability to produce resources; the current national regulatory framework was shooting themselves in the foot do modern revisions to NEPA were necessary to compete. He asked Mr. Glicksman if he supported limited exemptions or fast tracks for strategic projects in resource dependent states like Alaska. Mr. Glicksman said he supported streamlining of critical energy project if they were done in a way that preserved the environmental integrity of the process. Rep. Begich asked Mr. Glicksman if they had a responsibility to streamline processes for strategic domestic production sources such as critical minerals and AI infrastructure. Mr. Glicksman said they do but clawing back research grants for smart and effective solar development put them behind rather than giving them equal footing to compete with China. Rep. Begich asked Mr. Hochman how reforms in the SPEED act could ensure that states like Alaska that faced seasonal constraints were not left behind in the next wave of innovation in energy infrastructure. Mr. Hochman said that the reforms would be critical for the competitiveness of the state. Rep. Begich spoke about the reserves of critical minerals in Alaska that were vital for energy storage, defense technologies and next generation manufacturing, but federal permitting delays kept them reliant on foreign supply chains. He asked how the SPEED Act would help address the critical mineral permitting backlog and what role Alaska could play in strengthening domestic supply chains. Mr. Loris emphasized the importance of a predictable efficient process to access mineral supplies so they could keep costs of supplies down as well as ensure the environmental protections of the process.

**Rep. Emily Randall (D-WA)** spoke about the historic intentions of NEPA to represent all Americans, especially those traditionally left behind. She said there was not a good faith effort to speed permitting for all types of projects and that the SPEED Act changed NEPA’s goal to be in line with the project sponsor than an independent analysis and asked Mr. Glicksman if he agreed. Mr. Glicksman concurred and said the statute would require agencies to meet the project applicants’ goals which had never been law previously. Rep. Randall discussed slow project decision making projects and noted NEPA’s passage during rampant pollution and the real human impacts it had. She asked Mr. Glicksman how the 150 day statute of limitations would particularly impact disadvantaged communities, including when it was combined with a 14-day NEPA permitting process. Mr. Glicksman said that it would make it difficult for them to gather the information and resources to effectively pursue litigation and challenge deficient NEPA evaluations so 150 days was too short a timeline. Rep. Randall expressed her support for building an economy that worked for real people without running over the interests of the public in order to speed up projects that have benefits for the shareholders and funders.

**Rep. Cliff Bentz (R-OR)** began by stating that he is concerned about more litigation in the state of Oregon. He is concerned about the suggestions contained in H.R. 4776, Section 113 Judicial Review, and



is questioning Mr. Harrell about his thoughts on the word procedural as opposed to other challenges. Mr. Harrell states that NEPA is a procedural law, and that litigation should continue to move forward and be available if the process under NEPA is not conducted. He stated that litigation has often now expanded outside the scope of NEPA. Rep. Bentz asked whether when reviewing a claim if a final agency complies with the procedural requirements, and if he views that as an attempt to limit the scope of the procedural. Mr. Harrell, believes that it should be limited by the procedural aspects of NEPA. Rep. Bentz asked how he defined substantial discretion. Mr. Harrell responded and said that if they go far beyond the scope of the agency, it is considered substantial discretion. Rep. Bentz continued and asked if it was procedural that in the bill it states that there may not be substitution in judgement for that of the agency regarding the environmental effects of a proposed agency action. Mr. Harrell responded and stated that effectively far too often judicial entities are stepping in and making judgement calls about responsibilities that are at the agency of jurisdiction. Rep. Bentz asked what Mr. Harrell's thoughts on restricting what happens when the court remanded the matter back to the agency. Mr. Harrell answered and stated that congressional action is necessary. Rep. Bentz mentioned that in Oregon, litigation is used as extortion, and that the bill should include rules against extortion.

**Rep. Adam Gray (D-CA)** began by discussing the water crisis in the western states. He states that the existing permitting process causes delays and large costs. He stated that he offered an amendment to the reconciliation package that would offer over 2 million acre feet of water and help the water crisis, where the amendment failed to pass. He stated that even if every water project was funded today, it would still take years to see a final result. The delays in the projects are not just due to NEPA; he states that the permitting process needs to be evaluated. He stated that agencies sit on applications for extended periods, and transparency is needed with enforceable timelines. He believes permit reform legislation is in our future, but the permit reform today fell short of what is needed. He asked Chair. Westerman for his commitment to as he navigates the process to work intentionally on establishing enforceable timelines on the permit process. Chair. Westerman said he is open to working with anyone to make the bill more constructive.

**Rep. Susie Lee (D-NV)** discussed the change requiring the secretary of the interior to sign off on all new wind and solar projects and the response given by Mr. Hochman via social media. Rep. Lee asked Mr. Hochman if there is bill text in the SPEED Act that would override the department directive. Mr. Hochman said a important response to the ping ponging off how different administrations handle different energy sources is through legislation. He added that the SPEED Act is focused on NEPA, but would encourage congress to work on fixing the different treatment of energy sources based on the administration. Rep. Lee asked if there is a text in the law that would deal with this issue. Mr. Hochman said the SPEED Act adds certainty to the NEPA process but not the entire permitting process. Rep. Lee asked Mr. Harrell if a package should prioritize a level playing field and lock in project parity despite who is the president. Mr. Harrell said broader permitting reform should be technology agnostic, and if focused on a specific technology, it should be on smaller, newer industries. Rep. Lee asked if it was fair that the business community would welcome a technology agnostic, permitting bill. Mr. Harrell said predictability is what drives investment.

**Rep. Troy Downing (R-MT)** asked Mr. Harrell to explain how codifying CEQs permitting technology action plan would reduce permitting timelines, and unnecessary delays. Mr. Harrell said it is a critical first step for the permitting process by digitizing the permitting process, a centralized portal, and requires published data to hold more people accountable. Rep. Downing asked Mr. Hochman how an annual report from CEQ on NEPA's progress would increase transparency and accountability. Mr. Hochman said historically we have not had reliable data reporting which will help find bottlenecks, overlitigation, and the pre-NEPA process. Rep. Downing asked Mr. Loris how reforming litigation to remand projects rather



than terminating then creates accountability. Mr. Loris it allows a project to move forward and for agencies to make minor corrections. He added that it reduces the incentive to sue on the front end. Rep. Downing asked the panel for what the single most important change congress is should make. Mr. Harrell said the judicial reform and instilling more predictability. Mr. Glicksman to facilitate coordination between all the government decision makers involved in permit decisions. Mr. Loris said allowing agencies to make minor corrections and shortening the statue from six years to 150 days. Mr. Hochmna said right sizing judicial reviews

**Chairman Westerman** began by talking about the potential of AI to speed up permitting reform. The Chairman asked witnesses what ways we can use technology and innovation to speed permitting reform and how we can use the permitting process to implement more of this technology. Mr. Hochman said that for the AI sector, permitting reform is one of their number one issues right now as there is concern that they will not have sufficient access to energy and power for data centers. Mr. Loris talked about how AI can be a critical tool to inform the NEPA process and look at retrospective analysis and environmental impacts to better inform the project developers of potential concerns that may lie in the future. Mr. Glicksman said that AI can certainly be used to solve bottlenecks in the permitting process. Mr. Harrell said that they are already starting to see this with various labs and said he feels it would make an enormous impact. He said that we are at the point where we need to get every electron on the grid that we can. He said that with wind and solar, we need to have grid-level battery storage, and those batteries need a lot of minerals. He said that in order to get those minerals, we need to streamline the permitting process. He asked each of the witnesses what modifications could be made to the bill if any are needed. Mr. Harrell said that we need to pull together a wide variety of policies across various committees in order to have serious permitting reform and emphasized the need for bipartisan action to restore predictability into the regulatory process. Mr. Glicksman said that removing the provision that authorizes agencies to basically shut their eyes would be helpful. Mr. Loris praised the bill but added that there are many other regulations that need to be modernized. Mr. Hochman echoed the statements of the other witnesses and added that clarity around when state reviews can act as the replacement for the NEPA review would be very helpful.

**Rep. Harriet Hageman (R-WY)** began by talking about how her Democratic colleagues think that the solution to the fact that renewable energy is “intermittent, unreliable and unaffordable” is to use battery storage. She then expressed concerns with this notion, citing a large battery fire and explosion at Moss Landing. She added that the fire burned for a long time and was difficult to put out. She said that due to the toxins released during this fire, there were orders to keep people inside. She said that building more large battery facilities is not the answer to energy production and reliability in this country. She then talked about categorical exclusions and how they can sometimes still take over a year to be processed due to frivolous lawsuits. She asked Mr. Hochman how Congress could further streamline and provide certainty in the categorical exclusions process. Mr. Hochman said that we often think of categorical exclusions as an exemption from the NEPA process, though that is not how it is in practice. He said that one way to address this is to create a checklist that provides a clearer outline of what meets the standards for categorical exclusions. Rep. Hageman expressed her enthusiasm towards this idea. She then talked about how the Breakthrough Institute’s analysis of 387 NEPA cases between 2013 and 2022 and found that agencies win about 80% of these cases. She said that this shows that environmental reviews are rarely overturned as a result of litigation. She asked Mr. Harrell to describe the impact of judicial review reforms in the SPEED Act on excessive litigation. Mr. Harrell said that it would set a more predictable pathway in getting to “yes” and allowing the project to move forward.

### ***Recess***



## Panel II

**Chairman Westerman** highlighted the argument that only a small fraction of NEPA permits is challenged.

**Rep. Mike Ezell (R-MS)** began by saying that the SPEED Act reinforces NEPA as a procedural law not allowing delays. He stated that the SPEED Act allows state and tribal environmental reviews stand, and ensures that once an environmental review is published, it stays intact until the government says otherwise. He explained that the bill is about momentum, and getting projects from planning to implementation. He asked Mr. Nolan how they can expedite pre-NEPA work. Mr. Nolan responded that there has been discussion about upfront community engagement. Rep. Ezell asked when the NEPA clock start should. Mr. Nolan responded that the clock should start for projects when the mine plan exploration plan is ready. Rep. Ezell asked if he believed that Congress should enact statutory changes to NEPA to eliminate the unnecessary reviews. Mr. Nolan responded that the mining industry is patient, but 29 years is uncompetitive. Rep. Ezell asked Mr. Nolan how important this legislation is to the mining industry, to where Mr. Nolan responded that it is very important. Rep. Ezell asked how the SPEED act would help the economic value not decrease. Mr. Nolan explained that with the reform there would be less delays and less money spent.

**Rep. Luz Rivas (D-CA)** began by stating that NEPA empowers districts like hers to have a voice in decisions that will directly affect them. She states that cutting out NEPA is ignoring the community. She explains a report from We Act for Environmental Justice, and how multiple projects can be approved all in consultation guided by the needs of the community. She stated that the SPEED act limits communities from taking legal action against projects that cause environmental harm. She asked Mr. Dreher if the bill puts multi-billion-dollar corporations ahead of the people. He stated that he does believe it is the effect of the bill because it limits the crucial safety net of judicial review that essentially, he believes federal agencies will be able to do whatever they want. He stated that the timelines for judicial review are very tight for certain communities. He said that in the bill he sees specific provisions that allows federal agencies to ignore public comment making the bill anti-community input. Rep. Rivas asked if big polluters would benefit from this bill more than the people. Mr. Dreher said that he thinks the point of this bill is to give a greenlight for development and override the procedural protections that the public has. He emphasized that the United States is built on public opinion. He stated that American people's rights need to be protected. Rep. Rivas exclaimed that this bill takes away peoples opinion.

**Rep. Stauber (R-MN)** began by stating that litigation and NEPA have caused significant delays in construction. He emphasized that taxpayers are now responsible for the increased in construction costs. He asked if there was an unlimited amount of taxpayer money, or if Mr. Longobardi wants to minimize tax payers money. Mr. Longobardi stated that he aims to save taxpayers money and not waste money. Rep. Stauber asked Mr. Nolan if the system undermines the goals of the Chip Act. Mr. Nolan responded that the amount of minerals that go into Chips should be sourced by the United States. Rep. Stauber asked if the SPEED Act would make it easier for the United States to build semiconductor manufacturing facilities and infrastructure. Mr. Nolan stated that it would be best to source the materials from the United States. Rep. Stauber brought up that in Mr. Nolan's testimony he stated that 388 new mines are needed to meet demand for critical minerals due to electronic cars. He asked that if anti-mining activists continue to block construction, if the mines will just be built elsewhere. Mr. Nolan said yes that the capital will go overseas. Rep. Stauber continued and asked if the foreign mines will be enough to pay union wages to American workers, and if they will comply with NEPA, The Endangered Species Act, or the Clean Water Act in foreign countries. Mr. Nolan replied and stated that most of the countries have environmental statutes. Rep. Stauber followed up by saying that in order to respect environmental and human labor laws,





the mines need to be built in the United States. He asked for Mr. Nolan to speak to the need to build out mineral processing and refining infrastructure in the United States and what the consequences might be if there is no investment. Mr. Nolan responded and stated that a lot of the processing has been shifted overseas and that the United States needs to improve manufacturing for national security purposes and to continue to fund our advisories.

**Rep. Nydia Velázquez (D-NY)** asked Mr. Dreher What risks does he see allowing agencies to ignore new science after a project is submitted to public trust and environmental outcomes. Mr. Dreher said forward thinking agencies, who invest more in community outreach have much better results, and undermining public trust will be very damaging. Rep. Velazquez asked to explain how prohibiting the courts from stopping projects goes against what was originally intended for NEPA. Mr. Dreher said he does not think a court could ever find a plaintiff successful under this statute. He added that the statute excludes all categorical exclusions from judicial scope, potentially opening up for agencies to place categorical exclusions to allow projects to continue.

**Rep. Wesley Hunt (R-TX)** asked Mr. Levi what are the longer term benefits for Texas hosting data centers. Mr. Levi said there are multiple factors, one Texas is business friendly but also their commitment to energy abundance. He noted that there is a significant gap in the data center industry for power needed, and the power we have and stated that Texas has stepped up in trying to fill that gap. Rep. Hunt asked if in the future if we will need to see more energy and less restrictions on creating energy. Mr. Levi said he expects that to be the case, but noted as much as we want to win the AI race we also will need to maintain that lead

**Ranking Member Huffman** addressed Mr. Nolan's earlier comment about there being a provision in the bill that encourages early public engagement and comment. He encouraged Mr. Nolan to take another look at the bill, because there was no such provision. The Ranking Member then ran through some hypothetical scenarios that could happen if the SPEED Act becomes law, expressing concern with significantly shorter public comment periods. He asked Mr. Dreher his thoughts on this. Mr. Dreher said that no tribe or community could possibly be consulted with in one week's time in a meaningful way. He said that this results in a lack of public input and a lack of consideration for potential impacts of the project. He added that a short period like this also may add distrust to the government. Ranking Member Huffman said that in a situation in which a tribe or community requested more research to be done with something like health impacts, the SPEED Act would not require that information to be provided. The Ranking Member asked Mr. Dreher whether it was true that the SPEED Act would allow the agency to ignore these kinds of requests. Mr. Dreher answered yes, and not only would it allow them to ignore them, it would also prohibit them from delaying the issuance of the document on the basis of needing additional research. They continued to discuss other hypothetical scenarios in which the SPEED Act might limit the public comment period or litigation that can be brought to the table.

**Rep. Tiffany** blamed litigation for two mills closing, Mr. Dreher did not know anything about it. Rep. Tiffany stated that while in litigation the mills closed down due to long litigation. Rep. Tiffany asked how much business revenue Mr. Dreher created for Earth Justice and Defender of Wildlife. Mr. Dreher stated that he did not believe they brought in any business revenue. Rep. Tiffany is against the lawsuits and the alleged legal fees that Earth Justice and Defender of Wildlife collect as compensation. Rep. Tiffany asked Mr. Longobardi if he were to be a part of a small municipality, if current permitting regime create incentives to on larger projects. Mr. Longobardi responded no. Rep. Tiffany asked why he answered no. Mr. Longobardi said small municipalities often do not have the resources. Rep. Tiffany asked Mr. Nolan to speak about the minerals that the United States will need for a transition to green energy. Mr. Nolan responded and said that the number is in the hundreds of various components'. Rep. Tiffany asked Mr.



Dreher how the United States will get there. Mr. Dreher said he does not oppose to making the Act and permitting process more efficient. He said that NEPA is just one of the causes for delay.

**Rep. Crank (R-CO)** began by stating that energy security is national security. With China adding 429GW of new generation to their grid, Rep. Crank asked how the United States will compete. He asked Mr. Levi if it continues to take 4-5 years to build transmission lines, what does that mean for U.S. competitiveness for AI. Mr. Levi explained the timeline and how they are paced in terms of how quickly they can deploy the digital infrastructure due to the energy infrastructure. Rep. Crank asked Mr. Nolan if it is a good policy for Colorado to pursue decommissioning reliable base power like coal. Mr. Nolan stated that taking any electrons offline is dangerous because of the increased demand for data centers. Rep. Crank asked Mr. Nolan if he agreed that coal still has an important role in reliable and affordable energy; Mr. Nolan agreed. Rep. Crank discussed how the government cannot be a barrier to getting reliable energy.

**Ranking Member Huffman** asks Mr. Levi what the fastest kind of energy they can get to power their data centers right now with the delays getting natural gas turbines. Mr. Levi responded stating that solar is the fastest way to provide energy.

**Rep. Randall (D-WA)** started by asking Mr. Nolan if he thought that rescinding the policy that the Bureau of Land Management implemented to notify tribes on new mineral exploration will make it easier to permit a mine. Mr. Nolan did not agree with the rescinding of the policy and stated that he believed it is important to have the social license to operate. Rep. Randall stated that mining goes more smoothly when communities are made aware and states that the SPEED Act exempts proposed agency actions from NEPA review, if an agency's compliance with another statute fulfills a similar function to NEPA requirements. She asked Mr. Dehart if signing a form promising to avoid harm to the extent feasible substitutes for a new full NEPA review. Mr. Dehart replied that no because the official may not know the full effects of what they are signing.

**Chairman Westerman** inquired about the potential consequences for data center development if permitting processes are not expedited to supply energy. Mr. Levi responded that without better permitting, the impact remains uncertain but emphasized the importance of ongoing digital infrastructure deployment to support commerce, government, and national security. He highlighted that global investment, projected to reach \$27 trillion by 2040 with 40% in the U.S., depends on available energy and infrastructure, which have been strained, especially since the pandemic. Chairman Westerman then expressed concern about China potentially gaining superintelligence with AI ahead of the U.S., to which Mr. Levi warned that losing AI dominance could threaten economic growth, government efficiency, drug discovery, and national security, including communication systems. The Chairman also addressed how permitting delays severely increase costs across public infrastructure, referencing a McKinsey study showing billions in additional costs and trillions in delay-related opportunity costs, affecting roads, bridges, water systems, and emergency services. Mr. Longobardi agreed, emphasizing that these delays hinder overall infrastructure, environmental protection, and public safety, asserting that billions of dollars could improve daily life if permitting was more efficient. Chairman Westerman pointed out that delays cause significant CO2 emissions and unrealized energy capacity, urging the witnesses to suggest improvements for the permitting process. Mr. Levi appreciated efforts to streamline permitting, highlighting that NEPA reforms could guide state-level improvements. Mr. Longobardi supported the SPEED Act as a good foundation, advocating for its alignment with existing processes and better use of taxpayer dollars. Mr. Dreher raised concerns about the bill's current draft potentially limiting community engagement, suggesting a focus on encouraging community input and revising standards from "would" to "might" to prevent overly restrictive judicial review. Lastly, Mr. Nolan praised the move toward



consolidated agency actions and called for ongoing bipartisan efforts to modernize and limit NEPA's scope, fostering more efficient and accountable permitting.

**Ranking Member Huffman** emphasized the importance of streamlining. He stated that the bill tells multiple agencies that they cannot contribute to the process. He entered letters of oppositions from over 100 corporations.

*Chairman Westerman brought the hearing to a close.*