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United States House of Representatives
Committee on Oversight and Government Reform
Subcommittee on Economic Growth, Energy
Policy, and Regulatory Affairs

“Leading the Charge: Opportunities to Strengthen America’s Energy Reliability.”

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9:30 a.m.

2247 of Rayburn House Office Building

Chairman Burlson and Ranking Member Frost, my name is Alex Herrgott, and I am the President of The Permitting Institute (“TPI”). Since 2021, TPI has operated as a nonpartisan 501(c)(6) nonprofit trade association focused on federal and state issues, becoming a leading advocate for practical permitting reform. Our members and partners collectively support the common goal of accelerating infrastructure improvements across all sectors, including conventional and renewable energy, transportation, water, pipelines, mining, manufacturing, ports, waterways, and broadband.

As infrastructure stakeholders navigate the challenges and opportunities of a rapidly changing political landscape, our mission is to serve as a trusted resource, advocate, and educational partner for federal, state, and Tribal policymakers, decision-makers, and regulators. We believe that the uncertainties of election cycles, divisive permitting policy battles, and the prioritization of infrastructure sectors and energy sources are largely unnecessary distractions. These distractions put hundreds of billions of dollars in current private infrastructure investment capital at constant risk of lengthy delays and project abandonment, driving up energy and household good costs, and ultimately weakening our global competitiveness. This situation is unsustainable for all Americans, regardless of political affiliation. TPI continues to fight for a permitting path forward today, not a year from now favoring less talk and more action. We recognize these challenges and understand the necessary steps to achieve lasting, common-sense reforms in the broader permitting debate, which often evades compromise, to avoid delays and accelerate the reviews and authorizations our members demand.

TPI focuses on facts and transparency. Our mission is to rise above rhetoric, political posturing, and gamesmanship to drive compromise on legislative solutions that truly modernize the permitting process and shape effective implementation of guidance and agency processes. We are working across the aisle and across the permitting reform landscape to reduce delays, uncertainty, and costs while preserving our environmental and cultural resources.

The inconvenient truth is that, for nearly a decade, Congress's legislative efforts to address this problem have fallen short. Coordination and process efficiencies alone will not significantly reduce the average time of 7 to 10 years required from project concept and design to the completion of all necessary permitting reviews in the energy generation and transmission sector. Opponents of more aggressive changes to permitting laws often fail to recognize that every project that disturbs the earth, impacts habitats, or alters landscapes creates unavoidable interactions with nature. These interactions trigger reviews under the hundreds of laws and regulations governing infrastructure permits at the federal, state, and local levels.

Over the last decade, Congress has reached consensus on various process reforms aimed at achieving greater coordination and efficiency, yet it has left untouched the statutory provisions—some over 100 years old—that contribute to redundancy, overlapping agency requirements, and standards that are incompatible with our modern world. This oversight leaves us vulnerable to foreign nations, including many in Europe that claim to be far greener than the United States but manage to complete their projects in half the time.

These temporary fixes fail to address the underlying issues. Compounding the problem is a significant lack of transparency that enables statistical manipulation and misleading rhetoric, often obscuring and downplaying the severity of the situation. In January 2025, President Biden's Council of Environmental Quality released a report claiming it had reduced the median time for agencies to complete environmental impact statements from 3.1 to 2.4 years. The administration touted this as a 23% improvement over President Trump's first term; however, this is just not accurate.

TPI works in the trenches alongside hundreds of project developers across all sectors, and continues to experience, firsthand, that both conventional and renewable energy sources, including transmission, natural gas, hydrogen, wind, and solar—those investing over a trillion dollars in current and planned projects, are not seeing the world as the former CEQ did. Many developers, including most of the TPI members companies, must have missed the memo on this good news story on how reformed and clear the process is now, as their overall delays, stops and starts, and escalating legal obstacles are worsening rather than improving. A creative recasting of data through subjective refinement of mean and media does not advance this debate, it just creates more hyperbole and division in Congress

Claiming otherwise compels project developers, many of whom are publicly traded companies, to publicly counter this assertion and disclose the true risks and permit uncertainties of their projects, along with the short- and long-term vulnerabilities of their balance sheets to investors, which do not reflect reality. This untenable dynamic forces developers to either suffer in silence or risk publicly "biting the federal hand that feeds them." Complaints and criticisms of the performance of permitting officials create significant risks of alienating the federal gatekeepers responsible for approving their project timelines, grants, and loan approvals. Meanwhile, they navigate a lengthy 7- to 10-year process from application to the start of the environmental review, followed by years of waiting for a final record of decision to authorize construction. We cannot cherry-pick data to obscure the problem when America is becoming less affordable, especially as this issue remains political theater in Washington, D.C., yet is just not translating in real world benefits for those on the ground rebuilding and expanding the physical platform of our economy.

Although Congress may significantly scale back the Biden Administration's ambitious expansion of federal funding and financing for infrastructure, the reality is that trillions in federal funds and financing have already been deployed since 2020. These funds have been leveraged and matched by billions more from the private sector, U.S. public pension funds, private retirement accounts, and state and local governments. Once committed, in many cases as we will come to find out, these funds cannot be reclaimed by the U.S. Treasury; they have already been utilized by developers to purchase materials, heavy equipment, and secure billions in land leases, easements, and labor contracts to prepare thousands of new projects for construction. These past funding laws include the Energy Act of 2020, the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act of 2020, the Bipartisan Infrastructure Law of 2021, the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022, and the Inflation Reduction Act of 2022 (IRA).

TPI typically refrains from engaging in debates about the appropriate size and scope of federal infrastructure funding initiatives. However, given that trillions in unprecedented debt spending have already been incurred—obligating future generations of American taxpayers to rebuild our infrastructure now, only to rebuild it again during their lifetimes—and considering the additional trillions in surface transportation, water, energy, and transmission funding that Congress is legally required to authorize in 2025 and 2026, TPI will strenuously and vocally insist that new spending initiatives in Congress and state legislatures must be accompanied by the permitting efficiencies necessary to ensure a clear path to cleaner and faster results.

The lengthy project permitting process is influenced by changing rules and funding priorities that can vary with each election cycle. TPI urges Congress to approach future comprehensive permitting reform efforts broadly and dispassionately, targeting the bureaucratic obstacles that delay the deployment of all new infrastructure, including:

Without such an approach, even with nearly trillions in funding that Congress has already allocated through federal grants, loans, and tax incentives, project developers will be hesitant to invest. They know that large-scale projects initiated today may not commence operations or recover their investment costs for nearly a decade at the earliest.

As the illustrative summary timeline below illustrates, our nation's permitting system introduces unnecessary delays and risks:

- 2 to 3 years for project design, engineering, permitting, planning, and financing
- 1 to 2 years for identifying required permits, assessing the appropriate agencies involved, initiating the necessary biological, cultural, and historic surveys to support project impact analysis, and developing agency-specific applications, which includes informal pre-application coordination with federal and state officials
- 2 to 6 years for the formal permitting submission and review process—where lengthy pauses often result from agency requests for additional information, including further surveys and analysis—leading to delays in ordering equipment, steel, concrete, and labor contracts

- 2 to 3 years for construction—if permitting approvals are granted, legal challenges are resolved, and supply chain orders are properly aligned

By pinpointing where in the bureaucratic process projects are stalled, we can begin to identify solutions. TPI members and committee members understand that energy projects are frequently hindered at various stages of development by disconnected and fragmented federal and state review processes. Permitting is often complicated by contradictory and redundant rules, timelines, and policies that lead to delays, cost overruns, and, in some cases, project abandonment.

The first step in resolving a problem is to fully understand it. Chronic permitting issues are worsened by a lack of transparency and bureaucratic accountability.

Our broken system allows agencies to sit on applications for years, even decades in some cases, with no certainty of eventual project approval or any response at all. TPI does not claim that federal agencies owe project developers a yes, but we believe they owe project developers an answer, or no—in a reasonable timeframe.

To be fully effective, tracking and timelines must begin when projects first engage with the permitting process—specifically, at application submission. Currently, the official “clock” on the two-year timeline does not start until the lead agency reviewing the project deems the initial application complete and publishes a Notice of Intent (NOI). Unfortunately, TPI’s informal surveys of many of the largest new projects in the U.S. reveal that this initial negotiation with agencies, before an application is deemed sufficient, now averages between 6 to 14 months.

Agreeing on the “start” is necessary but not sufficient. We must also implement changes to enable coordination and conflict resolution across agencies and statutory requirements throughout the entire permitting approval pipeline. While National Environmental Policy Act (NEPA) reform has become synonymous with “permitting reform,” the reality is that NEPA is just one statute among many, collectively accounting for more than 30 to 50 possible interim and final federally required permits spread across 13 federal agencies.

Many otherwise “shovel-ready” infrastructure projects spend years in bureaucratic gridlock. Developers often struggle through the informal pre-permitting, planning, and application process—again, often for years—experiencing extensive ongoing submission and review cycles before NEPA reviews formally commence. Once in the process, developers frequently find themselves in the dark, uncertain of where their projects stand along the concurrent permitting pathways within various federal agencies. Consider these examples:

- Proposed energy projects on federal lands continue to face constantly evolving rules governing species and wetlands protections. This issue is exacerbated for energy projects on federal lands, which often encounter delays that lead to cancellations, citing numerous obstacles beyond the maze of permitting steps. These include the decision to discontinue the national project manager program at the Department of the Interior (DOI) and its “prioritization” policy, which forces development in remote areas with very limited interconnection to the grid, rendering the projects economically inviable.

- Over the past several years, some federal agencies have developed new formal or informal policies, partly due to requirements for two-year average timelines to complete NEPA reviews. These policies frontload biological, cultural, and historical survey requirements before the formal review process begins, pushing the official starting point even further into the future. In some cases, project pre-planning increases efficiency and fosters substantial early discussions, but in others, it can obscure the total duration of the permitting review process, leaving developers without a final federal action to challenge. This lack of transparency creates a "black box" with no central repository to track the informal pre-application process across agencies. There should be transparency in all phases of an applicant's interaction with federal permitting officials.
- For the past 40 years, House and Senate Committees have enacted new rules for the agencies under their exclusive jurisdiction with little coordination among the six committees overseeing resource agencies. These include Agriculture, which oversees the Rural Utility Service and Forest Service; Environment and Public Works, which oversees NEPA, the Army Corps, Nuclear Regulatory Commission, Fish and Wildlife Service, and Federal Highway Administration; Energy and Natural Resources, which oversees the Bureau of Reclamation, Oceans and Land Management, and Federal Energy Regulatory Commission; Commerce, which oversees pipelines; and National Marine Fisheries. One egregious example of the consequences of this siloed approach to government-wide permitting reform is a \$3 billion investment in a clean energy transmission line that began the permitting process over a 17 years ago. The project endured seven years of review and was finally deemed "complete" by the federal government 5 years ago. It is now entangled in court proceedings because one part of the agency was unaware of what another was doing.
- In recent years, several mineral projects essential for battery storage and semiconductor manufacturing—such as those involving cobalt, copper, lithium, molybdenum, and nickel—have been stalled due to conflicts over internal procedures, modeling methodologies, and competing project impact assessments among federal agencies and litigation.
- Additionally, several hydropower permits, and operating authorizations have been challenged in court, citing conflicting statutory and regulatory requirements among as many as ten federal agencies.

Each of these examples—and there are dozens, if not hundreds, more—highlights the urgent need to repair the outdated and chaotic permitting system that hinders the country from meeting its growing infrastructure needs.

Additional fixes to NEPA are a necessary but, often sidelining The assertion that 98% of NEPA reviews result in Categorical Exclusions (Cat-ex), and that there isn't a program with NEPA as a whole, as previous administration claimed, is misleading; this figure mainly pertains to the thousands of reviews for smaller projects and those in existing rights of way (ROW), primarily at the Department of Transportation. The beauty of transparency is that facts now drive this debate, rather than hyperbole and posturing.

The reality is that the last significant study of NEPA timelines was conducted by the Council on Environmental Quality (CEQ) over seven years ago, reviewing more than 1,000 projects from 2010 to 2018. In contrast, the 2025 CEQ data fails to adequately capture the true extent and comprehensive nature of the permitting process during the black box phase, which occurs before the clock officially starts at the beginning of the permitting process. This phase often includes months of pre-application meetings, interagency consultations, tiered environmental review discussions, policy changes, and Tribal, state, and local government-to-government consultations—all conducted before the NEPA process actually begins.

Closing these loopholes, ensuring greater transparency and accountability in the permitting process, and providing a comprehensive and accurate schedule for all stakeholders is essential. Currently, aside from FPISC, DOEFERC, and the DOT projects tracked under One Federal Decision, there is no central repository or real-time tracking of the inventory and status of projects navigating through federal agencies.

Most major U.S. infrastructure investments in energy—including wind, solar, hydrogen, carbon capture, hydro, and geothermal—as well as broadband, electricity transmission, oil and gas pipelines, supply chain port expansion, and export development, are entirely supported by U.S. companies and private sector investors. Energy and infrastructure investors require predictability and prompt decision-making when putting capital at risk. Unfortunately, they are often treated as adversaries in conflict with federal regulators rather than as partners in rebuilding our Nation. Congress has the power to reverse this counterproductive reality, starting with the requirement for transparent reporting that will illuminate sources of delay and statutory conflict and pave the way for smart reform.

Despite bipartisan agreement that the country’s permitting process is broken, skepticism about the motivations behind new legislative reform proposals and the influence of outside stakeholders—each prioritizing their narrow interests—along with concerns about the potential outcomes of compromise, are inhibiting further reforms. TPI believes that the majority of Republicans and Democrats in Congress support a faster, more transparent, predictable, and accountable permitting process. Achieving this requires a collective acknowledgment that modernization of what have often been called “bedrock environmental laws” is necessary—many of these laws were written decades before the internet and urgently need updating for 21st-century projects.

Congress should undertake comprehensive reform efforts now and engage in a constructive and iterative permitting reform debate at least every two years. Only through compromise on legislative reforms that keep pace with the evolving mix of projects and technologies can we maintain America's competitiveness and prevent the executive branch from having to continually adapt and regulate independently, which introduces legal risk, uncertainty, and shifting political priorities. Without a systemic shift in how we address permitting in the United States, federal and state courts will increasingly take on the role of interpreting the appropriate application of administrative and procedural rules and rendering science-based decisions on behalf of the agencies. This cannot be the way forward for us!

As Congress debates the merits and trade-offs of various litigation reform proposals, TPI urges members of this Committee to consider litigation reforms alongside essential changes to the statutes. The already extensive project timeline mentioned earlier does not account for permits challenged in court. Congress must address both permitting process reform and litigation reform. While necessary, litigation reform without underlying permitting reform will only treat the symptom without addressing the root cause.

TPI commends Congress for the Fiscal Responsibility Act of 2023. However, all actions taken by the Administration must align with the intent and purpose of the permitting provisions in that Act. One of the Biden Administration's first actions in 2021 was to rescind executive orders on permitting that had effectively addressed much-needed efficiencies, such as One Federal Decision (later reintroduced and codified in the IJA in 2021). Ironically, this was done only to support nearly identical process reforms in the 2022 Biden White House Permitting Action Plan. This regulatory inconsistency, combined with over 165 final rules governing infrastructure issued in the last 36 to 48 months across 13 federal agencies, has stifled significant deployment of trillions in new foreign and domestic infrastructure investments. TPI advocates for all developers, regardless of sector; however, the Trump Administration has already reversed the course on the previous Administration's flawed approach of providing trillions in federal subsidies for infrastructure while simultaneously creating numerous obstacles, eroding the economic impact that was intended.

Past mixed messages and unchecked new regulatory burdens have made it challenging to achieve success in developing new transmission lines, pipelines, solar installations, broadband deployment, hydrogen production, battery storage, and the expansion of critical minerals production needed for a domestic manufacturing supply chain.

The negative consequences of only addressing parts of the statutory and regulatory process through separate, mutually exclusive reform efforts are evident. On average, project developers report that 20 to 30 percent of total project funding is wasted due to delays. Cost overruns caused by these delays mean that fewer of the dollars Congress allocates and private sector investments go toward delivering the infrastructure America needs.

The financial impact of these pauses and restarts is often overlooked by lawmakers, but estimates for major energy infrastructure projects suggest a loss of at least \$50 million per month in revenue. Additionally, there is an estimated \$32 million per month in lost retainers for heavy machinery, architects, engineers, and construction crews who either remain idle or are reassigned to active projects. Furthermore, project sponsors incur an additional \$50 million in annual costs as they adapt to shifting permitting requirements. Additional studies and mid-project redesigns, broken contract penalties, interest on purchased materials, and financial consequences of delays all contribute to costs that are ultimately passed down to citizens through taxes, tolls, or increased rates and usage fees.

Faster does not mean fewer environmental protections. TPI is building a large coalition of diverse entities committed to balancing environmental respect with increased efficiency. We are collaborating with developers across all affected industry sectors, officials at every level of government, Tribes, non-governmental organizations, and community leaders to identify permitting "wins."

To address infrastructure challenges, a multi-faceted approach is needed to modernize over 60 federal laws, many crafted more than 40 years ago. We also need a bipartisan consensus to expedite energy projects without compromising environmental protections or stakeholder involvement, which is entirely possible.

Despite a bipartisan desire to tackle these existential issues, pressure from vocal stakeholders on both sides and a political tendency to avoid risk perpetuate the status quo, leaving lawmakers searching for superficial fixes.

Both Republicans and Democrats support large-scale energy projects, including transmission, wind, natural gas pipelines, solar, critical minerals, hydro, carbon capture, and hydrogen. Energy shortages, price instability, supply constraints, and increased construction costs contribute to the human, environmental, and financial costs of these delays. With each passing month, the window for solutions continues to shrink, and the cost of living in America rises.

Despite these challenges, I am optimistic that we can make progress this year, next year, and in the years to come. There are glimmers of hope as the proverbial "strange bedfellows" find common cause. Renewable and traditional energy advocates recognize that their fates are intertwined, and their collective influence may yield results.

A project development cycle of 7 to 10 years is simply too long. By working together, we can advance permitting reforms to build 21st-century infrastructure that safeguards communities, protects the environment and cultural resources, creates jobs, and brings prosperity to every corner of America.