Permitting Reform Proposals Comparison

Table of Contents

Centrists

Fiscal Responsibility Act (Debt Ceiling)

Text (pages 71–98 deal with permitting reform)

- Directs agencies to establish a lead agency when multiple are involved in a project.
- Directs those agencies to create a single environmental document when feasible

- Environmental assessments limited to 1 year and 75 pages; environmental impact statements to 2 years and 150 pages (300 pages if extraordinarily complex). Deadline extensions are allowed in coordination with project applicants. Failure to meet deadline can result in project applicant petitioning to court.
- Allows project applicants to create the environmental document, to be reviewed by regulatory agencies, who assume responsibility for its contents.
- Expands the development and use of programmatic environmental reviews and tiered analyses, which can reduce duplicative reviews and improve efficiency.
- Allows agencies to adopt a categorical exclusion listed in another agency's NEPA procedures.
- Directs CEQ to study and submit a report on creating an online NEPA permitting portal. Authorizes $500k for this report.
- Directs a study of electric transmission interconnection capacities including recommendations for prudent additions to total transfer capability between neighbors.
- Adds energy storage to FAST-41 qualifying projects.
- Claims Mountain Valley Pipeline is in the national interest and authorizes it.

Manchin-Barasso Energy Permitting Reform Act (July 2024)

Text (75 pages), Summary (12 pages)

- Sets 150 day statute of limitations for energy or mineral project court challenges, requires courts to set a schedule of <180 days for agencies to act on remanded or vacated permits.
- Expedited consideration for litigation of authorizations for energy and mineral projects.
- Removes the requirement for a federal permit for oil & gas well drilling on non-federal surface land where the federal government owns <50% of the subsurface minerals.
- Sets deadlines for leasing processes for coal located on federal lands.
- Establishes that a right-of-way granted by an Indian tribe on tribal land does not require approval of the Secretary of the Interior.
- Sets regulatory agency application response timelines for renewable energy projects requiring a right-of-way on federal land.
- Requires Interior & Agriculture to promulgate regulations for categorical exclusions for low disturbance activities for renewable energy projects, including sites that have already undergone NEPA review.

- Doubles production targets for permitting renewables on federal lands, to 50 GW.
- Adds energy storage to the scope of Renewable Energy Coordination Office (RECO).
- Adds achieving the national goal for renewables on federal land to the RECO mission, supporting the assignment of more staff to expedite permitting.
- Clarifies the Secretary of the Interior may accept donations from renewable energy companies to improve community engagement in the permitting process.
- Directs the Interior & Agriculture to allow for the use of categorical exclusions under NEPA for activities required to test, monitor, calibrate, explore, or confirm geothermal resources on federal land, as long as the individual disturbances are less than 10 acres.
- Requires annual federal geothermal lease sales and includes a requirement for replacement sales if previously scheduled lease sales are canceled or delayed.
- Directs Interior & Agriculture to allow for categorical exclusions under NEPA for: developing electric transmission or distribution facilities within recently approved rights-of-way corridors; modifications or upgrades to existing electric transmission or distribution facilities or other grid infrastructure within existing rights-of-way or on otherwise previously disturbed or developed land, including reconductoring and the installation of grid-enhancing technologies; and the deployment of batteries or other energy storage technologies on previously disturbed or developed land.
- Establishes that new mining mill sites may be located on federal land for ancillary mining operations, like processing ore or addressing waste.
- Requires at least one offshore oil & gas sale and wind sale per year in 2025–2029, imposing minimum acreage requirements for both.
- Establishes a national goal of 30 GW for offshore wind energy production, requires setting a target date to achieve that goal, and periodically revising the goal.
- FERC can determine an interstate transmission project is in the national interest (and permit it after giving states 1 year to act) as long as the power line improves electric reliability, meets a minimum voltage threshold (100 kV), and is consistent with the law.
- Codifies a cost allocation model proportional to benefits.
- Establishes FERC as lead agency for transmission line NEPA permitting.
- Requires DOE to conduct a study every 3 years identifying areas experiencing or expected to experience transmission capacity constraints or congestion.

- Directs FERC to implement a rule on inter-regional transmission planning within 6 months that would require power markets to coordinate efforts to build out new transmission lines. Includes optimization using existing infrastructure like reconductoring, but no minimum inter-regional transmission requirements. Plans to be submitted to FERC within 2 years and updated at least once every 4 years thereafter.
- Mandates 90-day decisions on approval or denial of LNG exports, else auto approved.
- Authorizes FERC to extend hydropower construction deadlines by 4 years.

Manchin Energy Independence and Security Act

Text (91 pages), Summary (8 pages)

Subsequently reintroduced as the **Building American Energy Security Act**

Text (84 pages), Summary (3 pages)

- 2-year target for NEPA EIS reviews, 1-year target for EA reviews. Requires issuance of all other permits within 180 days of finishing the NEPA process.
- Designates a lead agency to coordinate project reviews and expands the use of shared interagency environmental review documents and concurrent agency reviews.
- Sets a 150 day statute of limitations for court challenges, requires random assignment of judges to cases consistent with current practice, and requires courts to set and enforce a schedule of no more than 180 days for agencies to act on remanded or vacated permits.
- Establishes dispute resolution procedures for resolving project disagreements without delays.
- Requires the President to designate and prioritize reviews for 25 strategically important energy and mineral projects, 5 of which are required to relate to fossil fuels or biofuels.
- Adds critical mineral mining and processing projects to FAST-41 eligibility, lowers the project cost threshold from $200M to $50M.
- FERC can apply for Secretary of Energy to designate if an electric transmission facility is necessary in the national interest, over which FERC can authorize permitting. Version 2 in December would give states a year to issue, deny, or not act on relevant permits before FERC can step in only if a state rejects the project or lacks the relevant legal authority to authorize those facilities. FERC also gets cost allocation authority proportional to project benefits.
- Gives FERC jurisdiction to regulate interstate hydrogen infrastructure.

- Requires federal agencies to issue all approval and permits necessary for the construction of the Mountain Valley Pipeline.

Brookings Roadmap

(Dana forum summary)

Expansion of federal planning, general permitting, and programmatic review:

- Congress could direct federal land-management agencies to prepare national-level maps of environmental sensitivity, with corresponding pre-designated "go-to areas" for renewable energy projects in areas of lowest environmental sensitivity.
- Congress could also appropriate funding and direct federal land-management agencies to prepare programmatic environmental impact statement reports for low-sensitivity areas with high potential for renewable energy infrastructure.
- U.S. Army Corps of Engineers could expand Clean Water Act Section 404 general permitting to include offshore wind transmission line construction.

Give FERC siting authority for all interstate transmission lines and cost allocation authority.

The Biden administration could conduct a staff capacity, funding, and technology needs assessment across agencies involved in clean energy permitting.

Congress could transfer initial authority for Clean Air Act permitting for offshore wind from the EPA to the Bureau of Ocean Energy Management within DOI.

Congress could support multi-agency coordination by allocating additional funding to the Federal Permitting Improvement Steering Council. All agencies could adopt the process of lead agency coordination of multi-agency reviews created by FAST-41.

Narrow reforms to NEPA:

- Narrow expansions of categorical exclusions under NEPA as proposed by BPC (including new CEs for adding new DAC facilities to an existing DAC hub and for geothermal exploration on federal lands).
- Strict and automatically-enforced NEPA time limits for pre-designated low environmental sensitivity areas for clean energy infrastructure.
- Congress could direct legal challenges to solar, wind, and transmission infrastructure EISs directly to the federal Court of Appeals for the D.C. Circuit to expedite approval of large clean energy infrastructure projects, as suggested by James Coleman.

Aspen Institute Report

- Legislation should authorize all categories of projects where the opportunity for greenhouse gas abatement is the highest and other potential environmental impacts are well understood and documented (e.g. see Nature Conservancy Site Renewables Right mapping tool and Georgia low-impact solar siting tool).
- Legislation should authorize all categories of projects that de facto, deliver substantial net climate and environment benefits by replacing existing infrastructure with new infrastructure which has less impact than what is already permitted (e.g. converting/ repurposing coal power plant sites).
- Congress could establish a non-discretionary presumption of project approval so long as a project satisfies certain predefined criteria.
- Identification of locations that qualify for pre-approval like Opportunity Zones, economically disadvantaged areas, Brownfields, former military bases, local enterprise zones, dam sites where hydro can be added, pre-zoned public lands.
- Prepare templates for environmental reviews and permits for certain types of complex and linear projects that analyze the pertinent impacts of such projects generally. Then focus permit applications specifically on local or unique impacts of the project.
- Development & adoption of local ordinances to establish standards for siting & permitting clean energy infrastructure systems ahead of individual project permit applications.
- A process for review (e.g. a review board) can be created that provides appropriate adjudicative review while avoiding the risk to important projects due to uncertainty and delays associated with conventional final agency action review in the federal courts.
- Designate a second round of Opportunity Zones to support clean infrastructure development near disadvantaged communities.
- Add a surcharge on all infrastructure projects qualifying for expedited consideration that would accelerate access to clean energy for disadvantaged communities.
- Eligibility for any federal infrastructure or climate-related funding, tax incentives, or grants should be conditioned on a state or locality conforming to the same framework and timeline for fast approval and adjudication of projects.
- Create a “supergrid authority” inside of DOE or elsewhere to purchase capacity on long haul transmission lines under certain criteria.
- Provide ITC to the billions of dollars of transmission projects that are ready for construction today.

- Require FERC to incorporate carbon emissions in all transmission planning processes.

Progressives

Biden-Harris priorities outline

- Expedite the connection of interstate and offshore electric transmission lines by providing for electric transmission siting and cost allocation.
- Reform the transmission interconnection queue so that new generation projects are not stuck in line waiting for approval for over four years.
- Develop regional electricity transfer requirements that would set a minimum level of transfer capabilities between regions to avoid events like the 2021 Texas freeze.
- Require the consideration of multiple benefits and burdens during interregional transmission planning, including economic, reliability, operational, environmental, and climate impacts.
- Direct the use of existing authorities to accelerate deployment of grid enhancing technologies and transmission line upgrades.
- Improve transmission financing by clarifying DOE is able to to make loans for transmission outside of designated transmission corridors, if it is in the national interest.
- Update Energy Act of 2020 to include federal land renewable energy goals for 2030 and 2035, to facilitate ongoing identification of zones for the development of renewable energy, and for the siting of necessary transmission to attach that generation to the grid.
- Update mining laws, increase coordination, transparency, and communication between federal agencies, and provide greater certainty for project sponsors for responsible domestic mining and extraction.
- Address the siting of hydrogen and carbon dioxide pipelines and storage infrastructure and provide federal siting authority for such infrastructure.
- Protect clean energy developers who build projects on sites pre-screened by EPA from liability for existing contamination.
- Create a programmatic review fund to provide the resources to execute more programmatic reviews – which can allow environmental review work to be re-used for multiple projects – by authorizing agencies to impose a fee on project sponsors.
- Require Federal agencies to examine and propose the use of categorical exclusions for clean energy projects where feasible.

- Develop an automated, joint electronic permit application for federal agencies.
- Create updated maps to help identify locations for project development.
- Establish clear information submission deadlines for all project developers to submit data required for federal agency reviews and decision-making.
- Develop automated workflow tools that are compatible with existing agency dashboards to transcend organizational boundaries and track project progress from start to finish.
- Create a permitting technology steering group to develop digital tools to facilitate environmental review and permitting processes across the Federal government.
- Expedite transmission projects in designated transmission corridors by allowing projects to rely on the analysis included in corridor-wide programmatic environmental reviews without the need to re-analyze resources and impacts that have already been examined.
- Reform the hydropower licensing process, including by recognizing Tribal authority over facilities on Tribal land and shortening timelines for licensing decisions to allow well-operated hydropower facilities including pumped storage to function.
- Require agencies to identify a Chief Community Engagement Officer to oversee community engagement in permitting processes across the agency.
- Establish a community engagement fund at each agency that agencies can draw from to provide community capacity grants.
- Authorize development, recruitment, retention of workers to conduct technical and scientific assessments, digital mapping and data management, and the review and processing of permits.
- Direct agencies to use their authority to require mitigation efforts, and make clear those efforts are able to satisfy environmental review requirements.
- Pass legislation that either standardizes state-level permitting processes or provides financial incentives for states that adopt best practices.

Sen Markey progressive proposal

(Dana forum summary)

- Support for project pre-development programs, like the **Local Infrastructure Funding and Technical Assistance (LIFT) Act**—which would provide grants to communities to cover market assessments, community engagement, site acquisition, and permitting costs for projects ranging from rooftop solar to electrification

- Legal frameworks and requirements around environmental justice and equity, like the **Environmental Justice for All Act**

- The development of tools to both speed project adoption while preventing communities from being cut out of the process.

- Include the **CHARGE Act** to proactively plan and build a reliable and resilient energy grid across broad regions of the country.

- Give FERC more transmission cost allocation and line siting authority as in the **SITE Act**

- Designate 25 zero-emission energy generation projects as projects of strategic national importance, of which at least 50% would be for clean energy projects that support environmental justice communities and do not include oil, gas, fossil hydrogen, and carbon capture and storage projects.

Clean Electricity Transmission Acceleration Act (CETA Act)

Text (210 pages), Summary (7 pages), One-Pager

- Directs FERC to increase the effectiveness of interregional transmission planning.

- Gives FERC transmission cost allocation authority for big lines of national significance, and to require utilities to allocate costs proportional to benefits.

- Directs FERC to require utilities to consult about deploying grid enhancing technologies in addition to or instead of transmission expansion. Allows interconnection customers to request the use of those technologies, allocates costs according to benefits.

- Directs FERC to establish minimum inter-regional transmission capacity similar to BIG WIRES Act levels.

- Gives FERC siting authority for national interest transmission lines, or those that cross at least two states and have a capacity greater than 1 GW.

- Allows DOE to finance any transmission facilities designated as in the national interest.

- Establishes an investment tax credit for transmission lines, up to 30% for projects that meet prevailing wage and apprenticeship requirements.

- Establishes FERC Office of Electricity Transmission.

- Directs DOE to study offshore wind transmission needs.

- Expands existing solar grant, loan, and financing programs to include community solar projects and directs utilities to offer community solar programs.

- Directs DOE to create a program to streamline distributed solar project permitting.
- Authorizes $2.1 billion to address the shortage of electricity transformers through the Defense Production Act.
- Directs the Federal Highway Administration to publish a report on best practices for siting high-voltage transmission lines on highway rights-of-way.
- Specifies that FERC has the responsibility to ensure that electric utilities take into account the external cost of greenhouse gas emissions when setting their utility rates.
- Directs DOI to seek to issue permits that authorize total production of at least 60 GW of electricity from wind, solar, and geothermal energy projects by 2030.
- Directs BLM to establish priority and variance areas for wind and solar energy.
- Directs DOI to seek to issue permits that authorize electricity production from offshore wind energy projects of at least 30 GW by 2030 and 50 GW by 2035.
- Amends Outer Continental Shelf Lands Act to provide greater certainty for offshore renewable energy development by codifying processes for the leasing and permitting of offshore wind projects.
- Codifies the establishment of the Office of Environmental Justice and External Civil Rights in the EPA, and the establishment of the White House Environmental Justice Interagency Council.
- Directs agencies to prepare a community impact report to assess project impacts on the health and environment for communities with Environmental Justice concerns.
- Requires federal agencies to hold multiple hearings in environmental justice communities and Indian Tribes on proposals that affect them, and publish a community impact report.
- Directs agencies to consider the incremental climate contribution of the project.
- Allows agencies to require a project Community Benefits Agreement.
- Directs EPA to make grants to State, Tribal, and local agencies, and community-based organizations for engagement in project environmental reviews.
- Designates Senior Community Engagement Officers and Tribal Community Engagement Officers in each federal agency.
- Directs FERC to establish environmental justice liaisons.
- Requires FERC to reform the governance and stakeholder participation practices of RTOs and ISOs.

Promoting Efficient and Engaged Reviews (PEER) Act

Text (170 pages), Summary (6 pages), Fact Sheet

- Expands the development and use of programmatic environmental reviews and tiered analyses, which can reduce duplicative reviews and improve efficiency.
- Makes clear that agencies can and shall rely on decisions and analysis from programmatic documents, and that supplemental reviews can be limited to addressing only impacts not evaluated in the programmatic review.
- Allows the Federal Permitting Improvement Steering Council (FPISC) Environmental Review Improvement Fund to be used for developing programmatic reviews.
- Makes clear that Federal agencies can require and monitor mitigation commitments, and that agencies can rely on compensatory mitigation to offset the impacts of a project and thereby determine that the effects of a proposed project are not significant and that an Environmental Impact Statement is not required.
- Makes clear that agencies may rely on mitigation banking and in-lieu fees to compensate for impacts to resources, with assurance of adequate oversight.
- Adds consideration of environmental benefits in NEPA documents, including greenhouse gas reductions, consideration of foreseeable adverse effects of not completing a project.
- Clarifies that projects with significant environmental benefits and no significant adverse effects, to include habitat restoration activities and removal or remediation of contaminants, would be categorically excluded under NEPA.
- Facilitates use of categorical exclusions for projects that do not have significant environmental impacts by enabling agencies to adopt and use other agencies' categorical exclusions, after agency consultation and public comments.
- Allows agencies to adopt prior studies and decisions developed by a Federal agency, or by State or tribal entities, and to rely on those studies and decisions subject to certain conditions, including that there was an opportunity for public participation.
- Provides procedures for developing environmental review documents for climate change mitigation or resilience projects, reduce atmospheric GHG concentrations, or enhance community resilience to climate change impacts. Procedures include designation of a lead agency, development of a coordinated project plan and permitting timetable, and use of a single environmental document for Federal authorizations and reviews.
- Establishes a two-year timeline for completing an Environmental Impact Statement and a one-year timeline for Environmental Assessments.

- Creates an accelerated issue resolution process to identify and resolve disputes.
- Confirms that NEPA documents must consider cumulative and indirect effects.
- Shortens the statute of limitations for bringing NEPA litigation from 6 to 3 years.
- Directs NEPA litigation to the Federal Court of Appeals in the appropriate circuit.
- Provides for a categorical exclusion for agency action funding through CHIPS & Science Act grants to projects that previously received environmental permits & approvals.
- Moves FPISC into the Council on Environmental Quality (CEQ) and establishes CEQ positions of Federal Permitting Director, Federal Sustainability Officer, and Federal Environmental Justice Officer.
- Establishes an Office of Environmental Justice within CEQ.
- Designates Senior Community Engagement Officers and Tribal Community Engagement Officers in each agency, analogous to the Chief Permitting Officers currently required to be designated by FAST-41, to oversee and improve community engagement and assist in identifying and resolving conflicts.
- Codifies the Office of Environmental Justice and External Civil Rights in the EPA, which leads and coordinates EPA's environmental justice activities.
- Clarifies that a lead agency may consider whether a project sponsor has entered into a Community Benefits Agreement with an affected State, tribe, local government, or Community Benefits Organization to offset adverse social or economic impacts of a project or to address legacy harm or cumulative impacts in the project location.
- Allows lead agency to require a Community Benefits Agreement as part of an Environmental Impact Statement to offset significant adverse effects by providing social, economic, or environmental benefits.
- Codifies the White House Environmental Justice Interagency Council established under Executive Order 12898 to improve coordination on environmental justice, and directs the Council to develop an Interagency Federal Environmental Justice Strategy to address current and historical environmental injustice.
- Directs a lead agency for a major federal action to prepare a community impact report as part of a NEPA document to assess the impacts of a proposed action on the health and environment for communities with environmental justice concerns.
- Directs agencies to provide meaningful public involvement opportunities for such communities if affected by a project, during the development of a NEPA document.

- Directs EPA to make grants to state, tribal, and local agencies, and to community-based organizations, to increase capacity for completing local environmental reviews, as well as enhance opportunities for communities to engage in planning and environmental review and decision making. Authorizes $500 million per year for grants.

- Provides authority to federal agencies to establish fees to cover the costs of environmental reviews and authorizations, which shall fund an Environmental Review Fund at each agency. Agencies may use the Fund to support staff, data collection, analyses, and other activities that will facilitate timely environmental reviews.

- Enables agencies to identify commercially viable nationally significant projects to support national goals relating to climate mitigation and resilience, electric grid reliability, and protecting public health.

- Directs CEQ, with support from EPA and OMB, to establish linked interagency environmental data collection systems. Authorizes $20 million annually for FY 2023-2028.

- Directs CEQ to study and report to Congress within one year on the feasibility of establishing a single online permitting portal.

- Authorizes $45 million annually for FY 2023-2028 for EPA to fund scholarships, fellowships, and research at institutions of higher education relevant to the federal permitting process.

- Allows an agency and project sponsor to fund liaison positions at other federal agencies, or at state, local or tribal agencies to facilitate timely completion of the environmental review process for a project or program.

- Directs the Chief Permitting Officer to convene sector-specific rapid response teams to facilitate the build out of critical infrastructure, including identifying and resolving gaps and bottlenecks, and developing strategies to resolve other challenges.

- Directs agencies to consider a categorical exclusion for activities associated with geothermal projects that would put geothermal on parity with exclusions that already exist for oil and gas projects.

- Expands opportunities to develop high voltage transmission lines, broadband, and charging infrastructure on highway rights of way.

- Directs FERC to establish regional and interregional transmission planning and cost allocation processes accounting for full scope of benefits from transmission investment.

- Requires a minimum amount of energy transfer capacity between interregional transmission lines for energy reliability.

- Creates independent monitors to identify transmission system inefficiencies, and an Office of Transmission within FERC to coordinate transmission activities.
- Establishes federal siting authority at FERC to ease the process of constructing long-range, inter-regional high voltage transmission lines that cross states.
- For large interstate and offshore wind transmission lines, allows transmission developers to request FERC to ensure project costs are allocated among all customers that receive proven electricity benefits.
- Encourages the development of brownfields sites for clean energy projects.

New Democrat Coalition Permitting Reform Priorities

- Designate a lead agency that will develop a single permit plan and permitting timeline, including clear designations of responsibilities for reviews.
- Require agencies to streamline the approval process for select clean infrastructure projects and small actions unlikely to create significant environmental effects.
- Require all Environmental Impact Statement analysis to be included in the federal Permitting Dashboard.
- Study the possibility of using an e-NEPA system (online permitting portal).
- Provide NOAA authority to include research, surveys, and data collection for offshore wind projects as part of other fishing operations.
- Give FERC exclusive siting authority for transmission lines delineated as interstate commerce.
- Direct FERC to allocate the costs of electricity transmission lines to all beneficiaries, to require electric utilities to allocate the cost of upgrades to the grid among all customers that benefit from the upgrade, and to allow utilities to allocate costs associated with non-wire solutions for the purposes of cost recovery through transmission rates.
- Direct FERC to facilitate stronger interregional transmission planning and consider the multiple benefits consistently across regions.
- Provide an investment tax credit of 30% for regionally significant transmission projects.
- Establish minimum levels of energy transfer capabilities between grid regions.
- Make aggregated electricity demand response eligible to participate in wholesale energy markets in every state.
- Create an independent transmission monitor.

- Streamline hydropower licensing by speeding up the process for retrofitting non-powered dams with hydropower generation and licensing low-impact projects like closed looped pumped storage.
- Bolster community input by requiring affirmative outreach to communities via liaisons.
- Empower DOE's Foundation for Energy Security and Innovation to utilize private and philanthropic donations to support proactive, earlier community engagement.
- Identify locations that could qualify for incentives for clean energy deployment through use of Environmental Opportunity Zones that prioritize EJ communities.
- Direct CEQ to study how new technologies can better solicit public input and engage affected communities.
- Direct FERC to reform RTO/ISO governance and participation practices to minimize conflict between RTOs and stakeholders.
- Provide for pre-qualifications of projects where greenhouse gas reductions have the highest potential and where projects don't cause other environmental harms.
- Pre-designate low-environmental sensitivity areas for clean energy infrastructure.
- Facilitate permitting for geothermal technologies by providing a categorical exclusion under NEPA for small, low impact geothermal exploration test projects or providing an updated, streamlined permitting process for geothermal technologies.
- Ensure that agency staffing remains robust regardless of political leadership.
- Modernize mining laws and responsibly develop the domestic critical mineral sector.

SEEC Policy Brief

- Certain transmission lines should be automatically deemed to be in the national interest, and therefore solely subject to FERC authority if a project meets certain bright line criteria, such as any line that crosses two or more states and the capacity of which exceeds 1 GW. This would leave upwards of 90% of transmission lines under the jurisdiction of state regulators (SITE Act).
- Give FERC transmission cost allocation authority (Enhancing Electric Grid Resilience Act).
- Congress should direct FERC to determine the existing transfer capacity between regions and to establish minimum levels of transfer capabilities between each region. Once that is done, FERC should require each transmission planning region to coordinate with its neighbors to plan for this required interregional transmission (Reinforcing the Grid Against Extreme Weather Act, CHARGE Act)

- Create Office of Transmission at FERC (CLEAN Future Act, CHARGE Act)
- FERC should be required to consider multiple benefits when making decisions, including the economic, reliability, operational, environmental, and climate benefits that transmission projects pose. FERC should also facilitate stronger interregional collaboration and these multiple benefits should be consistently considered across regions (Interregional Transmission Planning Improvement Act)
- Congress should direct FERC to allow utilities to allocate the costs associated with non-wires (grid-enhancing technologies, GETs) solutions for the purposes of cost recovery through transmission rates. FERC should direct grid operators to study deploying GETs to reduce costs (CLEAN Future Act, Efficient Grid Interconnection Act).
- Remove State-Level Bans on Aggregated Demand Response (REDUCE Act)
- Pass legislation to support the expansion of community solar and allow community solar projects to be included in existing DOE grant, loan, and financing programs (Community Solar Consumer Choice Act)
- Update NEPA to require federal agencies to provide early and meaningful opportunities for community input for projects that may affect an EJ community (EJ4AA)
- Congress should direct FERC to establish environmental justice liaisons

Letter from EJ Orgs

(Dana forum summary)

- Recommendations for FERC: establish clear rules for when a transmission line developer may obtain FERC review of its project in lieu of the existing state-by-state permit review process, and establish FERC environmental justice liaisons to support consultation with disadvantaged communities and tribal nations.
- Pass the Environmental Justice for All Act, which includes a requirement that federal agencies provide early community involvement opportunities under NEPA when proposing an action affecting an EJ community.
- Amend the Federal Power Act to establish a new avenue for federal siting/permitting and to give FERC transmission cost allocation authority.

Progressive Policy Institute

- Very favorable view of many Manchin-Schumer components.

- Congress should authorize the study of successful permitting reform in other parts of the economy, including the FCC's adoption of time limiting "shot clocks" for the siting of cell phone and communications towers, with an eye toward adopting this time limit for appropriate energy projects.
- Pass the SITE Act
- Legislation should seek to expand the use of Categorical Exclusions whenever possible.
- At the state and local levels, policymakers should look for parallel opportunities to reform slow or outdated review, siting, and permitting procedures that in many cases are just as onerous, costly, and counterproductive as federal regulations.
- Congress and the Executive Branch must guard against the imposition of new unnecessary regulatory burdens especially those that delay needed infrastructure buildout for newer tech like DAC, CCS, advanced nuclear, etc.

Conservatives

H.R. 1 Lower Energy Costs Act

Text (175 pages), Summary (11 pages), Bills incorporated

- Requires the Secretary of Energy to conduct an ongoing assessment of the nation's supply of critical energy resources, the vulnerability of the critical energy resource supply chain, and the criticality of critical energy resources in the development of energy technologies.
- Directs the Secretary of Energy to strengthen critical energy resource supply chains by diversifying sourcing and increasing domestic production, refining, and processing of resources.
- Pro-fracking, Keystone XL stuff, assessment of US petrochemical refinery capabilities.
- Authorizes FERC to review applications for cross-border oil and natural gas pipelines, and the DOE to review applications for cross-border electric transmission facilities.
- Gives FERC the exclusive authority to approve or deny any application for authorization for the siting, construction, expansion, or operation of a facility to export/import natural gas from/to the U.S. to/from a foreign country, including an LNG terminal.
- Strengthens the FERC lead agency role under the Natural Gas Act by requiring schedules, concurrent reviews, and provisions to resolve disputes among permitting agencies.

- Replaces the use of Clean Water Act Section 401 for the purposes of interstate pipelines and LNG export facilities with ability for affected states to participate in the FERC-led NEPA process for an interstate natural gas pipeline or LNG project [same CWA section that Manchin's bill touched on, but was removed in v2 of his package]
- Requires FERC to consult with the Administrator of the Transportation Security Administration on pipeline infrastructure security.
- For "critical energy resource facilities" (essential to the energy sector, supply chain vulnerable to disruption) processing/refining, has EPA provide interim hazardous waste permits, flexible air permits, national/energy security waivers of CWA and Solid Waste Disposal Act requirements.
- Requires EPA to consider costs and benefits of the critical energy resource to society, the environment, and the economy when determining whether an "unreasonable risk" exists from the manufacturing, processing, commercial transportation, use or disposal of the critical energy resource.
- Repeals the IRA methane fee and GHG emissions reduction fund.
- Prohibits refineries from needing to perform an assessment of safer technology and alternative risk management measures under Risk Management Program regulations.
- Repeals IRA HEEHRA (home electrification rebates), state-based home energy efficiency contractor training grants, and funds for zero building energy code adoption.
- Requires DOI to immediately resume quarterly oil & gas lease sales on federal lands and requires a minimum of four lease sales per year.
- Requires the Secretary of Interior to conduct all lease sales described in the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program that have not yet been conducted, and a minimum of two annual offshore oil and gas lease sales.
- Directs the Secretary of Interior to authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf.
- Amends the Geothermal Steam Act (30 U.S.C. 1003(b)) to require yearly lease sales for geothermal energy, mandates the Secretary hold replacement lease sales for any sales that are missed in a given calendar year, and sets a 30-day time limit on the issuance of completed Geothermal Drilling Permits.
- Ends the existing moratorium on new coal leasing, tells the Secretary of Interior to grant lease applications.

- BUILDER Act – to file NEPA lawsuit must have participated, do so within 120 days. EA and EIS page limits of 75 & 150 pages (or 300 pages if extraordinarily complex). EA and EIS time limits of 1 & 2 years unless applicant approves extension. Establishment of a lead agency that creates a joint project schedule, procedures to elevate delays/disputes.
- Codifies CEQ 2020 proposed NEPA changes to reduce the types of projects subject to NEPA review, reduce the scope and duration of the NEPA review, and reduce the number and types of impacts considered during a NEPA review (Biden reversed these).
- Establishes that some projects including geothermal exploratory wells are not major Federal actions under NEPA (hence doesn't require a federal permit).
- Designates low impact and previously studied oil and gas activities on federal lands as non-major federal actions under NEPA.
- Clarifies that permitting for operations on state or private lands accessing oil and gas or geothermal resources in which the federal ownership interest is less than 50% will not be considered a federal action and shall not require a federal permit.
- Directs agencies to use previously completed EAs and EISs to satisfy NEPA requirements if the new proposed action and impacts are substantially similar.
- Provides that an environmental review for an oil and gas lease or permit prepared pursuant to NEPA shall not require consideration of downstream, indirect effects of oil and gas consumption.
- Expedites the approval process for gathering lines on federal lands that capture or transport oil, natural gas, and related constituents, or produced water by making them non-major federal actions under NEPA.
- Directs CEQ to conduct a study and submit a report to Congress within 1 year on the potential to create an online permitting portal for permits that require NEPA review.
- Designates a lead federal agency to coordinate the mine permitting process.
- Amends FAST-41 to include "mineral production" as a covered sector.
- Expedites the review of minor surface disturbance activities on federal lands.
- Amends existing critical mineral criteria to prevent the unilateral exclusion of uranium from future consideration as a critical mineral (uranium was removed in 2022 as it is classified as a fuel mineral).
- Rolls back IRA fees and royalties on onshore and offshore oil and gas development.

- Increases the state share of offshore oil & gas revenues from 37.5% to 50%, provides for 50% of revenues from offshore wind leasing to be shared with coastal states.

Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act

Text (103 pages), Summary (3 pages)

- 2-year timeline for NEPA EIS reviews, 1-year for EA reviews. If not met by an agency, requirements of NEPA deemed to have been fulfilled, not subject to judicial review.
- Page limits on EAs and EISs.
- Designates a process for determining when NEPA applies and what level of review is required.
- Allows agencies to adopt categorical exclusions established by other agencies.
- Outlines a process for designating lead and cooperating agencies.
- Allows for project sponsor preparation of environmental documents.
- Requires courts to process challenges to NEPA documents expeditiously and issue final judgment within 180 days.
- Tightens statute of limitations to 60 days for filing court challenges to NEPA documents.
- Requires states denying Clean Water Act Section 401 Certifications to do so solely on the basis of the impacts of discharges to waters, not other issues like climate change.
- Codifies the Trump Administration's Navigable Waters Protection Rule's definition of "waters of the United States" under the Clean Water Act.
- Codifies Nationwide Permits issued in 2021 that streamline Section 404 permitting for development of critical energy projects and other activities under the Clean Water Act.
- Clarifies existing law to promote timely and thorough consideration of Clean Water Act Section 404 permits.
- Shortens timelines for Section 7 consultations under the Endangered Species Act.
- Reforms the New Source Review (NSR) program under the Clean Air Act to allow industry to make efficiency upgrades, provides greater regulatory certainty about when facility upgrades require a permit.
- Prohibits the use of the social cost of greenhouse gases in setting federal regulations.

- Strikes the statutory mandate under the Clean Air Act Section 309 that EPA review and comment on newly authorized federal projects for construction or any major federal action that falls under NEPA for environmental review as well as agency regulations.
- Requires EPA & DOE to provide a report to Congress identifying regulations finalized by EPA that have impacted US energy independence and increased costs for consumers.
- Streamlines state primacy applications for Class VI wells that are used to store carbon dioxide and established under the Safe Drinking Water Act's Underground Injection Control program.
- Requires agencies to issue final permits and authorizations for the Mountain Valley Pipeline within 21 days.

Spur Permitting of Underdeveloped Resources (SPUR) Act

Text (114 pages), Summary (8 pages)

- Requires the DOI to immediately resume quarterly onshore oil and gas lease sales.
- Requires the DOI to approve a final 2023–2028 offshore oil and gas leasing program with at least 11 lease sales in the Central and Western Gulf of Mexico and offshore Alaska, and start a 2029–2034 plan with at least 5 lease sales.
- States that DOI can't cancel those lease sales due to pending litigation under NEPA.
- Lowers the oil & gas lease royalty rate for a lease sale in the next five years to 12.5%.
- Prohibits the President from impeding the federal oil and gas leasing process through executive order or regulation without congressional approval.
- Authorizes DOI to delegate oil & gas permitting and enforcement authority on federal lands to the state within which the federal lands are located.
- Exempts oil & gas operations on state and private surface land from federal permitting if the federal government holds <50% interest in the subsurface mineral estate.
- Grants states and tribes primacy over regulations, guidance, and permitting for fracking.
- Requires DOE to issue a final decision on an application to build or expand an LNG export facility within 45 days of the FERC and/or the United States Maritime Administration issuing their final approval for the project.
- Deems exports of LNG <51.75 billion cubic feet per year to be in the public interest.
- Requires a review of the minerals present on federal lands in updates of land use plans.

- Requires congressional approval of any mineral withdrawal in excess of 5,000 acres.
- Prohibits DOI from declaring a moratorium on issuing leases, claims, or permits on federal lands and waters for mining or mining related activities.
- Permits only Congress (not federal land management agencies) to establish new categories of federal land designations through federal statute.
- Lifts the 2016 leasing moratorium for coal on federal lands.
- Includes uranium in the list of critical fuel minerals.
- Amends the Infrastructure Investment and Jobs Act to allow all minerals, regardless of their status as a "critical mineral," to benefit from streamlined permitting provisions.
- Requires an EIS under NEPA to be completed within 2 years and an EA within 1 year.
- Allows mining claims on federal lands to be used for ancillary mining activities regardless of whether a mineral deposit has been identified.
- Requires lawsuits against permits, licenses for mining projects to be filed within 60 days.
- Requires FERC to better protect the adequacy, affordability, reliability, and security of the supply and delivery of electricity & natural gas.
- Authorizes FERC to review applications for cross-border oil & gas pipelines, and the DOE to review applications for cross-border electric transmission facilities.
- Prohibits FERC from considering in its review "social cost metrics" to estimate monetized damages or benefits associated with increasing or reducing climate pollution.
- Expand opportunities for hydropower projects licensed before March 13, 2020.
- Requires USFS and BLM to maintain a list of non-federal third-party contractors that can be hired in each state to complete NEPA reviews. USFS and BLM must verify no conflicts of interest, determine the sufficiency of the documents, authorize the project.
- Amends laws to reverse the decision by the US Court of Appeals for the Ninth Circuit in Cottonwood Environmental Law Center v. U.S. Forest Service (2015) that opened the door to recurring litigation against forest management & wildfire mitigation projects.
- Changes the current 10-year renewal term and allow for the renewal of grazing permits and leases for up to 20 years.

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- Developers should be allowed to prepare the materials for agency certification. If agencies take too long issuing a permit or denial, developers should be given provisional permits to start construction subject to monitoring and mitigation.
- Every major infrastructure project requires permits from a half dozen federal agencies all using different, uncoordinated processes. There should be a uniform, centralized process that gives priority to projects of national importance.
- Tightening the lawsuit statute of limitations is not enough. Agencies should be held to a substantial-compliance standard, so that if reports are mostly right, a project can still go forward. Congress should tighten the rules on standing so that activists cannot hold up safe infrastructure over minor issues.
- Major categories of infrastructure projects with similar environmental profiles should be subject to expedited programmatic or general permits, with mitigation and monitoring requirements.
- Lists some items they modestly support from Manchin's package: expanding FAST-41, designating 25 projects of strategic importance, setting EA and EIA review timelines. Opposes giving FERC interstate transmission and 'socializing' costs via allocation.

Additional resources

Grid Strategies Manchin-Schumer transmission analysis

3 Ps: Planning, Permitting, Paying. Summarizes Manchin-Schumer provisions to:

- Enhance federal government permitting authority for interstate electric transmission facilities that have been determined by the Secretary of Energy to be in the national interest.
  - Replace DOE's national interest electric transmission corridor process with a national interest determination by the Secretary of Energy that allows FERC to issue a construction permit. The national interest determination would change the "backstop" federal permitting provisions in Section 216 of the Federal Power Act to no longer include the step of waiting to see what states do, and enable federal government designation and processes to permit in the near term.
  - Require FERC to ensure costs for transmission projects are allocated to customers that benefit. The cost allocation provisions enable FERC to allocate costs to all who benefit

from large-scale regional and interregional transmission that are determined to be in the national interest.

  - Allow FERC to approve payments from utilities to jurisdictions impacted by a transmission project.

- Designate and prioritize projects of strategic national importance

- Set maximum timelines for permitting reviews, including two years for NEPA reviews for major projects [EIS] and one year for lower-impact projects [EA].