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BUREAUCRACY BLOCKS GREEN PROGRESS: 9 IDEAS FOR DEMOCRATIC PERMITTING REFORM

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In the waning days of the Biden administration, Senators Joe Manchin (D-W.Va.) and John Barrasso (R-Wy.) introduced the *Energy Permitting Reform Act of 2024*.[1] It represented the culmination of years of debate to streamline and modernize the approval process for infrastructure and energy projects by reducing the time and complexity of environmental reviews and litigation. The aim was to accelerate construction of critical projects — from transmission lines and renewable energy facilities to roads and public works — while still preserving essential environmental safeguards. But under pressure from some members of the progressive wing of the Democratic Party, as well as hardline Republicans unwilling to assist Biden's environmental agenda, the effort failed.

However, even with a new president and a Republican congressional majority, permitting reform hasn't disappeared from the legislative agenda. Bipartisan proposals such as the *Standardizing Permitting and Expediting Economic Development (SPEED) Act*,[2] have emerged, designed to shorten review timelines, reduce litigation delays, and modernize the permitting pipeline.

Yet, Democratic hesitation remains a major obstacle to comprehensive, legislative permitting reform. Many congressional Democrats continue to view permitting reform with suspicion, worried that legislative changes could weaken basic environmental protections. Others warn that certain proposals risk benefiting fossil fuel development at the expense of clean energy.

But there is a strong case that Democrats have much to gain by engaging in the permitting debate. Permitting reform cannot be a rollback of environmental safeguards. Instead, it is an opportunity to find bipartisan compromise and advance core Democratic priorities: accelerating the clean energy transition, modernizing infrastructure, making energy more affordable, lowering costs for families, and strengthening resilience against climate threats. By engaging in the permitting reform debate, Democrats can ensure that reforms balance speed with environmental safeguards and deliver a cleaner, cheaper, and more affordable energy future.

[1] U.S. Congress, Senate, *Energy Permitting Reform Act of 2024*, S.4753, 118th Cong., 2nd sess., introduced in Senate July 23, 2024, https://www.congress.gov/bill/118th-congress/senate-bill/4753.
[2] "Westerman and Golden Introduce Bipartisan Permitting Reform Legislation," *House Committee on Natural Resources*, July 25, 2025, https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=418297.

HOW SAFEGUARDS BECAME ROADBLOCKS

The National Environmental Policy Act (NEPA) was signed into law in 1970 at the height of the modern environmental movement. At a time of growing concern over air and water pollution, NEPA was hailed as a landmark achievement. Its purpose was straightforward: before undertaking a major project, federal agencies had to study its potential environmental impacts, consider alternatives, and allow the public to weigh in. This process took the form of Environmental Assessments (EAs) and more detailed Environmental Impact Statements (EISs) and was designed to inject transparency and accountability into decision-making. For decades, NEPA gave communities a voice and forced agencies to look carefully before leaping into projects that could cause irreparable harm.

Over time, however, what began as a concise safeguard has expanded into a sprawling and burdensome process. NEPA was joined by the Endangered Species Act (ESA), Clean Water Act (CWA), Clean Air Act (CAA), and the National Historic Preservation Act (NHPA), adding to the approval and litigation complexity. EISs that once spanned dozens of pages now routinely run thousands, often taking several years to complete. Reviews are duplicated across multiple agencies. Litigation has become a common tactic for opponents of development — sometimes well-meaning environmental advocates, but more often competitors, local interest groups, or NIMBY coalitions. As a result, environmental review is no longer merely a check on reckless development; it has become a tool for delay, obstruction, and even outright cancellation of projects that are themselves net environmentally beneficial.

Even worse from the perspective of environmental advocates, newer, cleaner resources face more complex approvals and fewer established statutory tools, such as eminent domain or categorical exclusions, that older facilities already possess. The result is a permitting structure that is meant to protect the environment, which can, in fact, slow or discourage the very projects that deliver the greatest environmental gains.

The consequences on environmental progress have been stark. The SunZia transmission line, first proposed in the mid-2000s, did not receive full approval via NEPA until 2015, and despite securing rights of way and funding, it faced years of additional legal, tribal, and cultural review before construction finally began in 2023[3] — nearly two decades after conception. Similarly, the Grain Belt Express high-voltage line, intended to carry wind power from Kansas through Missouri and Illinois to Indiana, has been plagued[4] by more than forty lawsuits and land-access challenges across states, delaying its progress for over a decade. Its funding has now been

[3] Cathryn Newman, “SunZia Transmission Project: Balancing Renewable Energy with Tribal and Environmental Concerns,” *Arizona State Law Journal*, February 22, 2024, https://arizonastatelawjournal.org/2024/02/22/sunzia-transmission-project-balancing-renewable-energy-with-tribal-and-environmental-concerns/.

[4] Carah Hart, “Missouri’s Attorney General to investigate Grain Belt Express,” *Brownfield Ag News*, July 3, 2025, https://www.brownfieldagnews.com/news/missouris-attorney-general-to-investigate-grain-belt-express/.

canceled[5] by the federal government. A recent Resources for the Future analysis found that nearly one-third of solar projects and roughly half of wind projects undergoing NEPA review faced court challenges[6] — and in many cases, those challenges added an average of around 15 months to the time before projects could become operational. Even forest thinning projects meant to reduce wildfire risk also suffer from NEPA delays: tens of thousands of acres of the Six Rivers National Forest in California suffered the destructive effects of a wildfire[7] while a proposal to mitigate wildfire risk went through the review process.

Failing to enact permitting reform carries costs for the economy, the environment, and communities that stand to benefit most. Every year that projects languish in regulatory limbo translates into billions of dollars in stalled investment, lost jobs, and higher energy bills for households. According to the American Clean Power Association, permitting delays have cost[8] over $100 billion in lost investment, 150,000 U.S. jobs, and 550 million metric tons of additional carbon emissions just this decade. The Business Roundtable estimates that about $1.5 trillion in investment is awaiting federal permits,[9] and the induced GDP impact of infrastructure projects now under federal review is an additional $1.7 to $2.4 trillion.

Permitting reform offers an opportunity to address these problems and deliver wins for both Democratic and Republican priorities. NEPA's abuses do not just benefit one political party over the other: both fossil fuel and clean energy projects are regularly held up in its procedural morass. But achieving reform will require genuine compromise. Democrats need confidence that basic environmental protection will remain intact. Republicans need assurance that reforms apply to all forms of energy, not only renewables. The purpose of this paper is to expand the set of proposals Democrats can bring to the table in negotiations with Republicans, enabling meaningful permitting reform to pass in the 119th Congress. Durable, transformational change won't be able to happen through one-party action. It will require a durable bipartisan agreement to modernize how America builds the infrastructure that underpins its energy, economy, and environmental future.

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[5] Jason Hancock, "Feds Cancel $4.9 Billion Loan for Grain Belt Express Transmission Line Project," *Missouri Independent*, July 23, 2025, https://missouriindependent.com/briefs/feds-cancel-4-9-billion-loan-for-grain-belt-express-transmission-line-project/.

[6] Arthur G. Fraas et al, "Taking Green Energy Projects to Court: NEPA Review and Court Challenges to Renewable Energy," Resources for the Future, August 4, 2025, https://www.rff.org/publications/reports/taking-green-energy-projects-to-court-nepa-review-and-court-challenges-to-renewable-energy/.

[7] U.S. Congress, House, Subcommittee on Forests and Forest Health of the Committee on Resources, *Oversight Hearing on Process Gridlock on the National Forests*, 107th Cong., 2nd sess., June 12, 2002, https://www.govinfo.gov/content/pkg/CHRG-107hhrg80160/pdf/CHRG-107hhrg80160.pdf.

[8] "U.S. Permitting Delays Hold Back Economy, Cost Jobs," American Clean Power, April 2023, https://cleanpower.org/resources/u-s-permitting-delays-hold-back-economy-cost-jobs/.

[9] "Business Roundtable Releases Report on Modernizing Outdated Permitting System, Calls for Comprehensive Bipartisan Reform," Business Roundtable, September 15, 2025, https://www.businessroundtable.org/business-roundtable-releases-report-on-modernizing-outdated-permitting-system-calls-for-comprehensive-bipartisan-reform.

9 IDEAS TO ACCELERATE PERMITTING PROGRESS

1. Institute Environmental Review Shot Clocks

One promising option for permitting reform is the introduction of environmental "shot clocks" — firm, enforceable deadlines for completing environmental reviews. Under this approach, agencies would have a fixed period to finish reviews, after which a decision must be issued. The goal is to prevent projects from languishing in endless analysis and litigation, providing certainty to developers and communities alike.

Environmental shot clocks have been implemented in many states. In 2017, the Washington State Assembly unanimously passed a bill[10] to implement a two-year deadline for environmental impact statements that was signed into law by Governor Jay Inslee. The Telecommunications Act of 1996 instituted a 90- to 150-day shot clock for state and local governments to approve wireless telecommunications infrastructure.[11] As a result, the number of cellphone towers in the U.S. grew from roughly 20,000 before 1996 to 130,000 cellphone towers by 2003.[12] And more recently, Gov. Gavin Newsom signed AB 130 into law, expediting and streamlining infill housing approvals by, in part, implementing a 60-day ministerial "shot clock" for qualifying permits.[13]

By adopting similar deadlines at the federal level, Congress could bring much-needed predictability to the permitting process without inherently compromising environmental standards.

2. Codify and Implement Seven County Infrastructure Coalition v. Eagle County

In *Seven County Infrastructure Coalition v. Eagle County* (2025), the U.S. Supreme Court unanimously held that under the National Environmental Policy Act (NEPA), federal agencies are not required to analyze upstream or downstream environmental impacts of activities they do not directly regulate.[14] The case involved the Uinta Basin Railway, which a lower court had blocked after concluding the 3,600-page EIS should have evaluated theoretical crude-oil drilling and refining that might occur if the rail line were built. The Supreme Court reversed that decision and emphasized that NEPA's focus is on the proposed federal action, not speculative or indirect effects beyond an agency's jurisdiction.[15]

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[10] Washington State Legislature, House, *Promoting the Completion of Environmental Impact Statements Within Two Years*, HB 1086, 65th Leg., introduced in House January 11, 2017, https://app.leg.wa.gov/billsummary?Year=2017&BillNumber=1086.

[11] U.S. Congress, Senate, *Telecommunications Act of 1996*, S.652, 104th Cong., 2nd sess., introduced in Senate March 30, 1995, https://www.congress.gov/bill/104th-congress/senate-bill/652.

[12] Joel Dodge, "The '90s Cellphone Law That Could Speed Up the Renewables Rollout," *Heatmap*, April 12, 2023, https://heatmap.news/politics/telecommunications-act-climate-renewable-energy.

[13] Meredith Parkin, "CEQA Sees Biggest Changes in More than Half a Century," Environmental Science Associates, July 2, 2025, https://esassoc.com/news-and-ideas/2025/07/ceqa-sees-biggest-changes-in-more-than-half-a-century/.

[14] *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. (2025), https://www.law.cornell.edu/supremecourt/text/23-975.

[15] Ian Millhiser, "The Supreme Court Wants to Make it Easier to Build," *Vox*, May 29, 2025, https://www.vox.com/scotus/414856/supreme-court-seven-county-eagle-railroad-abundance.

This ruling is an important step toward restoring NEPA as a targeted review process rather than an avenue for open-ended procedural delay. Congress should codify the decision to ensure its clarity is recognized by the relevant agencies, becomes durable law, and cannot be weakened in future litigation.[16] Lawmakers can also build on the ruling by further defining reasonable limits on the scope of review that continue to protect natural resources while preventing unnecessary analyses. Doing so advances both Democratic priorities, like faster clean energy deployment, and Republican goals of cutting costs and reducing bureaucracy.

Recent permitting challenges show why this matters. In Massachusetts, for example, the relicensing of the Northfield Mountain pumped storage facility faced pressure to study regional tourism and other broad economic impacts far outside FERC's authority,[17] contributing to lengthy review timelines for a resource that provides zero-carbon energy storage. Under Seven County, agencies now have a stronger legal footing to maintain focus on direct environmental effects within their jurisdiction, reducing delay and aligning permitting with actual environmental outcomes.

However, agencies have not yet fully embraced this opportunity. As former U.S. Secretary of Energy Dan Brouillette has noted, FERC still assumes a minimum two-year timeline for environmental impact statements, even for projects with limited direct effects.[18] Codifying *Seven County* by retiring unnecessary indirect-impact analysis would compel agencies to shorten and abolish minimum reviews and accelerate approvals for both clean energy and other infrastructure.

3. 150 Day Statute of Limitations

One of the clearest, lowest-cost ways to accelerate critical infrastructure is to shorten the window for lawsuits challenging federal project approvals. At present, NEPA litigation can be filed up to six years after a final agency decision, the default set by the APA.

The lack of a set statute of limitations for NEPA litigation keeps projects under a perpetual cloud of legal risk, discourages investment, and inflates costs. Congress has identified this as a problem with other projects. For example, Congress addressed this issue for transportation infrastructure by enacting MAP-21 (2012), which set a 180-day limit for NEPA lawsuits once notice is published in the Federal Register. The FAST Act (2015) later reduced that window to 150 days.

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[16] Thomas Hochman, "Charting Out the New Grand Bargain for Permitting Reform," *Green Tape*, July 2, 2025, https://www.greentape.pub/p/charting-out-the-new-grand-bargain.

[17] "FERC Relicensing of the Northfield Mountain Pumped Storage and Turners Falls Dam Hydroelectric Projects," Franklin Regional Council of Governments, accessed November 2025, https://frcog.org/project/ferc-relicensing-of-the-northfield-mountain-pumped-storage-and-turners-falls-dam-hydroelectric-projects/.

[18] Dan Brouillette, "FERC Must Seize the Supreme Court's Energy Opportunity," *RealClearEnergy*, August 12, 2025, https://www.realclearenergy.org/articles/2025/08/12/ferc_must_seize_the_supreme_courts_energy_opportunity_1128097.html.

Congress should extend the surface transportation's 150-day window for filing lawsuits to all major federal permitting decisions, in order to provide predictable timelines while preserving judicial review. States and peers show this works: New York allows only four months to challenge environmental and planning decisions under its Article 78 process,[19] New York State Environmental Quality Review Act (SEQRA) challenges follow the same clock.[20] France similarly imposes a two-month deadline to contest planning permits in administrative court.[21] Recent federal proposals also point in this direction, including the BUILDER Act[22] and the SPEED Act, which would set 120 to 150-day limits for NEPA litigation, respectively.[23] Applying a uniform 150-day limit across agencies would align federal agencies with successfully implemented models, reduce legal risk that drives up costs, and help deliver faster clean-energy and infrastructure build-out without materially weakening environmental safeguards.

4. Build a True "Single Front Door" at the Federal Permitting Council

A Development Coordination Authority (DCA) is a single point of entry for major projects, designed to simplify approvals by coordinating reviews across multiple agencies. Its central goal is to replace fragmented and sequential permitting with a clear, accountable process. Instead of applicants navigating a maze of overlapping jurisdictions, a DCA provides one door in, one coordinated timetable, simultaneous review of multiple questions instead of a sequential waterfall approach or uncoordinated mess, and one final decision or recommendation. One agency approves all permits agencies with their input, instead of project sponsors seeking individual approvals across several different agencies.

The United States has experimented with coordination through FAST-41 and the Federal Permitting Council, but results have been mixed.[24] While FAST-41 improved transparency with its online dashboard, agencies often treated it as another layer of process. The Grain Belt Express, previously mentioned, was a FAST-41 covered project,[25] but still required approvals or

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[19] Mylan Denerstein, Akiva Shapiro, and Paul Kremer, "Article 78 Proceedings," Gibson Dunn, January 2023, https://www.gibsondunn.com/wp-content/uploads/2023/01/WebcastSlides-Article-78-Challenges-to-Government-Action-in-New-York-Strategic-Considerations-and-Pitfalls-10-JAN-2023.pdf.

[20] "LEGAL ALERT! Challenging Negative Declarations Under The New York State Environmental Quality Review Act (SEQRA)," Keane & Beane, March 7, 2019, https://www.kblaw.com/2019/03/07/challenging-negative-declarations-under-the-new-york-state-environmental-quality-review-act-seqra/.

[21] "Rights of Appeal in France," DLA Piper, May 22, 2025, https://www.dlapiperrealworld.com/law/index.html?t=zoning&s=obtaining-permission-for-development&q=rights-of-appeal&c=FR.

[22] U.S. Congress, House, *Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act of 2023*, H.R.1577, 118th Cong., 1st sess., introduced in House March 14, 2023, https://www.congress.gov/bill/118th-congress/house-bill/1577.

[23] U.S. Congress, House, *Standardizing Permitting and Expediting Economic Development (SPEED) Act*, H.R.4776, 119th Cong., 1st sess., introduced in House July 25, 2025, https://www.congress.gov/bill/119th-congress/house-bill/4776.

[24] David Stepovich, "Is FAST-41 Permitting All that Fast? Why Congress Must Take a More Serious Approach to Streamlining Federal Permitting," *The Georgetown Environmental Law Review* 35, no. 1 (2022): 211–247, https://www.law.georgetown.edu/environmental-law-review/wp-content/uploads/sites/18/2024/01/GT-GELR230019-Stepovich.pdf.

[25] "Grain Belt Express is the Latest FAST-41 Covered Project," Permitting Council, February 22, 2024, https://www.permitting.gov/newsroom/press-releases/grain-belt-express-latest-fast-41-covered-project.

consultations from the Department of Energy, the Federal Energy Regulatory Commission, the Army Corps of Engineers, the Fish and Wildlife Service, and multiple state public utility commissions.

New, more promising iterations of the concept have been implemented recently elsewhere. In the state of New South Wales (NSW), Australia, a DCA was recently implemented.[26] Netherlands' National Coordination Regulation (RCR), which took effect in 2024,[27] is designed to streamline permitting and licensing for large-scale energy infrastructure projects. Projects, such as power plants or wind farms with sufficient MW capacity, the construction or expansion of Liquefied Natural Gas (LNG) installations of sufficient size, and others automatically become considered under the scheme. Once under national coordination, various decisions (e.g., spatial planning approval, environmental licenses, utilities/energy sector permits, etc.) are processed simultaneously, rather than sequentially. Regional authorities and municipalities still participate and are consulted, but they feed into one coordinated process so that the duplication of steps is reduced.

Reforming the Federal Permitting Council and FAST-41 to operate as a true "single front door" would mean giving it real authority to manage the entire permitting process for major federal projects. Rather than remaining optional and limited to a narrow set of developments, FAST-41 should automatically cover all significant projects that trigger NEPA. A designated lead agency, backed by a Senate-confirmed coordinator, would be responsible for producing one consolidated timetable, one environmental record, and one final decision that incorporates the input of all relevant agencies.

This approach would replace today's fragmented system – where the Department of Energy, Interior, FERC, EPA, the Army Corps, and others often run parallel but disconnected reviews – with a unified pathway. Agencies would still contribute their expertise, but the coordinator would ensure reviews happen in parallel, disputes are resolved quickly, and applicants and communities have a single point of contact. By evolving FAST-41 into a true single front door, Congress could cut duplication, increase accountability, and bring U.S. permitting in line with more streamlined models.

5. Reform Private Right of Action

Private right of action (PRA) allows individuals or organizations to sue in court to enforce environmental statutes like NEPA (under the Administrative Procedure Act [APA]), the Endangered Species Act (ESA), the Clean Water Act (CWA), the Clean Air Act (CAA), and the National Historic Preservation Act (NHPA). Originally, PRAs were meant to empower citizens to hold government and industry accountable when regulators failed to act. But over time, they have become a major source of costly and duplicative litigation, delaying or derailing projects – including renewable energy, grid modernization, and restoration efforts – that have clear net environmental benefits.

[26] "Planning System Reform to Help Build NSW's Future," NSW Government, September 17, 2025, https://www.nsw.gov.au/ministerial-releases/planning-system-reform-to-help-build-nsws-future.
[27] "National Coordination Regulation (RCR)," Netherlands Enterprise Agency, August 25, 2023, https://www.rvo.nl/onderwerpen/bureau-energieprojecten/rcr.

Allowing unlimited PRA-based lawsuits can convert well-intentioned environmental laws into tools for delay and rent-seeking. These suits are often brought by private attorneys or advocacy groups over procedural errors rather than genuine environmental harm, exploiting the ability to halt projects indefinitely through injunctions or settlements. The result is a system where the fear of litigation, rather than environmental outcomes, dictates permitting decisions. According to former EPA General Counsel E. Donald Elliott, sponsors have to spend much of their time[28] — approximately 90% — in crafting environmental reviews that are "litigation-proof" due to this risk.

As the Breakthrough Institute (BTI) proposes, one method to limit frivolous PRA-based lawsuits would be to institute a "loser-pays" model.[29] Under this, plaintiffs who bring unsuccessful lawsuits would have to compensate the defendants — typically agencies and project developers – for the direct and indirect costs of litigation. As BTI states, this model is very common in Commonwealth countries where it's known as "English Rule."

The "loser-pays" model disincentivizes frivolous lawsuits by NIMBYs and rent-seeking attorneys whose only goal is to slow down all infrastructure construction. Crucially, it does not completely prohibit PRA-based lawsuits, meaning that well-intentioned concerns will still be heard, and it gives an opportunity for good actors to address project deficiencies. BTI suggests that the "loser-pays" model also scales so that individual, one-time, or small-scale plaintiffs are not disincentivized from weighing in, but instead targets repeat offenders and ill-intentioned advocacy groups.

6. Expand and Streamline the Role of FERC in the Permitting Process

The Federal Energy Regulatory Commission (FERC) is an independent U.S. agency that regulates the interstate transmission of electricity, natural gas, and oil. It oversees the approval and siting of natural gas pipelines and LNG terminals, ensures reliable and fair access to energy markets, and reviews major energy infrastructure projects to confirm they serve the public interest. FERC also plays a key role in advancing clean energy development by approving transmission projects that connect renewable power to the grid and by setting market rules that enable greater integration of wind, solar, and storage resources.

Firstly, this could be done by expanding its backstop siting authority. Backstop siting refers to FERC's authority to approve and site certain interstate transmission projects when states fail to act or deny approval within a specified timeframe. Originally created under the Energy Policy Act of 2005, it was meant as a federal "fallback" to prevent a single state from blocking regionally significant power lines. However, narrow court interpretations have limited its use, leaving many transmission projects stalled in state-level permitting.

[28] Zachary Liscow, "Reforming Permitting to Build Infrastructure," American Enterprise Institute, September 11, 2025, https://www.aei.org/research-products/report/reforming-permitting-to-build-infrastructure/.
[29] Elizabeth McCarthy, "Shifting the Cost of NEPA Reform," The Breakthrough Institute, June 23, 2025, https://thebreakthrough.org/issues/energy/shifting-the-cost-of-nepa-reform.

Congress has signaled backstop siting reform as a priority. In 2021, the Infrastructure Investment and Jobs Act (IIJA) clarified and expanded FERC's ability to use backstop authority, in part, by broadening the circumstances in which it could issue transmission permits and giving the commission the ability to overrule the states in more scenarios.

Congress can build on this momentum by continuing to expand FERC's backstop authority. This can be done by expanding the federal government's ability to preempt states, such as for interstate transmission lines or are identified in national or regional grid plans. There is already Congressional buy-in for these reforms as laid out in the New Democrat Coalition's Priorities for Efficient Energy Deployment plan.[30]

Congress can also pair the SITE Act, which would create a proactive federal pathway for FERC to site major interstate transmission lines,[31] with elements of the Manchin–Barrasso Energy Permitting Reform Act of 2024 that further streamline and expand backstop authority.[32] Together with DOE's updated approach to National Interest Electric Transmission Corridor (NIETC) designations under the IIJA and related rule updates, these reforms would better align state and federal reviews and prevent single-state vetoes of regionally vital clean energy projects.[33] As the Progressive Policy Institute has noted, strengthening FERC's leadership on transmission would accelerate the build-out needed to integrate renewables, improve reliability, and reduce costs, making the agency the driver of America's clean energy future.[34]

However, transmission reforms have stalled in Congress, as the ask is primarily seen as a Democratic priority to increase the use of renewable energy at the expense of fossil fuels. While Manchin-Barrasso came close to reconciling these differences, there still exists a wide gulf between the parties on transmission expansion.

There are ways to enhance Manchin-Barrasso to better incentivize Republican support for the bill. In addition to expanding FERC's backstop siting authority, Congress could consider expanding FERC's Blanket Certificate Program as well. The Blanket Certificate Program allows natural gas pipeline companies to carry out routine activities like construction, modification, and operation without applying for full case-specific certificates, offering automatic authorization for

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[30] "New Democrat Coalition Priorities for Efficient Energy Deployment," New Democratic Coalition, May 20, 2023, https://newdemocratcoalition.house.gov/imo/media/doc/permitting_reform_principles_document2.pdf.
[31] U.S. Congress, Senate, *Streamlining Interstate Transmission of Electricity Act (SITE) Act*, S.946, 118th Cong., 1st sess., introduced in Senate March 22, 2023, https://www.congress.gov/bill/118th-congress/senate-bill/946.
[32] "Manchin, Barrasso Release Bipartisan Energy Permitting Reform Legislation," *Senate Committee on Energy and Natural Resources*, July 22, 2024, https://www.energy.senate.gov/2024/7/manchin-barrasso-release-bipartisan-energy-permitting-reform-legislation.
[33] "National Interest Electric Transmission Corridor Designation Process," U.S. Department of Energy, n.d., https://www.energy.gov/gdo/national-interest-electric-transmission-corridor-designation-process.
[34] Elan Sykes and Paul Bledsoe, "Building The World's Most Advanced Energy Economy," Progressive Policy Institute, July 20, 2023, https://www.progressivepolicy.org/building-the-worlds-most-advanced-energy-economy/.

projects under $14.5 million and prior notice authorization for projects under $41 million. However, as the ALFA Institute lays out, these cost caps, established in the 1980s and last updated in 2006, have failed to keep pace with construction costs that have risen by over 268%, forcing nearly 40% of natural gas projects since 2020 into lengthier traditional reviews despite being routine in nature.[35]

And on its own, transmission reform can aid several Republican priorities. Enhanced transmission capacity strengthens grid resilience against extreme weather events, as demonstrated when Texas faced rolling blackouts during both extreme heat and cold due to insufficient interconnection with neighboring regions.[36] Moreover, expanded transmission networks are essential for delivering electricity from new natural gas plants to meet surging demand from AI data centers and reshoring manufacturing — both key elements of Republican economic and national security agendas. With U.S. electricity demand expected to grow[37] approximately 25% by 2030 and 78% by 2050, driven by artificial intelligence and American reindustrialization, transmission infrastructure becomes a bipartisan necessity.

Pairing transmission reform with modernization of the Blanket Certificate Program would accelerate both the natural gas infrastructure Republicans prioritize and the transmission infrastructure Democrats champion for renewable integration. America will need natural gas to bridge the transition to clean, renewable energy. With cost of living as the top concern for voters, and skyrocketing energy demands further exacerbating the problem, comprehensive FERC reform and modernization can be a place for bipartisan compromise that addresses this challenge.

7. Provide Resources to Agencies to Speed Up Review

Permitting reform only works if agencies have the people and tools to execute it. States that created well-resourced, dedicated review teams have seen faster approvals without lowering standards. New York's Office of Renewable Energy Siting centralized expertise and added full-time staff to handle renewable applications, which aims to shorten timelines compared to the older, scattered process.[38] Lower Saxony, Germany, paired recent permitting reforms with staff hiring, contributing to shorter approval times for onshore wind.[39]

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[35] "Permitting Energy Dominance: How FERC Can Address the National Energy Emergency and Accelerate the Infrastructure to Power Our Future," ALFA Institute, July 2025, https://buildalfa.org/wp-content/uploads/2025/07/ALFA_FERC-Report-7.11.docx.pdf.

[36] Liza Reed and Andrew Xu, "FERC Isn't Acting Fast Enough to Strengthen The Grid. Here's One Thing Congress Can Do," Utility Dive, October 11, 2022, https://www.utilitydive.com/news/ferc-isnt-acting-fast-enough-to-boost-transmission-and-strengthen-the-grid/633812/.

[37] "Fast Forward: Electricity Demand Expected to Grow 25% by 2030," ICF International, June 9, 2025, https://www.icf.com/insights/energy/electricity-demand-expected-to-grow.

[38] Steven C. Russo, "Delays in Renewable Energy Siting in New York: A Closer Look at State Audit Findings," GreenbergTraurig, May 8, 2024, https://www.gtlaw-environmentalandenergy.com/2024/05/articles/state-local/new-york/delays-in-renewable-energy-siting-in-new-york-a-closer-look-at-state-audit-findings/.

[39] "Acceleration Pact Between Federal Government and States," *Niedersachsen*, accessed November 2025,

Resource constraints are a major source of delay. Many federal reviews slow down because there are simply too few staff available to clear consultations and respond to comments, compounded by bureaucratic complexity. Transmission projects can wait months for fish and wildlife consultations, while land management agencies face backlogs for basic environmental surveys. Even when sponsors arrive with strong applications, understaffed agencies struggle. As part of any federal permitting reform, Congress should ensure that the resources are there to make sure that approvals are done quickly and efficiently.

Congress can also make it easier for agencies to access environmental data and past reviews by establishing a centralized permitting repository. Many environmental reviews include similar elements to previous reviews, and agencies could more efficiently evaluate projects if that information was readily available across government, which it currently is not. The Department of Energy has already begun to explore[40] this idea in collaboration with the Pacific Northwest National Laboratory, using AI tools and data investments to "improve the speed and quality of federal permitting processes."

There are broader principles at stake as well. If reform works as intended, application volume will rise. But faster permitting without added capacity will simply shift the bottleneck vertically rather than horizontally. It is also key that we maintain the same high standards for environmental review — albeit accelerated — after we reform the permitting process. If permitting becomes fast but sloppy, because the requisite staff and resources are not present to ensure high standards are met, we risk losing public trust on these crucial reforms. The goal is not to rubber-stamp projects, but to complete thorough, accurate reviews on predictable timelines. More capacity makes that possible.

8. Encourage Revenue-Sharing Schemes

Communities are far more likely to support new energy infrastructure when they see real, direct benefits from hosting it. Revenue-sharing mechanisms incentivize community buy-in and ensure that property tax receipts and project-related revenues don't disappear into the ether but directly benefit the communities that host this infrastructure in tangible ways.

International examples show the value of letting localities share in the upside. In France, nuclear facilities are subject to several taxes whose revenue is returned to the local communities hosting the plants. In practice, that means communes hosting plants like Flamanville and Chinon receive millions of euros annually from France's national electricity operator, Électricité de France (EDF), enough that some residential property taxes are dramatically lower or even zero. According to a recent *Works in Progress* piece,[41] the residents of towns hosting nuclear

https://www.niedersachsen.de/einfacher-schneller-guenstiger/beschleunigungspakt/beschleunigungspakt-zwischen-bund-und-landern-234654.html.

[40] "Faster, Better Permitting with PermitAI," U.S. Department of Energy, July 10, 2025, https://www.energy.gov/policy/articles/faster-better-permitting-permitai.

[41] Alex Chalmers, "Liberté, Égalité, Radioactivité," *Works In Progress*, September 4, 2025, https://www.worksinprogress.news/p/liberte-egalite-radioactivite.

power plants paid an average property tax of just 0.1%, despite the regional average property tax being 12%.

It might be tempting to take project-related tax revenue and use it to fund further infrastructure investment, increase school budgets, or increase services. But France's example, and public polling, show that delivering tax revenue generated by these projects in the form of tax cuts might be the most popular and salient with voters. A strong domestic example comes from North Dakota, where state policymakers have used energy-sector revenues to directly reduce the local tax burden. Beginning in 2009, the legislature enacted a series of property-tax "buydown" initiatives funded by oil and gas production and extraction taxes. These measures replaced substantial portions of property taxes,[42] including a program that offset $125 million of school district property taxes statewide. And while other states have faced fierce resistance to even the construction of basic energy infrastructure, in North Dakota, polling found that 79% of North Dakotans support the state's preservation of oil and natural-gas production,[43] with only 14% opposed.

The federal government can encourage or, in some cases, effectively require community benefit agreements (CBAs) on a broader range of projects by conditioning federal permits, grants, tax credits, or loan guarantees on a demonstrated plan to share the economic benefits of energy infrastructure with residents of host communities. Federal agencies already use similar mechanisms for offshore wind and major demonstration projects under the Department of Energy, where developers must document benefits[44] such as property-tax stabilization, utility-bill credits, or investments in local services.

9. Limit Executive Power to Stop Project Approvals

With all of this said, there is still one significant veto power that looms over all major energy projects in the United States: the president. The Trump administration has demonstrated a willingness to revoke approvals or restrict critical financing to stop clean energy projects that do not align with the administration's agenda, even if these projects are months or years into development or construction. For example, the Trump administration moved to revoke federal approval for the U.S. Wind offshore wind farm in Maryland,[45] and halted the nearly completed

[42] "How North Dakota Returns "Unconventional" Oil Revenue to Local Governments," Headwater Economics, January 2014, https://headwaterseconomics.org/wp-content/uploads/state-energy-policies-nd.pdf.
[43] Michael Standaert, "Poll: North Dakotans Support Both Fossil Fuels and Environmental Protection," *North Dakota Monitor*, November 27, 2024, https://northdakotamonitor.com/2024/11/27/poll-north-dakotans-support-both-fossil-fuels-and-environmental-protection/.
[44] "Wind Energy Community Benefits Guide," U.S. Department of Energy, 2023, https://windexchange.energy.gov/community-benefits-guide.
[45] Christine Condon, "Trump Administration Plans to Revoke Federal Approval for Ocean City Wind Farm," *Maryland Matters*, August 25, 2025, https://marylandmatters.org/2025/08/25/trump-administration-revoke-ocean-city-wind-farm/.

Revolution Wind project off Rhode Island/Connecticut,[46] citing national security concerns after years of permitting.

But executive veto power over critical energy projects has also been wielded by Democrats. President Biden famously revoked permitting for the Keystone Pipeline on his first day in office.[47] In 2010, President Obama used executive authority to withdraw federal support for a deep-geologic repository at Yucca Mountain in Nevada, despite previous Congressional approval for the project.[48]

Many of the recommendations in this paper lose their force if a president can wipe out years of planning and permitting with a single signature. Once a project is cancelled, it rarely reappears under the next administration — investors simply take their capital elsewhere. Political transitions are a healthy part of our democracy, but they shouldn't introduce fresh uncertainty into infrastructure meant to last for decades. Both Democrats and Republicans have an interest in shifting this authority back to Congress, where policy reflects durable compromise rather than the preferences of any one administration. Preventing unilateral revocation of duly approved projects would give developers and communities the stability they need and keep our energy future anchored in long-term national priorities instead of short-term political swings.

CONCLUSION

The permitting debate is often cast along partisan lines, but both parties ultimately want to build energy and infrastructure projects faster to meet national needs. In the 119th Congress, Republicans may set the agenda, but real reform will only happen if Democrats help shape it. For Democrats, permitting reform should not be viewed as an existential threat to core environmental protections — instead, it's a chance to strike a practical compromise, accelerate American progress, and show leadership on the affordability crisis. Smarter, faster permitting can speed the clean energy transition, lower costs for families, and draw investment into the technologies that will drive American prosperity in the decades ahead.

[46] Andrew S. Lewis, "A Hostile Trump Administration Has Put Offshore Wind Into Reverse," Mother Jones, October 28, 2025, https://www.motherjones.com/politics/2025/10/trump-administration-offshore-wind-industry-projects-cancellation-permits/.
[47] "Keystone XL Pipeline," Environmental and Energy Law Program, Harvard Law School, June 9, 2021, https://eelp.law.harvard.edu/tracker/keystone-xl-pipeline/.
[48] Adam J. White, "Obama's Cynical Energy Agenda," *National Affairs*, Summer 2012, https://www.nationalaffairs.com/publications/detail/obamas-cynical-energy-agenda.

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