In the midst of an economic crisis that has seen American families squeezed at the pump and in their home electricity bills, America needs to unleash its energy abundance more than ever. The most urgent task is to enact comprehensive, sweeping reforms of the federal system for permitting energy infrastructure. Efforts like Sen. Joe Manchin’s (D-WV) permitting reform proposals respond to special interest groups but do little that will help all Americans. Congress needs to stop tinkering at the margins and solve this problem.

Multiple administrations have tried to streamline the permitting process, but the executive branch has little leeway, given the laws that Congress has enacted on agency permitting and environmental reviews under the National Environmental Policy Act (NEPA). The costs, delays, and uncertainty in the permitting process are problems that only Congress can fix.
Congress should:

- **Make the timing predictable.** Agency officials drag their feet at every step of the way, leaving developers in limbo and driving up projects’ costs. If developers had more control over project timetables, it would save enormous amounts of capital and time. Instead of allowing only officials to assemble environmental documents, developers should be allowed to prepare the materials for agency certification. If agencies take too long to issue a permit or denial, developers should be given provisional permits to start construction subject to monitoring and mitigation.

- **Create a unified process.** 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.

- **Reduce litigation risk.** Important projects are held up by lawsuits over minor omissions in environmental studies. Tightening the 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 projects over minor issues.

- **Establish programmatic and general permits.** Major categories of infrastructure projects with similar environmental profiles should be subject to expedited programmatic or general permits, with mitigation and monitoring requirements.

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**For Further Reading**
