

# Energy Permitting Reform Proposals and Landscape in the 119th Congress

**Issue Brief**

**August 28, 2025**

The 2021 [Infrastructure Investment and Jobs Act](#) and the 2022 [Inflation Reduction Act](#) spurred a surge in energy project development across the United States. Yet energy projects still face a lengthy permitting process, with transmission interconnection taking an average of [10 years](#). Many projects are held up by lawsuits, with [two thirds of solar projects](#) facing litigation. Transmission interconnection planning also faces lack of coordination and other obstacles.

At the same time, the U.S. needs more energy now. The International Energy Agency reports that by 2030, surging AI-driven data center demand is projected to account for [nearly half of U.S. electricity demand growth](#).

Recognizing these barriers and the need for more electrons to meet demand, both Democrats and Republicans have called to make substantial reforms to the energy permitting process in the 119th Congress. Permitting reform is also a central priority for the executive branch with several agency having already taken actions. This issue brief outlines the current landscape on permitting reform, including major permitting bills under consideration, executive actions and agency rules, and the key policy proposals Congress is considering.

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## Legislative Precedents in Permitting

### Fiscal Responsibility Act of 2023

The [Fiscal Responsibility Act](#), passed in the 118<sup>th</sup> Congress in 2023, is the most recently passed legislation that reformed federal permitting and environmental review. It excludes reforms to transmission and pipeline buildout as well as judicial review.

[Permitting reforms](#) passed in the Fiscal Responsibility Act include:

- Amending the National Environmental Policy Act (NEPA), including revision and additions to existing statutes
- Clarifying which actions do not qualify as a “major federal action”
- Requiring regional operators to conduct studies to strengthen total transfer capabilities between transmission planning regions
- Streamlining energy storage in environmental review processes
- Allowing agencies to adopt each other’s categorical exclusions
- Shortening agency deadlines to one year for environmental assessments (EA) requirements and two years for environmental impact statements (EIS)

## Legislative Precedents in Permitting (Cont.)

### Permitting Provisions in the 2025 Budget Reconciliation Package

The 2025 [budget reconciliation package](#), titled the One Big Beautiful Bill, promulgates a provision to expedite environmental reviews. Section 60026 of the bill allows project developers to pay a fee to the White House Council on Environmental Quality (CEQ) for faster agency environmental assessment or environmental impact statement return.

## Executive Actions to Reform Permitting

To achieve [energy dominance](#) as part of President Trump’s policy agenda, the White House has released a number of memos and executive orders (EOs) related to energy permitting. The Trump Administration aims to promote the use of technology and interagency coordination to streamline all federal agency permitting processes.

This section outlines each relevant executive order and federal agency action, including those of CEQ, and is followed by remaining issues for Congress to consider through legislative action. For more information on the executive administration’s strategy on permitting, please see the White House [factsheet](#) released on June 30, 2025 that outlines executive branch progress toward permitting reform.

<b>Executive Orders</b>	
<b>Unleashing American Energy (January 20, 2025)</b>	Released on President Trump’s first day in office, this established one of the president’s main policy agenda priorities: “to unleash America’s affordable and reliable energy and natural resources.” It directs CEQ to issue guidance for implementing NEPA to achieve expediting and simplifying the permitting process, including a proposal to rescind CEQ’s existing regulations.
<b>Strengthening the Reliability and Security of the United States Electric Grid (April 8, 2025)</b>	Directs the Secretary of Energy to accelerate the U.S. Department of Energy (DOE)’s review and approval of generation facility applications under Section 202(c) of the Federal Power Act, enabling the Secretary to grant expedited approval when deemed appropriate - allowing rapid infrastructure expansion.
<b>Zero-Based Regulatory Budgeting to Unleash American Energy (April 9, 2025)</b>	<p>Aims to reduce regulatory red tape for many agencies, including those tied to energy development, such as DOE, the Federal Energy Regulatory Commission (FERC), and the Nuclear Regulatory Commission (NRC). It directs these agencies to incorporate a sunset provision effective no later than September 30, 2025, into their regulations governing energy production to the extent permitted by law.</p> <p>Specifically, it sets existing rules to expire within one year (extendable up to five years via public comment) and new rules subject to a maximum five-year lifespan. At the same time, the order explicitly exempts the statutory permitting regime. This EO could create regulatory uncertainty in permitting, as it is now unclear – since this order preserves existing permitting regimes under statute – which regulations will stay in effect and how agencies will conduct rulemaking in the future.</p>

<p><b>Updating Permitting Technology for the 21<sup>st</sup> Century</b> (<a href="#">April 15, 2025</a>)</p>	<p>Plans to modernize permitting technology. It directs federal agencies to fully digitize and modernize environmental review and permitting processes by eliminating paper-based methods, accelerating application reviews, improving interagency coordination, enhancing transparency, and reducing duplicative data submissions. As part of this initiative, CEQ was tasked with outlining a detailed <a href="#">Permitting Technology Action Plan</a> by May 30, 2025, in order to outline data standards, software requirements, governance structures, and an implementation timeline for all agencies.</p> <p>It also establishes a CEQ-led <a href="#">Permitting Innovation Center</a>, which will “design and test prototype permitting technology systems in order to advise Federal agencies on the adoption of the best-in-class-tools.”</p>
<p><b>Unleashing America’s Offshore Critical Minerals and Resources</b> (<a href="#">April 24, 2025</a>)</p>	<p>Aims to expedite permitting for offshore mineral exploration and development, particularly for critical minerals such as nickel, cobalt, copper, manganese, and rare earth elements, enhance seabed mapping, and support private-sector engagement.</p>
<p><b>Delivering Permitting Wins Factsheet</b> (<a href="#">June 30, 2025</a>)</p>	<p>President Trump published a factsheet that highlights the Administration’s actions on permitting, including setting deadlines and page limits for environmental reviews, clarifying when NEPA applies, and expanding the use of categorical exclusions. These changes were directed through a 2025 EO and implemented by various agencies under coordination from CEQ. Federal agencies updated their NEPA procedures shortly after on July 3, 2025.</p>

<h2 style="text-align: center;"><u>Federal Agency Actions</u></h2>	
<p><b>CEQ Memorandum on NEPA Reform</b> (<a href="#">February 19, 2025</a>)</p>	<p>In response to the “Unleashing American Energy” EO, CEQ issued a memo that outlined its plan to carry out the implementation and simplification of NEPA, including directives to federal agencies for making schedules to revise their own NEPA procedures. The goals are both prioritizing efficiency and certainty and promoting consistency and predictability. Specifically, the memo calls for agencies to consider changes to these procedures:</p> <ul style="list-style-type: none"> <li>• <b>Project Sponsor Preparation:</b> These documents can be prioritized for expeditious review.</li> <li>• <b>Deadlines Established by Congress:</b> Compliance with section 107 of NEPA.</li> <li>• <b>Reasonable Range of Alternatives:</b> EISes can “only consider a reasonable range of alternatives to the proposed action that are technically and economically feasible and that meet the purpose and need for the proposed action.”</li> <li>• <b>Effects of the Proposed Action:</b> Agency analysis can employ “reasonably foreseeable” effects and not “cumulative effects” consistent with section 102 of NEPA.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Federal Funding:</b> Agency actions involving minimal federal funding or financial assistance without substantial federal control are not considered “major federal actions,” and agencies can evaluate when their involvement meets the threshold for triggering NEPA review.</li> <li>• <b>Environmental Justice:</b> NEPA documents cannot include an environmental justice analysis.</li> </ul> <p><b>CEQ Deadlines Directed to Agencies:</b> Agencies were required to plan a schedule for updating their procedures and appoint a lead contact within 30 days of the memorandum, by July 3, 2025. The deadline given to agencies for finalizing NEPA regulations was no later than 12 months after the date of the memorandum. During this 12-month period, hosted monthly meetings with each agency’s NEPA contact and the NEPA Implementation Working Group.</p>
<p><b>Rescission of CEQ NEPA Regulations (<a href="#">Rule Effective April 11, 2025</a>)</b></p>	<p>CEQ, which was promulgated in 1970 by NEPA, removed its NEPA regulations through an interim final rule that took effect on April 11, 2025 as directed by the president’s “Unleashing American Energy” EO. This rule comes after the <a href="#">memo</a> sent in February 2025 in which CEQ clarified that the council wished to shift the responsibility from CEQ to each agency’s individual procedures to be updated throughout this year.</p>
<p><b>Supreme Court Ruling on NEPA Rulings (<a href="#">May 29, 2025</a>)</b></p>	<p>On May 29, 2025, the Supreme Court issued a unanimous decision in <i>Seven County Infrastructure Coalition v. Eagle County</i> to restrict the scope of NEPA reviews, ruling that agencies only need to assess environmental impacts for which they are directly responsible. The decision is expected to accelerate project approvals by limiting consideration of indirect effects like downstream greenhouse gas emissions.</p>
<p><b>Agency Interim Rules (<a href="#">Released July 3, 2025</a>)</b></p>	<p>In CEQ's memo of its <a href="#">NEPA revision plan</a>, federal agencies were directed to issue rulings to revise their NEPA procedures by July 3, 2025. These federal agencies have since issued interim final rules to roll back most of their existing NEPA regulations, replacing them with streamlined rules and a combination of non-binding guidance, manuals, or handbooks. Individual agency revisions share a common focus on expediting NEPA compliance and final decision-making. Comments on each of these rulings were accepted until July 30 or up to August 4, 2025.</p> <p>The Permitting Council provides a <a href="#">dashboard</a> that compiles each agency’s NEPA procedures documents. While NEPA streamlining may benefit project proponents, many new provisions are untested and could face legal challenges. With evolving agency practices and reduced staffing, project reviews may vary across and within agencies with uncertainty in implementation and litigation risk.</p>
<p><b>Department of Interior Rule on Solar and Wind Projects (<a href="#">July 17, 2025</a>)</b></p>	<p>An additional rule by the Department of Interior (DOI) is requiring the Secretary of the Interior to personally approve every wind and solar project to end “preferential treatment for unreliable, subsidy-dependent wind and solar energy” to ensure “all evaluations are thorough and deliberative.”</p>

A number of DOI actions have followed to implement the rule, including rescinding Wind Energy Areas from the Outer Continental Shelf, eliminating the five-year schedule for offshore wind, pausing regulations on offshore wind, and stopping permits for solar and wind based on the “capacity density requirement.” The culmination of these rules impacts the permits of wind and solar projects and potentially expedites alternative projects’ permitting.

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## Legislation in the 119<sup>th</sup> Congress

On the legislative side, Congress has expressed permitting reform as a priority, and momentum for hearings on permitting and talks of bipartisan legislation picked up following the passage of the 2025 budget reconciliation package in July 2025. In the 119th Congress, legislation introduced includes:

### ePermit Act

The ePermit Act was introduced by Reps. Scott Peters (D-CA-50) and Dusty Johnson (R-SD-At Large) in July 2025 to digitize permitting with the aim of reducing review time. The bill establishes:

**Uniform Data Standards:** Within 180 days of enactment, the ePermit Act would require CEQ, the Federal Permitting Improvement Steering Council (FPISC), the Office of Management and Budget (OMB) and other relevant stakeholders to establish uniform data standards for project permitting and financial assistance.

**Digital Tools:** The act mandates the development of digital tools to support environmental reviews, such as automated screening, public access to criteria, and document management systems.

**Online Portal:** The act directs the creation of a centralized, cloud-based portal to streamline application submissions, interagency collaboration, and public access to real-time permitting data.

**Bill number:** [H.R. 4503](#)

**Date introduced:** 7/18/25

**Primary sponsors:** Reps. Scott Peters (D-CA-50) and Dusty Johnson (R-SD-At Large)

**Status:** Referred to committee

**Committee reviewing:** House Committee on Natural Resources

## Legislation in the 119<sup>th</sup> Congress (Cont.)

### Standardizing Permitting and Expediting Economic Development (SPEED) Act

The SPEED Act was introduced by House Committee on Natural Resources Chairman Bruce Westerman (R-AR-04) and Rep. Jared Golden (D-ME-02) in July 2025. The bill's provisions include:

#### Additional NEPA Reforms:

- Limits when NEPA is triggered by redefining “major federal action” to not be determined solely on basis of the provision of federal funds.
- Limits the scope of environmental reviews by removing the requirement to consider new scientific and technical research after an application is submitted.

#### Judicial Review Reforms:

- Establishes judicial review limitations by establishing a 150-day deadline for filing NEPA claims, a new standard of review, and the elimination of procedural moves.
- Shortens court remands to no more than 180 days, judicial reviews to generally within 180 days, and the statute of limitations for legal challenges - after an agency action is made public - to 150 days.

**Bill number:** [H.R. 4776](#)

**Date introduced:** 7/25/25

**Primary sponsors:** Reps. Bruce Westerman (R-AR-04) and Jared Golden (D-ME-02)

**Status:** Referred to committee

**Committee reviewing:** House Committee on Natural Resources

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## Relevant Legislation Proposed in the 118<sup>th</sup> Congress

### Energy Permitting Reform Act of 2024

The Energy Permitting Reform Act of 2024 (EPRA) was introduced in July 2024 to Senate Energy and Natural Resources by former Senator Joe Manchin (I-WV) and Senator Barrasso (R-WY). It was not introduced in the House before the end of the Congress and has not been re-introduced. It aimed to minimize delays, reduce costs, and support national energy security.

Some of the key permitting provisions in EPRA include:

**Judicial Review Reform:** Increases timeline certainty, including by reducing the legal challenge window for energy projects to 150 days and requires agencies to act on court remands within 6 months.

**Onshore Federal Leasing:** Ties solar and wind development to oil and gas leasing benchmarks.

**Bill number:** [S.4753](#)

**Date introduced:** 7/23/24

**Primary sponsors:** Sens. Joe Manchin (D-WV) and John Barrasso (R-WY)

**Status:** Referred to committee in the 118<sup>th</sup> Congress, has not been re-introduced in the 119<sup>th</sup> Congress

## Relevant Legislation Proposed in the 118<sup>th</sup> Congress (Cont.)

**Offshore Federal Leasing:** Requires annual oil and gas lease sales in the Gulf of Mexico and mandates annual offshore wind lease sales. It sets deadlines for DOI lease reviews.

**Expediting Permitting:** Gives project approvals clearer timelines and sets deadlines for DOI lease reviews.

**Electric Transmission:** Strengthens FERC authority (over DOE) to approve major interregional transmission lines if a state government has blocked the transmission project for a year or more, establishes clearer cost-sharing rules, and expands categorical exclusions under the U.S. Department of Agriculture and DOI to speed reviews of transmission projects.

### Sector-Specific Provisions:

- *Renewable Energy:* Raises DOI's goal of federal renewable energy leasing from 25 GWs to 50 GWs by 2030.
- *Energy Storage:* Qualifies energy storage in the goal of renewable energy leasing.
- *Geothermal:* Mandates geothermal lease sales.

Please see BCSE's [press statement](#) on the bill's introduction from 2024. Please also see the Congressional Research Service's [summary](#).

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## Legislative Outlook in the 119th Congress

Key groups engaging this Congress on permitting reform include the bipartisan [Build America Caucus](#), the bipartisan [American Energy Dominance Caucus](#), the [Blue Dog Coalition](#), and the [New Democrat Coalition](#).

Congressional hearings on permitting reform were held in July 2025. See here for BCSE memos on the House Committee on Natural Resource's hearing on "[Permitting Purgatory: Restoring Common Sense to NEPA Reviews](#)" and the Senate Energy and Natural Resources Committee's hearing on identifying "[Challenges to Meeting Increased Electricity Demand](#)".

## For more information on this topic:

[BCSE Issue Brief: Permitting Reform in the 118<sup>th</sup> Congress](#)

[Bipartisan Policy Center Issue Brief on Permitting Reform for 2025](#)

[CRS: Electricity Transmission Permitting Reform Proposals](#)

[Energy Permitting Reform Act of 2024 Explainer](#)

## About the Author

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