

OPPORTUNITIES TO IMPROVE PROJECT REVIEWS FOR A CLEANER AND
STRONGER ECONOMY

Wednesday, April 26, 2023

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 9:57 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Markey, Kelly, Fetterman, Cramer, Lummis, Wicker, Sullivan, Ricketts.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Now, we are going to have a hearing. We welcome our witnesses. I am going to tap this gavel again, just to make it official. We call this hearing to order.

We are here. I just want to say a special welcome to Senator Fetterman. We are delighted that you could join us, and we are happy to see you and all of our other colleagues.

We are here to discuss an important, timely topic: opportunities to reform the Nation's environmental review and permitting processes in a way that supports our transition to a clean energy economy and the good-paying jobs that come with it. As we look for new opportunities, it is also helpful to understand what we have already accomplished. It is actually quite a bit.

Over the past two years, Congress and this committee in particular have been incredibly productive. That includes passing a once-in-a-generation investment to help rebuild our infrastructure, our roads, our highways, our bridges, our water systems, our water sanitation systems, ports, access to the internet, you name it. We have done a lot of stuff, and we are very, very proud of it. I know that Senator Capito is, as well.

We have also made the largest investment ever to combat climate change. Much of the work that we have done has been

bipartisan, I am proud to say. It was led by this committee.

Now, we need to work to implement these laws without delay. That is our intent. Why is it important that we move without delay? As many of our colleagues know or those that might be tuned in, watching this or listening know, a recent report by the United Nations Intergovernmental Panel on Climate Change found that our planet is currently on a path to reaching 1.5 degrees Celsius in global warming within the next decade, a critical tipping point in our ability to address climate change.

Fortunately, we have made significant progress in supporting clean energy projects across our Country and improving the permitting process without undermining bedrock environmental protections.

In the Bipartisan Infrastructure Law, we made the Federal Permitting Improvement Steering Council permanent, and we expanded its authorities to reduce permitting timeline for large infrastructure projects. Doing so will reduce the time that it takes to build critical infrastructure.

In the Inflation Reduction Act, we provided \$1 billion to the Federal agencies tasked with completing these reviews and permits. These additional resources will address longstanding agency challenges and help expedite timelines.

We know that these tools will make a difference. For example, the Federal Permitting Improvement Steering Council

improves efficiency through better communication, better coordination, and dispute resolution. Importantly, it does so without undermining or altering any statutory or regulatory requirements.

This early coordination makes a clear difference in timelines. Between 2010 and 2018, the average time across all agencies for a project to complete an Environmental Impact Statement was 4.5 years. In contrast, the average time for projects that went through the FAST-41 process was 2.5 years. From 4.5 years to 2.5 years under the FAST-41.

There are also examples of how the National Environmental Policy Act, NEPA, improves community outcomes. I will just use an example from Michigan. In Michigan, the Department of Energy was completing NEPA at a site for a potential vehicle battery manufacturing facility. Through that process, they learned of dioxin contamination in the soil. As a result of NEPA, the Department of Energy incorporated mitigation controls to minimize the exposure for workers and children at a nearby daycare facility during construction.

The private sector has a role to play as well. We know many American businesses are already working hand-in-hand with communities in the U.S. For example, in my native West Virginia, Clearway Energy Group has established a community benefit fund that has provided roughly \$180,000 in grants for

projects and programs in the communities surrounding the 23-turbine wind farm. The company also established a project labor agreement to ensure that construction jobs would go to the local labor force. These steps help build support for future projects to bring more reliability to the electric grid.

Still, I am a firm believer that if something is not perfect, let us make it better. I have said that a billion times. If it isn't perfect, make it better. My wife is still looking for what should go on my tombstone. I have done a lot of work on postal issues. I have always thought that "return to sender" would be pretty good. Another one that would be pretty good would be "if it is not perfect, let us make it better." Maybe we could do multiple choice or rotate from week to week. We will see.

There is more that Congress can and must do to improve our Nation's environmental review procedures and connect clean energy infrastructure to the grid. To paraphrase my friend, a fellow some of us know pretty well, Hal Harvey, and this is what Hal likes to say, "Markets are good at addressing 90 percent of our problems. It is up to those of us in government to work on the other 10 percent." Thank you, Hal Harvey.

We know that one of these challenges is connecting clean energy to the grid. A recent study by Lawrence Berkley National Lab found that our Nation has two terawatts of renewable energy

capacity such as solar, such as wind, and including battery storage that are waiting to connect to the grid, waiting to connect to the grid. To put that figure in perspective, the total capacity of all existing power plants in the United States is currently 1.25 terawatts. That is almost double the amount of energy capacity we have today.

Unfortunately, that same study also found that only one in five transmission projects seeking to connect to the grid from 2000 to 2017 was operational by the end of 2022. I am going to say that again. That same study also found that only one in five transmission projects seeking to connect to the grid from the year 2000 to the year 2017 was operational by the end of 2022. This report doesn't account for the clean energy investments that are in development now as a result of the Federal investments passed by the last Congress.

To me, I think it is clear that we are at a crossroads. Some of you are old enough to remember Yogi Berra. He was a very funny guy and a catcher for the New York Yankees, hall of famer, and he said a lot of funny things. One of my favorite Yogi Berra quotes is, "When you come to the fork in the road, take it." Thank you, Yogi Berra. When you come to the fork in the road, take it.

It is clear to me that we are at a crossroads. We need to find a way to bring massive amounts of clean energy onto our

grid to mitigate the climate crisis. At the same time, we must make sure that communities have a voice in the buildout of critical infrastructure.

I believe that this balance is what separates us from countries like India or countries like China. As a recovering governor, some of us on this committee know what that is like, I know we can build infrastructure and create economic opportunity while also protecting the air we breathe, the water we drink, and the communities that we call home from pollution.

If we are going to make lasting changes to the authorities and procedures for environmental reviews and permits, the legislation must be bipartisan. As Senator Capito has heard me say more than she wants to remember, bipartisan solutions are lasting solutions. As it turns out, that is true.

The legislation before us also needs support from a broad coalition of stakeholders, from industry to environmental groups. We have pretty good representation here today of that population.

To me, a bipartisan permitting reform package must do three things. I will mention them. The first one is, it must result in lower emissions, not higher emissions, across our economy while also maintaining the fundamental protections provided by our Nation's bedrock environmental statutes. Second, a bipartisan permitting proposal must support early and meaningful

community engagement in the development of projects, especially engagement with historically disadvantaged and underserved communities. Third, the legislation must provide businesses, in particular, clean energy businesses with certainty, predictability to help unlock economic growth and job creation across our Country.

I ended up coming out of the Navy, moved to Delaware. We got an MBA and went to work right away in the Delaware Division of Economic Development. I worked there about six months, until we had elections and nobody wanted to run for State treasurer, so I ran for State treasurer at the age of 29. The six months or so that I spent in the Division of Economic Development, if I learned nothing else, I learned businesses like certainty and predictability. We are not going to put that on my tombstone. We could probably put it on a number of tombstones around the Country, and a lot of folks would say amen to that. That would be the third thing that we are looking for.

With that, I look forward to hearing the perspectives of each of our witnesses here with us today. Before we do that, let me turn to Ranking Member Senator Capito for her opening statement.

I just want to say how much I appreciate your willingness and that of your staffs to work with the folks on the majority side to get us to a good place in this legislation. It is

really important.

Thanks so much.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Sure. Thank you, Chairman Carper. Thank all of you for being here for today's hearing.

I do appreciate your willingness to start this conversation in the committee, and I look forward to working on the process in the coming months on our bipartisan solutions.

This committee has been, I think, one of the most effective out of any in the Senate in moving legislation over the past couple of years via regular order, and that has been a result of our collaboration, our staff, the work of our members to seek bipartisan solutions, and abiding by the committee process.

I thank you for renewing that approach again, because we know it works, so that we can make sure that the environment and economic benefits from a functioning Federal permitting process can be seen, and that that effort kicks off today.

I also, again, want to thank the panel of witnesses. We are eager to hear from all of you on how we can improve the environmental review and permitting process to revitalize our economy, reduce prices for consumers, create good-paying jobs for all Americans, and rapidly build out the infrastructure, energy, manufacturing, and mineral resources that we so sorely need.

For far too long, projects of all sorts have gotten stuck

in a purgatory that is the Federal environmental review and permitting process. If they make it through that with a permit, they face the certain threat of lawsuits, even if those didn't start even earlier in the process.

The problems with the process, they don't just impact sponsors. They harm American workers and consumers with lost jobs, higher energy prices, traffic congestion, more pollution, and many other missed opportunities that result from the failure to modernize infrastructure and energy systems. These costs to the American people are sort of hidden and diffuse.

Since there is no line item on a receipt that you get that you can easily see or quantify them, that has allowed us to become a bit complacent, I believe. But make no mistake, these regulatory obstacles are kind of a tax on American prosperity and hamper the environmental and economic progress we want to see pass on to future generations.

The goal of this hearing is to better understand those costs, identify some of the greatest pressure points and obstacles in the process, and hear ideas on how to address them in understandable terms from the folks that have to navigate all of this.

It is our role as elected officials to take this feedback and explain to our fellow Americans what we are actually doing, what the stakes are, and why improving this process goes hand in

hand with ensuring environmental protection and economic growth.

In my home State of West Virginia alone, there are multiple real-world examples of how our broken environmental review and permitting process is holding up critical projects across multiple sectors important to West Virginians, but also to our national economy. In our transportation sector, Corridor H, in our manufacturing sector, Nucor, and in our energy sector, Mountain Valley Pipeline.

But this is not only a West Virginia story that we are going to hear today. Projects across the Country of National significance are also stuck in the regulatory and legal no-woman's land.

Job-creating projects continue to be bogged down by red tape, judicial review holdups, starts and stops that cause delay, delay, delay, and sometimes total abandonment of the projects. Every State has stories like these in urban as well as rural areas.

We will not be able to onshore the industries critical to our international competitiveness and national security without getting this right. A generational investment in transportation infrastructure that we worked so hard on in this committee on the IIJA is running up against the wall of our Nation's permitting issues, delaying project delivery and letting inflation eat away at the funding that we provided.

Where do we start, and how do we fix this broken system? I believe we need permitting reform that benefits all projects, not just a small subset of projects that are politically favorable to one group or another. We need enforceable timelines with clear time limits and predictable schedules for environmental reviews and consequences when agencies fail to act in a timely fashion. We need to process and decide legal challenges to projects expeditiously instead of continuing to drown in endless litigation.

To make the substantive changes I am describing, we must actually amend the statutes in our jurisdiction, including the Clean Water Act, the Clean Air Act, and NEPA. Window-dressing the existing failed system, if all we do is window-dress the failed system, it is not an option. We are not getting anywhere. Unless Congress and President Biden work together to make these substantive reforms, the impact of the IIJA, the CHIPS Act, and other Federal investments will be severely reduced while projects await approvals.

I have said before, and I will say it again, I believe we get the best solutions and the needed reforms by going through regular order in a bipartisan committee process, like we see today. At the end of an honest negotiation, neither side will get exactly what it wants, and we all know that.

Chairman Carper, you and I have found ways to find common

ground and report out of the committee. We just did it today in our recycling bills. Meaningful legislation and other challenging policy areas, we have done this before, and I am confident that we can make it happen here.

As you like to say, here is one of your sayings, I have been here long enough to get a couple of your sayings, you and I are workhorses; we are not show horses. The American people will get a lot in return for decades to come and be saved from the hidden tax of red tape and bureaucracy if we on this committee can work together, as we have before, on real, implementable reforms.

That is what I intend to do in working with you and our colleagues on both sides. I look forward to kicking off these conversations today.

Thank you.

[The prepared statement of Senator Capito follows:]

Senator Carper. I like that. Workhorses, not show horses. The idea of a no-woman's land, that would be a pretty bleak place to live. I don't know if I would want to go there. Thank you for your opening statement.

Now, we are going to turn to our witnesses. My staff was kind enough to give me a script, if you will, to introduce you. It starts off with, we will now turn to our esteemed panel, esteemed panel. Then they had some internal discussion. They said, instead of saying esteemed, how about brilliant? We went back and forth on that. Finally, we decided we would use legendary.

[Laughter.]

Senator Carper. Anyway, we are delighted that you are all here with us today. We are grateful for your willingness to join us to discuss a very important topic. This is really big stuff. We worked on Kigali, with the Montreal protocol to sort of set the example and show how we can work as a business community, environmental community and do really good things and create a lot of jobs. I think we have the opportunity to do that here as well.

In a few minutes, we are going to hear from you in this order: leadoff hitter, the baseball season, leadoff hitter is Christy Goldfuss. She is Chief Policy Impact Officer of the Natural Resources Defense Council, affectionately known as NRDC.

Second, we are going to hear from Dana Johnson, Dana, good morning, Senior Director of Strategy and Federal Policy at WE ACT for Environmental Justice.

Third, we are going to hear from Christina Hayes, Executive Director of Americans for a Clean Energy Grid.

Next, we are going to hear from Jay Timmons, Jay, good morning, President and CEO of the National Association of Manufacturers.

Last but not least, he introduced me, actually, he introduced Senator Capito and I think Senator Manchin to a National U.S. Chamber of Commerce event a week or two ago. Thanks for that great introduction. I am afraid I don't have the ability to give one quite as uplifting as the one you gave me, but just know that we are delighted that you are here. We welcome you warmly to testify before this committee.

We are going to begin our witness testimony today with Ms. Goldfuss. Please proceed with your statement when you are ready. Thank you. Go right ahead.

STATEMENT OF CHRISTY GOLDFUSS, CHIEF POLICY IMPACT OFFICER,
NATURAL RESOURCES DEFENSE COUNCIL

Ms. Goldfuss. Good morning. Legendary, that is a pretty high bar, so I am making no promises. But thank you, Chairman Carper, and thank you, Ranking Member Capito, for the opportunity to testify today.

My name is Christy Goldfuss. I am the Chief Policy Impact Officer for the Natural Resources Defense Council.

NRDC is a nonprofit organization of scientists, lawyers, and environmental experts dedicated to protecting public health and the environment. Previously, I served as the Managing Director at the Council on Environmental Quality and as Senior Vice President for Energy and Environment Policy at the Center for American Progress.

I would like to thank the members of this committee for your leadership in passing the Inflation Reduction Act, which is providing unprecedented investments in U.S. energy systems and is our strongest tool for halting climate crisis and creating a path to a clean energy future that benefits everyone.

Any attempt to roll back IRA would be devastating to the clean energy transition that is already providing hundreds of thousands of good-paying jobs as well as important climate and health benefits to millions of Americans.

To deliver on the promise of IRA, we need to build clean

energy projects at much greater speed and scale. By 2035, the U.S. needs to build over 500 gigawatts of renewable electricity and storage, and we need to double the rate of buildout of the U.S. electric transmission system.

To unlock this renewable revolution, the U.S. must shift the value proposition around clean energy deployment and transmission and move to a model that delivers more benefits directly to the communities that host this clean energy infrastructure while providing the benefits of clean energy to everyone. This shift will lead to less opposition and therefore faster timelines for getting clean energy projects and transmissions deployed at scale.

I want to briefly highlight NRDC's recommendations covering four major topics: streamlining clean energy permitting, improving the process for permitting and siting large, interstate transmission lines, utilizing smart-from-the-start planning, and addressing local barriers to clean energy projects.

I would like to say that broad claims that the permitting process, the whole process, is broken and that NEPA is the problem are not borne out by the facts. Even oil and gas industry experts this week were quoted, saying they fear that there was a permitting myopia with too much attention on NEPA in particular.

That said, there are ways of improving, making the system better, if not perfect. Agencies should be encouraged to make greater use of programmatic EISs to move toward a design one-build many model that decouples broad swaths of the environmental review process from individual project timelines, and CEQ should continue efforts centered on sector-specific engagement to identify targeted efficiency gains for agencies that are part of the clean energy permitting process.

Let me shift to transmission, because this is really a key part of the problem. Lack of transmission is a critical barrier to accelerating renewable energy buildout. Currently, although transmission planning happens under FERC regulation, the permitting for all transmission lines happens at the State and the local level, meaning that every State, effectively, has veto power over transmission lines that pass through their jurisdiction.

FERC does have backstop authority to site lines within corridors of national interest, which DOE must designate. FERC and DOE should move quickly under this strengthened authority to designate new national interest corridors.

Even when large transmission projects are planned, allocating the costs of such projects is challenging. If FERC does not act to broadly allocate these costs, Congress should pass legislation requiring FERC to adopt cost allocation rules

that holistically reflect the multiple benefits of transmission.

Next, I want to stress the importance of early planning. Utilizing smart-from-the-start planning means planning and siting development in ways that minimizes potential impacts and conflict before project-by-project permitting even begins. It includes applying the science, guidance, and best practices to address both environmental and community concerns.

The Federal Government should be encouraged to partner with State agencies to develop and share the best available data, best management practices, mitigation options, and guidance. Federal agencies also should ensure that funds from IRA earmarked for planning are implemented in a way that helps States and localities in their planning and permitting processes.

Finally, some of the strongest opposition that we are seeing and barriers to developing large-scale wind and solar and transmission lines at speed and scale originate at the community level. States should be encouraged to adopt siting and permitting laws that will ensure an efficient process for approving projects while also providing thorough environmental review and ensuring community engagement and benefits to those host communities. We can do it all.

IRA creates a tremendous opportunity to chart a path to a clean energy future that benefits everyone. By implementing

these recommendations, we can make this clean energy future a reality.

Thank you for inviting me to testify, and I look forward to your questions.

[The prepared statement of Ms. Goldfuss follows:]

Senator Carper. Thank you for your testimony.

Now, we are going to turn to Dana Johnson for your testimony. Ms. Johnson, welcome. Please proceed.

STATEMENT OF DANA JOHNSON, SENIOR DIRECTOR OF STRATEGY AND
FEDERAL POLICY, WE ACT FOR ENVIRONMENTAL JUSTICE

Ms. Johnson. Thank you. Thank you, Chair Carper, thank you Ranking Member Capito, and committee members for the opportunity to contribute to this important conversation.

WE ACT for Environmental Justice is a Northern Manhattan-based member organization whose mission is to build healthy communities. We do this by ensuring that people living in a community of color or an area of low-income lead in creating sound and fair environmental health protection policies and practices at the city, State, and Federal level.

Our Federal Policy Office, where I serve, also serves as the administrative anchor for the Environmental Justice Leadership Forum, which is a network of about 50 EJ organizations and advocates across the Country. They represent 22 States or so that span the political spectrum. The goal really is to ensure that as a collective, we advance policies that ensure the protection and promotion of communities of color and low-income areas across the U.S.

I am going to go on a little bit of a personal note here. I have been with WE ACT for Environmental Justice for four years. And during that time, I feel like I have stood with EJ Forum members and other advocates across this Country in discussing, defending, and calling for the strengthening of the

permitting process and NEPA, specifically, in this Country.

In my conversations, I repeatedly hear people describe NEPA as the people's law, because they feel like it gives them a say in what happens where they live, where they work, where they play, where they pray. They say that NEPA's requirement that they be considered and consulted in projects is one of the ways that we demonstrate that we are a democracy.

NEPA levels the playing field and, in our opinion, efforts to, quite frankly, what feels like gut or roll back this bedrock law aren't held as improvements for people who have been adversely impacted by our land use, our urban, our energy planning decisions across the Nation.

Our communities are calling for a moment of truth. We are calling for transparency, and we are also calling for accountability. Here is what we seek. First, as Christy noted, delays related to Environmental Impact Assessments and litigation have been overstated. Far fewer NEPA-impacted projects go through an EIA, and the median times for those projects that do go through the full review are shorter than what we hear cited.

The Council on Environmental Quality estimates that projects that require an EIA, the most intensive review process, account for less than 1 percent of all NEPA review projects. Only 5 percent of required environmental assessments, which is a

much less strenuous or rigorous process, and then 95 percent of NEPA projects are categorically excused from environmental reviews entirely.

Second, when it comes to bringing utility-scale renewable projects, and in this instance, I am referring to solar online, transmission connectivity is the cause of the delay and not NEPA. Once solar fields or wind farms are built, they must be able to connect to the grid of large-scale transmission lines in order to deliver that renewable energy to households.

The process of that connection causes significant delays and has nothing to do with a burdensome public participation or environmental review process. It is indicative of our need to invest in our transmission system, which we believe the Inflation Reduction Act as well as the Bipartisan Infrastructure Law gives us the opportunity to do. It also indicates that we need to manage the politics of who owns those transmission lines and who grants access to them.

Finally, a global assessment of the reasons why large-scale projects are delayed was performed, I believe, in 2020. The top five reasons were poor project management, poor contracting approaching, contractors' financial issues, delayed approvals, delayed payments, clients' financial issues, challenges with the actual design of a project. If we note, early, transparent, and robust public participation periods, proactively considering

alternatives for achieving a project's goals, and consideration of cumulative impacts are not among the top reasons that projects are delayed.

I would like to conclude my comments with three points made at a recent positive permitting symposium that WE ACT for Environmental Justice was a part of. Three of the recommendations that came out of that conversation that I think are appropriate for this one are, we really need to start community engagement much earlier in the process.

With WE ACT, we call it the first early and ongoing process. Advocates in that space noted that when industry come to them, when they are able to negotiate, when we have community meetings before a permitting process even begins, we are able to work in partnership to solve the challenges of bringing a project to fruition.

There was also a recommendation to undertake community engagements with a neutral party. There was a professor at MIT and his colleagues who plan to pilot what they call a renewable energy facility siting clinic that will give people a space where they aren't concerned about intimidation or unfairness in the process. We believe that local and State governments can be a part of that conversation, and the Federal Government in this process can be a convener.

Finally, I think making the comment system more user-

friendly and accessible to community members that don't have access to computers or struggle to attend hearings, those seem like really simple recommendations, but I do think that they are really simple steps that we can take to address this.

Finally, people living frontline and fence-line to fossil fuel operations want to see you take action to address our energy needs. They want it from an economic perspective. They want it from a health perspective and a quality-of-life perspective.

But they also want you to ask yourselves three key questions along the way. Will any changes that get proposed to the permitting process create an environment for producing or expanding an energy source that will harm communities? Will it perpetuate racially and economically disproportionate health and environmental burdens? Will it prolong the climate crises in communities where climate change is at the center?

If we can't say no to each of those questions, then this isn't a process that we should advance.

Thank you.

[The prepared statement of Ms. Johnson follows:]

Senator Carper. Thank you very much.

Ms. Hayes, Christina Hayes, you are recognized. Please proceed. Thank you.

STATEMENT OF CHRISTINA HAYES, EXECUTIVE DIRECTOR, AMERICANS FOR
A CLEAN ENERGY GRID

Ms. Hayes. Thank you. Good morning, Chairman Carper, Ranking Member Capito, and members of the committee. Thank you for today's opportunity to speak about the importance of improving project reviews to maintain a reliable grid and ensure a sustainable, high-growth economy for all Americans.

I represent Americans for a Clean Energy Grid, a nonprofit advocacy organization focused on the need to expand and modernize the transmission system. ACEG represents a diverse coalition, bringing together the voices of transmission and renewables developers of all kinds, as well as business, labor, consumer, and environmental groups.

Today, I want to tell the story of two transmission lines, each spanning several hundred miles, capable of interconnecting between two and four gigawatts of power. That is about the amount for about 750,000 homes, the size of about two Delawares, or a little bit more than West Virginia.

Both lines require both Federal and State permitting, as they cross Federal, State, and private land. Both require an Environmental Impact Statement.

One line takes 15 years to permit. It was first submitted for Federal permitting in 2007, and it hopes to be energized in a few more years. The other takes much less time. All Federal

and State approvals will be completed in approximately five years.

The difference is in agency personnel, State laws, and how Federal laws are implemented. You can just never tell when you begin the transmission siting and permitting process which set of circumstances you will run into.

Now, compare that to the time it takes to permit high-capacity transmission in other countries around the world. A recent study showed that it takes between two and four years in China, and three and six years in India.

It should take time to site and permit high-capacity, regionally significant transmission. They will last for decades, 50 years or more, and we should take the time to ensure that our infrastructure is well-thought out, reflects a full understanding of the environmental and community impacts, and incorporates appropriate stakeholder input and engagement, but building in the United States has slowed to a near standstill.

According to a recent report, the United States dropped from installing an average of 1,700 new high-voltage transmission miles per year in the first half of the 2010s to less than 700 miles per year in the second half of the decade. We need more transmission to withstand the impacts of extreme weather, to reduce the economic impacts of big storms, and to keep the lights and the heat on for American families.

Legacy transmission lines kept the lights on during recent winter storms Uri and Elliott, but we need more such lines, especially as we electrify more and more of our economy. Our TVs, our thermostats, our computers, our phones: electricity is critical for nearly every aspect of modern life. Moreover, we need to more than double our current rate of construction to have a chance at hitting our GHG reduction goals, not to mention to realize the promise of a domestically powered clean energy future.

To achieve these benefits, Congress should take action to address siting and permitting reform. Consistency and certainty in siting and permitting laws throughout the development of a project is needed to encourage the private sector to move forward with these significant investments.

Specifically, high capacity, regionally significant transmission should go through a unified Federal siting and permitting authority, just as other major energy infrastructure does. A bright line threshold for unified Federal siting and permitting authority should be clearly established, which, when included a single point of contact for environmental review, will provide for a comprehensive and legally durable siting and permitting process.

Firm deadlines should be established from beginning to end. If a transmission line is approved, the notice to proceed should

be issued no more than five years after the application process has begun.

Finally, any siting and permitting process must include early meaningful engagement with affected customers and communities before the application and throughout the pre-filing process. Additionally, developers should consider support through community benefit agreements and/or revenue sharing. Mitigation beats litigation every time.

We need to build for the future, the grid we are going to have, not the grid that we used to have. We need it for reliability, to access new, low-cost domestic energy resources, and to meet customer needs. We can't do that at the current rate of construction or with the current siting and permitting laws and regulations.

On behalf of ACEG and our coalition, we stand ready to assist you in putting the right policies in place to ensure that America will have a cost-effective, reliable, modern grid to power a clean and strong economy.

Thank you for considering my testimony. I look forward to your questions.

[The prepared statement of Ms. Hayes follows:]

Senator Carper. Thank you for that testimony.

Now, Mr. Timmons, you are recognized. Please proceed.

Thanks for joining us.

STATEMENT OF JAY TIMMONS, PRESIDENT AND CEO, NATIONAL
ASSOCIATION OF MANUFACTURERS

Mr. Timmons. Thank you, and good morning, Chairman Carper, Ranking Member Capito, and members of the committee. Thank you for this chance to speak with you on behalf of the 13 million men and women who make things in America to convey the urgency of permitting reform.

For manufacturers, permitting reform is essential for our ability to compete in the global economy. While there is a broad range of philosophies represented on this committee, each member has a goal or a priority for their constituents that would be easier to achieve if Congress acts to modernize our permitting processes, and manufacturers share many of these goals.

Mr. Chairman, you quoted the great Yogi Berra. Another famous New Yorker, George Plunkitt, was a Democratic leader in Tammany Hall. He said, "If you see an opportunity, take it." I have to say, we have an incredible opportunity here to work in a bipartisan way to get some good things done.

If we want more critical minerals for chip manufacturing, more domestic energy development and transport, power plants, pipelines, transmission lines, more manufacturing facilities and jobs back home, better highways, bridges, airports, waterways, then we need permitting reform to make it a reality in the near

future.

Then, there is the Bipartisan Infrastructure Law that everybody here has referenced, the CHIPS and Science Act, even the Inflation Reduction Act, which includes hydrogen tax credits, for which Chairman Carper successfully fought. Permitting reform is the key that unlocks the full potential of all of these laws.

What we want to do is improve standards of living here in America while making our economy less dependent on countries like China for our inputs, and less reliant on hostile nations, like Russia, for our energy supply. After all, why, in the 21st century should it take 5 or 10 or even 15 years just to approve essential projects?

If Washington could streamline the process, like manufacturers do in our businesses every single day, we could do more for our Country. For example, a White House Council on Environmental Quality report found that environmental impact statements mandated under the National Environmental Policy Act of 1969 now take, on average, as you referenced, Mr. Chairman, four and a half years. That means, for example, more time is spent just projecting potential environmental impacts than it takes to actually construct and operate a clean hydrogen power generation facility.

One of our member companies reported that permits from the

U.S. Army Corps of Engineers were delayed a year due to the failure of the U.S. Fish and Wildlife Service to complete a required informal consultation under the Endangered Species Act. For an entire year, potential workers sat on the sidelines. A community lost out on economic opportunity waiting on informal paperwork.

We can and we should still set high standards for ourselves. Let us just modernize the process, fewer delays, fewer needless lawsuits.

As detailed in my written testimony, manufacturers have a few priorities. First, we want to see consolidated processes with enforceable deadlines for the siting of new energy projects, including hydrogen, natural gas, nuclear, and other emerging technologies, along with their infrastructure.

Second, we want to see faster approvals for transportation infrastructure projects on which we all rely. Third, we want to see a commitment to developing our resources to strengthen our supply chains for critical minerals that are essential to semiconductor manufacturing and EV battery production.

Fourth, we believe the EPA and other agencies should refrain from issuing new and shifting regulations before current standards are implemented. Finally, Congress should ensure that the Administration follows Congressional intent on recent and future statutory streamlining efforts, such as the One Federal

Decision.

We believe that all of this should be done in a technology-neutral way. Let consumers and users and market conditions determine what works best, and when there must be judicial review, it should be meaningful and timely.

Manufacturers have a deep commitment to environmental stewardship, and we do not believe that corners should be cut. We believe in protecting our community, our neighbors, and our environment.

Reform is about keeping up with the world around us. It is about ensuring that this Country, a democracy rooted in free enterprise, isn't outpaced or outflanked or overtaken by nations that don't share our values, that don't respect the environment, or that don't recognize the dignity of human rights.

There is nothing that manufacturers in America can't do for the good of our Country and the world, so long as the government and rules that were written in the past century aren't standing in our way.

Thank you so much for the opportunity to be here today.

[The prepared statement of Mr. Timmons follows:]

Senator Carper. Not at all. Thank you very much for that testimony.

Before I introduce Mr. Durbin, once you finish your testimony, Mr. Durbin, we are going to turn to Senator Fetterman to ask any questions that he might have, and then to Senator Capito, and then I will follow in her wake.

Mr. Durbin, please proceed.

STATEMENT OF MARTY DURBIN, SENIOR VICE PRESIDENT OF POLICY, U.S.
CHAMBER OF COMMERCE

Mr. Durbin. Good morning, Chairman Carper, Ranking Member Capito, and members of the committee. Thanks for the invitation to be here today.

We have an historic opportunity. Congress enacted the most significant investments in infrastructure in a generation. Combined, the Bipartisan Infrastructure Law, the CHIPS and Science Act, and the Inflation Reduction Act could spur public and private investments from nearly \$2 trillion to build the infrastructure and the economy of the future.

However, we believe our permitting process is broken and creating unnecessary obstacles. To be clear, environmental reviews and meaningful community input are essential, but we have to find ways to accelerate the process.

While our environmental statutes provide critical protections that have contributed to better stewardship over the decades, over time, their interpretation and implementation have added complexity in ways that empower project opponents to delay action through the regulatory process and the courts.

Simply put, it shouldn't take longer to get a decision about a permit, which we have heard, on average, is more than four years, than it does to actually construct a project.

We need Congress to act to ensure our Nation's global

competitiveness, strengthen our economic and energy security, and meet the challenge of climate change.

The good news is that we have seen bipartisan support for fixing the problems. To build on that momentum and spur quick action by Congress, the Chamber and nearly 350 partners from across the economy and nearly every corner of the Nation launched the Permit America to Build Campaign. I want to thank Chairman Carper and Senator Capito for joining us at our launch last week.

With such a broad group of industries, labor unions, and others, we won't agree on every issue, but we are committed to working with Congress to enact necessary reforms this year. As a starting point, we agree on four principles: predictability, efficiency, transparency, and stakeholder input.

This is an issue that affects many of our Nation's infrastructure priorities. The clean energy transition, a central part of the global climate strategy, cannot be achieved when it takes so long to build projects like offshore wind, solar farms, or transmission lines.

To reach net zero emissions by 2050, a million miles of new transmission lines may be needed. Does anyone believe that is possible with our current permitting process?

Natural gas is the backbone of a clean energy economy, providing standby support for intermittent generation and

cleaner baseload generation. But the inability to site interstate pipelines because opponents are using the permitting process to stop them is preventing affordable and reliable supplies of natural gas from getting to those who need it, such as in New England.

Turning to critical minerals, demand is at an all-time high. They are used in everything from cell phone batteries to wind turbines, but some 80 percent of those materials are produced, refined, and processed in China. While it takes an average of seven to ten years to receive a mining permit in the U.S., in Canada and Australia, it takes about two.

The CHIPS and Science Act is investing more than \$50 billion to strengthen America's semiconductor industry to help ensure our national security and our global competitiveness. But here too, permitting requirements can present significant challenges to many of those projects.

On broadband, closing the digital divide is going to drive e-commerce, improve access to critical services, and sustain small businesses. But uncertainty and delays in the permitting process at all levels of government will increase the cost and complexity of that deployment.

As we have heard, the Bipartisan Infrastructure Law is providing unprecedented opportunity to modernize our Nation's transportation infrastructure, but States and other recipients

of those dollars are struggling to use them since the lengthy permitting process can add years and uncertainty. With the inflation, inflation literally means that time is money. The longer it takes for shovels to hit the dirt, the less we are going to be able to build.

On water infrastructure, \$13 billion has been allocated through recent laws to increase drought resilience and expand access to clean water for families, especially in the American West. But water infrastructure projects take on average six years to receive a permit.

We know that forging consensus is not going to be easy, but we can't let the perfect be the enemy of the good. After decades of seeing the process get longer, more complex, and less transparent, we must take whatever steps we can now to create a modern, agile, and efficient permitting process. Every day that goes by imposes an opportunity cost on all of us.

We are ready and willing to work with Congress to unleash both public investments and the power of private sector capital. This is one of the most important issues facing our Nation, and if we don't solve it, we won't be able to grow our economy and take full advantage of the opportunities that we have in front of us. Thank you again for the opportunity to be here. I look forward to your questions.

[The prepared statement of Mr. Durbin follows:]

Senator Carper. Exactly five minutes. That was perfect.

Mr. Durbin. Stuck the landing.

[Laughter.]

Senator Carper. Thanks so much, Mr. Durbin.

We are going to move on to questions. We are going to turn first to Senator Fetterman, and then after he has asked his questions, Senator Capito, and then I will follow her. Thank you. Senator Fetterman, welcome. You are recognized.

Senator Fetterman. Thank you so much, Mr. Chairman.

Ms. Goldfuss, you have discussed programmatic environmental impact statements, which could help advance clean energy projects in areas that are ideal for future wind, solar, and transmission projects. How can you incorporate proactive community engagement into programmatic review?

Ms. Goldfuss. Great question, thank you, Senator.

The beauty of the programmatic review process is it allows you to pick an area that you want to develop in larger than just the project size. If you identify that area at the right level, then you are able to engage the community around there, and you are also able to look at the broader environmental conditions, whether it is related to wildlife, water, or other issues.

You can assess that on the front end, and then you can tier off of that larger programmatic review for specific projects. That allows you to go through that process not detailed at each

project level, but for that broader area, just one time.

Senator Fetterman. Further, another question with you, Pennsylvania has been discussing its own permitting capacity right now. The States play a critical role here, but many have outdated processes and limited capacity. Do you agree with that?

Ms. Goldfuss. Absolutely.

Senator Fetterman. How do you believe that the Federal Government should help States improve their permitting processes in a way that aligns with Federal goals?

Ms. Goldfuss. We have seen some promising partnership in the State of Nevada in particular, where some of the resources that have been made available through the Inflation Reduction Act and the Bipartisan Infrastructure Law can be given to the States for their permitting process.

If the Federal Government is going to do that, it should be conditioned on the basic values that we have laid out here, making sure that there are environmental considerations, that community engagement is done up front, but those resources can be transferred to the States for their particular permitting process.

Senator Fetterman. So you are saying changing the process and shortening it significantly, that would be transformative not for just the economy, but also the energy.

Ms. Goldfuss. Absolutely, and the States have their own laws that they need to work through, as well. If they have the capacity, it allows them to do it faster.

Senator Carper. Senator Fetterman, thanks for joining us, and for those questions.

Senator Capito, you are recognized, and I will follow you.

Senator Capito. Thank you. Thank you all very much.

I am going to start with Mr. Durbin and Mr. Timmons. I think, when we sit here and talk, we talk about NEPA, if somebody is actually watching, which I hope they are, they have no idea what that really is.

If you could frame it, Mr. Timmons, we will start with you. When delays and inefficiency occur, and I think we pretty much generally all agree that delays and inefficiencies are in the system and are occurring, and maybe there is some question about that, but I certainly have none.

How does this ultimately impact an American worker and a consumer? The longer it takes to build, it gets more expensive for your energy. The longer it takes to build, your pipeliners aren't working, or your folks are not siting windmills. How does this affect your workers and consumers, to both of you? Mr. Timmons, we will start with you.

Mr. Timmons. Thank you for that question, Senator. Seventy-four percent of our members, we do a survey each quarter

for our members, 74 percent said that permitting reform would be helpful to their company, and 74 percent cited that as a problem in terms of slowing down projects.

As you just mentioned, it does have an impact. It has an impact on communities; it has an impact on businesses; it has an impact on workers. The longer it takes for an investment to be made, the longer it takes to put a shovel in the ground, the more delay there is for the great jobs, jobs that pay more than any other sector of the economy to be realized.

I have a couple of examples here that might be of interest. One of our members was forced to either spend \$400 million more to meet some standards in a locality that was not in an attainment area, or move their facility. The move added \$100 million to the project and caused a six-month delay. Those are jobs, obviously, that could not be realized during that time period.

One member ended up responding to over 600 requests for information with over 40,000 pages during the environmental impact statement process, and it resulted in a document being over 4,000 pages long. That was obviously a long time period, as well.

We have done a lot of things in a bipartisan way, or even a partisan way, several Administrations, as long as I have been at the NAM, the Bush Administration, the Obama Administration, the

Trump Administration, and certainly the Biden Administration, to encourage investment and job creation in the United States. We have had record investment in manufacturing facilities in the United States in the last six years, record job creation, record wage growth.

That can't go on forever. The permitting processes that exist today, it simply slows down the process, stops jobs from being created, and loses opportunities for communities.

Senator Capito. Thank you.

Mr. Durbin?

Mr. Durbin. Thank you, Senator.

I would agree with everything that Mr. Timmons just said. The one point I would add to that is the impact of projects that end up not getting investments in the first place. When you know that it is going to take seven years to get a permit decision on a highway, or more than four years for various projects, and you see the examples of projects that get hung up so much, or watching investments sitting on the sidelines here, or even communities that are deciding, well, we don't want to go through the Federal process, because we might get hung up in that, as well.

Again, I agree that the delays are obviously delaying the benefits of each of the projects to the community, to the consumer, to the Nation as a whole. We want to make sure that

we put a process in place that encourages the types of investment that we need from the private sector into these projects.

Senator Capito. Thank you.

I think we have heard a lot of common themes: consistency, persistence, predictability, as large global concepts. Also, not shortcutting the environmental review is very important, but also the community involvement piece. I see those as very consistent through all the testimony.

But I also heard a lot about energy transitions and how important that is. Again, Mr. Durbin, I will ask you first, do you believe this energy transition can occur if we don't do some of these reforms?

Mr. Durbin. The quick answer is no. I don't think we are going to be able to achieve the ambitious objectives that we put out. I think they are common objectives. We have all agreed that these are things we want to achieve. Let's ensure and strengthen our energy security here at home, allow ourselves to provide to allies around the world, while accelerating a transition to a cleaner energy.

You can't get there if we can't get the projects in the ground, the technology, the transmission lines, all of that. We can't get to those if we don't have a permit process that facilitates a faster process.

Senator Capito. Thank you. Mr. Chairman, I want to do a round two, but I will stop here and let everybody else go.

Senator Carper. Thanks so much.

I am going to address my first question to Ms. Johnson, Ms. Goldfuss, and Ms. Hayes. Ms. Johnson, Ms. Goldfuss, and Ms. Hayes, all three of you mentioned the importance of early engagement with the communities. I could not agree more.

My staff would tell you that two of my favorite words are "for example." With that in mind, a question, if I could, of Ms. Johnson and Ms. Hayes.

Would each of you briefly provide us with an example of when early engagement with communities helped to mitigate community concerns and improve outcomes while also avoiding delays or challenges later in the review process? How can the Federal Government support that early engagement?

Ms. Johnson, would you go first?

Ms. Johnson. Sure, thank you.

I think I want to start by addressing some of what we have heard in the room today by my esteemed or legendary co-witnesses on the panel.

When we talk about permit reform, and even today in this space, I feel like what is missing from the conversation is equity and justice. In many spaces, we aren't starting from the ground up. In most parts of the Country, what we are proposing

to build in communities that face historic marginalization --

Senator Carper. Again, let me just note, I am looking for an example, but go ahead.

Ms. Johnson. Okay. I can give you an example in Georgia, we do know of one in the port of Savannah, where there was a plan to build a large energy storage facility there. The local government, where industry, and community worked together early to envision what that project would look like, to outline community benefits, which, for that community, were economic in nature, so looking for jobs and other opportunities.

Because of first and early engagement with frontline groups, that project was able to be scoped out, planned, and permitted in a way that moved forward easily and in a way that communities embraced.

Senator Carper. Thank you for that example.

I am going to ask, if I could, Ms. Hayes for an example as well, for when early engagement with communities helped mitigate community concerns and improve outcomes. Go ahead.

Ms. Hayes. Thank you for the question, Chairman Carper. I can start with, we issued a report in February where we talked to a number of developers who were concerned about putting their names on examples. So I have very vague examples, if that is okay. Transmission frequently, especially, high capacity, regionally significant transmission is frequently sited in rural

areas, and so it might be a slightly different dynamic than what Ms. Johnson was discussing, but two examples.

One was siting energy infrastructure, and it was going to go directly through a peach orchard. The landowners had to spend two years advocating for changes to the siting to avoid litigation on the back end before they were able to move the line to avoid very meaningful production for that landowner.

Another example is, the Morongo Tribe has a transmission line from Southern California Edison sited through it. Southern California Edison was looking to upgrade the line. A creative equity financing arrangement was put together and approved by the Federal Energy Regulatory Commission to allow the tribe to see some community benefits from the infrastructure that is being built through their lands.

Senator Carper. Thank you. I am going to ask you to speak briefly on this one, but what do you see as the primary sources of delay for high voltage transmission, Ms. Hayes, high voltage transmission line projects, and what are the main things we can do to help overcome these delays? Just briefly, please.

Ms. Hayes. Obstacles to high voltage transmission fall into three categories: paying, planning, and permitting. Permitting is what we are here to discuss today, certainly planning lies at FERC, and paying has a variety of solutions that certainly, we can get into later.

Permitting, having a clear threshold for Federal jurisdiction for regionally significant transmission is critical. I think that was supported by testimony submitted by Ms. Goldfuss as well, and having that early engagement. Again, as you noted, all of the witnesses supported that principle, as well.

Senator Carper. Thank you.

With that, I am going to turn to Senator Cramer. I think he will be succeeded by Senator Cardin for questions. Senator Cramer, welcome.

Senator Cramer. Thank you, Mr. Chairman, Ranking Member Capito, and all of our guests.

Since we are on the topic, Ms. Hayes, and thanks for introducing it, in order to do some of the things, setting aside national significance for a moment, when we were working in a bipartisan fashion late last Congress, we were working on some things specific to transmission, obviously.

Of course, H.R. 1 does not address transmission. Somebody is going to have to. One of the challenges as a former regulator myself at the State level, one of the challenges, of course, is how much power to give FERC in planning or paying.

Whatever it would be, sort of socializing the entire grid at the FERC level and increasing FERC's role in it all, including maybe DOE and national significance, automatically

would trigger NEPA, would it not? If it did trigger NEPA, don't we have to have some changes in the underlying NEPA laws, ESA and the other Federal laws, if we are going to accomplish what several want to accomplish with regard to transmission, as well as some of the other things we are talking about?

Ms. Hayes. Thank you for the question. You are right. Any consolidation of jurisdiction over high-capacity lines at the Federal level would need to be coupled with streamlining the permitting and siting process, as you noted. Right now, such lines can go through multiple Federal agencies, as well as multiple State agencies and local governments, as well. For these larger lines that have larger benefits to the region, that should also be coupled with the idea that it should take five years.

We can certainly talk about each of the components of the NEPA process or other environmental reviews. But so often, we end up playing whack-a-mole. So instead, if we look at it from beginning to end to get five years for that notice to proceed, which is what is needed before we can start turning dirt and putting steel in the ground, that would be very helpful to get these much-needed facilities installed.

Senator Cramer. I hesitate to ask, but I am going to anyway, because of my curiosity. I am just interested in anybody that can help us find some ground where we acknowledge

all of the things you have just said while at the same time paying close attention to the important of a State's rights.

As a State regulator, I loved siting transmission lines up to the Minnesota border, but I resented it when Minnesota sited them to the North Dakota border and then said, take it from here. Is there some sort of balance that is doable that recognizes both the goal, but also, and on the pay front, for sure. Socializing the costs across a broader area than uses the electrons, give me your genius and find us some common ground.

Ms. Hayes. Legendary genius. That is a lot of pressure.

[Laughter.]

Ms. Hayes. By setting a high threshold --

Senator Carper. I think I have created a monster here.

Senator Cramer. You might have.

Ms. Hayes. By setting a high capacity for these lines, 345KV, 750 megawatts, that is only about 25 percent of the transmission. Once you layer on having it cross two States or 150 miles, now you are down to something much less than that. I have seen numbers around 10 percent at the transmission.

There still would be significant State jurisdiction over lines being sited. It is just these lines that have that greater national interest. Of course, States' input in terms of how things get sited in a State is very valuable, but it is really important to make sure that the broader regional interest

is considered.

The Midwest has done a terrific job of partnering with its neighbors, each Midwest State has done a great job of partnering with its neighbors to site transmission. We need to spread that around the Country.

Senator Cramer. Yes. Common sense is less common in other places. I have noticed that.

Thank you for that. We are going to work hard on it.

Mr. Timmons, obviously, siting for manufacturers is important for the manufacturers themselves, but obviously the cost of energy, and everything we are talking about is costly, adds to the cost of manufacturing, as well as other businesses, obviously. Maybe you could comment just a little bit in my remaining seconds here on how important the certainty of cost and how important the role of energy and the cost of energy as well as the availability of energy is to our manufacturing renaissance if we are going to continue it?

Mr. Timmons. Sure. So, the cost of energy is a major input in addition to labor and other factors. The more plentiful, and we would like to see the development of all forms of energy to drive down the cost of doing business here in the United States. It is a pretty simple equation, quite frankly, Senator. If we are able to be competitive, think in terms of tax, think in terms of regulation, think in terms of

infrastructure, which this committee and Congress has addressed. If we are able to drive down those costs, we can be competitive, and we can produce anything in this Country.

I think during the pandemic, we saw very clearly that we needed to make more products here in the United States, and we needed to make sure that the next dollar invested was here, and the only way to do that is to make sure that we can control our costs. Permitting reform will help do that.

Senator Cramer. Thank you.

Senator Carper. You are welcome.

Senator Cardin, you are next, please.

Senator Cardin. Thank you, Mr. Chairman. Let me thank all of our witnesses.

What I really enjoy about this committee is that we really try to find the right balance, and I applaud our leaders in taking sensitive subjects and trying to find the sweet spot. I think this is one of the areas that is going to be a challenge for us, but we have to work together. Permitting reform, we all want to see timely decisions made.

I am going to raise two areas of concern that we don't cut the timing, that would be detrimental to environmental justice or to our environmental commitments. Mr. Chairman, you asked for an example, so I want to start with Ms. Johnson with an example in Baltimore.

In the 1970s, there was a desire to connect from our west I-70 to our east I-95 with a highway going through Baltimore. Before the African American minority community could object to it, the highway was built, dividing a community and destroying stable Black neighborhoods. It was stopped by a White community, with its political impact. The highway ultimately went to nowhere.

Mr. Chairman, Ranking Member, I am proud that with our Reconnecting Communities, that this community is going to get a grant. We are going to try to reconnect the community. My point is this: we can't sacrifice the desire for time that denies communities the opportunity to have input to stop these types of wrong decisions from being made.

Ms. Johnson, tell me how we can effectively have community input if we try to rush a process that denies particularly the underserved communities from having that opportunity?

Ms. Johnson. Thank you, I appreciate the question.

I don't think that we can have meaningful community input if we prioritize speed over quality. I think that if we frontload the process with public engagement that begins before an EIS or an EA, an Environmental Assessment is done, before the project is even fully baked, if we have community at the table participating in conversations around what we ultimately hope to achieve, I think that we can get to great results.

We have conversations and opportunities for negotiation, as was mentioned earlier, and we have the opportunity to look for community benefits.

We also have to consider that sometimes, the answer might be no. In those instances, we can work together to come up with a resolution that can be beneficial to everyone. But we think, first, early, and continued connected to community when we are envisioning and planning out projects is important.

Senator Cardin. I just want to give a plug to our committee. It was the leaders of our committee that included Reconnecting Communities in the Infrastructure Bill, so thank you for that. This community is going to get some help.

Ms. Goldfuss, I want to relay a conversation I had with President Petro this past week of Colombia. He was telling us about the Amazon being the sponge for greenhouse gas emissions, and we are asking the countries of our hemisphere to preserve the Amazon, because we know how important it is.

He raised to me the issue that the developed world has already destroyed a lot of its resources, and now you are asking the developing world to take a step to preserve the global climate issues. The point is this: when you do an environmental study, the impact on the globe might be not as prominent of a consideration.

I was proud to represent the United States at the Sharm el-

Sheikh Climate Summit, and I know the U.S. leadership is going to be critically important. Tell me the trade off on time on the review process on the environmental impacts such as greenhouse gas emissions being put to decide if we don't have adequate time to review that.

Ms. Goldfuss. I will try and be brief. The beauty of NEPA is it allows us to have information, look before we leap, know exactly what the impacts of our project are going to be. If we rush that and are not aware in a changing climate of what the impacts of a project are going to be, then we suffer the consequences.

On the resilience side, it means we build infrastructure that then is subject to extreme weather, and we have to rebuild it again in a much shorter time frame. If we are looking at emissions reductions, then we are not taking into account if there is an alternative that would contribute less to extreme weather and causing more climate change.

It is about getting that information so we can plan the best project, have the least amount of impact, engage the community, and then have less objection in the back end, which can slow things down.

Senator Cardin. Because of lack of time, I cannot ask my last question on the Chesapeake Bay. I know the committee is going to be disappointed I don't raise the Chesapeake Bay at

this hearing. I yield back.

[Laughter.]

Senator Carper. Senator Cardin, thanks very much for those questions, for your brevity, and for your kind words earlier about the work we have done on our committee with respect to the divisions that you face in Baltimore and in other places as well, including Wilmington, Delaware.

Next is Senator Ricketts. He will be succeeded by Senator Sullivan.

Senator Ricketts. Great. Thank you very much, Mr. Chairman, and thank you to all of our witnesses who are joining us here today.

I am going to take it from a little bit of a different perspective as a former governor who actually did permitting reform in my State and saw the actual real-world experience of a variety of different agencies that were working on it. I can tell you that when it doesn't go well, we see a lot of really bad consequences.

For example, the Army Corps of Engineers took about six years to get a permit for the Papio-Missouri Natural Resources District to raise the levies around Offut Air Force Base. If you are not familiar with Offut Air Force Base, that is where strategic command is located, which controls our nuclear forces. They got the permit in time to start construction in March 2019,

just when we had a 500-year flood that then did \$1 billion of damage to the State.

If they had just gotten the permit done in four years, like we were talking the average was, we could have been able to avoid that. But the unnecessary delays cost \$1 billion and threatened our national security.

So we have seen what happens, it can be bad. I can cite some other examples where we have had outcomes. Ms. Goldfuss, I can tell you about my State, when it comes to transmission lines that, frankly, it is U.S. Fish and Wildlife that has been the holdup, not the State.

But I would emphasize that I think the key in all this, which you have been talking about, is early engagement with community. I think it actually leads to faster completion times when you engage the community early, because then you don't get all the opposition when you are trying to actually do the siting and get everything else done. I certainly emphasize that.

What I want to emphasize is what we did in the State of Nebraska with regard to Lean Six Sigma. It is a process improvement methodology where you map out the process steps it takes to be able to get a process done. It could be anything.

We did it in a number of our agencies. I think we did it in 18 different agencies. We had 900 different projects that saved our teammates about 900,000 hours of their time and about

\$100 million in hard savings.

Specifically, in our Department of Environment and Energy, we took on our air construction permits. We mapped out the process, it was 110 steps long. Only four of those steps actually added value.

We were able to cut about 88 of those steps, and this is without changing any sort of environmental requirement. We were able to take the process it takes to issue those permits down from roughly about 190 days to, we started that process in 2016, and it got down to about 65 days by the end of 2019. So it cut the process time more than half.

We had no authority to change any sort of requirement with regard to what companies had to comply with. This is just making the process, streamlining it, and making it easier.

That is one of the things, Chairman, that I think that we need to think about as we are talking about permitting reform, is there are ways to do it that have absolutely nothing to do with loosening any sort of restrictions, but just through the process itself to be able to make it better, and we ought to focus on that as we are thinking about permitting reform.

Actually, not only was it good for the applicants to be able to get those things faster, Yahoo was looking at expanding their data center in the Country. There were looking at a variety of sites, and they actually picked Nebraska to expand

and invested \$20 million because of the ease of getting the permit done in a way that allowed them to have that predictability and the certainty you were talking about, Mr. Chairman.

I will start with you, Ms. Goldfuss. Have you heard of Lean Six Sigma, or process improvement methodologies?

Ms. Goldfuss. I have not heard of it, what was it?

Senator Ricketts. Lean Six Sigma.

Ms. Goldfuss. Lean Six Sigma? No, but I really appreciate the way you laid that out, because one of the success stories was the creation of the Federal Permitting Improvement Council inside the Federal Government, which is designed to look at where are those bottlenecks, and what are the steps, and have a lead agency, if you will, that can engage with the project proponents, so they know who they are talking to.

It also produced a dashboard that gives you transparency into what those steps are. I think there is a way to kind of chart this out, and I think with the dollars that were approved in IRA, there is money that can be used for technology and to really help FIPC and the Federal Government get some of those efficiencies you are talking about.

Senator Ricketts. Great.

Mr. Timmons, I am sure you are familiar with Lean Six Sigma, coming from a manufacturing background.

Mr. Timmons. Yes, Governor, or Senator. I wanted to point out that governors really do have --

Senator Carper. He has been called worse. Believe me, he has been called worse.

Senator Ricketts. Much worse.

[Laughter.]

Mr. Timmons. I always call you Governor, too, Mr. Chairman. Governors really do have a unique perspective.

I had the opportunity in the 1990s to serve as Chief of Staff to then-Governor George Allen in Virginia, and one of the things that he took on was regulatory reform. We modelled our effort after the successful efforts in the State of Delaware, where then-Governor Carper had issued an executive order to create a task force to review permitting reform there, as well.

Governors are leading the way, truly, and your process improvement is one that is cited often for how we can maintain our very strong environmental standards, while at the same time, improving the process and making it much more efficient.

Senator Ricketts. So, you would agree that by looking at things like Lean Six Sigma as part of the solution, we can actually help speed up the time it takes to get a permit without changing any sort of, without losing any sort of regulation with regard to quality and protecting the environment?

Mr. Timmons. Yes, sir, and you also referred to it as

process improvements. Whatever you call it, if you can streamline the process, and you can look at the outcomes and not worry about duplication and over-aggressive processes, you get a lot more done, and you get it done better.

Senator Ricketts. Great. Thank you. I yield back.

Senator Carper. You bet. Thanks for those questions.

Senator Sullivan, welcome.

Senator Sullivan. Thank you, Mr. Chairman. I want to begin with a poster. It is a new poster. I bring a lot of posters to this committee. This one is actually really interesting, and I would like everybody to maybe comment on this. This goes to the whole issue of litigation as it relates to permitting and the challenges to bringing energy projects online. I mean all energy projects, including renewable energy projects.

The point of the poster, it is a little complicated, but the striped portion is miles of pipeline, gas pipeline, that has been cancelled or delayed due to litigation or courts just cancelling or upholding pipelines. It is hard to see, but that is a problem in and of itself. But if you look at the green line, that is the cost of natural gas in America.

There is a really strong correlation between litigation, cancelled pipelines. It is actually 7 billion cubic feet per day of natural gas pipelines taken offline because of

litigation. So the result is huge spikes in the cost of natural gas.

It is not just natural gas, it is an issue with renewables, too. There are 15 open cases right now, again, even cancelling wind and solar projects that are happening across the Country right now, as well. I think this is an issue for everybody.

Mr. Chairman, I am very appreciative that you are holding this hearing. It is really important. I will begin with you, Mr. Durbin, and Mr. Timmons, you talked about the high cost of energy for manufacturing. This is just a high cost of energy for Americans. Look at those numbers. That is almost certainly driven by litigation that, in my view, is out of control, not restricted.

But for Ms. Goldfuss and others, it is also a problem as it relates to renewables. You may have seen John Kerry, I don't cite John Kerry often, when he was out at the Swiss gathering, Davos, he talked about 10 years to site and permit renewable projects like wind farms. I know Senator Kelly has talked about that a lot for solar in Arizona.

Can I get first, Mr. Durbin, Mr. Timmons, just in general, on litigation reform that we need, what a problem this is? And then maybe, Ms. Goldfuss, if you could talk about the litigation issues as it relates to renewable projects as well, which is also a big problem there.

Mr. Durbin. Thank you for the question, Senator Sullivan. The litigation that has driven the cancellation of these natural gas pipelines, it is harmful in many ways. Not only is it potentially increasing costs for manufacturing and consumers themselves, but when you think about in addition to natural gas being a critical part of our clean energy economy, it is also about reliability and affordability for consumers and users of natural gas. So for us not to be able to transport gas out of one of the most prolific natural gas fields in the world in the Marcellus to areas like New England that have to import natural gas.

Senator Sullivan. Until recently, they were importing it from Russia.

Mr. Durbin. Some from Russia, but others as well.

Senator Sullivan. Good policy, there. I have no idea. That is not just hurting the environment, but it is empowering our adversaries.

Mr. Durbin. Again, I think it is a prize that we have here in the U.S. to be able to produce this domestic natural gas. It is our energy security, it is our environmental performance, and it is our economic strength.

Senator Sullivan. Mr. Timmons, do you have specific recommendations for this committee on what we could do? That is a disaster, by any measure. Look at that spike in prices. We

are just hurting ourselves.

Mr. Timmons. So, a couple of things. We clearly need to have a time limit on the process, which would include some judicial reforms or legal reforms.

Senator Sullivan. By the way, just real quick on time limit, and I want to make sure I get to Ms. Goldfuss, too, may we submit these for the record? Time limit is both the agency's decision-making timeline and the time limit once you get in litigation that the court has to decide, two elements of time limit.

Mr. Timmons. Yes. I would also like to just pick up on what Mr. Durbin talked about in terms of our economic security here at home, the cost of energy not only for certainly, manufacturers, but for all consumers. But I would also like to point out that the world is fracturing right now. We see very clearly in Ukraine why it is important to make sure that we can not only develop our own domestic resources, but be in a position to export those resources like liquified natural gas to our allies, so that they are not dependent or crushed by our adversaries, like Russia.

Senator Sullivan. Mr. Chairman, I am just going to ask Ms. Goldfuss, if you want to just talk about that briefly on the renewable side, or if you want to talk about natural gas as well, but the litigation delays that are hurting all American

energy projects.

Ms. Goldfuss. I will be really quick.

I think this is what we have been discussing this whole time. If we have early engagement, we have seen examples of where developers, conservation organizations, and community groups have come together on a permit and have been able to make the process go faster, because they had that agreement up front. I think we would reduce a lot of challenges on the back end if there were community agreements and engagement that happened on the front end so everybody understood the benefits.

Senator Sullivan. Right. Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Sullivan.

Senator Kelly, welcome. Thanks for being here.

Senator Kelly. Thank you, Mr. Chairman, and thank you for all our witnesses for being here today.

I want to start out by talking about microchips. As everybody knows here, I think they realize this, that microchips are in everything with an on/off switch, from new cars to the most advanced fighter jets. We need to make more of them in the United States.

That is why we worked for nearly two years to negotiate and pass the CHIPS and Science Act, which provides incentive grants to companies to construct new production facilities in the United States. Some of these will be in Arizona.

That is really good for our national security. It is good for our economy. It creates a lot of good-paying jobs.

Mr. Durbin, as you noted in your testimony, these incentives come with a new requirement: NEPA reviews. I am concerned about these requirements. The goal of the CHIPS Act was to make it easier for companies to build facilities in the United States, and imposing NEPA requirements on them undermines the goal.

Mr. Durbin, I will start with you. Do semiconductor companies already obtain permits prior to beginning construction?

Mr. Durbin. Senator, thank you for the question. I am sorry, are you asking whether semiconductor companies currently have to?

Senator Kelly. Yes, do they have to get permits before they start construction today?

Mr. Durbin. Yes.

Senator Kelly. Okay. So, there are robust environmental safeguards in place to protect communities. Is that correct?

Mr. Durbin. I believe so.

Senator Kelly. Can you explain, then, what the added layer of NEPA requirements on these projects will mean, and how it will impact a project's cost and timeline to completion?

Mr. Durbin. Senator, I think, to your point, the goal of

the law was to incentivize getting these facilities built here, and we do that by making it more competitive to build here than to build elsewhere.

While we are certainly not advocating that there is, when we said all along, all projects, there should be environmental reviews, community input, but we have to make sure that that process is functional and allows for these decisions to be made quickly, and these facilities to be built here in the U.S.

Senator Kelly. My understanding then is that you believe that the NEPA requirements may be added government regulation that is not necessarily going to maybe help build an environmentally sound project, but at the same time, is going to result in delays and increases in cost? Is that correct?

Mr. Durbin. Correct.

Senator Kelly. So, what specific actions could Congress take to help prevent these NEPA requirements from driving up project costs and increasing delays?

Mr. Durbin. Senator, again, I think that Congress has an opportunity to act across, and as Senator Capito mentioned earlier as well, it is not just NEPA, it is the other underlying statutes as well to ensure that we can have a structured, time-bound process whereby the Federal agency coordination, the timelines for getting decisions, some kind of a time limit on adjudications, if there are concerns after the fact, let's make

sure we are accelerating the adjudication process.

Without that, again, I think especially in a situation as you are describing with semiconductors, we are removing the types of competitive advantage that we were trying to provide through the CHIPS and Science Act.

Senator Kelly. Ms. Goldfuss, you mentioned in your testimony that agencies often have the authority to issue programmatic environmental assessments or environmental impact statements. Do you believe that such an approach could make sense when it comes to the CHIPS Act programs?

Ms. Goldfuss. I am sorry that I am not familiar with exactly how semiconductors trigger NEPA. I am trying to figure out exactly what the environmental --

Senator Kelly. My understanding is they do because there is now these grant programs because of the Federal funding.

Ms. Goldfuss. Because of the funding that goes to that, I see.

I think the process that we are talking about here is trying to figure out, what is the information that is going to be necessary to build these facilities, and what are those impacts going to be. As we have discussed along the way, it is really a matter of having that information and doing it in a timely manner. When it comes to building these facilities, using the dashboard and using the engagement tools that we have

across the Federal Government will be essential.

Senator Kelly. Thank you.

Senator Carper. Senator Kelly, thanks so much for joining us.

I think Mr. Markey might be next in line. Senator Markey, you are up, my friend.

Senator Markey. Thank you, Mr. Chairman, very much. Identifying the real issues, that is really what we are talking about here. Real issues. Conversations about permitting need to be focused on building clean energy and building community engagement.

Instead, some people are making community involvement the villain. They are making the National Environmental Policy Act and environmental reviews into the villain, but I don't think the American people are really interested in these bogeymen. Federal agencies have stated that slower turnaround times are often the result of resource and staffing shortages, for which we have provided \$1 billion in funding in the Inflation Reduction Act.

Of course, Republicans are going to try to take that money away. They want to starve the agencies and then say, look how long it takes, while they aren't giving them the resources that they need. It is a little game where they want the fox in the chicken coop, pro-industry officials at the agencies, then

starve the agency, then say, look how long it takes. That is their game. It has always been their game.

The \$1 billion in the Inflation Reduction Act, we are talking about a new cure. But now, we are applying the medicine, and we are waiting for it to kick in with all the staffers.

Of course, what is going to happen with Kevin McCarthy is he will try to cut out all that money. Let's get that money out of Washington that is the key to cutting the red tape and getting it all done. It is a little game, all industry driven. It is eternal. It is crocodile tears.

Additionally, NEPA only applies to Federal actions. That is it. We just had a 1,000-megawatt hydropower facility okayed up in Maine. That was all State action up there, with of course, the natural gas industry funding the opposition to it, because they want to generate electricity with natural gas and not with offshore wind or with hydropower coming down from Canada. We know the game. We can see what is going on, and they use every tool that they have in order to accomplish that goal. Right now, fewer than 1 percent of Federal actions require an Environmental Impact Statement.

Ms. Goldfuss, based on the existing data, are there solutions that can help our government work more efficiently without making arbitrary changes that sacrifice the quality of

environmental reviews or limit community involvement?

Ms. Goldfuss. Absolutely. I started out by thanking all of you for the Inflation Reduction Act and the Bipartisan Infrastructure Law, because those investments, I saw personally, add CEQ, this is a bipartisan problem. The Obama Administration and others Administrations moved NEPA experts into other roles.

So that money is going to be invaluable to these agencies, not only with the people in the seats to do the work, but also to update the system that we have that, right now, we have sometimes PDFs that can't be searched, so one agency has to duplicate the work of another agency.

That money is crucial to bringing the system into the modern stage. I think letting that take effect is really important.

Senator Markey. Yes, and we can't have this conversation if we are going to not center justice and prevent additional harms to Black, Brown, indigenous communities as we talk about the future of our energy grid, especially when fossil fuels remain on that energy grid. NEPA is a safeguard for communities. We need robust, upfront community engagement to power communities with clean energy while empowering them to be part of the planning.

Ms. Johnson, will members of disadvantaged communities, including families, small farmers, and business owners, seniors

be at greater risk if NEPA is weakened?

Ms. Johnson. Sure. I think I mentioned in my opening remarks, people hold NEPA as their law. It gives them a seat at the table. It gives them voice in the planning process for these projects.

I also noted that communities aren't standing in inherent opposition to projects. They want to be at the table and a part of the negotiating process, the planning process. When that is done early, we ensure protections, we ensure economic benefit, we ensure public health and environmental benefit, and it is a win.

Senator Markey. Thank you.

Can I just say this? I hear all these crocodile tears being shed about the FERC and why can't it do a better job in permitting. There are so many red herrings, we need an aquarium to put it right out in the middle of the committee room.

Here are six things the FERC could do right now, if it wasn't paralyzed, if we could even only put on a fifth commissioner, it could finalize the Regional Transmission Planning and Cost Allocation Rule. It doesn't need any new legislation. It could finalize the Interconnection Rule, no new legislation. It could establish minimum transfer requirements between regions, no new legislation. It could promote the use of grid-enhancing technologies, no new legislation. It could

continue to prioritize public participation in equity, and it could have a Federal backstop siting authority.

All of it could be done by the FERC right now, if it had five commissioners, but it doesn't. Then, we are blamed, and say, no, look at the permitting process; it doesn't work. They have the inherent authority to do all that right now, but of course the goal is to paralyze the agency, defund it, make sure they don't have a majority, make sure they can't get it done, and then say, oh look, we need more rules to be put on the books that strip out protection for local communities to have their voices heard on these projects that are coming through.

It is the oldest play in the books, and I just don't think that this Congress should fall for it.

Thank you, Mr. Chairman.

Senator Carper. Senator Markey, thank you very much.

Senator Lummis, how are you doing?

Senator Lummis. I am well, thank you, Mr. Chairman.

Senator Carper. You are next.

Senator Lummis. I appreciate it, thank you. Welcome, panel, as well.

I can't help but quote our Ranking Member.

Senator Carper. How about the Chairman?

Senator Lummis. You know, say something quotable, and I will quote you.

[Laughter.]

Senator Carper. How is this? People don't care how much you know until you know how much they care.

Senator Lummis. Well, there you go.

Senator Carper. How is that, huh? That is really Teddy Roosevelt.

Senator Lummis. You just did it. Thank you for that little gem.

The little gem that applies today is, "You can't build back better if you can't build at all." I have heard Senator Capito say that again and again, and I think that is absolutely right.

What we are finding is, according to the Congressional Research Service, NEPA is the most frequently litigated Federal environmental statute. I think that when something stands out as the most litigated environmental statute, there must be something that we can do to change that, to improve NEPA.

NEPA reform doesn't mean NEPA degradation. I think it really can mean just improvement, so litigation is not the go-to response to a NEPA process.

I might ask you, Mr. Timmons, should litigation be part of the conversation here going forward?

Mr. Timmons. Thank you, Senator, for that question.

Yes, litigation and a time limit on litigation I think is very much a part of the process. You mentioned a CEQ study on

how often NEPA was sued. It is in the court quite a bit. Public interest groups, 175 suits, individual citizen associations, 95, property owners, 15, State and local governments, 48. Business groups really only sued NEPA about 12 percent of the time during that process.

I do think, and I want to acknowledge Ms. Johnson's testimony and comments, because I do think it is very important for businesses, local governments, citizens, to work together early in the process to smooth out any concerns that exist.

At the National Association of Manufacturers, we have engaged in a relationship with Matthew Tejada, whom you know as the head of the EPA's Office of Environmental Justice. He is working on processes, to put processes in place to really enhance those conversations.

That information, we had Matthew present to our Council of Manufacturing Associations, which represents 260 manufacturing associations, because we know that, as Chairman Carper said, if it is not perfect, let's figure out how to make it better. All of these processes can be made better.

I think good points have been made across the board from the witnesses today. But there is a definite issue when it comes to litigation, and whether that is in communities of color, agricultural communities, economically disadvantaged communities like the one that I was raised in in Ohio, in

Appalachian communities, those issues do exist. But we can streamline the process. We can streamline the review process, and we can certainly streamline and put a shot clock, if you will, on the legal challenges that exist.

Senator Lummis. Thank you.

Mr. Durbin, if Congress doesn't act to fix this broken environmental review and permitting process, and I really believe it is broken, will there be more manufacturing and energy production abroad?

Mr. Durbin. Thank you for the question, Senator.

When it comes to energy and manufacturing, if it isn't done here, it is going to be done somewhere else. One of the advantages of having, whether it is energy production or manufacturing done here is that we do have robust environmental statutes. We do operate in a clean, responsible and effective way. Again, without improving the process here, we are not getting all the three core objectives, which is our economic competitiveness, our energy security, and a transition to a cleaner economy.

Senator Lummis. Global emissions are global.

Mr. Durbin. Exactly.

Senator Lummis. Thank you, Mr. Chairman. I yield back. Sorry about the remark about your quotable-ness. I will just, maybe I should just call you Chairman Quotable-ness.

Senator Carper. I have been called worse, too.

Senator Merkley, welcome. We are delighted that you are here. Please proceed.

Senator Merkley. Thank you, Mr. Chairman. Each time I think about you, I hear the words "do more of what works and less of what doesn't." So, you have burned that into my brain, and I offer that today.

I wanted to begin by welcoming you, Dana Johnson. I am so glad you are here to talk about environmental justice.

We are talking here about permits that will allow a lot more fossil fuels to be delivered into the manufacturing communities that make plastics or potentially make hydrogen or certain burned fossil fuels, meaning there is going to be a lot more toxic chemicals released in the same communities that are already suffering from those toxic chemicals.

Is that a good thing or a bad thing?

Ms. Johnson. Well, if you are in a community where this infrastructure is placed and there is talk of adding additional infrastructure, then I believe you would consider that to be a bad thing when you look at the public health impacts of that.

Senator Merkley. We renamed one of our subcommittees here to include the words environmental justice, so I am glad you are here to help us ponder how some actions we take could make environmental justice or environmental acts less just. That

needs to be a key part of our conversation.

Ms. Goldfuss, did NRDC oppose the previous permitting reform bill from the last Congress, the Energy Independence and Security Act of 2022?

Ms. Goldfuss. Yes, we did.

Senator Merkley. Has anything changed that would have you now say that that bill is a good idea?

Ms. Goldfuss. No.

Senator Merkley. Why did you oppose it?

Ms. Goldfuss. We opposed it because of the timelines that were put on judicial review, the Mountain Valley Pipeline that was included in it, and a sense that it was written to not improve the process the way we would support.

Senator Merkley. There are folks who are saying, let's do all of the above. Let's do a lot more fossil, and let's do more renewables.

I have witnessed how the rest of the world responds to that, by saying, oh, you are lobbying us to reduce our use of coal in Indonesia or change our policies in Vietnam or stop importing coal from Australia to India, and so on and so forth, and they kind of go, huh, wasn't the United States just proceeding to do a lot more new fossil projects? Does doing new fossil projects strengthen or weaken the power of our example in working with the world to tackle this climate chaos challenge?

Ms. Goldfuss. It absolutely hurts our leadership abroad when we are sending a message that climate is a top priority for us, we just made the largest investment in transitioning to clean energy that has ever been made in the world, and then if we are, at the same time, increasing or permitting at the same rate as we were previously, it is a very contradictory message to say, we can do this, but you cannot.

Senator Merkley. Certainly, we don't have a lot of time, so if we are going to build new infrastructure, fossil infrastructure that is 30 to 50 years in the future and creates a stream of revenues that end up lobbying Congress to continue that for yet another generation, if that happens, is our effort to bend the curve on global warming gases pretty much toast?

Ms. Goldfuss. Yes, but I would hate to be the climate doomer-ism, and thank you for all the tools you gave us, because I do believe that we can address the problem that we have been talking about today. Really, the bipartisan approach you have taken here, and all the Senators have taken here, is heartening. We can figure out how to do this.

Senator Merkley. U.N. Secretary General Guterres said "new fossil fuel projects are incompatible with 1.5 degrees. End all licensing on funding of new fossil fuel projects. Otherwise, it is a death sentence for the world." Does he have it about right?

Ms. Goldfuss. That is what the science says.

Senator Merkley. The science doesn't matter, because it is our generation that is responsible for what happens over the next 30 to 50 years. If we get it wrong now, and we do a permitting, let's not call it a reform, a permitting bill that will expedite fossil fuel projects, aren't we going in the wrong direction?

Ms. Goldfuss. Yes.

Senator Merkley. To go to permitting, we do need permitting for more transmission lines. A study, which I will ask to enter for the record, the title is "Evidence-based recommendations for improving Environmental Policy Act implementation" from the Columbia Journal of Environmental Law, and I ask unanimous consent that it be put in the record.

Senator Carper. Without objection.

[The referenced information follows:]

Senator Merkley. Thank you.

It says, the delays we found, and they are talking about delays that happened in implementing getting licenses to do projects, are often caused by factors only tangentially related to NEPA, like inadequate agency budget, staff turnover, delays receiving information from permit applicants, and compliance with other laws. Improving NEPA efficacy, we argue, should therefore focus on improving the capacity of the agency.

Do you share that view?

Ms. Goldfuss. Absolutely.

Senator Merkley. I have seen a whole series of projects in Oregon that have moved very slowly. Almost always, it has to do with the actor not getting the information that is required to go through the next step.

I am very concerned, Mr. Chairman, that we are on a path here where we are not actually addressing the real problem. It isn't a problem with NEPA, and my colleague Senator Markey just pointed out six factors that all have to do with FERC. I can point out many, many examples of where the delays are overwhelmingly caused by the lack of the applicant getting the information required or the shortage of staff to review those.

So, I would suggest that we not go on the wrong path that ends up basically doing damage to the worldwide effort to take on climate change as we proceed as a committee.

Thank you, Mr. Chairman.

Senator Carper. Senator Merkley, thank you. Thanks for those words and for joining us today.

Senator Capito, second round.

Senator Capito. Thank you, Mr. Chairman.

Both of us began our statements saying that we wanted to try to find a bipartisan sweet spot here, and I laid out some tenets of what I thought would be some of the things I want, knowing I am not going to get everything. One of them was a technology or fuel neutral to benefit energy projects of all kinds. I just have a couple comments from some of the things I have heard.

Ms. Johnson, Senator Cardin talked about the Reconnect Program that we built into the IIJA. He talked specifically about a project in Baltimore that occurred in the 1970s, I think, where it split and very much damaged a community of color.

To try to make that right, there is going to be a project there. But that project has to get permitted. We could be sitting here 10 years from now, and Senator Cardin could be sitting here, and he could have the very same problems that we are talking about, litigious deadlines that aren't met, and all the things that we have talked about. I think we have to keep in mind, no matter what we want to see in the future, permitting

is at the base of all this.

Ms. Goldfuss, your organization sues a lot of people. It sues a lot in the environmental area. That is your sweet spot, there. But we heard about CHIPS. We passed a CHIPS program where we are going to build EVs and we are going to put all these chips in here, but you have to permit the mine in order to get the materials to put into the chips, because there are made in America provisions in here.

Have you and your organization ever supported a mine for critical minerals anywhere in this Country?

Ms. Goldfuss. That is not really our role to support mines. We only oppose them if they are in special places or critical habitat where it is going to cause damage to the environment.

Senator Capito. The process is set up to look at the critical habitat through Fish and Wildlife so that you have mitigations, so that you, I looked into a project along the Ohio, so that you re-situate the 100,000 mussels in the river, and you work with the manufacturer and you work with the company to mitigate all of this.

That provision was not done because somebody sued, that provision was done because the process went forward and Fish and Wildlife said, this is what you have to do. The company was there, the community was there. But this unending delay in the

judicial system really is, I think, set up to delay, not just delay projects, but to actually have them be discontinued.

Would you say any kind of judicial review should be part of a reform in our permitting process as we look at this?

Ms. Goldfuss. The statistics on how much NEPA is sued, it is less than 1 percent of the decisions that are made, .22 percent is the fact. There are all kinds of numbers being thrown out here. There is NEPA, there is the Endangered Species Act, there are all these different steps that need to happen.

I think what we have been trying to say is, if we have a good process on the front end, there is less likely to be judicial review or any kind of challenge on the back end.

Senator Capito. Agreed, but I mean, I think, in my view, a good process on the front end is not skirting any environmental provisions. We have all talked about that. We have talked about community involvement and how very important that is, getting everybody at the table.

But if we are going to go to an energy transition where it is all windmills and it is all solar panels, and all the provisions for re-siting or building a new natural gas or doing CCUS, which we have tax incentivized here at the Senate level with the Presidential signature, those are not going to be ones that we are ever going to permit because of the fuel source that they have, even though they are cleaning up a coal plant or a

natural gas plant that might be a high emitter.

That doesn't make any sense to me, because we can't go to these other sources, because we don't have the battery capacity. Let's find that. I am very concerned.

My heart is in this permitting reform thing. I want to work out a compromise here. But I am concerned because I feel like it is going to be to the exclusion of other things that make sense. That is concerning to me.

When I hear that the solution to the problem is to hire more people, you know, Senator Markey was talking about the bell whistle words that everybody hears, to me, that just means postpone, delay, grow the bureaucracies, and that is troubling.

Thank you for letting me get that off my chest. That is all.

Senator Carper. Senator Whitehouse, I think you are next. I know you have a lot going on today. Thank you for being here.

Senator Whitehouse. Great. Yes, no, it has been a busy day for a lot of us, but it is great to be here, and I appreciate the hearing.

Let me ask Mr. Timmons and Mr. Durbin for their organizations, as between the permitting reform that we are talking about here and working on in the Senate EPW committee, and the permitting reform as it has manifested itself in Speaker McCarthy's, we call it, default bill, for want of a better name,

which would your organizations prefer to see enacted?

Mr. Timmons. I should let you take this first, Marty.

Senator Whitehouse. Give him the next one first. It doesn't get any easier.

[Laughter.]

Mr. Timmons. As you might expect, Senator, and let me just say, thank you for that question. Your questions to me are always thought-provoking, and I appreciate that.

We are not going to engage in picking winners and losers between House versions and Senate versions. The interest is working on a bipartisan and obviously, a cross-chamber and with the Administration proposal that will actually get done, that everybody can feel good about. That is what we are headed for. That is why we are here today.

Senator Whitehouse. Mr. Durbin?

Mr. Durbin. Thank you, Senator Whitehouse.

We supported the House bill. We think it does move the ball forward, but we also understand the entire Congress has to act. We are so anxious to be part of the conversation here today, we launched a campaign last week as 350 organizations from around the Country, all different types of businesses that are simply saying, get something done.

So we do support H.R. 1, but we are engaged and fully committed to this process, as well.

Senator Whitehouse. Is it important to your organization that the permitting reform supports clean energy efforts as well as fossil fuel infrastructure and development?

Mr. Durbin. Absolutely. Clean energy, traditional energy, we have had a lot of energy discussion here, but let us not forget about the roads and the bridges and the water technology and broadband. We have talked about the CHIPS Act. It is all of those.

Senator Whitehouse. Mr. Timmons, as between a bill that supports primarily fossil fuel infrastructure and permitting reform that supports clean energy development and your clean energy constituents?

Mr. Timmons. Sure. As you and I have discussed before, we do support an all-of-the-above approach to reduce the overall cost of energy in this Country. One of the reasons for that is exactly what Mr. Durbin pointed out.

We also need to be thinking about all the other projects that were funded in the Transportation Infrastructure Bill, the CHIPS and Science Act, as well as IRA. One of the ways that we do that is my reducing the cost of doing business here in the United States, so that we can produce the products that will help achieve those goals.

Senator Whitehouse. As to the House Republican effort to repeal the IRA credits for clean energy, I will start with you,

Mr. Durbin. Does your organization support that effort at repeal?

Mr. Durbin. Let me first say that, with regard to the debt limit, our view is that is not an option. We can't allow default. So number one, whatever it takes to keep that from happening, and that that solution is going to have to be bipartisan, so whatever it takes for Congress to now figure out how do you avoid default, but we did support the IRA provisions, and many of our companies do, as well.

Senator Whitehouse. Just to be clear, you did support the IRA provisions in the IRA, not supporting the IRA provisions in the McCarthy bill that would repeal the IRA provisions?

Mr. Durbin. Correct.

Senator Whitehouse. Got it. So, you don't support the repeal, you do support the provisions.

Mr. Timmons, your organization?

Mr. Timmons. I echo what Mr. Durbin has said. Full faith in credit of the United States must never be in question, but we have not engaged in that discussion.

Senator Whitehouse. So, you have not taken a position in support of the House bill that would repeal the IRA?

Mr. Timmons. Correct.

Senator Whitehouse. Have you taken a position against it, or are you neutral?

Mr. Timmons. We haven't engaged in that yet.

Senator Whitehouse. Last, with respect to the House effort to repeal the methane fee that our Chairman had such a significant role in moving into the Inflation Reduction Act, landing the support of the Energy Committee Chairman for that as well, which was no small feat. That methane fee, the methane pollution fee, would be repealed in the House measure.

Do either of your organizations support that repeal?

No from Mr. Timmons. Was that also no from Mr. Durbin?

Mr. Durbin. No.

Senator Whitehouse. Two noes. Okay, thank you very much. My time is up.

Senator Carper. Let me just note, those are the right answers. Thank you. Thank you, Sheldon.

Senator Ricketts, you are next, and then I will wrap it up. Take your time.

Senator Ricketts. Great. Thank you very much, Mr. Chairman. Did you just say take my time?

Senator Carper. No, I said take your time.

Senator Ricketts. Oh, take my time, as in my time now, okay. I thought you meant I got like, we are going to be here for another hour.

[Laughter.]

Senator Carper. I will be back after lunch.

[Laughter.]

Senator Ricketts. Again, getting back to the need to be able to do this, in this committee earlier, at previous hearings, we talked about the electric vehicle emissions standards and so forth, rules that came out that would require two-thirds of all new vehicles by 2032 being electric vehicles. Some of the testimony there was that, if you applied that same rules that were going to be, say, if you electrified the entire U.S. vehicle fleet, like cars and light trucks and so forth, you would use up 40 percent of our current power generation that we are doing today. For heavy trucks, it would be 10 percent.

Clearly, there is going to be a need for additional power generation. It does have an impact.

I can tell you, Nebraska is the only public power State, 100 percent public power. In working, for example, with our officials at the Omaha Public Power District, with demand they have there with a growing community, and this is not directly related to permitting, but they have had to keep online coal-burning plants they were planning on transitioning over to natural gas plants because of the demand. If you can't build the demand, then you are going to keep dirtier sources like the coal-burning plants. This is an important thing that we figure out to be able to accomplish the growth of our Country and create jobs and that sort of thing.

Getting back to what I was talking about with permitting, Ms. Hayes, are you familiar with Lean Six Sigma, or have heard of process improvement methodologies like that?

Ms. Hayes. I have not heard of that one in particular, no, sir.

Senator Ricketts. Are you familiar with the idea of process improvement? I guess where I am going is, would you agree that looking at the process that was described earlier, that that is a potential for us to be able to streamline this process without sacrificing any sort of environmental quality?

Ms. Hayes. There sounds to be merit in that proposal.

Senator Ricketts. Okay, good. That is good enough. I will take that.

Mr. Durbin, I am going to ask basically the same question. Are you familiar with Lean Six Sigma and process improvement analogies?

Mr. Durbin. I am, from days representing the chemical industry and DuPont's use of Six Sigma.

Senator Ricketts. Oh, okay, great. So, you are familiar with it.

Do you think that this should be part of a solution that we are looking at when we are looking at, how can we streamline the process to turn these permits around faster without sacrificing environmental quality?

Mr. Durbin. I think there are huge opportunities to use that type of process improvement strategy to define where are the challenges.

Ms. Goldfuss mentioned earlier the FIPC and FAST 41, which has created some improvements by having a dashboard and streamlining the process.

By the way, I should note that the FAST 41 and One Federal Decision that created FIPC was actually a proposal that was put out there by the U.S. Chamber and NRDC, so there is hope. There is hope that we can make progress here on this issue as well.

Ms. Goldfuss. That is right.

Senator Ricketts. Very good, very good.

Mr. Timmons, could you talk to me a little bit about what are some of the challenges your members face with the current, maybe you can elaborate, I know we mentioned it before, but can you elaborate a little bit, what are some of the challenges your members face when they run into these permit processes that are taking longer than they expect? What kind of impact does that have on creating jobs for American workers?

Mr. Timmons. Well, any type of uncertainty leads to, frankly, investment, people have to figure out where they are going to put their investments. I think the thing that is most concerning to those of us who represent manufacturers in America is when the demand for a product increases, there has to be an

investment made somewhere to create the supply to meet that demand. We want that done here in the United States.

Oftentimes in other countries, permitting processes are more expeditious, not necessarily better, by the way. So if a manufacturer has to make an investment decision, sometimes those decisions either can get delayed if the facility is going to be made here, or that investment can be made offshore. We simply don't want to see that.

We have, and I noted earlier, during the pandemic, we say pretty stark situations where much of our, for instance, our personal protective equipment was not being made here in the United States. If we have a commitment to doing that here in the United States, then we need to get that done now. We have to move those projects along.

The projects that were part of the infrastructure funding, the CHIPS and Science Act, the Inflation Reduction Act, all of those projects have such potential here in this Country. But they are not going to get done anytime soon if we can't move the permitting process along. That means jobs; that means lost opportunities in terms of jobs and wages and strengthening communities. That is why we are pushing for this reform.

Senator Ricketts. Great. Thank you very much, Mr. Timmons.

Mr. Chairman, I will turn it back over to you.

Senator Chairman. You did a great job, thanks.

I have one or two more quotes to share here that seem to be relevant. A lot of figures are being thrown around here. I have lost track of them, actually. They are being used to take different sides of the same argument.

I always wondered who used to say, "figures don't lie, but liars do figure." How do you like that? Figures don't lie, but liars do figure. That was Mark Twain. I didn't know that, but it comes to mind.

One of my favorite Mark Twain quotes that I use, we had a big event at Delaware State University this week, the number two ranked HBCU in the Country now. We had about 150 students from all over the State that were selected by the schools as extraordinary scholars.

I shared with them another Mark Twain quote. Most people don't know that Mark Twain said this, but Mark Twain said this: "The two most important days in our life are the day we are born and the day we figure out why." The two most important days in our lives, the day we are born, and the day we figure out why. Those are probably ones that we can take, if we can take nothing else away from this hearing today, that might be a good one.

I was joking earlier about adjectives we could use to describe this panel. I think the last one I used was "legendary." I think another one that would be appropriate

would be "helpful." I want to ask you to be helpful for just a little bit longer.

I want to go to, Mr. Durbin, I will ask you to maybe just go first here. But I like to ask questions near the end of a hearing like this, where something that is an issue as important as this, about which there are sometimes strongly held differences, but also agreement.

I like to ask sometimes in a closing question, maybe the last question I will ask is, where is the common ground? Where is the common ground that we need to focus on? One of the things that this committee is really good at, we are workhorses in this committee, and we also believe that bipartisan solutions are lasting solutions. We try to work with a lot of respect for one another.

Where is the common ground on these issues, please? Go ahead.

Mr. Durbin. Senator, thank you for the question, and thanks again for the invitation to be here.

We have seen a lot of common ground here as far as a need to improve a process to get projects built. I want to make clear again, this is not about undermining environmental statutes, and I couldn't agree more with Ms. Johnson on the need for early engagement from project developers and everyone else involved.

Senator Carper. Could you say that again, just repeat those words again? That is worth repeating.

Mr. Durbin. Absolutely. We fully support the idea of having early engagement of affected communities with the project developers and everyone else involved. We agree that that can help to offset problems later down the road.

Again, I think that when we look at the totality of the opportunities in front of us that were provided by laws passed by the previous Congress and the great needs that we have, the priorities we have for reducing emissions, for strengthening our energy security, for maintaining our global competitiveness economically, that is why we were able to get such a broad coalition around supporting doing something.

We are very bullish on the idea that working with you and the other committees here in the Senate that we can get something done this year.

Senator Carper. Mr. Timmons, go ahead.

Mr. Timmons. Thank you, Mr. Chairman. I am going to quote you again.

Senator Carper. This is my favorite part of the hearing, when the witnesses start quoting me.

[Laughter.]

Mr. Timmons. You said at the very beginning, if it is not perfect, you make it better. I think that is what we can agree

on. Four and half years for permitting, do we know what the magic number is? No, but I think we know intuitively that that amount of time is too long. Five, 10, 15 years, when other countries like Canada, the European Union, Australia, they are able to move projects along two to three years maximum, oftentimes, and they have similar environmental protections that we do.

We have laws that were written in the last century. They can be improved, and I think we can all agree on that. I also like to look at the ultimate goals. What are we trying to achieve? We are trying to make America stronger. We are trying to protect our economic security, our national security. We are trying to strengthen manufacturing here in the United States, create more well-paying jobs, cleaner air, cleaner water, healthier environment, and stronger communities.

I think when we all have that as our goal, and we figure out how we can achieve that, and certainly take full advantage of Infrastructure Investment, IRA, and the CHIPS and Science Act, we are going to go a long way to achieving those goals.

Senator Carper. Good. Thank you for that.

Ms. Hayes?

Ms. Hayes. Thank you for the question.

I think there were a number of elements of commonality you heard today. Maybe a better answer to Senator Ricketts in

talking about process improvement is, I think it is important to focus on not just individual components of the environmental process, but the beginning and the end, and making sure that there is certainty there, and providing process improvements to make sure that the review can be completed within that period of time.

I saw that NAM also supported having enforceable deadlines, and we agree very much with that.

We also agree with Senator Whitehouse's proposal around setting a clear threshold for Federal jurisdiction for high-capacity, regionally significant transmission. I will note that Ms. Goldfuss also supported that provision in her written testimony that was submitted prior to today's hearing.

Thank you very much for the question and for hearing our testimony today.

Senator Carper. Thank you, ma'am.

Ms. Johnson?

Ms. Johnson. Sure. I think that we can all agree that we have a shared vision for an energy future that helps us reach our emissions reduction goals that prioritizes people, whether we are talking about jobs or improved health outcomes.

We have a vision for renewable energy deployment, but I think that two things can be true in the conversation that we are having today, in that we have to be clear that we don't

sacrifice communities as we do the work of improving our permitting process. For us, it is clear that public participation, consideration of incremental and cumulative impacts are important. We have made investments through the Inflation Reduction Act in the process, and we must ensure that we continue to prioritize people as we move forward.

Senator Carper. Okay, thank you, ma'am.

Ms. Goldfuss?

Ms. Goldfuss. Chairman Carper, thank you so much for this hearing. I have participated in a lot of permitting conversations, hearings here, in the House, and this was a really productive conversation.

Senator Carper. Would you say that again, ma'am?

[Laughter.]

Ms. Goldfuss. A really productive conversation.

Senator Carper. Thank you so much.

Ms. Goldfuss. I am just heartened by the complete alignment I heard here around the need for early engagement. That is new. I don't know exactly what that looks like in terms of legislative language, but that is really, really promising.

I also heard a lot of agreement around transmission. There are administrative solutions to that, as Senator Markey laid out, but there is also the potential for Congress to step in on that front.

Then I also heard, and this is a huge step forward, because of all the actions that were taken in the last Congress, and the opportunity before the United States right now to build the future we need, to talk about the people, to talk about the places, but also to talk about the projects that we need as a Country, we all agree that there are changes that need to happen, and that is also a huge change.

Senator Carper. Good. Thank you very much for those words.

I go back and forth on a train most days to Washington in the morning, and back home at night to Delaware. It is about a 90-minute ride. It is some of my most productive time. I just love to be in Delaware and sleep in my own bed.

Last night when I was home, I was sitting down and having a bite to eat with my wife, and she said, well, what did you all do today? I shared with her a couple of things. I said, one of the best parts of my day, though, I invited one of the Republican House members who actually chairs a sister committee to us in the House, I invited him just to come to meet me in the Capitol and maybe have a cup of coffee and just talk and get to know each other.

I think Joe Biden has a saying, I have heard a lot of his, and he has heard a few of mine, but one of the things he has, politics is personal, all diplomacy is personal. I think, in an

interesting way, this idea of outreach to communities, maybe communities of color, communities that are disadvantaged or whatever, but the idea of that early outreach, that is what I do.

I think one of the most, one of the reasons why Senator Capito and I get along so well and our staffs work so well together, we kind of like, it is trickle down, and I think it kind of trickles down amongst the other members of this committee, is we try to meet every Thursday, just about every Thursday, either in person or on the phone, just to talk about her priorities, what we are doing right, what we are doing wrong, legislation that we ought to be taking up. It makes a real difference.

I think the conversation I had with the House Republican leader and the chairman of the committee of jurisdiction, sister committee, I think that will make a difference, too, for both of us, and I hope for our Country.

I am really glad we started with agreement of the value in the early engagement. We have a great opportunity here, and I don't want us to squander it. It is a great opportunity. Not everyone in that Senate voted for the IRA, and we know in the House, but there is a lot of good there. We are pushing a lot of money toward doing a lot of good.

I have been a strong believer, my colleagues here have

heard me say more than they want to remember, it is possible to do good things for our planet, preserve our planet, clean air, clean water, address climate change, and create jobs and economic opportunity at the same time. It is just imperative that we do that.

I like to use, for example, Kigali. For people that might be watching us on television, what the heck is Kigali? It is a treaty that we adopted in the Senate last year that will reduce emissions from refrigerants in our air conditioners, our freezers, and refrigerators, that refrigerants that are HFCs, hydrofluorocarbons, they are about, I think, a thousand times more potent than carbon dioxide as a greenhouse gas. We have agreed to phase them down over 15 years, and at the same time, creating tens of thousands of jobs, American jobs, good-paying jobs, and billions of dollars of economic activity and value.

We have, I think, a great opportunity to replicate with respect to permitting reform here, a great opportunity to replicate that earlier example, and that is my intent. I don't want to speak for Senator Capito, but I believe that is her intent, as well. That would be a great thing for this Country and for our workers and a great thing for our planet.

I don't know President Macron well, but I have met him a couple of times. Once right before he gave an address to a joint session of the Congress about two, three, four years ago,

he came in, just like it was the President coming in to give the State of the Union Address. He came in, and almost all the House and Senate members were there to hear him speak.

He spoke in English, but as he came through the aisle, I got to shake hands with him. It just happened by dumb luck. I was standing in the right place, and I spoke to him a little bit in French, and he spoke back.

It was interesting when he gave his address, a couple of times our eyes met, and I was trying to give him encouragement in what he was saying. But one of the things he said that day I will never forget. He talked about our planet Earth. He said, this is the only planet we are going to have. There is no planet B. Think about that: no planet B. We have to take care of it.

I think this hearing today is maybe going to help us do that, to take care of this planet, because there is no planet B.

Ms. Johnson, I thought near the beginning, when you spoke, you talked about highlighting your data, about 1 percent of Federal actions require an Environmental Impact Statement, which is the most stringent review under NEPA. You went on to say approximately 4 percent of projects are completed within an Environmental Assessment, which is a less stringent review. You went on to say, the other 95 percent of all Federal actions are completed as categorical exclusions.

The last piece of what you said was this, this is data that has been shared by the Council on Environmental Quality and helps to put the role of NEPA into perspective. I think that that was especially, every one of you made great contributions here today, every one of you, but you sort of led off with that, and I remember that. If you don't mind, I will quote you in the future. I will, of course, take credit for it.

[Laughter.]

Senator Carper. I actually quote President Macron a lot. We have no planet B. I quote him a lot. He was at a State dinner hosted by President Biden a couple of months ago in Washington. I got to meet him again, and I told him about that quote. I said, I have quoted you, like, a hundred times or more, including on national TV, and I have never given you credit for it. He said, we have words in French that describe people like you. So he has a sense of humor.

One housekeeping item. I am going to ask unanimous consent to submit for the record letters of support and other materials for the nominations and the legislation that our committee approved today.

[The referenced information follows:]

Senator Carper. Also, Senators will be allowed to submit questions for the record for today's hearing through the close of business on Wednesday, May 10th. We are going to compile those questions and send them to our witnesses and ask all of you to try to reply by Wednesday, May 24th, the 24th of May.

I love to do unanimous consent requests like this right at the end, especially when there is nobody here to object, and so, I can get away with murder. But in this case, I am going to get away with salvation, and the salvation of our planet and the people who live on it and will live on it in the future.

With that, I think it is a wrap, and this hearing is adjourned. Thank you all very, very much. God bless.

[Whereupon, at 12:20 p.m., the hearing was adjourned.]