

IMPROVING THE FEDERAL ENVIRONMENTAL REVIEW AND PERMITTING
PROCESS

Wednesday, February 19, 2025

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:18 a.m. in room 406, Dirksen Senate Office Building, the Honorable Shelley Moore Capito [chairman of the committee] presiding.

Present: Senators Capito, Whitehouse, Cramer, Lummis, Curtis, Ricketts, Wicker, Husted, Merkley, Kelly, Padilla, Schiff, Blunt Rochester, Alsobrooks.

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

Senator Capito. Good morning. Welcome. Sorry I didn't get to shake your hands. I will do that as we move through. I apologize for being a few minutes late.

I want to start with my opening statement, then I will go to the Ranking Member, then we will have our witnesses. Good morning again, and thank you all for being here. It is very nice for you to come on such a critical issue to our Nation's future, the need to modernize our Federal environmental review and permitting processes, something we have talked about endlessly, both to grow our economy and also to improve our environmental stewardship. I am really excited about this hearing.

Our witnesses will share their valuable perspectives and set the stage for the EPW committee's work on this important topic. To ensure we take a holistic view of these issues, we will keep this morning's hearing record open until March 21st to give all stakeholders the opportunity to share their experiences with the existing environmental review and permitting processes, identify challenges, and then, hopefully, to suggest potential solutions.

For too long, critical projects such as energy and infrastructure projects, along with industrial projects as well,

have been trapped in a cycle of redundant reviews, shifting goalposts, and regulatory uncertainty. In my home State of West Virginia, I have seen firsthand how these drive up costs, these delays, not just for the projects, but for the American families who are paying for more energy, housing, and food as a result.

Meanwhile, businesses lack the certainty necessary to make long-term investments, which can mean lost jobs, missed economic opportunities for communities, scarcity, and higher prices across the Nation. It can also mean that the projects needed to deploy renewable energy technologies, or to restore the environment, are also stilted.

The framework for our environmental review and permitting processes is grounded in landmark laws under this committee's jurisdiction. NEPA requires Federal agencies to consider environmental impacts on federally funded projects or before implementing their project.

Other environmental and resource laws like the Clean Water Act, the Clean Air Act, and the Endangered Species Act rely on permits and operational requirements to ensure that critical projects are able to come to fruition in environmentally responsible ways. However, years of changes in guidance and regulations from administration to administration and a complex web of judicial rulings have resulted in an ever-expanding hodge-podge of often duplicative and contradictory requirements.

While this confusing and complex body of administrative and common law has grown over the past half century, Congress has not stepped in to provide the holistic clarifications and modernizations. In the absence of Congressional action, certain parties have found creative ways to use the judicial process to delay, remand, or strike down projects and raise costs to discourage project sponsors from moving forward.

As a result, environmental review and permitting processes have increased costs and delayed or stopped projects, including projects that would help achieve the goals in our environmental laws.

Last week, the House Transportation and Infrastructure Committee heard testimony from Nucor about how the need to obtain a Clean Water Act permit triggered significant delays based on required reviews under the Endangered Species Act and the National Historic Preservation Act. These permitting delays nearly thwarted what will be among the most environmentally friendly steel production facilities in the world, and that will employ over 1,000 people in Mason County, West Virginia.

It literally took an act of Congress to permit the Mountain Valley Pipeline to move clean natural gas from West Virginia to our southern neighbors, and I am sure they are loving it today, as the temperatures are dipping. I heard it is 2 degrees in Austin and it is snowing to beat the band in West Virginia right

now. So it is cold everywhere.

What is it in North Dakota?

Senator Cramer. It is 47 below.

Senator Capito. Forty-seven below, okay.

[Laughter.]

Senator Capito. Sorry, Austin, you just got tripped.

Corridor H and Coalfields Expressway, two top highway priorities for the State of West Virginia that would improve safety and mobility, have both encountered multiple permitting delays under various environmental statutes. West Virginia water line extensions, broadband projects, bridge replacements, have all faced Federal permitting delays, and I am sure my State is not unique. The problems we will explore today have been brewing for decades.

However, this Congress, we have an opportunity, I think, to deliver meaningful, bipartisan legislation that addresses these problems. I am committed to working with Ranking Member Whitehouse, our colleagues on the Energy and Natural Resources Committee, and those House committee counterparts to produce a bill with meaningful reforms.

Durable and implementable environmental review and permitting process reform must be bipartisan to be successful. My guiding principles for this effort are straightforward: the legislation that we develop must help all types of projects, not

just politically favored projects or projects that will support the infrastructure needs of some Americans but not others. We must provide clarity and transparency in the processes.

Finally, our legislation needs to look at every stage of these processes to find efficiencies while balancing public health, the environment, and the needs of our economy. Let me be clear: modernizing these processes does not mean cutting corners or weakening environmental and public health protections. It means making the processes more efficient, more predictable, and more transparent so that the processes are not stuck in bureaucratic purgatory or endless litigation.

Hardworking Americans, small businesses, and entrepreneurs want a government that works for them, not one that keeps them waiting for the benefits that many of the projects promise to bring in their communities and household budgets.

So I look forward to the discussion today, and learning about our witnesses' experience. I am hopeful that we can hear some consensus on the issues that this committee must focus our attention, so we can develop our legislation.

With that, I look forward to hearing from our witnesses today and beginning the effort together to deliver real solutions for the American people.

And I now yield to the Ranking Member, Senator Whitehouse.

[The prepared statement of Senator Capito follows:]

STATEMENT OF THE HONORABLE SHELDON WHITEHOUSE, A UNITED STATES
SENATOR FROM THE STATE OF RHODE ISLAND

Senator Whitehouse. Thank you, Chairman. Off we go again, on this bipartisan journey to catch the elusive white whale, permitting reform.

[Laughter.]

Senator Whitehouse. This hearing's witnesses will highlight the challenges people face building a variety of projects. But as Chair Capito said, we want more. We will keep our record open for that month to hear from all other interested stakeholders about their experiences and their recommendations. Help us find where you have encountered barriers and what solutions have worked well.

We also know that permitting reform is not exclusive to our committee, so the Chair and I are already engaged with our colleagues in the Energy and Natural Resources Committee and in the House.

A word of warning, however: Democrats cannot agree to any permitting reform unless and until the Trump administration ends its lawless disregard for Congressional authority and judicial orders. Billions in obligated funds remain frozen behind a fog bank of silent executive contumacy in blatant disregard of constitutional separation of powers, direct court orders, and basic principles of law.

I have to note, as a former U.S. Attorney, I am particularly disgusted with DOJ, where things are so bad that deeply conservative career prosecutors have resigned rather than carry out corrupt orders from Trump cronies. But it is everywhere, and it is hurting people and projects.

Until the administration shows that it will honor its oath to faithfully and impartially execute the laws, we can have zero confidence that any legislative compromise on permitting reform will be executed lawfully. It falls to my Republican friends to bring this lawless unconstitutional madness to an end. And I wish them good luck on that.

On energy, we have particular reason to doubt the Trump administration will faithfully execute any permitting law we pass. The President has declared a fake energy emergency, despite record production in America; and defined energy to exclude renewables, the fastest growing energy sector, all after receiving, minimum, \$100 million from fossil fuel donors.

We are deep into a political quid pro quo, bought by the world's biggest polluters, and China is chortling at the spectacle.

I don't see a path to getting a bill until this lawlessness stops, and I don't see a path for a bill that excludes offshore wind, an industry with great jobs, huge growth potential, and a supply chain that already extends into 40 States. The men and

women building these projects do not want them stopped, as General President Booker can attest. Coastal States don't want them stopped. Leasing has occurred in Federal waters off nearly every coastal state. Nor do the industries that support offshore wind, the Louisiana shipyards, the Midwest factories, the ports like Quonset, generating economic growth across our Country. Neither do consumers, who overwhelmingly want cheaper, cleaner, and more reliable energy.

Why would we want to pull America out of the clean energy race when investment last year topped \$2 trillion, far exceeding investment in fossil fuels? What fools we would be. If you want a future driven by Chinese innovation, Chinese industry, and Chinese power, keep it up. But you can't change the fact that the future of energy is clean, and that if we are not part of it, we will be left behind.

The North American Electric Reliability Corporation, NERC, projects that peak demand will grow by 15 percent for summer peaks and 18 percent for winter peaks over the next 10 years, raising concerns about energy shortfalls, as our Chair has pointed out in prior hearings. What would reduce the risk of those shortfalls? Better permitting.

We need to build out a grid to meet current and future demand. Seventy percent of transmission lines are more than 25 years old, and showing their age. We know what we need to do.

We need to build, and fast.

Right now, thousands of electricity generation projects are awaiting approval to connect to the grid. As of last April, 2.6 terawatts, millions of engineering, construction and manufacturing jobs, stalled in part, because of our inability to build transmission lines. This must change.

As I said last week, we have entered the era of climate consequences. The stuff the scientists warned us would happen is happening. Snicker all you want about Green New Deals, ignore all you want collapsing coastlines glaciers and coral reefs and fisheries.

Pope Francis said, "Slap Mother Nature and she will slap you back." The economic slap-back is here now, in skyrocketing home insurance prices and failing home insurance markets. I will say it again: when climate havoc hits property insurance markets, it then hits mortgage markets, which then tanks property values, so hard it can take down the whole economy.

You may have missed it, but last week the Fed Chairman in Senate testimony predicted that in the next 10 to 15 years there will be regions of the Country where you can't get a mortgage any more. When that all hits the fan, Americans will be very interested in who helped and who obstructed.

Pretending solar and wind energy aren't even energy will look awfully dumb. And not permitting and building a clean,

modern grid will look grossly negligent. So let's stop the law-breaking and start the grid-building together.

[The prepared statement of Senator Whitehouse follows:]

Senator Capito. I like that last word, that is good.

Our first witness is Jeremy Harrell. Mr. Harrell is the CEO of ClearPath, a non-profit which advocates for policies that reduce global energy emissions. Mr. Harrell has served in a multitude of energy and environmental advisory positions on Capitol Hill, and he is the Chair Emeritus of the U.S. Nuclear Industry Council's board of directors.

Mr. Harrell, I will recognize you for five minutes. Thank you for coming.

STATEMENT OF JEREMY HARRELL, CHIEF EXECUTIVE OFFICER, CLEARPATH, INC.

Mr. Harrell. Thank you, Chairman Capito, for the kind introduction, and thank you, Ranking Member Whitehouse and members of the committee, for the opportunity to testify today.

My name is Jeremy Harrell, and I am the Chief Executive Officer of ClearPath.

America is at the dawn of a new era of unprecedented energy demand, fueled by robust economic growth, a revival of American manufacturing and advances in AI and quantum computing. These developments present new challenges yet offer immense opportunities for our Country to build big.

The regulatory process is not only unpredictable, but it is also one of the largest barriers to meeting energy, climate and economic development goals at the Federal, State and local level.

In the face of skyrocketing demand growth, building more energy resources has become more urgent. We need to let America build.

NERC reported that annual demand growth rates are nearly double those of the last decade, when roughly three projects were added to the grid per day. But to meet that demand, we may need to build around six projects a day, or 16,000 facilities by 2035. And we will need a broad suite of technologies to do it.

These challenges are present in nearly every sector of the economy, from energy to housing to transportation projects. To be clear, the solution is not a development free-for-all. The regulatory environment must balance speed and safety. But the solution requires step-change reform, not tweaks around the edges.

Reforms that demand accountability and promote good outcomes as fast as possible should start with three key objectives. One, leverage innovative American technologies; two, expedite reviews; and three, streamline judicial review of administrative actions.

First, Congress could require more accountability, provide more transparency and direct the use of modern technology. There is a clear need for more reliable information from Federal agencies, ranging from the number of permits under review to how long they have been stuck in limbo.

In many cases, Federal agencies are not even using the same systems or terminology. More transparent data will help with accountability and provide the public with information to participate.

Congress should also consider the role of AI, machine learning, and other state of the art technologies to reduce the burden of project reviews.

Our system is still stuck in the 1990s. Technology reforms

are the lowest-hanging fruit for bipartisan action.

Second, we must expedite the review process. Faster approvals for projects that bring net benefits and comply with existing environmental laws are essential to meeting our Nation's needs.

Congress could expand categorical exclusions to permit projects. Categorical exclusions are a one-time determination under NEPA that certain activities do not warrant the substantial data collection and review that comes with site-specific EAs, NEISs. However, they still require agency decisions for each site.

There is bipartisan support in Congress to accelerate low-impact energy projects like geothermal exploration to eliminate redundant reviews. A permit by rule approach could also offer significant benefits, balancing administrative speed with safeguarding public health, safety and the environment. To do this, the criteria must be well-defined, periodically reviewed, and aligned with the overall regulatory framework.

Encouraging development in certain pre-qualified geographic areas could also accelerate projects. Previously disturbed lands or well characterized areas like brownfields present opportunities to leverage electrical and mechanical infrastructure. The impacts of this development are minimal in most cases and are in or near the communities that need the

economic growth the most.

Lastly, the judicial review of agency actions must be reformed. The current system is tilted toward those who seek to delay or block projects. For example, a recent analysis found litigation delayed fossil energy and clean energy projects by an average of four years. Agencies won 71 percent of those challenges.

Separately, an analysis on transmission projects found 24 percent of projects that completed environmental review faced litigation, and the agency won 88 percent of those cases.

If major infrastructure projects are regularly delayed by legal challenges that are ultimately overturned, it is time to reassess whether our current system is protecting consumers or protecting project opponents. Congress could consider limiting legal challenges to plain errors related to natural resources laws, narrowing the scope, and setting strict review timelines.

Without changes, our Nation is needlessly undermining our own economic development and climate goals.

In conclusion, the U.S. is in a global competition for energy leadership. China and Russia are deploying billions of dollars around the world to advance their geostrategic interests, to control the sector and connected supply chains.

We must overcome our regulatory challenges to counter these efforts and meet domestic energy, economic and environmental

needs. It is time to let America build.

Thank you.

[The prepared statement of Mr. Harrell follows:]

Senator Capito. Together.

Senator Whitehouse. I like that.

Senator Capito. You like that? Okay.

Senator Whitehouse. You may be onto something with that.

Senator Capito. Our next witness is Leah Pilconis, General Counsel for the Associated General Contractors of America. Over her 25-year career with AGC, Ms. Pilconis has served in multiple leadership positions, including as Senior Environmental Counsel and Associate General Counsel for Construction and Environmental Risk Management. She is also a host of AGC's Constructor Cast podcast.

I will now recognize Ms. Pilconis for her opening statement.

STATEMENT OF LEAH PILCONIS, GENERAL COUNSEL, THE ASSOCIATED
GENERAL CONTRACTORS OF AMERICA

Ms. Pilconis. Thank you very much.

Chairman Capito, Ranking Member Whitehouse, and members of the Environment and Public Works Committee, thank you for the opportunity to speak today. I appreciate your leadership and bipartisan efforts to improve the Federal environmental review and permitting processes. These efforts are critical to ensuring that we can deliver much-needed infrastructure projects in a timely and cost-effective manner, while maintaining strong environmental protections.

As General Counsel at the Associated General Contractors of America I have learned how delays in environmental approvals don't just hold up projects, they cause workforce instability, drive up costs, and jeopardize investments in critical infrastructure. These delays also impact the communities that rely on these projects for jobs, economic growth and modern safe infrastructure. We need to ensure timely project approvals, minimize litigation risks, and maintain economic growth.

Here are four ways Congress can help. One, establish a uniform judicial review period. NEPA lawsuits can stall projects for years, even after they have undergone extensive environmental review. Litigation is increasingly being used as a tool to obstruct critical projects. This undermines planning,

increases costs, and deters investments.

While Congress has protected some infrastructure projects with a 150-day legal limit on challenges, most construction projects remain vulnerable to lawsuits for up to six years under the Administrative Procedures Act.

AGC urges Congress to standardize the 150-day limited judicial review period for all critical infrastructure projects, and eliminate unnecessary procedure hurdles that create prolonged uncertainty. Once a project receives final environmental approval, it should not remain in legal limbo for years.

Two, align environmental reviews with Congressional intent. The Bipartisan Fiscal Responsibility Act was designed to streamline environmental permitting and prevent unnecessary delays. However, CEQ's latest NEPA regulations contradict these reforms.

Congress must hold agencies accountable to ensure NEPA implementation stays true to the FRA's intent and does not add new layers of bureaucracy that undermine project delivery.

Three, prevent regulatory fragmentation. Recent court rulings and executive actions have highlighted the lack of clarity on NEPA implementation. Without clear statutory direction, agencies may adopt conflicting rules, making projects even more vulnerable to court challenges and forcing courts to

interpret the law in a post-Chevron environment.

Congress must act to ensure a consistent, reliable framework for environmental reviews across agencies.

Four, make permitting reform a durable, bipartisan legislative solution. Permitting rules should not shift with each administration. Congress must ensure agencies implement reforms consistently and Congress must provide oversight to prevent regulatory overreach.

The U.S. Supreme Court's Sackett decision provided much-needed clarify on Federal jurisdiction under the Clean Water Act. However, the current Conforming Waters of the U.S. regulations still fail to align with the ruling, creating uncertainty and unnecessary delays. AGC urges Congress to hold agencies accountable for properly implementing Sackett as intended.

I want to share a few other ways Congress can help reduce Clean Water Act 404 permitting delays. Protect general permits, codify key exemptions, such as for roadside ditches and stormwater features. Expedite jurisdictional determinations, ensure mitigation requirements are reasonable and backed by adequate mitigation credit availability.

AGC supports bipartisan permitting reforms and urges Congress to ensure agencies follow Congressional intent. Cutting red tape and limiting unnecessary litigation will help

deliver critical infrastructure projects on time and on budget.

Most importantly, Congress must provide certainty by ensuring that once environmental approvals are final agency actions, projects should not be threatened years later.

Thank you, and I look forward to your questions.

[The prepared statement of Ms. Pilconis follows:]

Senator Capito. Thank you very much.

Our next witness is Carl Harris. Mr. Harris is the Chairman of the Board for the National Association of Home Builders. He has been building homes for 40 years in Wichita, Kansas, at Carl Harris Company, the firm he founded in 1985 with his father and sister.

We want to thank him for spending time with us this morning before he heads to the NAHB International Builders Show later this week in Las Vegas.

I will now recognize Mr. Harris for his opening statement.

STATEMENT OF CARL HARRIS, CHAIRMAN OF THE BOARD, NATIONAL
ASSOCIATION OF HOME BUILDERS

Mr. Harris. Chairman Capito, Ranking Member Whitehouse, and members of the committee, I appreciate the opportunity to appear before you today. As a small business owner, I understand the immense challenges that our members experience as they navigate the permitting process, because creating homes for Americans starts with successful permitting.

The U.S. has a shortfall of over 1.5 million housing units. In the easy places to build, homes have already been laid out, which means the Nation's home builders are going to increasingly run into environmental permitting regulations for undeveloped land. We want to improve this regulatory process so that home builders can accomplish two fundamental goals: safeguarding the environment and creating attainable housing for Americans.

Regrettably, American home buyers are suffering through a record low housing attainability. According to NAHB's Priced-Out study, 77 percent of buyers are unable to afford just the median price of a new home. Every small price increase has a sharp exclusionary effect. And on average, every \$1,000 that gets added to a home's cost locks out 106,000 households that will be priced out of the market.

Uncertainty and delays in permitting needlessly add cost to the construction process, which increases home prices and pushes

the American dream away from others entering the market.

While the Clean Water Act serves as a crucial foundation for protecting the Nation's waterways, the implementation of certain aspects of Section 404 and mitigation bank approvals are a major source of frustration for our members.

Let's consider a property owner who wants to build homes on undeveloped land. They want to know if the water features on their property fall under Federal jurisdiction. To determine this and avoid Federal penalties, they need an approved jurisdictional determination, an AJD.

Unfortunately, obtaining AJDs are not prioritized under the Army Corps and take well over a year to obtain. Rather than languish waiting for an AJD, home builders will roll the dice and try for a quicker preliminary jurisdiction determination, known as a PJD. But a PJD has several hooks. It is not appealable, it allows water features to be considered jurisdictional, even if they are not covered by the Clean Water Act, and can preclude the use of the nationwide permit.

We should be able to tell home builders if there are Federal jurisdictional features on their property without forcing them into the problematic PJD.

Congress created the streamlined nationwide permit under Section 404, which is meant to be completed within 60 days for minimal impacts on water features. But members routinely report

that it is taking almost a year to obtain these, which is rivaling the time it takes to complete the more rigorous individual permit required for larger environmental impacts. This timeline is unacceptable for a permitting tool that is meant to be fast and predictable.

Digging deeper under the 404, we have the Clean Waters of the U.S. Rule, which has been subject to litigation and administration changes. This non-stop whiplash has confounded our members about which water features on their property are federally jurisdictional, with key regulatory terms like continuous surface connection and relatively permanent water that have been left undefined and open to interpretation based on which Army Corps district you are in. This lack of harmony promotes confusion and uncertainty.

As part of the 404 permitting, builders are often required to purchase mitigation credits to offset the impacts to wetlands. For example, a member in Ohio told us that the credits for his project cost about \$140,000 due to the two-to-one mitigation requirement. When you break it down per home lot, this adds \$10,000 to the cost of a new home.

A driving force behind these exorbitant credit prices is the shortage of mitigation banks across the Nation. It is extremely challenging for bank sponsors to come online, which disincentivizes participation. This leaves home builders

competing against others over limited credits and drives up the cost.

To be able to build the millions of housing units needed across this Nation at an attainable price, the residential construction industry needs a more clear and predictable environmental permitting process. We need to prioritize the AJD process, recenter the nationwide permit, and encourage mitigation bank creation are all the ways we can do to chip away at this problem.

I thank you for the opportunity to speak.

[The prepared statement of Mr. Harris follows:]

Senator Capito. Thank you very much.

Our next witness is Brent Booker. Mr. Booker is the General President of the Laborers' International Union of North America. He is a third generation member of Laborers' Local 795 in North Albany, Indiana, and started his career in LIUNA's mail room.

Mr. Booker also served as director of the Union's construction department and in various positions with North American Building Trades unions. I welcome you, and now recognize you for your opening statement.

Thank you.

STATEMENT OF BRENT BOOKER, GENERAL PRESIDENT, LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA

Mr. Booker. Good morning, Chairman Capito, Ranking Member Whitehouse and members of the committee. My name is Brent Booker, General President of the Laborers' International Union of North America.

LIUNA was founded over 120 years ago by immigrant workers fleeing their countries to seek not only better life, but the American dream. Today, we are a strong, proud, diverse union representing over 530,000 workers across the United States and Canada.

LIUNA members go to work every day, building and maintaining our Nation's infrastructure. From our endless highways, bridges, and tunnels, city skyscrapers, water treatment centers, to our Nation's vast energy sector, our members' jobs touch every American's day-to-day life.

Our Nation's boom in energy production has provided an abundance of jobs for our membership. Our Union has always promoted an all-of-the-above approach to energy production: renewables, oil and natural gas, hydropower, nuclear, because we build it all.

As union laborers, we take pride in our work. We are the safest, most productive and well-trained workforce in the world. We get jobs done right, on time the first time, safely, and on

budget.

LIUNA was inherently involved in both Federal and State permitting. When we know a project will be built by hardworking laborers, we embed ourselves within the project's regulatory process to ensure it is approved in a timely manner. We are the folks in orange shirts you see at public utility hearings and community hearings. That is because in our business, predictability of projects is crucial.

Our members move from job to job, stringing together the projects that over many years build their career. While we believe in a responsible approach to permitting infrastructure projects, it is clear that our current permitting process is broken.

Whether it is purposely stalling the NEPA process of filing what feels like countless, frivolous lawsuits, leaving project in limbo and our members wondering when they will get paid next. A project can be fully funded and ready to go, then out of nowhere get hit with a deluge of lawsuits and get shut down.

Unpredictability equals unemployment for our members. These projects are not political to them. They are pathways to a middle class way of life that includes family-supporting wages, good health care benefits, and the ability to one day retire with dignity. If our members don't go to work, they don't get paid. So when a project is delayed months or even

years, well, you try to deliver that message to someone who has a mortgage payment due or has to buy school supplies for their kids. Adequate judicial review timelines must be included in any permitting reform package.

Over the last decade, the pipeline industry predominantly within natural gas has provided thousands of laborers tens of millions of work hours. As we continue to expand into more advanced energy sources such as hydrogen and carbon capture and utilization, it is clear our training and skill sets will be vital to a cleaner energy future.

Now, we are seeing these same issues within the renewable sector. Since the passing of the Inflation Reduction Act, offshore wind has been a tremendous contributor of jobs for LIUNA members. Between the harbor and port buildouts, the turbine construction, to the installation of turbines themselves, all along our Nation's coastlines, LIUNA members are building offshore wind projects at a rate like never before, including America's first offshore wind project in Rhode Island's Block Island.

Unfortunately, the administration's halt on offshore lease sales has upended the wind production market and has led to projects completely withdrawing their construction plans, costing laborers their jobs. One project is the Starboard Wind Project, 11,084 megawatt project by Orsted about 30 miles south

of Martha's Vineyard, which was expected to power upwards of 600,000 homes. This one hits home for me. I was proud to have helped negotiate and implement the National Offshore Wind Agreement back in 2022 on behalf of the building trades. This agreement was going to bring back thousands of good union jobs to workers across the Country.

Now, many of these projects are at risk of being terminated, causing us to lose significantly more jobs than we did on the Keystone XL Pipeline, once again leaving our members high and dry. We must put an end to projects for being used as pawns on a political chess board. Because it is American workers that pay the price.

With a simple swipe of the pen, or lack thereof in this case, these decisions impact the lives of the members we proudly represent in their communities.

If you take away one thing from my testimony today, please let it be this: it is LIUNA members who go to work every day building the American we all use. Whether it is turning the lights on in the morning or commuting to work on a highway, it is likely a laborer had a hand in it.

This isn't about politics. It is about ensuring we continue our energy independence and dominate in a market that when we don't compete allows us to fall to our adversaries.

For LIUNA, above all it is about ensuring our members are

able to go to a job that afford them the opportunity to be firmly entrenched in the middle class. To be clear, these aren't just jobs. They are careers that give our members and their families a chance to thrive. They are paychecks that ensure American workers are contributing to their community and aren't forced to rely on the government to make ends meet. They are lifelines that allow construction workers to retire with dignity after they have built the America we all enjoy.

For LIUNA members, these projects are delivering on the promise of the American dream, which is why I thank you for granting me the opportunity to speak with you today. I look forward to your questions.

Thank you.

[The prepared statement of Mr. Booker follows:]

Senator Capito. Thank you, Mr. Booker. I appreciate it.

Finally, our last witness is Nicole Pavia, the Director of Clean Energy Infrastructure Deployment at the Clean Air Task Force. She is responsible for leading the organization's infrastructure team and previously worked in consulting, concentrating on energy and sustainability projects. She is a fellow Duke University alumni, a Blue Devil.

STATEMENT OF NICOLE PAVIA, DIRECTOR, CLEAN ENERGY INFRASTRUCTURE
DEPLOYMENT, CLEAN AIR TASK FORCE

Ms. Pavia. That is right. Chairman Capito, Ranking Member Whitehouse and members of the committee, thank you very much for the opportunity to testify today.

My name is Nicole Pavia, and I am the Program Director for Clean Energy Infrastructure Deployment at the Clean Air Task Force, or CATF. CATF is a non-profit, non-ideological advocacy group with nearly 30 years of experience in advancing policy and technology change needed to achieve a zero emissions high energy economy at affordable cost.

In my role, I lead CATF's work to identify and address barriers, be they regulatory, permitting, financing, or social, holding back deployment of clean energy technologies at the pace and scale we need to decarbonize.

One of our priority technologies is electricity transmission. Long range interstate and inter-regional transmission lines are critical pieces of our energy system, and we are not building enough of these lines to meet reliability, security, affordability, load growth, and clean generation needs.

Today, significant wholesale electricity price differences between and within regions exist due to transmission system congestion. Regions afflicted by severe weather are unable to

access enough electricity from neighboring regions, leading to economic damage and tragically, loss of life.

Approximately 2,600 gigawatts or 2.6 terawatts of energy capacity, 95 percent of which is zero-emitting or storage capacity, sits in interconnection queues today waiting for an opportunity to plug into the grid. The cumulative effect of our inability to modernize and update our transmission system is reflected well in North American Electric Reliability Corporation's latest long-term reliability assessment. Most of the North American bulk power system faces increasing resource and energy adequacy challenges, just as projections show increasing demand growth.

Given these urgent circumstances, why have long-range transmission investment and deployment rates decreased and not increased over the past decade? Some have pointed to Federal transmission processes and environmental review processes under the National Environmental Policy Act, or NEPA, as key culprits. But little evidence and data existed to understand the truth of these claims.

Therefore, CATF partnered with the Niskanen Center to start to build the evidentiary record around the drivers of delay in the Federal transmission permitting process. We consolidated and analyzed publicly-available data and interviewed developers, permitting officials, and other expert stakeholders.

As explained further in my written testimony, environmental reviews under NEPA can certainly be improved. But fundamentally we found that the provisions of NEPA are not to blame for the most significant delays and inefficiencies in transmission deployment.

The most frequently cited slowdowns were largely process and resource oriented. Most stemmed from gaps in leadership and Federal agency coordination, lack of steady appropriations for permitting related tasks, insufficient permitting expertise at agencies, data inaccessibility, and local opposition to and lack of State support for nationally beneficial projects.

These are not all permitting specific blockers, but they often flare up throughout the course of the permitting process.

Another issue is the regulatory differences between jurisdictions through which long distance transmission lines may pass. Lines crossing State or tribal borders are not subject only to Federal permitting requirements, but also to the requirements of all State and tribal governments traversed. These requirements can be uncoordinated or duplicative, and State and tribal resource constraints for permitting are evident.

Overall, prioritization of a modernized, secure, and resilient transmission network will require a departure from the status quo. This includes reforms to the Federal review

process, but it also requires addressing the key drivers of transmission delay as identified in our report.

In addition to speeding permitting timelines, we should be increasing specialized agency capacity to efficiently execute permitting. And we should consolidate siting and permitting authorities for interstate transmission projects in the national interest under the Federal Energy Regulatory Commission, just as they are for interstate natural gas pipeline projects.

Thank you, and I look forward to your questions.

[The prepared statement of Ms. Pavia follows:]

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

I am going to begin with a question for all witnesses. I believe I know the answer to this one, but both Republican and Democrat administrations over the last couple decades have recognized the need to address the environmental review process, and those administrations have taken efforts through changes to regulations and guidance to do so.

Despite these efforts, Federal environmental review and permitting challenges persist. So this is a yes or no. I would like to ask each of you, do you agree that Congress must come together to develop a bipartisan bill to tackle these challenging issues? Mr. Harrell, then we will just go down the line.

Mr. Harrell. Yes, Senator.

Ms. Pavia. Yes.

Mr. Booker. Yes, Senator.

Mr. Harris. Yes.

Ms. Pilconis. Yes.

Senator Capito. Thank you. Good. I thought I knew the answer to that.

Ms. Pilconis, under current law and regulation, projects can take years or even decades to progress from concept to completing the NEPA process. What are the real-world impacts of this lengthy timeline for projects on consumers of goods and

services that your members produce?

Ms. Pilconis. Thank you, Senator, for that question.

Senator Capito. Mr. Harris, I am going to go to you with the same question.

Go ahead, excuse me.

Ms. Pilconis. For the construction industry, delays cause uncertainty. They also cause workforce instability. Our contractors can't commit to hiring workers, they can't order materials when there are delays on breaking ground for projects, often because they are tied up for years with lawsuits.

Delays also drive up costs. They increase project costs, as inflation and material shortages make projects more expensive over time. Delays also increase investments. Delays are preventing AGC members from building our quality of life and delivering safe projects that are going to benefit communities.

Senator Capito. Okay, across the Country.

Mr. Harris, your homebuilding.

Mr. Harris. Thank you, Madam Chairman.

The cost of permitting adds to the cost of housing. Every time I, as I said in my testimony, every time you raise the cost of the house \$1,000, you lock out 106,000 family units. That is substantial.

We speak about the value of homeownership. Well, the value of homeownership is good for everyone. It stabilizes families,

it stabilizes neighborhoods, it stabilizes communities, employee bases, volunteer bases. Homeownership is a public good. And in trying to increase or make better the processes for permitting, we can decrease the cost.

The time value of money for developers, home builders, adds to the cost of a house. Right now where we have seen the average cost of a house go up \$90,000 in the last two and a half years, we have locked so many people out of the American dream.

Senator Capito. Thank you. I know there is a shortage as well. So we can get into that maybe later.

I want to ask about judicial review. It came up in almost everybody's testimony. Many projects are targeted with litigation all throughout the process. The resulting legal costs and project delays can be enough to stop a project, which happened with our Atlantic Coast Pipeline in West Virginia.

So, Mr. Booker, will you describe some of your members' experiences with litigation after EIS or EA is finalized? You have your permits in hand, and then you can't go forward. You kind of outlined it in your statement, saying you can't pay the worker if you can't move forward.

Can you just expand on that a little bit?

Mr. Booker. Yes, I mean, as I said, you don't get paid unless you go do work. And you have to have a project to do that. You also can't just pull a laborer off a shelf and say,

your project starts next Friday.

Senator Capito. Right.

Mr. Booker. We have to prepare for that, we have to train, we have joint labor-management training that, depending on the project, whether it is a pipeline or offshore wind or any other energy sector, we have to train people to do that. In order to do that, we have to have predictability.

So this litigation, as unpredictability, creates chaos in the construction industry and it doesn't allow us to get the safest, most skilled, most productive workers if we don't know when that job is going to start, or if we are expecting it to start in a month and then it gets delayed by two, three, four months.

So that litigation is causing chaos and chaos in the industry. Also, it is causing our members not to get paid. That is the biggest thing for us, it is about jobs, about us to be able to get people their paycheck.

Senator Capito. Right. Ms. Pilconis, can you elaborate on that in terms of, is there a specific stage of the court process that is particularly challenging, or is just through the whole, you mentioned it can be as long as six years. But it can be probably longer than that, if you can drag it through court.

Ms. Pilconis. Correct. We know that NEPA is the most litigated environmental statute. We know that the amount of

lawsuits that are being filed, it is increasing. We know from current studies and data that it can take multiple years, up to four and a half years to make your way through the litigation process, where it is resolved at the appellate level.

Lawsuits can stop projects that have already broken ground in their tracks through the form of injunctions, studies that have been done, whether it through an EIS, an EA, or using a categorical exclusion. Those decisions can be sent back to the agencies, which is delaying breaking ground. Essentially we keep having do-overs, even after you have received the project approval.

There is really good language that Congress and this committee has already passed in statute to put some limits on litigation. MAP-21 has a 150-day statute of limitation window. We are recommending that be applied to all critical infrastructure projects.

There is also great language in FAST-41, but that is only applicable to a small number of projects that opt into the program. But that language requires challengers to raise concerns early in the process, where there is a lot of opportunity for public comment, for working these things out on the front end and not dragging projects into long litigation years after.

Senator Capito. Right. Before I go to Senator Whitehouse,

I will say, you say if you are sending it back to agencies for reconsideration you are running into the problem that Ms. Pavia said came out in their survey, which is, I don't want to say lack of expertise, not enough capacity to really move these through the different agencies quickly.

Senator Whitehouse?

Senator Whitehouse. Thank you, Chairman.

Mr. Booker, welcome, thank you for mentioning project labor agreements. You had a project labor agreement with one of the offshore developers. We have seen the huge success of project labor agreements in Rhode Island. It aligns the interests of the workers with the interests of the developers. Your orange shirts so show up, as you said. And things get built on time, on budget, and done right.

Indeed, American submarines are built in buildings in Quonset, Rhode Island, that were constructed under project labor agreements. So thank you for flagging that.

With respect to the seven offshore wind projects that are now at a standstill, how many jobs do you estimate those would have supported?

Mr. Booker. Thousands. From what the actual work in the water that will be, from the port upgrades, the harbor upgrades. We are building vessels in this Country again to support offshore wind. So it is in the thousands, if not tens of

thousands. Thousands of building trades jobs, laborer jobs and tens of thousands of related jobs to that.

Senator Whitehouse. And when an ongoing project is put on a standstill, do you have a sense of what that means for the consumer at the end of the day?

Mr. Booker. We are losing power in the Country, right? We need a baseload of power, we need predictability in power. So not only are my members suffering from not being able to go to work every day, we are also not being able to plug in that power into the grid that we need.

Senator Whitehouse. Thanks.

Ms. Pavia, you mentioned at the very end of your testimony discrepancies between the existing treatment of pipelines under the Natural Gas Act and the existing treatment of transmission lines under the Federal Power Act. Could you real quickly let me know where those areas are, and maybe for the record put a list together of where you think those should be harmonized?

Ms. Pavia. Yes, sure. There are definitely differences between FERC's authority over interstate natural gas pipelines and transmission lines. The Natural Gas Act, Section 7, gives FERC full siting and permitting authority over interstate natural gas pipelines.

Alternatively, the Federal Power Act in Section 216 creates national interest electric transmission corridors that can be

created through the Department of Energy. FERC has a limited authority to site projects only within those specific corridors.

Right now, the Department of Energy is going through the process of designating those corridors. But there are only three of them so far. What we see from the differences between the natural gas regulations and the transmission regulations is that --

Senator Whitehouse. If you don't mind making a list, so I don't have to use all my time on this one question.

Ms. Pavia. Oh, yes.

Senator Whitehouse. Mr. Harrell, you say a looming transmission shortage poses a direct threat to America's energy security. You recommend that permitting new lines will be absolutely necessary. You also suggest that there are ways to move more electrons over existing power lines.

How would you balance those things? How much growth can we have in grid availability from moving more electrons over the same lines, versus how much are we going to need to solve by actually building new?

Mr. Harrell. Thank you for the question, Senator, and for your leadership in these areas.

We need both, when push comes to shove. The scale of the amount of building work we are going to have to do over the coming decades here is immense. New transmission and increasing

the capacity of the existing infrastructure is going to be critical.

Senator Whitehouse. What is your best estimate for where the big new progress is most likely to be made? Is it going to be more in building new, or more in new technologies that allow electrons to run more smoothly over existing infrastructure?

Mr. Harrell. Given the scale of rising demand, we are going to need to build significantly more energy infrastructure, transmission and --

Senator Whitehouse. But you don't have a sense of which, one part electron efficiency, three parts new transmission? You don't have a --

Mr. Harrell. If I made an educated guess, 75-25, we are going to need to build out more infrastructure around it.

Senator Whitehouse. That is what I figured.

A couple of things in my last minute that you can all respond to as questions for the record. One is, I have come to despise interagency process.

[Laughter.]

Senator Whitehouse. I really can't stand it any longer. It is a terrible excuse for the Executive Branch to dawdle and fiddle around and have things move at the speed of the most recalcitrant agency. It is also a place where things go to die. And in an accountability-free zone, because at the end of the

day, when whatever was in the interagency process fails, everybody walks away and there is nobody who was responsible for that.

So if you have thoughts on what we can do in Congress to turn interagency process into an efficient mechanism for coordinating these agencies, which is what we need, rather than the Executive Branch excuse hold for not getting things done and not having anybody accountable for that failure, I am happy to hear from all five of you on that one.

The last thing is, very often, we saw this particularly in offshore wind, we got the first steel in the water and the first electrons on the grid in Rhode Island on offshore wind because we had engaged with obviously interested stakeholders right from the get-go. Too often, the Federal regulatory process and State regulatory process begins with a filing from somebody who wants to develop something who hasn't lifted a finger to go out and talk to the folks who are going to be affected.

The first offshore wind permit that was sought at the Federal level was catastrophically bad in that respect. They hadn't even talked to fishermen about which direction you should array your equipment. They just were trying to jam it through on the strength of the pressure of their investors and their desire to get the electrons ashore.

So if you could also talk to me, and to the degree of

precision that you can, about in what regulatory processes there should be a filing requirement stating what you have done to identify the stakeholders and saying what you have done to run the project by them and get their preliminary input so you start in a better place.

I went over, my apologies. But if we can get those two things, I would appreciate it.

Senator Capito. All right. Senator Cramer?

Senator Cramer. The first thing I am going to get is that last six minutes and send to all my Republican friends, so they know why I like working with Sheldon Whitehouse so much.

[Laughter.]

Senator Cramer. Anyway, thank you all for being here, and thank you, Chairman Capito and Ranking Member Whitehouse, for having this really important hearing so early in this term. Because there is a lot of work to do, and as we have learned, it takes a while.

There are two areas I would really love to explore, but I am going to start with you, Ms. Pilconis, and Mr. Harris, really all of you. But you spoke most thoroughly on the topic that isn't anywhere in my prep, but it gets me right to this issue. The capital intensity of these projects is, I think, lost oftentimes on a lot of folks. Even to the point of workers, I mean, labor can't just sit on the sidelines and wait for the

years to go by.

But what I want to ask about is, the Supreme Court, you referenced Sackett, and either you or Mr. Harris referenced the fact that the Corps of Engineers still hasn't adequately responded to that ruling. Prior to Sackett, there was West Virginia v. EPA, or as I like to say, West Virginia and North Dakota v. EPA, and there is the Major Questions Doctrine, we have repealed the Chevron Doctrine.

All of this, all of these are such clear messages that the bureaucracy does not have the power that they think they have and that they have been exercising. The fact that Sackett wasn't clear enough in the definition of jurisdictional waters that the durable rule that the administration came up with in response to it was, don't worry about those 80,000 404 permits. Maybe 79,800 of them really weren't necessary. But you should at least ask us first, and you referenced the process.

My question is this: what part of this, or why do we even have to seek jurisdictional determination or permission when we know, when anybody can read it, any homeowner can read it, this isn't a jurisdictional water, I don't need a 404 permit. In other words, we don't put a highway patrolman on every car on the interstate, just in case one of them speeds. We presume most of them are not going to violate the law.

Where am I wrong on this, Ms. Pilconis? Where am I wrong

on this, and how can we simplify it?

Ms. Pilconis. The problem is that it is not clear. And you can ask one person if something is jurisdictional and the next person if something is jurisdictional, and you might get two different answers.

So for the construction community, we need clarity. And it is very difficult to move forward when you don't know what is a Water of the United States. Not getting a permit when you are in federally controlled water has very significant penalties, civil and criminal penalties. So the consequences and what is at risk is huge for the developer, for the contractor.

Sackett did provide some guardrails. It provide some clarity. But what came out of that Supreme Court decision is not being implemented by the agencies. As Mr. Harris said, there are very unclear terms that have not been defined in the regulations, and that is what is causing a lot of confusion.

Senator Cramer. Mr. Harris, elaborate.

Mr. Harris. Thank you, Senator. Along with clarity, we need consistency. We need consistency between the core districts. If we could get true definitions of the terms that we were talking about, then our builders, our developers, would know when they could take reasonable risks before they make a tremendous investment in both the property and start moving the dirt. So we do need that consistency and clarity.

Senator Cramer. But one thing is for sure, is that they can't be the same as they were before Sackett, right? There is certainly many fewer jurisdictional waters than there were previous to Sackett.

So as long as there is a 1 percent chance that it is jurisdictional, you are almost obligated to your shareholders, to your customers, to your workers, to seek the Federal Government's permission to obey the law. And I mean seek their permission to allow you to obey the law, which is mind-boggling.

Okay, we only have a minute left. I only have a minute left. We will explore some more if we get another round.

But on the electricity side, because this is really, this is the hard work, and I think one of the challenges and one of the things that we oftentimes forget, and this gets to cross purposes, I suppose, is that electricity is the generation, transmission and distribution in a largely monopoly world of electric consumption.

Where it gets very iffy is that somebody determines those rates. There are regulators that determine those rates. And transmission and generation being built out absent a planning process by the local utility can put the tab on the wrong people really easily.

The solution -- there is a solution. We have to find a solution. We have to find a Federal backstop.

But I think on linear, to the Ranking Member's point, linear siting for transmission lines should be the same as it is for a water pipeline or any other linear infrastructure. I think we can do that. But we do have to recognize those State regulators, having been one at one point, and the governors. It is just going to be a lot harder, and we will talk about it in another round if we get a chance.

Thank you, Madam Chair.

Senator Capito. Thank you. Senator Kelly?

Senator Kelly. Thank you, Madam Chair.

I am glad we are holding this hearing today to discuss the long-overdue need to fundamentally re-examine how the Federal Government handles the permitting processes. I think it is important to start by saying that there are very good reasons why our bedrock environmental laws exist.

The Clean Air Act improves our air quality and has been shown to prevent childhood asthma and other respiratory problems. The Clean Water Act and Safe Drinking Water Act makes sure that rivers, lakes, and sources of drinking water aren't full of unhealthy pollutants.

And requirements to review the long-term impacts of infrastructure development on Federal lands ensures that we protect our national parks and monuments and forests for future generations. I believe there is bipartisan agreement that

having these protections for public health and for our environment are an appropriate thing to do.

The question then is whether our current framework allows us to accomplish the goals of these bedrock statutes without needlessly delaying commonsense projects. A few years ago, I traveled to Taiwan to visit with some businesses who were considering expanding their microchip manufacturing and also their clean energy businesses into the State of Arizona.

While I was touring one of their tech parks, I think it was on the northern side of the island, our guide pointed out that right there in the middle of the park was the government permitting office. Our guide shared that any time a company may need a new air or water permit or land use permit, or anything else, they could go to that office, and the staff there would help them get the permit they needed.

By contrast, these businesses shared how confusing the U.S. permitting process was. Why did they have to work with the city, or the county government on their land use permit, then talk to two or three different Federal Government agencies about air, land, and water permits?

These businesses, they are prepared to invest hundreds of millions of dollars in the United States and create thousands of great-paying jobs. But our permitting process led them to delay or scale back the planned investments. It is not that these

businesses wanted to skirt clean air and clean water protections; they just wanted to be able to understand that their requirements, like what the requirements were, and have certainty that once they met those requirements, they wouldn't need to deal with years of lawsuits.

So Mr. Harrell, at a more macro level, can you describe how Federal permitting processes create uncertainty for businesses looking to make investments in the United States, and what are the opportunity costs for our current permitting system?

Mr. Harrell. Thank you, Senator Kelly. Thank you for your leadership on critical infrastructure and trying to drive foreign investments into our Country. Ultimately, companies are evaluating how the process to operate in this Country impacts their investment and the returns they are ultimately getting on a long-term project.

Today, the process is particularly unpredictable. So there is a wide range of factors that developers have to factor in when they evaluate. So the desperate need to provide more certainty in the process, to show us kind of the sideboards of how long it could take if it is a particularly complicated project, because sometimes it is, and how do we maximize the resources that are being invested.

I think a great example is your work on the CHIPS and Science Act, and the regulatory reforms that were needed to

catalyze and build out those CHIPS, that regulatory predictability allowed private developers to move resources faster, but ultimately didn't sacrifice significant environmental outcomes.

Senator Kelly. Thank you. And Ms. Pavia, as I mentioned, and what is going on in Arizona, most of the economic development, the projects there that we are attracting are for clean energy industries and things like microchip and battery manufacturing is most of it. As we as a Nation look to encourage more clean energy manufacturing, how does our current permitting system affect that development?

Ms. Pavia. Thank you. In the context of transmission permitting, uncertainties in the transmission permitting process actually hinder the interconnection of clean and zero-emitting and storage capacity resources. As I mentioned, we found that 2,600 gigawatts of clean energy is sitting in interconnection queues today. So the challenge there is to unleash that potential in those queues.

Senator Kelly. And it is in a queue because there is no transmission available, because the permitting is held up.

Ms. Pavia. That is right. The permitting processes are not keeping up with the deployment rates of transmission that we need to unlock those resources.

Senator Kelly. Right. Thank you. Let's fix that.

Senator Capito. Okay, Senator Curtis.

Senator Curtis. Chairman Capito, Ranking Member Whitehouse, thank you for holding this hearing.

As I have been sitting here today, the best analogy I can think of is it feels like we are on a train and we all know it is going to wreck. And everybody on the train has the answers, right? We could take these five witnesses and the few members who are here, if you would lock us in a room, I think we could get to this.

So I am grateful. There is hardly a topic that is discussed more in Washington and is acknowledged as bipartisan, yet we can't get it across the finish line. So thanks for your work and working with our House colleagues. I pledge my support and I am anxious to help you in this matter.

Mr. Harrell, I would like to first of all give you a shout-out for the work you do, and your organization. As you know, it has been very, very important in my understanding of these issues.

I want to talk just a little bit about Utah. Utah strives to be a leader on this. We have Operation Gigawatt that showcases the State's interest in geothermal and nuclear and all these energies.

And geothermal, it would be hard to find an energy source that finds better agreement among everybody that this is

something that is important and needs to develop. Yet we struggle with permitting.

So I want to ask you, what additional measures could the Federal Government take to support State-led efforts in expanding geothermal, particularly in a State like Utah?

Mr. Harrell. Thank you, Senator Curtis. And thank you for your leadership on these issues over the course of your time in Congress. I am excited to see the next big things here in the Senate, as well.

It underscores a really key point. And Utah is a great example nationwide of where Federal, State and local entities need to be synched up in the right way to drive new economic opportunities. So Project Gigawatt focusing on how to leverage and grow new geothermal, new nuclear, new hydrogen development in the State.

I think there are four key things that I think could be particularly helpful for the Federal process to synch up with that Utah strategy. On the geothermal side, I think a no-brainer is to remove the duplicative environmental analysis that is required for geothermal exploration. We should streamline that process. There is a bipartisan bill in Congress considering that.

Then if a site is feasible, it is still going to have to move under an environmental process for the generation project.

So let's take the pure exploration environmental analysis out of it and kind of unleash innovators in that space.

I think there's a lot that we can do to streamline permitting at existing facilities that have been closed, at brownfields. I know your State is looking significantly at deploying small modular reactors and microreactors that could unlock significant development in the State. We are going to have to resolve some of these frictions with federalism, both on pipelines and transmission that are out there, to tap building out infrastructure for new hydrogen, for example, in the State.

So those are some key things that I think will solve problems that we are seeing nationwide, but really will help unlock the Utah strategy.

Senator Curtis. I am going to come back to transmission. You have talked about it, it has been talked about a lot here, and yet just like the other parts, we are not making progress. I am going to stereotype Republicans here a little bit and say that we do struggle with this, and the whole aspect of permitting reform.

Talk to me, and particularly my Republican colleagues, about transmission. What is it that we are not getting? What is it we need to know? How do we get this done?

Mr. Harrell. I think it is about growing clean energy infrastructure as a whole. We need to build out more wires, and

that is not just about renewables. There are projects that have been stifled by the judicial process that are connecting and putting new gas facilities on the grid. If we are going to deploy new small modular reactors and advanced reactors, the scale of rising demand in the amount of new generation we are going to have to build potentially as big as the size of the Texas grid at a minimum over the next decade, actually doubling the U.S. grid over the next decade, we are going to need to connect a lot of new resources in place.

Ultimately, that means streamlining Federal reviews, trying to find ways to make that process move more quickly. And then providing some more clarity to the judicial process. Transmission projects have seen significant delays. There are multiple transmission projects in this Country that have nearly turned 21.

Senator Curtis. Well, listen, there are some good proposals out there. I would just like to invite my Republican and Democratic colleagues; I am anxious to work on this and be helpful and see if we can find a solution.

Mr. Harris and Ms. Pilconis, I was a mayor of my city. When I think of building regulations, I tend to think of city, county and State regulations. I think a lot of people don't really understand that Federal adds yet another layer of regulations on this.

Can you both just speak quickly to that Federal layer that people may not see?

Mr. Harris. As a recovering mayor myself, part of the 12-step program, recognizing I had a problem and knowing there is a higher power, it is not met, no, I am and I currently sit on my planning and zoning commission. So I know that of the 24 percent of the cost of a new home that is directly related to government regulation, that local and State government shares in that responsibility to make sure that the permitting process at all levels is efficient.

Senator Curtis. I am almost out of time. I am sure they will give you just a quick response.

Ms. Pilconis. Just that where you can delegate or assign responsibility to the State so it can help streamline the process, such as through NEPA assignments or where States can take over for permitting, many States have done that with the 402 stormwater permitting process. And that can reduce duplication. We have heard from our members it can very much streamline things.

Senator Curtis. Thanks, all of you. I yield my time.

Senator Capito. Senator Padilla.

Senator Padilla . Thank you, Madam Chair. Thank you and Ranking Member Whitehouse for this timely hearing.

In California, we talk a lot about permitting. But I think

it is important to note at the outset that permitting isn't just a bureaucratic hurdle, there is a purpose for the process. And it is a foundation of responsible infrastructure development, energy production and environmental protection. They are not mutually exclusive; they have to go together.

There are a number of important bipartisan reforms, like last year's Energy Permitting Reform Act that Congress should pass. I am sure it has been raised earlier in the hearing.

But I also believe that the committee needs to grapple with the fact that a big challenge that was just exacerbated is actually staffing. Policy is policy; paperwork is paperwork.

But people are people. We need to be clear about ensuring our Federal agencies have the staffing levels necessary to process permitting applications as expeditiously and responsibly as possible. What we are seeing in the early days of this Trump Administration through the so-called Department of Government Efficiency is actually freezing and firing at unprecedented levels the workforce that we rely on for permitting.

Ms. Pavia, you touched on this in your testimony. Can you discuss how staffing levels and capacity writ large are impacting the permitting process?

Ms. Pavia. Absolutely. In our study, which we conducted over the course of 2023, 2024, and it was published in April of 2024, one of the main challenges that we heard from developers,

from agencies from across the spectrum was the lack of specific permitting, permitting and transmission, knowledgeable staff available at the agencies and at field offices for those agencies.

An anecdotal piece here, we talked to a developer who said that if they couldn't catch one person in particular at a field office, that would add months to their permitting timeline. So the importance of staffing is really, really critical. You can set timelines for things, you can set deadlines. But at the end of the day, if there aren't people there available to do the work, it is really hard to get the work done.

Senator Padilla. Thank you, yes. It certainly seems that by shrinking the workforce, we are doing the opposite of achieving energy independence or energy dominance. So we have some work to do.

Now, as some of you may know, I am a member of both this committee as well as Energy and Natural Resources. So I come at it from both angles, the commitment and the priority of streamlining and reforming the Federal planning process to meet the energy demand and ensure the reliability of the electrical grid. Transmission is an essential part of the reliable, efficient and affordable grid, and is often a factor, a factor physically constraining new grid interconnection requests. According to NERC, the limited addition of interstate electric

transmission infrastructure poses a grid reliability problem, particularly with the growing population and growing economy.

Ms. Pavia, a follow-up question. In your testimony, you pointed to the misalignment in requirements between different jurisdictions with permitting authority as a key factor in slowing down transmission permitting more specifically. Would requiring inter-regional planning that ensures regions jointly address needs and align priority projects help minimize any misalignment? What other recommendations might you have?

Ms. Pavia. I do think that would help. FERC Order 1920, for example, requires longer-term regional transmission planning processes and cost allocation. I think that looking further out as a region and thinking about all of the affordability, reliability, and other challenges that might be faced would encourage the planning of longer distance transmission lines.

So I do think that Federal, that these coordination efforts will actually help resolve a few of these issues. However, transmission permitting jurisdiction, as you noted, really lies with the States. So there still needs to be State-to-State harmonization and State and tribal harmonization, along with the general harmonization of State transmission permitting policies with Federal transmission permitting policies.

Senator Padilla. Just underscoring the biggest point of all, which is we all have to work together. Federal

jurisdictions, Federal, State to State, but ultimately we are physically and legally interconnected.

Thank you for your thoughtfulness. Thank you, Madam Chair.

Senator Capito. Thank you. Senator Ricketts.

Senator Ricketts. Thank you, Chairman Capito, and Ranking Member Whitehouse, for holding today's important hearing. And thank you to the witnesses for being here today to share your experiences as well on what we need to do to reform our Federal permitting process.

I believe we can make commonsense permitting reform to unleash the projects for American energy, infrastructure, homebuilding, agriculture, all those sort of things, while protecting our environment. Permitting reform is about modernizing our regulatory system to ensure that we are deploying projects efficiently, not about undercutting environmental standards.

Regulatory delay for permitting infrastructure, energy, and environmental projects is a hidden tax on Americans. This Congress, I am excited to serve as chairman of the Fisheries, Water and Wildlife Subcommittee. The U.S. Fish and Wildlife Service, Endangered Species Act and Clean Water Act are within the subcommittee's jurisdiction.

In Nebraska, the U.S. Army Corps of Engineers often finds itself in the middle of all these important policies. In

addition to maintaining waterways and providing power, the Corps is responsible for flood prevention and to protect both natural and built environment.

Conflicting statutes like the Flood Control Act of 1944 and the Endangered Species Act actually pit protecting human life and property against protecting wildlife and the environment. Complicated court history and administrative actions relating to the devastating flood events along the Missouri River has made even the most commonsense projects avoidable and anticipated flooding difficult to permit. The lack of clear Congressional intent and direction has compounded a difficult situation and authorized unintended priorities and create new environment programming.

Situations like this can be found all across the Country. Western wildfire victims, biofuel proponents and residential developers find themselves navigating the same impossible regulatory scheme.

We do not have to settle for years-long court battles, bureaucratic backlogs and complex statutes at the expense of natural resources and safety. The Fiscal Responsibility Act of 2023 reformed the National Environmental Policy Act for the first time in 50 years to mandate timelines and page counts for environmental analyses. The FRA also streamlined the use of categorical exclusions, which should expedite the deployment of

CEQ-approved activities.

As Governor, one of the things I did to be able to help streamline this was implement a process called Lean Six Sigma, and I know the Chairman is like, can't get through any sort of hearing without me trying to mention Lean Six Sigma, when we are talking about permitting reform. Because this is one of the things we did that, again, shouldn't be controversial. It is about streamlining the process which we have been all talking about here today.

So for example, we can't change environmental regulations at the State, but we can look at the process. It was 110 steps long, for example, to issue an air construction permit. We cut that down to 22, and cut the time delay down from issuing that permit from 190 days to just 65 days.

Those are the kinds of reform that are possible, thanks to the great staff we had in Nebraska. Actually one of those folks, the gentleman who ran my Department of Environment and Energy, Jim Macy, is the Region 7 EPA administrator. So I am really pleased to see him doing that. The point is, we can do this.

Ms. Pilconis, you talked about some of the conflicting regulations maybe agencies are doing. I mentioned the Flood Control Act and the Endangered Species Act. Can you give me some examples of laws or regulations that are conflicting that

we may need to address to provide clear Congressional intent, so that the courts will have that when they are making these decisions?

Ms. Pilconis. I think that clear Congressional intent is most important. Having clear statutory language that lays out Congress' intent, making sure that that is carried out and implemented by the agencies, and for Congress to be able to step in when agencies are showing overreach or they are causing conflicting or inconsistent determinations.

As far as where there are conflicts, I mean, we have NEPA, the overarching statute, bringing all the resource agencies together at the table to try to analyze and assess what the impact of a proposed major action will be, the ideas having coordination and communication and discussion about how these programs align, so that you can do concurrent reviews instead of sequential reviews and end up having the monitoring, the studies, the work that you are doing satisfy all of the programs so that you can reach one final document.

Senator Ricketts. Just off the top of your head, can you think of, are there specific conflicting laws that we need to address through this process, or specific agency regulations that we need to address through this process?

Ms. Pilconis. What comes to mind for me is not so much conflict between the laws, but inconsistent interpretation of

the laws at the Federal agency level, and making sure that the application is consistent, so that you don't have diverging, different opinions.

With NEPA and recent court decisions and executive actions, it is not clear what the long-term role CEQ will play in issuing implementing regulations. We need to be sure that when Federal agencies are implementing NEPA and carrying out NEPA through their own agency regulations that we don't have inconsistency.

So that is an area that we are focused on moving forward and ensuring that agencies carry out NEPA consistently per the statute.

Senator Ricketts. I think we would all agree that consistency is going to be important, especially when it comes to interpretation. Is there something this committee can do along those lines, when we are thinking about reform, things that we ought to be putting into the statute to be able to accomplish that?

Ms. Pilconis. I think making sure that terms are clear. As Mr. Harris talked about, with the Clean Water Act, I mean, we have language in the regulation that is being inconsistently applied. With NEPA, great work was done in the Fiscal Responsibility Act, being clear that you are analyzing reasonably foreseeable effects, that you are looking at reasonable alternatives that are technologically and

economically feasible, how is that being implemented. And Congress having oversight and stepping in where agencies are implementing that inconsistently.

Senator Ricketts. Great. Thank you very much.

Senator Whitehouse. [Presiding.] Senator Schiff?

Senator Schiff. Thank you, Chairman. In California, really, the top issue is housing, the lack of housing, the lack of affordable housing. It is fundamentally a supply problem. We just don't have anywhere near enough housing. We can move people off the streets into shelter, but if we are not building more housing and building it quickly, there will simply be new people taking their place on the streets.

So my question, let me address it to you, Mr. Harris, is what can we do to accelerate the building of housing that is affordable? How much of the challenge in terms of the time limits or lack of time limits in approving new projects is a Federal problem, and how much of it is a State and local problem? And if it is more a State and local problem, are there things we can do to incentivize local governments and agencies to get to yes quicker on new housing?

Mr. Harris. Senator, thank you very much for the question. It is something that is near and dear to our hearts.

We believe it is a supply problem, that the inventory is driving up the inflationary cost of shelter. We think that of

the 24 percent of the cost of a new home is related to government regulation. About, I don't know, a quarter of that is probably Federal, the remainder is State and local. And they are handling the heaviest part of that.

When I have the opportunity to talk to lieutenant governors and governors that are saying, look, we need more housing in our State, I encourage them to look at the policies and procedures that local and State governments have in regard to housing. Have they updated their housing plan? Have they put barriers in place to keep the growth or disincentivize growth happening in their communities?

And it is the same way it could happen at the Federal Government. If the Federal Government used highway dollars to get the speed limit regulated, they have used Federal dollars to raise the drinking age. So I believe that if the Federal Government was to look at incentivizing these communities, either in applications for CDBG grants or any of the Federal dollars that flow to municipalities, if they have consistent pro-housing, pro-growth opportunities, then I think that would incentivize them to do that, Senator.

Senator Schiff. Thank you. I look forward to working with you to identify how we can facilitate at the Federal level but also incentivize the local level, getting approvals of new housing more quickly.

Mr. Booker, I wanted to ask you about offshore wind. We have two big offshore wind projects, but in Humboldt and Morro Bay. And I am concerned about the rash of cancellations we are seeing of offshore wind projects in the last couple of years, and the new administration's executive order blocking leasing for offshore wind projects. I really don't understand the point of that. It is going to kill a lot of jobs and reduce a lot of energy.

Is the suspension of leasing, is this just a design to be a gift to the oil industry? Why would we want to stop offshore wind and all the jobs and energy that it creates?

Mr. Booker. I am probably not the right guy to answer that question. But what I will say is that killing the offshore wind jobs is killing America jobs. This President, this administration, talked about creating American jobs, the American dream.

And when we start picking winners and losers of renewables versus oil and gas versus nuclear versus hydro, the end result of that, if a political appointee is deciding who wins and who loses, at the end of the day it is the American worker who loses if someone is chosen, if one industry is chosen over the other.

That is why we have always been all-of-the-above, we support all of that, we support American jobs, we support American workers. I would encourage this administration to not

pick winners and losers in the energy sector and let the market dictate where it makes sense. On the east coast and on the west coast, offshore wind has made sense as an economical, viable energy source that is creating good American jobs.

Senator Schiff. Thank you.

Finally, on the transmission interconnection issue, it seems to me one of the biggest areas where we could really move forward with a lot of new energy projects and clean energy projects, last year California's grid operator known as CISO stated that its interconnection queue now contains more than three times the generating capacity needed to achieve all of our State's renewable energy goals, three times the amount needed.

How do we get that transmission working? I am curious, a lot of projects that apply to join the grid, they end up essentially dissolving even before they get the opportunity. Is that because of the delays in access to the grid, or is it because you have all these projects applying to the grid that are not necessarily financially viable or don't have their funding? Why are those projects falling out, and what do we do to get the grid working so that when you have a new project, it can come online in a time-effective way?

Ms. Pavia. I think it is a little bit of both. There are a lot of projects that apply to the queue just to get in line. They may not be 100 percent ready for deployment.

But I think this all stems from a process that is very long because of the lack of transmission that is available on the other side. And there is a kind of chicken and egg problem as well, where you don't want to build a transmission line if you don't know that there is going to be generation on the other side of that line. You also don't want to put new generation into the queue if you don't think there is going to be a transmission line built.

So there is kind of this chicken and egg problem as well that I think we have to address in interconnection specifically.

Senator Schiff. Yes, I know in combining these two issues that in the Humboldt area where they have an offshore wind project, they are trying to figure out exactly that chicken and egg problem. It is one of the windiest places on earth. There are some deep water challenges to that particular venue, but then they don't have the transmission capacity, even if they built it tomorrow.

Thank you, Mr. Chairman, and I yield back.

Senator Whitehouse. Senator Husted?

Senator Husted. Thank you, Mr. Chairman. Interesting enough, until a couple of weeks ago, I was on the other side of this question, as a lieutenant governor working in economic development in the State of Ohio. I can tell you that the frustration that local and State leaders have with Federal

regulators is epic, from my experience, because of the lack of certainty, because of the lack of understanding the process, because one regulator may have a different opinion than another regulator and the timelines of this are very frustrating.

But I would ask the question of why we are having this discussion, because I think that we are saying that the regulatory regime we built to protect the environment and other important factors has become so large and unwieldy that it is in conflict with other priorities like the idea of made in America, about creating more jobs in this Country, about building a resilient supply chain in this Country for our economic and national security and everything from energy to computer chips to pharmaceuticals, whatever that might be.

And the topic of time is money has come up, the saying time is money has come up several times today, which is so true, because we know that if you lack a predictable time frame for doing things, many people just won't invest. They won't take the risk of making those investments, whether that is in building chips or data centers or power plants.

The NEPA process, I can tell you that one, I have seen this happen so many times where we had the CHIPS Act, for example, we need to build chips, very much supported the Federal Government leaning in on this on a bipartisan basis. But the NEPA process extends out the time frame for which you can build the FAPS. We

say it is a national security priority, but then these regulations get in the way.

We also hear, I left a community where they are currently discussing whether or not they will have enough energy to meet the demand of made in America, and can't know whether they can build the power plants or the supply chain. That is the regulations, and then the regulators on time frames and deliverables.

And the idea that literally slowing these things down is actually contrary to our economic national security, and even environmental interest. When you think that unless you have enough energy that comes from, whether it is gas-fired power plants or SMNRs, and wind and solar, that taking a longer time to build those means you can't decommission coal-powered plants because you don't have the energy supply chain.

So if you accept my context for my concern, quickly, I would love for every one of you to just tell me a couple of things, just quickly, things that we should do to fix that.

Ms. Pavia. Thank you for your question, Senator. Timelines are important, page limits are important. You did great work with the Fiscal Responsibility Act, putting those things into law. I think then it comes down to accountability and making sure that folks are held to that.

In the Fiscal Responsibility Act is the requirement for

agencies to report to Congress if they are missing those timelines, having oversight over that and making sure you are getting that information, understanding why deadlines are being missed. In MAP-21, there are actual penalties for missing deadlines. That only applies to surface transportation projects. I think having that applied to more critical infrastructure projects could hold agencies more accountable.

FAST-41 created the permitting dashboard which creates an incredible amount of transparency so that the public and everyone can see what are the milestones, when are they happening. There is only a few amount of projects, about 30 right now, that are on the dashboard. So having that apply to more projects.

I think making use of general permits, there are ways to make sure that things are getting done more quickly through the use of categorical exclusions, general permits.

Mr. Harrell. Senator Husted, I would urge think big. This is not an around the edges issue, as you point out. There is a lot of duplication. We have had significant new environmental statutes put in place after NEPA was enacted in 1969. We have to see how these things synch up together to provide more predictability, that modernize the system and make step-change reform. Because then it gets clear the status quo is not serving our economic or our environmental interests.

Mr. Harris. I would like to say that just calling a tool or a permit efficient and predictable doesn't make it efficient and predictable. We need something that will be efficient and predictable every time.

Mr. Booker. I think we have to require agencies to make a decision, either up or down. If the answer is no, then we can reapply for it. And then we have to put timelines on litigation, so that if a project is permitting, going, and people are working, the decisions have been made by the agency, it is good to go, that the litigation can't stop a project going forward.

Ms. Pavia. I would second the use of the permitting dashboard. It is a great existing tool that we can continue to leverage more fully. I would also just hearken back to what I said earlier about staffing, both at the local and Federal capacity for permitting expertise, especially for linear infrastructure projects, it is going to be really important.

The IRA did provide some technical assistance through programs like TSED, but I think more can be done in the capacity space.

Senator Husted. Thank you.

Senator Whitehouse. Senator Lummis?

Senator Lummis. Thank you, Mr. Chairman, and thank you, panel, for being here today.

This is a subject that vexes people in both parties at all levels of government. So I am thrilled that you are willing to address these issues today.

I am going to start with something called permit by rule, which is something that President Trump has touted in an Executive Order. I have a bill that would authorize permit by rule. My co-sponsor is Mr. Budd. It is called the Full Responsibility and Expedited Enforcement Act, the FREE Act.

So my question is, Mr. Harrell, how can implementing permit by rule streamline Federal permitting while ensuring robust environmental protections? And what steps should Congress take to ensure agencies follow up on these reforms?

Mr. Harrell. Thank you, Senator, and thanks for your leadership on this issue. This is the type of thinking big item, right, how can we shift to a build and comply structure rather than this arduous, multi-step process.

In many cases, projects face unnecessary case by case reviews that aren't getting us any better benefits for the environment, and purely is just driving out the length of the review process and driving up costs. That is not good for the consumer, it is not good for the environment.

So agencies are going to need to set out the rules of the road, which your bill lays out in the early stages. Then I think Congress is going to need to codify that, because in the

end, this can't be a structure. This shift is a big change. It can't go on on the ebbs and changes of an administration. We need a regulatory system that works for the next 40 years, not the next four years.

This is the type of thing that I think we can take a significant chunk of projects off and streamline for projects that have like characteristics, are built in the same type of areas, or need to comply in the same way.

Senator Lummis. I agree, Mr. Harrell. I don't think it is for every situation, but for a very standard situation that has consistent replicable compliance standards, it might work well. So thank you. I look forward to working with you all on that.

Mr. Harris, I am going to turn to you. In Wyoming, we have a housing shortage. There is a community, very small community, Kemmerer, Wyoming, where this TerraPower nuclear power plant is going to come in and have construction job demands that are going to require housing.

So I am interested in hearing your thoughts on this issue, given your experience in small volume homebuilding in a State that is very similar to my State of Wyoming.

Mr. Harris. Thank you very much, Senator, for the question. I think the community needs to decide where the housing needs to go and then work together with builders and the Federal authorities about what is the most appropriate for that.

You reduce those barriers and you will start having more builders who want to build homes either for rent, wherever the build on the housing ladder, whether it is temporary housing, apartments, to first-time homebuyers to move-up housing, all of that takes the cooperation.

Real estate development is really community development and how we can all work together to get these houses built in the communities that need them.

Senator Lummis. So how can streamlining permitting help homeowners?

Mr. Harris. It will lower the price, because the cost of regulation continues to drive. So if I decide to, if I have to jump through a lot of hoops to develop a piece of land, then that increases the cost per acre or per lot that I am going to need on that home. Then eventually that will be passed on to the homebuyer.

But each one of those regulations continues to work through that. The permitting process needs to be well-defined, consistent, every time.

Senator Lummis. Thank you.

Now, I am going to ask one more question, changing subjects to something called Class Six. I invite any of you, I suspect, maybe, Mr. Harrell, this is for you. But any one of you is welcome to weigh in.

States can expedite permitting by directly implementing Federal requirements. There is something called Class Six primacy that allows for that. Wyoming successfully applied for and received this Class Six primacy, but I am told that the EPA has 151 pending Class Six permit applications, while only four have been granted.

So for any of you who are familiar with this Class Six, what reforms can ensure that States seeking Class Six can navigate the process more quickly, and with greater certainty?

Mr. Harrell. Senator, I am happy to hop in there. Class Six primacy is an area where you are shifting responsibility to the folks who are closer on the ground, who can move more quickly, and the law requires them to still have the same environmental standards.

So it is a no-brainer that we can move faster, bring those decisions back to the lower level. And there is probably no better example over the last four years, particularly in clean energy, that shows that just throwing money at the problem isn't fixing it. Between the Infrastructure Bill and annual appropriations, EPA has gotten more resources to process these and they continue to move at glacial speed.

We have to set clear timelines. They need to be more transparent about where they are in the process, particularly with States. It needs to be a more iterative process. If they

see something in the State proposal that isn't meeting the Federal standard to take on this responsibility, that needs to be up front.

I think we can move much faster on this. It was exciting to see West Virginia get cleared here recently and there are a bunch of States in the pipeline that I think could benefit from this.

Then the Federal regulators can focus on more complicated projects in places like California, for example, that aren't going to explore primacy.

Senator Lummis. And it is proving successful, for States that have already received Class Six primacy?

Mr. Harrell. Your State, and North Dakota, are two great examples. Wyoming and North Dakota are moving these projects in under a year, where the Federal process, as you mentioned, has 150-plus projects in the pipeline.

Senator Lummis. Thank you, Mr. Chairman, and thank you to our committee. I appreciate your being here today.

Senator Whitehouse. We are deciding whether this is the end of the hearing or not.

[Laughter.]

Senator Whitehouse. The Chair was kind enough to give me the gavel for purposes of moving through the members, but it is not clear that I have the gavel for purposes of closing out the

hearing without her permission.

So in the spirit of bipartisanship, I am waiting for that signal. So if you will just stand by for a minute. Okay, I have clearance to proceed.

First of all, thank you. This was a very, very helpful hearing. Senator Lummis, in the response from Mr. Harris, he mentioned the importance of the community making the decisions about where the housing should go.

I think that aligns pretty well with the comment that I made earlier that in these filing things, it would be helpful if there was right at the very front a requirement of who are the stakeholders and how have I engaged with them already, so that all doesn't get backed up into the regulatory process, it is done up front and center and here we go. I didn't have to close out the hearing, because the Chairman is here. I don't want to get in trouble.

[Laughter.]

Senator Capito. [Presiding.] My apologies for missing the last few minutes.

I think we have a lot of commonality here, a lot of good ideas and a lot of thoughts that I think are going along the same lines. I think we should think big, and then come down from big to where we can meet the sweet spot. Because like Senator Curtis said, we have been talking about this for years;

we haven't quite gotten there.

So I am committed, and I know you are.

Senator Whitehouse. What is the word?

Senator Capito. Together, to work on this together. That is our key word today.

So anyway, with no further questions, I would like to thank the witnesses and all of my colleagues for their participation. Senators who wish to submit written questions for the record have until 4:00 p.m. on Wednesday, March 5th to do so. The witness responses to those questions are due back to the committee no later than 5:00 p.m. on Wednesday, March 19th, and will be submitted to the hearing.

The hearing record will remain open, as I said earlier, until March 21st, and anybody, I would hope that you would submit suggestions that you might have heard today or other suggestions. The public will be allowed to submit comments and materials to the hearing record by sending these documents to permitting@epw.senate.gov. This email address is also accessible on the committee's website, on our contact page.

With that, this hearing is adjourned.

[Whereupon, at 1:46 p.m., the hearing was adjourned.]