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Introduction

Chairman Carper, Ranking Member Capito, and distinguished Members of the Committee, thank you for the opportunity to discuss the improvements the President and his Administration have made to strengthen and accelerate the permitting and environmental review process for a cleaner economy.

Thanks to the passage of the Bipartisan Infrastructure Law (BIL), Inflation Reduction Act (IRA), and CHIPS and Science Act (CHIPS), the President's Investing in America agenda is making a once-in-a-generation investment in America's infrastructure and competitiveness that will create good-paying jobs, grow our economy from the bottom up and middle out, invest in communities, and combat climate change. To take full advantage of these historic investments and ensure the timely and sound delivery of transformative critical infrastructure projects, we need to ensure the Federal environmental review and permitting process is effective, efficient, timely, and transparent, guided by the best available science, and shaped by early and meaningful public and community engagement.

The President and his Administration reject the tired view that there is an inherent trade-off between permitting efficiency and timeliness, on the one hand, and permitting effectiveness and ensuring the best outcomes for the community and the environment, on the other. We must and we will do both, and believe that such an approach to Federal permitting will result in better projects that are built faster, safer, and cleaner.

My testimony outlines the improvements that this Administration has made to strengthen and accelerate the permitting and environmental review process, which builds off of improvements made across both of the prior two Administrations. My testimony also outlines specific areas for further progress, including those that will require the bipartisan support of Congress.

Dispelling Common Misconceptions

It is important to start the discussion around improving the federal environmental review and permitting process by first dispelling common misconceptions. While the review and permitting process undoubtedly can and must be further improved, there is a common misperception that this process is the reason why projects are blocked or delayed. In reality, the vast majority of

projects move through the process expeditiously. Approximately 95% of the actions that require Federal review under the National Environmental Policy Act are approved under a categorical exclusion, the most expedited form of environmental review. These reviews can typically be processed by agencies quickly, reducing paperwork and saving time and resources.

Around 5% of actions are reviewed and approved using environmental assessments. And less than 1% of actions, or around 200 projects annually, require an environmental impact statement (EIS), the most extensive type of environmental analysis. The large, complex projects that require an EIS typically take longer to process – according to a [2020 Council on Environmental Quality report](#), the median completion time was 3.5 years. While inefficiencies and resource gaps in the Federal permitting process have been one cause of delay, other factors often cause delays to these timelines, unrelated to the Federal permitting process, such as project financing issues, problems obtaining non-Federal approvals, and local opposition to the project. Additionally, some projects linger in the permitting process not because of inefficiency or lack of attention, but because historically, Federal agencies have been reticent to say no to projects that are unable to meet requirements. For project sponsors, getting an early no or a clear indication that the planned project is unlikely to be viable can be a preferable outcome.

While misconceptions persist, make no mistake that the Federal permitting and environmental process still takes too long and must be improved. Having an aligned baseline for current performance will increase the likelihood that progress can be made for further improvement.

History of Permitting Reforms

The Federal government has made real progress in reforming the permitting process. That progress has been a multi-year effort that has spanned across at least three Administrations and benefitted from the consistent and bipartisan support of Congress.

Under the Obama-Biden Administration, initial efforts to reform Federal permitting focused on expediting a small set of high-priority infrastructure projects. Those efforts served to demonstrate that expediting permitting was in fact feasible for large, complex projects. The Administration took the lessons learned from these targeted efforts to implement broader permitting reforms, including the development of the Permitting Dashboard to increase transparency of permitting timelines and the creation of rapid response teams to provide support and enhanced interagency coordination.

Many of these policies were incorporated into the bipartisan effort that led to the passage of Title 41 of the Fixing America's Surface Transportation Act (FAST-41) in 2015, which created the Federal Permitting Improvement Steering Council (Permitting Council). FAST-41 established a framework of early consultation, development of coordinated project plans and project timetables, public tracking of projects on a Permitting Dashboard, establishment of dispute resolution procedures, and publication of best practices and recommended performance schedules.

The Trump Administration continued and built on many of these permitting reform efforts with an increased focus on accountability, improved transparency, and aligned agency review processes. The resulting One Federal Decision policy under the prior Administration has since been codified under BIL for major transportation projects.

The Administration's Commitment to Action

The Biden-Harris Administration is building on the improvements and capabilities that have been developed over the prior two Administrations and fully leveraging existing permitting authorities, as well as new authorities and historic investments provided by BIL, Inflation Reduction Act, and CHIPS, to accelerate the permitting and environmental review process and deliver projects on-time, on-task, and on-budget. This means cutting red tape, breaking down silos, and finding ways to work smarter across the government. That's why President Biden has elevated this issue to the highest levels of government for the first time by forming an Investing in America Cabinet that meets regularly on permitting and other priority issues for infrastructure implementation.

In May 2022, the Administration released a Permitting Action Plan that reflects our whole-of-government approach to environmental review and permitting and ensures that processes are effective, efficient, and transparent, guided by the best available science to promote positive environmental and community outcomes, and shaped by early and meaningful public and community engagement. These strategies, if well executed, will result in better permitting outcomes, more predictability for project sponsors, and increased accountability across Federal agencies.

First, the Permitting Action Plan includes five cross-cutting strategies:

- Accelerating smart permitting through early cross-agency coordination. Ensuring early coordination and effective communication across Federal agencies is critical for moving infrastructure projects forward efficiently and on-time;
- Establishing clear timeline goals and track key project information. Agencies are developing timeline goals that are ambitious, realistic, and tailored to the projects at issue. Communities and project proponents all benefit from having clear information about the schedules, key milestones and deadlines, and public comment opportunities for the environmental review and permitting of major projects. Timeline goals and up-to-date information increase accountability, encourage efficiency, enable greater public participation in project decisions, and build greater trust in government;
- Engaging early and meaningfully with States, Tribal Nations, territories, and local communities. Proactive, early, and ongoing engagement with the public, including disadvantaged, underserved, or overburdened communities, especially those with environmental justice concerns, and with State, Tribal, local, and territorial partners, is fundamental to delivering timely projects that serve the needs and priorities of communities across the country;

- Improving agency responsiveness, technical assistance, and support. Providing responsive technical assistance and support helps project sponsors, permit applicants, affected communities, Tribal Nations, local governments, and other parties navigate the environmental review and permitting process effectively and efficiently; and
- Using agency resources and the environmental reviews to improve impact. Timely, informative environmental reviews that are guided by the best available science and help deliver positive environmental and community impact require sufficient levels of skilled agency staff and effective use of budgetary resources.

Second, to complement those five across-the-board activities, the Administration has developed seven sector-specific efforts. The specific challenges and issues that arise in the permitting and environmental review process can vary greatly by sector. Recognizing these distinctions, the sector-specific expert teams are helping to facilitate interagency coordination for siting, permitting, supply chain, and related issues for (i) offshore wind, (ii) onshore renewables, (iii) transmission, (iv) broadband, (v) transportation, (vi) critical minerals, and (vii) high-tech manufacturing. These teams are responsible for developing sector-specific strategies to help reduce bottlenecks and barriers, identifying programmatic solutions, monitoring the status of large, complex, or significant projects, and identifying and elevating issues that require interagency attention or action. This sector-specific approach is particularly relevant given the historic investments under way. Creating common solutions across these projects, rather than having Federal agencies conduct similar analyses across multiple projects, will result in better permitting outcomes delivered in a timelier manner.

Third, the Administration is focused on accountability and ensuring that all agencies have systems and processes in place to track and monitor overall progress in completing permitting and environmental reviews. Agencies are working to enhance their information systems to digitize more of the process and increase interoperability to improve interagency data sharing capabilities and create a more efficient and effective review process. Agencies are also identifying and developing performance indicators and targets related to the timely completion of reviews, increased coordination and transparency, and improved environmental and community outcomes. This information will help inform decision making, identify areas for process improvements and increased collaboration, and drive progress towards better performance and outcomes.

Fourth, in order to effectively execute these strategies, it is critical that agencies have adequate capacity and capability. OMB has worked with agencies to ensure that they are prioritizing their existing resources and leveraging funding from the IRA and BIL to have the appropriate workforce needed to efficiently and effectively complete permitting and environmental reviews. OMB is also working with the Permitting Council and the Office of Personnel Management to identify and develop flexible hiring authorities to fill critical permitting positions at agencies.

Under the Permitting Action Plan, the Permitting Council is also being fully leveraged to serve as the primary interagency body to facilitate cross-cutting Federal permitting issues and

opportunities across many types of infrastructure projects, not only FAST-41 covered projects, and utilizing new authority under BIL to serve as a Federal center for permitting excellence.

Results of the Administration's Actions

Our goal is to continue to improve over time. However, we have already seen that the Administration's commitment to action has translated into real results:

- To date, the Administration has announced over \$220 billion in Bipartisan Infrastructure Law funding, including over 32,000 specific projects and awards, across over 4,500 communities in all 50 states, D.C., and territories. This includes launching over 4,600 bridge projects and beginning repair on over 69,000 miles of roads, funding improvements at over 3,000 airports, funding to support 41 port projects and 60 public transit projects across the country, and the largest investment for passenger and freight rail since the inception of Amtrak.
- The Administration has developed an ambitious target for offshore wind, with a goal to deploy 30 gigawatts by 2030. The Department of the Interior (DOI) approved the nation's first large-scale offshore wind projects, [Vineyard Wind](#) and [South Fork Wind](#), both now under construction and being built by union labor. DOI's Bureau of Ocean Energy Management is on track to complete reviews of at least 15 project plans by 2025, representing more than 27 GW of clean energy, and has proposed reforms to [modernize](#) this process and save \$1 billion over 20 years. The National Oceanic and Atmospheric Administration has [advanced](#) a range of environmental reviews, regulatory authorizations, and consultations to ensure protection of coastal and marine resources.

The Administration is on track to achieve the goal of permitting at least 25 gigawatts (GW) of renewable energy on public lands by 2025, with a [five-agency collaboration](#) to expedite these reviews. The Bureau of Land Management (BLM) has permitted more than 130 wind, solar, and geothermal projects with a combined capacity of 14 GW of power which has the ability to serve approximately 4.2 million homes. BLM has 70 more projects under review, which have the potential to result in 32 GW more of clean power.

- Federal agencies have recently signed a new interagency Memorandum of Understanding (MOU) to facilitate the timely, responsible, and equitable permitting of electric transmission infrastructure, which will accelerate the permitting of onshore transmission lines by directing the Department of Energy to use existing authority under the Federal Power Act to coordinate transmission planning and permitting activities across the Federal government. Moreover, it will direct Federal agencies to conduct Federal permit decisions and environmental reviews for transmission lines within two years and allow applicants to petition the President directly to issue any permit, certification, or opinion if a permitting schedule milestone is missed or if an authorization is denied. This action will accelerate the development of transmission lines so that we can connect needed new clean energy sources to the grid to meet the President's climate goals.

The Path Forward

While progress has been made, there is more that needs to be done. The Administration supports bipartisan efforts to further reform permitting and eliminate potential roadblocks to clean energy projects. It is essential that this effort maximize timeliness and efficiency in government decision-making, while upholding protections for the environment, worker safety, local communities, and Tribal communities in the decision-making process. The Administration believes this approach maximizes the historic investments in our country's infrastructure and manufacturing.

Last week, the Administration outlined priorities that should be part of any bipartisan permitting reform package, including:

- Accelerate Deployment of Critical Electric Transmission. Congress should expedite the development of new interstate and offshore electric transmission lines by providing for electric transmission siting and cost allocation; reform the transmission interconnection queue; develop regional electricity transfer requirements that would set a minimum level of transfer capabilities between regions; require the consideration of multiple benefits and burdens during interregional transmission planning; direct the use of existing authorities to accelerate deployment of grid enhancing technologies and transmission line upgrades; and clarify the Secretary of Energy is able to make loans for transmission outside of designated transmission corridors, if it is deemed to be in the national interest.
- Accelerate Energy Project Permitting on Federal Lands. Congress should update the provisions in the Energy Act of 2020 with new renewable energy goals on departmentally managed Federal lands for 2030 and 2035, direct the development of programmatic environmental reviews, and authorize agencies to develop categorical exclusions under them.
- Deploy Hydrogen and Carbon Dioxide Infrastructure. Congress should address the siting of hydrogen and carbon dioxide pipelines and storage infrastructure and provide Federal siting authority for such infrastructure.
- Incentivize Redevelopment for Clean Energy Deployment. Congress should protect clean energy developers who build projects on sites that are pre-screened by the Environmental Protection Agency from liability for existing contamination when the developers make reasonable investments to address contamination and ensure their activities do not disturb contamination in a manner that increases the risks posed to human health and the environment.

Conclusion

The Administration is committed to ensuring that the Federal environmental review and permitting process is effective, efficient, timely, and transparent, and leads to better infrastructure projects that are built faster, safer, and cleaner. We look forward to continuing to

work with Congress to further implement reforms that maximize timeliness and efficiency in government decision-making, are guided by the best available science, and are shaped by early and meaningful public engagement.

Taken together, we know that these actions will help grow our clean energy economy, increase our Nation's energy security, revitalize communities across the country, lower costs for families, support the creation of good-paying jobs, and mobilize infrastructure investments in a timely and sound manner.

Thank you for the opportunity to testify today. I look forward to our continued partnership and welcome any questions you may have.