Opening Remarks of Ranking Member Whitehouse: *"Hearing on Improving the Federal Environmental Review and Permitting Processes, Part 2."*

Madam Chair, I appreciate your convening today's hearing, a bipartisan hearing on permitting reform. Colleagues have heard me repeatedly state that I want a strong bipartisan permitting reform, AND that there was a trust problem with the administration's behavior that would need to be solved.

Trump's initial executive order declaring an energy emergency but not defining solar or wind as energy, was a bad, and irrational, start.

But we were still willing to work.

Then began the unlawful and irrational blockade of offshore wind, leading to a stop-work order on the Empire Wind project off New York, quickly lifted after the governor expressed "willingness to move forward on critical pipeline capacity."

This all stank, but I remained willing to work on a permitting bill.

In August, "Stop Work" Trump struck again, against Revolution Wind off Rhode Island — a project over 80 percent complete, with 4 billion invested — based on supposed "national security" concerns. That order was instantly thrown out in court as "arbitrary and capricious," in part because the Trump administration had been making the opposite arguments, about that same project, in the same courthouse, just weeks earlier.

Our New England grid operator warned back then: "Unpredictable risks and threats to resources … that have made significant capital investments, secured necessary permits, and are close to completion will stifle future investments, increase costs to consumers, and undermine the power grid's reliability and the region's economy now and in the future." Consumer cost, grid reliability, and economic security were all put arbitrarily and capriciously at risk.

Still, we kept working in permitting negotiations.

On land, the Interior Secretary wrapped solar and wind projects up in red tape with dozens of new layers of political review, including a stop at his own desk — where things stopped. Since then, only one solar project has received approval.

The U.S. Army Corps of Engineers and multiple other federal agencies adopted a made-up and nonsensical "energy density" metric that prioritizes fossil fuel.

Still, we kept working on permitting reform.

The administration's offshore defeat in court was such a pasting that they did not appeal; that appeals period lapsed in November. Everyone was back to work. We thought the nonsense was over. But no.

Thirty days later, days before Christmas, they dropped a new stop-work order on five offshore wind projects, including Empire and Revolution. The new pretext was national security risks that had supposedly emerged in the previous thirty days. That's been reviewed now by four federal judges, and the administration went 0 for 4. Not one judge believed them.

All along, the Energy and Interior secretaries were lying non-stop that these projects would raise costs. That is demonstrably false. Grid operators put these projects before fossil fuel in the generation stack because they're less expensive. Revolution Wind by contract will put 9-cent kilowatt-hours into an 18-cent kilowatt-hour grid. Court filings and affidavits asserted hundreds of millions in consumer cost savings that the administration could not deny in court — but they kept lying in public.

When federal judges don't believe executive branch pretexts about national security, repeatedly, and cabinet secretaries demonstrably lie, repeatedly, enough is enough. So Sen. Heinrich and I have paused permitting reform negotiations.

Let me be clear. We find no fault with Senate Republicans. Chair Capito has been an excellent partner, and I am grateful to Whip Barrasso and Leader Thune for how they've responded. This is not Democrat versus Republican. This is legislative versus executive, an executive that won't honor its constitutional duty to faithfully execute the law.

Make no mistake: the Trump administration's lawless, irrational and unpredictable attacks loom over every industry. None of it is good for business. The nonsense must stop.

I still want to pass bipartisan Senate permitting reform. I know we can expedite the permitting process with sound bipartisan ideas that frontload stakeholder engagement and discipline an executive inter-agency process run amok. We can add jobs and electrons, and reduce emissions and waste.

But it makes no sense to pass a bipartisan permitting reform that gets illegally butchered by a lawless executive branch, vindictively, irrationally, and dishonestly. The responsibility for resuscitating permitting reform rests now upon the executive branch, upon credible confidence that the nonsense will stop.

Plenty of powerful interests need electrons, lots of electrons, and want the low-cost electrons that clean energy provides. If that's you, you need to direct your efforts toward ending the lawless nonsense from this administration. If you're fossil fuel, and you want this lawless nonsense stopped because you could be next, you'd better tell them so.

Proceeding with this bipartisan hearing is our demonstration of hope that the nonsense can be stopped, which I dearly hope is not unjustified.