



# The Permitting Institute

May 1, 2025

The Honorable Bruce Westerman  
Chairman, Committee on Natural Resources  
U.S. House of Representatives  
1324 Longworth House Office Building  
Washington, D.C. 20515

Dear Chairman Westerman:

On behalf of The Permitting Institute (TPI) and the hundreds of infrastructure developers and partners we represent, I write to express strong support for the permitting-related provisions included in the House Committee on Natural Resources Reconciliation Committee Print, particularly Title VIII, Subtitle A (Sections 80101–80105) and Subtitle B, Part VI (Section 80151), which offer pragmatic, overdue reforms that address known bottlenecks in the federal permitting process.

These reforms confront the delays and legal risks that have stalled over \$1 trillion in U.S. infrastructure investment—from energy and minerals to transportation and manufacturing. Our members routinely face 7- to 10-year permitting delays that drive up costs by 20–30%, lead to project abandonment, and have already cost over \$100 billion over the last decade. In contrast, countries like Germany, Denmark, the Netherlands, and Australia—widely regarded as the "greenest" countries in the world—use one-stop permitting and strict deadlines even for complex projects like oil and gas pipelines and offshore drilling—3–4 months in Denmark, six months in the Netherlands, and just 40 days in Australia. That we need budget reconciliation to enact such practical measures underscores just how urgent overcoming Congress's reform paralysis has become.

Meanwhile, China continues to outpace the United States—especially in energy and critical minerals. Over the last decade, it has invested more than \$1 trillion globally through Belt and Road and spends hundreds of billions more each year at home. With another \$2–3 trillion expected this decade, Chinese infrastructure projects—especially in energy generation, transmission and mineral extraction and processing—are approved and built in one-third the time and without the de facto 20–30% permitting premium we impose on U.S. developers. As China builds faster and cheaper, the U.S. continues to stall critical domestic projects. The reality is, the window to compete head-to-head with China on infrastructure speed has closed. Their scale, speed, and coordination—backed by centralized authority and trillions in capital—have placed them permanently ahead. At this stage, the best the United States can hope for is to keep pace from behind—close enough to remain economically relevant, but never again out front unless we fundamentally reimagine how we permit and build in this country. These provisions are a critical first step, but far more must be done to catch up to our global competitors.

## Support for Specific Provisions

**1. Section 80101 – Onshore Oil and Gas Lease Sales** This provision would reinstate quarterly lease sales in key energy-producing states and require the Secretary to act within 18 months of an expression of interest. This directly addresses one of the most persistent and costly sources of delay cited by developers: the failure to provide timely and predictable lease sale schedules. According to GAO and industry filings, missed or indefinitely postponed lease sales cause planning paralysis and freeze billions in capital. By establishing a statutory timeline and curbing agency discretion, this section restores transparency, consistency, and investor confidence in the federal leasing system—especially in states like New Mexico, Wyoming, and North Dakota, where lease unpredictability has undercut local economies.

**2. Section 80103 – Permit Fees and Permit-by-Rule Authorization** Requiring the Secretary to establish a permit-by-rule pathway is a breakthrough in regulatory efficiency. Numerous state-level precedents—including in Texas, Colorado, and Pennsylvania—demonstrate that permit-by-rule frameworks dramatically reduce permitting timeframes for low-risk activities without undermining environmental oversight. This provision provides a lawful, accountable alternative to one-size-fits-all reviews and reflects how modern permitting should operate: differentiated, data-driven, and proportional to actual risk.

**3. Section 80104 – Permitting Fee for Non-Federal Land** This section addresses a long-overlooked but deeply disruptive flaw in federal mineral law: the disproportionate permitting burden on mixed-ownership lands. Developers frequently encounter years-long delays on parcels where the federal government has only a fractional mineral interest and no surface rights—often as little as 10–20%. This provision restores common sense by aligning federal oversight with federal ownership and cutting out duplicative permitting layers that stall projects with minimal federal stake. Eliminating this bottleneck could immediately unlock dozens of stalled or canceled projects across Appalachia, the Mountain West, and tribal jurisdictions.

#### **4. Section 80151 – Project Sponsor Opt-In Fees for Environmental Reviews**

This provision introduces perhaps the most transformative reform in the Committee Print: a voluntary, fee-based option for time-certain NEPA review—1 year for Environmental Impact Statements (EIS) and 6 months for Environmental Assessments (EA). Based on successful models in Canada, Australia, and the Netherlands, that are actually much shorter than a year, this approach not only restores predictability but also incentivizes agencies to prioritize resources efficiently. Importantly, the judicial review waiver for participating projects reduces litigation drag, which is now one of the most frequently cited deterrents to capital investment by TPI members, U.S. Pension funds, international foreign direct investment opting for Southeast Asia and Africa instead of investing in the U.S. If enacted, this single provision could spring loose over \$70 billion in U.S. energy and critical minerals projects currently in permitting limbo, based on conservative estimates by TPI.

#### **A Step Toward Lasting Reform**

These provisions also serve as a down payment on broader permitting reform. While they address critical statutory and procedural delays within the Natural Resources Committee’s jurisdiction, they should be paired with reforms under other committees’ jurisdiction, including comprehensive One Federal Decision implementation, interagency conflict resolution mechanisms, and pre-application transparency improvements. I would welcome the opportunity to work with you and your colleagues to build that legislative bridge.

#### **Conclusion**

We thank you for your leadership and the Committee’s thoughtful work to balance development, environmental stewardship, and national interest. These provisions reflect precisely the type of practical, implementable reform that we have long advocated—reform that does not circumvent environmental laws, but rather ensures that those laws function with transparency, predictability, and efficiency.

Sincerely,



Alex Herrgott

President

The Permitting Institute

[www.permittinginstitute.org](http://www.permittinginstitute.org)