

1           A RESOLUTION urging the United States Congress to enact much-needed reforms  
2 to federal permitting policies to accelerate deployment of new energy infrastructure.

3           WHEREAS, abundant, resilient, and diversified domestic energy production in the  
4 United States enhances American national security, economic competitiveness, and  
5 energy independence; and

6           WHEREAS, environmental stewardship that keeps our air and water clean, protects  
7 public health, ensures biodiversity and species protection, and conserves public lands is a  
8 worthy goal that is important to achieve; and

9           WHEREAS, the excessively complex federal permitting and environmental review  
10 processes that have built up around America's environmental laws, including the  
11 National Environmental Policy Act (NEPA), the Endangered Species Act, the National  
12 Historic Preservation Act, Clean Water Act, and dozens of other federal requirements,  
13 have grown to be so cumbersome that they often unnecessarily slow or prevent the  
14 construction of essential new energy infrastructure and therefore discourage domestic  
15 energy production without advancing the goals of these laws; and

16           WHEREAS, energy is produced in the United States at a much higher  
17 environmental standard than is typically the case in the countries from which energy is  
18 imported, so prevention of domestic energy production undermines environmental  
19 stewardship; and

20           WHEREAS, delays caused by permitting inefficiencies inhibit the building of all of  
21 the essential components of a low-cost, reliable, and modern energy infrastructure that is  
22 needed to support economic competitiveness and domestic manufacturing, to enhance  
23 reliability and prevent blackouts, to lower costs for consumers and businesses, and to  
24 achieve the goals of America's environmental laws; and

25           WHEREAS, after nearly two decades of flat electricity demand, demand for  
26 electricity in the United States is projected to dramatically increase in the coming  
27 decades, requiring major increases in domestic energy production and a more than

1 doubling of domestic electricity transmission grid capacity; and

2 WHEREAS, regulatory barriers today mean that more than 2,000 gigawatts of  
3 energy production and storage, more than the entire current American electricity capacity  
4 combined, are stuck in electricity interconnection queues and the average amount of time  
5 to interconnect new energy resources has nearly doubled from about two years to nearly  
6 four years; and

7 WHEREAS, the average time it takes to process an environmental impact statement  
8 under the NEPA for major infrastructure projects has risen to an excessive length of four  
9 and a half years; and

10 WHEREAS, the United States is highly reliant on China, and other countries that  
11 do not share our interests, to mine and process critical minerals, with demand for some of  
12 these minerals potentially growing by more than 40 times by 2040; and

13 WHEREAS, other developed nations that share our goals to protect the  
14 environment while producing abundant energy resources, such as Canada and Australia,  
15 have shown that they can permit new mines within two to three years instead of nearly 10  
16 years, as is often the case in the United States; and

17 WHEREAS, both linear infrastructure, such as pipelines and transmission lines, as  
18 well as energy generation infrastructure, each face extraordinary and indefensible delays  
19 due to overlitigation, inappropriate blocking of nationally important projects by  
20 unrepresentative and often radical groups that hold those projects hostage, and excessive  
21 use of our court system to hamstring worthy projects; and

22 WHEREAS, major delays in projects caused by inefficient permitting or  
23 overlitigation can dramatically increase costs and make projects less viable, costing  
24 consumers, businesses, and taxpayers money and making our energy system less reliable;  
25 and

26 WHEREAS, unnecessary permitting and regulatory delays also increase American  
27 dependence on energy produced by foreign dictators and authoritarian regimes; and

1           WHEREAS, unnecessary permitting delays limit investments made in modernizing  
2 our nation's infrastructure that would result in a more efficient energy system with  
3 reduced emissions and environmental impact; and

4           WHEREAS, overlapping federal permitting requirements lack the flexibility to  
5 allow for efforts that reflect the spirit and intent of traditional environmental laws by  
6 protecting human health and the environment instead of procedural compliance with  
7 outdated regulations; and

8           WHEREAS, failure to reform federal permitting laws is already resulting in fewer  
9 jobs, reduced security, and higher prices for Americans without providing additional  
10 benefits for the environment; and

11           WHEREAS, failing to reform these laws in the coming months will result in even  
12 greater limitations on our energy infrastructure, costing even more American jobs while  
13 raising costs for consumers and businesses and leaving America vulnerable to  
14 unreliability, blackouts, and the resulting severe harm to the American people;

15           NOW, THEREFORE,

16 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***  
17 ***Kentucky:***

18           ➔Section 1. (1)     The Senate urges federal legislators to work in good faith to  
19 enact legislation that reforms federal permitting and environmental review processes to  
20 promote economic and environmental stewardship by expediting the deployment of  
21 modern energy infrastructure. These reforms should enable faster and lower-cost  
22 construction of energy infrastructure of all kinds, without prejudice, including by:

23           (a)   Considering steps to limit excessive use of judicial processes to slow projects  
24 inappropriately;

25           (b)   Preventing inappropriate usage of the Clean Water Act and other laws to  
26 hamstring the lawful building of linear energy infrastructure, such as pipelines and  
27 transmission lines;

1 (c) Enacting reforms to plan, permit, and pay for the necessary build-out of  
2 electricity transmission infrastructure to support a more reliable energy grid that lowers  
3 costs for consumers and businesses; and

4 (d) Enabling the domestic build-out of the full array of modern energy  
5 technologies, including nuclear, emissions management, hydrogen, critical mineral  
6 mining and processing, and all other needs for a modern energy system.

7 (2) The legislative reforms urged by this Resolution should also strive to ensure  
8 accountability for federal agencies conducting permitting and environmental review  
9 processes, including better data, more aggressive timelines, and permitting shot clocks.  
10 Additionally, these legislative reforms must be accompanied by a redoubling of efforts to  
11 streamline federal regulations to support the efficient building of new energy  
12 infrastructure. Failure to act to update our federal permitting system to support building  
13 new energy infrastructure will further harm consumers, workers, and businesses, while  
14 making the United States less competitive and more vulnerable to both foreign  
15 adversaries and domestic outages. Congress must act with urgency in the coming months  
16 to fix our broken permitting system.

17 ➔Section 2. The Clerk of the Senate is directed to transmit a copy of this  
18 Resolution to the President of the United States, the Speaker of the United States House  
19 of Representatives, Governor Andy Beshear, Secretary of State Michael G. Adams, and  
20 each member of the Kentucky congressional delegation.