



## **Biden Admin’s ‘Bipartisan’ NEPA Rule Reverts to Outdated 1970s Regulations**

*Lone bright spot is House Republicans’ permitting reforms from H.R. 1 & the Fiscal Responsibility Act*

**Washington, DC – April 30, 2024** – The Biden Administration White House Council on Environmental Quality (CEQ) [released a final rule](#) to implement changes to the National Environmental Policy Act (NEPA), including reforms passed in the [2023 Fiscal Responsibility Act \(FRA\)](#). However, this rule goes beyond the FRA to add new review requirements for projects under NEPA, which will lead to a slower, more burdensome process that introduces new litigation risks.

“The Administration continues to self-sabotage its climate goals under this final rule,” **said ClearPath Action Chief Strategy Officer Jeremy Harrell**. “We need to deploy more clean energy projects, not fewer, and do so at a much faster pace and scale than we do today. The final rule will make it more difficult to site and permit projects, increase interagency bureaucracy, and ultimately increase emissions through permitting delays.”

At the outset of the 118th Congress, House Republicans passed H.R. 1, the Lower Energy Costs Act, which proposed permitting reforms to reduce the burdensome permitting process. These included clear deadlines for agency reviews, page limits, and expanded new authorities for federal agencies to use existing categorical exclusions and use similar reviews. Many of these reforms were later added to the debt ceiling deal codified by the Fiscal Responsibility Act.

Beyond those new reforms Congress mandated, the rule fails to provide certainty for project developers who are ready to build gigawatts of clean, reliable, secure, and affordable energy.

NEPA is 50 years old and has not been adequately updated to meet increased energy demand and modern technology. The FRA was the first legislative update to NEPA in decades, and this CEQ rule reverts back to the 1970s law.

“House Republicans deserve tremendous credit for the permitting reforms they passed in H.R. 1 and then codified in the Fiscal Responsibility Act,” **added Harrell**. “The Biden Administration has found a way to undermine a bipartisan agreement on permitting reform. The only thing bipartisan about this rule is the opposition to it.”

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### **ABOUT CLEARPATH ACTIONpro**

ClearPath Action 501(c)(4) advocates for more clean energy innovation, modernized permitting and regulatory reform, America’s global competitiveness for manufacturing, and unlocking more American resources — solutions drawn from our friends at ClearPath. Learn more at [clearpathaction.org](http://clearpathaction.org). Follow us on Twitter: [@ClearPathAction](#), [@powellrich](#)

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