SUMMER PERMITTING LANDSCAPE

TIBER CREEK GROUP

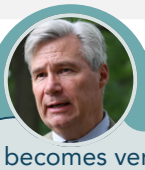
Administration Action

- On June 15, the Trump Administration dropped its appeal of a Massachusetts court ruling that the Department of Interior's order to freeze all federal permitting for wind energy projects was unlawful. Interior did not provide an explanation in its court filing for why it was abandoning the case.
- Federal judges have repeatedly struck down the Trump Administration's efforts to halt authorizations and construction on existing projects.
- Meanwhile, the Administration is taking a new approach to offshore wind projects: paying developers to abandon their wind projects.

Congressional Dynamics

- **Permitting negotiations resumed in March 2026** after the Administration showed signs of compliance with lawmakers' requests; Interior said it was processing permits for solar and onshore wind ventures.
- Permitting reform leaders – namely Capito (R-WV), Whitehouse (D-RI), Heinrich (D-NM), and Lee (R-UT) – **have indicated assuring this certainty is important to keeping talks alive.**
- Negotiations over transmission, public lands, and other issues continue. Meanwhile permitting certainty – **the idea that a lawfully issued permit should be protected from being revoked, reopened, or stalled for political reasons after approval** — appears increasingly central to reaching a deal.

The House has cleared multiple piecemeal permitting bills and is waiting on the Senate to move. Meanwhile, Senate Environment and Public Works (EPW) continues to make progress on negotiations while Energy and Natural Resources (ENR) lags further behind. Both committees need to move in tandem in order to pass meaningful reform.



EPW Ranking Member Whitehouse (D-RI)

"It becomes very challenging for me to take even a very good bill to my caucus and say, 'We should trust this administration for two-some more years with this good bill, and that they will faithfully execute it... the problem is not [partisan]. The problem is with the executive branch."



EPW Chairman Capito (R-WV)

"In order for us to build, we need all hands on deck. If [the President] keeps pushing off certain projects, we will lose our golden opportunity."



National Energy Dominance Council Exec. Director Jarred Agen

"We're not going to give bad projects at the cost of good projects. If Democrats actually want to get projects done and lower energy prices for their residents, they should get a deal done. Those are the ones blocking the permitting, because they're not using common sense."

Rumored Timelines

- **By July 4:** Senate EPW hinted they may release a package.
- **Before August recess:** Senate EPW and ENR leaders see this stretch as the last realistic shot at moving a deal this Congress.
- **Next Congress:** Possible 2026 midterm leadership changes, including a possible Whitehouse move to Judiciary, could break up the Capito-Whitehouse partnership and push permitting down the priority list.

LATEST LEGISLATIVE ACTION

Standardizing Permitting and Expediting Economic Development (SPEED) Act – *Passed House on 12/18/25.*

Streamlines infrastructure permitting by reforming NEPA and imposing new deadlines on agencies to limit scope and timing for judicial action. *Introduced by: Reps. Golden (D-ME) / Westerman (R-AR)*

Create Expedited Reviews to Transform American Infrastructure (CERTAIN) Act – *Introduced to House on 4/16/26.*

Ensures lawfully issued permits are safeguarded from political interference as well as enforces deadlines, timeline, and milestones for environmental reviews. *Introduced by: Reps. Evans (R-CO) / Peters (D-CA)*

Fighting for Reliable Energy and Ending Doubt for Open Markets (FREEDOM) Act – *Introduced in House on 2/3/26; Senate on 6/16/26.*

House & Senate companion bills prevent federal agencies from revoking permits, issuing stop-work orders, or halting construction on most fully permitted projects, while limiting lawsuits that stall their completion. *Reps. Harder (D-CA), Lawler (R-NY), Gray (D-CA), Edwards (R-NC), Bacon (R-NE), & McDonald Rivet (D-MI) / Sens. Cortez Masto (D-NV) & Cotton (R-AR)*