September 1, 2023

The Honorable Jennifer Granholm
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, Southwest
Washington, DC 20585

Dear Secretary Granholm,

We write regarding the Department of Energy’s (DOE) implementation of the changes to the National Environmental Policy Act (NEPA) included in the Fiscal Responsibility Act (FRA), which was signed into law on June 3, 2023.¹

Section 321 of the FRA includes provisions from H.R. 1577, the BUILDER Act, which also passed the House of Representatives as part of H.R. 1, the Lower Energy Costs Act. The section in the FRA streamlines NEPA and improves federal review times by designating one lead agency, limiting evaluation to a single environmental document, setting page limits on environmental impact statements (EIS) and environmental assessments (EA), establishing deadlines of two years for EISs and one year for EAs, allowing for categorical exclusions, and instituting the E-NEPA unified permitting portal, among other provisions. Depending on the project, DOE could be considered a lead agency or a cooperating agency, both of which would have a key role in the implementation of the corresponding NEPA reforms.

Our goal is to ensure that DOE is following the intent of Congress and adhering to the coordination requirements and deadlines set forth in Section 321 of the FRA. Accordingly, we ask that you assist the Committee in better understanding DOE’s implementation of the NEPA changes by responding to the following questions in writing by September 18, 2023.

1. What is DOE’s interpretation of Section 321 of the FRA?

2. How long will it take DOE to implement fully Section 321 of the FRA?

3. What changes are being made to DOE’s existing NEPA review processes to ensure that the Agency is following the updated law?

¹ P.L. 118-5
4. Are you confident that DOE will meet the two-year and one-year statutory deadlines for EIS and EA reviews, respectively?

5. Will you commit to adhering to the page limits for EIS and EA reviews set forth in the Fiscal Responsibility Act?

6. Will DOE apply the NEPA changes to projects and reviews that are already in process, or does the Agency plan to apply the NEPA changes just prospectively?

We look forward to your prompt response. Thank you in advance for your cooperation. If you have any questions regarding this matter, please contact Mary Martin or Sarah Alexander with the Majority Committee staff at (202) 225-3641.

Sincerely,

Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce

Jeff Duncan
Chair
Subcommittee on Energy, Climate, and Grid Security