

As Introduced

136th General Assembly

Regular Session

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H. C. R. No. 35

Representative Lear

Cosponsors: Representatives Hall, T., Johnson, King, Fischer

A CONCURRENT RESOLUTION

To urge Congress to enact reforms to federal permitting
policies to accelerate deployment of new energy
infrastructure.

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF OHIO (THE SENATE CONCURRING):

WHEREAS, Ohio recognizes that abundant, resilient, and
diversified domestic energy production in the United States
enhances American national security, economic competitiveness,
and energy independence; and

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

WHEREAS, Energy is produced in the United States at a much
higher environmental standard than is typically the case in the

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countries from which energy is imported, so prevention of
domestic energy production undermines the goals of those very
same environmental laws; and 20
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WHEREAS, Delays caused by permitting inefficiencies inhibit
the building of all of the essential components of a low-cost,
reliable, and modern energy infrastructure that is needed to
support economic competitiveness, to enhance reliability and
prevent blackouts, to lower costs for consumers and businesses,
and to achieve many of the goals of America's environmental
laws; and 23
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WHEREAS, After more than a decade of flat electricity
demand, demand for electricity in the United States is projected
to dramatically increase in the coming decades, requiring major
increases in domestic energy production and a more than doubling
of the domestic electricity transmission grid capacity; and 30
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WHEREAS, Regulatory barriers today mean that more than two
thousand gigawatts of energy production and storage, more than
the entire current American electricity capacity combined, are
stuck in electricity interconnection queues and the average
amount of time to interconnect new energy resources has nearly
doubled from about two years to nearly four years; and 35
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WHEREAS, The average time it takes to process an
environmental impact statement under the National Environmental
Policy Act (NEPA) for major infrastructure projects has risen to
an excessive length of four and one-half years; and 41
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WHEREAS, The United States is highly reliant on China and
other countries that do not share our interests to mine and
process critical minerals, with demand for some of these
minerals potentially growing by more than forty times by 2040;
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WHEREAS, Other developed nations that share our goals to 50

protect the environment while producing abundant energy resources, such as Canada and Australia, have shown that they can permit new mines within two to three years instead of nearly ten years, as is often the case in the United States; and	51 52 53 54
WHEREAS, Both linear infrastructure, such as pipelines and transmission lines, as well as energy generation infrastructure all face extraordinary and indefensible delays due to overlitigation, inappropriate blocking of nationally important projects by unrepresentative and often radical groups that hold those projects hostage, and excessive use of our court system to hamstring worthy projects; and	55 56 57 58 59 60 61
WHEREAS, Major delays in projects caused by inefficient permitting or overlitigation can dramatically increase costs and make projects less viable, costing consumers, businesses, and taxpayers money and making our energy system less reliable; and	62 63 64 65
WHEREAS, Unnecessary permitting and regulatory delays also increase American dependence on energy produced by foreign dictators and authoritarian regimes; and	66 67 68
WHEREAS, Unnecessary permitting delays limit investments made in modernizing our nation's infrastructure that would result in a more efficient energy system with reduced emissions and environmental impact; and	69 70 71 72
WHEREAS, Overlapping federal permitting requirements lack the flexibility to allow for efforts that reflect the spirit and intent of traditional environmental laws by protecting human health and the environment instead of procedural compliance with decades-old regulation; and	73 74 75 76 77
WHEREAS, Failure to reform federal permitting laws is already resulting in fewer jobs, reduced security, and higher prices for Americans without providing additional benefits for the environment; and	78 79 80 81

WHEREAS, Failing to reform these laws in the coming months will result in even greater limitations on our energy infrastructure, costing even more American jobs while raising costs for consumers and businesses and leaving us vulnerable to unreliability, blackouts, and the resulting severe harm to the American people; now therefore be it	82 83 84 85 86 87
RESOLVED, That we, the members of the 136th General Assembly of the State of Ohio, urge federal legislators to work in good faith to enact legislation that reforms federal permitting and environmental review processes to promote economic and environmental stewardship by expediting the deployment of modern energy infrastructure; and be it further	88 89 90 91 92 93
RESOLVED, That these reforms should enable faster and lower-cost construction of modern energy infrastructure of all kinds, without prejudice, including by considering steps to limit excessive use of judicial processes to slow projects inappropriately, prevent inappropriate usage of the Clean Water Act and other laws to hamstring the lawful building of linear energy infrastructure, such as pipelines and transmission lines, enact reforms to plan, permit, and pay for the necessary build-out of regional and interregional electricity transmission infrastructure to support a more reliable energy grid that lowers costs for consumers and businesses, enable the domestic build-out of the full array of energy technologies essential to a modern system, including all affordable energy resources, and all other traditional and emerging sources needed to meet diverse energy demands; and be it further	94 95 96 97 98 99 100 101 102 103 104 105 106 107 108
RESOLVED, That these legislative reforms should also strive to ensure accountability for federal agencies conducting permitting and environmental review processes, including better data and more aggressive timelines for projects at all levels of environmental review, whether environmental impact statements,	109 110 111 112 113

environmental assessments, or categorically excluded projects	114
under NEPA; and be it further	115
RESOLVED, That these legislative reforms must be	116
accompanied by a redoubling of efforts to streamline federal	117
regulations to support the efficient building of new energy	118
infrastructure; and be it further	119
RESOLVED, That failure to act to update our federal	120
permitting system to support building new energy infrastructure	121
in a sustainable and effective manner will further harm	122
consumers, workers, and businesses, while making our country	123
less competitive and more vulnerable; and be it further	124
RESOLVED, That Congress must act with urgency in the coming	125
months to fix our broken permitting system, and we are grateful	126
to the members of Ohio's Congressional Delegation, including	127
both United States Senators, for their support and	128
prioritization of a federal permitting reform deal; and be it	129
further	130
RESOLVED, That the Clerk of the House of Representatives	131
transmit duly authenticated copies of this resolution to the	132
President Pro Tempore of the United States Senate, the Speaker	133
of the United States House of Representatives, and the members	134
of Ohio's Congressional Delegation.	135