

Qualified Infrastructure Authorization

A Blueprint for Faster, Smarter Federal Permitting

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KEY TAKEAWAYS

- The current federal permitting system for energy infrastructure is fragmented, duplicative, and slow, often taking years due to overlapping reviews, litigation risk, and inconsistent coordination across agencies.
- Qualified Infrastructure Authorization (QIA) provides a criteria-based permitting pathway enabling faster approvals for projects meeting predefined environmental and technical standards.
- QIA would shift oversight focus from procedural compliance to measurable environmental performance, strengthening monitoring, enforcement, and accountability.
- The framework preserves environmental protections and stakeholder engagement while reducing redundancies across environmental statutes such as the National Environmental Policy Act (NEPA) and the Clean Water Act.
- Congressional action is required to establish QIA, including defining eligibility criteria, aligning interagency review, and ensuring federal-state coordination within a unified permitting process.

BACKGROUND & CONTEXT

The United States faces an urgent need to expand and modernize energy infrastructure to support economic growth, energy security, and the energy transition. However, the current federal permitting system has become a significant bottleneck. Major projects must navigate multiple overlapping regulatory frameworks, each with its own timelines, documentation requirements, and litigation risks.

NEPA, in particular, has emerged as a chokepoint, with environmental impact statements taking an average of 4.4 years to complete, excluding preplanning and litigation delays. The result is a system that prioritizes procedural compliance over outcomes, often failing to deliver better environmental protection while delaying critical infrastructure.

Recent developments—including the Supreme Court’s 2025 *Seven County Infrastructure Coalition v. Eagle County* decision clarifying NEPA’s procedural role and bipartisan support for permitting reforms—have intensified calls for legislative action. Industry and policymakers increasingly recognize that incremental, frequently changing administrative fixes are insufficient to address systemic inefficiencies.

QIA represents an overhaul of the current permitting system. It creates a standardized, criteria-based pathway for approving routine infrastructure projects with predictable impacts, enabling faster, more coordinated decisionmaking while maintaining environmental safeguards and public engagement.

Instead of focusing on process, QIA shifts the emphasis to monitoring compliance with mitigation measures and enforcing environmental standards. For routine infrastructure projects with predictable and well-understood impacts, a lead federal agency would verify that projects meet preestablished criteria before initiating a single, streamlined public comment period. These criteria would be developed by agency experts and grounded in existing scientific and regulatory knowledge. In many cases, the environmental effects of these project types have already been extensively studied and evaluated through prior permitting decisions, yet current processes require agencies to repeatedly reassess the same impacts in project-specific environmental reviews.

LEGISLATIVE OR POLICY IMPLICATIONS

Implementing QIA would require comprehensive congressional action to establish statutory authority for a new, cross-cutting permitting framework. Congress would need to define eligibility criteria for qualifying projects, set enforceable environmental standards, and authorize a lead federal agency to coordinate and issue consolidated approvals across multiple statutes.

Key committees with jurisdiction include the House Energy and Commerce Committee, House Natural Resources Committee, Senate Energy and Natural Resources Committee, and Senate Environment and Public Works Committee. These committees oversee core statutes implicated in QIA, including NEPA, the Clean Air Act, and the Clean Water Act. Hearings and stakeholder consultation will likely be necessary to address scientific, legal, and intergovernmental complexities.

Recent legislative efforts reflect growing bipartisan interest and support in reforming federal permitting processes. Most notably, H.R. 4776 (Standardizing Permitting and Expediting Economic Development Act, or the SPEED Act) was passed in the House of Representatives on December 18, 2025, and is awaiting further consideration in the Senate.

The SPEED Act focuses primarily on clarifying NEPA's procedural role, codifying limits on the scope of environmental review, and establishing timelines for agency action. For example, it reinforces that NEPA is a procedural statute rather than a substantive mandate and restricts agencies to considering effects that are closely causally related to the proposed project; this incorporates the holding of *Seven County* into law. It also promotes coordinated, concurrent interagency reviews and imposes deadlines for environmental documents and final agency decisions.

While the SPEED Act addresses key inefficiencies within NEPA, QIA would go further by establishing a cross-statute, criteria-based approval pathway that integrates compliance across multiple environmental laws. In this sense, QIA could complement SPEED Act reforms by building on NEPA streamlining while addressing broader fragmentation across permitting regimes.

To implement QIA, Congress would also need to address federalism considerations, particularly regarding state authority under Clean Water Act Section 401 and coastal consistency reviews under the Coastal Zone Management Act. In addition, Congress would have to clarify judicial review provisions to ensure predictability while maintaining accountability.

CHALLENGES & RISKS

QIA faces several implementation challenges that Congress must carefully navigate. First, integrating multiple environmental statutes into a single permitting framework raises legal and institutional complexities, particularly where statutes serve distinct purposes or require case-specific analysis, such as consultation under Section 7 of the Endangered Species Act.

Second, federalism concerns are significant. State and tribal authorities retain key roles in permitting decisions—especially under Clean Water Act Section 401—and may resist efforts perceived as limiting their authority. Balancing streamlined federal coordination with state sovereignty will be a central political challenge.

Third, there are concerns about maintaining environmental integrity. While QIA emphasizes enforceable standards and monitoring, critics may argue that expedited approvals could weaken protections if not carefully designed and implemented.

Finally, interagency coordination and capacity constraints could limit effectiveness. Successfully implementing QIA would require robust data-sharing systems, aligned timelines, and sufficient agency resources to shift oversight from front-end review to performance monitoring and enforcement.

RECOMMENDATIONS

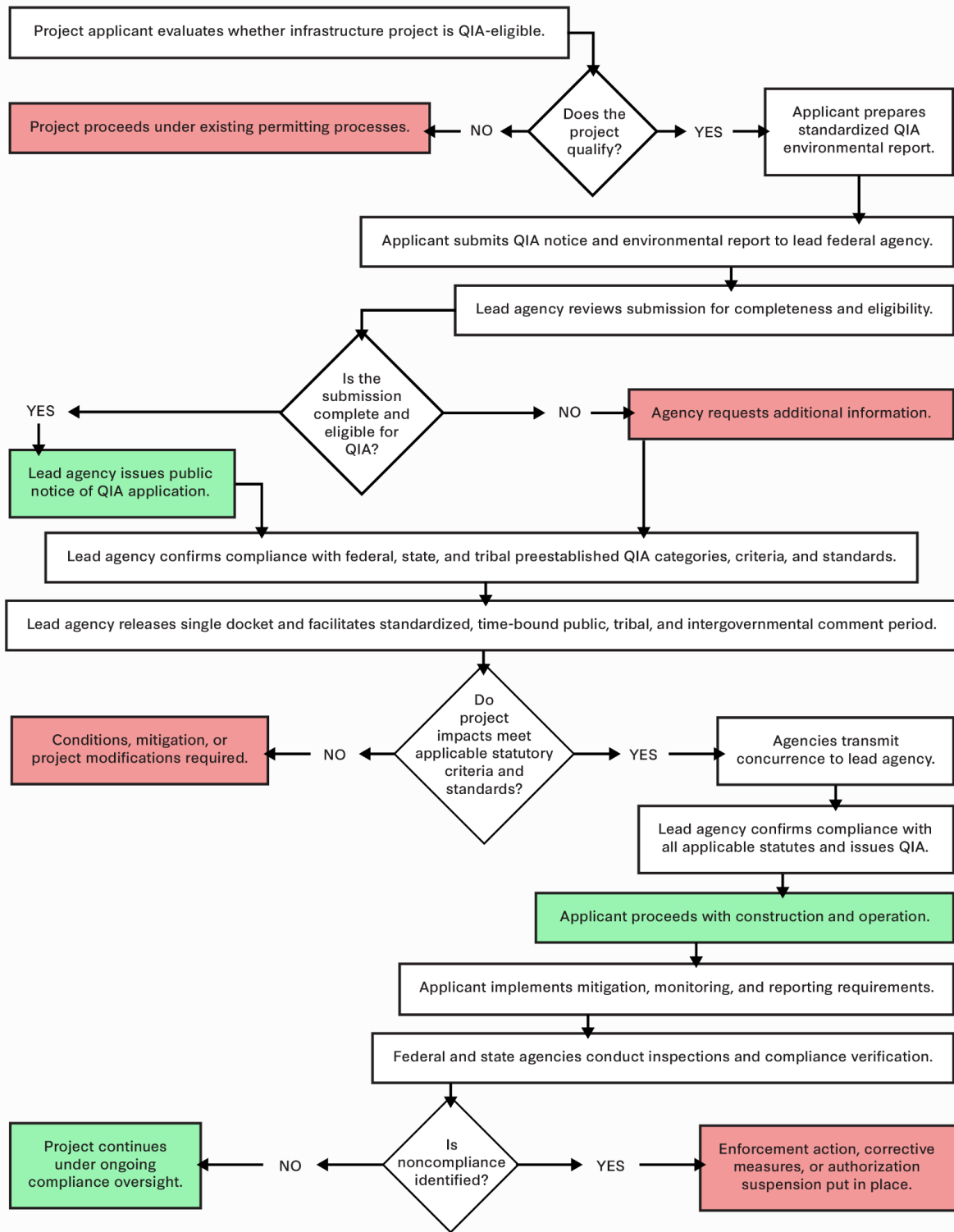
- **Support hearings** to examine QIA's statutory design, including eligibility criteria, environmental safeguards, and interagency coordination mechanisms.
- Direct agencies to identify **near-term administrative reforms** (e.g., expanded categorical exclusions and standardized modeling) that align with QIA principles.
- **Engage state and tribal stakeholders** early to address federalism concerns and ensure durable implementation.
- Consider **pilot programs** or demonstration authorities to test QIA concepts before full-scale legislative adoption.
- Ensure adequate **agency resources** for monitoring, enforcement, and data infrastructure to support a performance-based permitting system.

ADDITIONAL RESOURCES

National Petroleum Council, *Bottleneck to Breakthrough: A Blueprint to Build Affordable, Safe, Reliable Energy* (Washington, DC: National Petroleum Council, 2025), https://permitting.npc.org/files/2025_Bottleneck_To_Breakthrough.pdf.

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Proposed Qualified Infrastructure Authorization Process



Source: Authors' analysis.

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