



Erik G. Milito
President

**NATIONAL
OCEAN
INDUSTRIES
ASSOCIATION**

The Honorable Shelley Moore Capito
Chair
Senate Committee on Environment
and Public Works

The Honorable Sheldon Whitehouse
Ranking Member
Senate Committee on Environment
and Public Works

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The Honorable Mike Lee
Chair
Senate Committee on Energy and
Natural Resources

The Honorable Martin Heinrich
Ranking Member
Senate Committee on Energy and
Natural Resources

September 22, 2026

Dear Chair Capito, Chair Lee, Ranking Member Whitehouse, and Ranking Member Heinrich:

On behalf of the National Ocean Industries Association (NOIA), I write to urge you to finalize and advance a bipartisan permitting reform agreement before Congress recesses ahead of the November midterm elections. NOIA has engaged with your staff to provide substantive technical input at every stage of the process, and we stand ready to continue. We commend you and your staff for keeping this effort alive through months of difficult negotiations and for your continued bipartisan commitment to finishing the job. Broad bipartisan consensus exists on the need to streamline permitting, and few actions Congress could take would do more for energy affordability and reliability for the American people.

For more than 50 years, NOIA has represented the interests of all segments of the offshore energy industry, including offshore oil and gas, offshore wind, offshore minerals, and offshore carbon sequestration, as well as the businesses that build, supply, and operate offshore energy projects. Our members face a common obstacle: an unpredictable permitting system in which projects can spend years navigating reviews, re-reviews, shifting agency decisions, and litigation that add cost and delay without commensurate environmental benefit. For capital-intensive projects developed over many years, regulatory certainty is itself an investment requirement. When developers cannot trust that permits will be issued on a predictable timeline or that permits, once issued, will hold, capital stalls, projects collapse, and the costs fall on American consumers and American energy security. Drawing on our engagement with your committees over the course of these negotiations, we urge you to ensure that any final agreement delivers three reforms of the utmost importance.

1. **Judicial reform.** Narrow the remedies available to courts and expedite judicial review so that a single lawsuit cannot vacate a permit or return a completed decision to square one. Where a court identifies a deficiency, the appropriate remedy is remand to cure the record, not vacatur that unwinds an approval or halts a project already under construction.

2. **Permit certainty.** A permit, once issued, should hold. Final agreement language should provide robust protections for fully permitted projects, protecting approvals from arbitrary reopening, suspension, or revocation by agencies and providing appropriate finality against legal challenges absent a material change in law or fact. Decision durability is what restores investor confidence and unlocks capital; permits that can be pulled back will not attract it.
3. **NEPA timelines.** Establish enforceable deadlines for environmental reviews, with meaningful accountability when agencies miss them. Page and time limits mean little if deadlines can be extended indefinitely, and project sponsors need an effective mechanism to obtain a timely agency decision when the process stalls.

Together, these reforms should give project sponsors clear answers to three basic questions: how long a review will take, whether an approval will remain durable once issued, and when litigation will finally end.

The objective should be a durable, technology-neutral permitting system that works for all forms of American-produced energy and minerals, as well as the infrastructure needed to support them, including oil and gas, offshore wind, ocean minerals, carbon capture and storage, and the emerging technologies that will follow. Reform built on these three pillars will strengthen our economy, bolster our energy security, and deliver the affordable, reliable energy Americans expect.

As we have throughout this process, NOIA stands ready to continue providing substantive input and technical assistance to your committees and staff as you finalize an agreement. Thank you for your leadership and persistence on this issue. We look forward to continuing to work with all sides to get permitting reform across the finish line.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Milito', with a stylized flourish at the end.

Erik Milito,
NOIA President