

Amendment - 2nd Reading-yellow - Requested by: Steve Fitzpatrick - (H) Committee of the Whole

69th Legislature - 2025

Drafter: Griffin Burns,

HJ0017.001.001

1 HOUSE JOINT RESOLUTION NO. 17

2 INTRODUCED BY S. FITZPATRICK

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO UNDERTAKE
6 ACTIONS TO UNLEASH AMERICAN ENERGY BY REFORMING AND STREAMLINING PERMITTING
7 OBLIGATIONS AND REPEALING OR REVISING ENVIRONMENTAL REGULATIONS AND
8 ENVIRONMENTAL REVIEWS THAT DO NOT ALIGN WITH NATIONAL SECURITY INTERESTS.

9
10 WHEREAS, the United States should reduce its reliance on foreign energy sources and prioritize
11 domestic energy production and independence; and

12 WHEREAS, energy production and the infrastructure supporting it are fundamental to the economic
13 stability, national security, and overall well-being of the American people; and

14 WHEREAS, the United States faces a growing demand for reliable and efficient energy sources,
15 particularly with the rapid rise of artificial intelligence, which will place an additional strain on existing energy
16 production and transmission networks; and

17 WHEREAS, environmental stewardship that keeps our air and water clean, protects public health,
18 ensures biodiversity and species protection, and conserves public lands is a worthy goal that is important to
19 achieve, but the current federal permitting and environmental review processes and federal regulations,
20 including the power plant rules finalized by the Environmental Protection Agency in May 2024, the National
21 Environmental Policy Act, the Endangered Species Act, the Clean Air Act, the Clean Water Act, the Surface
22 Mining Control and Reclamation Act, Nuclear Regulatory Commission regulations, and dozens of other
23 regulations have become excessively cumbersome and time-consuming, creating barriers to the construction,
24 development, and deployment of essential new energy infrastructure, while not necessarily meaningfully
25 advancing the goals of these laws; and

26 WHEREAS, not only do these overly restrictive permitting and environmental review processes and
27 regulations prevent the expansion of critical energy projects that are needed to meet the new demands of
28 energy, but recently enacted regulations under President Biden's Administration were designed to materially

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1 harm existing, reliable generation assets, such as Montana's Colstrip Steam Electric Station; and

2 WHEREAS, in order to support domestic manufacturing, enhance grid reliability and prevent blackouts,
3 lower costs for consumers and businesses, meet the demands of emerging technologies, such as artificial
4 intelligence, and ensure the national energy security goals announced by President Donald J. Trump are met,
5 the federal government should reform and streamline its permitting and environmental review processes and
6 regulations to support the construction and modernization of domestic energy generation and infrastructure
7 necessary to sustain economic growth and technological advancement; and

8 WHEREAS, the United States' foreign adversaries are leveraging their lack of similar environmental
9 regulatory paradigms to make large-scale investments in energy production and artificial intelligence
10 advancements in an effort to gain technological and geopolitical dominance, while destabilizing the West and
11 neutralizing Americans' global influence; and

12 WHEREAS, both linear infrastructure, such as pipelines and transmission lines, and as well as energy
13 generation infrastructure and corresponding fuel sources for that generation infrastructure face extraordinary
14 and indefensible delays due to overlitigation, inappropriate blocking of nationally important projects by
15 unrepresentative and often radical groups that hold those projects hostage, and excessive use of our court
16 system to hinder worthy projects; and

17 WHEREAS, major delays in projects caused by inefficient permitting or overlitigation can dramatically
18 increase costs and make projects less viable, harming national security interests, costing consumers,
19 businesses, and taxpayers money, and making our energy system less reliable; and

20 WHEREAS, unnecessary permitting and regulatory delays also increase American dependence on
21 energy produced by foreign dictators and authoritarian regimes that do not care about the United States'
22 environmental laws; and

23 WHEREAS, unnecessary permitting delays limit investments made in modernizing our nation's
24 infrastructure that would result in a more efficient energy system with reduced emissions and environmental
25 impact; and

26 WHEREAS, overlapping federal permitting requirements lack the flexibility to allow for efforts that
27 reflect the spirit and intent of traditional environmental laws by protecting human health and the environment
28 instead of procedural compliance with outdated regulations; and

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1 WHEREAS, failure to reform federal permitting laws is already resulting in harm to our national security
2 interests, fewer jobs, and higher prices for Americans without providing additional benefits for the environment;
3 and

4 WHEREAS, failing to reform these laws in the coming months will result in even greater limitations on
5 our energy infrastructure, harming our ability to maintain artificial intelligence superiority against our foreign
6 adversaries, and costing even more American jobs while raising costs for consumers and businesses and
7 leaving America vulnerable to unreliability, blackouts, and the resulting severe harm to the American people;
8 and

9 WHEREAS, President Donald J. Trump has already announced significant initiatives and is advancing
10 policies that strengthen American energy and innovation independence, including the construction of data
11 centers; and

12 WHEREAS, Montana is rich in abundant energy resource development and deployment opportunities,
13 including coal, oil, natural gas, hydropower, wind, geothermal, hydrogen, solar, pumped storage hydropower,
14 and nuclear capabilities; and

15 WHEREAS, Montana stands ready to support the United States' energy independence and national
16 security goals by leveraging our natural resources, rich national defense heritage, work ethic, and sheer grit.

17
18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
19 THE STATE OF MONTANA:

20 Section 1. Policy. Orderly production and transmission of the United States' vast energy
21 resources, unencumbered by unnecessary regulatory burdens, is essential to our nation's security and the well-
22 being of the American people. It is further in the national interest to ensure that the United States' electricity is
23 affordable, reliable, safe, and secure.

24 Section 2. Immediate review of Environmental Protection Agency actions taken on May 2024. The
25 Environmental Protection Agency should immediately review and, as appropriate and consistent with applicable
26 law, take swift action to undo two federal power plant regulations that were recently promulgated and conflict
27 with the important national objectives set forth in Section 1.

28 (1) The Administrator of the Environmental Protection Agency should immediately review all

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existing regulations, orders, guidance documents, policies, and any other similar agency actions promulgated, issued, or adopted in May 2024, that are or may be inconsistent with, or present obstacles to, the policy set forth in Section 1. For any of these identified actions, the Administrator should, consistent with applicable law, suspend, revise, or rescind the agency actions. This recommendation applies specifically to:

(a) the MATS RTR Rule, or "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review" 85 FR 38508, May 7, 2020, which should be addressed by June 2025. A repeal of the rule is recommended on the grounds that there have been no material developments in control technologies, practices, or processes since the prior technology review that would reduce emissions, the regulation is not necessary to protect public health, the costs of the regulation do not justify the benefits, and the rule was not promulgated consistent with the Clean Air Act and the Administrative Procedure Act. Of the four new power plant rules published in May 2024, the MATS RTR Rule has the earliest compliance dates and therefore should be addressed first.

(b) the GHG Rule, or "New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule" 89 FR 39798, May 9, 2024, which should be addressed by September 2025. This rule should be repealed initially on the grounds that carbon capture and storage and sequestration has not been adequately demonstrated and is not achievable, it is unlawful to set an emission standard based on generation-shifting, the costs of the regulation do not justify the benefits, and the rule was not promulgated consistent with the Clean Air Act and the Administrative Procedure Act. Following a repeal of the GHG Rule, the Environmental Protection Agency can issue a replacement rule that corrects these deficiencies.

(2) The Administrator of the Environmental Protection Agency, as appropriate and consistent with applicable law, should consider whether to take any additional agency actions to fully enforce the policy set forth in Section 1 of this order. The Environmental Protection Agency should act swiftly to repeal, rescind, or modify these rules in the name of national security and economic prosperity. The rules should not be allowed to stay in effect while replacement rules are developed. The Environmental Protection Agency should use a two-step rulemaking process to repeal, then replace, as required. Additionally, administrative or judicial stay pathways should be pursued. Emergency authorities to effectuate change should be pursued to the fullest

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1 extent as ordered by President Donald J. Trump.

2 Section 3. Regulatory Permitting. (1) Members of the United States Senate and the United States
3 House of Representatives are urged to work in good faith to enact legislation that reforms federal permitting
4 and environmental review processes within the National Environmental Policy Act, Endangered Species Act,
5 Clean Air Act, Clean Water Act, Surface Mining Control and Reclamation Act, Nuclear Regulatory Commission
6 regulations, and other regulations to promote economic and environmental stewardship by expediting the
7 deployment of modern energy infrastructure. These reforms should enable faster construction of energy
8 infrastructure of all kinds without prejudice, including by:

9 (a) considering steps to limit excessive use of judicial processes to slow projects inappropriately;

10 (b) preventing inappropriate usage of the federal Clean Water Act and other laws to hinder the
11 lawful building of linear energy infrastructure, such as pipelines and transmission lines;

12 (c) enacting reforms to plan, permit, and financially support the necessary build-out of electricity
13 transmission infrastructure to support a more reliable energy grid that lowers costs for consumers and
14 businesses;

15 (d) in addition to more traditional energy sources like coal, natural gas, hydropower, solar, and
16 wind, enabling the domestic build-out of the full array of modern energy technologies, including nuclear,
17 emissions management, hydrogen, geothermal, pumped storage hydropower, battery and storage systems,
18 and all other needs for a modern energy system; and

19 (e) preempting state laws and regulations that are inconsistent with national security priorities to
20 develop domestic energy production and related infrastructure.

21 (2) This section should also be extended to the mining and processing of rare earth elements and
22 critical minerals. The United States is highly reliant on China and other countries that do not share our interests
23 to mine and process rare earth elements and critical minerals, with the demand for some of these minerals
24 potentially growing by more than 40 times by 2040. Moreover, China is now banning the importation of rare
25 earth elements and critical minerals that are essential to the United States' energy generation, chip
26 manufacturing, and military defense technologies. Other developed nations that share our goals to protect the
27 environment while producing abundant energy resources, such as Canada and Australia, have shown that they
28 can permit new mines within 2 to 3 years instead of more than a decade, as is often the case in the United

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1 States.

2 (3) The legislative reforms urged by this resolution should also strive to ensure accountability for
3 federal agencies conducting permitting and environmental review processes, including better data and more
4 aggressive timelines. Additionally, these legislative reforms should be accompanied by a redoubling of efforts to
5 streamline federal regulations to support the efficient building of new energy infrastructure. Failure to act to
6 update our federal permitting system to support building new energy infrastructure will further harm consumers,
7 workers, and businesses, while making the United States less competitive and more vulnerable to both foreign
8 adversaries and domestic outages. Congress should act with urgency in the coming months to fix our broken
9 permitting system.

10 Section 4. Presidential national security powers. While Members of Congress undertake actions
11 under Section 3 to reform and streamline permitting decisions and environmental review, there are other
12 mechanisms and statutes that President Donald J. Trump has invoked and can continue to expand in the
13 context of national security to streamline permitting, bypass environmental laws, or expedite energy generation
14 like President Donald J. Trump's "Declaring a National Energy Emergency" Executive Order issued on January
15 20, 2025. Consistent with this Order, emergency authorities should be pursued to the fullest to protect national
16 security, encourage American prosperity, and drive domestic energy independence. To the extent any of these
17 acts and laws are time-sensitive, they should be modified to give broader authority to the President of the
18 United States, especially to deal with our foreign adversaries.

19 (1) National Emergencies Act - The President of the United States can declare a national
20 emergency under the National Emergencies Act. This declaration could enable the administration to invoke
21 emergency powers that impact energy generation and environmental regulations. For example, certain statutes
22 allow the President to waive or modify requirements under federal laws during emergencies, including the
23 Clean Air Act or Clean Water Act.

24 (2) Defense Production Act - The Defense Production Act grants the President of the United States
25 authority to prioritize and expand the production of materials and services deemed critical for national defense.
26 If energy generation is framed as vital to national defense or resilience, the Defense Protection Act could be
27 used to streamline permitting and bypass environmental reviews under laws like the National Environmental
28 Policy Act.

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(3) Energy Policy and Conservation Act - The Energy Policy and Conservation Act provides certain presidential authorities to address energy shortages, particularly during crises. If invoked, it could allow for streamlined permitting processes for energy projects that enhance energy security.

(4) Invoking National Security Exemptions in Environmental Laws - Federal environmental laws, such as the Clean Air Act, Endangered Species Act, or National Environmental Policy Act, include provisions for national security exemptions. President Donald J. Trump or federal agencies at his direction could invoke these clauses to bypass environmental review requirements for energy projects deemed critical to national defense.

9 Section 5. American Corporate Protections. Congress and President Donald J. Trump should
10 aggressively undertake actions to protect American companies from corporate espionage and theft of
11 intellectual property by our foreign adversaries when it comes to energy generation, artificial intelligence, or
12 other technological advancements that are in the nation's security interests.

13 BE IT FURTHER RESOLVED, that the Secretary of State is directed to transmit a copy of this
14 resolution to the President of the United States, the President and Secretary of the United States Senate, the
15 Speaker and Clerk of the United States House of Representatives, the Administrator of the Environmental
16 Protection Agency, and each member of the Montana Congressional Delegation.

- END -