

July 26, 2023

The Honorable Chuck Schumer
Washington, D.C.

The Honorable Mitch McConnell
Washington, D.C.

Dear Majority Leader Schumer, Minority Leader McConnell, and Senators,

On behalf the undersigned organizations and our millions of members, we are writing to express our opposition to Amendment #0985 to the National Defense Authorization Act (NDAA) that may be considered for a floor vote this week. This amendment would add legislation, introduced last week and never subjected to any congressional hearing or discussion, that would entirely eliminate environmental review and public input under the National Environmental Policy Act (NEPA) for prescribed semiconductor facilities.

While the proposed legislation may be rightly aimed at facilitating the swift manufacturing of semiconductors necessary to create the clean energy economy, we see no reason for further rollbacks of our bedrock environmental laws and Congressional action for this sector. Adding this proposed legislation to the NDAA at this time disregards that Congress has already taken steps to increase the speed, efficiency, and management of the permitting of semiconductor manufacturing facilities.

Last year, Congress added semiconductor manufacturing, along with several other sectors to the list of sectors eligible for the management, oversight, and abbreviated permitting process under the Federal Permitting Improvement Steering Council (FPISC). Then, just 8 weeks ago, Congress took the additional step, which we opposed, of eliminating NEPA review for loans, loan guarantees, or other forms of financial assistance for similar activities outlined in the Fiscal Responsibility Act. However, this bill goes even further and proposes to waive NEPA for an even broader of class of activities, with no explanation of why such deregulation is even necessary, no hearing to allow experts and impacted stakeholders to testify, and not even the semblance of deliberation that should attend waiving the government's responsibility to consider and disclose environmental, health, and economic impacts of proposed activities.

NEPA is a bridge, not a barrier to building out critical infrastructure projects and reviews provide the opportunity to improve projects, avoid costly external impacts, and mitigate potential environmental, health, and economic harms. We urge you to oppose this amendment so that, at a minimum, Congress considers the necessity and merits of the proposed legislation through regular order.

Sincerely,

Center for Biological Diversity
Center for Oil and Gas Organizing
Clean Water Action
Climate Hawks Vote

Earthjustice
Earth Ethics, Inc.
Environmental Law and Policy Center
Environmental Working Group
For a Better Bayou
Friends of the Earth
League of Conservation Voters
Natural Resources Defense Council
New Hampshire Audubon
Ocean Conservation Research
Ocean Defense Initiative
Oxfam America
Sierra Club
Southern Environmental Law Center
Sunrise New Orleans
The Wilderness Society
Turtle Island Restoration Network
WE ACT for Environmental Justice
Western Environmental Law Center
Winter Wildlands Alliance
Zero Hour