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Ensure Construction Projects Can Break Ground



The environmental permitting and approval process is complex with many environmental statutes, rulemakings, and requirements spread out over multiple layers of review. The process is hampered by duplicative steps, multiple opportunities for public engagement, and litigation that can set back needed infrastructure projects for years. Intended to protect natural resources, compliance has become increasingly unclear and costly—requiring teams of consultants and attorneys for regulated stakeholders to make sense of the requirements and advance projects.

- **Establish a uniform, shorter deadline for lawsuits intended to halt construction projects.** Citizen suits under the National Environmental Policy Act (NEPA) are used as obstruction tactics rather than tools to improve environmental outcomes. NEPA claims are generally subject to a six-year statute of limitations, though shorter timelines already apply to some projects (FAST-41 “covered” projects and certain highway and transit projects). Lengthy judicial review timelines increase uncertainty, drive up costs, stall job creation, disrupt the workforce, and jeopardize investments. Congress should apply a uniform, reasonable statute of limitations and expand FAST-41’s procedural improvements—such as firm permitting schedules, agency coordination, and dispute resolution—to cover more projects.
- **Prevent conflicts in the implementation of agency NEPA procedures.** The major permitting agencies are releasing new NEPA procedures based on the reforms in the Fiscal Responsibility Act. To ensure consistency, Congress should codify best practices, such as requiring a public-facing point of contact for each NEPA project to facilitate communication and accountability.
- **Support and strengthen efforts to clarify the scope of federal jurisdiction over waters.** Over two plus decades, federal water policy has vacillated wildly with the last five administrations issuing divergent definitions of waters of the United States (WOTUS). However, each administration has seen the value of exclusions, which endure with relative consistency. Congress can lend stability to the WOTUS debate by codifying long-standing exclusions.
- **Modernize and streamline the Endangered Species Act.** The ESA has been a costly tool to delay and halt major federal infrastructure projects. Congress continues to deliberate changes to the ESA process with many of the draft bills containing much-needed improvements. Congress should come to consensus on legislation that would mitigate ESA project delays, without hindering species recovery.

ACTION NEEDED

1. Support H.R. 4776, Standardizing Permitting and Expediting Economic Development Act (SPEED)
2. Support H.R. 3898, Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act