

# ENVIRONMENTAL PERMITTING REFORM

## Reduce Bureaucracy – Not Environmental Protection – to Fast Track Infrastructure Improvements

### Action Needed:

(1) Support the Congressional Review Act Resolution to Block the NEPA Phase 2 Rule; and

(2) Support the S. 4753, the Energy Permitting Reform Act of 2024 to expedite timelines for permitting decisions and limit lawsuits once permits have been issued on energy construction projects.

### Background:

The White House Council on Environmental Quality (CEQ) issued their final rule, “National Environmental Policy Act (NEPA) Implementing Regulations Revisions Phase 2” in 2024. This regulation goes beyond NEPA’s original intent and could complicate and prolong infrastructure projects – jeopardizing the potential benefits of recent legislative acts (Infrastructure Investment and Jobs Act, the CHIPS and Science Act, and the Inflation Reduction Act). The proposal also overlooks the aim of the Fiscal Responsibility Act to reduce complexity and unpredictability in the federal environmental approval process.

Two important pieces of legislation have been introduced. The first would overturn the CEQ NEPA Phase 2 rule and the second would expedite timelines for permitting decisions on energy construction projects and limit lawsuits involved with that process.

### AGC Message:

- **Support the Congressional Review Act Resolution to Block the NEPA Phase 2 Rule.** CEQ’s rule creates duplicative layers of requirements for considerations like climate, environmental justice, and more throughout the regulations, potentially favoring certain projects and creating hurdles for others. This is contrary to NEPA, as interpreted by longstanding case law, which is designed to be a procedural statute for informed decision-making, rather than for forcing specific outcomes. It is also contrary to the intent of Congress, who made meaningful changes made to the permitting process in the bipartisan Fiscal Responsibility Act of 2023. Members of Congress should send a clear signal of disapproval and use the Congressional Review Act to block the NEPA Phase 2 and protect their previous permitting reform efforts.
- **Support the Energy Permitting Reform Act of 2024.** This legislation, S. 4573, sponsored by Senators Joe Manchin (D-W.Va.) and John Barrasso (R-Wyo.), would expedite timelines for permitting decisions and limit lawsuits once permits have been issued on energy construction projects. This legislation will help curtail frivolous lawsuits, often intended to delay or cancel construction projects, by establishing a 150-day statute of limitations for judicial review of an energy project’s authorization.