



**The Challenge:** Cost reduction and rapid, wide-scale deployment are two things that must happen for America to meet its energy needs and environmental goals. However, permitting challenges and frivolous lawsuits increase costs and delay the implementation of a wide range of projects. At the federal level, the National Environmental Policy Act (NEPA) stalls projects, including those for clean energy, natural climate solutions, and more resilient infrastructure. Understanding a project's environmental impact is important, and so is engaging affected communities and stakeholders.

Projects should meet a set of criteria so they minimize environmental risk and protect communities. A predictable, transparent environmental review should accomplish those objectives in a timely fashion; however, the process has only become more bureaucratic and more opaque over time.

**The Opportunity:** Permitting reform would significantly advance mitigation, natural ecosystems, and adaptation projects without sacrificing environmental safeguards or public participation. NEPA reform would expedite timelines, increase accountability, improve efficiency, and curb excessive litigation.

**The Solutions:** Two legislative proposals that would properly narrow the scope of NEPA are the Undoing NEPA's Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy Act (UNSHACKLE Act) and the Building United States Infrastructure through Limited Delays and Efficient Reviews Act of 2021 (BUILDER Act).

### **Key Facts:**

- Frustrated by long permitting schedules, some of the most ardent supporters of NEPA reform are renewable energy developers. As one example, NEPA [delayed a wind farm proposal in Nevada](#) for seven years.
- As [noted by the Bloomberg Editorial Board](#), "An analysis last year found that of the projects undergoing NEPA review at the Department of Energy, 42% concerned clean energy, transmission or environmental protection, while just 15% were related to fossil fuels."
- The NEPA process has often been effectively waived without sacrificing environmental safeguards. The Obama Administration granted more than 179,000 categorical exclusions for stimulus projects.
- NEPA challenges often boost wildfire risk by delaying forest management projects (controlled burns, timber development) by requiring lengthy permitting processes and excessive litigation.

- Philip Rossetti of the R Street Institute [notes](#), “By far, public interest groups bring forth most NEPA litigations, [accounting for 59 percent of NEPA litigations](#) between 2001 and 2013. The next largest group, at 20 percent, was individual/citizen associations. Property owners/ residents and Native American tribes were among the smallest plaintiff types, at 3 percent of NEPA litigations each.”

## Legislation to Follow:

Legislation	Bill Number(s)	House Sponsor	Senate Sponsor	House Cosponsor(s)	Senate Cosponsor(s)
BUILDER Act	<a href="#">H.R.2515</a>	Graves (R-LA-6)		McCarthy (R-CA-23), Scalise (R-LA-1), Westerman (R-AR-4), and more	
Federal Permitting Reform and Jobs Act	<a href="#">S.2324</a>		Portman (R-OH)		Sullivan (R-AK), Manchin (D-WV), Sinema (D-AZ)
One Federal Decision Act	<a href="#">H.R.1812</a>	Davis (R-IL-13)		Graves (R-MO-6), Gibbs (R-OH-7), Balderson (R-OH-12), and more	
UNSHACKLE Act	<a href="#">S.717</a> and <a href="#">H.R.3814</a>	Cheney (R-WY- At Large)	Lee (R-UT)		Cramer (R-ND), Cruz (R-TX)