

Building United States Infrastructure Through Limited Delays/Efficient Reviews Act of 2023: U.S. Committee on Natural Resources Hearing



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The United States House of Representatives Committee on Natural Resources (“Committee”) is holding a hearing today addressing the following legislation:

Building United States Infrastructure through Limited Delays and Efficient Reviews Act of 2023 (“Builder”)

Congressman Bruce Westerman, who represents the Fourth Congressional District in Arkansas, is the Chairman of the Committee.

The *Builder* makes a number of revisions to the National Environmental Policy Act (“NEPA”).

NEPA is a federal statute that was arguably designed to force mission-oriented agencies to consider the environmental impacts of a particular decision or activity in addition to other objectives. For example, a decision by the Department of Defense to construct a base in a particular location would traditionally consider a variety of issues such as logistics, infrastructure, etc. In the event that this proposed activity triggers a NEPA review, the environmental issues would also have to be addressed. This would include situations in which a state or local government utilizes federal funds to construct infrastructure. Therefore, the objective has been to ensure environmental considerations are integrated into the planning of the agency actions as early as possible.

Note that NEPA differs from action enforcing environmental statutory programs such as the Clean Air Act or Clean Water Act. It does not impose substantive mandates. Instead, it is limited to requiring federal agencies to meet procedural requirements. As a result, NEPA does not require a certain alternative or meet a particular standard. Nevertheless, the failure to comply with NEPA’s procedural mandates can result in an activity or project being enjoined.

A February 28th memorandum from the Subcommittees on Water, Wildlife, Fisheries and Federal Lands to the Committee identifies “Key Messages” at the hearing , which include:

- Inefficient permitting reduces the value of the dollar invested, hurts U.S. competitiveness and security, and significantly reduces cumulative emissions reductions.
- The Builder Act would reform and streamline permitting, reduce litigation, and focus environmental reviews – helping reduce costs for Americans by speeding the development of more energy resources and innovation here at home while helping to lower global emissions.

- Committee Democrats are out of touch with the American public, their own conference, and their Democratic President when it comes to acknowledging that our burdensome and inefficient permitting process must be streamlined.

Scheduled witnesses for the Hearing include:

- The Honorable Brenda Mallory, Chair, White House Council on Environmental Quality, Washington, D.C. (invited)
- Mr. Brent Ridge, President and CEO, Dairyland Power Cooperative, La Crosse, Wisconsin
- Mr. Brian Veerkamp, President – Board of Directors, El Dorado Irrigation District, Placerville, California
- Mr. Keith Pugh, PE, PWLF, President, American Public Works Association, Asheville, North Carolina
- Mr. John Beard, Jr., Founder, President and Executive Director, Port Arthur Community Action Network [Minority Witness]

A link providing the Hearing, Builder Act, Hearing Notice, and Hearing memorandum can be found [here](#).