



## The BUILDER Act

Building U.S. Infrastructure through Limited Delays and Efficient Reviews

*This legislation modernizes the outdated National Environmental Policy Act (NEPA) to make infrastructure project reviews more efficient, reduce project costs, spur economic recovery, and rebuild America.*

**NEPA is overly burdensome, lengthy, and long-overdue for an update. Here's how the BUILDER Act will shape this regulatory process into one that works for all Americans.**

- Ensure **rigorous environmental scrutiny** for proposed actions without delays or excessive costs.
- Ensure **practical project review timelines**.
- **Clarify duties of federal, state, tribal and local governments** when conducting an environmental review and ensure project applicants and the public are informed.
- Establish and clarify the **threshold determinations for preparing an environmental document** under NEPA.
- Emphasize **early coordination** with stakeholders and federal agencies.
- **Eliminate vague, outdated provisions** to make compliance easier.
- Permit a project sponsor to **assist agencies in conducting environmental reviews** to help speed up the process and to resolve issues.
- Require agencies to make use of reliable **existing data sources**.
- Require litigants to have participated meaningfully in the NEPA process **before filing suit** and provide a reasonable timeline to file those lawsuits.
- Use common sense and ensure that, when determining whether the effects of a federal action are significant, agencies will **only consider reasonably foreseeable effects** with a reasonably close causal relationship to the proposed action.

The BUILDER Act **reaffirms Republicans' commitment to infrastructure improvements** that actually work for the American people. While Democrats propose lofty infrastructure goals, these will be entirely unattainable without an overhaul of our existing regulatory law.

- NEPA reviews often take several years – even decades – to complete, yet these growing delays do not equate to greater environmental protections.
- NEPA's dysfunctional process has long been a barrier to economic activities, including transportation infrastructure, conventional and renewable energy production and distribution, electricity transmission, water infrastructure, and broadband deployment.

The BUILDER Act **provides a more efficient and effective NEPA process**. It will reduce costs associated with project delays and unnecessary litigation and move America forward.



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## Summary of Major Provisions

***Statutory Clarity and Section 102 of NEPA.*** This bill amends NEPA to clarify and narrow agency considerations to "reasonably foreseeable environmental impacts with a reasonably close causal relationship to the proposed action," "reasonably foreseeable adverse environmental effects," and "a reasonable number of alternatives to the proposed action that are technically and economically feasible, are within the jurisdiction of the agency, meet the purpose and need of the proposed action, and, where applicable, meet the goals of the applicant."

***Interagency Coordination and Timely Reviews.*** This bill codifies key elements of the One Federal Decision Framework, including development by the lead agency of a joint schedule, procedures to elevate delays or disputes, preparation of a single Environmental Impact Statement (EIS) and joint Record of Decision (ROD) to the extent practicable, reasonable time limits for environmental reviews, and paper reduction measures.

***NEPA Thresholds and Streamlining.*** This bill includes threshold considerations for agencies assessing whether NEPA applies to a proposed activity or is otherwise fulfilled through another statute. This recognizes that the application of NEPA by Congress and the courts has evolved over the last four decades in light of numerous other statutory requirements implemented by federal agencies. The bill also includes provisions facilitating adoption of categorical exclusions where the action is substantially the same as an action previously categorically excluded by another agency.

***Project Sponsor Preparation.*** This bill permits a project sponsor to assist agencies in conducting environmental reviews to help speed up the process and to resolve issues without taking control or authority away from the lead agency.

***Major Federal Action.*** This bill amends NEPA and clarifies that a major federal action is limited to those which are "subject to Federal control and responsibility." It establishes a threshold consideration that is independent of the significance of impacts that may follow. It includes examples of actions that are not "major Federal actions."

***Transparency and Data.*** To address data gaps relating to the administrative costs of NEPA compliance, this bill requires agencies to provide the estimated total cost of preparing an EIS, including full-time equivalent personnel hours, contractor costs, and other direct costs.

***Scientific Accuracy and Modern Technology.*** This bill includes provisions requiring agencies to use reliable existing data sources and clarifies NEPA does not require undertaking new scientific and technical research to inform analyses.

***Recognition of the Sovereign Rights, Expertise of Tribes.*** To ensure consultation with tribal entities and reaffirm existing NEPA practice to coordinate or consult with affected tribal governments, this bill amends NEPA to add "tribal" to the phrase "state and local" throughout the statute and the addition of new sections.

***Judicial Review.*** Bill requires those who have abused or weaponized NEPA in the past to have participated meaningfully in the NEPA process before filing suit and provides a reasonable timeline to file those lawsuits.