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SERVING CALIFORNIA'S 50TH DISTRICT

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Create Expedited Reviews to Transform American Infrastructure Now (CERTAIN) Act

Reps. Peters (D-CA), Evans (R-CO), Vasquez (D-NM), Garbarino (R-NY), Gray (D-CA), Ciscomani (R-AZ), Houlahan (D-PA), Kiggans (R-VA)

Background:

Permitting reform is increasingly an area of bipartisan consensus, especially as energy demand rises and costs continue to increase. However, our existing permitting regime has failed to ensure project permitting is on-time, efficient, and fair for all project types.

Oftentimes, delays in the permitting process are unrelated to environmental protection or informed decision-making, and are instead driven by overregulation and administrative failures, including inefficient coordination of interagency reviews.

Additionally, one of the biggest issues stifling long-term development in America over the last decade has been the constant regulatory pendulum swing that occurs when administrations prioritize certain projects, while placing a thumb on the scale against others. American communities need to be able to build, and we should not allow partisan politics to limit that investment.

It is critical that Congress provides a bipartisan model for environmental reviews that is durable and ensures accountability, transparency, and efficiency throughout the permitting process, from application submission to final decision. Additionally, once permits are lawfully issued – and the project sponsor is fulfilling the terms of the permit – it should be safe from arbitrary revocation or alteration, regardless of project type.

Summary:

The CERTAIN Act streamlines the federal permitting process, while making the environmental review and decision-making process faster and more efficient.

Specifically, the bill:

- Provides certainty for infrastructure investment by ensuring that lawfully issued permits that remain in compliance are safeguarded from political interference;
- Provides specific deadlines, timelines, and milestones for federal agencies in the environmental review process. This would cover all reviews, under all environmental laws, for all types of projects;
- Increases transparency and accountability throughout the federal environmental review process, including by empowering decision-makers to resolve disputes;
- Encourages agencies to analyze and respond to workforce and technical needs, ensuring they can meet statutory obligations for environmental reviews;
- Facilitates enhanced communication and collaboration between agencies and project sponsors, and holds agencies accountable for missing deadlines.

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