

ACEC

PERMITTING REFORM TO DELIVER CRITICAL INFRASTRUCTURE

Efficient, predictable environmental review and permitting processes are essential to delivering critical infrastructure projects that support American energy, transportation, water systems, and domestic mineral development. Today, projects often take more than a decade to complete, driving up costs and delaying economic benefits to communities. Congress has an opportunity in 2026 to enact balanced, common-sense reforms that accelerate project delivery while maintaining strong environmental protections.

KEY ISSUES AND OPPORTUNITIES



Streamlined permitting

Federal environmental reviews have become increasingly complex, duplicative, and vulnerable to delay. The average time to complete an Environmental Impact Statement now exceeds 4.5 years—more than double historical norms—resulting in lost economic activity, jobs, and public benefits. Congress should streamline the process by eliminating duplicative reviews, clarifying the definition of “major federal actions” under NEPA, and requiring early interagency coordination to establish clear project timelines.



Judicial review and permit certainty

Extended and open-ended litigation frequently delays projects even after agencies have completed thorough environmental reviews. Reforms should ensure timely and predictable judicial review while preventing misuse of the courts to unnecessarily delay approved projects. Congress should also provide greater legal certainty once permits are issued, allowing projects to proceed with confidence.



Technology can modernize permitting

Modernizing the permitting process requires expanded use of digital tools to improve coordination across agencies, enhance transparency, and facilitate collaboration with project sponsors. Congress should build on initiatives like E-NEPA to expand the federal government’s use of technology to facilitate more efficient reviews, clearer timelines, and better public access to information.



Expand successful models like FAST-41

The FAST-41 framework has demonstrated success in improving coordination, transparency, and accountability for large, complex projects through dedicated project management and the Federal Permitting Dashboard. Lowering the eligibility threshold from \$200 million to \$50 million would extend these benefits to a broader range of infrastructure projects.

CONGRESSIONAL ACTION REQUESTED

CONGRESS SHOULD ENACT PERMITTING REFORM LEGISLATION THAT:

Eliminates duplicative agency reviews and clarifies “major federal actions”

Establishes predictable and timely judicial review while ensuring permit certainty

Requires interagency coordination at the outset of the review process

Promotes the use of digital tools and modern technologies

Expands FAST-41 eligibility by lowering the project cost threshold