

## **REPAIR Act**

### Revising and Enhancing Project Authorizations Impacted by Review Act

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On a bipartisan basis, Congress has provided extensive funding to expand the energy and industrial resources available to U.S. companies through measures such as the Energy Act of 2020, the Infrastructure Investment and Jobs Act, and the CHIPS and Science Act. U.S. companies have responded to market signals and these policies by attempting to invest in U.S. manufacturing and production.

However, these investment efforts remain stymied by a permitting and regulatory system that prevents projects from coming to fruition. Without addressing these hurdles, new investments will perpetually face frivolous lawsuits that do nothing but unnecessarily delay projects that receive a permit following agency review. This reality threatens investment in all critical domestic projects. The REPAIR Act fixes these issues by ensuring a thorough and efficient judicial review process while establishing clear guidelines for addressing court decisions.

The REPAIR Act would:

1. Allow offshore wind to access the same judicial review process as offshore oil and gas under the Outer Continental Shelf Lands Act.
2. Move the focus of lawsuits to the underlying authorizing and permitting laws under which a permit is reviewed and away from the National Environmental Policy Act.
3. Ensure individuals filing suit against an approved authorization or permit for a project file suit within 30 days, are individuals directly impacted by the project, and focus on direct and tangible harms not considered in the initial authorization process.
4. Establish that any claim filed should occur in the federal district court in which the project is located or, if the project intersects with multiple court districts, in the district in which the largest financial investment for the project is made.
5. Create a Federal Permitting Improvement Steering Council (FPISC)-maintained database for claims that have not been adjudicated within 90 days of filing.
6. Ensure any remand or vacatur issued by the court can be addressed in a timely manner of the court decision with a final remediation plan prepared by FPISC through a mediation process between the agency of jurisdiction and the project developer.
7. Eliminate the ability to file a new suit based on the final FPISC remediation plan.