

Trump Signs Executive Order to Fast-Track Infrastructure Projects

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On June 4, 2020, President Donald Trump signed an executive order (EO) to fast track infrastructure investments and spur economic growth. The action directs agency heads, including the Secretaries of Transportation, Defense, and Agriculture, as well as the U.S. Army Corps of Engineers, to use emergency authorities to streamline permitting processes required under the National Environmental Policy Act (NEPA), the Endangered Species Act, and the Clean Water Act.

NEPA regulations permit the Council on Environmental Quality (CEQ) to authorize agencies to bypass certain permitting requirements in the event of an emergency if the agencies make alternative arrangements. In the past, the CEQ has approved alternative arrangements in response to threats to national security, animal health, the energy sector, agriculture, and the economy. Similarly, the Endangered Species Act and Clean Water Act regulations allow for flexibility during emergencies.

This new EO is part of a larger effort to cut down on the time it takes to complete infrastructure projects. Earlier this year, the Trump Administration proposed a NEPA overhaul to expedite the permitting process.

President Trump has made deregulation a priority since taking office in 2017. For example in January 2017, the President signed a series of executive orders and presidential memoranda to expedite key energy and infrastructure projects. Namely, the President tasked the Secretary of Commerce to work with stakeholders to craft recommendations to streamline federal permitting processes for domestic manufacturing, which was issued in October 2017. The

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President also directed relevant agencies to establish a framework for expediting environmental reviews for high priority infrastructure projects.

Last week's order came just one day after House Democrats introduced the *Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act*, which would direct \$494 billion toward infrastructure investment. In addition to placing significant emphasis on environmental considerations, the bill also contains a number of "Buy America" provisions, including incentivizing higher domestic content by providing bonuses for domestic content exceeding 70% and tightening certain waiver requirements by requiring the reevaluation of standing waivers every five years to determine if the waivers remain necessary.

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