
UNSHACKLE Act: Section by Section Summary

Section 1 - Bill Title

Section 2 - Amends the National Environmental Policy Act (NEPA) of 1969 in section 107, and inserts two additional sections:

- Imposes stricter timelines for the NEPA environmental review process (page 3) and lays out penalties for noncompliance
 - Penalties include docking the salary of the head of the dilatory agency (page 5), requiring the reimbursement of application fees to the applicant (page 13), and failure to issue authorization or denial of a permit 90 days after a decision has been made results in an automatic approval. (page 13)
- Mandates only one environmental impact statement (EIS) and environmental assessment (EA) for each project. (page 16)
- Sets the page limit at 150 pages¹ for EIS and at 75 pages for EA. (page 17)
- Allows a qualified third party, with no financial interest in the project, to carry out the environmental review process in place of the federal government. (page 17)
- Mandates that agencies must re-use relevant environmental research from related prior projects and cannot offer alternatives that are not economically feasible. (page 18)
- Allows agencies to use state environmental documents for proposed projects. (page 19)
- Requires agencies to report to Congress the number of categorical exclusions (CE), EISs, and EAs issued each year, and the time it took to process proposed projects. (page 25)
- Requires the OMB and CEQ to calculate the comprehensive cost of the NEPA process and federal agencies to report the costs of NEPA processes they've completed. (page 27)
- Clarifies requirements necessary to receive judicial review for NEPA-related claims. (page 28)
- Sets a 150-day statute of limitations for NEPA-related claims. (page 29)
- Reforms the evidentiary standards and requirements for a court to consider when granting injunctive relief for a NEPA-related claim. (page 31)
- Limits the EPA's role in the NEPA process to commenting on draft or final submission of an EIS, and/or providing technical assistance when requested. (page 34)
- Increases State influence by expanding the NEPA assignment program. (page 35)
 - Subjects each participating State to regular audits from the lead federal agency on the project. (page 43)

Section 3 - Closes an existing loophole that allows plaintiffs to force the government to grossly overpay lawyer's fees based on the current, broad definition of "knowledge, expertise, or skill in environmental litigation." (page 50)

¹ "Extraordinarily complex EIS" allowed to be up to 300 pages.