

To the office of U.S. Representative Sarah Elfreth

Re: HR 9188 (119th Congress), Military Readiness Permitting Efficiency Act of 2026 • Latest action (2026-06-08): Referred to the House Committee on Armed Services.

VFA SI Solution #100 • published 2026-06-10 • <https://www.valuesforamerica.com/solutions/100>

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Interagency Review Acceleration Act for National Defense Priorities

The measure, as described from the official record: Speed up environmental and regulatory reviews of critical Department of Defense projects by allowing interagency agreements that bypass standard review timelines.

THE PROPOSAL

This Act authorizes the Secretary of Defense to enter into interagency agreements with federal agencies (including EPA, CEQ, and Department of Interior) to establish expedited timelines for environmental and regulatory reviews of Defense priority projects designated by the Secretary as critical to national security. Each agreement shall specify a maximum review period of 180 days unless the head of the reviewing agency certifies in writing that extraordinary circumstances require additional time, in which case the period may be extended once by up to 90 days.

No provision of this Act preempts or supersedes state or local environmental permitting or land-use laws. The Secretary may request that state and local governments voluntarily adopt reciprocal expedited procedures, but no federal funds shall be conditioned on state adoption. The Act does not eliminate any existing public notice or comment period required by federal law; however, the period may be reduced to a minimum of 30 days for designated priority projects if the Secretary and the reviewing agency jointly determine that a shorter period is consistent with adequate public participation.

Any person aggrieved by a final agency action under this Act may seek judicial review in federal district court under the Administrative Procedure Act. The court shall set a hearing within 60 days of filing. No monetary damages may be awarded unless the agency action was arbitrary and capricious.

The authority granted by this Act expires six years after enactment. The Comptroller General shall submit a report to Congress three years after enactment evaluating the effectiveness, environmental impacts, and any cost savings attributable to the expedited procedures.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source Existing appropriations for the Office of the Secretary of Defense, not to exceed \$5 million annually for administrative costs of establishing and monitoring interagency agreements.

Funding Amount	\$5 million per fiscal year from the Defense Operations and Maintenance account.
Sunset Years	6 years
Oversight Body	Comptroller General of the United States (Government Accountability Office)
Enforcement Mechanism	Private right of action for judicial review under Administrative Procedure Act; Comptroller General compliance evaluation with public release.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 12 (Armies; Defense)
- Article I, Section 8, Clause 18 (Necessary and Proper Clause)
- Tenth Amendment (reserved powers of states)
- Fifth Amendment Due Process Clause

Concerns with the measure as written:

- Original may delegate legislative power without clear standards (nondelegation doctrine concerns under Article I, Section 1).
 - Original could preempt state environmental laws without clear constitutional authority for federal override of state land-use or permitting powers (Tenth Amendment).
 - Original may restrict judicial review or public notice requirements in a way that implicates Fifth Amendment Due Process (property interests in notice/comment).
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities: preserves state environmental authority, maintains minimum public notice and comment, includes sunset and GAO oversight, does not strip judicial review. Honors Republican priorities: expedites national security projects, provides clear 180-day default timeline, reduces bureaucratic delays, avoids new spending by using existing accounts.

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