



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

The Standardizing Permitting and Expediting Economic Development Act, or SPEED Act (Reps. Westerman and Golden)

Amends the National Environmental Policy Act of 1969 (NEPA) to address statutory flaws that have resulted in lengthy timelines and increased frivolous litigation.

Topline Points

- Prolonged NEPA analysis and constant litigation pose significant barriers to all-of-the-above energy production, infrastructure projects, forest management, and more.
- The SPEED Act builds on the NEPA reforms passed in the Fiscal Responsibility Act, limiting the scope of environmental reviews and clarifying when NEPA is triggered.
- The legislation creates timelines and sideboards for judicial review under NEPA, codifying key pieces of the Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*.

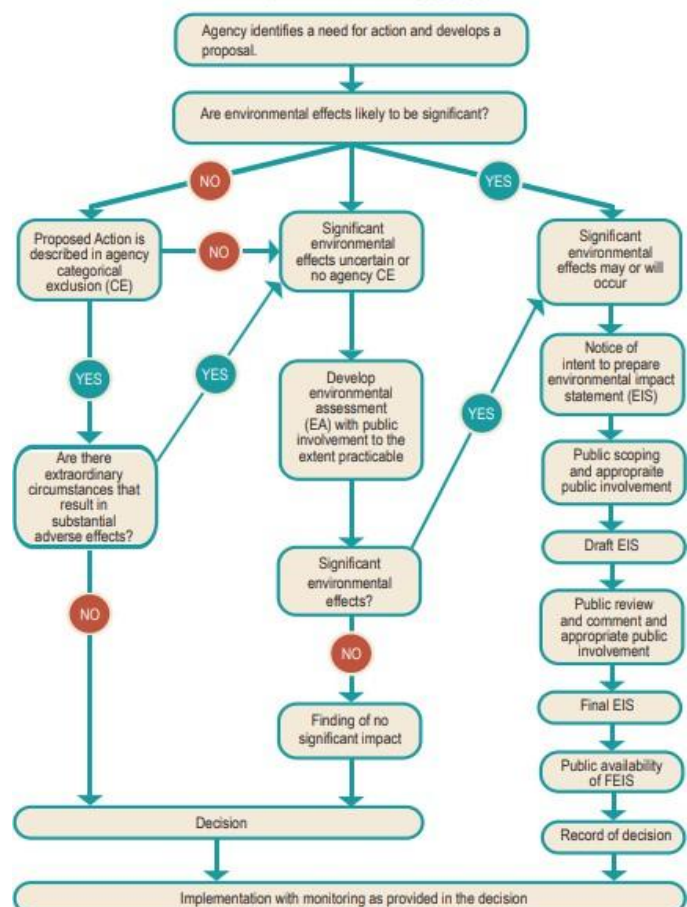
Background

NEPA is a procedural statute that established parameters for assessing and disclosing the environmental impact of all major federal actions. Originally intended to ensure an appropriate balance between protecting the environment and economic development, the NEPA process has become increasingly complex, resulting in massive NEPA documents approaching thousands of pages, protracted project timelines, and litigation.

The SPEED Act simplifies the analysis required in NEPA documents so that agencies are not stuck studying never-ending topics without ever reaching a conclusion. The bill clarifies when NEPA is triggered by focusing the definition of “Major Federal Action” and allows agencies to rely on previously completed NEPA documents for projects. Lastly, the bill establishes judicial review limitations for NEPA claims, including a 150-day deadline for filing claims, and eliminates vacatur and injunction as remedies available to courts.

The SPEED Act will create certainty in the permitting process and spur domestic investment in critical infrastructure, energy and conservation.

The NEPA Process



*Significant new circumstances or information relevant to environmental concerns or substantial changes in the proposed action that are relevant to environmental concerns may necessitate preparation of a supplemental EIS following either the draft or final EIS or the Record of Decision (CEQ NEPA Regulations, 40 C.F.R. § 1502.9(c)).

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Summary of Changes Made in Markup

The SPEED Act, as reported, includes revisions in response to input from dozens of associations, businesses, states, local governments, tribes, federal agencies, and bipartisan Members of Congress.

Supports Tribal Sovereignty:

- Based on input from tribes, the bill includes provisions to ensure NEPA does not block tribal economic development.
 - Permits tribes to rely on statutes, ordinances, resolutions, regulations, or other formally adopted policies that meet NEPA requirements.
 - Supports tribal sovereignty by establishing a presumption that the no-action alternative for actions utilizing tribal resources would negatively impact the initiating tribe.
 - Limits NEPA claims for final agency actions involving lands, minerals, or other resources held in trust by the United States for the benefit of a federally recognized Indian tribe.
 - Clarifies when challenges can be made and by whom, including the tribe, neighboring landowners, and other directly affected parties, reducing litigation delays for projects on tribally controlled lands.

Amending Environmental Documents:

- The bill would prohibit federal agencies from rescinding, amending, or altering environmental documents unless a court orders them to do so. The bill allows agencies to amend environmental documents to make them more resistant to litigation if a project sponsor agrees.

Early Engagement of Stakeholders:

- Based on input from counties, local governments, and bipartisan members, the bill includes language that requires lead agencies to identify and invite cooperating agencies within 21 days of issuing a notice of intent. Invited federal agencies, states, local governments, and tribes would have an additional 21 days to respond. After the response period ends, lead agencies will be responsible for convening all cooperating agencies to develop a schedule to complete the environmental review and all related authorizations. The bill includes language to ensure agencies conduct reviews for authorizations concurrently. To ensure local knowledge is incorporated into the process from the beginning, increase community awareness, and reduce litigation, the bill includes language clarifying that Counties are eligible as cooperating agencies.

Increased Certainty:

- Congressional hearings have highlighted that, despite NEPA timelines enacted in the Fiscal Responsibility Act (FRA), the process for getting an agency to begin an environmental document can drag on for years. The bill addresses “pre-NEPA” delays by setting time limits for agencies to respond to permit or authorization requests. The language requires agencies to determine application completeness within 60 days. If an application is deemed incomplete, agencies must specify the information needed to complete it. Once an application is considered complete, agencies have 60 days to assess and document the level of NEPA review required, which triggers the timelines included in the FRA. Agencies would then be required to issue a final decision within 30 days of completing an environmental document. The bill also prevents agencies from rescinding, withdrawing, or terminating authorizations unless specific criteria are met and the agency provides evidence for its action.

Reliance on Previously Completed Environmental Documents:

- The bill codifies existing NEPA procedures by allowing agencies to rely on previously completed environmental documents for actions that are substantially the same and have similar effects. It allows agencies to modify existing documents rather than creating new ones from scratch for similar actions. Codifying these changes will expedite the NEPA process without sacrificing environmental review.

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