



The Standardizing Permitting and Expediting Economic Development Act, or SPEED Act

Section-by-Section Analysis

SEC. 1. SHORT TITLE.

- The Standardizing Permitting and Expediting Economic Development Act, or SPEED Act.

SEC 2. NEPA REVISIONS.

- *Purpose of NEPA Clarification:*
 - Amends 42 U.S.C. § 4321 to explicitly state that NEPA is a procedural statute meant to ensure that federal agencies consider the environmental impacts of their actions without mandating specific outcomes.
- *NEPA Equivalence:*
 - Adds into statute language providing equivalency for other federal and state statutes that the agency determines meet the requirements of NEPA, preventing duplicative reviews at both the state and federal levels.
- *Timely and Unified Federal Reviews:*
 - Limits comments from cooperating agencies to their specific areas of jurisdiction and gives agencies discretion in considering new scientific research. This ensures that only pertinent information is considered, reducing unnecessary delays, limiting tampering, and making the process more predictable.
- *Scope of Environmental Review:*
 - Specifies that environmental reviews for EAs and EISs must focus only on effects that are proximately caused by the project itself and may not include effects that are speculative or separate in place and time. This reform provides clarity to agencies when compiling environmental documents, reduces page counts, facilitates increased public engagement, and limits litigation.
- *Certainty:*
 - Prevents political interference in NEPA reviews by preventing a federal agency from withdrawing an environmental document in the absence of a court order.
- *Purpose and Need:*
 - Prevents agencies from interjecting political preferences into NEPA reviews by clarifying that alternatives included in environmental documents must meet the purpose and need of the proposed action.
- *NEPA Timeline Extensions:*
 - Requires agencies to receive approval from project proponents if they would like to extend a deadline in NEPA. Current deadlines are two years for environmental impact statements and 1 year for environmental assessments.



- *Programmatic Environmental Documents:*
 - Allows agencies to rely on the analysis included in a programmatic environmental document for related actions in a subsequent environmental document for up to ten years from the date the programmatic environmental document is finalized.
- *Categorical Exclusions:*
 - Allows agencies to share legislative categorical exclusions and prevents litigation on the establishment of a categorical exclusion.
- *Major Federal Action Definition:*
 - Clarifies that funding and grants cannot trigger NEPA review, and that subsequent approvals forming part of an agency action already reviewed under NEPA do not need to go through NEPA again. This would reduce the number of projects requiring NEPA review, allowing agencies to focus resources on actions with genuine federal connections.
- *Reasonably Foreseeable Definition:*
 - Requires agencies to consider only environmental effects directly caused by the project and excludes effects that are speculative or separate in place and time in an EIS. This clarifies the process for agencies when preparing an EIS, reduces page counts, encourages more public involvement, and limits speculation that often leads to litigation.

SEC. 3. JUDICIAL REVIEW.

- *Standard of Review:*
 - Establishes a new standard of review for NEPA claims where courts cannot invalidate an agency action unless they find the agency abused its substantial discretion under NEPA and such abuse of discretion would have led the agency to reach a different result.
- *Role of the Court:*
 - Codifies a key element of the Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado* that clarifies that courts may not substitute their own judgement for that of the agency regarding the environmental effects that the agency considered in the environmental document.
- *Remand:*
 - Removes the ability for courts to vacate or enjoin agency actions under NEPA. Since NEPA is a procedural statute, remand to address deficiencies would be the sole remedy available to courts. Such remedy would still require agencies to revisit and complete the necessary NEPA review. Agencies would have 180 days to address any deficiencies upon remand.
- *Limitation on Claims:*
 - Grants plaintiffs no more than 150 days to file a civil action against a final agency action. To have standing, one must have submitted a comment on an action, and the comment must be "unique and substantive," not a form letter. Plaintiffs must show that they would suffer direct harm if their comments were not addressed. These provisions ensure that agencies have the opportunity to correct NEPA deficiencies before litigation and that claims are filed by those truly impacted by the underlying action.



➤ *Supplemental Environmental Documents:*

- Clarifies that a suit can only be filed based on new information in a supplemental environmental document and that litigation on a supplemental document cannot retroactively challenge the original document. This provision helps limit the never-ending cycle of NEPA claims.

➤ *Expedited Resolution for Legal Challenges:*

- Requires courts to resolve NEPA-related cases within 180 days and NEPA-related appeals within 60 days. This provision reduces the time spent in litigation, thereby reducing delays and cost overruns.