



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members  
**From:** Subcommittee on Energy and Mineral Resources Staff: Rob MacGregor  
([Robert.MacGregor@mail.house.gov](mailto:Robert.MacGregor@mail.house.gov))  
**Date:** Monday, September 8, 2025  
**Subject:** Legislative Hearing on 3 Bills

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The House Committee on Natural Resources will hold a legislative hearing on three bills: H.R. 573 (Rep. Yakym), “*Studying NEPA’s Impact on Projects Act*”; H.R. 4503 (Rep. Johnson of SD), the “*ePermit Act*”; and H.R. 4776 (Rep. Westerman), the “*Standardizing Permitting and Expediting Economic Development Act*”, or the “*SPEED Act*”.

The hearing will take place on **Wednesday, September 10, 2025, at 10:00 a.m., in Room 1324 Longworth House Office Building.**

Member offices are requested to notify Kenna Cline ([Kenna.Cline@mail.house.gov](mailto:Kenna.Cline@mail.house.gov)) by 4:30 PM on Tuesday, September 9, 2025, if their Member intends to participate in the hearing.

## **I. KEY MESSAGES**

- While well-intentioned, the National Environmental Policy Act of 1969 (NEPA) has spawned an extremely cumbersome and lengthy review process that has increased costs and permitting timelines for a wide range of projects. These burdens affect everything from transportation and infrastructure to forestry and energy development.
- NEPA is the most frequently litigated environmental statute, and NEPA-related litigation on an environmental impact statement (EIS) takes an average of 4.2 years to resolve.<sup>1</sup>
- Chairman Westerman’s SPEED Act, H.R. 4776, would fix the broken NEPA process by clarifying which federal actions are subject to NEPA and what information agencies should include in their environmental reviews when preparing NEPA documents.
- H.R. 4776 would bring common sense to judicial review of NEPA claims by stipulating that the sole remedy available to courts in deciding NEPA cases is to remand the action back to the lead agency to remedy deficiencies, rather than allowing courts to kill the entire project. It requires NEPA claims to be filed within 150 days, and only by claimants who submitted a comment during the public comment period.

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<sup>1</sup> Chiappa, Nikki, et al., “Understanding NEPA Litigation,” The Breakthrough Institute, July 11, 2024, <https://thebreakthrough.org/issues/energy/understanding-nepa-litigation>.

- H.R. 573 requires the Council on Environmental Quality (CEQ) to publish annual reports describing NEPA's impact on projects, which would help identify unnecessary bottlenecks obstructing projects subject to NEPA. Regular reporting by CEQ would bring greater transparency to environmental reviews and help ensure that Congressional reforms to NEPA are properly implemented by the administration and have their intended impact.
- The current technology landscape for federal permitting is comprised of diverse and isolated systems, with many agencies lacking sufficient cyber infrastructure and expertise. To address this issue, CEQ issued a groundbreaking Permitting Technology Action Plan (Action Plan), which provides a government-wide strategy to optimize technology to effectively and efficiently evaluate environmental permits. H.R. 4503 codifies key aspects of the Action Plan, instructs federal agencies on how to implement electronic permitting systems, and clarifies CEQ's authority to coordinate interagency permitting technology efforts.

## II. WITNESSES

### Panel I (Members of Congress)

- To Be Announced

### Panel II (Outside Experts)

- **Mr. Jeremy Harrell**, Chief Executive Officer of ClearPath and ClearPath Action, Washington, D.C. [*H.R. 4503 and H.R. 4776*]
- **Mr. Thomas Hochman**, Director of Infrastructure Policy, Foundation for American Innovation, Washington, D.C. [*H.R. 573 and H.R. 4776*]
- **Mr. Nick Loris**, Vice President of Public Policy, C3 Solutions, Washington, D.C. [*H.R. 4776*]
- **Mr. Robert Glicksman**, J.B. & Maurice C. Shapiro Professor of Environmental Law, The George Washington University Law School, Washington, D.C. [*Minority Witness*]

### Panel III (Outside Experts)

- **Mr. Dominick A. Longobardi**, Deputy Town Comptroller, Town of Hempstead, Hempstead, New York [*H.R. 4776*]
- **Mr. Rich Nolan**, President and CEO, National Mining Association, Washington, D.C. [*H.R. 4776*]
- **Mr. Josh Levi**, President, Data Center Coalition, Leesburg, Virginia [*H.R. 4776*]
- **Mr. Bob Dreher**, Environmental Attorney (retired), Takoma Park, MD [*Minority Witness*]

### III. BACKGROUND

#### H.R. 573 (Rep. Yakym), “Studying NEPA’s Impact on Projects Act”

In previous administrations, CEQ published several reports analyzing the time and paperwork burdens of NEPA litigation and environmental reviews. From 2001 through 2013, CEQ conducted an annual survey on litigation involving a NEPA-based cause of action.<sup>2</sup> Each year, the survey tallied the federal agency that was the lead defendant in each NEPA case, the type of plaintiff, and the case outcome.<sup>3</sup> Notably, the surveys show that most litigation during the study period was initiated by activist groups, not individual members of the public.<sup>4</sup>

As part of a thorough review of previous NEPA practices, the first Trump administration analyzed 656 EISs published between 2013 and 2018. The review found that the average length of an EIS was 575 pages.<sup>5</sup> This is nearly double the length that the Obama-Biden administration had suggested in 2012 when it released guidance stating that EISs “should normally be less than 150 pages and a final EIS for proposals of unusual scope or complexity should normally be less than 300 pages.”<sup>6</sup>

In 2020, the first Trump administration also published a report examining federal agencies’ time to complete EISs and records of decision (RODs) between 2010 and 2018. CEQ found that, on average, EISs took 4.5 years to complete and one-fourth of all EISs took over 6 years to complete.<sup>7</sup> While these CEQ studies provide useful data on the cumbersome review timelines and resource strains resulting from NEPA analysis, they have either been produced ad hoc or attention to their continued production has fallen by the wayside over time.<sup>8</sup> Recent studies have been conducted through private sector efforts to examine lawsuits pertaining to NEPA. According to a study from the Breakthrough Institute, for example, environmental non-governmental organizations (NGOs) were involved in 75 percent of NEPA cases, revealing the troubling extent to which radical NGOs have weaponized the NEPA process as a tactic to delay and even block critical projects.<sup>9</sup>

H.R. 573, the “Studying NEPA’s Impact on Projects Act,” sponsored by Representative Rudy Yakym (R-IN-02), would coalesce prior data collection and reporting efforts into a single report published annually by CEQ. Like CEQ’s annual litigation surveys conducted between 2001 and

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<sup>2</sup> Council on Environmental Quality, “National Environmental Policy Act, NEPA Litigation, CEQ Reports,” 2001-2013, <https://ceq.doe.gov/ceq-reports/litigation.html>.

<sup>3</sup> Council on Environmental Quality, “NEPA Litigation Surveys: 2001-2013,” 2013, <https://ceq.doe.gov/docs/ceq-reports/nepa-litigation-surveys-2001-2013.pdf>.

<sup>4</sup> Rossetti, Philip, “ADDRESSING NEPA-RELATED INFRASTRUCTURE DELAYS,” R Street Institute, July 2021, [https://www.rstreet.org/wp-content/uploads/2021/07/FINAL\\_RSTREET234.pdf](https://www.rstreet.org/wp-content/uploads/2021/07/FINAL_RSTREET234.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> Council on Environmental Quality, “Memorandum for Heads of Federal Departments and Agencies, Nancy H. Sutley, March 6, 2012.

<sup>7</sup> Council on Environmental Quality, “ENVIRONMENTAL IMPACT STATEMENT TIMELINES (2010-2018),” June 12, 2020, [https://ceq.doe.gov/docs/nepa-practice/CEQ\\_EIS\\_Timeline\\_Report\\_2020-6-12.pdf](https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timeline_Report_2020-6-12.pdf).

<sup>8</sup> Reps. Yakym and Panetta, “Support the Studying NEPA’s Impacts on Projects Act,” November 2, 2023, <https://d12t4t5x3vyizu.cloudfront.net/yakym.house.gov/uploads/2023/10/Studying-NEPAs-Impact-on-Projects-Act-One-Pager.pdf>.

<sup>9</sup> The Breakthrough Institute, The Procedural Hangover: How NEPA Litigation Obstructs Critical Projects, July 24, 2025, <https://thebreakthrough.org/issues/energy/the-procedural-hangover>.

2013, the report would include the cause of action, lead federal agency, lead plaintiff, and project outcome.<sup>10</sup> The bill would also build off of the first Trump administration’s NEPA studies, directing CEQ to review the length of EISs over the last five years and the timelines to complete environmental reviews over the last ten years, with updates published annually.<sup>11</sup> This transparency will help ensure that the reforms made in the Fiscal Responsibility Act of 2023 (FRA) are having their intended impact, and provide Congress with information needed to ensure federal laws and regulations are in line with the current administration’s efforts to reduce extensive permitting timelines.

### **H.R. 4503 (Rep. Johnson of SD), the “ePermit Act”**

The current technology landscape for federal permitting is comprised of diverse and isolated systems, with many agencies lacking sufficient cyber infrastructure and expertise. As a result, projects seeking federal environmental reviews and authorizations are often mired by antiquated paper-based processes, poor interagency coordination, and duplicative data submission requirements, producing lengthy and unpredictable delays.

The FRA directed the CEQ to study and report to Congress on the potential for digital technologies to improve processes for federal environmental reviews and related authorizations.<sup>12</sup> In July 2024, CEQ released its report titled “Council on Environmental Quality Report to Congress on the Potential for Online and Digital Technologies to Address Delays in Reviews and Improve Public Accessibility and Transparency under 42 U.S.C. 4332(2)(C),”<sup>13</sup> which examined the potential for adopting a “unified permitting portal” across federal agencies. The report recommends adopting a “continuous iterative” approach to digital permitting development, supporting incremental agency-specific efforts that emphasize interoperability between systems.<sup>14</sup>

On April 15, 2025, President Trump expanded on these efforts by issuing a memorandum titled “Updating Permitting Technology for the 21<sup>st</sup> Century.”<sup>15</sup> This memorandum prioritizes modernizing permitting technology across executive branch departments and establishes a Permitting Innovation Center under CEQ, tasked with designing and testing prototype permitting technologies.<sup>16</sup>

Following President Trump’s memorandum, on May 30, 2025 CEQ issued its groundbreaking Action Plan, which provides a government-wide strategy to optimize technology to effectively and efficiently evaluate environmental permits.<sup>17</sup> The Action Plan includes an initial NEPA

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<sup>10</sup> H.R. 6129 “Studying NEPA’s Impact on Projects Act,” November 1, 2023, <https://www.congress.gov/bill/118th-congress/house-bill/6129/text>.

<sup>11</sup> *Id.*

<sup>12</sup> 42 U.S.C. § 4336d – E-NEPA, <https://www.law.cornell.edu/uscode/text/42/4336d>.

<sup>13</sup> Council on Environmental Quality, “Council on Environmental Quality Report to Congress on the Potential for Online and Digital Technologies to Address Delays in Reviews and Improve Public Accessibility and Transparency under 42 U.S.C. 4332(2)(C),” July 2024, [https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/07/CEQ-E-NEPA-Report-to-Congress\\_Final-508.pdf](https://bidenwhitehouse.archives.gov/wp-content/uploads/2024/07/CEQ-E-NEPA-Report-to-Congress_Final-508.pdf).

<sup>14</sup> *Id.*

<sup>15</sup> The White House, “Updating Permitting Technology for the 21<sup>st</sup> Century,” April 15, 2025, <https://www.whitehouse.gov/presidential-actions/2025/04/updating-permitting-technology-for-the-21st-century/>.

<sup>16</sup> Council on Environmental Quality, Permitting Innovation Center Website, <https://permitting.innovation.gov/>.

<sup>17</sup> The White House, “Trump Administration Launches Permitting Technology Action Plan,” May 30, 2025.

permitting and data technology standard, minimum functional requirements for environmental review and permitting systems, agency implementation roadmaps, and a governance structure for agency adoption. This guidance sets the foundation for seamless information exchange between agencies, simplified interactions for applicants, and greater transparency and predictability on environmental review and permitting schedules for project sponsors and stakeholders.

H.R. 4503, the “ePermit Act,” sponsored by Representative Dusty Johnson (R-SD-At Large), codifies key aspects of CEQ’s Action Plan, provides legislative direction on how federal agencies should implement electronic permitting systems, and clarifies CEQ’s authority to coordinate interagency permitting technology efforts. Additionally, the legislation directs CEQ and federal agencies to work towards establishing a “unified interagency data system” with shared digital services for environmental reviews and authorizations.

### **H.R. 4776 (Rep. Westerman), the “Standardizing Permitting and Expediting Economic Development Act,” or the “SPEED Act”**

NEPA establishes parameters for assessing and publicly disclosing the environmental impact of all “major federal actions,”<sup>18</sup> which encompass a broad range of governmental activities that impact the American economy. Originally intended to strike an appropriate balance between protecting the environment and promoting economic development, the NEPA process has become increasingly complex, resulting in unwieldy NEPA documents, excessive timelines, and an increase in frivolous litigation.<sup>19</sup> These delays have imposed significant time and cost burdens, with environmental analysis adding an estimated average of \$4.2 million to project costs.<sup>20</sup> CEQ recently found that Federal Highway Administration projects, for example, take more than 7 years to get from a notice of intent to the issuance of a ROD.<sup>21</sup> This data contrasts sharply with CEQ’s 1981 prediction that agencies would be able to complete EISs in twelve months or less.<sup>22</sup> Adding to this complexity is the fact that NEPA is the “most frequently litigated environmental statute,” according to the Department of Justice.<sup>23</sup> A recent study by the Breakthrough Institute reveals that NEPA-related litigation on EISs takes an average of 4.2 years to resolve.<sup>24</sup>

On June 2, 2023, President Biden signed into law the FRA,<sup>25</sup> which included the first significant NEPA reforms in over 40 years. Those reforms defined ambiguous terms in the statute and set

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<sup>18</sup> Pub. L. 91-190; 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), September 13, 1982.

<sup>19</sup> Healthy Forests, Healthy Communities, 2020.

<sup>20</sup> NEPA Modernization 101: An Outdated Environmental Law the is Impeding Clean Energy Developments, C3 SOLUTIONS, <https://www.c3solutions.org/policy-paper/nepa-modernization-101/>.

<sup>21</sup> Council on Environmental Quality, Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, July 16, 2020, <https://www.federalregister.gov/documents/2020/07/16/2020-15179/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental#footnote-2-p43305>.

<sup>22</sup> Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, 46 FR 18026, March 23, 1981, <https://www.energy.gov/nepa/downloads/forty-most-asked-questions-concerning-ceqs-national-environmental-policy-act>.

<sup>23</sup> Congressional Research Service, “National Environmental Policy Act: Judicial Review and Remedies,” Nina M. Hart and Linda Tsang, September 22, 2021, IF11932.

<sup>24</sup> The Breakthrough Institute, Understanding NEPA Litigation: A systematic Review of Recent NEPA-Related Appellate Court Cases, July 11, 2024, <https://thebreakthrough.org/issues/energy/understanding-nepa-litigation>.

<sup>25</sup> Press Release, THE WHITE HOUSE, *Bills Signed: H.R. 346, H.R. 3746*, June 3, 2023, <https://www.whitehouse.gov/briefing-room/legislation/2023/06/03/press-release-bills-signed-h-r-346-h-r-3746/>.

time and page limits for NEPA documents. The goal of the FRA's reforms was to streamline the overall NEPA process and provide certainty for agencies carrying out NEPA reviews. Unfortunately, the Biden administration issued NEPA regulations that largely ignored the FRA's prescriptions in favor of further progressing the Biden administration's radical environmental justice agenda. Rather than abide by the FRA's significant NEPA and permitting reforms intended to streamline construction in America, speed up timelines for critical infrastructure projects, and reduce the burden on taxpayers by creating efficiencies in the permitting process, the Biden administration weaponized the NEPA process to delay critical domestic energy projects. Shortly after its issuance, 20 states challenged CEQ's Phase 2 rulemaking, arguing that the rule exceeded CEQ's authority.<sup>26</sup> On February 3, 2025, the U.S. District Court for the District of North Dakota vacated the Phase 2 rule, finding not only that the Phase 2 rule exceeded CEQ's authority under NEPA, but also that CEQ lacked statutory authority to promulgate any rulemaking implementing NEPA.<sup>27</sup>

On May 29, 2025, the Supreme Court strongly reaffirmed NEPA's procedural nature and finite scope with its unanimous decision in *Seven County Infrastructure Coalition v. Eagle County* (*Seven County*).<sup>28</sup> In the decision, the Supreme Court held that courts must afford agencies substantial deference when examining whether an agency was reasonable in determining the appropriate scope and contents of an environmental document prepared under NEPA. The Court explained that a NEPA analysis for a given project need not consider the broad effects of separate projects if an agency determines that those upstream and downstream effects are remote in both time and place.<sup>29</sup> The decision also admonished lower courts not to "substitute [their] judgment for that of the agency as to the environmental consequences of its actions."<sup>30</sup> *Seven County* was a significant milestone in returning common sense to the NEPA process and providing long-sought clarity that NEPA review should be focused on the project under consideration rather than broader, indirect impacts.

H.R. 4776, sponsored by Chairman Bruce Westerman (R-AR-04), would build upon the FRA reforms and make further improvements to the NEPA statute, such as codifying key pieces of the *Seven County* decision. The bill clarifies that NEPA is a "purely procedural statute"<sup>31</sup> that "does not mandate particular results, but simply prescribes the necessary process,"<sup>32</sup> borrowing language from the Supreme Court's decisions in *Seven County* and *Robertson v. Methow Valley Citizens Council*. The legislation also prevents duplication by allowing federal agencies to utilize environmental reviews conducted under other federal or state environmental statutes, so long as they meet the requirements of NEPA.

One of the most glaring issues with NEPA is that the statute does not clearly explain which effects an agency must consider as a part of its review. This leads to bloated environmental documents and egregious timelines. H.R. 4776 rectifies this issue by clarifying that agencies may

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<sup>26</sup> *State of Iowa v. Council on Env't Quality*, No 1:24cv00089 (D.N.D. 2024).

<sup>27</sup> Order, *State of Iowa v. Council on Env't Quality*, No 1:24cv00089 (D.N.D. Feb. 3, 2025), ECF No.145.

<sup>28</sup> 605 U. S. \_\_\_\_ (2025), [https://www.supremecourt.gov/opinions/24pdf/23-975\\_m648.pdf](https://www.supremecourt.gov/opinions/24pdf/23-975_m648.pdf).

<sup>29</sup> *Id.*

<sup>30</sup> *Seven County Infrastructure Coalition v. Eagle County*, 605 U. S. \_\_\_\_ (2025), [https://www.supremecourt.gov/opinions/24pdf/23-975\\_m648.pdf](https://www.supremecourt.gov/opinions/24pdf/23-975_m648.pdf).

<sup>31</sup> *Id.*

<sup>32</sup> *Robertson v. Methow Valley Citizens Council*, 490 U. S. 332, 350 (1989), <https://supreme.justia.com/cases/federal/us/490/332/>.



consider only those effects that are proximately caused by major federal actions and may not consider effects that are speculative or separate in time or place from major federal actions. The bill also ensures that agencies cannot use NEPA to significantly change proposed projects by mandating that the alternatives considered in the NEPA document meet the purpose and need of the applicant.

As previously discussed, NEPA establishes parameters for assessing and publicly disclosing the environmental impact of all “major federal actions.” Unfortunately, this term was not defined until passage of the FRA. The FRA tried to clarify the delineation between major and non-major federal actions. Specifically, the FRA defined major federal actions as actions subject to federal control and responsibility, while also including examples of non-major federal actions. Unfortunately, this definition was not comprehensive enough, as the Biden administration largely ignored the changes. H.R. 4776 would clarify the definition of major federal action by explaining once and for all that agencies may not determine an action to be a major federal action based solely on the provision of federal funds.

The bill also addresses frivolous claims under NEPA in several key ways. First, the bill stipulates that courts may hold that an agency failed to comply with NEPA only if the agency abused its substantial discretion and the agency would have reached a different decision absent that abuse. This language codifies the *Seven County* decision by ensuring that courts do not improperly substitute their judgements for those made by the agencies. Next, the bill clarifies that the only remedy available to courts in deciding NEPA cases is to remand the action back to the lead agency; they may not enjoin or vacate the challenged action. Because NEPA is a purely procedural statute that establishes a process, it stands to reason that if an agency erred in its process, it should go back and complete it, without the underlying action being disqualified or cancelled. Finally, the bill requires that NEPA claims be filed within 150 days after the action is made public and that the claimant must have submitted a comment during the public comment period in relation to the claim. This provision ensures a timely litigation process and that agencies are, at the very least, given the opportunity to address deficiencies before being sued.

#### **IV. MAJOR PROVISIONS & ANALYSIS**

##### **H.R. 573 (Rep. Yakym), “Studying NEPA’s Impact on Projects Act”**

##### **Section 2. Annual Report on NEPA’s Impact on Projects.**

- Directs CEQ to study NEPA litigation starting between June 2024 and June 2025, analyzing for each case the cause of action, lead federal agency, lead plaintiff, and project outcome.
- Requires CEQ to review the length and costs of EISs over the last 5 years and timelines to complete environmental reviews over the last 10 years.
- Directs CEQ to publish annual updates to these studies in a single report submitted to Congress and made publicly available.

## H.R. 4503 (Rep. Johnson of SD), the “ePermit Act”

### **Section 3. Establishment of Data Standards**

- Requires CEQ, in consultation with the Federal Permitting Improvement Steering Council (FPISC), the Chief Information Officers (CIO) Council, the Office of Management and Budget (OMB), and other relevant stakeholders and federal agencies, to develop, publish, and iteratively update data standards to assist with environmental reviews and authorizations within 180 days of enactment.
- Stipulates that data standards developed by CEQ must include a standardized taxonomy that allows federal agencies to identify and track data types, relationships, and values, as well as comprehensive data categories.

### **Section 4. Development of Prototype Tools**

- Instructs CEQ, in consultation with the Administrator of General Services Administration, FPISC, the CIO Council, OMB, and other relevant stakeholders and federal agencies, to design, test, and build prototype tools for environmental review and authorizations.
- Directs CEQ to prioritize building prototype tools that support case management systems, enable application submission tracking portals and automated permit applications, allow for data exchange between federal agency systems, and accelerate complex environmental reviews.

### **Section 5. Publication of Guidance for Implementation of Data Standards and Minimum Functional Requirements**

- Codifies minimum functional requirements for environmental review and authorization technology across federal agencies, including application data sharing, automated project screening, public availability of screening criteria, integrated geographic information system analysis tools, and public availability of screening criteria.
- Orders CEQ to publish guidance for how federal agencies will implement the data standards and minimum functional requirements within 30 days of enactment.

### **Section 6. Implementation of Data Standards and Minimum Functional Requirements**

- Requires, within 90 days of enactment, the head of each federal agency responsible for environmental reviews and authorizations to submit to CEQ an implementation plan that describes how the agency will incorporate CEQ’s data standards, minimum functional requirements, and prototype tools to existing systems.
- Directs the CIOs of each federal agency to submit to CEQ and OMB a report on their respective agencies’ progress towards implementing CEQ’s data standards, minimum functional requirements, and prototype tools twice annually.

### **Section 7. Unified Interagency Data System**

- Orders CEQ and agency heads to iteratively develop and maintain a unified interagency data system with shared digital services for environmental reviews and authorizations.
- Sets requirements for an interactive, digital, cloud-based portal, such as allowing project sponsors to submit all necessary documents in one place, real-time collaboration with



federal agencies, information exchange between agencies, data sharing with congress, public access to non-sensitive data, and cybersecurity considerations.

- Instructs CEQ to oversee piloting of shared services for environmental reviews and authorizations within one year of enactment.
- Requires CEQ, in consultation with FPISC, the CIO Council, and other relevant stakeholders and federal agencies, to submit annually to Congress a report on CEQ's progress on developing a unified interagency data system.
- Authorizes \$1 million for each of the fiscal years from 2026 through 2032 to remain available until expended to carry out this section.

### **Section 8. Authority to Enter into Contracts**

- Provides CEQ with the authority to enter into contracts and other arrangements for analyses, services, and products with federal agencies, private organizations, and businesses.

### **Section 9. Clarifying Rulemaking Authority**

- Stipulates that nothing in this Act gives CEQ or federal agencies the authority to impose additional regulatory processes or requirements beyond those expressly granted under NEPA or any other law.

### **Section 10. Definitions**

- Defines the terms authorization, authorization data, architecture, data standards, environmental review, federal agency and FPISC under this Act.

## **H.R. 4776 (Rep. Westerman), the “Standardizing Permitting and Expediting Economic Development Act” or the “SPEED Act”**

### **Section 2. NEPA Reform**

- Clarifies that NEPA is a purely procedural statute that does not mandate particular results but simply prescribes the necessary process.
- Prevents duplication by allowing federal agencies to utilize environmental reviews conducted under other federal environmental statutes or state statutes, so long as they meet the requirements of NEPA.
- Stipulates that agencies may consider only those effects that are proximately caused by the major federal action and may not consider effects that are speculative or separate in time or place from the major federal action.
- Ensures that agencies cannot use NEPA to change the purpose of a proposed project by mandating that the alternatives considered in the environmental document meet the purpose and need of the applicant.
- Defines “major federal action” under NEPA, clarifying that agencies may not determine an action to be a major federal action based solely on the provision of federal funds.

### **Section 3. Judicial Review**

- Explains that courts may hold that an agency failed to comply with NEPA only if the agency abused its substantial discretion and the agency would have reached a different decision absent that abuse.

- Mandates that the only remedy available to courts in deciding NEPA cases is to remand the action back to the lead agency and may not enjoin or vacate the action.
- Requires that NEPA claims be filed within 150 days after the action is made public and that the claimant must have submitted a comment during the public comment period in relation to the claim.

## **V. COST**

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available for any of the bills.

## **VI. ADMINISTRATIVE POSITION**

The Trump administration's position on any of these bills is unknown at this time.

## **VII. EFFECT ON CURRENT LAW (RAMSEYER)**

[H.R. 573](#)

[H.R. 4776](#)