



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 federal agencies consider the environmental impacts of their actions without mandating specific outcomes.
- *NEPA Equivalence:*
 - Adds into statute language providing equivalency for other federal, state and tribal 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 jurisdiction by law 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 predictable.
- *Scope of Environmental Review:*
 - Specifies that Environmental Assessments (EAs) and Environmental Impact Statements (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 a federal agency from withdrawing an environmental document for an action when there is an applicant, unless a court order is issued. The bill also prevents agencies from rescinding, withdrawing, or terminating authorizations unless specific criteria are met and the agency provides evidence for its action.
- *Presumption of Negative Impacts:*
 - For actions initiated by tribes for the use of their resources, it promotes tribal sovereignty by establishing a presumption that the no-action alternative would negatively impact the initiating tribe.
- *Early Engagement:*
 - Requires lead agencies to identify and invite federal agencies, states, tribes and local governments to participate as cooperating agencies within 21 days of being named lead agency. All identified agencies would meet to develop a schedule for completing the necessary review for the action.



- *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.
- *Timeline Certainty:*
 - Requires agencies to determine application completeness within 60 days. If an application is deemed incomplete, agencies would have to detail the necessary information required to complete it. Once an application is considered complete, agencies would have 60 days to determine and document the level of NEPA review required. Agencies would also be required to issue a final decision within 30 days of completing an environmental document.
- *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 EISs and one year for EAs.
- *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.
- *Reliance on Previously Completed Environmental Documents:*
 - Allows agencies to rely on previously completed environmental documents for actions that are substantially the same and have similar effects. Also permits agencies to modify existing documents instead of creating new ones from scratch for similar actions.
- *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, grants and cost-share awards cannot trigger NEPA review. Also clarifies that agencies do not need to go through NEPA twice for permits and authorizations if the effects of the permit or authorization were considered in a previous NEPA document. This reduces 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 exclude effects that are speculative or separate in place and time from an EIS. This provision 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.

➤ *Role of the Court:*

- Codifies elements of the Supreme Court’s decision in *Seven County Infrastructure Coalition v. Eagle County, Colorado*, by clarifying that courts shall afford substantial deference to agencies and may not substitute their judgment for that of the agencies with respect to 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. Because NEPA is a procedural statute, remand to address deficiencies would be the sole remedy available to courts. Such a remedy would still require agencies to revisit and complete the necessary NEPA review. Agencies would have 180 days to address any deficiencies upon remand. Applicants would be able to appeal remand decisions.

➤ *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 are suffering or will suffer direct harm as a result of the action. These provisions ensure that agencies have the opportunity to correct NEPA deficiencies before litigation and ensure claims are filed by those truly affected by the underlying action.

➤ *Supplemental Environmental Documents:*

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

➤ *Actions for Use of Tribal Trust Resources:*

- Restricts 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 brought and by whom, including the tribe, adjacent landowners and other directly affected parties. This provision will reduce litigation delays for projects on tribally controlled lands.

➤ *Expedited Resolution for Legal Challenges:*

- Requires courts to resolve NEPA-related cases within 180 days and mandates that appeals be filed within 60 days of a decision. Requires courts to resolve such an appeal within 180 days. This provision reduces the time spent in litigation, reducing delays and cost overruns.