



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

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

NEPA establishes parameters for assessing and publicly disclosing the environmental impact of all “major federal actions,”²⁷ 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.²⁸ These delays have imposed significant time and cost burdens, with environmental analysis adding an estimated average of \$4.2 million to project costs.²⁹ 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.³⁰ This data contrasts sharply with CEQ’s 1981 prediction that agencies would be able to complete EISs in twelve months or less.³¹ Adding to this complexity is the fact that NEPA is the “most frequently litigated environmental statute,” according to the Department of Justice.³² A recent study by the Breakthrough Institute reveals that NEPA-related litigation on EISs takes an average of 4.2 years to resolve.³³

On June 2, 2023, President Biden signed into law the FRA,³⁴ which included the first significant NEPA reforms in over 40 years. Those reforms defined ambiguous terms in the statute and set time and page limits for NEPA documents. Unfortunately, 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 largely ignored the FRA’s changes, instead choosing to weaponize the NEPA process to delay critical domestic energy projects.

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)*.³⁵ In the decision, the Supreme Court held that courts must afford agencies substantial deference when examining whether an agency acted reasonably in determining the appropriate scope and content 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

²⁷ 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.

²⁸ Healthy Forests, Healthy Communities, 2020.

²⁹ NEPA Modernization 101: An Outdated Environmental Law the is Impeding Clean Energy Developments, C3 SOLUTIONS, <https://www.c3solutions.org/policy-paper/nepa-modernization-101/>.

³⁰ 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>.

³¹ 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>.

³² Nina M. Hart & Linda Tsang, "National Environmental Policy Act: Judicial Review and Remedies," Congressional Research Service, September 22, 2021, IF11932.

³³ 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>.

³⁴ 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/>.

³⁵ 605 U. S. ____ (2025), https://www.supremecourt.gov/opinions/24pdf/23-975_m648.pdf.

separate projects if an agency determines that those upstream and downstream effects are remote in both time and place.³⁶ The decision also admonished lower courts not to "substitute [their] judgment for that of the agency as to the environmental consequences of its actions."³⁷ *Seven County* was a significant milestone in returning common sense to the NEPA process and in providing long-sought clarity that NEPA review should focus on the project under consideration rather than broader, indirect impacts.

H.R. 4776, led by Chairman Bruce Westerman (R-AR-04) and Jared Golden (D-ME-02), would build on the FRA reforms and further improve NEPA, including codifying key aspects of the *Seven County* decision. The bill clarifies that NEPA is a "purely procedural statute"³⁸ that "does not mandate particular results, but simply prescribes the necessary process,"³⁹ 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 it does not clearly explain which effects an agency must consider in a review. This omission has led to bloated environmental documents and egregious timelines. H.R. 4776 rectifies this issue by clarifying that agencies may consider only those effects proximately caused by major federal actions and may not consider effects that are speculative or separate in time or place from those actions. By mandating that the alternatives considered in a given NEPA document meet the applicant's purpose and need, the bill also ensures that agencies cannot use NEPA to significantly change proposed projects they disfavor.

As previously discussed, NEPA establishes parameters for assessing and publicly disclosing the environmental impact of all "major federal actions." This term was not defined until the passage of the FRA. Unfortunately, that 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 NEPA claims in several key ways. First, the bill codifies the *Seven County* decision by ensuring that courts do not improperly substitute their judgments 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 must be filed by

claimants who submitted a comment during the public comment period, have a claim related to their comment, and have been, or imminently will be, harmed by the proposed action. This

³⁶ *Id.*

³⁷ *Seven County Infrastructure Coalition v. Eagle County*, 605 U. S. ____ (2025),

https://www.supremecourt.gov/opinions/24pdf/23-975_m648.pdf.

³⁸ *Id.*

³⁹ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989), <https://supreme.justia.com/cases/federal/us/490/332/>.

provision facilitates a more timely litigation process and ensures that agencies are, at the very least, given the opportunity to address deficiencies before being sued.

At markup, an ANS will be offered that includes technical changes and edits that further the bill's goals. Specifically, the edits would limit claims against tribal projects, establish new timelines for agency organization and pre-NEPA activities, and allow agencies to rely on previously completed environmental documents for similar actions.

Hearing information, including testimony, may be viewed [here](#), and the hearing memo may be viewed [here](#).

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