Standardizing Permitting and Expediting Economy Development Act: Congressman Westerman (Arkansas) Introduces National Environmental Policy Act Amendments



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07/29/2025

United States Congressman Bruce Westerman (R-Arkansas) has introduced legislation into the United States House of Representatives titled:

Standardizing Permitting and Expediting Economic Development Act ("SPEED Act").

The SPEED Act is co-sponsored by Congressman Jared Golden (D-Maine).

Congressman Westerman serves as the Chairman of the United States House of Representatives Natural Resources Committee.

The SPEED Act would amend the National Environmental Policy Act ("NEPA"), which was enacted in 1970.

NEPA was arguably the first federal environmental statute enacted in the modern era of environmental law.

NEPA requires federal agencies to include values and issues in their decision-making process. This federal mandate is accomplished by agency consideration of environmental impacts of proposed actions and reasonable alternatives of those actions.

The statute requires federal agencies in certain circumstances to prepare a detailed Environmental Impact Statement ("EIS"). However, the requirement to prepare this document is only triggered in the event of a major federal action which will significantly affect the human environment.

NEPA differs from action-forcing environmental statutory programs such as the Clean Air Act or Clean Water Act. It does not impose substantive mandates. Instead, it is limited to requiring federal agencies to meet procedural requirements such as preparation of an EIS or an Environmental Assessment. As a result, NEPA does not require a certain alternative or meet a particular standard.

The 1970 legislation also created the Council of Environmental Quality ("CEQ") in the White House which is tasked with the oversight of the federal implementation of NEPA. CEQ had traditionally been responsible for issuing regulations intended to guide the federal agencies interpreting NEPA's procedural requirements. However, in a 2024 Opinion, the United States Court of Appeals of the District of Columbia Circuit held that CEQ lacks rulemaking authority. Therefore, the federal agencies themselves and

presumably the thousands of decisions interpreting NEPA issued by the courts are the primary guidelines for interpreting NEPA.

Despite the absence of substantive mandates, there has been constant disagreement among various interest groups about the scope of NEPA. Equally divisive have been arguments as to the length of the NEPA review process. This has been particularly true in the case of significant infrastructure projects.

Congressmen Westerman and Golden state that the purpose of the SPEED Act is to modernize NEPA and streamline the permitting process. Congressman Westerman is quoted as stating:

...America's model of successful environmental stewardship alongside strong economic growth is being hobbled by a more than half-century old permitting process that is overdue for a tuneup. Although well-intentioned, the National Environmental Policy Act has not kept up with the times which is bad for both our environment and our economy. With commonsense upgrades, we can cut red tape and enable the United States to build once again while setting the standard for environmental stewardship.

Congressman Goldman's press release regarding the SPEED Act states that the legislation will:

- Clarify the definition of "major federal action".
- Streamline the permitting process.
- Shorten permitting timelines.
- Reduce the frequency of frivolous litigation.
- Establish judicial review limitations for NEPA claims.
- Provide a 150-day deadline for filing claims.

The Sierra Club issued a July 25th news release stating in part:

…This proposed legislation comes on the heels of new federal agency rules that drastically undermine NEPA and a Supreme Court ruling that narrows the scope of environmental reviews under the bedrock environmental law.

Mahyar Sorour of the Sierra Club is quoted as stating:

…This permitting bill would simply double down on efforts by the Trump administration to fast-track fossil fuel projects with no safeguards and regardless of community concerns. In order to meet our current and future energy demands, we must not rely on dirty, dangerous energy of the past. We urge Congress to reject this legislation and support policies that accelerate the deployment of clean energy that doesn't sacrifice communities or undermine bedrock environmental laws.

A copy of the SPEED Act can be downloaded here.