

November 19, 2025

Re: Judicial Review Provisions in H.R. 4776 - The “SPEED Act”

Dear Member of Congress:

On behalf of our organizations, we write to oppose **H.R. 4776, the *Standardizing Permitting and Expediting Economic Development Act*** (SPEED Act; Rep. Westerman). This legislation not only fundamentally weakens the National Environmental Policy Act (NEPA) but also sets a deeply troubling precedent for our court system that goes far beyond its stated intent. At a time when an independent and strong judiciary is more essential than ever to our democracy, the dangers of this legislation could not be more clear.

Prioritizing Permitting Cases Above All Others

The SPEED Act would establish a dangerous new precedent by requiring federal courts to prioritize permitting cases – many of which are brought by industry – over *nearly every other matter*. That means permitting cases would jump the line ahead of cases involving voting rights, civil liberties, human trafficking, reproductive freedoms, environmental protection, and criminal justice, among others.

Specifically, the bill text directs the courts to move “as expeditiously as practicable,” and issue a final judgment within 180 days of the agency record being filed (which itself must be filed within 30 days of the complaint). Appeals would also have to be decided within 180 days. In addition, if a court finds the agency violates the law, then the court is required to set a 180-day deadline for agencies to act on remand.

This provision ignores the basic realities of the judicial process. Briefing, oral arguments, and deliberations take time, and our federal courts are already severely overburdened. As of 2024, U.S. district courts were managing 750,000 pending cases. Currently, 19 federal districts are designated as judicial emergencies due to vacancies and excessive workload. In this strained judicial environment, are permitting cases truly the most deserving of an expedited timeline among hundreds of thousands of cases?

In addition, federal courts already have the discretion to expedite cases when justice demands it. By imposing rigid timelines with no deference to the judicial branch, the SPEED Act would force courts to delay other critical matters for the benefit of corporate plaintiffs. Historically, when Congress has directed courts to expedite consideration of certain matters, such as death penalty appeals or issues related to the Foreign Intelligence Surveillance Act of 1978, it has instructed them to do so as “expeditiously as possible.” The stricter language and binding timelines imposed by the SPEED Act would unnecessarily undermine the separation of powers and courts’ inherent authority to manage their own schedules.

Slashing the Statute of Limitations to Five Months

The SPEED Act would also slash the statute of limitations to challenge a federal agency's decision under NEPA from six years to just five months.

While Congress has authority to set time limits, this change would effectively block much of the public's access to the courts. Frontline communities, Tribal Nations, and local residents often do not even learn that a federal approval has been granted within five months, much less gather resources or legal representation for a challenge. This arbitrarily short deadline is simply a back-door tactic to silence vulnerable communities and shield unlawful decisions from scrutiny.

Punitively shortening the statute of limitations while also forcing everyday Americans to the back of the judicial line, just so a few powerful industries can move faster, would not just be justice delayed; for too many, it would be justice denied. We strongly urge you to oppose the SPEED Act and reject the dangerous precedent it represents.

Sincerely,

American Association for Justice

Center for Justice & Democracy

Earthjustice

Impact Fund

Public Justice