

119TH CONGRESS  
1ST SESSION

# H. R. 4776

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## AN ACT

To amend the National Environmental Policy Act of 1969 to clarify ambiguous provisions and facilitate a more efficient, effective, and timely environmental review process.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Standardizing Permit-  
3 ting and Expediting Economic Development Act” or the  
4 “SPEED Act”.

5 **SEC. 2. NEPA REFORM.**

6 (a) PURPOSE.—Section 2 of the National Environ-  
7 mental Policy Act of 1969 (42 U.S.C. 4321) is amended—

8 (1) by striking “The purposes” and inserting  
9 “(a) The purposes”; and

10 (2) by adding at the end the following:

11 “(b) This Act is a purely procedural statute intended  
12 to ensure Federal agencies consider the environmental im-  
13 pacts of their actions during the decisionmaking process.  
14 This Act does not mandate particular results, and only  
15 prescribes a process. Nothing in this Act shall be con-  
16 strued to mandate any specific environmental outcome or  
17 result, nor shall this Act be interpreted to confer sub-  
18 stantive rights or impose substantive duties beyond proce-  
19 dural requirements.”.

20 (b) PROCEDURE FOR DETERMINATION OF LEVEL OF  
21 REVIEW.—Section 106 of the National Environmental  
22 Policy Act of 1969 (42 U.S.C. 4336) is amended—

23 (1) in the heading, by inserting “; **SCOPE OF**  
24 **REVIEW**” after “**LEVEL OF REVIEW**”;

25 (2) in subsection (a)—

26 (A) in paragraph (3), by striking “or”;

1 (B) in paragraph (4), by striking “action.”  
2 and inserting “action;”; and

3 (C) by adding at the end the following:

4 “(5) the agency determines the proposed agency  
5 action is an action for which such agency’s compli-  
6 ance with another statute’s requirements serves the  
7 function of agency compliance with this Act with re-  
8 spect to such action; or

9 “(6) the proposed agency action relates to a  
10 project or action that has already been reviewed pur-  
11 suant to a State environmental review statute or a  
12 Tribal environmental review statute, ordinance, reso-  
13 lution, regulation, or formally adopted policy and the  
14 lead agency determines such review serves the func-  
15 tion of agency compliance with this Act.”;

16 (3) in subsection (b)—

17 (A) in paragraph (2), by striking “does  
18 not” and inserting “is not likely to”; and

19 (B) in paragraph (3), by amending sub-  
20 paragraph (B) to read as follows:

21 “(B) is not required to—

22 “(i) undertake new scientific or tech-  
23 nical research unless the new scientific or  
24 technical research is essential to a rea-  
25 soned choice among alternatives, and the

1 overall costs and time frame of obtaining it  
2 are not unreasonable; or  
3 “(ii) undertake new scientific or tech-  
4 nical research after the receipt of an appli-  
5 cation, as applicable, with respect to a pro-  
6 posed agency action.”; and

7 (4) by adding at the end the following:

8 “(c) SCOPE OF REVIEW.—In preparing an environ-  
9 mental document for a proposed agency action, a Federal  
10 agency—

11 “(1) may consider only those effects that share  
12 a reasonably close causal relationship to, and are  
13 proximately caused by, the immediate project or ac-  
14 tion under consideration; and

15 “(2) may not consider effects that are specula-  
16 tive, attenuated from the project or action, separate  
17 in time or place from the project or action, or in re-  
18 lation to separate existing or potential future  
19 projects or actions.

20 “(d) CERTAINTY.—

21 “(1) ENVIRONMENTAL DOCUMENTS.—A Fed-  
22 eral agency may not rescind, withdraw, amend, alter,  
23 or otherwise render ineffective any environmental  
24 document completed under this Act for a project or  
25 action where there is an applicant unless the Federal

1 agency has been so ordered by a court or the appli-  
2 cant has agreed in writing to such rescission, with-  
3 drawal, amendment, or alteration.

4 “(2) AUTHORIZATIONS.—

5 “(A) IN GENERAL.—Except as provided in  
6 this subsection or existing law, a Federal agen-  
7 cy may not revoke, rescind, withdraw, termi-  
8 nate, suspend, amend, alter, or take any other  
9 action to interfere with an authorization un-  
10 less—

11 “(i) the Federal agency is required to  
12 take such action by order of a court of  
13 competent jurisdiction;

14 “(ii) the holder of the authorization  
15 has materially breached the terms of the  
16 authorization, or otherwise violated appli-  
17 cable law;

18 “(iii) the authorization was obtained  
19 through fraud, intentional concealment, or  
20 material misrepresentation;

21 “(iv) such action is necessary to pre-  
22 vent specific, immediate, substantial, and  
23 proximate harm or damage to life, prop-  
24 erty, national security, or defense that was  
25 not considered in the underlying environ-

1           mental review process or final agency ac-  
2           tion for the authorization; or

3           “(v) the Federal agency has received  
4           a request from the holder of the authoriza-  
5           tion or project sponsor to take such action.

6           “(B) REQUIREMENT.—The actions de-  
7           scribed in subparagraph (A) shall be, as appro-  
8           priate and where feasible, supported by clear  
9           and convincing evidence and reasonably limited  
10          in duration and scope by the agency to address  
11          the specific issue such action is intended to ad-  
12          dress.

13          “(C) NOTICE.—Before an agency takes an  
14          action described in subparagraph (A), the agen-  
15          cy shall notify the holder of the authorization  
16          and the project sponsor in writing of such ac-  
17          tion, including by providing a detailed expla-  
18          nation of the action, identifying the statutory  
19          authority relied upon for the action, and pro-  
20          viding the evidence supporting the action.

21          “(D) JUDICIAL REVIEW.—

22                 “(i) IN GENERAL.—An action de-  
23                 scribed in subparagraph (A) shall be sub-  
24                 ject to judicial review under chapter 7 of  
25                 title 5, United States Code.

1                   “(ii) VENUE.—A person seeking judi-  
2                   cial review of an action described in sub-  
3                   paragraph (A) may only obtain review of  
4                   such action in the United States court of  
5                   appeals for any circuit wherein the project  
6                   for which the authorization was issued is  
7                   located.

8                   “(iii) PETITIONS BY FEDERAL AGEN-  
9                   CIES.—No Federal agency may petition a  
10                  court for vacatur or voluntary remand of  
11                  an authorization unless the holder of the  
12                  authorization or the project sponsor con-  
13                  sents in writing to such a petition.

14               “(E) SAVINGS CLAUSE.—Nothing in sub-  
15               paragraph (A) shall be construed to provide any  
16               Federal agency new, enhanced, or expanded au-  
17               thority, or to limit any existing authority, con-  
18               cerning any authorization.

19               “(e) PRESUMPTION OF NEGATIVE IMPACTS OF TAK-  
20               ING NO ACTION RELATING TO TRIBAL TRUST RE-  
21               SOURCES.—For any proposed agency action carried out  
22               on, or directly affecting, tribal trust resources (including  
23               lands and minerals) that is initiated by the federally recog-  
24               nized Indian Tribe for which the United States holds the  
25               affected resources in trust, and for which an environ-

1 mental document was prepared that included consider-  
 2 ation of a no action alternative, there shall be a presump-  
 3 tion that the effects of taking no action will be negative  
 4 for the federally recognized Indian Tribe.

5 “(f) EFFECT OF THRESHOLD DETERMINATIONS ON  
 6 OTHER AGENCIES.—If a lead agency determines an envi-  
 7 ronmental document is not required to be prepared with  
 8 respect to a proposed agency action under subsection (a),  
 9 another agency may not prepare an environmental docu-  
 10 ment with respect to such proposed agency action.”.

11 (c) TIMELY AND UNIFIED FEDERAL REVIEWS.—

12 (1) LEAD AGENCY.—Section 107(a) of the Na-  
 13 tional Environmental Policy Act of 1969 (42 U.S.C.  
 14 4336a(a)) is amended—

15 (A) in paragraph (2)—

16 (i) in subparagraph (B), by striking  
 17 “at the earliest practicable time” and in-  
 18 serting “in accordance with subsection  
 19 (g)(2)”;

20 (ii) in subparagraph (D), by striking  
 21 “carry out the proposed agency action”  
 22 and inserting “carry out the proposed  
 23 agency action in compliance with the dead-  
 24 lines outlined in subsection (g)”;

25 (iii) in subparagraph (E)—

1 (I) by striking “a review” and in-  
2 serting “an environmental review”;  
3 and

4 (II) by striking “such review”  
5 and inserting “such environmental re-  
6 view”; and

7 (B) in paragraph (3)—

8 (i) by inserting “(including counties,  
9 boroughs, parishes, and other political sub-  
10 divisions of a State)” after “local agency”;  
11 and

12 (ii) by adding at the end “Such com-  
13 ments from Federal cooperating agencies  
14 shall be limited to matters relating to the  
15 proposed agency action with respect to  
16 which such Federal cooperating agency has  
17 jurisdiction by law.”.

18 (2) ONE DOCUMENT.—Section 107(b) of the  
19 National Environmental Policy Act of 1969 (42  
20 U.S.C. 4336a(b)) is amended—

21 (A) by striking “To the extent prac-  
22 ticable,” and inserting the following:

23 “(1) DOCUMENT.—To the extent practicable,”;  
24 and

25 (B) by adding at the end the following:

1 “(2) CONSIDERATION TIMING.—

2 “(A) IN GENERAL.—In preparing an envi-  
3 ronmental document for a proposed agency ac-  
4 tion, no Federal agency shall be required to  
5 consider any scientific or technical research  
6 that becomes publicly available after the earlier  
7 of, as applicable—

8 “(i) the date of receipt of an applica-  
9 tion with respect to such proposed agency  
10 action; and

11 “(ii) the date of publication of a no-  
12 tice of intent or decision to prepare such  
13 environmental document for such proposed  
14 agency action.

15 “(B) APPLICABILITY TO OTHER LAW.—  
16 This paragraph does not affect any review of  
17 information required under subchapter II of  
18 chapter 5 of title 5, United States Code, with  
19 respect to comments received during the public  
20 comment period as applicable.

21 “(C) DELAY.—A Federal agency may not  
22 delay the issuance of an environmental docu-  
23 ment or a final agency action, including any de-  
24 cision or determination, on the basis of awaiting  
25 new scientific or technical research or informa-

1           tion that was not available as of the earlier of  
2           the dates described in subparagraph (A).”.

3           (3) STATEMENT OF PURPOSE AND NEED.—Sec-  
4           tion 107(d) of the National Environmental Policy  
5           Act of 1969 (42 U.S.C. 4336a(d)) is amended by  
6           striking “action.” and inserting “action. Where ap-  
7           plicable, the statement of purpose and need shall  
8           meet the goals of the applicant.”.

9           (4) DEADLINES.—Section 107(g) of the Na-  
10          tional Environmental Policy Act of 1969 (42 U.S.C.  
11          4336a(g)) is amended—

12                   (A) by redesignating paragraphs (1), (2),  
13                   and (3) as paragraphs (3), (5), and (6), respec-  
14                   tively;

15                   (B) by inserting before paragraph (3) (as  
16                   so redesignated) the following:

17                   “(1) APPLICATIONS FOR AUTHORIZATIONS.—

18                           “(A) NOTIFICATION OF COMPLETE OR IN-  
19                   COMPLETE APPLICATION.—Unless a shorter  
20                   deadline is specified by law, in connection with  
21                   a proposed agency action for which an applicant  
22                   submitted an application for an authorization to  
23                   an agency, not later than 60 days after the date  
24                   on which the applicant submits the application

1 to the agency, the agency shall document the  
2 receipt of the application and—

3 “(i) notify the applicant that the ap-  
4 plication is complete; or

5 “(ii) notify the applicant that the ap-  
6 plication is incomplete and request in writ-  
7 ing any additional information that the  
8 agency needs to determine that the appli-  
9 cation is complete and begin preparation of  
10 an environmental document.

11 “(B) AGENCY DETERMINATION.—

12 “(i) COMPLETE DETERMINATION.—If  
13 an agency determines an application is  
14 complete under subparagraph (A)(i), the  
15 agency shall, not later than 60 days after  
16 the date on which the agency makes such  
17 determination—

18 “(I) notify the applicant that the  
19 agency has determined that the pro-  
20 posed agency action is excluded pur-  
21 suant to one of the agency’s categor-  
22 ical exclusions, is not a major Federal  
23 action, or that no further agency ac-  
24 tion is required;

1 “(II) issue a notice of intent to  
2 prepare an environmental impact  
3 statement for such proposed agency  
4 action; or

5 “(III) notify the applicant that  
6 the agency has determined that prepa-  
7 ration of an environmental assessment  
8 is necessary.

9 “(ii) INCOMPLETE DETERMINATION.—  
10 If the agency requests additional informa-  
11 tion under subparagraph (A)(ii), the dead-  
12 line described in clause (i) shall be based  
13 on the date on which the agency receives  
14 the additional information instead of the  
15 date on which the determination is made.

16 “(2) COOPERATING AGENCIES.—

17 “(A) IN GENERAL.—Not later than 21  
18 days after a lead agency issues a notice of in-  
19 tent under paragraph (1)(B)(i)(II) or notifies  
20 an applicant under paragraph (1)(B)(i)(III)  
21 with respect to a proposed agency action, the  
22 lead agency shall—

23 “(i) identify all agencies that are like-  
24 ly to have environmental review, authoriza-

tion, or other responsibilities with respect  
to the proposed agency action; and

“(ii) invite each such agency to become a cooperating agency.

“(B) DEADLINE TO ACCEPT INVITATION.—

Not later than 21 days after an agency receives an invitation to become a cooperating agency under subparagraph (A)(ii), such agency shall accept or deny the invitation.

“(C) CONVENING OF COOPERATING AGEN-

CIES.—Not later than 7 days after the deadline described in subparagraph (B) has passed for each agency that received an invitation to become a cooperating agency under subparagraph (A)(ii), the lead agency that sent each such invitation shall convene each agency that accepts such an invitation to coordinate on developing the schedule under subsection (a)(2)(D) for the applicable proposed agency action.

“(D) UNIDENTIFIED AGENCIES.—In the

event that an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed agency action is not identified under subpara-

graph (A)(i), the lead agency with respect to the proposed agency action shall—

“(i) invite such unidentified agency to become a cooperating agency by not later than 7 days after becoming aware that the agency has jurisdiction by law or special expertise; and

“(ii) if such agency accepts the invitation, incorporate such agency into the schedule developed under subsection (a)(2)(D) and update such schedule accordingly by not later than 14 days after the date on which such agency accepts the invitation.”;

(C) in paragraph (3) (as so redesignated)—

(i) by striking “IN GENERAL” and inserting “REVIEW TIMELINE”; and

(ii) by striking “(2)” and inserting “(5)”;

(D) by inserting after paragraph (3) (as so redesignated) the following:

“(4) DEADLINE FOR FINAL AGENCY ACTION.—

For any proposed agency action for which an applicant submitted an application for an authorization

1 to an agency, not later than 30 days after com-  
2 pleting an environmental impact statement or an en-  
3 vironmental assessment for the proposed agency ac-  
4 tion, the lead agency, and any cooperating agency,  
5 shall issue a final agency action. The agency issuing  
6 such final agency action shall include in the final  
7 agency action a performance schedule for the com-  
8 pletion of any other outstanding authorizations.”;

9 (E) in paragraph (5) (as so redesign-  
10 nated)—

11 (i) by striking “the deadline described  
12 in paragraph (1)” and inserting “a dead-  
13 line described in this subsection”; and

14 (ii) by striking “, in consultation with  
15 the applicant, to” and inserting “if the ap-  
16 plicant approves such extension. If the ap-  
17 plicant approves such extension, the lead  
18 agency shall”;

19 (F) in paragraph (6) (as so redesign-  
20 nated)—

21 (i) by striking “A project sponsor  
22 may” and inserting “Except as provided in  
23 subparagraph (C), a project sponsor may”;  
24 and

1 (ii) by adding at the end the fol-  
2 lowing:

3 “(C) EXCEPTION.—A project sponsor that  
4 approved an extension of a deadline under para-  
5 graph (5) may not obtain judicial review of a  
6 failure to act in accordance with such deadline  
7 under subparagraph (A) unless the lead agency  
8 fails to meet the new deadline or is delaying for  
9 reasons other than those necessary to complete  
10 its review.”; and

11 (G) by adding at the end the following:

12 “(7) CONCURRENT REVIEW.—In carrying out  
13 an environmental review, the lead agency and each  
14 cooperating agency shall carry out the obligations of  
15 that agency under other applicable laws concu-  
16 rently, and in conjunction, with other required re-  
17 views for the proposed agency action, pursuant to  
18 the requirements of applicable law, including, if ap-  
19 plicable, under this Act.”.

20 (d) PROGRAMMATIC ENVIRONMENTAL DOCU-  
21 MENTS.—Section 108 of the National Environmental Pol-  
22 icy Act of 1969 (42 U.S.C. 4336b) is amended—

23 (1) by striking “When an agency prepares” and  
24 inserting the following:

1       “(a) PROGRAMMATIC ENVIRONMENTAL DOCU-  
2 MENTS.—When an agency prepares”;

3           (2) in paragraph (1), by striking “5” and in-  
4 serting “10”;

5           (3) in paragraph (2), by striking “5” and in-  
6 serting “10”; and

7           (4) by adding at the end the following:

8       “(b) RELIANCE ON PREVIOUSLY COMPLETED ENVI-  
9 RONMENTAL REVIEWS.—

10           “(1) ACTIONS THAT ARE SUBSTANTIALLY THE  
11 SAME.—A lead agency may satisfy the requirements  
12 of this Act with respect to a major Federal action  
13 by relying on an environmental assessment, environ-  
14 mental impact statement, or a categorical exclusion  
15 determination that the lead agency, another Federal  
16 agency, or a project sponsor under the supervision of  
17 a Federal agency completed for another major Fed-  
18 eral action if the lead agency determines that—

19           “(A) the new major Federal action is sub-  
20 stantially the same as the other major Federal  
21 action or, if applicable, an alternative analyzed  
22 in such environmental assessment or environ-  
23 mental impact statement; and

24           “(B) if applicable, the effects of the new  
25 major Federal action are substantially the same

1 as the effects analyzed in such environmental  
2 assessment or environmental impact statement.

3 “(2) ACTIONS THAT ARE NOT SUBSTANTIALLY  
4 THE SAME.—If a new major Federal action is not  
5 substantially the same as another major Federal ac-  
6 tion or an alternative analyzed in an environmental  
7 assessment or environmental impact statement com-  
8 pleted by the lead agency, another Federal agency,  
9 or a project sponsor under the supervision of a Fed-  
10 eral agency, the lead agency may modify or augment  
11 any such previously completed environmental assess-  
12 ment or environmental impact statement as nec-  
13 essary to satisfy the requirements of this Act with  
14 respect to the new major Federal action. The lead  
15 agency shall make such modified environmental as-  
16 sessment or environmental impact statement publicly  
17 available as a new environmental assessment or envi-  
18 ronmental impact statement.”.

19 (e) ADOPTION OF CATEGORICAL EXCLUSIONS.—Sec-  
20 tion 109 of the National Environmental Policy Act of  
21 1969 (42 U.S.C. 4336c) is amended in the text preceding  
22 paragraph (1), by inserting “, or that was legislatively en-  
23 acted by Congress,” after “procedures”.

1 (f) DEFINITIONS.—Section 111 of the National Envi-  
2 ronmental Policy Act of 1969 (42 U.S.C. 4336e) is  
3 amended—

4 (1) by redesignating paragraphs (1) through  
5 (13) as paragraphs (2) through (14), respectively;

6 (2) by inserting before paragraph (2) (as so re-  
7 designated) the following:

8 “(1) AUTHORIZATION.—The term ‘authoriza-  
9 tion’ means any lease, right-of-way, easement, li-  
10 cense, permit, approval, finding, determination, or  
11 other administrative decision issued by an agency or  
12 any interagency consultation that is required or au-  
13 thorized under Federal law in order to construct,  
14 modify, or operate a project.”;

15 (3) in paragraph (2) (as so redesignated), by  
16 inserting “, or Congress deems by statute,” after  
17 “Federal agency has determined”;

18 (4) in paragraph (11) (as so redesignated)—

19 (A) in subparagraph (B)—

20 (i) in clause (iii)—

21 (I) by inserting “grants (includ-  
22 ing capitalization grants), cost share  
23 awards,” after “loan guarantees,”;

24 (II) by striking “sufficient” and  
25 inserting “complete”; and

1 (III) by striking “subsequent use  
2 of such financial assistance or the”;

3 (ii) by redesignating clauses (iv)  
4 through (vii) as clauses (vi) through (ix),  
5 respectively; and

6 (iii) by inserting after clause (iii) the  
7 following:

8 “(iv) farm ownership loans and oper-  
9 ating loan guarantees by the Farm Service  
10 Agency pursuant to sections 305 and 311  
11 through 319 of the Consolidated Farm and  
12 Rural Development Act;

13 “(v) the issuance of an authorization  
14 by an agency where the effects of the ac-  
15 tion or project being permitted or author-  
16 ized were previously evaluated by another  
17 agency in compliance with this Act;”; and  
18 (B) by adding at the end the following:

19 “(C) ADDITIONAL EXCLUSIONS.—An agen-  
20 cy action may not be determined to be a major  
21 Federal action solely on the basis of the provi-  
22 sion of Federal funds, including a grant, loan,  
23 loan guarantee, and funding assistance.”; and  
24 (5) by adding at the end the following:

1           “(15) REASONABLY FORESEEABLE.—The term  
2           ‘reasonably foreseeable’, with respect to environ-  
3           mental effects of a proposed agency action—

4                   “(A) means effects that share a reasonably  
5           close causal relationship to, and are proximately  
6           caused by, the immediate project or action  
7           under consideration; and

8                   “(B) does not include effects that are—

9                           “(i) speculative;

10                           “(ii) attenuated from the proposed  
11           agency action;

12                           “(iii) separate in time or place from  
13           the proposed agency action; or

14                           “(iv) in relation to separate existing  
15           or potential future projects.”.

16           (g) DUTIES.—Section 204 of the National Environ-  
17           mental Policy Act of 1969 (42 U.S.C. 4344) is amended  
18           in paragraph (4) by inserting “energy,” after “health,”.

19   **SEC. 3. JUDICIAL REVIEW.**

20           Title I of the National Environmental Policy Act of  
21           1969 (42 U.S.C. 4331 et seq.) is amended—

22                   (1) by redesignating section 112 as section  
23           110A and moving such section so as to appear after  
24           section 110; and

1           (2) by inserting before section 111 the fol-  
2       lowing:

3   **“SEC. 110B. JUDICIAL REVIEW.**

4       “(a) **ROLE OF THE COURT.**—In reviewing a claim of  
5       whether a final agency action complies with the require-  
6       ments of this Act, a court—

7           “(1) shall afford substantial deference to the  
8       agency; and

9           “(2) may not substitute its judgment for that  
10       of the agency regarding the environmental effects in-  
11       cluded in the final agency action or included in the  
12       environmental document.

13       “(b) **REMAND.**—

14           “(1) **IN GENERAL.**—If a court holds, under sec-  
15       tion 706(2)(A) of title 5, United States Code, that  
16       a final agency action does not comply with the re-  
17       quirements of this Act, the only remedy the court  
18       may order, notwithstanding chapter 7 of title 5,  
19       United States Code, is to remand, without vacatur  
20       or injunction, the final agency action to the agency  
21       with—

22           “(A) specific instruction to correct the er-  
23       rors or deficiencies found by the court; and

1 “(B) a reasonable schedule and deadline to  
2 correct such errors or deficiencies, which such  
3 deadline may not exceed—

4 “(i) with regard to an order entered  
5 on or after the date of enactment of this  
6 section, the date that is 180 days after the  
7 date on which the order was entered; and

8 “(ii) with regard to an order entered  
9 before the date of enactment of this sec-  
10 tion, the date that is 180 days after the  
11 date of enactment of this section.

12 “(2) CONTINUED EFFECT OF FINAL AGENCY  
13 ACTION.—A final agency action remanded under  
14 paragraph (1) shall remain in effect while the Fed-  
15 eral agency corrects any errors or deficiencies found  
16 by the court.

17 “(c) LIMITATIONS ON CLAIMS.—

18 “(1) IN GENERAL.—Notwithstanding any other  
19 provision of law (except as provided in subparagraph  
20 (A) with respect to a shorter deadline), a claim de-  
21 scribed in subsection (a) shall be barred unless—

22 “(A) such claim is filed not later than 150  
23 days after the final agency action is made pub-  
24 lic, unless a shorter deadline is specified under  
25 law;

1 “(B) in the case of a final agency action  
2 for which there was a public comment period on  
3 an environmental document, such claim—

4 “(i) is filed by a party that submitted  
5 a substantive and unique comment during  
6 such public comment period by the noticed  
7 comment deadline for the environmental  
8 document and such comment was suffi-  
9 ciently detailed to put the applicable Fed-  
10 eral agency on notice of the issue upon  
11 which the party seeks review; and

12 “(ii) concerns the same subject matter  
13 raised in the comment submitted during  
14 the public comment period;

15 “(C) such claim is filed by a party that has  
16 suffered or imminently will suffer direct harm  
17 from the final agency action; and

18 “(D) such claim does not challenge the es-  
19 tablishment of a categorical exclusion.

20 “(2) SUPPLEMENTAL ENVIRONMENTAL DOCU-  
21 MENTS.—If an agency issues a supplemental envi-  
22 ronmental document in response to a court order re-  
23 manding a final agency action, the deadline de-  
24 scribed in paragraph (1)(A) shall be the date on  
25 which the agency makes public the agency action for

1       which the supplemental environmental document is  
2       prepared. A claim for review of such final agency ac-  
3       tion shall be limited to information contained in the  
4       final supplemental environmental document that was  
5       not contained in a previous environmental document  
6       for the final agency action.

7               “(3) ACTIONS FOR USE OF TRIBAL TRUST RE-  
8       SOURCES.—For any final agency action that author-  
9       izes or affects the use of lands, minerals, or other  
10      resources already held in trust at the time of the  
11      final agency action by the United States for the ben-  
12      efit of a federally recognized Indian Tribe—

13              “(A) except as provided in subparagraph  
14      (B), there shall be no administrative or judicial  
15      review of such final agency action based on a  
16      claim of failure to comply with the requirements  
17      of this Act; and

18              “(B) subparagraph (A) shall not apply to  
19      actions for administrative or judicial review—

20              “(i) brought by the federally recog-  
21      nized Indian Tribe for which the United  
22      States holds the lands, minerals, or other  
23      resources in trust; or

24              “(ii) that involve reasonably foresee-  
25      able effects of the final agency action that

1 occur outside the lands, minerals, or other  
2 resources held in trust by the United  
3 States for the benefit of a federally recog-  
4 nized Indian Tribe.

5 “(d) DEADLINE FOR RESOLUTION.—

6 “(1) IN GENERAL.—A court shall issue a final  
7 judgment on a claim described in subsection (a)—

8 “(A) as expeditiously as practicable; and

9 “(B) unless a shorter deadline is specified  
10 under Federal law, not later than the date that  
11 is 180 days after the date on which the agency  
12 record for the review is filed with the reviewing  
13 court, which shall not be more than 60 days  
14 after the filing of the claim.

15 “(2) ACCELERATED DEADLINES.—Nothing in  
16 this subsection may be construed to prevent a court  
17 from further expediting review of a claim described  
18 in subsection (a).

19 “(3) APPEALS.—

20 “(A) FILING.—A notice of appeal of a  
21 final judgment described in this subsection shall  
22 be filed not later than 60 days after such final  
23 judgment is issued. In the case of a final agen-  
24 cy action remanded under subsection (b), the  
25 agency and, if applicable, the applicant, shall

1           have the right to appeal during the pendency of  
2           the remand.

3           “(B) DEADLINE FOR REVIEW.—A court  
4           shall issue a final decision on an appeal filed  
5           under subparagraph (A)—

6                     “(i) as expeditiously as practicable;  
7                     and

8                     “(ii) not later than the date that is  
9                     180 days after the date on which the ap-  
10            peal is filed.

11       “(e) NO EFFECT ON REVIEW OF COMPLIANCE WITH  
12 OTHER DEADLINES.—This section shall not affect the  
13 right to obtain review under section 107(g)(3).”.

14 **SEC. 4. PRESERVATION OF ONGOING ADMINISTRATIVE**  
15 **CORRECTIONS.**

16       This Act, and the amendments made by this Act,  
17 shall not apply to any agency action with respect to which  
18 a Federal agency has, during the period beginning on Jan-  
19 uary 20, 2025, and ending on the date of enactment of  
20 this Act—

- 21           (1) filed a motion to voluntarily remand; or
- 22           (2) otherwise reopened, reconsidered, or initi-
- 23       ated corrective action under the statutory authority
- 24       of the Federal agency, regardless of whether the

1       Federal agency has completed such corrective action  
2       as of the date of enactment of this Act.

Passed the House of Representatives December 18,  
2025.

Attest:

*Clerk.*

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 4776**

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**AN ACT**

To amend the National Environmental Policy Act of 1969 to clarify ambiguous provisions and facilitate a more efficient, effective, and timely environmental review process.