

Union Calendar No. 344

119TH CONGRESS
1ST SESSION

H. R. 4776

[Report No. 119–395]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2025

Mr. WESTERMAN (for himself and Mr. GOLDEN of Maine) introduced the following bill; which was referred to the Committee on Natural Resources

DECEMBER 4, 2025

Additional sponsors: Mr. CUELLAR, Mr. STAUBER, Mr. VICENTE GONZALEZ of Texas, Ms. HAGEMAN, Mr. BAUMGARTNER, Mr. EVANS of Colorado, Ms. PEREZ, Mr. DAVIS of North Carolina, Mrs. MILLER-MEEKS, Mr. GRAY, Mr. BEGICH, Mr. COSTA, and Mrs. KIGGANS of Virginia

DECEMBER 4, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 25, 2025]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. NEPA REFORM.**

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

10 (1) *by striking “The purposes” and inserting*

11 *“(a) The purposes”; and*

12 (2) *by adding at the end the following:*

13 *“(b) This Act is a purely procedural statute intended*
14 *to ensure Federal agencies consider the environmental im-*
15 *pacts of their actions during the decisionmaking process.*

16 *This Act does not mandate particular results, and only pre-*
17 *scribes a process. Nothing in this Act shall be construed to*
18 *mandate any specific environmental outcome or result, nor*
19 *shall this Act be interpreted to confer substantive rights or*
20 *impose substantive duties beyond procedural require-*
21 *ments.”.*

22 (b) *PROCEDURE FOR DETERMINATION OF LEVEL OF*
23 *REVIEW.*—Section 106 of the National Environmental Pol-
24 *icy Act of 1969 (42 U.S.C. 4336) is amended—*

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

3 (2) *in subsection (a)—*

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

5 (B) *in paragraph (4), by striking “action.”*
 6 *and inserting “action;”; and*

7 (C) *by adding at the end the following:*

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

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

20 (3) *in subsection (b)—*

21 (A) *in paragraph (2), by striking “does*
 22 *not” and inserting “is not likely to”; and*

23 (B) *in paragraph (3), by amending sub-*
 24 *paragraph (B) to read as follows:*

25 “(B) *is not required to—*

1 “(i) undertake new scientific or tech-
2 nical research unless the new scientific or
3 technical research is essential to a reasoned
4 choice among alternatives, and the overall
5 costs and time frame of obtaining it are not
6 unreasonable; or

7 “(ii) undertake new scientific or tech-
8 nical research after the receipt of an appli-
9 cation, as applicable, with respect to a pro-
10 posed agency action.”; and

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

12 “(c) *SCOPE OF REVIEW.*—In preparing an environ-
13 mental document for a proposed agency action, a Federal
14 agency—

15 “(1) may consider only those effects that share a
16 reasonably close causal relationship to, and are proxi-
17 mately caused by, the immediate project or action
18 under consideration; and

19 “(2) may not consider effects that are specula-
20 tive, attenuated from the project or action, separate
21 in time or place from the project or action, or in rela-
22 tion to separate existing or potential future projects
23 or actions.

24 “(d) *CERTAINTY.*—

1 “(1) *ENVIRONMENTAL DOCUMENTS.*—A Federal
2 agency may not rescind, withdraw, amend, alter, or
3 otherwise render ineffective any environmental docu-
4 ment completed under this Act for a project or action
5 where there is an applicant unless the Federal agency
6 has been so ordered by a court or the applicant has
7 agreed in writing to such rescission, withdrawal,
8 amendment, or alteration.

9 “(2) *AUTHORIZATIONS.*—

10 “(A) *IN GENERAL.*—Except as provided in
11 this subsection or existing law, a Federal agency
12 may not revoke, rescind, withdraw, terminate,
13 suspend, amend, alter, or take any other action
14 to interfere with an authorization unless—

15 “(i) the Federal agency is required to
16 take such action by order of a court of com-
17 petent jurisdiction;

18 “(ii) the holder of the authorization
19 has materially breached the terms of the au-
20 thorization, or otherwise violated applicable
21 law;

22 “(iii) the authorization was obtained
23 through fraud, intentional concealment, or
24 material misrepresentation;

1 “(iv) such action is necessary to pre-
2 vent specific, immediate, substantial, and
3 proximate harm or damage to life, property,
4 national security, or defense that was not
5 considered in the underlying environmental
6 review process or final agency action for the
7 authorization; or

8 “(v) the Federal agency has received a
9 request from the holder of the authorization
10 or project sponsor to take such action.

11 “(B) REQUIREMENT.—The actions described
12 in subparagraph (A) shall be, as appropriate
13 and where feasible, supported by clear and con-
14 vincing evidence and reasonably limited in du-
15 ration and scope by the agency to address the
16 specific issue such action is intended to address.

17 “(C) NOTICE.—Before an agency takes an
18 action described in subparagraph (A), the agency
19 shall notify the holder of the authorization and
20 the project sponsor in writing of such action, in-
21 cluding by providing a detailed explanation of
22 the action, identifying the statutory authority re-
23 lied upon for the action, and providing the evi-
24 dence supporting the action.

25 “(D) JUDICIAL REVIEW.—

1 “(i) *IN GENERAL.*—An action described
 2 in subparagraph (A) shall be subject to ju-
 3 dicial review under chapter 7 of title 5,
 4 United States Code.

5 “(ii) *VENUE.*—A person seeking judi-
 6 cial review of an action described in sub-
 7 paragraph (A) may only obtain review of
 8 such action in the United States court of
 9 appeals for any circuit wherein the project
 10 for which the authorization was issued is lo-
 11 cated.

12 “(iii) *PETITIONS BY FEDERAL AGEN-*
 13 *CIES.*—No Federal agency may petition a
 14 court for vacatur or voluntary remand of
 15 an authorization unless the holder of the au-
 16 thorization or the project sponsor consents
 17 in writing to such a petition.

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

23 “(e) *PRESUMPTION OF NEGATIVE IMPACTS OF TAKING*
 24 *NO ACTION RELATING TO TRIBAL TRUST RESOURCES.*—
 25 For any proposed agency action carried out on, or directly

1 *affecting, tribal trust resources (including lands and min-*
 2 *erals) that is initiated by the federally recognized Indian*
 3 *Tribes for which the United States holds the affected re-*
 4 *sources in trust, and for which an environmental document*
 5 *was prepared that included consideration of a no action*
 6 *alternative, there shall be a presumption that the effects of*
 7 *taking no action will be negative for the federally recognized*
 8 *Indian Tribes.*

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

15 (c) *TIMELY AND UNIFIED FEDERAL REVIEWS.—*

16 (1) *LEAD AGENCY.—Section 107(a) of the Na-*
 17 *tional Environmental Policy Act of 1969 (42 U.S.C.*
 18 *4336a(a)) is amended—*

19 (A) *in paragraph (2)—*

20 (i) *in subparagraph (B), by striking*
 21 *“at the earliest practicable time” and in-*
 22 *serting “in accordance with subsection*
 23 *(g)(2)”;*

24 (ii) *in subparagraph (D), by striking*
 25 *“carry out the proposed agency action” and*

1 *inserting “carry out the proposed agency*
2 *action in compliance with the deadlines*
3 *outlined in subsection (g)”*; and

4 *(iii) in subparagraph (E)—*

5 *(I) by striking “a review” and in-*
6 *serting “an environmental review”*;
7 *and*

8 *(II) by striking “such review” and*
9 *inserting “such environmental review”*;
10 *and*

11 *(B) in paragraph (3)—*

12 *(i) by inserting “(including counties,*
13 *boroughs, parishes, and other political sub-*
14 *divisions of a State)” after “local agency”*;
15 *and*

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

22 (2) *ONE DOCUMENT.—Section 107(b) of the Na-*
23 *tional Environmental Policy Act of 1969 (42 U.S.C.*
24 *4336a(b)) is amended—*

1 (A) by striking “To the extent practicable,”
2 and inserting the following:

3 “(1) *DOCUMENT.—To the extent practicable,*”;
4 and

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

6 “(2) *CONSIDERATION TIMING.—*

7 “(A) *IN GENERAL.—In preparing an envi-*
8 *ronmental document for a proposed agency ac-*
9 *tion, no Federal agency shall be required to con-*
10 *sider any scientific or technical research that be-*
11 *comes publicly available after the earlier of, as*
12 *applicable—*

13 “(i) *the date of receipt of an applica-*
14 *tion with respect to such proposed agency*
15 *action; and*

16 “(ii) *the date of publication of a notice*
17 *of intent or decision to prepare such envi-*
18 *ronmental document for such proposed*
19 *agency action.*

20 “(B) *APPLICABILITY TO OTHER LAW.—This*
21 *paragraph does not affect any review of informa-*
22 *tion required under subchapter II of chapter 5 of*
23 *title 5, United States Code, with respect to com-*
24 *ments received during the public comment period*
25 *as applicable.*

1 “(C) *DELAY*.—A Federal agency may not
 2 *delay the issuance of an environmental document*
 3 *or a final agency action, including any decision*
 4 *or determination, on the basis of awaiting new*
 5 *scientific or technical research or information*
 6 *that was not available as of the earlier of the*
 7 *dates described in subparagraph (A).”.*

8 (3) *STATEMENT OF PURPOSE AND NEED*.—Sec-
 9 *tion 107(d) of the National Environmental Policy Act*
 10 *of 1969 (42 U.S.C. 4336a(d)) is amended by striking*
 11 *“action.” and inserting “action. Where applicable, the*
 12 *statement of purpose and need shall meet the goals of*
 13 *the applicant.”.*

14 (4) *DEADLINES*.—Section 107(g) of the National
 15 *Environmental Policy Act of 1969 (42 U.S.C.*
 16 *4336a(g)) is amended—*

17 (A) *by redesignating paragraphs (1), (2),*
 18 *and (3) as paragraphs (3), (5), and (6), respec-*
 19 *tively;*

20 (B) *by inserting before paragraph (3) (as so*
 21 *redesignated) the following:*

22 “(1) *APPLICATIONS FOR AUTHORIZATIONS*.—

23 “(A) *NOTIFICATION OF COMPLETE OR IN-*
 24 *COMPLETE APPLICATION*.—Unless a shorter dead-
 25 *line is specified by law, in connection with a*

1 *proposed agency action for which an applicant*
2 *submitted an application for an authorization to*
3 *an agency, not later than 60 days after the date*
4 *on which the applicant submits the application*
5 *to the agency, the agency shall document the re-*
6 *ceipt of the application and—*

7 *“(i) notify the applicant that the ap-*
8 *plication is complete; or*

9 *“(ii) notify the applicant that the ap-*
10 *plication is incomplete and request in writ-*
11 *ing any additional information that the*
12 *agency needs to determine that the applica-*
13 *tion is complete and begin preparation of*
14 *an environmental document.*

15 *“(B) AGENCY DETERMINATION.—*

16 *“(i) COMPLETE DETERMINATION.—If*
17 *an agency determines an application is*
18 *complete under subparagraph (A)(i), the*
19 *agency shall, not later than 60 days after*
20 *the date on which the agency makes such*
21 *determination—*

22 *“(I) notify the applicant that the*
23 *agency has determined that the pro-*
24 *posed agency action is excluded pursu-*
25 *ant to one of the agency’s categorical*

1 *exclusions, is not a major Federal ac-*
2 *tion, or that no further agency action*
3 *is required;*

4 *“(II) issue a notice of intent to*
5 *prepare an environmental impact*
6 *statement for such proposed agency ac-*
7 *tion; or*

8 *“(III) notify the applicant that*
9 *the agency has determined that prepa-*
10 *ration of an environmental assessment*
11 *is necessary.*

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

19 *“(2) COOPERATING AGENCIES.—*

20 *“(A) IN GENERAL.—Not later than 21 days*
21 *after a lead agency issues a notice of intent*
22 *under paragraph (1)(B)(i)(II) or notifies an ap-*
23 *plicant under paragraph (1)(B)(i)(III) with re-*
24 *spect to a proposed agency action, the lead agen-*
25 *cy shall—*

1 “(i) identify all agencies that are likely
2 to have environmental review, authoriza-
3 tion, or other responsibilities with respect to
4 the proposed agency action; and

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

7 “(B) DEADLINE TO ACCEPT INVITATION.—
8 Not later than 21 days after an agency receives
9 an invitation to become a cooperating agency
10 under subparagraph (A)(ii), such agency shall
11 accept or deny the invitation.

12 “(C) CONVENING OF COOPERATING AGEN-
13 CIES.—Not later than 7 days after the deadline
14 described in subparagraph (B) has passed for
15 each agency that received an invitation to be-
16 come a cooperating agency under subparagraph
17 (A)(ii), the lead agency that sent each such invi-
18 tation shall convene each agency that accepts
19 such an invitation to coordinate on developing
20 the schedule under subsection (a)(2)(D) for the
21 applicable proposed agency action.

22 “(D) UNIDENTIFIED AGENCIES.—In the
23 event that an agency that has jurisdiction by
24 law or special expertise with respect to any envi-
25 ronmental impact involved in a proposed agency

1 *action is not identified under subparagraph*
 2 *(A)(i), the lead agency with respect to the pro-*
 3 *posed agency action shall—*

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

9 *“(ii) if such agency accepts the invita-*
 10 *tion, incorporate such agency into the*
 11 *schedule developed under subsection*
 12 *(a)(2)(D) and update such schedule accord-*
 13 *ingly by not later than 14 days after the*
 14 *date on which such agency accepts the invi-*
 15 *tation.”;*

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

17 *(i) by striking “IN GENERAL” and in-*
 18 *serting “REVIEW TIMELINE”; and*

19 *(ii) by striking “(2)” and inserting*
 20 *“(5)”;*

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

23 *“(4) DEADLINE FOR FINAL AGENCY ACTION.—*

24 *For any proposed agency action for which an appli-*
 25 *cant submitted an application for an authorization to*

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

9 *(E) in paragraph (5) (as so redesignated)—*

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

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

18 *(F) in paragraph (6) (as so redesignated)—*

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

23 *(ii) by adding at the end the following:*

24 *“(C) EXCEPTION.—A project sponsor that*
 25 *approved an extension of a deadline under para-*

1 *graph (5) may not obtain judicial review of a*
 2 *failure to act in accordance with such deadline*
 3 *under subparagraph (A) unless the lead agency*
 4 *fails to meet the new deadline or is delaying for*
 5 *reasons other than those necessary to complete its*
 6 *review.”; and*

7 *(G) by adding at the end the following:*

8 *“(7) CONCURRENT REVIEW.—In carrying out an*
 9 *environmental review, the lead agency and each co-*
 10 *operating agency shall carry out the obligations of*
 11 *that agency under other applicable laws concurrently,*
 12 *and in conjunction, with other required reviews for*
 13 *the proposed agency action, pursuant to the require-*
 14 *ments of applicable law, including, if applicable,*
 15 *under this Act.”.*

16 *(d) PROGRAMMATIC ENVIRONMENTAL DOCUMENTS.—*
 17 *Section 108 of the National Environmental Policy Act of*
 18 *1969 (42 U.S.C. 4336b) is amended—*

19 *(1) by striking “When an agency prepares” and*
 20 *inserting the following:*

21 *“(a) PROGRAMMATIC ENVIRONMENTAL DOCUMENTS.—*
 22 *When an agency prepares”;*

23 *(2) in paragraph (1), by striking “5” and insert-*
 24 *ing “10”;*

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

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

4 “(b) *RELIANCE ON PREVIOUSLY COMPLETED ENVI-*
5 *RONMENTAL REVIEWS.*—

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

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

20 “(B) if applicable, the effects of the new
21 major Federal action are substantially the same
22 as the effects analyzed in such environmental as-
23 sessment or environmental impact statement.

24 “(2) *ACTIONS THAT ARE NOT SUBSTANTIALLY*
25 *THE SAME.*—If a new major Federal action is not

1 *substantially the same as another major Federal ac-*
2 *tion or an alternative analyzed in an environmental*
3 *assessment or environmental impact statement com-*
4 *pleted by the lead agency, another Federal agency, or*
5 *a project sponsor under the supervision of a Federal*
6 *agency, the lead agency may modify or augment any*
7 *such previously completed environmental assessment*
8 *or environmental impact statement as necessary to*
9 *satisfy the requirements of this Act with respect to the*
10 *new major Federal action. The lead agency shall*
11 *make such modified environmental assessment or en-*
12 *vironmental impact statement publicly available as a*
13 *new environmental assessment or environmental im-*
14 *pact statement.”.*

15 *(e) ADOPTION OF CATEGORICAL EXCLUSIONS.—Sec-*
16 *tion 109 of the National Environmental Policy Act of 1969*
17 *(42 U.S.C. 4336c) is amended in the text preceding para-*
18 *graph (1), by inserting “, or that was legislatively enacted*
19 *by Congress,” after “procedures”.*

20 *(f) DEFINITIONS.—Section 111 of the National Envi-*
21 *ronmental Policy Act of 1969 (42 U.S.C. 4336e) is amend-*
22 *ed—*

23 *(1) by redesignating paragraphs (1) through (13)*
24 *as paragraphs (2) through (14), respectively;*

(2) *by inserting before paragraph (2) (as so redesignated) the following:*

“(1) *AUTHORIZATION.—The term ‘authorization’ means any lease, right-of-way, easement, license, permit, approval, finding, determination, or other administrative decision issued by an agency or any interagency consultation that is required or authorized under Federal law in order to construct, modify, or operate a project.*”;

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

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

(A) in subparagraph (B)—

(i) in clause (iii)—

(I) by inserting “grants (including capitalization grants), cost share awards,” after “loan guarantees,”;

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

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

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

1 (iii) by inserting after clause (iii) the
2 following:

3 “(iv) farm ownership loans and oper-
4 ating loan guarantees by the Farm Service
5 Agency pursuant to sections 305 and 311
6 through 319 of the Consolidated Farm and
7 Rural Development Act;

8 “(v) the issuance of an authorization
9 by an agency where the effects of the action
10 or project being permitted or authorized
11 were previously evaluated by another agen-
12 cy in compliance with this Act;”; and

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

14 “(C) *ADDITIONAL EXCLUSIONS.*—An agency
15 action may not be determined to be a major Fed-
16 eral action solely on the basis of the provision of
17 Federal funds, including a grant, loan, loan
18 guarantee, and funding assistance.”; and

19 (5) by adding at the end the following:

20 “(15) *REASONABLY FORESEEABLE.*—The term
21 ‘reasonably foreseeable’, with respect to environmental
22 effects of a proposed agency action—

23 “(A) means effects that share a reasonably
24 close causal relationship to, and are proximately

1 *caused by, the immediate project or action under*
 2 *consideration; and*

3 “(B) *does not include effects that are—*

4 “(i) *speculative;*

5 “(ii) *attenuated from the proposed*
 6 *agency action;*

7 “(iii) *separate in time or place from*
 8 *the proposed agency action; or*

9 “(iv) *in relation to separate existing or*
 10 *potential future projects.”.*

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

14 **SEC. 3. JUDICIAL REVIEW.**

15 *Title I of the National Environmental Policy Act of*
 16 *1969 (42 U.S.C. 4331 et seq.) is amended—*

17 (1) *by redesignating section 112 as section 110A*
 18 *and moving such section so as to appear after section*
 19 *110; and*

20 (2) *by inserting before section 111 the following:*

21 **“SEC. 110B. JUDICIAL REVIEW.**

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

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

3 “(2) may not substitute its judgment for that of
4 the agency regarding the environmental effects in-
5 cluded in the final agency action or included in the
6 environmental document.

7 “(b) REMAND.—

8 “(1) IN GENERAL.—If a court holds, under sec-
9 tion 706(2)(A) of title 5, United States Code, that a
10 final agency action does not comply with the require-
11 ments of this Act, the only remedy the court may
12 order, notwithstanding chapter 7 of title 5, United
13 States Code, is to remand, without vacatur or injunc-
14 tion, the final agency action to the agency with—

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

17 “(B) a reasonable schedule and deadline to
18 correct such errors or deficiencies, which such
19 deadline may not exceed—

20 “(i) with regard to an order entered on
21 or after the date of enactment of this sec-
22 tion, the date that is 180 days after the date
23 on which the order was entered; and

24 “(ii) with regard to an order entered
25 before the date of enactment of this section,

1 *the date that is 180 days after the date of*
2 *enactment of this section.*

3 “(2) *CONTINUED EFFECT OF FINAL AGENCY AC-*
4 *TION.—A final agency action remanded under para-*
5 *graph (1) shall remain in effect while the Federal*
6 *agency corrects any errors or deficiencies found by the*
7 *court.*

8 “(c) *LIMITATIONS ON CLAIMS.—*

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

13 “(A) *such claim is filed not later than 150*
14 *days after the final agency action is made pub-*
15 *lic, unless a shorter deadline is specified under*
16 *law;*

17 “(B) *in the case of a final agency action for*
18 *which there was a public comment period on an*
19 *environmental document, such claim—*

20 “(i) *is filed by a party that submitted*
21 *a substantive and unique comment during*
22 *such public comment period by the noticed*
23 *comment deadline for the environmental*
24 *document and such comment was suffi-*
25 *ciently detailed to put the applicable Fed-*

1 eral agency on notice of the issue upon
2 which the party seeks review; and

3 “(ii) concerns the same subject matter
4 raised in the comment submitted during the
5 public comment period;

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

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

11 “(2) *SUPPLEMENTAL ENVIRONMENTAL DOCU-*
12 *MENTS.—If an agency issues a supplemental environ-*
13 *mental document in response to a court order re-*
14 *manding a final agency action, the deadline described*
15 *in paragraph (1)(A) shall be the date on which the*
16 *agency makes public the agency action for which the*
17 *supplemental environmental document is prepared. A*
18 *claim for review of such final agency action shall be*
19 *limited to information contained in the final supple-*
20 *mental environmental document that was not con-*
21 *tained in a previous environmental document for the*
22 *final agency action.*

23 “(3) *ACTIONS FOR USE OF TRIBAL TRUST RE-*
24 *SOURCES.—For any final agency action that author-*
25 *izes or affects the use of lands, minerals, or other re-*

1 *sources already held in trust at the time of the final*
2 *agency action by the United States for the benefit of*
3 *a federally recognized Indian Tribe—*

4 *“(A) except as provided in subparagraph*
5 *(B), there shall be no administrative or judicial*
6 *review of such final agency action based on a*
7 *claim of failure to comply with the requirements*
8 *of this Act; and*

9 *“(B) subparagraph (A) shall not apply to*
10 *actions for administrative or judicial review—*

11 *“(i) brought by the federally recognized*
12 *Indian Tribe for which the United States*
13 *holds the lands, minerals, or other resources*
14 *in trust; or*

15 *“(ii) that involve reasonably foreseeable*
16 *effects of the final agency action that occur*
17 *outside the lands, minerals, or other re-*
18 *sources held in trust by the United States*
19 *for the benefit of a federally recognized In-*
20 *dian Tribe.*

21 *“(d) DEADLINE FOR RESOLUTION.—*

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

24 *“(A) as expeditiously as practicable; and*

1 “(B) *unless a shorter deadline is specified*
2 *under Federal law, not later than the date that*
3 *is 180 days after the date on which the agency*
4 *record for the review is filed with the reviewing*
5 *court, which shall not be more than 60 days after*
6 *the filing of the claim.*

7 “(2) *ACCELERATED DEADLINES.—Nothing in*
8 *this subsection may be construed to prevent a court*
9 *from further expediting review of a claim described in*
10 *subsection (a).*

11 “(3) *APPEALS.—*

12 “(A) *FILING.—A notice of appeal of a final*
13 *judgment described in this subsection shall be*
14 *filed not later than 60 days after such final judg-*
15 *ment is issued. In the case of a final agency ac-*
16 *tion remanded under subsection (b), the agency*
17 *and, if applicable, the applicant, shall have the*
18 *right to appeal during the pendency of the re-*
19 *mand.*

20 “(B) *DEADLINE FOR REVIEW.—A court*
21 *shall issue a final decision on an appeal filed*
22 *under subparagraph (A)—*

23 “(i) *as expeditiously as practicable;*
24 *and*

1 “(ii) not later than the date that is 180
2 days after the date on which the appeal is
3 filed.

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

Union Calendar No. 344

119TH CONGRESS
1ST Session

H. R. 4776

[Report No. 119-395]

A BILL

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

DECEMBER 4, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed