

119TH CONGRESS
1ST SESSION

S. 3224

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2025

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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, and for other purposes.

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”.

1 **SEC. 2. NEPA REFORM.**

2 (a) PURPOSES; INTENT; EFFECT.—Section 2 of the
3 National Environmental Policy Act of 1969 (42 U.S.C.
4 4321) is amended—

5 (1) by striking the section designation and
6 heading and all that follows through “are: To” and
7 inserting the following:

8 **“SEC. 2. PURPOSES; INTENT; EFFECT.**

9 “(a) PURPOSES.—The purposes of this Act are to”;
10 and

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

12 “(b) INTENT.—This Act—

13 “(1) is a procedural statute intended to ensure
14 Federal agencies consider the environmental impacts
15 of their actions during the decisionmaking process;

16 “(2) does not mandate particular results; and

17 “(3) only prescribes a purely procedural proc-
18 ess.

19 “(c) EFFECT.—Nothing in this Act—

20 “(1) mandates any specific environmental out-
21 come or result; or

22 “(2) confers substantive rights or imposes sub-
23 stantive duties beyond procedural requirements.”.

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

1 (1) in the section heading, by inserting “**SCOPE**
2 **AND**” after “**DETERMINATION OF**”;

3 (2) in subsection (a)—

4 (A) in paragraph (2), by striking “109 of
5 this Act,” and inserting “109, a categorical ex-
6 clusion established by Congress,”;

7 (B) in paragraph (3), by striking “or”;

8 (C) in paragraph (4), by striking the pe-
9 riod at the end and inserting a semicolon; and

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

11 “(5) the proposed agency action is an action for
12 which such agency’s compliance with another stat-
13 ute’s requirements serve a similar function as the re-
14 quirements of this Act with respect to such action;
15 or

16 “(6) the proposed agency action—

17 “(A) relates to a project or action that has
18 already been reviewed pursuant to a State or
19 Tribal environmental review statute; and

20 “(B) the lead agency determines such re-
21 view meets the requirements of this Act.”;

22 (3) in subsection (b)—

23 (A) in paragraph (2), in the first sen-
24 tence—

1 (i) by striking “does not” and insert-
2 ing “is not likely to”; and

3 (ii) by striking “109 of this Act,” and
4 inserting “109, a categorical exclusion es-
5 tablished by Congress,”; and

6 (B) in paragraph (3), by striking subpara-
7 graph (B) and inserting the following:

8 “(B) is not required to undertake new sci-
9 entific or technical research—

10 “(i) unless the new scientific or tech-
11 nical research is essential to a reasoned
12 choice among alternatives, and the overall
13 costs and time frame of obtaining it are
14 not unreasonable; or

15 “(ii) after the receipt of an applica-
16 tion, as applicable, with respect to such
17 proposed agency action.”; and

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

19 “(c) SCOPE OF REVIEW.—In developing an environ-
20 mental document for a proposed agency action, a Federal
21 agency—

22 “(1) may only consider effects that share a rea-
23 sonably close causal relationship to, and are proxi-
24 mately caused by, the immediate project or action
25 under consideration; and

1 “(2) may not consider effects that are specula-
2 tive, attenuated from the project or action, separate
3 in time or place from the project or action, or in re-
4 lation to separate existing or potential future
5 projects or actions.

6 “(d) CERTAINTY.—A Federal agency may not re-
7 scind, withdraw, amend, alter, or otherwise render ineffec-
8 tive any environmental document completed under this Act
9 unless the Federal agency has been so ordered by a
10 court.”.

11 (c) TIMELY AND UNIFIED FEDERAL REVIEWS.—Sec-
12 tion 107 of the National Environmental Policy Act of
13 1969 (42 U.S.C. 4336a) is amended—

14 (1) in subsection (a)(3), in the second sentence,
15 by striking the period at the end and inserting “,
16 which shall be limited to matters relating to the pro-
17 posed agency action with respect to which such co-
18 operating agency has jurisdiction by law. If a lead
19 agency determines an environmental document is not
20 required to be prepared with respect to a proposed
21 agency action under section 106(a), another agency
22 may not prepare an environmental document with
23 respect to such proposed agency action.”;

24 (2) in subsection (b)—

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

3 “(1) IN GENERAL.—To the extent practicable,”;

4 and

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

6 “(2) CONSIDERATION TIMING.—

7 “(A) IN GENERAL.—In developing an envi-
8 ronmental document for a proposed agency ac-
9 tion, no Federal agency shall be required to
10 consider any scientific or technical research
11 that becomes publicly available after the earlier
12 of, as 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 no-
17 tice of intent or decision to prepare such
18 environmental document for such proposed
19 agency action.

20 “(B) APPLICABILITY TO OTHER LAW.—

21 Nothing in this paragraph affects any review of
22 information required under subchapter II of
23 chapter 5 of title 5, United States Code, with
24 respect to comments received during the public
25 comment period, as applicable.

1 “(C) UNNECESSARY DELAY.—A Federal
2 agency may not delay the issuance of an envi-
3 ronmental document or a final agency action,
4 including any decision or determination, on the
5 basis of awaiting new scientific or technical re-
6 search or information that was not available as
7 of the deadlines described in subparagraph
8 (A).”;

9 (3) in subsection (d), by striking the period at
10 the end and inserting “, which shall, where applica-
11 ble, meet the goals of the applicant.”; and

12 (4) in subsection (g)—

13 (A) in paragraph (2), by striking “, in con-
14 sultation with the applicant, to” and inserting
15 “if the applicant approves such extension. If the
16 applicant approves such extension, the lead
17 agency shall”;

18 (B) in paragraph (3)(A), by striking “A
19 project sponsor may” and inserting “Except as
20 provided in subparagraph (C), a project sponsor
21 may”;

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

23 “(C) EXCEPTION.—A project sponsor that
24 approved an extension of a deadline under para-
25 graph (2) may not obtain review of a failure to

1 act in accordance with such deadline under sub-
2 paragraph (A) unless the lead agency fails to
3 meet the new deadline or is delaying for reasons
4 other than those necessary to complete its re-
5 view.”.

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

9 (1) in paragraph (1), by striking “5” and in-
10 sserting “10”; and

11 (2) in paragraph (2), by striking “5” and in-
12 sserting “10”.

13 (e) ADOPTION OF CATEGORICAL EXCLUSIONS.—Sec-
14 tion 109 of the National Environmental Policy Act of
15 1969 (42 U.S.C. 4336c) is amended—

16 (1) in the matter preceding paragraph (1), in
17 the first sentence, by inserting “, or that was estab-
18 lished by Congress,” after “procedures”;

19 (2) in paragraph (1), by inserting “or estab-
20 lished by Congress” after “NEPA procedures”; and

21 (3) in paragraph (2), by inserting “, if applica-
22 ble,” after “established the categorical exclusion”.

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

1 (1) in paragraph (1), by inserting “, or Con-
2 gress deems by statute,” after “Federal agency has
3 determined”;

4 (2) by redesignating paragraphs (8), (9), and
5 (10) as paragraphs (10), (8), (9), respectively, and
6 the moving the paragraphs so as to appear in nu-
7 merical order;

8 (3) in paragraph (9) (as so redesignated)—

9 (A) in subparagraph (B)—

10 (i) in clause (iii)—

11 (I) by inserting “, grants” after
12 “loan guarantees”;

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

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

17 (ii) in clause (iv), by striking “section
18 7(a) or (b) and of the Small Business Act
19 (U.S.C. 636(a)), or” and inserting “sub-
20 section (a) or (b) of section 7 of the Small
21 Business Act (15 U.S.C. 636) or”;

22 (iii) by redesignating clauses (iv)
23 through (vii) as clauses (vi) through (ix),
24 respectively; and

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

3 “(iv) farm ownership and operating
4 loan guarantees by the Farm Service
5 Agency pursuant to section 305 and sub-
6 title B of the Consolidated Farm and
7 Rural Development Act (7 U.S.C. 1925,
8 1941 et seq.);

9 “(v) the issuance of a permit or other
10 authorization by a Federal agency where
11 the proposal under consideration is other-
12 wise being evaluated or was previously
13 evaluated by the lead agency in compliance
14 with this Act;” and

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

16 “(C) ADDITIONAL EXCLUSIONS.—An agen-
17 cy action may not be determined to be a major
18 Federal action solely on the basis of the provi-
19 sion of Federal funds, including a grant, loan,
20 loan guarantee, and funding assistance.”;

21 (4) by redesignating paragraph (13) as para-
22 graph (14); and

23 (5) by inserting after paragraph (12) the fol-
24 lowing:

25 “(13) REASONABLY FORESEEABLE.—

1 “(A) IN GENERAL.—The term ‘reasonably
2 foreseeable’, with respect to environmental ef-
3 fects of a proposed agency action, means effects
4 that share a reasonably close causal relationship
5 to, and are proximately caused by, the imme-
6 diate project or action under consideration.

7 “(B) EXCLUSIONS.—The term ‘reasonably
8 foreseeable’, with respect to environmental ef-
9 fects of a proposed agency action, does not in-
10 clude effects that are—

11 “(i) speculative;

12 “(ii) attenuated from the proposed
13 agency action;

14 “(iii) separate in time or place from
15 the proposed agency action; or

16 “(iv) in relation to separate existing
17 or potential future projects.”.

18 (g) DUTIES OF THE COUNCIL.—Section 204(4) of the
19 National Environmental Policy Act of 1969 (42 U.S.C.
20 4344(4)) is amended by inserting “energy,” after
21 “health,”.

22 **SEC. 3. JUDICIAL REVIEW.**

23 Title I of the National Environmental Policy Act of
24 1969 (42 U.S.C. 4331 et seq.) is amended by adding at
25 the end the following:

1 **“SEC. 113. JUDICIAL REVIEW.**

2 “(a) DEFINITION OF AGENCY ACTION.—In this sec-
3 tion, the term ‘agency action’ has the meaning given the
4 term in section 551 of title 5, United States Code.

5 “(b) STANDARD OF REVIEW.—Notwithstanding
6 chapter 7 of title 5, United States Code, in reviewing a
7 claim of whether a final agency action complies with the
8 procedural requirements of this Act, a court may only hold
9 that the final agency action does not comply with those
10 procedural requirements if the court determines that—

11 “(1) the agency abused its substantial discre-
12 tion in complying with those procedural require-
13 ments; and

14 “(2) the agency would have reached a different
15 result with respect to the final agency action absent
16 such abuse of substantial discretion.

17 “(c) ROLE OF THE COURT.—A court reviewing a
18 claim described in subsection (b) may not substitute its
19 judgment for that of the agency with respect to the envi-
20 ronmental effects of a proposed agency action.

21 “(d) REMAND.—

22 “(1) IN GENERAL.—If a court holds that a final
23 agency action does not comply with the procedural
24 requirements of this Act, the court may only remand
25 the final agency action to the agency with—

1 “(A) specific instruction to correct the er-
2 rors or deficiencies in compliance; and

3 “(B) a reasonable schedule and deadline,
4 which such deadline may not exceed—

5 “(i) with respect to an order entered
6 before the date of enactment of this sec-
7 tion, the date that is 180 days after that
8 date of enactment; and

9 “(ii) with respect to an order entered
10 on or after the date of enactment of this
11 section, the date that is 180 days after the
12 date on which the order was entered.

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

18 “(e) LIMITATIONS ON CLAIMS.—

19 “(1) IN GENERAL.—Notwithstanding chapter 7
20 of title 5, United States Code, a claim described in
21 subsection (b) shall be barred unless—

22 “(A) the claim is filed not later than 150
23 days after the date on which the final agency
24 action is made public, unless a shorter timeline
25 is specified under Federal 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, the claim—

4 “(i) is filed by a party that submitted
5 a substantive and unique comment during
6 the public comment period by the noticed
7 comment deadline for the environmental
8 document and the comment was suffi-
9 ciently detailed to put the applicable Fed-
10 eral agency on notice of the issue on which
11 the party seeks review and shows that the
12 party would suffer direct harm if its com-
13 ments were not addressed; and

14 “(ii) concerns the same subject matter
15 raised in the comment submitted during
16 the public comment period; and

17 “(C) the claim does not challenge the es-
18 tablishment of a categorical exclusion.

19 “(2) SUPPLEMENTAL ENVIRONMENTAL DOCU-
20 MENTS.—

21 “(A) IN GENERAL.—If an agency issues a
22 supplemental environmental document in re-
23 sponse to a court order remanding a final agen-
24 cy action, the deadline described in paragraph
25 (1)(A) shall be the date on which the agency

1 makes public the agency action for which the
2 supplemental environmental document is pre-
3 pared.

4 “(B) LIMITATION.—A claim for review of
5 a final agency action described in subparagraph
6 (A) shall be limited to information contained in
7 the final supplemental environmental document
8 that was not contained in a previous environ-
9 mental document for the final agency action.

10 “(f) DEADLINE FOR RESOLUTION.—

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

13 “(A) as expeditiously as practicable; and

14 “(B) unless a shorter timeline is specified
15 under Federal law, not later than the date that
16 is 180 days after the date on which the agency
17 record for the review is filed with the reviewing
18 court, which shall not be more than 30 days
19 from the filing of the claim.

20 “(2) ACCELERATED DEADLINES.—Nothing in
21 this subsection prevents a court from further expe-
22 diting review of a claim described in subsection (b).

23 “(3) APPEALS.—

24 “(A) FILING.—A notice of appeal of a
25 final judgment described in this subsection shall

1 be filed not later than 60 days after the final
2 judgment is issued.

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 “(g) FINAL AGENCY ACTIONS.—The completion of
12 an environmental assessment, an environmental impact
13 statement, or a finding of no significant impact, or a de-
14 termination to categorically exclude an action, shall not
15 be considered a final agency action under chapter 7 of title
16 5, United States Code.

17 “(h) NO EFFECT ON REVIEW OF COMPLIANCE WITH
18 OTHER DEADLINES.—Nothing in this section affects the
19 right to obtain review under section 107(g)(3).”.

○