

119TH CONGRESS  
2D SESSION

# H. R. 8249

To amend the National Environmental Policy Act of 1969 to clarify the scope of review, establish limits for judicial review of environmental documents relating to energy infrastructure, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2026

Mr. GOTTHEIMER introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the National Environmental Policy Act of 1969 to clarify the scope of review, establish limits for judicial review of environmental documents relating to energy infrastructure, 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 “Making Reviews Cer-  
5       tain Act”.

6       **SEC. 2. SCOPE OF REVIEW.**

7       Section 106 of the National Environmental Policy  
8       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**”; and

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

4 “(c) **SCOPE OF REVIEW.**—In preparing an environ-  
5 mental document for a proposed agency action, a Federal  
6 agency is only required to consider those effects that share  
7 a reasonably close causal relationship to, and are proxi-  
8 mately caused by, the immediate project or action under  
9 consideration, to comply with the requirements of this  
10 Act.”.

11 **SEC. 3. LIMITATIONS ON JUDICIAL REVIEW OF ENVIRON-**  
12 **MENTAL DOCUMENTS RELATING TO ENERGY**  
13 **INFRASTRUCTURE.**

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

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

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

21 **“SEC. 110B. LIMITATIONS ON JUDICIAL REVIEW OF ENVI-**  
22 **RONMENTAL DOCUMENTS RELATING TO EN-**  
23 **ERGY INFRASTRUCTURE.**

24 “(a) **LIMITATIONS ON CLAIMS.**—

1           “(1) IN GENERAL.—Notwithstanding any other  
2           provision of law (except as provided in subparagraph  
3           (A) with respect to a shorter deadline), a claim chal-  
4           lenging whether a final agency action relating to en-  
5           ergy infrastructure complies with the requirements  
6           of this Act shall be barred unless—

7                   “(A) such claim is filed not later than 180  
8                   days after the final agency action is made pub-  
9                   lic, unless a shorter deadline is specified under  
10                  law;

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

14                   “(i) is filed by a party that submitted  
15                   a substantive and unique comment during  
16                   such public comment period by the noticed  
17                   comment deadline for the environmental  
18                   document and such comment was suffi-  
19                   ciently detailed to put the applicable Fed-  
20                   eral agency on notice of the issue upon  
21                   which the party seeks review; and

22                   “(ii) concerns the same subject matter  
23                   raised in the comment submitted during  
24                   the public comment period;

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

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

6           “(2) ENERGY INFRASTRUCTURE DEFINED.—In  
7           this subsection, the term ‘energy infrastructure’  
8           means a facility, and associated equipment, used for  
9           enabling the identification, leasing, development,  
10          production, processing, transportation, transmission,  
11          refining, and generation needed for energy.

12          “(b) LIMITATIONS ON REMAND.—

13               “(1) IN GENERAL.—Notwithstanding any other  
14               provision of law, no final agency action shall be va-  
15               cated by a court, following a decision on the merits,  
16               unless the court determines that—

17                       “(A) the major Federal action for which  
18                       the environmental document or final agency ac-  
19                       tion is prepared will pose a significant risk of  
20                       a proximate and substantial environmental  
21                       harm; and

22                       “(B) there is no other equitable remedy  
23                       available as a matter of law.

24               “(2) REMAND.—Notwithstanding any other  
25               provision of law, if a court determines there are er-

1        rors or deficiencies with an environmental document  
2        or final agency action that need to be corrected—

3                “(A) the court may remand the environ-  
4                mental document to the applicable Federal  
5                agency with specific instruction to correct such  
6                errors or deficiencies within 180 days from the  
7                date on which the order of the court was issued  
8                to the applicable Federal agency; and

9                “(B) the major Federal action may be car-  
10               ried out pursuant to the final agency action  
11               notwithstanding the remand of the environ-  
12               mental document or final agency action under  
13               subparagraph (A), including during the time  
14               prescribed by the court to the Federal agency  
15               to correct such errors or deficiencies, so long as  
16               the court has not determined that vacatur is  
17               appropriate under paragraph (1).

18        “(c) NO EFFECT ON REVIEW OF COMPLIANCE WITH  
19        OTHER DEADLINES.—This section shall not affect the  
20        right to obtain review under section 107(g)(3).”.

21        **SEC. 4. DEFERENCE TO AGENCIES IN JUDICIAL REVIEW.**

22        Section 111 of the National Environmental Policy  
23        Act of 1969 (42 U.S.C. 4336e) is amended by adding at  
24        the end the following:

1           “(14) REASONABLY FORESEEABLE.—To comply  
2       with the requirements of this Act, the term ‘reason-  
3       ably foreseeable’, with respect to environmental ef-  
4       fects of a proposed agency action, means effects that  
5       share a reasonably close causal relationship to, and  
6       are proximately caused by, the immediate project or  
7       action under consideration.”.

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