

119TH CONGRESS
1ST SESSION

H. R. 573

To require the Council on Environmental Quality to publish an annual report on environmental reviews and causes of action based on alleged non-compliance with the National Environmental Policy Act of 1969, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2025

Mr. YAKYM (for himself and Mr. PANETTA) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To require the Council on Environmental Quality to publish an annual report on environmental reviews and causes of action based on alleged non-compliance with the National Environmental Policy Act of 1969, 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 “Studying NEPA’s Im-
5 pact on Projects Act”.

1 **SEC. 2. ANNUAL REPORT ON NEPA'S IMPACT ON PROJECTS.**

2 Section 201 of the National Environmental Policy
3 Act of 1969 (42 U.S.C. 4341) is amended to read as fol-
4 lows:

5 **“SEC. 201. ANNUAL REPORT ON NEPA'S IMPACT ON**
6 **PROJECTS.**

7 “(a) REPORT REQUIRED.—Beginning July 1, 2025,
8 the Council on Environmental Quality shall annually pub-
9 lish on the website of the Council on Environmental Qual-
10 ity, and submit to the Committee on Natural Resources
11 of the House of Representatives and the Committee on
12 Energy and Natural Resources of the Senate, a report
13 on—

14 “(1) each cause of action based on alleged non-
15 compliance with this Act that was active during the
16 period beginning June 1 of the preceding year and
17 ending June 1 of the current year, which shall iden-
18 tify—

19 “(A) with respect to each such cause of ac-
20 tion—

21 “(i) the defendant lead agency and
22 the lead plaintiff; and

23 “(ii) the court in which the cause of
24 action was brought and any court to which
25 a decision on the cause of action was ap-
26 pealed;

1 “(B) the number of such causes of action,
2 disaggregated by the defendant lead agency;

3 “(C) the alleged basis for each such cause
4 of action, disaggregated by type; and

5 “(D) the status and outcome, if applicable,
6 of each cause of action based on alleged non-
7 compliance with this Act that was active during
8 the period beginning June 1 of the preceding
9 year and ending June 1 of the current year, in-
10 cluding whether—

11 “(i) the cause of action resulted in the
12 major Federal action being reversed;

13 “(ii) the defendant lead agency was
14 allowed to move forward with the major
15 Federal action;

16 “(iii) the court issued a ruling direct-
17 ing the defendant lead agency to take addi-
18 tional measures to be in compliance;

19 “(iv) the lead plaintiff and the defend-
20 ant lead agency settled amongst them-
21 selves;

22 “(v) the cause of action is still active;
23 and

24 “(vi) the lead plaintiff received an
25 award, including an award of costs pursu-

1 ant to section 2412 of title 28, United
2 States Code;

3 “(2) the length of environmental impact state-
4 ments and environmental assessments prepared pur-
5 suant to section 102(2)(C) during the period of 5
6 years that ends on June 1 of the current year, which
7 shall include—

8 “(A) the average and median page count of
9 each draft and final environmental impact
10 statement and environmental assessment (in-
11 cluding the appendix) published in the Federal
12 Register during such period of 5 years, includ-
13 ing such page counts disaggregated by quar-
14 tiles;

15 “(B) the number of draft and final envi-
16 ronmental impact statements and environ-
17 mental assessments published in the Federal
18 Register during such period of 5 years,
19 disaggregated by defendant lead agency and
20 subagency as applicable; and

21 “(C) a description of trends in average and
22 median page count of draft and final environ-
23 mental impact statements and environmental
24 assessments published in the Federal Register
25 during such period of 5 years compared to prior

1 reports published by the Council on Environ-
2 mental Quality;

3 “(3) the total cost to prepare the environmental
4 impact statements and environmental assessments
5 described in paragraph (2), including—

6 “(A) the full-time equivalent personnel
7 hour costs, contractor costs, and other direct
8 costs of the lead agency that prepared the envi-
9 ronmental impact statement or environmental
10 assessment; and

11 “(B) if practicable, and noted where not
12 practicable, the costs incurred by cooperating
13 agencies, participating agencies, applicants, and
14 contractors; and

15 “(4) the timelines to complete environmental re-
16 views pursuant to section 102(2)(C) during the pe-
17 riod of 10 years that ends on June 1 of the current
18 year, which shall include—

19 “(A) with respect to each major Federal
20 action commenced during such period of 10
21 years, the date on which (as applicable)—

22 “(i) the project sponsor submitted an
23 application for any permit or other author-
24 ization for the project;

1 “(ii) the lead agency began the
2 scoping;

3 “(iii) the notice of intent to prepare
4 the environmental impact statement was
5 published in the Federal Register;

6 “(iv) the draft environmental impact
7 statement was published in the Federal
8 Register;

9 “(v) the final environmental impact
10 statement was published in the Federal
11 Register;

12 “(vi) the record of decision was pub-
13 lished in the Federal Register; and

14 “(vii) the lead agency provided to the
15 project sponsor notice to proceed on the
16 project;

17 “(B) the average and median publication
18 timelines during such period of 10 years for
19 each document described in subparagraph (A);
20 and

21 “(C) a description of trends in completion
22 times during such period of 10 years for such
23 documents compared to prior reports published
24 by the Council on Environmental Quality.

25 “(b) FORMAT.—

1 “(1) IN GENERAL.—The information included
2 in each report required under subsection (a) shall be
3 disaggregated by the type of project and covered sec-
4 tor.

5 “(2) COVERED SECTORS.—In this subsection,
6 the term ‘covered sector’ means any of the following
7 sectors:

8 “(A) Aviation and space.

9 “(B) Broadband.

10 “(C) Carbon capture and sequestration.

11 “(D) Conventional energy production.

12 “(E) Renewable energy production.

13 “(F) Electricity transmission.

14 “(G) Manufacturing.

15 “(H) Mining.

16 “(I) Pipelines.

17 “(J) Ports and waterways.

18 “(K) Surface transportation.

19 “(L) Information technology infrastruc-
20 ture.

21 “(M) Water resources.

22 “(N) Forestry.

23 “(O) Any other sector as determined by
24 the Council on Environmental Quality.

1 “(c) PUBLIC AVAILABILITY OF DATA.—The Council
2 on Environmental Quality shall publish with each report
3 published under subsection (a) the underlying data used
4 to prepare each such report and include any citations or
5 other information necessary for the public to locate
6 records related to the court proceedings for any cause of
7 action described in subsection (a)(1).”.

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