

119TH CONGRESS
1ST SESSION

S. 1191

To amend the National Environmental Policy Act of 1969 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 that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2025

Mr. CURTIS (for himself and Mr. KELLY) 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 require the Council on Environmental Quality to publish an annual report on environmental reviews and causes of action based on alleged non-compliance with that Act, 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. CEQ ANNUAL REPORT ON NEPA'S IMPACT ON**
 2 **PROJECTS.**

3 (a) IN GENERAL.—Section 201 of the National Envi-
 4 ronmental Policy Act of 1969 (42 U.S.C. 4341) is amend-
 5 ed to read as follows:

6 **“SEC. 201. CEQ ANNUAL REPORT.**

7 “(a) TITLE I DEFINITIONS.—In this section, the
 8 terms ‘categorical exclusion’, ‘cooperating agency’, ‘Coun-
 9 cil’, ‘environmental assessment’, ‘environmental impact
 10 statement’, ‘participating Federal agency’, ‘lead agency’,
 11 and ‘major Federal action’ have the meanings given those
 12 terms in section 111.

13 “(b) REPORT REQUIRED.—Beginning on July 1,
 14 2025, the Council shall annually publish on the website
 15 of the Council, and submit to the Committee on Environ-
 16 ment and Public Works of the Senate and the Committee
 17 on Natural Resources of the House of Representatives, a
 18 report on—

19 “(1) each cause of action based on alleged non-
 20 compliance with this Act that was active during the
 21 period beginning on June 1 of the preceding year
 22 and ending on June 1 of the current year (referred
 23 to in this subsection as the ‘covered year’), which
 24 shall identify—

25 “(A) with respect to each cause of action—

1 “(i) the defendant lead agency and
2 the lead plaintiff; and

3 “(ii)(I) the court in which the cause
4 of action was brought; and

5 “(II) any court to which a decision on
6 the cause of action was appealed;

7 “(B) the number of causes of action,
8 disaggregated by the defendant lead agency;

9 “(C) the alleged basis for each cause of ac-
10 tion, disaggregated by type; and

11 “(D) the status and outcome, if applicable,
12 of each cause of action, including whether—

13 “(i) the cause of action resulted in the
14 major Federal action being reversed;

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

18 “(iii) the court issued a ruling direct-
19 ing the defendant lead agency to take addi-
20 tional measures to be in compliance with
21 this Act;

22 “(iv) the lead plaintiff and the defend-
23 ant lead agency entered into a settlement
24 agreement;

1 “(v) the cause of action is still active;

2 and

3 “(vi) the lead plaintiff received an
4 award, including an award of costs pursu-
5 ant to section 2412 of title 28, United
6 States Code;

7 “(2) the length of environmental impact state-
8 ments and environmental assessments prepared pur-
9 suant to sections 102(2)(C) and 106(b)(2), respec-
10 tively, during the covered year, which shall include—

11 “(A) the average and median page count of
12 each draft and final environmental impact
13 statement and environmental assessment (in-
14 cluding the appendix) published in the Federal
15 Register during that covered year, including the
16 page counts disaggregated by quartiles;

17 “(B) the number of draft and final envi-
18 ronmental impact statements and environ-
19 mental assessments published in the Federal
20 Register during that covered year,
21 disaggregated by defendant lead agency and
22 subagency, as applicable; and

23 “(C) a description of trends in average and
24 median page counts of draft and final environ-
25 mental impact statements and environmental

1 assessments published in the Federal Register
2 during that covered year as compared to prior
3 reports published by the Council;

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

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

12 “(B) if practicable, and noted where not
13 practicable, the costs incurred by cooperating
14 agencies, participating Federal agencies, appli-
15 cants, and contractors;

16 “(4) the timelines to complete environmental
17 impact statements pursuant to section 102(2)(C)
18 during the covered year, which shall include—

19 “(A) with respect to each major Federal
20 action commenced during that covered year, the
21 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 scoping
2 for the project;

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 that covered year for each doc-
19 ument described in subparagraph (A);

20 “(C) a description of trends in completion
21 times during that covered year for those docu-
22 ments as compared to prior reports published
23 by the Council; and

1 “(D) the number of Federal actions evalu-
 2 ated in each document described in subpara-
 3 graph (A) during that covered year; and

4 “(5) a comprehensive list of categorical exclu-
 5 sions listed in the implementing regulations for this
 6 Act of each Federal agency, which shall identify—

7 “(A) the total number of categorical exclu-
 8 sions listed in those regulations; and

9 “(B) the total number of categorical exclu-
 10 sions established, adopted, or revised by each
 11 Federal agency during the covered year.

12 “(c) FORMAT.—

13 “(1) DEFINITION OF COVERED SECTOR.—In
 14 this subsection, the term ‘covered sector’ means any
 15 of the following sectors:

16 “(A) Aviation and space.

17 “(B) Broadband.

18 “(C) Carbon capture and sequestration.

19 “(D) Conventional energy production.

20 “(E) Renewable energy production.

21 “(F) Electricity transmission.

22 “(G) Manufacturing.

23 “(H) Mining.

24 “(I) Pipelines.

25 “(J) Ports and waterways.

1 “(K) Surface transportation.

2 “(L) Information technology infrastruc-
3 ture.

4 “(M) Water resources.

5 “(N) Forestry.

6 “(O) Any other sector, as determined by
7 the Council.

8 “(2) DISAGGREGATION.—The information in-
9 cluded in each report required under subsection (b)
10 shall be disaggregated by the type of project and
11 covered sector.

12 “(d) PUBLIC AVAILABILITY OF DATA.—The Council
13 shall publish with each report published under subsection
14 (b) the underlying data used to prepare the report and
15 include any citations or other information necessary for
16 the public to locate records relating to the court pro-
17 ceedings for any cause of action described in paragraph
18 (1) of that subsection.”.

19 (b) CONFORMING AMENDMENT.—Section 204 of the
20 National Environmental Policy Act of 1969 (42 U.S.C.
21 4344) is amended by striking paragraph (1) and inserting
22 the following:

23 “(1) to prepare the report required under sec-
24 tion 201;”.

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