

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mr. CURTIS (for himself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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;”.