

118TH CONGRESS
2D SESSION

S. 5263

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

SEPTEMBER 25, 2024

Mr. BRAUN (for himself, Mr. RICKETTS, Mr. RISCH, and Mr. CRAPO) 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.**

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

5 **“SEC. 201. CEQ ANNUAL REPORT.**

6 “(a) REPORT REQUIRED.—Beginning on July 1,
7 2025, the Council on Environmental Quality (referred to
8 in this section as the ‘Council’) shall annually publish on
9 the website of the Council, and submit to Congress, a re-
10 port on—

11 “(1) each cause of action based on alleged non-
12 compliance with this Act filed during the 1-year pe-
13 riod ending on June 1 of the calendar year in which
14 the report is submitted, which shall identify—

15 “(A) with respect to each cause of action,
16 the lead defendant Federal agency and the lead
17 plaintiff;

18 “(B) the number of causes of action,
19 disaggregated by the lead defendant Federal
20 agency;

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

23 “(D) the status and outcome, if applicable,
24 of each cause of action based on alleged non-
25 compliance with this Act filed during that pe-
26 riod, including whether—

1 “(i) the cause of action resulted in the
2 major Federal action being reversed;

3 “(ii) the lead defendant Federal agen-
4 cy was allowed to move forward with the
5 major Federal action;

6 “(iii) the court issued a ruling direct-
7 ing the lead defendant Federal agency to
8 take additional measures to be in compli-
9 ance with this Act;

10 “(iv) the lead plaintiff and the lead
11 defendant Federal agency entered into a
12 settlement agreement; and

13 “(v) the cause of action is still in
14 progress;

15 “(2) the length of environmental impact state-
16 ments prepared pursuant to section 102(2)(C) and
17 environmental assessments prepared pursuant to
18 section 106(b)(2) during the 5-year period ending on
19 June 1 of the calendar year in which the report is
20 submitted, which shall include—

21 “(A) the average and median page count of
22 each draft and final environmental impact
23 statement (including the appendix) published in
24 the Federal Register during that period, includ-
25 ing the page counts disaggregated by quartiles;

1 “(B) the average and median page count
2 of each final environmental assessment (includ-
3 ing the appendix) published in the Federal Reg-
4 ister during that period, including the page
5 counts disaggregated by quartiles;

6 “(C) the number of draft and final envi-
7 ronmental impact statements published in the
8 Federal Register during that period,
9 disaggregated by lead Federal agency and sub-
10 agency, as applicable;

11 “(D) the number of final environmental as-
12 sessments published in the Federal Register
13 during that period, disaggregated by lead Fed-
14 eral agency and subagency, as applicable;

15 “(E) a description of trends in average and
16 median page count of draft and final environ-
17 mental impact statements published in the Fed-
18 eral Register during that period compared those
19 identified in prior reports published by the
20 Council under this section; and

21 “(F) a description of trends in average and
22 median page count of final environmental as-
23 sessments published in the Federal Register
24 during that period compared to those identified

1 in prior reports published by the Council under
2 this section; and

3 “(3) the timelines to complete environmental re-
4 views pursuant to section 102(2)(C) during the 10-
5 year period ending on June 1 of the calendar year
6 in which the report is submitted, which shall in-
7 clude—

8 “(A) with respect to each major Federal
9 action commenced during that period, the date
10 on which, as applicable—

11 “(i) the notice of intent to prepare the
12 environmental impact statement was pub-
13 lished in the Federal Register;

14 “(ii) the draft environmental impact
15 statement was published in the Federal
16 Register;

17 “(iii) the final environmental impact
18 statement was published in the Federal
19 Register; and

20 “(iv) the record of decision was pub-
21 lished in the Federal Register;

22 “(B) the average and median publication
23 timelines during that period for each document
24 described in subparagraph (A); and

1 “(C) a description of trends in completion
2 times during that period for those documents
3 compared to the documents identified in prior
4 reports published by the Council under this sec-
5 tion.

6 “(b) PUBLIC AVAILABILITY OF DATA.—The Council
7 shall publish with each report published under subsection
8 (a) the underlying data used to prepare the report.”.

9 (b) CONFORMING AMENDMENTS.—Section 204 of the
10 National Environmental Policy Act of 1969 (42 U.S.C.
11 4344) is amended—

12 (1) by striking paragraph (1); and

13 (2) by redesignating paragraphs (2) through

14 (8) as paragraphs (1) through (7), respectively.

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