

118TH CONGRESS
1ST SESSION

H. R. 6129

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

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 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, 2024,
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 Congress, a report on—

11 “(1) each cause of action based on compliance
12 with this Act filed during the period beginning June
13 1 of the preceding year and ending June 1 of the
14 current year, which shall identify—

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

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

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

23 “(D) the status and outcome, if applicable,
24 of each cause of action based on compliance
25 with this Act filed during the period beginning

1 June 1 of the preceding year and ending June
2 1 of the current year, including whether—

3 “(i) the cause of action resulted in the
4 major Federal action being reversed;

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

8 “(iii) the court issued a ruling direct-
9 ing the lead defendant Federal agency to
10 take additional measures to be in compli-
11 ance;

12 “(iv) the lead plaintiff and the lead
13 defendant Federal agency settled amongst
14 themselves; and

15 “(v) the cause of action is still in
16 progress;

17 “(2) the length of environmental impact state-
18 ments prepared pursuant to section 102(2)(C) dur-
19 ing the period of 5 years that ends on June 1 of the
20 current year, 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 such period of 5

1 years, including such page counts disaggregated
2 by quartiles;

3 “(B) the number of draft and final envi-
4 ronmental impact statements published in the
5 Federal Register during such period of 5 years,
6 disaggregated by lead Federal agency and sub-
7 agency as applicable; and

8 “(C) a description of trends in average and
9 median page count of draft and final environ-
10 mental impact statements published in the Fed-
11 eral Register during such period of 5 years
12 compared to prior reports published by the
13 Council on Environmental Quality; and

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

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

21 “(i) the notice of intent to prepare the
22 environmental impact statement was pub-
23 lished in the Federal Register;

1 “(ii) the draft environmental impact
2 statement was published in the Federal
3 Register;

4 “(iii) the final environmental impact
5 statement was published in the Federal
6 Register; and

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

9 “(B) the average and median publication
10 timelines during such period of 10 years for
11 each document described in subparagraph (A);
12 and

13 “(C) a description of trends in completion
14 times during such period of 10 years for such
15 documents compared to prior reports published
16 by the Council on Environmental Quality.

17 “(b) PUBLIC AVAILABILITY OF DATA.—The Council
18 on Environmental Quality shall publish with each report
19 published under subsection (a) the underlying data used
20 to prepare each such report.”.

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