

## Union Calendar No.

119TH CONGRESS  
1ST SESSION**H. R. 573****[Report No. 119-]**

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.

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## 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

NOVEMBER --, 2025

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 21, 2025]

# **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”.*

6 **SEC. 2. ANNUAL REPORT ON NEPA’S IMPACT ON PROJECTS.**

7 *Section 201 of the National Environmental Policy Act*  
8  *of 1969 (42 U.S.C. 4341) is amended to read as follows:*

9 **“SEC. 201. ANNUAL REPORTS ON NEPA’S IMPACT ON**  
10 **PROJECTS.**

11 *“(a) SUBMISSIONS BY LEAD AGENCIES.—Not later*  
12  *than July 1, 2026, and annually thereafter, the head of each*  
13  *lead agency shall submit to the Council on Environmental*  
14  *Quality a report on—*

15 *“(1) each civil action alleging an agency action*  
16  *in violation of this Act that was active during the pe-*  
17  *riod beginning June 1 of the preceding year and end-*  
18  *ing June 1 of the current year, which shall identify—*

19 *“(A) with respect to each such civil ac-*  
20  *tion—*

21 *“(i) the defendant lead agency, where*  
22  *applicable, and each plaintiff; and*

23 *“(ii) the court in which the civil action*  
24  *was brought and any court to which a deci-*  
25  *sion on the civil action was appealed;*

1           “(B) the number of such civil actions,  
2           disaggregated by the defendant agency, with a  
3           single entry denoting the lead agency, where ap-  
4           plicable, for cases involving multiple Federal  
5           agency defendants;

6           “(C) the alleged basis for each such civil ac-  
7           tion, disaggregated by covered sectors; and

8           “(D) the status and outcome, if applicable,  
9           of each civil action alleging an agency action in  
10          violation of this Act that was active during the  
11          period beginning June 1 of the preceding year  
12          and ending June 1 of the current year, including  
13          whether—

14               “(i) the civil action resulted in a deci-  
15               sion to hold unlawful and set aside the  
16               agency action within the meaning of section  
17               706(2) of title 5, United States Code;

18               “(ii) the civil action resulted in a deci-  
19               sion allowing the Federal agency to proceed  
20               with the major Federal action;

21               “(iii) the civil action resulted in an  
22               order remanding the matter to the agency  
23               for reconsideration without vacating the  
24               analysis;

1                   “(iv) any claim under the civil action  
2                   was resolved by a settlement agreement or  
3                   consent decree between any plaintiff and the  
4                   defendant lead agency;

5                   “(v) the civil action is still active; and

6                   “(vi) any of the plaintiffs received an  
7                   award, including an award of costs pursu-  
8                   ant to section 2412 of title 28, United  
9                   States Code, except that if such information  
10                  is received after the lead agency submits the  
11                  applicable report to the Council on Envi-  
12                  ronmental Quality, the lead agency shall in-  
13                  clude such information in the subsequent re-  
14                  port;

15                  “(2) the length of environmental impact state-  
16                  ments made publicly available pursuant to section  
17                  102(2)(C) during the period of 5 years that ends on  
18                  June 1 of the current year, which shall include—

19                  “(A) the average and median page count of  
20                  all such environmental impact statements (not  
21                  including the page count of any citations or ap-  
22                  pendices), including such page counts  
23                  disaggregated by quartiles;

1           “(B) the average and median page count of  
2           any citations and appendices included in such  
3           environmental impact statements;

4           “(C) the number of such environmental im-  
5           pact statements, disaggregated by lead agency  
6           and subagency as applicable;

7           “(D) a description of trends in average and  
8           median page count of such environmental im-  
9           pact statements and any citations and appen-  
10          dices included in such environmental impact  
11          statements compared to prior reports published  
12          by the Council on Environmental Quality; and

13          “(E) for each report submitted under this  
14          section through 2028, a disaggregation of the  
15          data from before and after the date of the enact-  
16          ment of the Fiscal Responsibility Act of 2023;

17          “(3) an estimate of the cost to prepare the envi-  
18          ronmental impact statements described in paragraph  
19          (2), including—

20               “(A) the full-time equivalent personnel hour  
21               costs, contractor costs, and other direct costs of  
22               the lead agency that prepared the environmental  
23               impact statement; and

24               “(B) if practicable, and noted where not  
25               practicable, the costs incurred by cooperating

1            *agencies, participating agencies, any project*  
2            *sponsor that prepared an environmental impact*  
3            *statement under the supervision of the lead agen-*  
4            *cy, and contractors; and*

5            *“(4) the timelines to complete environmental im-*  
6             *pact statements pursuant to section 102(2)(C) during*  
7            *the period of 10 years that ends on June 1 of the cur-*  
8            *rent year, which shall include—*

9            *“(A) with respect to each major Federal ac-*  
10           *tion commenced during such period of 10 years,*  
11           *the date on which (as applicable)—*

12           *“(i) the project sponsor submitted an*  
13           *application for any permit or other author-*  
14           *ization for the project;*

15           *“(ii) the lead agency began the scoping;*

16           *“(iii) the notice of intent to prepare*  
17           *the environmental impact statement was*  
18           *made publicly available;*

19           *“(iv) the environmental impact state-*  
20           *ment was made publicly available;*

21           *“(v) the record of decision was made*  
22           *publicly available; and*

23           *“(vi) the lead agency provided to the*  
24           *project sponsor notice to proceed on the*  
25           *project;*

1           “(B) *the average and median completion*  
2           *timelines during such period of 10 years for each*  
3           *document described in subparagraph (A);*

4           “(C) *a description of trends in completion*  
5           *timelines during such period of 10 years for such*  
6           *documents compared to prior reports published*  
7           *by the Council on Environmental Quality; and*

8           “(D) *for each report submitted under this*  
9           *section through 2033, a disaggregation of the*  
10          *data from before and after the date of the enact-*  
11          *ment of the Fiscal Responsibility Act of 2023.*

12          “(b) *PUBLICATION AND SUBMISSION OF REPORTS BY*  
13          *THE COUNCIL ON ENVIRONMENTAL QUALITY.—*

14               “(1) *IN GENERAL.—The Council on Environ-*  
15               *mental Qualify shall annually—*

16                   “(A) *publish the reports received under sub-*  
17                   *section (a) on the website of the Council on En-*  
18                   *vironmental Quality; and*

19                   “(B) *submit such reports to the Committee*  
20                   *on Natural Resources of the House of Represent-*  
21                   *atives and the Committee on Environment and*  
22                   *Public Works of the Senate.*

23               “(2) *INCLUSION IN OTHER REPORTS.—The*  
24               *Council on Environmental Quality may carry out*  
25               *paragraph (1)(B) by including the reports received*



1        *under subsection (a) in the report submitted under*  
2        *section 107(h).*

3                *“(3) PUBLIC AVAILABILITY OF DATA.—The Coun-*  
4        *cil on Environmental Quality shall publish with each*  
5        *report published under paragraph (1)(A) the under-*  
6        *lying data used to prepare each such report and in-*  
7        *clude any citations or other information necessary for*  
8        *the public to locate records related to the court pro-*  
9        *ceedings for any civil action described in subsection*  
10       *(a)(1).*

11               *“(c) FORMAT.—To the extent practicable, the informa-*  
12       *tion included in each report submitted to the Council on*  
13       *Environmental Quality under subsection (a) shall be*  
14       *disaggregated by covered sector.*

15               *“(d) COVERED SECTOR DEFINED.—In this section, the*  
16       *term ‘covered sector’ means any of the following sectors:*

17               *“(1) Aviation and space.*

18               *“(2) Broadband.*

19               *“(3) Carbon capture and sequestration.*

20               *“(4) Conventional energy production.*

21               *“(5) Electricity transmission.*

22               *“(6) Forestry.*

23               *“(7) Information technology infrastructure.*

24               *“(8) Manufacturing.*

25               *“(9) Mining.*

- 1           “(10) *Pipelines.*
- 2           “(11) *Ports and waterways.*
- 3           “(12) *Renewable energy production.*
- 4           “(13) *Surface transportation.*
- 5           “(14) *Water resources.*
- 6           “(15) *Any other sector as determined by the*
- 7           *Council on Environmental Quality or lead agency.”.*