

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 573
OFFERED BY MR. WESTERMAN OF ARKANSAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Studying NEPA’s Im-
3 pact on Projects Act”.

4 SEC. 2. ANNUAL REPORT ON NEPA’S IMPACT ON PROJECTS.

5 Section 201 of the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4341) is amended to read as fol-
7 lows:

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

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

14 “(1) each civil action alleging an agency action
15 in violation of this Act that was active during the
16 period beginning June 1 of the preceding year and
17 ending June 1 of the current year, which shall iden-
18 tify—

1 “(A) with respect to each such civil ac-
2 tion—

3 “(i) the defendant lead agency, where
4 applicable, and each plaintiff; and

5 “(ii) the court in which the civil action
6 was brought and any court to which a deci-
7 sion on the civil action was appealed;

8 “(B) the number of such civil actions,
9 disaggregated by the defendant agency, with a
10 single entry denoting the lead agency, where ap-
11 plicable, for cases involving multiple Federal
12 agency defendants;

13 “(C) the alleged basis for each such civil
14 action, disaggregated by covered sectors; and

15 “(D) the status and outcome, if applicable,
16 of each civil action alleging an agency action in
17 violation of this Act that was active during the
18 period beginning June 1 of the preceding year
19 and ending June 1 of the current year, includ-
20 ing whether—

21 “(i) the civil action resulted in a deci-
22 sion to hold unlawful and set aside the
23 agency action within the meaning of sec-
24 tion 706(2) of title 5, United States Code;

1 “(ii) the civil action resulted in a deci-
2 sion allowing the Federal agency to pro-
3 ceed with the major Federal action;

4 “(iii) the civil action resulted in an
5 order remanding the matter to the agency
6 for reconsideration without vacating the
7 analysis;

8 “(iv) any claim under the civil action
9 was resolved by a settlement agreement or
10 consent decree between any plaintiff and
11 the defendant lead agency;

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

13 “(vi) any of the plaintiffs received an
14 award, including an award of costs pursu-
15 ant to section 2412 of title 28, United
16 States Code, except that if such informa-
17 tion is received after the lead agency sub-
18 mits the applicable report to the Council
19 on Environmental Quality, the lead agency
20 shall include such information in the sub-
21 sequent report;

22 “(2) the length of environmental impact state-
23 ments made publicly available pursuant to section
24 102(2)(C) during the period of 5 years that ends on
25 June 1 of the current year, which shall include—

1 “(A) the average and median page count of
2 all such environmental impact statements (not
3 including the page count of any citations or ap-
4 pendices), including such page counts
5 disaggregated by quartiles;

6 “(B) the average and median page count
7 of any citations and appendices included in
8 such environmental impact statements;

9 “(C) the number of such environmental
10 impact statements, disaggregated by lead agen-
11 cy and subagency as applicable;

12 “(D) a description of trends in average
13 and median page count of such environmental
14 impact statements and any citations and appen-
15 dices included in such environmental impact
16 statements compared to prior reports published
17 by the Council on Environmental Quality; and

18 “(E) for each report submitted under this
19 section through 2028, a disaggregation of the
20 data from before and after the date of the en-
21 actment of the Fiscal Responsibility Act of
22 2023;

23 “(3) an estimate of the cost to prepare the envi-
24 ronmental impact statements described in paragraph
25 (2), including—

1 “(A) the full-time equivalent personnel
2 hour costs, contractor costs, and other direct
3 costs of the lead agency that prepared the envi-
4 ronmental impact statement; and

5 “(B) if practicable, and noted where not
6 practicable, the costs incurred by cooperating
7 agencies, participating agencies, any project
8 sponsor that prepared an environmental impact
9 statement under the supervision of the lead
10 agency, and contractors; and

11 “(4) the timelines to complete environmental
12 impact statements pursuant to section 102(2)(C)
13 during the period of 10 years that ends on June 1
14 of the current year, which shall include—

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

18 “(i) the project sponsor submitted an
19 application for any permit or other author-
20 ization for the project;

21 “(ii) the lead agency began the
22 scoping;

23 “(iii) the notice of intent to prepare
24 the environmental impact statement was
25 made publicly available;

1 “(iv) the environmental impact state-
2 ment was made publicly available;

3 “(v) the record of decision was made
4 publicly available; and

5 “(vi) the lead agency provided to the
6 project sponsor notice to proceed on the
7 project;

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

11 “(C) a description of trends in completion
12 timelines during such period of 10 years for
13 such documents compared to prior reports pub-
14 lished by the Council on Environmental Quality;
15 and

16 “(D) for each report submitted under this
17 section through 2033, a disaggregation of the
18 data from before and after the date of the en-
19 actment of the Fiscal Responsibility Act of
20 2023.

21 “(b) PUBLICATION AND SUBMISSION OF REPORTS BY
22 THE COUNCIL ON ENVIRONMENTAL QUALITY.—

23 “(1) IN GENERAL.—The Council on Environ-
24 mental Qualify shall annually—

1 “(A) publish the reports received under
2 subsection (a) on the website of the Council on
3 Environmental Quality; and

4 “(B) submit such reports to the Committee
5 on Natural Resources of the House of Rep-
6 resentatives and the Committee on Environ-
7 ment and Public Works of the Senate.

8 “(2) INCLUSION IN OTHER REPORTS.—The
9 Council on Environmental Quality may carry out
10 paragraph (1)(B) by including the reports received
11 under subsection (a) in the report submitted under
12 section 107(h).

13 “(3) PUBLIC AVAILABILITY OF DATA.—The
14 Council on Environmental Quality shall publish with
15 each report published under paragraph (1)(A) the
16 underlying data used to prepare each such report
17 and include any citations or other information nec-
18 essary for the public to locate records related to the
19 court proceedings for any civil action described in
20 subsection (a)(1).

21 “(c) FORMAT.—To the extent practicable, the infor-
22 mation included in each report submitted to the Council
23 on Environmental Quality under subsection (a) shall be
24 disaggregated by covered sector.

1 “(d) COVERED SECTOR DEFINED.—In this section,
2 the term ‘covered sector’ means any of the following sec-
3 tors:

4 “(1) Aviation and space.

5 “(2) Broadband.

6 “(3) Carbon capture and sequestration.

7 “(4) Conventional energy production.

8 “(5) Electricity transmission.

9 “(6) Forestry.

10 “(7) Information technology infrastructure.

11 “(8) Manufacturing.

12 “(9) Mining.

13 “(10) Pipelines.

14 “(11) Ports and waterways.

15 “(12) Renewable energy production.

16 “(13) Surface transportation.

17 “(14) Water resources.

18 “(15) Any other sector as determined by the
19 Council on Environmental Quality or lead agency.”.

