

116TH CONGRESS  
2D SESSION

# S. 4265

To amend the National Environmental Policy Act of 1969 to require the submission of certain reports, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 22, 2020

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the National Environmental Policy Act of 1969 to require the submission of certain reports, 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 “NEPA Data Trans-  
5       parency and Accountability Act of 2020”.

6       **SEC. 2. REQUIRED REPORTS UNDER NEPA.**

7       Title I of the National Environmental Policy Act of  
8       1969 is amended—

9               (1) by redesignating section 105 (42 U.S.C.  
10       4335) as section 106; and

1           (2) by inserting after section 104 (42 U.S.C.  
2           4334) the following:

3   **“SEC. 105. REQUIRED REPORTS.**

4           “(a) DEFINITIONS.—In this section:

5           “(1) ENVIRONMENTAL ASSESSMENT.—The  
6           term ‘environmental assessment’ has the meaning  
7           given the term in section 1508.9 of title 40, Code of  
8           Federal Regulations (or a successor regulation).

9           “(2) ENVIRONMENTAL IMPACT STATEMENT.—  
10          The term ‘environmental impact statement’ means a  
11          detailed statement required under section 102(2)(C).

12          “(3) FEDERAL AGENCY.—The term ‘Federal  
13          agency’ includes a State that has assumed responsi-  
14          bility under section 327 of title 23, United States  
15          Code.

16          “(4) HEAD OF A FEDERAL AGENCY.—The term  
17          ‘head of a Federal agency’ includes the governor or  
18          head of an applicable State agency of a State that  
19          has assumed responsibility under section 327 of title  
20          23, United States Code.

21          “(5) NEPA PROCESS.—

22                 “(A) IN GENERAL.—The term ‘NEPA  
23                 process’ means the entirety of every process,  
24                 analysis, or other measure, including an envi-  
25                 ronmental impact statement, required to be car-

1           ried out by a Federal agency under this title be-  
2           fore the agency undertakes a proposed action.

3           “(B) PERIOD.—For purposes of subpara-  
4           graph (A), the NEPA process—

5           “(i) begins on the date on which the  
6           head of a Federal agency receives an appli-  
7           cation for a proposed action from a project  
8           sponsor; and

9           “(ii) ends on the date on which the  
10          Federal agency issues, with respect to the  
11          proposed action—

12           “(I) a record of decision, includ-  
13           ing, if necessary, a revised record of  
14           decision;

15           “(II) a finding of no significant  
16           impact; or

17           “(III) a categorical exclusion  
18           under this title.

19          “(6) PROJECT SPONSOR.—The term ‘project  
20          sponsor’ means a Federal agency or other entity, in-  
21          cluding a private or public-private entity, that seeks  
22          approval of a proposed action.

23          “(b) REPORTS.—

24           “(1) NEPA DATA.—

1           “(A) IN GENERAL.—The head of each  
2 Federal agency that carries out the NEPA  
3 process shall carry out a process to track, and  
4 annually submit to Congress a report con-  
5 taining, the information described in subpara-  
6 graph (B).

7           “(B) INFORMATION DESCRIBED.—The in-  
8 formation referred to in subparagraph (A) is,  
9 with respect to the Federal agency issuing the  
10 report under that subparagraph—

11               “(i) the number of proposed actions  
12 for which a categorical exclusion was  
13 issued during the reporting period;

14               “(ii) the length of time the Federal  
15 agency took to issue the categorical exclu-  
16 sions described in clause (i);

17               “(iii) the number of proposed actions  
18 pending on the date on which the report is  
19 submitted for which the issuance of a cat-  
20 egorical exclusion is pending;

21               “(iv) the number of proposed actions  
22 for which an environmental assessment  
23 was issued during the reporting period;

1           “(v) the length of time the Federal  
2           agency took to complete each environ-  
3           mental assessment described in clause (iv);

4           “(vi) the number of proposed actions  
5           pending on the date on which the report is  
6           submitted for which an environmental as-  
7           sessment is being drafted;

8           “(vii) the number of proposed actions  
9           for which an environmental impact state-  
10          ment was issued during the reporting pe-  
11          riod;

12          “(viii) the length of time the Federal  
13          agency took to complete each environ-  
14          mental impact statement described in  
15          clause (vii); and

16          “(ix) the number of proposed actions  
17          pending on the date on which the report is  
18          submitted for which an environmental im-  
19          pact statement is being drafted.

20          “(2) NEPA COSTS.—

21                 “(A) IN GENERAL.—Not later than 1 year  
22                 after the date of enactment of this subsection,  
23                 the Chair of the Council on Environmental  
24                 Quality and the Director of the Office of Man-  
25                 agement and Budget shall jointly develop a

1 methodology to assess the comprehensive costs  
2 of the NEPA process.

3 “(B) REQUIREMENTS.—The head of each  
4 Federal agency that carries out the NEPA  
5 process shall—

6 “(i) adopt the methodology developed  
7 under subparagraph (A); and

8 “(ii) use the methodology developed  
9 under subparagraph (A) to annually sub-  
10 mit to Congress a report describing—

11 “(I) the comprehensive cost of  
12 the NEPA process for each proposed  
13 action that was carried out within the  
14 reporting period; and

15 “(II) for a proposed action for  
16 which the head of the Federal agency  
17 is still completing the NEPA process  
18 at the time the report is submitted—

19 “(aa) the amount of money  
20 expended to date to carry out the  
21 NEPA process for the proposed  
22 action; and

23 “(bb) an estimate of the re-  
24 maining costs before the NEPA

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process for the proposed action is

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complete.”.

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