

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.

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

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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