

No. 23-975

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**In the Supreme Court of the United States**

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SEVEN COUNTY INFRASTRUCTURE COALITION, ET AL.,  
PETITIONERS

*v.*

EAGLE COUNTY, COLORADO, ET AL.,  
RESPONDENTS

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*ON WRIT OF CERTIORARI  
TO THE U.S. COURT OF APPEALS FOR THE DISTRICT OF  
COLUMBIA CIRCUIT*

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**BRIEF FOR 30 MEMBERS OF THE U.S. HOUSE AND  
SENATE  
AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS**

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### **INTEREST OF AMICI CURIAE<sup>1</sup>**

Amici curiae, the Honorable Raúl M. Grijalva and the Honorable Edward J. Markey, along with twenty-eight of their House and Senate colleagues, are members of Congress with a strong interest in ensuring implementation of the National Environmental Policy Act (“NEPA”) consistent with Congressional intent.

Amici chair or serve on key committees with jurisdiction over environmental issues, natural resources, and infrastructure:

- Rep. Grijalva was Chair of the House Committee on Natural Resources during the 116th and 117th Congress and currently serves as the Committee’s Ranking Member.
- Sen. Markey is Chair of the Senate Subcommittee on Clean Air, Climate, and Nuclear Safety and serves on the Senate Committee on Commerce, Science and Transportation.
- Rep. McGovern, who serves on the House Committee on Agriculture and is the Ranking Member of the House Committee on Rules.
- Rep. Velázquez, who serves on the House Committee on Natural Resources, the House Committee on Financial Services, and is Ranking

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<sup>1</sup> Pursuant to Rule 37.6, counsel for amici curiae certifies that no person or entity other than amici curiae and their counsel authored this brief in whole or in part. No person other than amici curiae and their counsel made a monetary contribution to its preparation or submission of the brief.

Member of the House Committee on Small Business.

- Sen. Carper is Chair of the Senate Committee on Environment and Public Works.
- Sen. Sanders is Chair of the Senate Committee on Health, Education, Labor and Pensions and serves on the Senate Committee on Energy and Natural Resources.
- Sen. Wyden is Chair of the Senate Committee on Finance and serves on the Senate Committee on Energy and Natural Resources.

Joining them on this brief as amici curiae are:

- Rep. Adams, who serves on the House Committee on Agriculture and House Committee on Education and Labor.
- Rep. Barragán, who serves on the House Committee on Energy and Commerce.
- Rep. Beyer, who serves on the Joint Economic Committee and the House Committee on Ways and Means.
- Rep. Blumenauer, who serves on the House Committee on Ways and Means.
- Rep. Brownley, who serves on the House Committee on Transportation and Infrastructure.
- Rep. Bush, who serves on the House Committee on Oversight and Accountability and is Ranking Member of the House Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs.



- Rep. Case, who serves on the House Committee on Appropriations and the House Committee on Natural Resources.
- Rep. Casten, who serves on the House Committee on Financial Services and the House Committee on Science, Space, and Technology.
- Rep. Cohen, who serves on the House Committee on Transportation and Infrastructure and the House Subcommittee on Railroads, Pipelines, and Hazardous Materials.
- Rep. Connolly, who serves on the House Committee on Oversight and Accountability and the House Committee on Foreign Affairs.
- Rep. Huffman, who serves on the House Committee on Natural Resources and the House Committee on Transportation and Infrastructure.
- Rep. Jayapal, who serves on the House Committee on the Judiciary and the House Committee on Education and the Workforce.
- Rep. Kamlager-Dove, who is vice-ranking member of the House Committee on Natural Resources and serves on the House Committee on Foreign Affairs.
- Rep. Lee, who serves on the House Committee on Appropriations and the House Committee on the Budget.
- Rep. Levin, who serves on the House Committee on Natural Resources and the House Committee on Veterans' Affairs.
- Rep. Mullin, who serves on the House Committee on Natural Resources and the House Committee on Science, Space, and Technology.

- Rep. Norton, who serves on the House Committee on Oversight and Accountability and the House Committee on Transportation and Infrastructure.
- Rep. Ocasio-Cortez, who serves on the House Committee on Oversight and Accountability and the House Committee on Natural Resources.
- Rep. Schakowsky, who serves on the House Committee on Energy and Commerce and is Ranking Member of the House Subcommittee on Innovation, Data, and Commerce.
- Rep. Tlaib, who serves on the House Committee on Financial Services and the House Committee on Oversight and Accountability.
- Rep. Tonko, who serves on the House Committee on Energy and Commerce and the House Committee on Science, Space, and Technology.
- Sen. Merkley is Chair of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, and serves on the Senate Environment and Public Works Committee.
- Sen. Van Hollen, who serves on the Senate Committee on Appropriations and the Senate Committee on Banking, Housing and Urban Affairs.

Through their years of work as elected Senators and Representatives, amici are familiar with Congress's intent to establish "a national policy which will encourage productive and enjoyable harmony between man and his environment," by creating an environmental review process that ensures public involvement, requires

thorough evaluation of project impacts, and “promote[s] efforts which will prevent or eliminate damage to the environment.” 42 U.S.C. § 4321.

## INTRODUCTION & SUMMARY OF ARGUMENT

In urging the Court to reverse, Petitioners portray Congress as a largely passive actor in the decades following NEPA's enactment, sitting by idle while the Environmental Impact Statement ("EIS") "took on a life of its own, with environmental and industry groups seizing on NEPA compliance . . . [to] creat[e] such delay as to completely impede the progress of a project." Pet. Br. at 4 (citation omitted). Petitioners' amici echo this refrain, with a brief from six Senators claiming that, though Congress enacted NEPA "[a]s a common-sense statute imposing only procedural precautions," "many lower court decisions" have "transform[ed]" the law "into a roving environmentalist mandate." Barrasso Br. at 2–3. The solution, for Petitioners and their amici alike, is to relegate NEPA to a "modest procedural check," Pet. Br. at 4; a "quite modest, even minimalist" Congressional "directive," CEA Br. at 4; and a "narrow procedure" that agencies undertake as part of the project development process, Barrasso Br. at 4.

Our experience as members of the legislative body that has debated, modified, and updated NEPA over several decades makes clear that such characterizations miss the mark.

To start, the path forward is not a return to some bygone past, of NEPA as a "minimalist" or "modest" requirement that agencies must check on their way to project approval. Those bygone days never happened, for a simple reason: Congress never meant for NEPA to be a "narrow," ministerial, box-checking formality. Barrasso Br. at 4. To the contrary, NEPA became law because, before its enactment, environmental policy was "too narrow, too limited, and too specialized." *National*

*Environmental Policy: Hearing Before the Comm. on Interior and Insular Affs. on S. 1075, S. 237, and S. 1752, 91st Cong. 27 (1969) (statement of Sen. Jackson).* There was no mandate calling for interagency coordination or collaboration. What NEPA did, then, was “supplement existing, but narrow and fractionated, congressional declarations” by establishing an “orderly, rational, and constructive” procedure for considering the environment in agency decision-making. S. REP. NO. 91-296, at 9 (1969). That is exactly the approach the D.C. Circuit took below, when it understood NEPA to require the Surface Transportation Board to assess both the upstream and downstream impacts of the Uinta railway and to consult other agencies while doing that assessment.

Nor is this a case, as Petitioners and their amici seem to suggest, where Congress passed a law and then fell asleep at the wheel while that law metastasized into an unmanageable, bureaucratic roadblock. Instead, as representatives who have considered a myriad of NEPA reform bills with our colleagues, we say with confidence that Congress has repeatedly enacted changes to NEPA and is clearly “aware” of how the law has been interpreted by agencies and courts. *Cannon v. Univ. of Chicago*, 441 U.S. 677, 697 (1979). The many efforts—successful and unsuccessful—to legislate with that interpretation firmly in the background reflect that Congress has “acquiesce[d]” and “affirmed” the long-held understanding of NEPA as embraced and applied by the D.C. Circuit. *Id.* at 703.

Indeed, a careful review of these legislative efforts demonstrates that Congress has actively and continuously sought to shape NEPA since its passage, with more than 550 bills put forward. Several of those

bills have become law, including the Energy Policy, FAST, and BUILDER Acts. But none of these laws have altered NEPA's fundamental mission: to require that "all Federal agencies plan and work toward meeting the challenge of a better environment." S. REP. NO. 91-296, at 9 (1969). And even more tellingly, the bills that have failed underscore exactly why Petitioners have come knocking on the wrong government door for relief.

Senator Mike Lee, for instance, is one of the six signatories to the Petitioners-side Congressional brief. He was also the lead sponsor of an amendment to the 2024 Consolidated Appropriations Act. Pub. L. 118-42, 138 Stat. 25. That amendment, if passed, would have exempted from NEPA the railroad project at issue here; it would have also ended this specific case and denied further judicial redress on the NEPA claims. S. Amend. 1111, 118th Cong., 169 CONG. REC. S4400 (daily ed. Sept. 12, 2023). But that effort failed. And in the same vein, Congress considered various amendments to the BUILDER Act that would have also eviscerated NEPA along the lines that Petitioners pursue here. That effort was likewise unavailing.

This Court has emphasized time and again that it does not "sit as a super-legislature and create statutory distinctions where none were intended." *Sec. Indus. Ass'n v. Bd. of Gov. of Fed. Res. Sys.*, 468 U.S. 137, 153 (1984) (cleaned up); accord *City of New Orleans v. Dukes*, 427 U.S. 297, 303 (1976); *Day-Brite Lighting, Inc. v. Missouri*, 342 U.S. 421, 423 (1952). Yet that is just what Petitioners and their amici seek. Congress considered, but declined, to give a hall pass to the Uinta project. It has likewise considered, but declined, to restrict the scope of judicial review. And even as it has adopted other changes to NEPA, it has consistently rejected efforts to

strip the law of its emphasis on interagency processes and coordination. There is no reason, when Petitioners and their amici have failed at each turn to obtain their desired legislative solution in a legislative forum, that they should now obtain this same solution in a judicial forum.

## ARGUMENT

### **I. CONGRESS ENACTED NEPA TO PROVIDE FOR PROACTIVE AND COORDINATED ENVIRONMENTAL REVIEW.**

To understand why Congress needed a statute like NEPA to require large-scale, cross-agency action, one need first consider the state of environmental law pre-NEPA.

At the time, the Clean Air Act, Water Pollution Control Act, and other laws offered a patchwork of substantive environmental protections. No statute, though, “provide[d] an effective or orderly manner to consider all forms of environmental degradation,” particularly those which might cut across geography and jurisdiction. 115 CONG. REC. 29053 (1969). Many agencies did not “have a mandate within the body of their enabling laws to allow them to give adequate attention to environmental values,” S. REP. NO. 91-296, at 14 (1969), much less the “clear authority to assure consideration of environmental factors which conflict with other Federal objectives,” 115 CONG. REC. 40419 (1969).

The results of this blinkered approach were predictable. In describing the Tennessee Valley Authority (“TVA”), for instance, then-Interior Secretary Stewart Udall observed that “their mission was to

produce electric power as cheaply as possible.” But he bemoaned where this narrow focus led the Authority; if sticking to this mission “destroyed resources, rivers and hillsides, and ruined parts of the country outside the TVA area for all time, this was none of their business.” *Joint House-Senate Colloquium to Discuss a National Policy for the Environment: Hearing Before the Comm. on Interior and Insular Affs. U.S. S. and the Comm. on Science and Astronautics U.S. H.R.*, 90th Cong. 15 (1968).

Nor was the TVA some unique creature of federal law. “Many of the environmental controversies” of the day were “caused by the failure to consider all relevant points of view in the planning and conduct of Federal activities,” S. REP. NO. 91-296, at 20 (1969), with the unintended, environmental impacts following a major California oil spill serving as the lynchpin behind NEPA’s drafting and ultimate passage, Teresa Sabol Spezio, *The Santa Barbara Oil Spill and Its Effect on United States Environmental Policy*, 10 Sustainability 2750 (2018).

Thus, when introducing the Act, lead sponsor Henry Jackson chided lawmakers for constantly “reacting to crisis situations in the environmental field.” Richard F. Weingroff, *Addressing the Quiet Crisis: Origins of the National Environmental Policy Act of 1969*, U.S. Dep’t of Transp., Fed. Highway Admin. (Jan. 15, 2009), <https://perma.cc/P2XC-EADF>. “What we should be doing,” Jackson underscored, “is setting up institutions and procedures designed to anticipate environmental problems before they reach the crisis stage.” *Id.*

Other members of Congress shared that view: environmental disasters should no longer be “the spinoff, the fallout, and the unanticipated consequence[.]” of “the pursuit of narrower, more immediate goals.” S. REP. NO.



91-296, at 9 (1969). Instead, because “[e]nvironmental problems cut across many existing operational organizations” and thus cannot be in “the exclusive bailiwick of any committee of Congress nor department of Government,” NEPA would provide “all agencies and all Federal officials with a legislative mandate and a responsibility to consider the consequences of their actions on the environment.” CONGRESSIONAL WHITE PAPER ON A NATIONAL POLICY FOR THE ENVIRONMENT 12 (Comm. Print. 1968); 115 CONG. REC. 40423 (1969); S. REP. NO 91-296, at 14 (1969). Rather than operating in narrowly drawn silos, agencies would take an “interdisciplinary, team approach” to assess the consequences of federal development projects. 115 CONG. REC. 29085 (1969).

The contemporaneous legislative record affirms the importance of and need for interagency coordination, both for NEPA generally and for the Environmental Impact Statement (“EIS”) specifically. Section 101(a), for example, declares that “the activities and resources of the Federal Government shall be improved and coordinated to . . . attain certain broad national goals in the management of the environment.” 115 CONG. REC. 29084 (1969). Section 101(b)(4) similarly repudiates the understanding that “environmental evaluation” should be restricted to “the province of a particular agency.” 115 CONG. REC. 29085 (1969). And section 102(2)’s “action-forcing” mechanism—the provision at issue here—ties these provisions together, requiring that agencies work together “lest legislation does not matter.” *National Environmental Policy: Hearing Before the Comm. on Interior and Insular Affs. on S. 1075, S. 237, and S. 1752*, 91st Cong. 116 (1969) (statement of Sen. Jackson). Congress, in sum, enacted NEPA not as some pro forma

check, but as a meaningful and responsive mandate for interagency cooperation and coordination.

## **II. CONGRESS CONTINUES TO EMBRACE NEPA’S HOLISTIC APPROACH.**

In addition to glossing over the circumstances motivating NEPA’s passage, Petitioners and their amici commit a second, related misstep. Several of our Senate counterparts claim that Congress “could not have anticipated” or “predicted” what NEPA would look like today: i.e., a coordinated, proactive, and interagency effort to assess the environmental impacts of federal development, with the backstop of meaningful judicial review. *Barrasso Br.* at 5–6. Petitioners make a substantially similar claim. *Pet. Br.* at 4. But this characterization of Congressional intent has little basis in either law or fact. Congress has often amended NEPA—but it has always left Petitioners’ proposed changes on the cutting-room floor.

### **A. Congress has actively changed NEPA and sought to shape its contours since its enactment.**

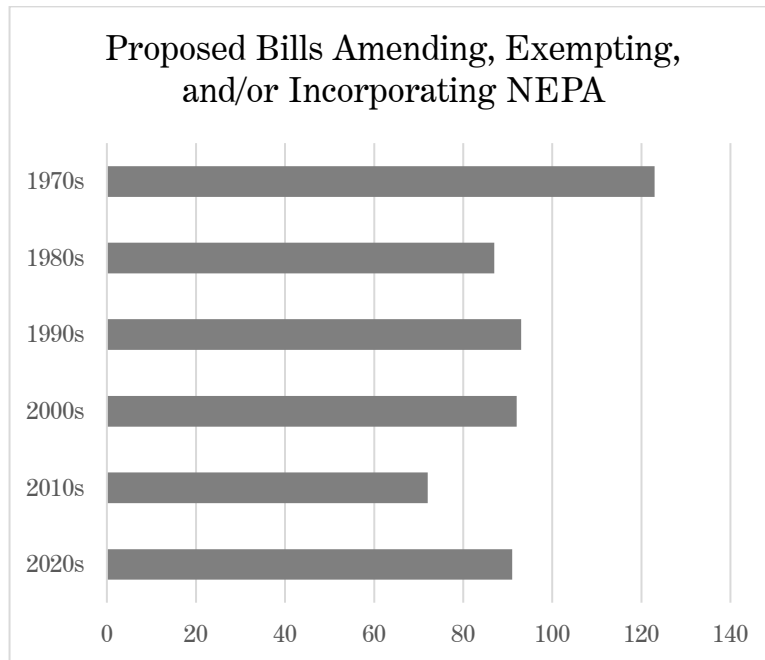
As this Court has outlined, “Congress’ acquiescence to a settled judicial interpretation can suggest adoption of that interpretation.” *AMG Cap. Mgmt, LLC v. Fed. Trade Comm’n*, 593 U.S. 67, 81 (2021) (citing *Monesson Sw. R. Co. v. Morgan*, 486 U.S. 330, 338 (1988)). To be sure, “when Congress has not comprehensively revised a statutory scheme but has made only isolated amendments it is impossible to assert with any degree of assurance that congressional failure to act represents affirmative

congressional approval of a court's statutory interpretation." *Id.* (cleaned up).

Here, however, there are far more than the one or two examples of acquiescence which the Court examined and subsequently rejected in *AMG Capital*, 593 U.S. at 82, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159, 170 (2001), and other cases.

That is because since NEPA's passage, Congress has introduced at least 550 bills that seek to modify, amend, or update the statute in some way. *See* Appendix. In 1970, the first year following NEPA's passage, Congress introduced ten such bills alone. In each year since, members of the House or Senate (and, in many years, both) have proposed legislation touching on NEPA's operation. That has continued into the instant session, where Congress introduced, debated, and passed legislation modifying NEPA. *See, e.g.*, Building Chips in America Act of 2023, Pub. L. No. 118-105, 138 Stat. 1587.

The summary chart below captures both the number and the continuity of legislative efforts over time.



A closer look into the content of some of these legislative proposals adds further confirmation of the point. Several bills have sought to expand NEPA's scope. These include proposals that seek to provide for private standing, H.R. 15780, 91st Cong. (1970); to establish and coordinate greater data collection, H.R. 4732, 93rd Cong. (1973); and to require additional review and comment procedures in the EIS process, S. 1304 & H.R. 3515, 101st Cong. (1989). Such efforts to expand and re-affirm NEPA's purview both predate and, more importantly, post-date the D.C. Circuit's decision in *Sierra Club v. FERC (Sabal Trail)*, 867 F.3d 1357 (D.C. Cir. 2017). See S. 3754, 118th Cong. (2024).

True, some of the proposed legislation has tried to curb NEPA's reach. See, e.g., S. 1668, 93d Cong. (1973);

H.R. 9012, 117th Cong. (2022). This is not, in other words, an instance of one-way traffic. But that is exactly what one would expect for an influential, landmark, and heavily contested federal statute: a kaleidoscope of efforts from different political factions to change NEPA in different ways. As this Court has emphasized, that “[s]incere adherents advocating contrary views have ventilated the subject for . . . decades” shows that Congress is “acutely aware” of a statute’s interpretation and application. *Bob Jones Univ. v. United States*, 461 U.S. 574, 599 (1983). Congressional action vis-à-vis NEPA, in short, is far closer to the circumstances of *Bob Jones University*, when Congress introduced “no fewer than 13 bills” in twelve years, *id.* at 600, than to *AMG Capital* or *Solid Waste Agency*.

**B. Congress has adapted NEPA over the years but has left interagency coordination untouched.**

Nor has Congress been spinning its wheels with futile proposals. Many bills touching on NEPA’s operation have been successfully passed across Democratic and Republican administrations. These laws can be organized across three categories.

*First*, Congress has established, modified, or streamlined the process for EIS assessments. Shortly after NEPA’s passage, for instance, Congress clarified the Environmental Protection Agency’s authority to review coordinated agency actions and reports, 42 U.S.C. § 7609, and asked the agency to ensure that other “mission-oriented Federal agencies have access to environmental expertise to give adequate consideration to environmental factors,” S. REP. NO. 91-1196, at 43 (1970).

More recent examples of such action include the Fixing America’s Surface Transportation (“FAST”) Act, which streamlined EIS review by allowing states to use their own environmental laws in limited circumstances, Pub. L. No. 114-94, § 330, 129 Stat. 1312, 1392; and the BUILDER Act (passed as part of the Fiscal Responsibility Act of 2023), which imposes thresholds for review, processes for timely review coordination (including EIS page limits), and expansion of categorical exclusions. Pub. L. No. 118-5, § 321, 137 Stat. 10, 38.

*Second*, Congress has recognized special procedures for specific industries. The Energy Policy Act of 2005, for example, expedited the approval process of “conduct[] pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.” 42 U.S.C. § 15942. National security has similarly been exempted from general review, through the National Defense Authorization Acts (“NDAA”). The FY2010 NDAA expedited the process for “the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities.” Pub. L. No. 111-84, § 3512, 123 Stat. 2190, 2722 (2009); *see also* Pub. L. No. 111-383 (FY2011 NDAA).<sup>2</sup> Most recently, President Biden signed into law a bill that exempts certain semiconductor factories from NEPA. *See* Building Chips in America Act of 2023, Pub. L. No. 118-105, 138 Stat. 1587.

*Third*, Congress has exempted or otherwise singled out specific projects. Shortly after NEPA’s passage,

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<sup>2</sup> Congress has nevertheless declined to provide blanket protection to defense-related projects, and has at times expanded the EIS requirement to cover certain military activities. H.R. 672, 111th Cong. (2009).

Congress exempted the Trans-Alaska Pipeline from its requirements. 43 U.S.C. §1652. And the Fiscal Responsibility Act of 2023 provided a specific, highly controversial exception for the Mountain Valley Pipeline based on a Congressional finding that “timely completion of construction and operation” of the Pipeline was “required in the national interest.” Pub. L. No. 118-5, § 324, 137 Stat. 10, 47.

To be clear, many of the undersigned House and Senate members here opposed, on substantive grounds, legislation from each of these three categories—from the BUILDER Act to the semiconductor exclusion to the Mountain Valley Pipeline carveout. Even so, we respect that such choices reflect the active process of Congressional policymaking and compromise for NEPA, just as it would for any other statute. These contentious questions of public import are being made precisely where they should be: the U.S. Capitol.

**C. Petitioners and their amici seek from the Court the same relief they tried and failed to obtain in Congress.**

The same cannot be said for Petitioners and their *amici*, who turn to the Court only because they have failed to convince Congress to sign onto their cause. Worse, they have failed in each of the categories outlined above, showing that Petitioners know that “Congress, not this Court, is [the] proper audience” for Petitioners’ grievances. *Kimble v. Marvel Ent., LLC*, 576 U.S. 446, 463 (2015).

**1. Congress has declined to exclude indirect and cumulative effects from NEPA review.**

Start with the first category: laws that have altered or streamlined the EIS. As outlined above, the FAST and BUILDER Acts are the most recent statutes to fall into this bucket.

On the former, the FAST Act unquestionably preserves holistic, interagency review. The Act calls for cooperating agencies to produce a single environmental document “to the maximum extent practicable and consistent with federal law” and implements timelines for cross-agency, coordinated reviews. Pub. L. No. 114-94, § 1304, 129 Stat. 1312, 1380. But as the Council on Environmental Quality recognizes, those changes merely seek to promote and codify the process “of informed decision-making and environmental review.” Council on Env’t Quality, *Introducing Federal Environmental Policy Act Practitioners to the Georgia Environmental Policy Act* (2015). These reforms did not, however, fundamentally alter NEPA’s proactive, interagency nature.

As to the BUILDER Act, Petitioners and their amici alternatively (1) contend that any Congressional efforts to rein in NEPA would be a day late and a dollar short, *Barrasso Br.* at 5–6, while (2) nevertheless insisting that the BUILDER Act represents a watershed change to NEPA’s trajectory, *Pet. Br.* at 27. Neither is true. The BUILDER Act imposes page and time limits and other changes in response to calls from regulated industries for NEPA reform. 42 U.S.C. § 4336a. But the Act continues to recognize separate categories of review for “effects of the proposed agency action” and a broader category of “effects which cannot be avoided should the proposal be implemented.” 42 U.S.C. § 4332(2)(C)(i), (ii). In so doing, Congress acknowledged and retained NEPA’s



longstanding purpose to “promote efforts which will prevent or eliminate damage to the environment and biosphere.” 42 U.S.C. § 4321.

What is more, before the BUILDER Act’s passage, Congress contemplated and debated (but did not pass) H.R. 1, the Lower Energy Costs Act. 118th Cong. (2023). That Act explicitly sought to exclude indirect and cumulative effects from EIS consideration and tried to severely constrict judicial review of NEPA decisions. In debates on the BUILDER Act, Congress likewise considered but discarded amendments that would have required consideration only of environmental effects “with a reasonably close relationship” to a proposed action, or geographic limits to “an area directly affected” by a proposed agency action. H.R. 1577, 118th Cong. § 2(a)(3)(B), 2(b) (2023). All of these reforms might have ended this NEPA litigation. Yet no such reform became law, separately or as part of the BUILDER Act.<sup>3</sup>

## **2. Congress has declined to exempt oil and gas transportation from NEPA review.**

The next category, laws that apply special procedures or exemptions to certain industries, tells a similar story.

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<sup>3</sup> Several of Petitioners’ amici advance a curious argument: That laws like the BUILDER Act are not a “silver bullet” because some jurisdictions appear to treat the Act’s requirements as “optional.” Energy Transfer Br. at 30 n.6; Anschutz Exploration Br. at 21–23. But the BUILDER Act is barely a year old; it would be premature to assess its final impact and deem it insufficient. That is particularly so here since the STB has not sought to post-hoc the BUILDER Act’s limitations to the project at issue. In a similar vein, it is unsurprising that courts have continued to apply their longstanding precedent following the BUILDER Act’s passage. After all, unlike H.R. 1, nothing about the BUILDER Act constricts the scope or breadth of judicial review under NEPA.

As mentioned, the Energy Policy Act expedited the NEPA approval process for certain oil and gas projects. What it did not do, though, was change NEPA's requirement of cross-agency coordination, for the oil and gas industry specifically or for any other projects.

Here too it is worth examining the relevant counterfactual. Several of the Senators on the other side of this case have sought categorical exclusions or accommodations for certain industries. *See* Grazing Improvement Act, S. 258, 113th Cong. (2013) (Sen. Barrasso) (providing categorical exclusions from EIS requirements for certain grazing permits). That includes accommodations for the oil and gas industry. *See* Offshore Production and Safety Act of 2011, S. 953, 112th Cong. (Sen. McConnell) (directing that a prior EIS would satisfy NEPA for covered oil and gas leases). Our colleagues' efforts confirm that the proper venue for Petitioners' claimed grievance is Congress, not the Court.

### **3. Congress considered, but declined, to exempt the Uinta rail project.**

If, in other words, Petitioners believe that all fossil-fuel infrastructure (or even just this specific project) deserve a special exemption from NEPA, there is a time-worn path that they could pursue: "bicameralism and presentment." *Virginia Uranium, Inc. v. Warren*, 587 U.S. 761, 778 (2019) (plurality opinion).

But there is a reason why Petitioners have not gotten a legislative exemption for their proposed development. They tried. They failed.

Senator Lee sought an exemption for this exact railroad project in an amendment to the Consolidated Appropriations Act, 2024. Pub. L. 118-42, 138 Stat. 25. That amendment sought to "ratif[y] and approve[] all . . .

statements[] and any other approvals or orders issued . . . for the Uinta Basin Railway,” as well as to direct the STB to “issue all permits or verification necessary” to “complete the construction” of the rail line. S. Amend. 1111, 118th Cong., 169 CONG. REC. S4400 (daily ed. Sept. 12, 2023). It would also have terminated the instant litigation and denied further judicial review. *Id.* Senator Lee’s effort, though, failed to win sufficient Congressional support. Months later, Petitioners filed for a writ of certiorari.

\* \* \*

At bottom, this case is about the relationship between NEPA past, present, and future.

The record makes plain that, as to NEPA past, federal decision making suffered because agencies too often trampled on public-interest values outside of their perceived missions, impaired by proverbial horse blinders. The enacting Congress thus underscored that NEPA “[section 101(a) declares that] the activities and resources of the Federal Government shall be improved and coordinated to . . . attain certain broad national goals in the management of the environment.” 115 CONG. REC. 29084 (1969) (emphasis added).

The record is also clear that NEPA present is a product of ongoing legislative discussion, debate, and compromise. In the fifty-five years since NEPA’s passage, Congress has expanded, streamlined, tinkered, and adapted the statute to fit the policy needs of the day. It continues to tinker now, knowing full well the scope and breadth of judicial review and knowing that it can alter that scope at any time.

What is less clear is who will determine NEPA's future. After their efforts foundered in the halls of Congress, Petitioners walked their grievance down the street, seeking from this Court a judicial solution to their legislative problems. That path is inappropriate and unfounded. Congress enacted NEPA. It has changed and updated it. And it should hold the pen in deciding how the statute applies in the years to come.

### CONCLUSION

For these reasons, the judgment of the D.C. Circuit should be affirmed.

Respectfully submitted,

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October 25, 2024

## **APPENDIX**

## APPENDIX

### PROPOSED BILLS AMENDING, EXEMPTING, AND/OR INCORPORATING NEPA\*

Cong.	Year	No.	Title or Summary
91	1970	H.R. 15578	A bill to “amend the National Environmental Policy Act of 1969 to provide for class actions in the United States district courts”
91	1970	H.R. 15780	A bill to “amend the National Environmental Policy Act of 1969 to confer standing on private persons to sue for relief from pollution”
91	1970	H.R. 15829	A bill to “amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits”
91	1970	H.R. Con. Res. 641	Concurrent resolution on pollution
91	1970	H.R. 17436	National Environmental Data Bank Act
91	1970	H.R. 18242	A bill to “amend the National Environmental Policy Act of 1969 to establish an Environmental Action Corps and an Environmental Legal Services Office . . . and to create the Office of Environmental Ombudsman”

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\* Collection of bills from amici’s search of ProQuest Congressional database.

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
91	1970	H.R. 18493	A bill to “amend the National Environmental Policy Act of 1969 to provide a program for honoring industry and other private efforts to contribute to the maintenance and enhancement of environmental quality”
91	1970	S. 4307	A bill to “amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board”
91	1970	H.R. 19077	A bill to “amend the National Environmental Policy Act of 1969 to require a longer period of notice”
91	1970	S. 4599	A bill to “establish environmental laboratories . . . pursuant to policies and goals established in the National Environmental Policy Act of 1969”
92	1971	H.R. 3647	A bill to “amend the National Environmental Policy Act of 1969 to require Federal contractors . . . to observe practices which will preserve and enhance the environment and fisheries and wildlife resources”
92	1971	H.R. 5389	Power Plant Siting Act of 1971
92	1971	H.R. 8984	A bill to “amend the National Environmental Policy Act of 1969” to require “a detailed statement by the responsible official”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
92	1971	H.R. 9037	A bill “relating to the National Environmental Policy Act of 1969 and the environmental impact of the proposed trans-Alaska oil pipeline”
92	1971	H.R. 12021	A bill to “amend the National Environmental Policy Act of 1969 to require that environmental impact statements be included in agency reports on bills and resolutions being considered by the Congress”
92	1972	H.R. 12940	National Land Use Policy Act of 1971
92	1972	H.R. 13752	A bill to “amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermal electric generating plants”
92	1972	H.R. 14103	A bill to “amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption” for “permits under . . . the Federal Water Pollution Control Act”
92	1972	H.R. 14137	A bill to “amend the National Environmental Policy Act of 1969” to allow the President to “declare that such Federal action may be undertaken” temporarily
92	1972	H.R. 16092	Regional Development Act of 1972
93	1973	S. 967	Federal Aid Highway and Public Transportation Act of 1973



<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
93	1973	S. 993	A bill to “authorize the Secretary of the interior to issue rights-of-way and special land use permits for the construction of pipelines in the State of Alaska . . . only after he has complied with all applicable provisions of [NEPA]”
93	1973	H.R. 4732	National Environmental Data System and Environmental Centers Act of 1973
93	1973	H.R. 5524	Federal Lands Right-of-Way Act of 1973
93	1973	S. 1286	National Growth Policy Planning Act, requiring states applying for aid to submit statements meeting “the minimum requirements of the environmental impact statement required under” NEPA
93	1973	H.R. 5974	National Environmental Policy Act Amendments of 1973
93	1973	H.R. 6038	National Energy Research and Development Policy Act of 1973
93	1973	H.R. 6256	Forest Conservation and Improvement Act of 1973
93	1973	H.R. 6393	A bill to “require Federal contractors to observe practices which will preserve and enhance the environment and fisheries and wildlife resources”
93	1973	S. 1668	A bill to “amend the National Environmental Policy Act of 1969 in order to insure the balancing of environmental considerations with economic and social considerations”

Cong.	Year	No.	Title or Summary
93	1973	H.R. 7501	Deepwater Port Facilities Act of 1973
93	1973	H.R. 8478	Alaskan Petroleum Transmission Act of 1973
93	1973	S. 2066	National Emergency Energy Coordination Act of 1973
93	1973	H.R. 9855	A bill "to provide that certain provisions of the National Environmental Policy Act of 1969 shall apply to the Postal Service"
93	1973	H.R. 11509	National Energy Emergency Act of 1973
93	1974	S. 2940	Colorado River Basin Salinity Control Act
93	1974	H.R. 12745	A bill to "expedite certain Judicial proceedings relating to the Central Utah reclamation project" by requiring the proceeding "be brought in . . . the district of Utah" and providing only "direct appeal to the Supreme Court"
93	1974	H.R. 12782	A bill to "amend the National Environmental Policy Act of 1969 in order to specify those actions of the Environmental Protection Agency for which environmental impact statements are required"
93	1974	H.R. 12823	A bill to "amend the Atomic Energy Act of 1954 to provide for improved procedures for planning and environmental review of proposed nuclear powerplants"
93	1974	H.R. 13588	A bill to allow coordination with state governors for NEPA review if the state has "an agency suitably equipped and organized to carry

Cong.	Year	No.	Title or Summary
			out to the satisfaction of the Secretary the duties under” NEPA
93	1974	S. 3267	Standby Energy Emergency Authorities Act
93	1974	H.R. 14368	Energy Supply and Environmental Coordination Act of 1974
93	1974	H.R. 14468	National Environmental Policy Institute Act of 1974
93	1974	H.R. 14680	A bill to “exempt certain highway projects in the State of New York from the application of the National Environmental Policy Act”
93	1974	H.R. 15275	A bill to “exempt the Chautauqua Lake Bridge in the State of New York from the application of the National Environmental Policy Act”
93	1974	H.R. 12859	Federal Mass Transportation Act of 1974
93	1974	S. 4101	A bill to “authorize certain filling and construction in a portion of Upper New York Bay, Hudson County, New Jersey” “on the basis of environmental studies conducted pursuant to the National Environmental Policy Act”
94	1975	S. 619	Energy Facilities Planning and Development Act of 1975
94	1975	H.R. 2990	A bill to “give greater assurance that national and regional needs are satisfied in times of shortage of natural gas and petroleum and its products” by directing certain

Cong.	Year	No.	Title or Summary
			actions “shall not constitute major Federal actions” under NEPA
94	1975	H.R. 3128	A bill to “amend [NEPA] to permit the appropriate Federal official to delegate the responsibility for the preparation of an environmental impact statement to the appropriate State agency or official”
94	1975	S. 827	A bill to “amend the National Environmental Policy Act to provide for the filing of certain supplemental information statements”
94	1975	H.R. 3734	A bill to “amend the Atomic Energy Act of 1954 to provide for improved procedures for planning and environmental review of proposed nuclear powerplants” through issuing of guidelines “consistent with the requirements of [NEPA]”
94	1975	H.R. 4091	National Landlord Tenant Act
94	1975	H.R. 5047	Natural Gas Act Amendments of 1975
94	1975	H.R. 6917	A bill to “provide for a three-year moratorium on the requirement of an environmental impact statement for Federal-aid highway projects”
94	1975	H.R. 7720	Airport and Airway Development Extension Act of 1975

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
94	1975	H.R. 7829	A bill to “authorize the awarding of attorneys' fees to prevailing plaintiffs in actions brought under [NEPA]”
94	1975	H.R. 7014	A bill to “increase domestic energy supplies and availability” by allowing action notwithstanding “any other provision of law (other than [NEPA])”
94	1975	H.R. 8667	A bill to “amend the National Environmental Policy Act of 1969” by requiring “a detailed statement by the responsible official”
94	1975	S. 2140	Corridor Development Act of 1975
94	1975	S. 2164	A bill to “amend the National Environmental Policy Act of 1969 so as to make administration of that Act more effective by prohibiting the retroactive application of regulations . . . and to establish a time limitation on the filing of suits to review environmental impact statements”
94	1975	H.R. 9819	National Environmental Reorganization Act of 1975
94	1975	H.R. 10115	Scientific and Technological Research Act
94	1975	H.R. 10149	Emergency Flood Control Acceleration Act of 1975
94	1975	H.R. 10267	Energy Independence Authority Act of 1975
94	1975	H.R. 10364	A bill to “provide temporary authority for the Secretary of Agriculture to sell timber from United States Forest Service

Cong.	Year	No.	Title or Summary
			lands” provided that “sales conform with [NEPA]”
94	1975	H.R. 10979	Railroad Revitalization and Regulatory Reform Act of 1975
94	1976	S. 3730	A bill to “authorize certain construction at military installations” directing the Secretary of Defense to prepare “an environmental impact statement in accordance with [NEPA]”
94	1976	S. 3521	Alaska Natural Gas Transportation Act of 1976
94	1976	H.R. 15713	A bill to “amend the Watershed Protection and Flood Prevention Act,” exempting certain size water project from “the requirements of [NEPA]” upon request and approval by “the committees of the House of Representatives and the Senate having jurisdiction”
95	1977	S. 363	A bill to “amend the Endangered Species Act of 1973” by deeming action “involving the designation of . . . critical habitats . . . to be a major Federal action . . . requiring the filing of an environmental impact statement”
95	1977	S. 925	An act to “provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976-77 drought”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
95	1977	H.R. 6208	A bill to “amend the National Environmental Policy Act of 1969 to provide for the judicial review of environment impact findings made by Federal agencies”
95	1977	H.R. 6784	Deep Seabed Resource Development Act
95	1977	S. 1440	A bill to “amend the Outer Continental Shelf Lands Act of 1953 to expedite the delivery of oil and natural gas” by allowing approval of a “report by the president [to] satisfy . . . all requirements of [NEPA]”
95	1977	S. 1811	Energy Research and Development Administration Authorization Act of 1978-Civilian Applications
95	1977	H.R. 6831	National Energy Act
95	1977	S. 977	Natural Gas and Petroleum Conservation and Coal Utilization Policy Act
95	1977	S. 2047	Small Hydroelectric Power Projects Act of 1977
95	1977	H.R. 9983	Rural Community Development Act of 1977
95	1977	H.R. 10087	A bill to “provide for an updating of the report of the Atlantic-Pacific Interoceanic Canal Study Commission” directing that the “President shall prepare and consider an environmental impact statement”
95	1978	H.R. 10888	Alaska National Interest Lands Conservation Act

Cong.	Year	No.	Title or Summary
95	1978	H.R. 11192	Recombinant DNA Act, providing that NEPA “shall not apply with respect to any action taken” under the Act
95	1978	S. 2761	A bill to “delegate power to the States . . . to disapprove certain specified activities licensed by the Nuclear Regulatory Commission” by allowing states to “submit advice, recommendations, or findings to be included in any environmental impact statement”
95	1978	S. 2775	Nuclear Siting and Licensing Act of 1978
95	1978	H.R. 11848	Truth in Regulation Act of 1978, providing proposed regulations may only take effect if certain agencies “prepare, with respect to each such regulation . . . an environmental impact statement”
95	1978	S. 2899	Endangered Species Act Amendments of 1978
95	1978	S. 2953	Highway and Public Transportation Improvement Act of 1978
95	1978	H.R. 12229	Uranium Mill Site Restoration Act of 1978
95	1978	H.R. 12413	Spent Nuclear Fuel Storage Act of 1978
95	1978	H.R. 4691	A bill relating “to the disposition of certain recreational demonstration project lands by the State of Oklahoma” provided that review includes “preparation of a detailed statement of the type specified in [NEPA]”



Cong.	Year	No.	Title or Summary
95	1978	S. 3030	A bill to “to provide additional authority for the Secretary of the Interior to construct the San Luis unit, Central Valley project, California” once the “Secretary has completed the necessary environmental statements . . . pursuant to [NEPA]”
95	1978	H.R. 12638	A bill to “provide that certain interstate pipelines may be constructed only if . . . an environmental impact statement is prepared with respect to the pipeline”
95	1978	H.R. 12852	A bill to “exempt certain highway construction and improvement projects from the environmental impact statement requirements of [NEPA]”
95	1978	H.R. 13176	Interoceanic Canal Study Act of 1978
95	1978	H.R. 13230	National Development Bank Act of 1978, allowing for “the release of funds for particular projects for which the applicant assumes all of the responsibilities for environmental review”
95	1978	S. 3303	Alaska Native Claims Settlement Act Amendments of 1978
95	1978	H Con. R 671	Expressing the “sense of Congress that the Environmental protection Agency . . . should expedite all remaining administrative proceedings . . . with respect to the Seabrook Nuclear Station project”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
95	1978	S. 3343	A bill to “reorganize and clarify the responsibilities of Federal agencies, Congress, and the States with respect to management of nuclear waste” requiring “environmental impact statements . . . in order to comply with [NEPA]”
95	1978	H.R. 13931	Pacific Northwest Electric Power Planning and Conservation Act
95	1978	H.R. 14241	Economic Development Program Consolidation Act, allowing states to “assume responsibilities of the appropriate Federal official under [NEPA]”
95	1978	H.R. 14323	Nuclear Waste Management Act of 1978
96	1979	H.R. 1852	Nuclear Waste Management Research, Development, and Demonstration Act of 1979
96	1979	S. 580	Energy Company of America Act
96	1979	S. 949	A bill to “amend the National Environmental Policy Act of 1969 to provide for a statute of limitations with respect to judicial review of environmental impact statements”
96	1979	S. 968	A bill “to amend certain provisions of Title V of the Public Utility Regulatory Policies Act of 1978 to expedite processing of applications for crude oil transportation systems”
96	1979	H.R. 3745	Airport and Airway Improvement Act of 1979

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
96	1979	H.R. 3749	Coastal Area Liquefied Gas Facility Safety Act
96	1979	H.R. 3814	Navajo and Hopi Relocation Amendments Act, providing that NEPA “shall not be construed to apply”
96	1979	S. 1241	National Water Resources Policy and Development Act of 1979
96	1979	S. 1330	Omnibus Geothermal Energy Development Act of 1979
96	1979	H.R. 4497	A bill to “exempt States from the requirement of filing environmental impact statements” for “actions taken under fish and wildlife restoration programs”
96	1979	S. 1377	Synthetic Fuels Production Act of 1979
96	1979	S. 1371	Domestic Energy Policy Act of 1979
96	1979	H.R. 4573	Priority Energy Project Act of 1979
96	1979	S. 1516	Energy Mobilization Act of 1979
96	1979	H.R. 4979	A bill to “establish minimum periods of time for the issuance of permits under section 404 of the Federal Water Pollution Control Act” by requiring issuance “within thirty days after” any “public hearing . . . under [NEPA]”
96	1979	H.R. 5139	National Historic Preservation Amendments of 1979
96	1979	H.R. 5130	A bill to require any “civil action arising under [NEPA] . . . be brought only in a judicial district in

Cong.	Year	No.	Title or Summary
			which a substantial portion of the alleged impact or injury occurs”
96	1979	S. 1684	Domestic Refinery Development and Improvement Act of 1979
96	1979	S. 1821	Nuclear Waste Management Reorganization Act of 1979
96	1979	H.R. 5390	Pacific Southwest Water Yield and Environmental Quality Improvement Act of 1979
96	1979	H.R. 5495	Coal Development Act of 1979
96	1980	H.R. 6390	Atomic Energy Act Amendments of 1980
96	1980	H.R. 6805	National Heritage Act of 1980, requiring “conformance with . . . [NEPA]”
96	1980	S. 2411	Federal Nuclear Operations Management and Safety Corps Act
96	1980	H.R. 6837	Passenger Railroad Rebuilding Act of 1980
96	1980	H.R. 6999	Powerplant Fuel Conversion Act of 1980
96	1980	H.R. 7137	Deep Seabed Hard Minerals Resource Act
96	1980	S. 1641	National Small Hydroelectric Power Development Act of 1980
96	1980	S. 1388	Geothermal Steam Act Amendments of 1980
96	1980	S. 1637	Federal Oil and Gas Leasing Act of 1980
96	1980	H.R. 7418	Nuclear Waste Research, Development, and Demonstration Act of 1980

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
96	1980	H.R. 7982	Coal Pipeline Act of 1980
96	1980	S. 3170	Water Resources Development Act of 1980
96	1980	H.R. 8378	Nuclear Waste Policy Act
96	1980	S. 3247	Port and Navigation Improvement Act of 1980
97	1981	S. 60	Federal Oil and Gas Leasing Act of 1981
97	1981	H.R. 1430	Federal Coal-Fired Powerplant Siting Act
97	1981	H.R. 1732	A bill to “authorize[], in exceptional cases” the release of funds to states “before completion of any environmental impact statements required under” NEPA
97	1981	S. 621	National Water Resources Policy and Development Act of 1981
97	1981	H.R. 2455	National Endowment for Soil and Water Conservation Act of 1981
97	1981	S. 1245	Public Land Reform Act of 1981
97	1981	S. 1562	Arctic Research and Policy Act of 1981
97	1981	S. 1024	Federal-Aid Highway Improvement Act of 1981
97	1982	H.R. 6020	Housing and Community Development Amendments of 1982, providing the “award and recipient use of resources made available . . . shall not be subject to [NEPA]”
97	1982	S. 2367	Transit Assistance Act of 1982
97	1982	S. 2133	Mount St. Helens National Volcanic Monument Act of 1982

Cong.	Year	No.	Title or Summary
97	1982	H.R. 7234	Immigration Emergency Act, allowing the President to “temporarily exempt any agency which is directly or substantially related to the immigration emergency from applicable requirements of” NEPA
98	1983	H.R. 162	A bill to “amend title 28 of the United States Code to provide for special venue provisions in cases relating to the environment”
98	1983	H.R. 1353	Critical Waterways Improvement Act of 1983
98	1983	S. 581	Federal Oil and Gas Leasing Act of 1983
98	1983	H.R. 1727	Environmental Works Act of 1983
98	1983	S. 724	Public Investment/Jobs Act of 1983, clarifying that nothing “in this Act shall alter the requirements of [NEPA]”
98	1983	H.R. 2512	Nuclear Power Plant Licensing Reform Act of 1983
98	1983	S. 1171	National Inland Waterways Urgent Improvement Act of 1983
98	1983	H.R. 3776	A bill to “authorize the Secretary of Energy to accept certain lands in St. Louis, Missouri” for the removal “of radioactive materials . . . after preparation of a final environmental impact statement under [NEPA]”
98	1983	H.R. 3857	Coal Pipeline Act of 1983

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
98	1983	H.R. 2379	National Park System Protection and Resources Management Act of 1983
98	1983	H.R. 4317	A bill to “prohibit the Secretary of the Army from issuing certain permits in connection with a proposed water pipeline project until an environmental impact statement” is completed
98	1984	H.R. 4989	Federal Oil and Gas Leasing Act of 1984
98	1984	H.R. 3678	Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983
98	1984	S. 2588	United States-Mexican Border Economic Recovery Act, directing that certain designations “shall not constitute a Federal action for” NEPA
98	1984	H.R. 5898	A bill making appropriations for military construction on condition that the “requirements of [NEPA] are met”
98	1984	S. 2965	Highway Bridge Replacement and Rehabilitation Acceleration Act of 1984
99	1985	S. 253	Central South Dakota Water Supply System Act of 1985
99	1985	S. 568	A bill to “authorize the Secretary of Defense to close or realign any military Installation . . . without complying with the procedures . . . of [NEPA]”
99	1985	H.R. 1940	Defense Environmental Restoration Act of 1985

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
99	1985	S. 1469	Nuclear Waste Policy Act
99	1985	H.R. 2817	Superfund Amendments of 1985, providing that requirements shall not “be construed to diminish the procedural protection of [NEPA]”
99	1985	H.R. 3580	Indian Economic Development Act of 1985, providing that designation “shall not constitute a Federal action for purposes of” NEPA
99	1985	S. 1821	Nuclear Waste Reform Act of 1985
99	1986	H.R. 4303	Federal Land Administration Act of 1986
99	1986	H.R. 4826	Onshore Competitive Oil and Gas Leasing Amendments of 1986
99	1986	S. 2467	A bill to “approve an interstate highway project in Hawaii . . . notwithstanding” NEPA
99	1986	H.R. 4883	Admiralty Island Land Exchange Act of 1986
99	1986	H.R. 4489	National Forest Ski Area Permit Act of 1986
99	1986	H.R. 5353	Haida Land Exchange Act of 1986
99	1986	H.R. 5583	Columbia River Gorge National Scenic Area Act
99	1986	S. 2412	A bill to “withdraw and reserve certain public lands” directing preparation of a “draft environmental impact statement . . . consistent with the requirements of [NEPA]”
100	1987	H.R. 783	Department of Energy Compliance Act of 1987
100	1987	S. 398	Federal Pesticide Programs Improvement Act of 1987



<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
100	1987	H.R. 1082	Arctic Coastal Plain Leasing Act of 1987
100	1987	S. 586	Airport and Airway Enhancement Act of 1987
100	1987	H.R. 1383	A bill to “prohibit the Secretary of the Army from issuing certain permits . . . before a full environmental impact statement” is completed
100	1987	H.R. 1646	Radioactive Materials Transportation Act of 1987
100	1987	S. 839	Nuclear Waste Policy Act of 1987
100	1987	S. 1355	National Petroleum Security Act of 1987
100	1987	S. 1453	Major Disaster Relief and Emergency Assistance Amendments of 1987
100	1987	S. 1584	A bill providing “the designation of a special use airspace shall be deemed to be a major Federal action . . . in accordance with [NEPA]”
100	1987	H.R. 3077	Regional Monitored Retrievable Storage Act, providing that the “requirements of [NEPA] shall apply” except for the requirement “to consider the need for such facility”
100	1987	H.R. 3601	National Fish and Wildlife Enhancement Act of 1987
100	1987	S. 1990	Global Environmental Protection Act of 1987
100	1988	H.R. 3928	Arctic Coastal Plain Management Act of 1988

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
100	1988	H.R. 5181	Uranium Enrichment Reorganization and Taxpayer Protection Act of 1988
100	1988	S. 2753	A bill to “extend the requirements of the National Environmental Policy Act to recommendations for the United States vote in international financial institutions”
100	1988	S. 2845	A bill to “provide for the transfer of a certain parcel of land located in Clark County, Nevada” with prior studies “meet[ing] the objectives of [NEPA]”
100	1988	S. 2904	National Water Conservation Act of 1988
101	1989	H.R. 69	Inner City Revitalization Act, stating the “enterprise zone . . . shall not constitute Federal action . . . for NEPA”
101	1989	H.R. 402	Coal Pipeline Act of 1989
101	1989	H.R. 546	Aircraft Noise Reduction Act of 1989, directing that the “Administrator shall issue an [EIS] in accordance . . . with NEPA”
101	1989	S. 201	World Environmental Policy Act of 1989, providing that “Section 102(2)(C)(i) of NEPA is amended . . . [to include] any impact on biological diversity”
101	1989	H.R. 980	Global Environmental Research and Policy Act of 1989, amending “Section 102(2)(C) of [NEPA]” to include “impact on oceans”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
101	1989	H.R. 1339	A bill to “roll back the Expanded East Coast Plan issued by the Administrator of the Federal Aviation Administration”
101	1989	H.R. 1600	National Fish and Wildlife Enhancement Act of 1989
101	1989	S. 1045	National Environmental Policy on International Financing Act of 1989
101	1989	H.R. 2531	Rural Development Investment Zone Act of 1989, providing the “zone . . . shall not constitute major Federal action for . . . NEPA”
101	1989	S. 1304	DOE Nuclear Safety and Environment Act
101	1989	H.R. 3515	Airspace Protection Act of 1989
101	1989	H.R. 3643	A bill to “provide savings in the compilation and distribution of Federal environmental impact statements, and to ensure the timely notification of all interested parties”
101	1990	S. 2006	Department of the Environment Act of 1990
101	1990	H.R. 3960	Central Utah Project Completion Act, directing “review [of] . . . downstream fish . . . impacted.”
101	1990	S. 2173	Defense Base Consolidation Act
101	1990	H.R. 4210	Antarctic Environmental Protection, Clean-Up, and Liability Act of 1990
101	1990	S. 2575	Antarctica Protection Act of 1990

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
101	1990	H.R. 2582	Civil War Sites Study Act of 1990, providing that “[e]ach study shall [comply with NEPA].”
101	1990	H.R. 5950	A bill to “deem the Strategic Target System program conducted at Kauai, Hawaii, to be a major Federal action for the purposes of the National Environmental Policy Act”
101	1990	H.R. 5968	Wetlands Conservation and Management Act of 1990
102	1991	S. 58	National Biological Diversity Conservation and Environment Research Act
102	1991	S. 144	Grand Canyon Protection Act of 1991
102	1991	S. 210	Uranium Enrichment Act of 1991
102	1991	S. 341	National Energy Security Act of 1991
102	1991	H.R. 779	Natural Gas Enhancement Act of 1991
102	1991	H.R. 1301	National Energy Strategy Act
102	1991	S. 610	Surface Transportation Assistance Act of 1991, providing that “[t]he Secretary, in lieu of [NEPA procedures] . . . may . . . provide for the approval of projects by recipients . . . who may assume all of the responsibilities for environmental review.”
102	1991	S. 741	National Energy Efficiency and Development Act of 1991

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
102	1991	S. 1509	Omnibus National Defense Authorization Act for Fiscal Years 1992 and 1993
102	1991	S. 1696	Montana National Forest Management Act of 1991
102	1991	H.R. 3798	Real Estate Recovery Act of 1991
102	1992	H.R. 4073	Emergency Community Development Act of 1992
102	1992	H.R. 4154	Emergency Climate Stabilization and Earth Regeneration Act of 1992
102	1992	H.R. 4818	Department of Energy Nuclear Weapons Complex Reconfiguration Commission Act
102	1992	H.R. 5571	American Job Creation, Deregulation, and Tax Reduction Act of 1992, directing that “nothing . . . shall be construed . . . to affect [NEPA]”
102	1992	H.R. 5754	Water Resources Development Act of 1992
102	1992	S. 3125	Southern Arizona Water Rights Settlement Amendments Act of 1992
102	1992	H.R. 6006	National Park System Reformation Act
103	1993	S. 90	Trade Enforcement Act of 1993, amending “Section 102(C) of [NEPA]” “by inserting . . . trade or other matters”
103	1993	S. 257	Mineral Exploration and Development Act of 1993
103	1993	S. 171	Department of the Environment Act

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
103	1993	H.R. 2488	Pollution Prevention and Incineration Alternatives Act of 1993
103	1993	S. 1411	Yakima Basin Water Enhancement Act of 1993
103	1993	H.R. 229	National Forest Health Act
103	1993	H.R. 3219	A bill to "amend the National Environmental Policy Act of 1969 to clarify the application of that Act to extraterritorial actions of the Federal Government"
103	1993	H.R. 3512	National Environmental Policy Act Administrative Reorganization Amendments of 1993
103	1994	S. 2049	Housing Choice and Community Investment Act of 1994
103	1994	S. 2068	Lewis and Clark Rural Water System Act of 1994
103	1994	H.R. 4433	Reinventing Government Act of 1994, providing that "[NEPA] shall apply" and that "in applying . . . [NEPA] . . . a Federal official shall not have to consider" a few specified issues.
103	1994	S. 823	National Wildlife Refuge System Management and Policy Act of 1994
103	1994	S. 2418	Floodplain Management, Environmental Restoration, and Recreation Act of 1994
103	1994	S. 2539	Landless Native Land Allocation Act of 1994
104	1995	S. 167	Nuclear Waste Policy Act of 1995

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
104	1995	H.R. 690	Risk Assessment and Cost-Benefit Analysis Act of 1995
104	1995	S. 506	The Mining Law Reform Act of 1995
104	1995	S. 629	A bill to “provide that no action need be taken under the National Environmental Policy Act of 1969 for a renewal of a permit for grazing on National Forest System lands”
104	1995	S. 668	National Capital Region Interstate Transportation Authority Act of 1995
104	1995	H.R. 1745	Utah Public Lands Management Act of 1995, directing the “transfer of lands . . . shall not be subject to [NEPA]”
104	1995	H.R. 1923	Restructuring a Limited Government Act
104	1995	H.R. 2181	Common Sense National Park System Reform Act
104	1995	S. 1148	Economic Revitalization Act
104	1995	S. 1195	Father Aull Site Transfer Act of 1995
104	1995	H.R. 2275	Endangered Species Conservation and Management Act of 1995
104	1995	H.R. 1838	An act to “provide for an exchange of lands with the Water Conservancy District of Washington County, Utah”
104	1995	H.R. 2609	Texas Reclamation Projects Indebtedness Purchase Act
104	1995	S. 755	USEC Privatization Act, providing the “execution or transfer of lease

Cong.	Year	No.	Title or Summary
			. . . shall not be a major Federal action”
104	1995	H.R. 2824	Snowbasin Land Exchange Act of 1995
104	1996	H.R. 2987	A bill to “declare a portion of Queens County, New York, to be nonnavigable waters of the United States”
104	1996	H.R. 3199	Drug and Biological Products Reform Act of 1996, providing that “[n]o action by the Secretary pursuant to this Act shall require . . . the preparation of an environmental impact statement under [NEPA]”
104	1996	H.R. 3305	National Heritage Areas Act of 1996
104	1996	S. 1260	United States Housing Act of 1996
104	1996	S. 1811	Shore Protection Act of 1996
104	1996	H.R. 3596	Oil Region National Heritage Area Act
104	1996	S. 1662	Oregon Resource Conservation Act of 1996
104	1996	H.R. 3878	Power Marketing Administration Privatization and Reform Act of 1996, directing the “license . . . shall not be subject to . . . [NEPA]”
104	1996	H.R. 3487	National Marine Sanctuaries Preservation Act
104	1996	S. 2150	Public Lands Protection Act of 1996
105	1997	H.R. 2	Housing Opportunity and Responsibility Act of 1997



<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
105	1997	S. 468	National Economic Crossroads Transportation Efficiency Act of 1997
105	1997	S. 532	Surface Transportation Authorization and Regulatory Streamlining Act
105	1997	S. 691	Public Land Management Participation Act of 1997
105	1997	S. 725	Collbran Project Unit Conveyance Act, directing “[t]he license shall not be subject to . . . [NEPA]”
105	1997	H.R. 1725	Regional Investments for National Growth Act of 1997, requiring “[a]ll projects . . . comply with . . . [NEPA]”
105	1997	H.R. 2330	Transportation Infrastructure Credit Act of 1997
105	1997	S. 1173	Intermodal Transportation Act of 1997
105	1997	S. 1276	Federal Power Act Amendments of 1997
105	1998	H.R. 3179	Airport Environmental and Community Fairness Act
105	1998	H.R. 3771	Sound Science, Safe Imports, and Healthy Communities Act of 1998
105	1998	H.R. 512	New Wildlife Refuge Authorization Act
105	1998	H.R. 4071	Rural Enterprise Communities Act of 1998, directing that the “Secretary of Agriculture shall [comply with] NEPA [for] rural . . . zones”
105	1998	S. 2279	National Air Transportation System Improvement Act of 1998

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
105	1998	H.R. 4570	Omnibus National Parks and Public Lands Act of 1998
105	1998	S. 109	Native Hawaiian Housing Assistance Act of 1997
105	1998	H.R. 4797	OCS Environmental Consistency Act of 1998
106	1999	S. 82	Air Transportation Improvement Act
106	1999	S. 352	State and Local Government Participation Act of 1999, amending “[NEPA] to require that Federal agencies consult with [State and local governments]”
106	1999	S. 545	Federal Aviation Administration Authorization Act of 1999
106	1999	S. 623	Dakota Water Resources Act of 1999
106	1999	H.R. 1487	National Monument NEPA Compliance Act
106	1999	H.R. 1700	National Missile Defense Expediency Act of 1999
106	1999	H.R. 1866	Public Appeals Parity Act, requiring the “Secretary . . . establish . . . an administrative appeals process for . . . [NEPA]”
106	1999	S. 1636	HOPE for Africa Act of 1999, requiring “compliance with [NEPA] with respect to any proposal or project”
106	1999	H.R. 2944	Electricity Competition and Reliability Act
106	1999	H.R. 3112	Colorado Ute Settlement Act Amendments of 1999
106	1999	H.R. 3310	United States-Mexico Border Sewage Cleanup Act of 1999

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
106	2000	S. 244	Lewis and Clark Rural Water System Act of 1999
106	2000	S. 624	Fort Peck Reservation Rural Water System Act of 1999
106	2000	S. 1053	A bill “to amend the Clean Air Act” allowing temporary continuance for “any transportation project for which a review under [NEPA] has been completed within the 2-year period preceding a conformity lapse”
106	2000	H.R. 3676	Santa Rosa and San Jacinto Mountains National Monument Act of 2000
106	2000	S. 507	Water Resources Development Act of 1999
106	2000	S. 400	Native American Housing Assistance and Self-Determination Act Amendments of 2000
106	2000	S. 2214	Arctic Coastal Plain Domestic Energy Security Act of 2000
106	2000	H.R. 1695	Ivanpah Valley Airport Public Lands Transfer Act
106	2000	H.R. 3882	A bill to “require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington”
106	2000	H.R. 3883	A bill to amend the Federal Food, Drug, and Cosmetic Act, directing that “petitions . . . may not be categorically excluded [from NEPA]”
106	2000	S. 2315	Genetically Engineered Food Safety Act

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
106	2000	S. 2329	A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture, requiring “any migratory bird management shall be exempt from [NEPA]”
106	2000	S. 2351	Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act
106	2000	H.R. 1167	Tribal Self-Governance Amendments of 2000
106	2000	H.R. 1776	American Homeownership and Economic Opportunity Act of 2000
106	2000	H.R. 2884	Energy Policy and Conservation Act Reauthorization
106	2000	S. 2437	Water Resources Development Act of 2000
106	2000	S. 2481	National Defense Authorization Act for Fiscal Year 2001
106	2000	S. 2508	Colorado Ute Settlement Act Amendments of 2000
106	2000	H.R. 4411	Water Resources Development Act of 2000
106	2000	H.R. 4805	National Energy Security Act of 2000
107	2001	S. 580	A bill “to expedite the construction of the World War II memorial in the District of Columbia”
107	2001	H.R. 1494	National Forest Protection and Restoration Act of 2001
107	2001	H.R. 1739	Urban Sprawl and Smart Growth Study Act

Cong.	Year	No.	Title or Summary
107	2001	H.R. 2386	Outfitter Policy Act of 2001, providing that “transfer shall be deemed approved unless the transferee requests a modification . . . requir[ing an] environmental analysis under [NEPA]”
107	2001	H.R. 4	Securing America's Future Energy Act of 2001, allowing the “Secretary of the Interior” to “reimburse . . . costs incurred in preparing any project-level analysis, documentation, or related study required under [NEPA]”
107	2001	H.R. 2586	National Defense Authorization Act for Fiscal Year 2002
107	2001	S. 1590	Environmental Streamlining of Energy Facilities Act of 2001
107	2001	H.R. 3208	Western Water Security Enhancement Act
107	2001	H.R. 3366	Metropolitan Washington Regional Transportation Act
107	2002	H.R. 3947	Federal Property Asset Management Reform Act of 2002
107	2002	S. 2453	A bill “to provide for the disposition of weapons-usable plutonium at the Savannah River Site, South Carolina”
107	2002	S. 2544	A bill “to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern”
107	2002	H.R. 5206	Nebraska National Forest Cooperation Act of 2002

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
107	2002	H.R. 5214	National Forest Fire Prevention Act
107	2002	H.R. 5248	A bill “to provide legal exemptions for certain activities of the National Park Service, United States Forest Service, United States Fish and Wildlife Service, or the Bureau of Land Management undertaken in federally declared disaster areas”
107	2002	H.R. 5219	Healthy Forests Reform Act of 2002
107	2002	H.R. 3880	A bill to “provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism”
107	2002	H.R. 5569	National Sea Grant College Program Act Amendments of 2002
108	2003	S. 17	Global Climate Security Act of 2003
108	2003	H.R. 39	Arctic Coastal Plain Domestic Energy Security Act of 2003
108	2003	H.R. 387	A bill “to authorize the Regional Foresters to exempt tree-thinning projects, which are necessary to prevent the occurrence of wildfire likely to cause extreme harm to the forest ecosystem, from laws that give rise to legal causes of action that delay or prevent such projects”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
108	2003	S. 372	State and Local Government Participation Act of 2003, amending “the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements”
108	2003	S. 482	Fisheries Science and Management Improvement Act of 2003
108	2003	S. 1005	The Energy Policy Act of 2003
108	2003	H.R. 2141	Mineral Exploration and Development Act of 2003
108	2003	S. 1161	Foreign Assistance Authorization Act, fiscal year 2004
108	2003	S. 1352	Community and Forest Protection Act
108	2003	H.R. 3102	A bill “to utilize the expertise of New Mexico State University, the University of Arizona, and Northern Arizona University in conducting studies under the National Environmental Policy Act of 1969 in connection with the grazing allotments and range”
108	2003	H.R. 2691	Making appropriations for the Department of the Interior, providing “the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action” for NEPA review

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
108	2004	H.R. 3992	A bill “to amend the National Environmental Policy Act of 1969 to require preparation of statements regarding the environmental impacts of legal and illegal immigration”
108	2004	H.R. 4513	A bill “to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative”
108	2004	S. 2777	Safety for Americans from Nuclear Weapons Testing Act
109	2005	S. 726	Natural Gas Price Reduction Act of 2005
109	2005	S. 907	Federal Public Transportation Act of 2005
109	2005	H.R. 1529	A bill “to amend the Federal Power Act to provide for Federal and State coordination of permitting for electric transmission facilities”
109	2005	S. 1092	Oil Shale Development Act of 2005
109	2005	S. 1251	Rocky Flats Environmental Technology Site Act of 2005
109	2005	H.R. 2419	An act “making appropriations for energy and water development”
109	2005	S. 1848	Cleanup of Inactive and Abandoned Mines Act



<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
109	2005	S. 2079	A bill "to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management Land"
109	2005	H.R. 6	Energy Policy Act of 2005
109	2006	S. 2290	Reliable and Affordable Natural Gas Energy Reform Act
109	2006	H.R. 5025	Mount Hood Stewardship Legacy Act
109	2006	S. 2780	Good Samaritan Clean Watershed Act
109	2006	H.R. 5462	A bill "to suspend the Federal highway fuels taxes, to authorize the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain of Alaska, and for other purposes"
109	2006	H.R. 4761	Deep Ocean Energy Resources Act of 2006
109	2006	H.R. 5768	Reclaiming the Nation's Water Act
110	2007	S. 309	Global Warming Pollution Reduction Act
110	2007	H.R. 24	San Joaquin Restoration Settlement Act

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
110	2007	H.R. 2057	A bill “to repeal a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act of 1969 would apply with respect to actions by the Secretary of the Interior and the Secretary of Agriculture with respect to certain activities for the purpose of exploration or development of oil or gas”
110	2007	H.R. 3220	New Direction for Energy Independence, National Security, and Consumer Protection Act
110	2007	H.R. 4059	Rural Clean Energy Superhighways Act
110	2007	H.R. 4245	Saving American Lives and Investing in Protecting Land and Nature Act, providing “for the categorical exclusion of certain projects on Federal land located adjacent to non-Federal land from documentation in an environmental impact statement or environmental assessment”
110	2008	H.R. 5437	A bill “to promote alternative and renewable fuels, domestic energy production, conservation, and efficiency, to increase American energy independence”
110	2008	H.R. 5805	Zeroing In American Energy Act of 2008
110	2008	H.R. 5577	Chemical Facility Anti-Terrorism Act of 2008
110	2008	S. 2958	American Energy Production Act

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
110	2008	H.R. 6001	Main Street U.S.A. Energy Security Act of 2008, providing a prior EIS “is deemed to satisfy the requirements under [NEPA]”
110	2008	S. 2739	Consolidated Natural Resources Act of 2008
110	2008	S. 3019	Oil Shale and Tar Sands Leasing Act of 2008
110	2008	H.R. 6161	American Energy Independence Act
110	2008	H.R. 6527	Emergency Solar Power Permit Act
110	2008	H.R. 2642	Supplemental Appropriations Act, 2008
110	2008	H.R. 6895	Fast Track Nuclear Act of 2008
111	2009	H.R. 672	Military Environmental Responsibility Act
111	2009	H.R. 996	A bill “to temporarily exempt certain public and private development projects from any requirement for a review, statement, or analysis under the National Environmental Policy Act”
111	2009	S. 503	No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act
111	2009	H.R. 1108	Grow American Supply Act, directing that “[f]or all programs, lease sales, leases, and actions under this Act, the following shall apply regarding the application of [NEPA]”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
111	2009	H.R. 2300	American Energy Innovation Act
111	2009	H.R. 838 (P.L. 111-48)	Miami Dade College Land Conveyance Act
111	2009	S. 1122	Good Neighbor Forestry Act
111	2010	S. 375	Crow Tribe Water Rights Settlement Act of 2009
111	2010	S. 3230 (see also H.R. 5342)	NEPA Certainty Act
111	2010	S. 3591	Carbon Capture and Sequestration Deployment Act of 2010
111	2010	H.R. 574	Supplemental Appropriations Act, 2010
111	2010	H.R. 6113	Electricity Reliability Protection Act of 2010
111	2010	H.R. 6523 (P.L. 111-383)	Ike Skelton National Defense Authorization Act for Fiscal Year 2011
112	2011	S. 302	A bill to “authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline” “following an appropriate analysis prepared in compliance with [NEPA]”
112	2011	H.R. 1023	No More Excuses Energy Act of 2011
112	2011	H.R. 1049	ROAD to Jobs Act of 2011, amending “the National

Cong.	Year	No.	Title or Summary
			Environmental Policy Act of 1969 to direct the Council on Environmental Quality to report to Congress annually on the number of permits required under Federal law for which applications have been submitted and that have not been issued because an environmental impact statement is pending”
112	2011	S. 942	Transportation Infrastructure Grants and Economic Reinvestment Act
112	2011	S. 1027	American Energy and Western Jobs Act
112	2011	H.R. 2172	Utilizing America’s Federal Lands for Wind Energy Act
112	2011	H.R. 2538	REBUILD Act, amending “the National Environmental Policy Act of 1969 to authorize assignment to States of Federal agency environmental review responsibilities”
112	2011	H.R. 3537	North American Energy Security Act
112	2012	H.R. 3630 (P.L. 112-96)	Middle Class Tax Relief and Job Creation Act of 2012
112	2012	H.R. 4301	EXPAND Act, seeking “to contribute to the growth of the American economy and the strength of American national security by streamlining regulatory permitting procedures

Cong.	Year	No.	Title or Summary
			and increasing domestic production from all energy sources”
112	2012	H.R. 4383	Streamlining Permitting of American Energy Act of 2012
113	2013	H.R. 547	Border Security and Responsibility Act of 2013
113	2013	H.R. 787	Infrastructure Jobs and Energy Independence Act
113	2013	H.R. 1459	Ensuring Public Involvement in the Creation of National Monuments Act, ensuring “that the National Environmental Policy Act of 1969 applies to the declaration of national monuments”
113	2013	S. 861	A bill “to amend the Federal Water Pollution Control Act to provide guidance and clarification regarding issuing new and renewal permits”
113	2013	S. 1245	Energy and Water Development and Related Agencies Appropriations Act, 2014
113	2013	H.R. 657	Grazing Improvement Act
113	2013	H.R. 251 (P.L. 113-19)	South Utah Valley Electric Conveyance Act
113	2013	S. 157 (P.L. 113-33)	Denali National Park Improvement Act
113	2013	S. 1514	Saving Coal Jobs Act of 2013

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
113	2014	S. 1966	National Forest Jobs and Management Act of 2014
113	2014	H.R. 4286	American Energy Renaissance Act of 2014
113	2014	S. 2427	Water Supply Permitting Coordination Act
113	2014	H.R. 3301	North American Energy Infrastructure Act
113	2014	H.R. 5358	A bill “to amend the National Environmental Policy Act of 1969 to clarify that no Federal agency shall be required to consider the social cost of carbon as a condition of compliance with such Act”
113	2014	S. 3017	A bill “to provide a categorical exclusion under the National Environmental Policy Act of 1969 to allow the Director of the Bureau of Land Management and the Chief of the Forest Service to remove Pinyon-Juniper trees to conserve and restore the habitat of the greater sage-grouse”
114	2015	S. 411	Natural Gas Gathering Enhancement Act
114	2015	S. 176	Water in the 21st Century Act
114	2015	H.R. 339	American Energy Independence and Price Reduction Act
114	2015	S. 33	LNG Permitting Certainty and Transparency Act
114	2015	S. 494	Authorizing Alaska Production Act
114	2015	S. 562	Geothermal Exploration Opportunities Act of 2015
114	2015	S. 791	American Energy Renaissance Act of 2015

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
114	2015	S. 1407	Public Land Renewable Energy Development Act of 2015
114	2015	H.R. 2497	NEPA Reciprocity Act
114	2015	H.R. 2647	Resilient Federal Forests Act of 2015
114	2015	H.R. 2029	Consolidated Appropriations Act, 2016
114	2015	H.R. 22 (129 Stat. 1312)	FAST Act, directing that “to the maximum extent practicable and consistent with Federal law, all Federal permits and reviews for a project shall rely on a single environment document prepared under [NEPA]”
114	2016	S. 1626	Railroad Reform, Enhancement, and Efficiency Act
114	2016	H.R. 6022	New WATER Act, directing actions “shall not be considered to be a Federal action for purposes of [NEPA]”
115	2017	H.R. 49	American Energy Independence and Job Creation Act
115	2017	S. 335	Federal Land Freedom Act of 2017
115	2017	S. 665	Unleashing American Energy Act of 2017
115	2017	S. 1168	BRIDGE Act, directing “[e]ach agency, to the greatest extent permitted by law, shall carry out the obligations of the agency under other applicable law concurrently, and in conjunction with other reviews being conducted by other participating agencies, including



Cong.	Year	No.	Title or Summary
			environmental reviews required under [NEPA]”
115	2017	H.R. 3241	A bill “to require the Federal Energy Regulatory Commission to consider greenhouse gas emissions related to natural gas pipelines”
115	2017	H.R. 3565	Federal Land Freedom Act
115	2017	S. 1460	Energy and Natural Resources Act of 2017
115	2018	H.R. 4842	Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure Act of 2018
115	2018	H.R. 520	National Strategic and Critical Minerals Production Act
115	2018	S. 2655	Promoting Hydropower Development and Jobs Act
115	2018	S. 2602	Utilizing Significant Emissions with Innovative Technologies Act
115	2018	S. 3056	North American Energy Infrastructure Act
115	2018	H.R. 6088	Streamlining Permitting Efficiencies in Energy Development Act
115	2018	H.R. 6966	AQUAA Act, directing the “National Oceanic and Atmospheric Administration . . . shall be responsible for coordinating any environmental analysis or environmental impact

Cong.	Year	No.	Title or Summary
			statement required under [NEPA]"
115	2018	S. 3021 (P.L. 115-270)	America's Water Infrastructure Act of 2018
115	2018	H.R. 2 (P.L. 115-334)	Agriculture Improvement Act of 2018
116	2019	S. 218	ONSHORE Act, providing that "activities conducted on non-Federal surface estate shall not require a permit from the Bureau of Land Management and shall not be considered a major Federal action under [NEPA]"
116	2019	H.R. J. Res. 31	Consolidated Appropriations Act, 2019, directing "that for purposes of environmental review, pursuant to [NEPA] . . . a grant under the Healthy Homes Initiative . . . shall be considered funds for a special project"
116	2019	H.R. 1732	FASTER Act, specifying NEPA is encompassed by the "waive[r of] all legal requirements" in the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996"
116	2019	S. 47 (P.L. 116-9)	John D. Dingell, Jr. Conservation, Management, and Recreation Act

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
116	2019	H.R. 3723	Desalination Development Act
116	2019	S. 2430	A bill “to provide an exemption from certain requirements for federally funded projects and activities in areas not metropolitan statistical areas”
116	2019	H.R. 4294	American Energy First Act
116	2019	H.R. 4026	Enhancing Geothermal Production on Federal Lands Act
116	2019	S. 2645	Connecting Communities Post Disasters Act of 2019, providing “that the Federal Communications Commission . . . shall not be subject to certain provision of the National Environmental Policy Act”
116	2019	H.R. 4723	Fish Act of 2019
116	2020	H.R. 5552	Migratory Bird Protection Act of 2020
116	2020	S. 3202	End Speculative Oil and Gas Leasing Act of 2020
116	2020	H.R. 5859	Trillion Trees Act
116	2020	H.R. 5865	Carbon Capture, Utilization, and Storage Innovation Act
116	2020	H.R. 5936	California’s Land Preservation and Protection Act
116	2020	H.R. Con. Res. 89	Resolution “encouraging the Trump Administration to maintain protections under the National Environmental Policy Act and reverse ongoing administrative actions to weaken this landmark

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
			law and its protections for American communities”
116	2020	H.R. 5986	Environmental Justice For All Act
116	2020	H.R. 6488	Streamlining Permitting to Enable Efficient Deployment of Broadband Infrastructure Act of 2020
116	2020	S. 3591	America's Water Infrastructure Act of 2020
116	2020	S. 3811	Restoration of Essential Conveyance Act
116	2020	S. 886	Indian Water Rights Settlement Extension Act
116	2020	H.R. 7130	One Federal Decision Act of 2020, seeking “to streamline the environmental review process for major projects”
116	2020	S. 3926	Federal Permitting Modernization Act of 2020
116	2020	H.R. 7248	Surface Transportation Advanced through Reform, Technology, and Efficient Review Act
116	2020	H.R. 7374	Reducing Antiquated Permitting for Infrastructure Deployment Act
116	2020	H.R. 7401	Promoting Interagency Coordination for Review of Natural Gas Pipelines Act
116	2020	H.R. 7406	Nuclear Licensing Efficiency Act
116	2020	S. 4265	NEPA Data Transparency and Accountability Act of 2020

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
116	2020	S. 4312	NEPA State Assignment Expansion Act of 2020
116	2020	H.R. 8256	Recognition of Local Interests in NEPA Decision Making
116	2020	S. 4591	NEPA Agency Process Reform Act of 2020
116	2020	S. 4620	NEPA Accountability and Oversight Act of 2020
116	2020	S. 4829	NEPA Legal Reform Act of 2020
116	2020	S. 4862	Undoing NEPA's Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy Act of 2020
117	2021	H.R. 644	Reducing Environmental Barriers to Unified Infrastructure and Land Development Act of 2021
117	2021	H.R. 940	Clearing Lines along Electrical At-Risk Zones Act
117	2021	H.R. 1073	Wildfire Wireless Resiliency Act
117	2021	H.R. 1050	Connecting Communities Post Disasters Act of 2021, providing "that a project to replace or improve a communications facility following a major disaster or an emergency declared by the President is not subject to requirements to prepare certain environmental or historical preservation reviews"
117	2021	S. 362	Federal Permitting Modernization Act of 2021

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
117	2021	H.R. 1325	More Energy More Jobs Act of 2021, directing “the Secretary shall complete all environmental reviews for the lease sale, including by issuing a finding of no significant impact or a record of decision, if applicable, in less than 365 calendar days”
117	2021	H.R. 1559	Modernize Nuclear Reactor Environmental Reviews Act
117	2021	H.R. 1845	American High-Speed Rail Act
117	2021	S. 799	Storing CO2 And Lowering Emissions Act
117	2021	H.R. 2115	Safe and Accountable Federal Energy Review for Pipelines Act of 2021
117	2021	H.R. 2515	Building United States Infrastructure through Limited Delays and Efficient Reviews Act of 2021
117	2021	S. 1254	Rebuild America Now Act, seeking “to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies”
117	2021	H.R. 3527	Recreation Not Red Tape Act, providing that “the Secretary concerned shall evaluate whether 1 or more additional categorical exclusions developed in compliance with the National Environmental Policy Act . . . would reduce processing times or costs for the

Cong.	Year	No.	Title or Summary
			issuance or renewal of special recreation permits without significantly affecting the quality of the human environment”
117	2021	S. 2016	Surface Transportation Investment Act of 2021
117	2021	H.R. 4335	NEPA Accountability and Enforcement Act
117	2021	S. 2324	Federal Permitting Reform and Jobs Act
117	2021	H.R. 4573	Stop Causing Alarming Tree, Air, and Soil Trauma Resulting from Obstructive Progressives’ and Hypocritical Environmentalists’ Schemes Act, directing “a categorical exclusion to improve or restore National Forest System land or public land or reduce the risk of wildfire”
117	2021	H.R. 4623	Commonsense Coordination Act, establishing “a categorical exclusion for forest management activities carried out by the Secretary of Agriculture jointly with another Federal agency if such forest management activities received a categorical exclusion with respect to such other Federal agency”
117	2021	H.R. 4740	NEPA Agency Process Accountability Act
117	2021	H.R. 5350	Enhancing Geothermal Production on Federal Lands Act

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
117	2022	S. 3762	Energy Freedom Act
117	2022	S. 3807	Stopping Hindrances to Invigorate Ports and Increase Trade Act, designating land that “shall be categorically excluded from the requirements of the National Environmental Policy Act”
117	2022	S. 3982	Furthering Resource Exploration and Empowering American Energy Act
117	2022	H.R. 7450	Build the Wall Now Act, directing that “any project relating to the construction of physical barriers, tactical infrastructure, and technology along the international border between the United States and Mexico shall be exempt from . . . [NEPA]”
117	2022	H.R. 7654	Stop NEPA Expansion Act
117	2022	H.R. 7722	Unleashing American Resources Act, “to require the Secretary of Agriculture to reissue the final environmental impact statement for the Resolution Copper Project and Land Exchange”
117	2022	S. 4229	Opportunities for the Nation and States to Harness Onshore Resources for Energy Act
117	2022	H.R. 8117	Hydrogen Permitting Simplification Act
117	2022	S. J. Res. 55	Joint resolution “providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Council on Environmental Quality



Cong.	Year	No.	Title or Summary
			relating to National Environmental Policy Act Implementing Regulations Revisions”
117	2022	S. 4596	Transparency and Honesty in Energy Regulations Act of 2022
117	2022	S. 4815	Simplify Timelines and Assure Regulatory Transparency Act
117	2022	H.R. 8928	Permitting for Mining Needs Act of 2022
117	2022	H.R. 9025	Determination of NEPA Adequacy Streamlining Act
117	2022	H.R. 9012	Stay Off My Line Act, amending “the National Environmental Policy Act of 1969 to limit the scope of environmental reviews required by such Act”
117	2022	H.R. 9024	Directing Responsibility to Interior for Leases and Licenses Act
117	2022	H.R. 9339	Interactive Federal Review Act, seeking “to improve the environmental review process for Federal-aid highway projects through the use of interactive, digital, cloud-based platforms, and for other purposes”
117	2022	S. 5165	Pipeline Permitting for Energy Security Act of 2022
117	2022	H.R. 9641	Offshore Energy Modernization Act of 2022
118	2023	H.R. 567	Salvaging American Lumber Via Action with Greater Efficiency Act
118	2023	S. 595	Rio San José and Rio Jemez Water Settlements Act of 2023

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
118	2023	S. 782	Furthering Resource Exploration and Empowering American Energy Act
118	2023	S. 649	Hydrogen Infrastructure Finance and Innovation Act
118	2023	H.R. 1	Lower Energy Costs Act, codifying “National Environmental Policy Act regulations”
118	2023	S. 1456	Spur Permitting of Underdeveloped Resources Act
118	2023	S. 1399	Building American Energy Security Act of 2023
118	2023	S. 1449	Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency Act
118	2023	H.R. 3323	Reducing Antiquated Permitting for Infrastructure Deployment Act
118	2023	S. 1630	Simplifying Outdoor Access for Recreation Act, modifying “the procedures for issuing special recreation permits for certain public land units”
118	2023	H.R. 4549	Building Chips in America Act of 2023, clarifying “the scope of a major Federal action under the National Environmental Policy Act of 1969 with respect to certain projects relating to the production of semiconductors”
118	2023	H.R. 4908	Expedited Federal Permitting for California Act
118	2023	H.R. 6129	Studying NEPA’s Impact on Projects Act
118	2023	H.R. 6147	Tribal Cultural Areas Protection Act

Cong.	Year	No.	Title or Summary
118	2023	H.R. 6252	Modernize Nuclear Reactor Environmental Reviews Act
118	2023	S. 3289	Alaska’s Right to Produce Act of 2023, approving “all authorizations . . . issued pursuant to Federal law necessary for the establishment and administration of the Coastal Plain oil and gas leasing program”
118	2023	H.R. 6492	Expanding Public Lands Outdoor Recreation Experiences Act
118	2024	S. 3754	Mississippi River Restoration and Resilience Initiative Act
118	2024	H.R. 7348	Connect the Grid Act, directing that “[a]ny project to site, construct, or modify transmission facilities . . . shall be subject to the requirements of [NEPA]”
118	2024	H.R. 7376	Wireless Broadband Competition and Efficient Deployment Act, providing “that a project for the collocation of a personal wireless service facility is not subject to requirements to prepare certain environmental or historic preservation reviews”
118	2024	H.R. 7409	Harnessing Energy At Thermal Sources Act
118	2024	H.R. 4984	D.C. Robert F. Kennedy Memorial Stadium Campus Revitalization Act, directing that “the District of Columbia shall be responsible for any obligations under [NEPA]”
118	2024	H.R. 7587	Port Optimization for Responsible Transportation Act, “to propose new Maritime Administration port authority projects”

<b>Cong.</b>	<b>Year</b>	<b>No.</b>	<b>Title or Summary</b>
118	2024	H.R. 7655	Pipeline Safety, Modernization, and Expansion Act of 2024
118	2024	S. 4027	Streamlining Powerlines Essential to Electric Demand and Reliability Act of 2024
118	2024	H.R. 8214	Alaskan Energy Production and Fisheries Protection Act
118	2024	S. 4406	End Polluter Welfare Act of 2024, “to eliminate certain subsidies for fossil-fuel production”
118	2024	S. 4664	Department of Energy AI Act, directing the use of “AI for deeper review of past determinations under the National Environmental Policy Act”
118	2024	S. 4753	Energy Permitting Reform Act of 2024