



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

May 31, 2024

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Brenda Mallory,
Chair

SUBJECT: Reports to Congress on Deadlines under the National Environmental Policy Act

I am providing this memorandum to inform agencies' implementation of the annual report to Congress on missed deadlines established by section 107(g) of the National Environmental Policy Act of 1969 (NEPA), as amended by the Fiscal Responsibility Act (FRA) of 2023.¹ The FRA was enacted on June 3, 2023. Therefore, the first period for reporting concludes on June 2, 2024.

The FRA did not address its applicability to NEPA reviews that were ongoing at the time of enactment. While the Council on Environmental Quality (CEQ) has previously advised that Federal agencies are responsible for determining how the amendments apply to ongoing reviews, inconsistent interpretation of the annual reporting requirements would create unnecessary confusion. Therefore, CEQ recommends agencies adopt a uniform approach.

It is CEQ's view that for purposes of the annual report, agencies cannot be expected to have implemented the deadlines established by the statute and the mechanisms for extending such deadlines until enactment of the FRA. Therefore, for NEPA reviews that were ongoing when the FRA was enacted, agencies should consider the starting point for measuring deadlines for purposes of the annual reports to be June 3, 2023. For environmental reviews commenced after June 3, 2023, agencies should identify the appropriate start date consistent with section 107(g) of NEPA and 40 CFR 1501.10 (2024).

If agencies have ongoing NEPA reviews that require more than one year for an environmental assessment or two years for an environmental impact statement measured from the enactment of the FRA, they should take steps to extend those deadlines, in consultation with any applicant, and establish a new deadline that provides only so much additional time as is necessary to complete the environmental review as directed by the statute.

CEQ is available to assist agencies with any questions. Please contact NEPA@ceq.eop.gov.

¹ See 42 U.S.C. § 4336a(h).