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(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To direct the Administrator of the Environmental Protection Agency to seek congressional approval prior to dismissing lawsuits, or withdrawing referrals to the Department of Justice of claims, relating to the release of certain carcinogens, and for other purposes.

\_\_\_\_\_

Mr. CARTER of Louisiana introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_

## **A BILL**

To direct the Administrator of the Environmental Protection Agency to seek congressional approval prior to dismissing lawsuits, or withdrawing referrals to the Department of Justice of claims, relating to the release of certain carcinogens, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Zealously Eliminating  
3 Legal Decisions of Ineptitude and Negligence Act” or the  
4 “ZELDIN Act”.

5 **SEC. 2. CONGRESSIONAL APPROVAL PROCEDURE FOR DIS-**  
6 **MISSAL OF LAWSUITS OR WITHDRAWAL OF**  
7 **REFERRAL OF CLAIMS RELATING TO RE-**  
8 **LEASE OF CARCINOGENS.**

9 (a) **CONDITIONS FOR DISMISSAL OR WITHDRAWAL.**—  
10 The Administrator of the Environmental Protection Agen-  
11 cy may only dismiss a lawsuit filed by the Environmental  
12 Protection Agency relating to a covered claim, or withdraw  
13 a referral to the Department of Justice of a covered claim,  
14 if—

15 (1) the Administrator provides notice of such  
16 dismissal or withdrawal under subsection (b); and

17 (2) a joint resolution of approval with respect  
18 to such dismissal or withdrawal is enacted pursuant  
19 to subsection (c).

20 (b) **NOTICE.**—The Administrator shall notify both  
21 Houses of Congress if the Administrator seeks to—

22 (1) dismiss a lawsuit filed by the Environmental  
23 Protection Agency relating to a covered claim; or

24 (2) withdraw a referral to the Department of  
25 Justice of a covered claim.

26 (c) **CONGRESSIONAL APPROVAL.**—

1           (1) CONSIDERATION IN THE HOUSE OF REP-  
2           REPRESENTATIVES.—

3                   (A) REPORTING AND DISCHARGE.—Any  
4           committee of the House of Representatives to  
5           which a joint resolution of approval is referred  
6           shall report it to the House without amendment  
7           not later than 3 legislative days after the date  
8           of introduction thereof. If a committee fails to  
9           report the joint resolution of approval within  
10          that period, the committee shall be discharged  
11          from further consideration of the joint resolu-  
12          tion of approval.

13                   (B) PROCEEDING TO CONSIDERATION.—It  
14          shall be in order, at any time after the first leg-  
15          islative day after each committee authorized to  
16          consider a joint resolution of approval has re-  
17          ported or has been discharged from consider-  
18          ation of a joint resolution of approval, to move  
19          to proceed to consider the joint resolution of ap-  
20          proval in the House. All points of order against  
21          the motion are waived. Such a motion shall not  
22          be in order after the House has disposed of a  
23          motion to proceed on a joint resolution of ap-  
24          proval addressing a particular submission. The  
25          previous question shall be considered as ordered

1 on the motion to its adoption without inter-  
2 vening motion. The motion shall not be debat-  
3 able. A motion to reconsider the vote by which  
4 the motion is disposed of shall not be in order.

5 (C) CONSIDERATION.—The joint resolution  
6 of approval shall be considered as read. All  
7 points of order against the joint resolution of  
8 approval and against its consideration are  
9 waived. The previous question shall be consid-  
10 ered as ordered on the joint resolution of ap-  
11 proval to its passage without intervening motion  
12 except 2 hours of debate equally divided and  
13 controlled by the proponent and an opponent. A  
14 motion to reconsider the vote on passage of the  
15 joint resolution of approval shall not be in  
16 order.

17 (2) CONSIDERATION IN THE SENATE.—

18 (A) REPORTING AND DISCHARGE.—Any  
19 committee of the Senate to which a joint resolu-  
20 tion of approval is referred shall report it to the  
21 Senate without amendment not later than 3  
22 session days after the date of introduction  
23 thereof. If a committee fails to report the joint  
24 resolution of approval within that period, the  
25 committee shall be discharged from further con-

1           sideration of the joint resolution of approval,  
2           and the joint resolution of approval shall be  
3           placed on the calendar.

4                   (B) FLOOR CONSIDERATION.—

5                   (i) IN GENERAL.—Notwithstanding  
6           Rule XXII of the Standing Rules of the  
7           Senate, it is in order, at any time after the  
8           third session day on which a Committee  
9           has reported or has been discharged from  
10          consideration of a joint resolution of ap-  
11          proval (even though a previous motion to  
12          the same effect has been disagreed to), to  
13          move to proceed to the consideration of the  
14          joint resolution of approval, and all points  
15          of order against the joint resolution of ap-  
16          proval (and against consideration of the  
17          joint resolution of approval) are waived.  
18          The motion to proceed is not debatable.  
19          The motion is not subject to a motion to  
20          postpone. A motion to reconsider the vote  
21          by which the motion is agreed to or dis-  
22          agreed to shall not be in order. If a motion  
23          to proceed to the consideration of the joint  
24          resolution of approval is agreed to, the

1 joint resolution of approval shall remain  
2 the unfinished business until disposed of.

3 (ii) CONSIDERATION.—Consideration  
4 of the joint resolution of approval, and on  
5 all debatable motions and appeals in con-  
6 nection therewith, shall be limited to not  
7 more than 2 hours, which shall be divided  
8 equally between the majority and minority  
9 leaders or their designees. A motion to fur-  
10 ther limit debate is in order and not debat-  
11 able. An amendment to, or a motion to  
12 postpone, or a motion to proceed to the  
13 consideration of other business, or a mo-  
14 tion to recommit the joint resolution of ap-  
15 proval is not in order.

16 (iii) VOTE ON PASSAGE.—If the Sen-  
17 ate has voted to proceed to a joint resolu-  
18 tion of approval, the vote on passage of the  
19 joint resolution of approval shall occur im-  
20 mediately following the conclusion of con-  
21 sideration of the joint resolution of ap-  
22 proval, and a single quorum call at the  
23 conclusion of the debate if requested in ac-  
24 cordance with the rules of the Senate.

1 (iv) RULINGS OF THE CHAIR ON PRO-  
2 CEDURE.—Appeals from the decisions of  
3 the Chair relating to the application of the  
4 rules of the Senate, as the case may be, to  
5 the procedure relating to a joint resolution  
6 of approval shall be decided without de-  
7 bate.

8 (3) AMENDMENT NOT IN ORDER.—A joint reso-  
9 lution of approval considered pursuant to this sub-  
10 section shall not be subject to amendment in either  
11 the House of Representatives or the Senate.

12 (4) COORDINATION WITH ACTION BY OTHER  
13 HOUSE.—

14 (A) IN GENERAL.—If, before the passage  
15 by one House of the joint resolution of approval  
16 of that House, that House receives the joint  
17 resolution of approval from the other House,  
18 then the following procedures shall apply:

19 (i) The joint resolution of approval of  
20 the other House shall not be referred to a  
21 committee.

22 (ii) With respect to the joint resolu-  
23 tion of approval of the House receiving the  
24 joint resolution of approval—

1 (I) the procedure in that House  
2 shall be the same as if no joint resolu-  
3 tion of approval had been received  
4 from the other House; and

5 (II) the vote on passage shall be  
6 on the joint resolution of approval of  
7 the other House.

8 (B) TREATMENT OF JOINT RESOLUTION  
9 OF APPROVAL OF OTHER HOUSE.—If the Sen-  
10 ate fails to introduce or consider a joint resolu-  
11 tion of approval under this subsection, the joint  
12 resolution of approval of the House shall be en-  
13 titled to expedited floor procedures under this  
14 subsection.

15 (C) TREATMENT OF COMPANION MEAS-  
16 URES.—If, following passage of the joint resolu-  
17 tion of approval in the Senate, the Senate then  
18 receives the companion measure from the  
19 House of Representatives, the companion meas-  
20 ure shall not be debatable.

21 (5) RULES OF THE HOUSE OF REPRESENTA-  
22 TIVES AND SENATE.—This subsection is enacted by  
23 Congress—

24 (A) as an exercise of the rulemaking power  
25 of the Senate and House of Representatives, re-

1           spectively, and as such it is deemed a part of  
2           the rules of each House, respectively, but appli-  
3           cable only with respect to the procedure to be  
4           followed in that House in the case of a joint  
5           resolution, and it supersedes other rules only to  
6           the extent that it is inconsistent with such  
7           rules; and

8           (B) with full recognition of the constitu-  
9           tional right of either House to change the rules  
10          (so far as relating to the procedure of that  
11          House) at any time, in the same manner, and  
12          to the same extent as in the case of any other  
13          rule of that House.

14          (d) DEFINITIONS.—In this section:

15           (1) COVERED CLAIM.—The term “covered  
16           claim” means a claim in which a person is accused  
17           of releasing into the environment a chemical that the  
18           Environmental Protection Agency has determined  
19           through an Integrated Risk Information System as-  
20           sessment to be a likely or known human carcinogen.

21           (2) JOINT RESOLUTION OF APPROVAL.—The  
22           term “joint resolution of approval” means only a  
23           joint resolution which is introduced in the period be-  
24           ginning on the date on which notice provided under  
25           subsection (b) is received by each House of Congress

1 and ending 30 days thereafter (excluding days either  
2 House of Congress is adjourned for more than 3  
3 days during a session of Congress) and—

4 (A) which does not have a preamble;

5 (B) the matter after the resolving clause of  
6 which is as follows: “That Congress approves  
7 the dismissal or withdrawal relating to the no-  
8 tice submitted by the Administrator under sec-  
9 tion 2(b) of the ZELDIN Act on \_\_\_\_\_”, the  
10 blank space being filled with the appropriate  
11 date; and

12 (C) the title of which is as follows: “Joint  
13 resolution approving the dismissal or with-  
14 drawal relating to the notice submitted by the  
15 Administrator under section 2(b) of the  
16 ZELDIN Act on \_\_\_\_\_.”, the blank space  
17 being filled with the appropriate date.

18 **SEC. 3. CONSULTATION PRIOR TO TERMINATION OF**  
19 **GRANTS.**

20 (a) CONSULTATION.—The Administrator shall con-  
21 sult with the Office of General Counsel of the Environ-  
22 mental Protection Agency to determine whether a termi-  
23 nation by the Administrator of any grant or cooperative  
24 agreement issued or entered into by the Administrator is  
25 in compliance with—

1           (1) the rules and regulations of the Office of  
2           Management and Budget and the Environmental  
3           Protection Agency in effect on the date on which the  
4           grant or cooperative agreement was issued or en-  
5           tered into; and

6           (2) the terms and conditions that govern the  
7           grant or cooperative agreement.

8           (b) DETERMINATION.—The Office of General Coun-  
9           sel of the Environmental Protection Agency shall deter-  
10          mine whether a termination by the Administrator of any  
11          grant or cooperative agreement issued or entered into by  
12          the Administrator is in compliance with—

13           (1) the rules and regulations of the Office of  
14           Management and Budget and the Environmental  
15           Protection Agency in effect on the date on which the  
16           grant or cooperative agreement was issued or en-  
17           tered into; and

18           (2) the terms and conditions that govern the  
19           grant or cooperative agreement.

20          (c) PROHIBITION ON CERTAIN TERMINATIONS.—The  
21          Administrator may terminate a grant or cooperative  
22          agreement only if the Office of General Counsel of the En-  
23          vironmental Protection Agency determines that such ter-  
24          mination is in compliance with—

1           (1) the rules and regulations of the Office of  
2           Management and Budget and the Environmental  
3           Protection Agency in effect on the date on which the  
4           grant or cooperative agreement was issued or en-  
5           tered into; and

6           (2) the terms and conditions that govern the  
7           grant or cooperative agreement.

8   **SEC. 4. PRESERVATION OF OBLIGATIONS OF GRANTS AND**  
9                                   **COOPERATIVE AGREEMENTS.**

10          (a) PROHIBITION ON UNTIMELY DEOBLIGATION.—

11       Any amounts awarded in the form of a grant or coopera-  
12       tive agreement issued or entered into by the Adminis-  
13       trator—

14           (1) may not, other than by the expenditure of  
15           such amounts or the termination of such grant or  
16           agreement, be deemed or otherwise considered to be  
17           unobligated; and

18           (2) may not be deobligated or returned to the  
19           Treasury upon such termination of the grant or  
20           agreement until any civil action that is either pend-  
21           ing on the date of enactment of this Act or filed on  
22           or after the date of enactment of this Act, and all  
23           administrative processes, have been completed with  
24           respect to such amounts.

25          (b) EFFECT ON FUTURE APPLICATIONS.—

1           (1) IN GENERAL.—In determining whether to  
2           award a grant or cooperative agreement to a recipi-  
3           ent, a head of a Federal agency may not consider  
4           any failure by such recipient to close out a grant or  
5           cooperative agreement issued or entered into by the  
6           Administrator during the pendency of any judicial  
7           proceeding contesting the termination of such grant  
8           or cooperative agreement.

9           (2) FAILURE TO CLOSE OUT.—The head of a  
10          Federal agency may not include in any Federal re-  
11          porting system information regarding the failure of  
12          a recipient of a grant or cooperative agreement  
13          issued or entered into by the Administrator to close  
14          out such grant or cooperative agreement during the  
15          pendency of a judicial proceeding contesting the ter-  
16          mination of such grant or agreement.

17 **SEC. 5. JUDICIAL RELIEF.**

18          A person harmed by a violation of this Act may bring  
19          an action against the Administrator in an appropriate dis-  
20          trict court of the United States seeking any of the fol-  
21          lowing:

22                 (1) Injunctive relief.

23                 (2) Damages in amount equal to—

24                         (A) the greater of—

1 (i) the sum of compensatory and puni-  
2 tive damages; and

3 (ii) \$1,000 per violation; or

4 (B) in the case of a violation that occurred  
5 as a result of bad faith, 3 times the amount de-  
6 scribed in subparagraph (A).

7 (3) Costs, including reasonable attorney's fees.

8 **SEC. 6. PENALTY.**

9 If an appropriate district court of the United States  
10 finds that the Administrator violated section 2 or 3, such  
11 court may reduce the annual rate of basic pay for the Ad-  
12 ministrator to \$1 beginning on the first day of the first  
13 applicable pay period beginning after such a finding.

14 **SEC. 7. CODIFICATION OF EPA RULEMAKING PROCESSES.**

15 (a) **SIGNIFICANT REGULATORY ACTIONS.**—In car-  
16 rying out a significant regulatory action (as such term is  
17 defined in Executive Order 12866 (58 Fed. Reg. 51735),  
18 including a significant regulatory action to quantify and  
19 monetize public-health benefits), the Administrator of the  
20 Environmental Protection Agency shall implement the reg-  
21 ulatory analysis guidance in Circular No. A-4 issued by  
22 the Office of Management and Budget in 2023.

23 (b) **ECONOMIC ANALYSES.**—The Administrator of the  
24 Environmental Protection Agency shall prepare each eco-  
25 nomic analysis in accordance with the Guidelines for Pre-

1 paring Economic Analyses (3rd edition) issued by the En-  
2 vironmental Protection Agency in 2024.

3 **SEC. 8. SUNSET.**

4 This Act shall sunset on January 20, 2029.