119TH CONGRESS
2D SESSION

S. _____

To restore and strengthen the obligation of the Environmental Protection Agency to protect human health and the environment, to halt unlawful deregulatory actions, to require enforcement of the Clean Air Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WHITEHOUSE (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To restore and strengthen the obligation of the Environmental Protection Agency to protect human health and the environment, to halt unlawful deregulatory actions, to require enforcement of the Clean Air Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Environmental Health Restoration Act of 2026''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Environmental Protection Agency was created to protect human health and the environment and is statutorily required to carry out and enforce the Clean Air Act (42 U.S.C. 7401 et seq.) and other critically important environmental laws that protect public health;

(2) since January 2025, the Environmental Protection Agency has initiated or advanced dozens of deregulatory actions weakening or dismantling protections governing power plants, vehicles, methane pollution, hazardous air pollutants, greenhouse gas reporting, and environmental justice programs;

(3) the actions described in paragraph (2) include delays or repeals of standards addressing—

(A) greenhouse gas emissions from fossil fuel-fired power plants;

(B) methane and volatile organic compound pollution from oil and gas operations;

(C) mercury and air toxics standards;

(D) national ambient air quality standards under the Clean Air Act (42 U.S.C. 7401 et seq.) for particulate matter;

(E) greenhouse gas reporting program requirements; and

(F) vehicle emissions standards;

(4) the Environmental Protection Agency has repealed the finding under section 202(a) of the Clean Air Act (42 U.S.C. 7521(a)) that greenhouse gases may reasonably be anticipated to endanger public health or welfare despite overwhelming scientific consensus, and, by that repeal, the Environmental Protection Agency has—

(A) threatened the legal foundation for Federal limits on greenhouse gas pollution from vehicles, power plants, and industrial sources; and

(B) undermined the core statutory obligation of the Environmental Protection Agency to protect human health and the environment;

(5) the Environmental Protection Agency has further reduced enforcement activity, dismantled scientific advisory bodies, eliminated environmental justice programs, and ceased consideration of the social cost of carbon, undermining science-based policymaking and community protections;

(6) the actions of the Environmental Protection Agency described in paragraphs (2) through (5) are contrary to existing law and congressional directives, including requirements under the Clean Air Act (42 U.S.C. 7401 et seq.);

(7) the Clean Air Act (42 U.S.C. 7401 et seq.) requires States to develop State implementation plans, and the actions of the Environmental Protection Agency to prevent States from implementing those plans and protecting the citizens of those States from public health harms are in direct conflict with the requirements of that Act;

(8) States have a right to protect their citizens from environmental harms;

(9) the actions described in this section threaten public health, accelerate climate change, expose communities to toxic pollution, and violate the statutory duties of the Environmental Protection Agency; and

(10) Congress has both the authority and obligation to ensure that Federal agencies faithfully execute the law.

SEC. 3. RESTORATION OF CORE ENVIRONMENTAL PROTECTIONS.

(a) IMMEDIATE REINSTATEMENT.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this Act as the ''Administrator'') shall reinstate, in full force and effect, all regulations, guidance,

and enforcement programs in effect on January 19, 2025, relating to—

(1) greenhouse gas emissions from electric generating units under subpart TTTT of part 60 of title 40, Code of Federal Regulations;

(2) methane emissions and volatile organic compounds from oil and gas sources under subparts OOOOb and OOOOc of part 60 of title 40, Code of Federal Regulations;

(3) the mercury and air toxics standard under subpart UUUUU of part 63 of title 40, Code of Federal Regulations;

(4) the greenhouse gas reporting program under part 98 of title 40, Code of Federal Regulations;

(5) national emission standards for hazardous air pollutants under part 63 of title 40, Code of Federal Regulations;

(6) national ambient air quality standards for $PM_{2.5}$ under parts 50, 53, and 58 of title 40, Code of Federal Regulations; and

(7) vehicle greenhouse gas emissions standards for light-duty, medium-duty, and heavy-duty vehicles under parts 86, 1036, 1037, 1039, 1054, and 1065 of title 40, Code of Federal Regulations.

(b) PROHIBITION ON DEREGULATORY DELAYS.—Neither the President, the Administrator, nor any other Federal official may delay, suspend, repeal, weaken, or grant exemptions to any regulation described in subsection (a) unless the modification is explicitly authorized by an Act of Congress.

SEC. 4. PROTECTION OF SCIENTIFIC INTEGRITY.

(a) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Administrator shall reconstitute and fully staff the Science Advisory Board and the Clean Air Scientific Advisory Committee to ensure that members of the Science Advisory Board and the Clean Air Scientific Advisory Committee are not associated with regulated industries in a financial or advisory role.

(b) REQUIREMENT FOR REGULATORY DECISIONS.—In making a regulatory decision, the Administrator shall base that decision on peer-reviewed science.

(c) SOCIAL COST OF CARBON.—

(1) IN GENERAL.—The Administrator shall restore the use of the social cost of carbon in all rulemakings affecting greenhouse gas emissions.

(2) DISCOUNT RATE; VALUE.—Not later than 60 days after the date of enactment of this Act, the

Administrator shall, with respect to the social cost of carbon, restore—

(A) the 2 percent discount rate; and

(B) the value for the social cost of carbon at $190 in 2020 dollars per metric ton.

SEC. 5. FUNDING AND ENFORCEMENT REQUIREMENTS.

(a) MINIMUM ENFORCEMENT FLOOR.—Subject to the availability of appropriations, funding and personnel for civil and criminal enforcement at the Environmental Protection Agency shall remain at sufficient levels to ensure consistent enforcement of the programs described in section 3(a).

(b) ANNUAL ENFORCEMENT REPORT.—The Administrator shall annually submit to Congress a report that describes the inspections under, violations of, penalties assessed under, and corrective actions taken under all environmental laws that are carried out in whole or in part by the Administrator during the preceding calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts authorized for programs of the Environmental Protection Agency under any other law, there are authorized to be appropriated to carry out the duties of the Environmental Protection Agency $10,993,653,000 or such other sums as are needed to meet the requirement

under subsection (a) for fiscal year 2027 and each fiscal year thereafter, as adjusted annually for inflation.

SEC. 6. ENVIRONMENTAL JUSTICE RESTORATION.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act and subject to the availability of appropriations, the Administrator shall restore and expand environmental justice programs eliminated or defunded after January 19, 2025.

(b) PRIORITY.—In carrying out any applicable program of the Environmental Protection Agency, the Administrator shall prioritize monitoring, permitting oversight, and enforcement under applicable environmental laws in communities experiencing disproportionate pollution burdens.

(c) PUBLIC HEALTH IMPACT ASSESSMENTS.—In carrying out any rulemaking, regulatory action, or enforcement policy affecting air or water quality, the Administrator shall conduct and publish a public health impact assessment evaluating impacts of that rulemaking, regulatory action, or enforcement policy on mortality, respiratory illness, cardiovascular disease, and cumulative exposure burdens.

(d) CUMULATIVE IMPACTS AND TRANSPARENCY.—The Administrator shall—

(1) incorporate cumulative impacts analysis into regulatory and permitting decisions; and

(2) annually publish a report describing pollution trends, enforcement actions taken by the Administrator, and progress in reducing health disparities during the preceding calendar year.

SEC. 7. JUDICIAL REVIEW.

(a) PRIVATE CAUSE OF ACTION.—Any person adversely affected by the failure of the Administrator to comply with this Act may bring a civil action in an appropriate district court of the United States.

(b) RELIEF.—

(1) IN GENERAL.—A district court of the United States may compel the Administrator to comply with this Act.

(2) ATTORNEY'S FEES.—If a civil action brought under subsection (a) results in a court finding that the Administrator did not comply with this Act, the court may award reasonable attorney's fees.

SEC. 8. PRESERVATION OF AUTHORITY.

Nothing in this Act—

(1) limits the authority of a State to adopt or enforce environmental standards that are more protective than a similar standard under Federal law; or

(2) limits or in any way affects any rights that a person, a class of persons, or a State may have—

(A) to petition the Administrator to take non-discretionary action under any Federal law; or

(B) to pursue nuisance claims under common law.