

Amendment offered by Chellie Pingree

Amendment description

The amendment would include H.R. 7601, the No Immunity for Glyphosate Act, which would undo the February 18 Executive Order that promotes the use of glyphosate and insulates manufacturers of the chemical from liability.

AMENDMENT
OFFERED BY MS. PINGREE OF MAINE

At the end of subtitle D of title XII, add the following (and make such conforming changes as may be necessary):

1 **SEC. _____. NO FEDERAL FUNDS FOR EXECUTIVE ORDER**
2 **RELATING TO PHOSPHORUS AND**
3 **GLYPHOSATE-BASED HERBICIDES.**

4 No Federal funds may be used to implement, admin-
5 ister, or enforce the Executive order entitled “Promoting
6 the National Defense by Ensuring an Adequate Supply of
7 Elemental Phosphorus and Glyphosate-Based Herbi-
8 cides”, issued on February 18, 2026.

9 **SEC. _____. NO IMMUNITIES FOR GLYPHOSATE MANUFAC-**
10 **TURERS.**

11 (a) CAUSE OF ACTION.—Any person, or the estate,
12 survivors, or legal representative of such person, who suf-
13 fers or has suffered physical injury, illness, disease, or
14 death caused, in whole or in part, by exposure to elemental
15 phosphorus or a glyphosate-based herbicide manufactured,
16 distributed, sold, or supplied within the United States,
17 may bring a civil action in an appropriate district court
18 of the United States against any covered entity.

1 (b) COVERED ENTITIES.—For purposes of this sec-
2 tion, the term “covered entity” means any person, cor-
3 poration, partnership, association, contractor, subcon-
4 tractor, or other entity that manufactures, distributes, for-
5 mulates, supplies, or sells elemental phosphorus or
6 glyphosate-based herbicides.

7 (c) JURISDICTION.—The district courts of the United
8 States shall have jurisdiction over any civil action arising
9 under this section without regard to the amount in con-
10 troversy or the citizenship of the parties.

11 (d) RELIEF.—In a civil action under this section, the
12 court may award—

13 (1) compensatory damages, including damages
14 for medical expenses, lost income, pain and suf-
15 fering, and wrongful death;

16 (2) punitive damages;

17 (3) equitable relief, including declaratory and
18 injunctive relief; and

19 (4) attorney’s fees and costs.

20 (e) WAIVER AND NULLIFICATION OF IMMUNITY.—
21 Notwithstanding section 707 of the Defense Production
22 Act of 1950 (50 U.S.C. 4557), or any other provision of
23 law, no covered entity shall be immune from civil liability
24 under Federal or State law for injury, illness, disease, or

1 death caused by exposure to elemental phosphorus or
2 glyphosate-based herbicides.

3 (f) NO FEDERAL CONTRACTOR DEFENSE.—Notwith-
4 standing any other provision of Federal law, including any
5 doctrine of Federal contractor immunity or preemption,
6 no covered entity may assert as a defense to liability in
7 any action brought under this section, or under any other
8 Federal or State law, that the manufacture, formulation,
9 distribution, sale, or supply of elemental phosphorus or a
10 glyphosate-based herbicide was conducted in compliance
11 with, or pursuant to, an Executive order, regulation, direc-
12 tive, contract, or other authorization issued under the De-
13 fense Production Act of 1950 (50 U.S.C. 4501 et seq.),
14 or any other Federal law, regulation, or authority.

15 (g) PRESERVATION OF EXISTING AND PENDING
16 CLAIMS.—Nothing in this section shall be construed to—

17 (1) preempt, displace, or otherwise limit any
18 civil action authorized under Federal or State law;
19 or

20 (2) require dismissal of, or otherwise adversely
21 affect, any civil action pending on or before the date
22 of enactment of this Act.

23 (h) APPLICABILITY.—This section shall apply to any
24 claim arising before, on, or after the date of enactment
25 of this Act.

1 (i) NON-PREEMPTION OF STATE LAW.—Nothing in
2 this section shall be construed to preempt, displace, or
3 limit any right or remedy available under State law.

