



EARTHJUSTICE ACTION

January 7, 2025

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jaime Raskin
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Re: Opposition to H.R. 6622 – The Delaying Public Protections Bill

Dear Chairman Jordan and Ranking Member Raskin:

On behalf of Earthjustice Action, I respectfully urge you to oppose H.R. 6622, the so-called “Sunshine for Regulatory Decrees and Settlements Act of 2025,” at the House Judiciary Committee markup on Thursday, January 8th. This bill will undermine the enforcement of federal laws and impede the resolution of various consumer protection, anti-discrimination, environmental, and public health cases before our federal courts.

H.R. 6622 targets consent decrees and settlement agreements involving congressionally mandated actions by federal agencies. These agency actions are often intended to protect civil rights, public health, public safety, and the environment. H.R. 6622 prescribes a host of burdensome – and, in some cases, ambiguous – steps for courts and parties relating to such consent decrees and settlements that would favor continued litigation over settlement.

Currently, if the government is sued for missing a deadline (or other non-discretionary requirement), it may enter into settlement discussions with the party that sued it, because there are no legal defenses for missing a statutory deadline. The violation can be easily confirmed by looking at a calendar. The parties then negotiate the new deadline date under the supervision of a federal judge, who must review and approve any agreement. H.R. 6622 establishes a prolonged process of publication, intervention, and court-supervised mediation for such settlements. This wastes judicial, local governments’, and the public’s resources, while wealthy corporations are empowered to perpetuate violations of federal rules. Such hurdles to settlements directly conflict with the federal judiciary’s expressly stated, longstanding policy of favoring compromise and dispute resolution to make the best use of limited judicial resources.

The consent decrees and settlement agreements at issue do not determine the *substance* of agency rules. Instead, such agreements simply seek to enforce mandatory statutory and procedural duties (such as deadlines enacted by Congress). In fact, a December 2014 Government Accountability Office report (which, by the way, was requested by House Republicans) surveyed settlements involving deadlines for major U.S. Environmental Protection Agency rulemakings and found that the settlements *did not influence* the substantive results.^[1] Furthermore, all public notice and comment requirements under the Administrative Procedure Act and the individual laws at issue remain applicable when an agency undertakes the substantive action for which the deadline was missed. Parties and non-parties alike have numerous opportunities to provide input before the rules are finalized.

H.R. 6622 seeks to allow intervening parties to obstruct and delay agency compliance with federal law, even when they already have a reasonable opportunity to intervene under federal law. This obstruction and delayed enforcement of federal law will harm communities, state and local governments, nonprofit groups, and individuals alike, when their interests have been harmed by illegal actions or inactions by federal agencies.

We strongly oppose this latest attack on citizens' ability to enforce our nation's safeguards, and we respectfully urge you to vote against H.R. 6622 during Thursday's Committee markup.

Sincerely,

Brielle L. Green, Esq.

Senior Legislative Counsel
Regulatory Reform and
Access to Justice



^[1] United States Government Accountability Office. (December 2014). *Environmental Litigation: Impact of Deadline Suits on EPA's Rulemaking Is Limited*. (Publication No. GAO-15-34)