

118TH CONGRESS
2D SESSION

S. 4307

To amend the Clean Air Act, the Federal Water Pollution Control Act, and the Endangered Species Act of 1973 to modify requirements for citizen suits under those Acts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2024

Mr. RUBIO (for himself and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act, the Federal Water Pollution Control Act, and the Endangered Species Act of 1973 to modify requirements for citizen suits under those Acts, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair and Timely Cit-
5 izen Suits Act of 2024”.

6 **SEC. 2. CITIZEN SUITS.**

7 (a) CLEAN AIR ACT.—Section 304 of the Clean Air
8 Act (42 U.S.C. 7604) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A), in the matter
4 preceding clause (i), by striking “60 days”
5 and inserting “120 days”; and

6 (ii) in subparagraph (B), by striking
7 the period at the end and inserting a semi-
8 colon;

9 (B) in paragraph (2)—

10 (i) by striking “60 days” and insert-
11 ing “120 days”; and

12 (ii) by striking the comma at the end
13 and inserting “; and”;

14 (C) by inserting after paragraph (2) the
15 following:

16 “(3) under paragraph (1) or (2) of subsection
17 (a) after the 120-day period beginning on the date
18 on which the 120-day period described in paragraph
19 (1)(A) or (2), as applicable, ends,”; and

20 (D) in the undesignated matter following
21 paragraph (3) (as added by subparagraph (C)),
22 by adding at the end the following: “If the 120-
23 day period under paragraph (3) has elapsed
24 with respect to a notice for an action under
25 paragraph (1) or (2) of subsection (a) without

1 commencing the action, the plaintiff may not
2 resubmit the notice required under this section
3 or commence the action.”; and

4 (2) in subsection (c), by adding at the end the
5 following:

6 “(4) DISTRICT COURT JUDGMENT.—A district
7 court of the United States shall render a final judg-
8 ment on an action under this section as expedi-
9 tiously as practicable.

10 “(5) APPELLATE REVIEW.—A court of appeals
11 of the United States shall render final judgment on
12 an action under this section subject to its original
13 jurisdiction or an interlocutory order or final judg-
14 ment, decree, or order of a district court of the
15 United States in an action under this section—

16 “(A) as expeditiously as practicable; and

17 “(B) not later than the date that is 1 year
18 after the date on which the applicable interlocu-
19 tory order or final judgment, decree, or order of
20 the district court was issued.”.

21 (b) FEDERAL WATER POLLUTION CONTROL ACT.—
22 Section 505 of the Federal Water Pollution Control Act
23 (33 U.S.C. 1365) is amended—

24 (1) in subsection (b)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A), in the matter
2 preceding clause (i), by striking “sixty
3 days” and inserting “120 days”; and

4 (ii) in subparagraph (B), by striking
5 the period at the end and inserting a semi-
6 colon;

7 (B) in paragraph (2)—

8 (i) by striking “sixty days” and in-
9 serting “120 days”; and

10 (ii) by striking the comma at the end
11 and inserting “; and”;

12 (C) by inserting after paragraph (2) the
13 following:

14 “(3) under paragraph (1) or (2) of subsection
15 (a) after the 120-day period beginning on the date
16 on which the 120-day period described in paragraph
17 (1)(A) or (2), as applicable, ends,”; and

18 (D) in the undesignated matter following
19 paragraph (3) (as added by subparagraph (C)),
20 by adding at the end the following: “If the 120-
21 day period under paragraph (3) has elapsed
22 with respect to a notice for an action under
23 paragraph (1) or (2) of subsection (a) without
24 commencing the action, the plaintiff may not

1 resubmit the notice required under this section
2 or commence the action.”; and

3 (2) in subsection (c), by adding at the end the
4 following:

5 “(4) DISTRICT COURT JUDGMENT.—A district
6 court of the United States shall render a final judg-
7 ment on an action under this section as expedi-
8 tiously as practicable.

9 “(5) APPELLATE REVIEW.—A court of appeals
10 of the United States shall render final judgment on
11 an action under this section subject to its original
12 jurisdiction or an interlocutory order or final judg-
13 ment, decree, or order of a district court of the
14 United States in an action under this section—

15 “(A) as expeditiously as practicable; and

16 “(B) not later than the date that is 1 year
17 after the date on which the applicable interlocu-
18 tory order or final judgment, decree, or order of
19 the district court was issued.”.

20 (c) ENDANGERED SPECIES ACT OF 1973.—Section
21 11(g) of the Endangered Species Act of 1973 (16 U.S.C.
22 1540(g)) is amended—

23 (1) in paragraph (2)—

24 (A) in subparagraph (A)—

1 (i) in the matter preceding clause (i),
2 by striking “subparagraph (1)(A) of this
3 section” and inserting “paragraph (1)(A)”;
4 and

5 (ii) in clause (i), by striking “sixty
6 days” and inserting “120 days”;

7 (B) in subparagraph (B)—

8 (i) in the matter preceding clause (i),
9 by striking “subparagraph (1)(B) of this
10 section” and inserting “paragraph (1)(B)”;
11 and

12 (ii) in clause (i), by striking “sixty
13 days” and inserting “120 days”;

14 (C) in subparagraph (C), by striking “sub-
15 paragraph (1)(C) of this section prior to sixty
16 days” and inserting “paragraph (1)(C) prior to
17 120 days”; and

18 (D) by adding at the end the following:

19 “(D) No action may be commenced under sub-
20 paragraph (A), (B), or (C) of paragraph (1) after
21 the 120-day period beginning on the date on which
22 the 120-day period described subparagraph (A)(i),
23 (B)(i), or (C), as applicable, ends.

24 “(E) If the 120-day period under subparagraph
25 (D) has elapsed with respect to a notice for an ac-

1 tion under subparagraph (A), (B), or (C) of para-
2 graph (1) without commencing the action, the plain-
3 tiff may not resubmit the notice required under this
4 subsection or commence the action.”; and

5 (2) by adding at the end the following:

6 “(6) DISTRICT COURT JUDGMENT.—A district court
7 of the United States shall render a final judgment on an
8 action under this subsection as expeditiously as prac-
9 ticable.

10 “(7) APPELLATE REVIEW.—A court of appeals of the
11 United States shall render final judgment on an action
12 under this subsection subject to its original jurisdiction
13 or an interlocutory order or final judgment, decree, or
14 order of a district court of the United States in an action
15 under this subsection—

16 “(A) as expeditiously as practicable; and

17 “(B) not later than the date that is 1 year after
18 the date on which the applicable interlocutory order
19 or final judgment, decree, or order of the district
20 court was issued.”.

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