

Union Calendar No. 184

113TH CONGRESS
1ST SESSION

H. R. 2318

[Report No. 113–180, Part I]

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to the applicability of the Act to Federal facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2013

Mr. LATTA introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JULY 30, 2013

Reported from the Committee on Energy and Commerce with an amendment
[Strike out all after the enacting clause and insert the part printed in *italie*]

JULY 30, 2013

Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2013

NOVEMBER 1, 2013

Additional sponsor: Mr. CRAMER

NOVEMBER 1, 2013

The Committee on Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 11, 2013]

A BILL

To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 with respect to the applicability of the Act to Federal facilities, 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 “Federal Facility Ac-*
 5 *countability Act of 2013”.*

6 **SEC. 2. FEDERAL FACILITIES.**

7 (a) *APPLICATION TO FEDERAL GOVERNMENT.*—*Sec-*
 8 *tion 120(a) of the Comprehensive Environmental Response,*
 9 *Compensation, and Liability Act of 1980 (42 U.S.C.*
 10 *9620(a)) is amended in the heading by striking “OF ACT”.*

11 (b) *APPLICATION OF REQUIREMENTS TO FEDERAL FA-*
 12 *CILITIES.*—*Section 120(a)(2) of the Comprehensive Envi-*
 13 *ronmental Response, Compensation, and Liability Act of*
 14 *1980 (42 U.S.C. 9620(a)(2)) is amended—*

15 (1) *by striking “preliminary assessments” and*
 16 *inserting “response actions”;*

17 (2) *by inserting “or” after “National Contin-*
 18 *gency Plan,”;*

19 (3) *by striking “, or applicable to remedial ac-*
 20 *tions at such facilities”; and*

21 (4) *by inserting “or have been” before “owned or*
 22 *operated”.*

23 (c) *APPLICABILITY OF LAWS.*—*Section 120(a)(4) of the*
 24 *Comprehensive Environmental Response, Compensation,*

1 *and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amend-*
2 *ed to read as follows:*

3 “(4) *APPLICABILITY OF LAWS.*—

4 “(A) *IN GENERAL.*—*Each department,*
5 *agency, and instrumentality of the United States*
6 *shall be subject to, and comply with, at facilities*
7 *that are or have been owned or operated by any*
8 *such department, agency, or instrumentality,*
9 *State substantive and procedural requirements*
10 *regarding response relating to hazardous sub-*
11 *stances or pollutants or contaminants, including*
12 *State hazardous waste requirements, in the same*
13 *manner and to the same extent as any non-*
14 *governmental entity.*

15 “(B) *COMPLIANCE.*—

16 “(i) *IN GENERAL.*—*The United States*
17 *hereby expressly waives any immunity oth-*
18 *erwise applicable to the United States with*
19 *respect to any State substantive or proce-*
20 *dural requirement referred to in subpara-*
21 *graph (A).*

22 “(ii) *INJUNCTIVE RELIEF.*—*Neither the*
23 *United States, nor any agent, employee, nor*
24 *officer thereof, shall be immune or exempt*
25 *from any process or sanction of any State*

1 or Federal Court with respect to the enforce-
2 ment of any injunctive relief under sub-
3 paragraph (C)(ii).

4 “(iii) *CIVIL PENALTIES.*—No agent,
5 employee, or officer of the United States
6 shall be personally liable for any civil pen-
7 alty under any State substantive or proce-
8 dural requirement referred to in subpara-
9 graph (A), or this Act, with respect to any
10 act or omission within the scope of the offi-
11 cial duties of the agent, employee, or officer.

12 “(C) *SUBSTANTIVE AND PROCEDURAL RE-*
13 *QUIREMENTS.*—The State substantive and proce-
14 dural requirements referred to in subparagraph
15 (A) include—

16 “(i) administrative orders;

17 “(ii) injunctive relief;

18 “(iii) civil and administrative pen-
19 alties and fines, regardless of whether such
20 penalties or fines are punitive or coercive in
21 nature or are imposed for isolated, inter-
22 mittent, or continuing violations;

23 “(iv) reasonable service charges or
24 oversight costs; and

1 “(v) laws or regulations requiring the
 2 imposition and maintenance of engineering
 3 or land use controls.

4 “(D) *REASONABLE SERVICE CHARGES OR*
 5 *OVERSIGHT COSTS.*—*The reasonable service*
 6 *charges or oversight costs referred to in subpara-*
 7 *graph (C) include fees or charges assessed in con-*
 8 *nection with—*

9 “(i) the processing, issuance, renewal,
 10 or modification of permits;

11 “(ii) the review of plans, reports, stud-
 12 ies, and other documents;

13 “(iii) attorney’s fees;

14 “(iv) inspection and monitoring of fa-
 15 cilities or vessels; and

16 “(v) any other nondiscriminatory
 17 charges that are assessed in connection with
 18 a State requirement regarding response re-
 19 lating to hazardous substances or pollutants
 20 or contaminants.”.

21 **SEC. 3. AUTHORITY TO DELEGATE, ISSUE REGULATIONS.**

22 *Section 115 of the Comprehensive Environmental Re-*
 23 *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*
 24 *9615) is amended by adding at the end the following new*
 25 *sentence: “If the President delegates or assigns any duties*

1 *or powers under this section to a department, agency, or*
2 *instrumentality of the United States other than the Admin-*
3 *istrator, the Administrator may review, as the Adminis-*
4 *trator determines necessary or upon request of any State,*
5 *actions taken, or regulations promulgated, pursuant to such*
6 *delegation or assignment, for purposes of ensuring consist-*
7 *ency with the guidelines, rules, regulations, or criteria es-*
8 *tablished by the Administrator under this title.”.*

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