

**[DISCUSSION DRAFT]**

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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**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”.

1 **SEC. 2. FEDERAL FACILITIES.**

2 (a) APPLICATION TO FEDERAL GOVERNMENT.—Sec-  
3 tion 120(a) of the Comprehensive Environmental Re-  
4 sponse, Compensation, and Liability Act of 1980 (42  
5 U.S.C. 9620(a)) is amended in the heading by striking  
6 “OF ACT”.

7 (b) APPLICATION OF REQUIREMENTS TO FEDERAL  
8 FACILITIES.—Section 120(a)(2) of the Comprehensive  
9 Environmental Response, Compensation, and Liability Act  
10 of 1980 (42 U.S.C. 9620(a)(2)) is amended—

11 (1) by striking “preliminary assessments” and  
12 inserting “response actions”;

13 (2) by inserting “or” after “National Contin-  
14 gency Plan,”;

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

17 (4) by inserting “or have been” before “owned  
18 or operated”.

19 (c) APPLICABILITY OF LAWS.—Section 120(a)(4) of  
20 the Comprehensive Environmental Response, Compensa-  
21 tion, and Liability Act of 1980 (42 U.S.C. 9620(a)(4))  
22 is amended to read as follows:

23 “(4) APPLICABILITY OF LAWS.—

24 “(A) IN GENERAL.—Each department,  
25 agency, and instrumentality of the United  
26 States shall be subject to, and comply with, at

1 facilities that are or have been owned or oper-  
2 ated by any such department, agency, or instru-  
3 mentality, State substantive and procedural re-  
4 quirements regarding response, containment,  
5 and remediation relating to hazardous sub-  
6 stances in the same manner and to the same  
7 extent as any nongovernmental entity.

8 “(B) COMPLIANCE.—

9 “(i) IN GENERAL.—The United States  
10 hereby expressly waives any immunity oth-  
11 erwise applicable to the United States with  
12 respect to any State substantive or proce-  
13 dural requirement referred to in subpara-  
14 graph (A).

15 “(ii) INJUNCTIVE RELIEF.—Neither  
16 the United States, nor any agent, em-  
17 ployee, nor officer thereof, shall be immune  
18 or exempt from any process or sanction of  
19 any State or Federal Court with respect to  
20 the enforcement of any injunctive relief  
21 under subparagraph (C)(ii).

22 “(iii) CIVIL PENALTIES.—No agent,  
23 employee, or officer of the United States  
24 shall be personally liable for any civil pen-  
25 alty under any State substantive or proce-

1 dural requirement referred to in subpara-  
2 graph (A), or this Act, with respect to any  
3 act or omission within the scope of the of-  
4 ficial duties of the agent, employee, or offi-  
5 cer.

6 “(iv) CRIMINAL SANCTIONS.—An  
7 agent, employee, or officer of the United  
8 States shall be subject to any criminal  
9 sanction (including any fine or imprison-  
10 ment) under any State substantive or pro-  
11 cedural requirement referred to in sub-  
12 paragraph (A), or this Act, but no depart-  
13 ment, agency, or instrumentality of the ex-  
14 ecutive, legislative, or judicial branch of  
15 the Federal Government shall be subject to  
16 any such sanction.

17 “(C) SUBSTANTIVE AND PROCEDURAL RE-  
18 QUIREMENTS.—The State substantive and pro-  
19 cedural requirements referred to in subpara-  
20 graph (A) include—

21 “(i) administrative orders;

22 “(ii) injunctive relief;

23 “(iii) civil and administrative penalties  
24 and fines, regardless of whether such pen-  
25 alties or fines are punitive or coercive in

1 nature or are imposed for isolated, inter-  
2 mittent, or continuing violations; and

3 “(iv) reasonable service charges or  
4 oversight costs.

5 “(D) REASONABLE SERVICE CHARGES OR  
6 OVERSIGHT COSTS.—The reasonable service  
7 charges or oversight costs referred to in sub-  
8 paragraph (C) include fees or charges assessed  
9 in connection with—

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

12 “(ii) the review of plans, reports,  
13 studies, and other documents;

14 “(iii) attorney’s fees;

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

17 “(v) any other nondiscriminatory  
18 charges that are assessed in connection  
19 with a State requirement regarding re-  
20 sponse, containment, and remediation re-  
21 lating to hazardous substances.”.

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

23 Section 115 of the Comprehensive Environmental Re-  
24 sponse, Compensation, and Liability Act of 1980 (42  
25 U.S.C. 9615) is amended by adding at the end the fol-

1 lowing new sentence: “If the President delegates or as-  
2 signs any duties or powers under this section to a depart-  
3 ment, agency, or instrumentality of the United States  
4 other than the Administrator, the Administrator may re-  
5 view actions taken, or regulations promulgated, pursuant  
6 to such delegation or assignment, or a State may request  
7 such a review, for purposes of ensuring consistency with  
8 the guidelines, rules, regulations, or criteria established by  
9 the Administrator under this title.”.