

## HR 2279

### Reducing Excessive Deadline Obligations Act of 2013

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Environmental Protection

**Introduced:** Jun 6, 2013

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works. (Jan 13, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/2279>

### Sponsor

**Name:** Rep. Gardner, Cory [R-CO-4]

**Party:** Republican • **State:** CO • **Chamber:** Senate

### Cosponsors

No cosponsors are listed for this bill.

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jun 7, 2013
Environment and Public Works Committee	Senate	Referred To	Jan 13, 2014
Transportation and Infrastructure Committee	House	Referred to	Jun 7, 2013

### Subjects & Policy Tags

#### Policy Area:

Environmental Protection

### Related Bills

Bill	Relationship	Last Action
113 HRES 455	Related bill	Jan 9, 2014: Motion to reconsider laid on the table Agreed to without objection.
113 HR 2226	Related bill	Nov 1, 2013: Placed on the Union Calendar, Calendar No. 182.
113 HR 2318	Related bill	Nov 1, 2013: Placed on the Union Calendar, Calendar No. 184.

**Title I: Reducing Excessive Deadline Obligations** - Reducing Excessive Deadline Obligations Act of 2014 - (Sec. 102) Amends the Solid Waste Disposal Act to remove a requirement that the Administrator of the Environmental Protection Agency (EPA) review and revise regulations promulgated under such Act at least every three years.

(Sec. 104) Amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to prohibit the President from promulgating any financial responsibility requirement under such Act without first reporting on:

- each facility or class of facilities to be covered by such requirement;
- the development of such requirement, including why the facility or class proposed to be covered by such requirement presents the highest level of risk of injury and why they are not already covered by adequate financial responsibility requirements;
- financial responsibility requirements promulgated by state or other federal agencies for the facility or class to be covered by such proposed requirement;
- the exposure to the Hazardous Substances Superfund for response costs resulting from such proposed covered facilities; and
- the capacity of the financial and credit markets to provide instruments of financial responsibility necessary to meet such requirement.

Requires the President to update such report to reflect any revision of the facilities or classes of facilities to be covered by a financial responsibility requirement.

(Sec. 105) Requires an owner or operator of a facility or vessel that has already established evidence of financial responsibility associated with the production, transportation, treatment, storage, or disposal of hazardous substances under state law or any other federal law to establish evidence of financial responsibility under CERCLA only if the President determines that, in the event of a non-permitted release of a hazardous substance that is not a federally permitted release or authorized by a state permit, the existing financial responsibility requirements will not be sufficient to cover likely response costs.

Requires the President, if such a determination is made, to accept evidence of compliance with such other federal or state financial responsibility requirements in lieu of compliance with any portion of the financial responsibility requirements promulgated under such Act to which they correspond.

(Sec. 106) Requires the owner or operator of each facility that has substances that are listed as Department of Homeland Security (DHS) Chemicals of Interest and that are flammables or explosives in amounts above the screening threshold to notify the state emergency response commission in the state in which the facility is located.

**Title II: Federal and State Partnership for Environmental Protection** - Federal and State Partnership for Environmental Protection Act of 2014 - (Sec. 202) Amends CERCLA to require the President to consult with affected states: (1) in undertaking a removal action concerning hazardous substances, pollutants, and contaminants (substances); and (2) during (currently, before) the process of selecting any appropriate remedial action.

Requires the Administrator and each federal entity responsible for federal facility compliance to consult with state and local officials and provide them the opportunity to participate in the planning and selection of a remedial action with respect to such a facility. Requires a determination made by state or local officials to not participate in such action to be documented in the administrative record regarding the action.

(Sec. 203) Requires the President to grant states credit for the share of costs with respect to a facility listed on the National Priorities List under the National Contingency Plan for amounts expended for removal at such facility of such substances in addition to the credits currently given for remedial actions. Authorizes credit to be given for oversight costs and in-kind expenditures.

(Sec. 204) Requires the President, upon the request of a state, to provide to such state the basis for not including a priority among releases of such substances on the revised national list. Prohibits the President from adding a facility to the national list over the written objection of the state, unless:

- the state, as an owner or operator or a significant contributor of hazardous substances to the facility, is a potentially responsible party;
- the President determines that the contamination has migrated across a state boundary, resulting in the need for response actions in multiple states; or
- the criteria under the national contingency plan for issuance of a health advisory have been met.

Removes provisions concerning the 100 highest priority facilities. Authorizes states to designate a facility to the national list no more than once every five years.

Includes, as a minimum requirement in regulations that provide for involvement by each state in remedial actions, state concurrence in adding sites to the National Priorities List.

(Sec. 205) Requires remedial actions to meet any state environmental covenant law or state law or regulation requiring the use of engineering control or land use control if they are more stringent than federal requirements.

**Title III: Federal Facility Accountability** - Federal Facility Accountability Act of 2014 - (Sec. 302) Amends CERCLA to apply all guidelines, rules, regulations, and criteria applicable to response actions (currently, preliminary assessments) to address hazardous substances at facilities to those currently or formerly owned or operated by the United States.

Requires federal facilities to comply with state substantive and procedural requirements regarding response relating to hazardous substances or pollutants or contaminants, including state hazardous waste requirements, in the same manner and to the same extent as any nongovernmental entity. Waives sovereign immunity with respect to state substantive or procedural requirements. Prohibits an agent, employee, or officer of the United States from being: (1) immune or exempt from injunctive relief with respect to such state requirements, and (2) personally liable for any civil penalty under such requirements or CERCLA with respect to any act or omission within the scope of their official duties.

Provides that state substantive and procedural requirements include administrative orders, injunctive relief, civil and administrative penalties and fines, reasonable service charges or oversight costs, and laws or regulations requiring the imposition and maintenance of engineering or land use controls.

(Sec. 303) Authorizes the Administrator to review as determined necessary, or upon state request, actions taken or regulations promulgated pursuant to any duties or powers delegated or assigned by the President to a department, agency, or instrumentality of the United States other than EPA to ensure consistency with the guidelines, rules, regulations, or criteria established by the Administrator.

## Actions Timeline

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- **Jan 13, 2014:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Jan 9, 2014:** Considered under the provisions of rule H. Res. 455. (consideration: CR H96-112)
- **Jan 9, 2014:** The resolution provides for consideration of H.R. 2279, H.R. 3362, and H.R. 3811. In each case, general debate shall be confined to one hour and one motion to recommit is allowed. The resolution specifies certain amendments are in order for H.R. 2279. Further amendments to H.R. 3362 and H.R. 3811 are not in order.
- **Jan 9, 2014:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 455 and Rule XVIII.
- **Jan 9, 2014:** The Speaker designated the Honorable Kevin Yoder to act as Chairman of the Committee.
- **Jan 9, 2014:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2279.
- **Jan 9, 2014:** DEBATE - Pursuant to the provisions of H. Res. 455, the Committee of the Whole proceeded with 10 minutes of debate on the Sinema Part A amendment No. 1.
- **Jan 9, 2014:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Sinema Part A amendment No. 1, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes prevailed. Ms. Sinema demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jan 9, 2014:** DEBATE - Pursuant to the provisions of H. Res. 455, the Committee of the Whole proceeded with 10 minutes of debate on the Tonko Part A amendment No. 2.
- **Jan 9, 2014:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tonko Part A amendment No. 2, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes prevailed. Mr. Tonko demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Jan 9, 2014:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Jan 9, 2014:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2279.
- **Jan 9, 2014:** The previous question was ordered pursuant to the rule. (consideration: CR H109)
- **Jan 9, 2014:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H104-105)
- **Jan 9, 2014:** Mr. Peters (CA) moved to recommit with instructions to Energy and Commerce. (consideration: CR H109-111; text: CR H109)
- **Jan 9, 2014:** DEBATE - The House proceeded with 10 minutes of debate on the Peters (CA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill be reported back to the House with an amendment to add a title to the bill entitled "PRESERVING THE POLLUTER PAYS PRINCIPLE AND LIMITING EXPOSURE TO TOXIC CHEMICALS".
- **Jan 9, 2014:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H110-111)
- **Jan 9, 2014:** On motion to recommit with instructions Failed by recorded vote: 188 - 225 (Roll no. 9).
- **Jan 9, 2014:** Passed/agreed to in House: On passage Passed by recorded vote: 225 - 188 (Roll no. 10).
- **Jan 9, 2014:** On passage Passed by recorded vote: 225 - 188 (Roll no. 10).
- **Jan 9, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 8, 2014:** Rules Committee Resolution H. Res. 455 Reported to House. The resolution provides for consideration of H.R. 2279, H.R. 3362, and H.R. 3811. In each case, general debate shall be confined to one hour and one motion to recommit is allowed. The resolution specifies certain amendments are in order for H.R. 2279. Further amendments to H.R. 3362 and H.R. 3811 are not in order.
- **Nov 1, 2013:** Committee on Transportation discharged.
- **Nov 1, 2013:** Placed on the Union Calendar, Calendar No. 183.
- **Jul 30, 2013:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 113-179, Part I.
- **Jul 30, 2013:** House Committee on Transportation Granted an extension for further consideration ending not later than Nov. 1, 2013.
- **Jun 19, 2013:** Committee Consideration and Mark-up Session Held.
- **Jun 19, 2013:** Ordered to be Reported by the Yeas and Nays: 25 - 18.
- **Jun 18, 2013:** Committee Consideration and Mark-up Session Held.

**Jun 7, 2013:** Referred to the Subcommittee on Water Resources and Environment.

• **Jun 7, 2013:** Referred to the Subcommittee on Environment and the Economy.

• **Jun 6, 2013:** Introduced in House

• **Jun 6, 2013:** 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.

• **Jun 6, 2013:** Forwarded by Subcommittee to Full Committee by Voice Vote.

• **Jun 6, 2013:** Consideration and Mark-up Session Held by the Subcommittee on Environment and the Economy Prior to Introduction.

• **May 17, 2013:** Hearings Held by the Subcommittee on Environment and the Economy Prior to Introduction and Referral.