

103^D CONGRESS
2^D SESSION

H. R. 340

To amend the Federal Water Pollution Control Act relating to Federal facilities pollution control.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. SCHAEFER introduced the following bill; which was referred to the Committee on Public Works and Transportation

FEBRUARY 28, 1994

Additional sponsors: Mr. BROWN of California, Mrs. SCHROEDER, Mrs. MEYERS of Kansas, Mr. SANGMEISTER, Mr. ACKERMAN, Mr. GREENWOOD, Mr. ALLARD, Mr. WALSH, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. ZELIFF, Mr. SKEEN, Mr. WHEAT, Ms. MOLINARI, Mr. KOLBE, Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. SAWYER, Mr. GRAMS, Mr. BILBRAY, Ms. WOOLSEY, and Mr. MCINNIS

A BILL

To amend the Federal Water Pollution Control Act relating to Federal facilities pollution control.

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 Facilities
5 Clean Water Compliance Act of 1993”.

1 **SEC. 2. APPLICATION OF CERTAIN PROVISIONS TO FED-**
2 **ERAL FACILITIES.**

3 (a) IN GENERAL.—Section 313(a) of the Federal
4 Water Pollution Control Act (33 U.S.C. 1323(a)) is
5 amended—

6 (1) by striking the third sentence and inserting
7 the following new sentences: “The Federal, State,
8 interstate, and local requirements, administrative
9 authority, and process and sanctions referred to in
10 this subsection include, but are not limited to, all
11 administrative orders and all civil and administrative
12 penalties and fines, regardless of whether such pen-
13 alties or fines are punitive or coercive in nature or
14 are imposed for isolated, intermittent, or continuing
15 violations. The United States hereby expressly
16 waives any immunity otherwise applicable to the
17 United States with respect to any such requirement,
18 administrative authority, and process and sanctions
19 (including, but not limited to, any injunctive relief,
20 administrative order or civil or administrative pen-
21 alty or fine referred to in the preceding sentence, or
22 reasonable service charge). The reasonable service
23 charges referred to in this subsection include, but
24 are not limited to, fees or charges assessed in con-
25 nection with the processing and issuance of permits,
26 renewal of permits, amendments to permits, review

1 of plans, studies, and other documents, and inspec-
2 tion and monitoring of facilities, as well as any other
3 nondiscriminatory charges that are assessed in con-
4 nection with a Federal, State, interstate, or local
5 water pollution regulatory program. No agent, em-
6 ployee, or officer of the United States shall be per-
7 sonally liable for any civil penalty under any Fed-
8 eral, State, interstate, or local water pollution law
9 with respect to any act or omission within the scope
10 of the official duties of the agent, employee, or offi-
11 cer. An agent, employee, or officer of the United
12 States shall be subject to any criminal sanction (in-
13 cluding, but not limited to, any fine or imprison-
14 ment) under any Federal or State water pollution
15 law, but no department, agency, or instrumentality
16 of the executive, legislative, or judicial branch of the
17 Federal Government shall be subject to any such
18 sanction.”; and

19 (2) by striking the sentence which begins “No
20 officer, agent, or employee”.

21 (b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—
22 Section 313 of such Act is further amended by redesignat-
23 ing subsection (b) as subsection (c) and by inserting after
24 subsection (a) the following new subsection:

25 “(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

1 “(1) IN GENERAL.—The Administrator may
2 commence an administrative enforcement action
3 against any department, agency, or instrumentality
4 of the executive, legislative, or judicial branch of the
5 Federal Government pursuant to the enforcement
6 authorities contained in this Act. The Administrator
7 shall initiate an administrative enforcement action
8 against such a department, agency, or instrumentality
9 in the same manner and under the same cir-
10 cumstances as an action would be initiated against
11 another person. Any voluntary resolution or settle-
12 ment of such an action shall be set forth in a con-
13 sent order.

14 “(2) OPPORTUNITY TO CONFER.—No adminis-
15 trative order issued to such a department, agency, or
16 instrumentality shall become final until such depart-
17 ment, agency, or instrumentality has had the oppor-
18 tunity to confer with the Administrator.”.

19 **SEC. 3. DEFINITION OF PERSON.**

20 Section 502(5) of the Federal Water Pollution Con-
21 trol Act (33 U.S.C. 1362(5)) is amended by inserting be-
22 fore the period the following: “and shall include each de-
23 partment, agency, and instrumentality of the United
24 States”.

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