

113TH CONGRESS
1ST SESSION

S. 318

To rescind funds made available to the Administrator of the Environmental Protection Agency if the Administrator fails to meet certain deadlines.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2013

Mr. JOHANNIS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To rescind funds made available to the Administrator of the Environmental Protection Agency if the Administrator fails to meet certain deadlines.

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 “Environmental Protec-
5 tion Agency Accountability Act of 2013”.

6 **SEC. 2. DEFINITION OF ADMINISTRATOR.**

7 In this Act, the term “Administrator” means the Ad-
8 ministrator of the Environmental Protection Agency.

1 **SEC. 3. INTERIM ASSESSMENT OF REGULATORY REQUIRE-**
2 **MENTS AND APPLICABLE PENALTIES.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of enactment of this Act, the Administrator shall en-
5 sure that the requirements described in subsection (b) are
6 satisfied.

7 (b) REQUIREMENTS.—The Administrator shall sat-
8 isfy—

9 (1) section 4 of Executive Order 12866 (5
10 U.S.C. 601 note) (relating to regulatory planning
11 and review) and Executive Order 13563 (5 U.S.C.
12 601 note) (relating to improving regulation and reg-
13 ulatory review) (or any successor Executive order es-
14 tablishing requirements applicable to the uniform re-
15 porting of regulatory and deregulatory agendas);

16 (2) section 602 of title 5, United States Code;

17 (3) section 8 of Executive Order 13132 (5
18 U.S.C. 601 note) (relating to federalism); and

19 (4) section 202(a) of the Unfunded Mandates
20 Reform Act of 1995 (2 U.S.C. 1532(a)).

21 (c) FINANCIAL PENALTY PROVISIONS.—

22 (1) IN GENERAL.—Subject to paragraph (2), if
23 the Comptroller General of the United States deter-
24 mines that the Administrator fails to satisfy any re-
25 quirement described in subsection (b), an amount of
26 funding equal to \$20,000 per week shall be re-

1 scinded from the Office of the Administrator, and
2 once each week thereafter until all the requirements
3 are satisfied.

4 (2) LIMITATIONS.—

5 (A) 1 DAY GRACE PERIOD.—Paragraph (1)
6 shall not apply if each requirement listed in
7 subsection (b) is satisfied not later than 1 day
8 after the deadline for the requirement.

9 (B) MAXIMUM AMOUNT OF RESCINDED
10 FUNDS.—No rescission of funds under para-
11 graph (1) shall exceed, in any fiscal year, an
12 amount equal to 7 percent of the funds made
13 available to the Office of the Administrator.

14 (3) AUDITS.—In any fiscal year in which any
15 funds are rescinded from the Administrator pursu-
16 ant to this Act, the Inspector General of the Envi-
17 ronmental Protection Agency shall—

18 (A) conduct an audit to assess compliance
19 with the requirements of this paragraph; and

20 (B) not later than 120 days after the end
21 of the fiscal year during which any funds are
22 rescinded under paragraph (1), submit to the
23 Committee on Environment and Public Works
24 of the Senate, the Committee on Transportation
25 and Infrastructure of the House of Representa-

1 tives, the Committee on Appropriations of the
2 Senate, and the Committee on Appropriations
3 of the House of Representatives a report de-
4 scribing the reasons why the funds were re-
5 scinded, including allocations of resources.

6 (4) EFFECT OF PARAGRAPH.—Nothing in this
7 paragraph affects or limits the application of, or ob-
8 ligation to comply with, any Federal, State, local, or
9 tribal law.

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