

114TH CONGRESS  
1ST SESSION

# S. 2135

To address the liability of the Environmental Protection Agency relating to the Animas and San Juan Rivers spill.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2015

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To address the liability of the Environmental Protection Agency relating to the Animas and San Juan Rivers spill.

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. ANIMAS RIVER AND SAN JUAN RIVER SPILL LI-**

4 **ABILITY.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “Administrator” means the Ad-  
7 ministrator of the Agency;

8 (2) the term “Agency” means the Environ-  
9 mental Protection Agency;

1           (3) the term “Animas and San Juan Rivers  
2 spill” means the August 2015 release of hazardous  
3 or toxic substances into the Animas River and the  
4 San Juan River; and

5           (4) the term “Indian tribe” has the meaning  
6 given that term in section 4 of the Indian Self-De-  
7 termination and Education Assistance Act (25  
8 U.S.C. 450b).

9           (b) LIMITATION.—The exception under section  
10 2680(a) of title 28, United States Code, shall not apply  
11 to any claim brought against the Government or any agent  
12 thereof relating to any act or omission of, or exercise or  
13 performance of, or failure to exercise or perform, a discre-  
14 tionary function or duty by, the Agency or any agent  
15 thereof relating to the Animas and San Juan Rivers spill.

16           (c) PERIOD OF LIMITATIONS.—A civil action relating  
17 to the conduct of the Agency or any agent thereof in rela-  
18 tion to the Animas and San Juan Rivers spill may not  
19 be commenced later than 10 years after the cause of ac-  
20 tion accrues.

21           (d) AWARD AND SETTLEMENT.—Notwithstanding  
22 section 2672 of title 28, United States Code, any award  
23 against the Government or compromise settlement by the  
24 Government relating to the conduct of the Agency or any  
25 agent thereof in relation to the Animas and San Juan Riv-

1 ers spill shall be paid by the Administrator out of unobli-  
2 gated balances in the appropriations account appropriated  
3 under the heading “ENVIRONMENTAL PROGRAMS AND  
4 MANAGEMENT” that are made available for personnel and  
5 related costs and travel expenses, without regard to the  
6 amount of the award.

7 (e) SPILL RESPONSE PROGRAM.—The Administrator  
8 shall work with States and Indian tribes affected by the  
9 Animas and San Juan Rivers spill to develop, fund, and  
10 implement a long-term monitoring program for water and  
11 sediment quality of the Animas River and the San Juan  
12 River in response to the Animas and San Juan Rivers spill  
13 and other effects of the spill.

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