

114TH CONGRESS
2D SESSION

S. 2884

To address the liability of the Environmental Protection Agency relating to the lead contamination of the water supply of the City of Flint, Michigan.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

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

A BILL

To address the liability of the Environmental Protection Agency relating to the lead contamination of the water supply of the City of Flint, Michigan.

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 “EPA Accountability
5 in Flint Act”.

6 **SEC. 2. FLINT WATER SUPPLY LEAD CONTAMINATION LI-**
7 **ABILITY.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “Administrator” means the Ad-
10 ministrator of the Agency;

1 (2) the term “Agency” means the Environ-
2 mental Protection Agency; and

3 (3) the term “Flint water supply lead contami-
4 nation” means the lead contamination of the drink-
5 ing water of the City of Flint, Michigan, during the
6 period beginning on April 1, 2014, and ending on
7 the date on which the Administrator determines that
8 the drinking water of the City complies with Federal
9 drinking water standards.

10 (b) LIMITATION.—The exception under section
11 2680(a) of title 28, United States Code, shall not apply
12 to any claim brought against the Government or any agent
13 thereof relating to any act or omission of, or exercise or
14 performance of, or failure to exercise or perform, a discre-
15 tionary function or duty by, the Agency or any agent
16 thereof relating to the Flint water supply lead contamina-
17 tion.

18 (c) PERIOD OF LIMITATIONS.—A civil action relating
19 to the conduct of the Agency or any agent thereof in rela-
20 tion to the Flint water supply lead contamination may not
21 be commenced later than 10 years after the cause of ac-
22 tion accrues.

23 (d) AWARD AND SETTLEMENT.—Notwithstanding
24 section 2672 of title 28, United States Code, any award
25 against the Government or compromise settlement by the

1 Government relating to the conduct of the Agency or any
2 agent thereof in relation to the Flint water supply lead
3 contamination shall be paid by the Administrator out of
4 unobligated balances in the appropriations account appro-
5 priated under the heading “ENVIRONMENTAL PROGRAMS
6 AND MANAGEMENT” that are made available for personnel
7 and related costs and travel expenses, without regard to
8 the amount of the award.

9 (e) CONTAMINATION RESPONSE PROGRAM.—The Ad-
10 ministrator shall work with any State or local government
11 affected by the Flint water supply lead contamination to
12 develop, fund, and implement a long-term monitoring pro-
13 gram of the water quality of the drinking water of the
14 City of Flint, Michigan, in response to the Flint water
15 supply lead contamination.

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