



S. 2146 – A BILL TO AUTHORIZE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO ACCEPT, AS PART OF A SETTLEMENT, DIESEL EMISSION REDUCTION SUPPLEMENTAL ENVIRONMENTAL PROJECTS, AND FOR OTHER PURPOSES

FLOOR SITUATION

S. 2146 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Senator Thomas Carper (D-DE) on October 4, 2007. The bill passed the Senate by Unanimous Consent on February 29, 2008. The bill was then referred to the House Committee on Energy and Commerce, but was never considered.

**Note: Representative Jim Costa (D-CA) introduced H.R. 3754 on October 4, 2007, which is identical to S. 2146. H.R. 3754 was referred to the House Committee on Energy and Commerce and was agreed to by voice vote, on March 13, 2008.*

S. 2146 is expected to be considered on the floor of the House on June 10, 2008.

SUMMARY

S. 2146 authorizes the Administrator of the Environmental Protection Agency (EPA) to accept diesel emission reduction Supplemental Environmental Projects as part of a settlement of any alleged violations of environmental law pending against the EPA.

The EPA Administrator may approve such projects if they: 1) protect human life and the environment; 2) are related to violations alleged in pending legal actions; 3) do not include activities that a defendant would not otherwise be legally required to perform; and 4) do not provide funding for the staff of the EPA or contractors to carry out the internal operations of the EPA.

BACKGROUND

According to the EPA, a majority of federal legal action against businesses or individuals for alleged violations of environmental laws result in settlement agreements. An alleged violator may voluntarily agree to undertake an environmentally beneficial project related to the violation. These projects are known as Supplemental Environmental Projects, which may reduce or replace any penalty that otherwise must be paid.

[EPA website on Supplemental Environmental Projects](#)

COST

The Congressional Budget Office “estimates that enacting S. 2146 would have no significant impact on the federal budget.”

[Full CBO cost estimate for S. 2146](#)

STAFF CONTACT

For questions or further information contact Justin Hanson at (202) 226-2302.