SEC. ___. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH LONGHORN ARMY AMMUNITION PLANT, TEXAS.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—The Secretary of the Army may transfer an amount of not more than $1,185,000 to the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986. Any such transfer shall be made without regard to section 2215 of title 10, United States Code.

(2) SOURCE OF FUNDS.—Any transfer under subsection (a) shall be made using funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for Environmental Restoration, Army.

(b) PURPOSE OF TRANSFER.—A transfer under subsection (a) shall be for the purpose of satisfying a stipulated penalty assessed by the Environmental Protection Agency on April 5, 2013, against Longhorn Army Ammunition Plant, Texas, under the Federal facility agreement for Longhorn Army Ammunition Plant, which was entered into between the Army and the Environmental Protection Agency in 1991.

(c) ACCEPTANCE OF PAYMENT.—If the Secretary of the Army makes a transfer under subsection (a), the Administrator of the Environmental Protection Agency shall accept the amount transferred as payment in full of the penalty referred to in subsection (b).

Section-by-Section Analysis

The Federal Facility Agreement (FFA) for Longhorn Army Ammunition Plant provides that any stipulated penalty assessed by the Environmental Protection Agency (EPA) may only be paid after specific authorization by law. In addition, 10 U.S.C. 2703(f) specifically requires such authorization by law.

Subsection (a) of the proposal would authorize the Secretary of the Army to transfer funds to the Hazardous Substance Superfund.

Subsection (b) of the proposal would specify that the payment is for a stipulated penalty assessed by the EPA against the Army pursuant to the FFA for Longhorn.

Subsection (c) of the proposal would provide that the payment authorized under subsection (a) constitutes full payment in satisfaction of the penalty referred to in subsection (b).