

108TH CONGRESS
1ST SESSION

H. R. 2138

To elevate the Environmental Protection Agency to cabinet-level status and redesignate such agency as the Department of Environmental Protection.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2003

Mr. OSE introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To elevate the Environmental Protection Agency to cabinet-level status and redesignate such agency as the Department of Environmental Protection.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of Environmental Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Redesignation of Environmental Protection Agency as Department of
Environmental Protection.

- Sec. 5. Secretary of Environmental Protection.
- Sec. 6. Other officers.
- Sec. 7. Functions of officers.
- Sec. 8. Bureau of environmental statistics.
- Sec. 9. Executive Schedule compensation of department officers.
- Sec. 10. References.
- Sec. 11. Savings provisions.
- Sec. 12. Conforming amendments.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The United States is one of the few nations
4 that does not place environmental protection at a
5 cabinet-level position. Environmental protection is as
6 important as other cabinet functions, and is critical
7 to the health and well-being of this nation's ecology
8 and population.

9 (2) During the 107th Congress, a subcommittee
10 of the Government Reform Committee of the House
11 of Representatives held 3 hearings to explore the
12 merits of elevating the Environmental Protection
13 Agency to department-level status. These hearings
14 addressed two bills that would reorganize the Agency
15 as a department and that were introduced, respec-
16 tively, by Congressman Sherwood Boehlert and
17 former Congressman Steve Horn. Several "think
18 tanks", industry groups, and Federal and State offi-
19 cials testified not only about current organizational
20 problems at the Agency that hinder effective envi-

1 ronmental protection, but also about the merits of
2 reorganizing the Agency as a department.

3 (3) Currently, each Environmental Protection
4 Agency regional office, program office, and division
5 reports directly to the Administrator and Deputy
6 Administrator of the Agency. This stovepipe organi-
7 zation results in the Agency's inability to effectively
8 address cross-media environmental protection. The
9 Agency lacks adequate oversight and coordination of
10 its offices to ensure that science, policy, and imple-
11 mentation are integrated throughout the Agency.

12 (4) Several Federal departments have their own
13 statistical agencies to provide independent and reli-
14 able data for decisionmaking and analysis. These in-
15 clude the Department of Commerce's Bureau of the
16 Census, the Department of Education's National
17 Center for Education Statistics, the Department of
18 Energy's Energy Information Administration, the
19 Department of Health and Human Services' Na-
20 tional Center for Health Statistics, and the Depart-
21 ment of Labor's Bureau of Labor Statistics. The
22 Environmental Protection Agency lacks statistical
23 data on current environmental conditions necessary
24 to measure whether the Agency's policies and regu-

1 lations efficiently and successfully protect the envi-
2 ronment.

3 (5) Currently, the Environmental Protection
4 Agency lacks scientific leadership and critical science
5 for decisionmaking. Scientific activities take place in
6 both the Office of Research and Development and
7 the program offices without sufficient coordination
8 and intraagency dissemination of information.

9 (6) Reorganization of the Environmental Pro-
10 tection Agency, in addition to its elevation to the
11 Cabinet, could facilitate efficient and successful envi-
12 ronmental protection in a budget-neutral manner.

13 **SEC. 3. DEFINITIONS.**

14 For purposes of this Act—

15 (1) the term “Secretary” means the Secretary
16 of the Department;

17 (2) the term “Department” means the Depart-
18 ment of Environmental Protection or any component
19 thereof;

20 (3) the term “research” means any research,
21 development, and demonstration; and

22 (4) the term “environmental media” includes
23 air, land, water, and other media.

1 **SEC. 4. REDESIGNATION OF ENVIRONMENTAL PROTEC-**
2 **TION AGENCY AS DEPARTMENT OF ENVIRON-**
3 **MENTAL PROTECTION.**

4 (a) REDESIGNATION.—The Environmental Protec-
5 tion Agency is redesignated as the Department of Envi-
6 ronmental Protection (hereinafter in this Act referred to
7 as the “Department”), and shall be an executive depart-
8 ment in the executive branch of the Government.

9 (b) MISSION OF DEPARTMENT.—The mission of the
10 Department is to—

11 (1) protect and improve the quality of the envi-
12 ronment;

13 (2) protect the public from actual and potential
14 unreasonable environmental risks, including risks
15 from wastes, products, and other substances that
16 may be found in the environment;

17 (3) identify, analyze, monitor, and report on ex-
18 isting and potential unreasonable risks to humans
19 and the environment; and

20 (4) assist State, regional, and local government
21 agencies in protecting humans and the environment
22 from unreasonable risks.

23 (c) GOAL; COOPERATION.—In undertaking respon-
24 sibilities under this and other laws, the Department—

1 (1) shall be guided by the goal of improving
2 overall environmental quality as effectively and effi-
3 ciently as possible; and

4 (2) shall cooperate with States, other govern-
5 ment agencies, other nations, international agencies,
6 and the general public.

7 **SEC. 5. SECRETARY OF ENVIRONMENTAL PROTECTION.**

8 (a) SECRETARY OF ENVIRONMENTAL PROTEC-
9 TION.—

10 (1) IN GENERAL.—There shall be at the head
11 of the Department a Secretary of Environmental
12 Protection (hereinafter in this Act referred to as the
13 “Secretary”) who shall be appointed by the Presi-
14 dent, by and with the advice and consent of the Sen-
15 ate, except as provided in paragraph (2).

16 (2) CONTINUATION BY ADMINISTRATOR.—If so
17 designated by the President, the individual who has
18 been nominated and confirmed and is serving as the
19 Administrator of the Environmental Protection
20 Agency on the effective date of this Act shall become
21 the Secretary of Environmental Protection, without
22 reconfirmation by the Senate.

23 (b) TRANSFER OF FUNCTION, POWERS, AND DU-
24 TIES.—

1 (1) IN GENERAL.—The functions, powers, and
2 duties of each officer and employee of the Environ-
3 mental Protection Agency are transferred to and
4 vested in the corresponding officer or employee of
5 the Department.

6 (2) DESIGNATION OF OFFICER OR EM-
7 PLOYEE.—In any case in which the Secretary deter-
8 mines that the corresponding officer or employee of
9 the Department is not apparent for purposes of
10 paragraph (1), the Secretary may designate such of-
11 ficer or employee.

12 (c) DELEGATION OF AUTHORITY.—The Secretary
13 may, consistent with this and other laws—

14 (1) delegate any functions, powers, or duties,
15 including the promulgation of regulations, to such
16 officers and employees of the Department as the
17 Secretary may designate; and

18 (2) authorize such successive redelegations of
19 such functions, powers, or duties within the Depart-
20 ment as the Secretary considers necessary or appro-
21 priate.

22 **SEC. 6. OTHER OFFICERS.**

23 (a) SENATE-CONFIRMED OFFICERS.—There are the
24 following officers of the Department, who shall be ap-

1 pointed by the President, by and with the advice and con-
2 sent of the Senate:

3 (1) A Deputy Secretary of Environmental Pro-
4 tection, who shall be the Secretary's first assistant
5 for purposes of subchapter III of chapter 33 of title
6 5, United States Code.

7 (2) 3 Under Secretaries of Environmental Pro-
8 tection, as follows:

9 (A) An Under Secretary for Science and
10 Information.

11 (B) An Under Secretary for Policy, Plan-
12 ning, and Innovation.

13 (C) An Under Secretary for Implementa-
14 tion, Compliance, and Enforcement.

15 (3) A Chief Financial Officer as provided in
16 chapter 9 of title 31, United States Code.

17 (4) An Inspector General, as provided in section
18 3(a) of the Inspector General Act of 1978 (5 U.S.C.
19 App.).

20 (b) OTHER OFFICERS.—To assist the Secretary in
21 the performance of the Secretary's functions, there are the
22 following officers, appointed by the President:

23 (1) Up to 5 Assistant Secretaries of Environ-
24 mental Protection.

1 (2) A General Counsel, who shall be the chief
2 legal officer of the Department.

3 (c) REGIONAL ADMINISTRATORS.—There shall be up
4 to 10 Regional Administrators of the Department, who
5 shall be appointed by the Secretary and who shall report
6 to the Under Secretary for Implementation, Compliance,
7 and Enforcement.

8 **SEC. 7. FUNCTIONS OF OFFICERS.**

9 (a) IN GENERAL.—Subject to the provisions of this
10 Act, every officer of the Department shall perform the
11 functions specified by law for the official's office or pre-
12 scribed by the Secretary.

13 (b) DEPUTY SECRETARY.—The Deputy Secretary of
14 Environmental Protection—

15 (1) shall perform such functions as the Sec-
16 retary shall assign or delegate; and

17 (2) shall act as Secretary during the absence or
18 disability of the Secretary or in the event of a va-
19 cancy in the office of Secretary.

20 (c) UNDER SECRETARY FOR SCIENCE AND INFORMA-
21 TION.—The Under Secretary for Science and Information
22 shall be responsible for management and oversight of the
23 Bureau of Environmental Statistics, research and develop-
24 ment, the Department's laboratories, scientific analysis,
25 and data on the status, trends, and human health risks

1 associated with the environment, including the following
2 functions:

3 (1) Identifying and defining the important sci-
4 entific issues facing the Department, including those
5 embedded in major policy or regulatory proposals to
6 ensure that critical science is identified early and de-
7 veloped in time to inform decisions.

8 (2) Developing and overseeing an integrated
9 Department wide strategy for acquiring, dissemi-
10 nating, and applying information.

11 (3) Ensuring that scientific and technical infor-
12 mation is analyzed across environmental media.

13 (4) Conducting, sponsoring, and evaluating en-
14 vironmental science and technology research, the re-
15 sults of which shall be used to help initiate, formu-
16 late, and carry out the Department's agenda.

17 (5) Ensuring that the complex scientific out-
18 reach and communication needs of the Department
19 are met, including—

20 (A) the use of credible science in support
21 of the regulatory offices, regions, and Depart-
22 ment wide policy deliberations; and

23 (B) communication with the broader do-
24 mestic and international scientific community

1 for scientific knowledge that is relevant to a
2 Department policy or regulatory issue.

3 (6) Coordinating and overseeing scientific qual-
4 ity assurance and peer review practices throughout
5 the Department to ensure that critical science used
6 in decisionmaking is of sufficient quality and that
7 the quality of the science and the associated uncer-
8 tainty is clearly described.

9 (7) Producing an annual report assessing envi-
10 ronmental and human health risks, including com-
11 parison of such risks to other human health risks.

12 (8) Such other functions as the Secretary shall
13 assign.

14 (d) UNDER SECRETARY FOR POLICY, PLANNING,
15 AND INNOVATION.—The Under Secretary for Policy,
16 Planning, and Innovation shall be responsible for the de-
17 velopment of nationwide programs and policy to address
18 environmental and human health risks based on statistical
19 and other scientific information, including the following
20 functions:

21 (1) Promulgation of nationwide regulations and
22 nonbinding guidance.

23 (2) Oversight of the Assistant Secretaries of the
24 Department.

1 (3) Such other functions as the Secretary shall
2 assign.

3 (e) UNDER SECRETARY FOR IMPLEMENTATION,
4 COMPLIANCE, AND ENFORCEMENT.—The Under Sec-
5 retary for Implementation, Compliance, and Enforcement
6 shall be responsible for oversight of regional offices of the
7 Department to ensure consistent implementation of and
8 compliance with Department programs, including the fol-
9 lowing:

10 (1) Coordinating Department programs with,
11 and assisting, State and local governments in imple-
12 menting environmental programs.

13 (2) Such other functions as the Secretary shall
14 assign.

15 (f) ASSISTANT SECRETARIES.—The Secretary shall
16 delegate among the Assistant Secretaries of Environ-
17 mental Protection functions otherwise authorized by law.

18 (g) CHIEF FINANCIAL OFFICER.—The Chief Finan-
19 cial Officer of the Department shall, in addition to func-
20 tions under chapter 9 of title 31, United States Code, and
21 other laws, be responsible for the following:

22 (1) Ensuring that the budget, human resources,
23 and regulatory costs imposed by the Department ac-
24 curately reflect environmental and human health
25 risks.

1 (2) Ensuring that the Department’s annual
2 performance plan under section 1115 of title 31,
3 United States Code, includes performance indicators
4 on the status of the environment for each depart-
5 mental program.

6 (3) Ensuring that the Department’s annual
7 program performance report under section 1116 of
8 title 31, United States Code—

9 (A) reviews the success of achieving the
10 performance goals of the fiscal year covered by
11 the report; and

12 (B) evaluates the performance plan under
13 section 1115 of that title for the current fiscal
14 year relative to the performance achieved to-
15 ward the performance goals in the fiscal year
16 covered by the report.

17 (4) Such other functions as the Secretary shall
18 assign.

19 **SEC. 8. BUREAU OF ENVIRONMENTAL STATISTICS.**

20 (a) ESTABLISHMENT.—There shall be in the Depart-
21 ment the Bureau of Environmental Statistics (in this sec-
22 tion referred to as the “Bureau”). The purpose of the Bu-
23 reau is to provide in accordance with this section such en-
24 vironmental quality and related public health and eco-
25 nomic information, and such evaluation and analyses of

1 such information, as may be appropriate, to meet ade-
2 quately and fully the needs of the Department in carrying
3 out its functions under applicable law, and the Congress.

4 (b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—

5 (1) IN GENERAL.—The Bureau shall be under
6 the direction of the Director of Environmental Sta-
7 tistics (hereinafter in this section referred to as the
8 “Director”), who shall be appointed by the Presi-
9 dent, by and with the advice and consent of the Sen-
10 ate. The Director shall report to the Under Sec-
11 retary for Science and Information.

12 (2) APPOINTMENT, TERM, AND REMOVAL.—

13 (A) APPOINTMENT AND TERM.—The Di-
14 rector shall—

15 (i) be appointed by the President for
16 a term of 4 years; and

17 (ii) be selected from individuals who
18 are well qualified through experience or
19 training in the collection and analysis of
20 environmental statistics.

21 (B) SERVICE AFTER EXPIRATION OF
22 TERM.—An individual may, at the request of
23 the Secretary, serve as Director after the expi-
24 ration of his or her term for not more than 3

1 months until his or her successor has taken of-
2 fice.

3 (C) REMOVAL.—An individual may be re-
4 moved as Director by the Secretary only for
5 malfeasance in office or neglect of duty.

6 (D) REAPPOINTMENT.—An individual
7 serving as Director may be reappointed for ad-
8 ditional terms.

9 (e) FUNCTIONS OF DIRECTOR.—

10 (1) IN GENERAL.—The functions of the Direc-
11 tor shall include the following:

12 (A) Collecting, compiling, analyzing, and
13 publishing a comprehensive set of environ-
14 mental quality and related public health, eco-
15 nomic, and statistical data for determining envi-
16 ronmental quality and related measures of pub-
17 lic health, over both the short- and long-term,
18 including assessing—

19 (i) ambient conditions and trends; and

20 (ii) the distribution of environmental
21 conditions and related public health condi-
22 tions across all affected populations, in-
23 cluding those populations identifiable on
24 the basis of income, race, ethnicity, or na-
25 tional origin.

1 (B) Evaluating the adequacy of available
2 statistical measures to determine the Depart-
3 ment's success in fulfilling statutory require-
4 ments.

5 (C) Ensuring that data and measures re-
6 ferred to in this subsection are accurate, reli-
7 able, relevant, and in a form that permits sys-
8 tematic analysis.

9 (D) Collecting and analyzing such other
10 data as may be required by the Director to—

11 (i) efficiently and effectively fulfill the
12 Director's responsibilities, or

13 (ii) identify new environmental prob-
14 lems.

15 (E) Conducting specialized analyses and
16 preparing special reports on particular subjects
17 whenever required to do so by the President, by
18 law, or by the Secretary, or when considered
19 appropriate by the Director.

20 (F) Making readily accessible or, to the ex-
21 tent practicable, disseminating all publicly avail-
22 able data collected under subparagraph (A) or
23 (B), in a timely manner and using dissemina-
24 tion methods that will maximize the utility of

1 such publicly available information to the pub-
2 lic.

3 (G) Preparing and submitting to the Con-
4 gress and the Secretary an annual report on en-
5 vironmental conditions and public health condi-
6 tions, using, to the maximum extent practicable
7 and consistent with the Director's duties under
8 this Act, reliable statistical sampling tech-
9 niques.

10 (H) Making available to the public, upon
11 request, the annual report under subparagraph
12 (G), and publishing a notice of such availability
13 in the Federal Register.

14 (2) TECHNICAL CAPABILITIES TO PERFORM
15 ANALYSES.—The Director shall establish and main-
16 tain the scientific, engineering, statistical, and other
17 technical capability to perform analysis of environ-
18 mental quality and related public health and eco-
19 nomic data, to—

20 (A) verify the accuracy of items of environ-
21 mental quality and related public health and
22 economic data submitted to the Director; and

23 (B) ensure the coordination and com-
24 parability of such data.

25 (d) POWERS OF DIRECTOR.—

1 (1) IN GENERAL.—The Director is authorized
2 on a nonexclusive basis to exercise and enforce any
3 authority vested in the Secretary by law that relates
4 to the collection, gathering, reporting, evaluating,
5 analysis, or dissemination of environmental quality
6 data and related measures of public health in order
7 to carry out fully the functions of the Director.

8 (2) ACTIONS NOT SUBJECT TO APPROVAL.—
9 The Director shall not be required to—

10 (A) obtain the approval of any other officer
11 or employee of the Department in connection
12 with the collection, compilation, evaluation,
13 analysis, or dissemination of any information;
14 or

15 (B) obtain, prior to publication, the ap-
16 proval of any other officer or employee of the
17 United States with respect to the substance of
18 any reports prepared in accordance with law.

19 (3) PROVIDING ASSISTANCE.—The Director
20 may, upon request, provide technical assistance to
21 offices of the Department and to other Federal
22 agencies for the purpose of assuring the technical
23 quality and the coordination of statistical activities
24 of the Department. Such assistance may include re-
25 viewing data collection plans, survey designs, and

1 pretests, management of data, and quality of data.
2 The Director shall, upon request, promptly provide
3 any information or analysis in the possession of the
4 Bureau to any office within the Department which
5 such office determines relates to the functions of
6 such office.

7 (4) COLLECTION OF DATA FROM OTHER AGEN-
8 CIES, PERSONS, ETC.—Subject to other applicable
9 provisions of law, the Director, in carrying out re-
10 sponsibilities under this Act, may collect data from
11 such Federal agencies, State or local governments or
12 instrumentalities, Indian tribes, businesses, and
13 other individuals, persons, organizations, and insti-
14 tutions as the Director considers appropriate.

15 (5) USE OF DATA COLLECTED BY FEDERAL
16 AGENCIES.—

17 (A) IN GENERAL.—The Director may—

18 (i) use data collected by any Federal
19 agency, and

20 (ii) enter into interagency or
21 intraagency agreements for the collection
22 of data for the purposes of this section.

23 (B) PROVISION OF DATA TO DIRECTOR.—

24 Subject to applicable law, all Federal agencies
25 (including agencies in the Department) shall

1 provide to the Director, in a timely manner and
2 to the extent possible in a usable electronic for-
3 mat, any data that the Director requires to
4 carry out responsibilities under this Act.

5 (C) COOPERATIVE COLLECTION OF
6 DATA.—The Director may—

7 (i) arrange with any agency, organiza-
8 tion, or institution for the cooperative col-
9 lection of data for the purposes of this sec-
10 tion, and

11 (ii) assign employees of the Bureau to
12 any such agency, organization, or institu-
13 tion to assist in such collection.

14 (6) OBTAINING EMPLOYEES AND SERVICES.—

15 The Director—

16 (A) may select, appoint, and employ such
17 officers and employees as may be necessary to
18 carry out the functions of the Bureau, subject
19 to—

20 (i) the provisions of title 5, United
21 States Code, governing appointments in
22 the competitive service, and

23 (ii) the provisions of chapter 51 and
24 subchapter III of chapter 53 of such title

1 relating to classification and General
2 Schedule pay rates; and

3 (B) may obtain services as authorized by
4 section 3109 of title 5, United States Code, at
5 a rate not to exceed the equivalent daily rate
6 payable for level V of the Executive Schedule
7 under section 5316 of such title.

8 (e) STAFF.—The Secretary shall ensure that the Bu-
9 reau of Environmental Statistics has staff sufficient to en-
10 able the Director to efficiently carry out the duties of the
11 Director.

12 (f) CONTINUING PERFORMANCE OF FUNCTIONS OF
13 DIRECTOR.—An individual who, on the effective date of
14 this Act, is performing any of the functions required by
15 this section to be performed by the Director may continue
16 to perform such functions until such functions are as-
17 signed to an individual appointed as the Director under
18 this Act.

19 (g) AVAILABILITY OF DIRECTOR TO CONGRESS; SPE-
20 CIAL REPORTS.—The Director—

21 (1) shall be available to the Congress to provide
22 testimony on subjects under the authority of the Di-
23 rector as any committee of the Congress may re-
24 quest, including on environmental quality data and

1 related measures of public health and analyses
2 thereof;

3 (2) shall, subject to otherwise applicable law,
4 make available to any committee of the Congress
5 having jurisdiction over any program of the Depart-
6 ment, upon written request of the committee, any in-
7 formation reported or otherwise obtained, and any
8 evaluation or analysis made, by the Director or any
9 officer or employee of the Bureau under this section
10 that relates to that program; and

11 (3) may provide, and charge for, statistical
12 records, compilations, surveys, and reports to State
13 and local officials, public and private organizations,
14 and individuals.

15 (h) CONFIDENTIALITY OF INFORMATION.—

16 (1) IN GENERAL.—Information obtained by the
17 Bureau under this section shall be cataloged and,
18 upon request, shall be promptly made available to
19 the public in a form and manner easily adaptable for
20 public use, except that this subsection shall not re-
21 quire disclosure of matters exempted from disclosure
22 pursuant to paragraph (2) of this subsection or sec-
23 tion 552(b) of title 5, United States Code, the
24 Homeland Security Act of 2003 (Public Law 107–
25 296), or other applicable law.

1 (2) RESTRICTION ON DISCLOSURE.—The Direc-
2 tor shall not disclose personally identifiable or cor-
3 porately identifiable data collected by the Bureau.

4 (3) ACCESS TO INFORMATION IN POSSESSION
5 OF OTHER FEDERAL AGENCY.—In furtherance and
6 not in limitation of any other authority, the Direc-
7 tor, on behalf of the Secretary, shall have access to
8 environmental and health related economic and sta-
9 tistical information in the possession of the Depart-
10 ment or any other Federal agency, except informa-
11 tion—

12 (A) the disclosure of which to another Fed-
13 eral agency is expressly prohibited by law; or

14 (B) the disclosure of which the agency hav-
15 ing possession determines would significantly
16 impair the discharge of authorities and respon-
17 sibilities that have been delegated to, or vested
18 by law, in such agency.

19 (4) OBTAINING INFORMATION TO WHICH AC-
20 CESS IS DENIED.—In any case in which the Director
21 is denied information that is necessary to achieve
22 the purposes of this Act, the Director shall take ap-
23 propriate action, pursuant to paragraph (3), to ob-
24 tain such information.

1 (5) DISCLOSURE OF INFORMATION TO FEDERAL
2 AGENCIES.—Notwithstanding paragraphs (1) and
3 (3) and section 552(b)(4) of title 5, United States
4 Code, the Director may disclose any information ob-
5 tained under this section to—

6 (A) the General Accounting Office;

7 (B) the Inspector General of the Depart-
8 ment; and

9 (C) any department or statistical agency of
10 the Federal Government that requests the in-
11 formation to carry out its lawful functions.

12 (6) CONTINUING APPLICATION OF OTHER RE-
13 STRICTIONS.—Any information disclosed by the Di-
14 rector under paragraph (5) shall continue thereafter
15 to be subject to any restriction, requirement, or con-
16 dition regarding the use or disclosure of the infor-
17 mation that applies to the Department.

18 (i) ESTABLISHMENT OF PUBLIC PARTICIPATION
19 PROCESS.—The Director shall establish an ongoing bal-
20 anced process for obtaining public advice, guidance, and
21 recommendations on the implementation of the functions
22 of the Director.

23 (j) PEER REVIEW OF BUREAU.—

24 (1) REVIEW REQUIREMENT.—The statistical
25 procedures and methodology of the Bureau shall be

1 subject to peer review every 2 years. Such review
2 shall be conducted by a Peer Review Team, which
3 shall prepare and submit to the President and the
4 Congress a report describing its investigation and
5 findings.

6 (2) PEER REVIEW TEAM.—The Peer Review
7 Team shall consist of at least 5 professionally quali-
8 fied persons who are officers or employees of the
9 United States, of whom at least—

10 (A) 1 shall be designated by the Director
11 of the Bureau of the Census;

12 (B) 1 shall be designated by the Commis-
13 sioner of Labor Statistics;

14 (C) 1 shall be designated by the Director
15 of the National Center for Health Statistics;

16 (D) 1 shall be designated by the Adminis-
17 trator of the Energy Information Administra-
18 tion; and

19 (E) 1 shall be designated by the Comp-
20 troller General of the United States.

21 (3) CHAIRMAN.—The Secretary shall appoint
22 the Chairman of the Peer Review Team.

23 (4) RESPONSIBILITIES OF DIRECTOR AND SEC-
24 RETARY.—The Director and the Secretary—

1 (A) shall cooperate fully with the Peer Re-
2 view Team; and

3 (B) notwithstanding any other provisions
4 of law, shall make available to the Peer Review
5 Team such relevant data, information, docu-
6 ments, and services as the Peer Review Team
7 determines are necessary for successful comple-
8 tion of its peer review.

9 (5) CONFIDENTIALITY OF INFORMATION.—In-
10 formation made available to the Peer Review Team
11 under paragraph (4)(B) shall be subject to the con-
12 fidentiality standards applicable to the information
13 under subsection (h).

14 (6) CONFLICTS OF INTEREST.—Each member
15 of the Peer Review Team who is a non-Federal em-
16 ployee shall not possess any interest that conflicts
17 with the member's duty as a member of the Peer
18 Review Team.

19 (k) SPECIFICATION IN BUDGET OF PROPOSED AP-
20 PROPRIATIONS.—The President shall include in each
21 budget submitted under section 1105 of title 31, United
22 States Code an estimate of expenditures and appropria-
23 tions necessary to carry out this section for the fiscal year
24 covered by the budget.

1 **SEC. 9. EXECUTIVE SCHEDULE COMPENSATION OF DE-**
2 **PARTMENT OFFICERS.**

3 (a) EXECUTIVE LEVEL I.—Section 5312 of title 5,
4 United States Code, is amended by inserting after the
5 item relating to the Secretary of Homeland Security the
6 following:

7 “Secretary of Environmental Protection.”.

8 (b) EXECUTIVE LEVEL II.—Section 5313 of title 5,
9 United States Code, is amended by adding at the end the
10 following:

11 “Deputy Secretary of Environmental Protec-
12 tion.”.

13 (c) EXECUTIVE LEVEL III.—Section 5314 of title 5,
14 United States Code, is amended by adding at the end the
15 following:

16 “Under Secretaries of Environmental Protec-
17 tion (3).”.

18 (d) EXECUTIVE LEVEL IV.—Section 5315 of title 5,
19 United States Code, is amended—

20 (1) by inserting after the item relating to In-
21 spector General, Department of the Treasury, the
22 following:

23 “Inspector General, Department of Environ-
24 mental Protection.”; and

1 (2) by inserting after the item relating to Chief
2 Financial Officer, Department of Treasury, the fol-
3 lowing:

4 “Chief Financial Officer, Department of Envi-
5 ronmental Protection.

6 “Assistant Secretaries of Environmental Pro-
7 tection (5).

8 “General Counsel, Department of Environ-
9 mental Protection.”.

10 (e) EXECUTIVE LEVEL V.—Section 5316 of title 5,
11 United States Code, is amended by adding at the end the
12 following:

13 “Regional Administrators, Department of Envi-
14 ronmental Protection.

15 “Director of Environmental Statistics, Depart-
16 ment of Environmental Protection.”.

17 **SEC. 10. REFERENCES.**

18 Any reference in any other Federal law, Executive
19 order, rule, regulation, reorganization plan, or delegation
20 of authority, or in any document—

21 (1) to the Environmental Protection Agency is
22 deemed to refer to the Department of Environmental
23 Protection;

1 (2) to the Administrator of the Environmental
2 Protection Agency is deemed to refer to the Sec-
3 retary of Environmental Protection; and

4 (3) to a subordinate official of the Environ-
5 mental Protection Agency is deemed to refer to the
6 corresponding official of the Department of Environ-
7 mental Protection.

8 **SEC. 11. SAVINGS PROVISIONS.**

9 (a) CONTINUING EFFECT OF EXISTING STATUTES.—
10 Nothing in this Act shall be construed as altering, affect-
11 ing, amending, modifying, or otherwise changing, directly
12 or indirectly, any law that refers to and provides authori-
13 ties or responsibilities for, or is administered by, the Envi-
14 ronmental Protection Agency or the Administrator of the
15 Environmental Protection Agency.

16 (b) CONTINUING EFFECT OF LEGAL DOCUMENTS.—
17 All orders, determinations, rules, regulations, permits,
18 grants, contracts, certificates, licenses, privileges, agree-
19 ments, registrations, and other administrative actions—

20 (1) that have been issued, made, granted or al-
21 lowed to become effective by the President, the Ad-
22 ministrator or other authorized official of the Envi-
23 ronmental Protection Agency, or by a court of com-
24 petent jurisdiction, which relate to functions of the

1 Administrator or any other officer or agent of the
2 Environmental Protection Agency actions; and

3 (2) that are in effect on the date of the enact-
4 ment of this Act;

5 shall continue in effect according to their terms until
6 modified, terminated, superseded, set aside, or revoked in
7 accordance with law by the President, the Secretary, or
8 other authorized official, by a court of competent jurisdic-
9 tion, or by operation of law.

10 (c) PROCEEDINGS NOT AFFECTED.—

11 (1) IN GENERAL.—This Act shall not affect any
12 proceeding, proposed rule, or application for any li-
13 cense, permit, certificate, registration, or financial
14 assistance pending before the Environmental Protec-
15 tion Agency on the date of the enactment of this
16 Act, and the effect of any such proceeding, proposed
17 rule, or application shall continue. Orders shall be
18 issued, and final determinations shall be made, in
19 any such proceeding, proposed rule, or application,
20 appeals shall be taken therefrom, and payments
21 shall be made pursuant to such orders, as if this Act
22 had not been enacted, and orders issued with respect
23 to any such proceeding, proposed rule, or application
24 shall continue in effect until modified, terminated,
25 superseded, or revoked by a duly authorized official,

1 by a court of competent jurisdiction, or by operation
2 of law.

3 (2) DISCONTINUANCE OR MODIFICATION.—

4 Nothing in this subsection prohibits the discontinu-
5 ance or modification of any such proceeding, pro-
6 posed rule, or application under the same terms and
7 conditions and to the same extent that such pro-
8 ceeding, proposed rule, or application could have
9 been discontinued or modified if this Act had not
10 been enacted.

11 (d) SUITS NOT AFFECTED.—The provisions of this
12 Act shall not affect suits commenced before the effective
13 date of this Act, and in all such suits, proceedings shall
14 be had, appeals taken, and judgments rendered in the
15 same manner and with the same effect as if this Act had
16 not been enacted.

17 (e) NONABATEMENT OF ACTIONS.—No suit, action,
18 or other proceeding commenced before the effective date
19 of this Act by or against the Environmental Protection
20 Agency, or by or against any individual in the official ca-
21 pacity of such individual as an officer of the Environ-
22 mental Protection Agency, shall abate by reason of the
23 enactment of this Act.

24 (f) PROPERTY AND RESOURCES.—The contracts, li-
25 abilities, records, property, and other assets and interests

1 of the Environmental Protection Agency shall, after the
2 effective date of this Act, be considered to be the con-
3 tracts, liabilities, records, property, and other assets and
4 interests of the Department of Environmental Protection.

5 **SEC. 12. CONFORMING AMENDMENTS.**

6 (a) PROPOSED LEGISLATION.—After consultation
7 with the appropriate committees of the Congress, the Sec-
8 retary shall prepare and submit to the Congress proposed
9 legislation containing necessary and appropriate technical
10 and conforming amendments to the laws of the United
11 States, to reflect the changes made by this Act. Such pro-
12 posed legislation shall be submitted not later than one year
13 after the effective date of this Act.

14 (b) INSPECTOR GENERAL.—Section 11(2) of the In-
15 spector General Act of 1978 (5 U.S.C. App.) is amend-
16 ed—

17 (1) by inserting “Environmental Protection,”
18 after “Energy,”; and

19 (2) by striking “the Environmental Protection
20 Agency,”.

21 (c) CHIEF FINANCIAL OFFICER.—Subsection (b)(1)
22 of section 901 of title 31, United States Code, is amend-
23 ed—

24 (1) by striking subparagraph (O);

1 (2) by redesignating subparagraphs (F), (G),
2 (H), (I), (J), (K), (L), (M), (N), and (P) as sub-
3 paragraphs (G), (H), (I), (J), (K), (L), (M), (N),
4 (O), and (P), respectively; and

5 (3) by inserting after subparagraph (E) the fol-
6 lowing:

7 “(F) The Department of Environmental Protec-
8 tion.”.

9 (d) EXECUTIVE SCHEDULE COMPENSATION.—Title
10 5, United States Code, is amended—

11 (1) in section 5313 by striking the item relating
12 to the Administrator of the Environmental Protec-
13 tion Agency;

14 (2) in section 5314 by striking the items relat-
15 ing to the Deputy Administrator of the Environ-
16 mental Protection Agency; and

17 (3) in section 5315 by striking the items relat-
18 ing to—

19 (A) the Assistant Administrator for Toxic
20 Substances, Environmental Protection Agency;

21 (B) the Assistant Administrator, Office of
22 Solid Waste, Environmental Protection Agency;

23 (C) Assistant Administrators, Environ-
24 mental Protection Agency;

1 (D) the Inspector General, Environmental
2 Protection Agency;

3 (E) Chief Financial Officer, Environmental
4 Protection Agency; and

5 (F) Chief Information Officer, Environ-
6 mental Protection Agency.

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