

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5078

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2006

Mr. BOEHLERT (for himself and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Government Reform

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## 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.**

4 This Act may be cited as the “Department of Envi-  
5 ronmental Protection Act”.

6 **SEC. 2. REDESIGNATION OF ENVIRONMENTAL PROTEC-**  
7 **TION AGENCY AS DEPARTMENT OF ENVIRON-**  
8 **MENTAL PROTECTION.**

9 (a) REDESIGNATION.—The Environmental Protec-  
10 tion Agency is redesignated as the Department of Envi-

1 ronmental Protection (hereinafter in this Act referred to  
2 as the “Department”), and shall be an executive depart-  
3 ment in the executive branch of the Government.

4 (b) SECRETARY OF ENVIRONMENTAL PROTEC-  
5 TION.—(1) There shall be at the head of the Department  
6 a Secretary of Environmental Protection (hereinafter in  
7 this Act referred to as the “Secretary”) who shall be ap-  
8 pointed by the President, by and with the advice and con-  
9 sent of the Senate, except as provided in paragraph (2).

10 (2) If so designated by the President, the individual  
11 who has been nominated and confirmed and is serving as  
12 the Administrator of the Environmental Protection Agen-  
13 cy on the date of enactment of this Act shall become the  
14 Secretary of Environmental Protection, without recon-  
15 firmation by the Senate.

16 (c) TRANSFER OF FUNCTION, POWERS, AND DU-  
17 TIES.—The functions, powers, and duties of each officer  
18 and employee of the Environmental Protection Agency are  
19 transferred to and vested in the corresponding officer or  
20 employee of the Department.

21 (d) DELEGATION OF AUTHORITY.—The Secretary  
22 may, consistent with other laws—

23 (1) delegate any functions, powers, or duties,  
24 including the promulgation of regulations, to such

1 officers and employees of the Department as the  
2 Secretary may designate; and

3 (2) authorize such successive redelegations of  
4 such functions, powers, or duties within the Depart-  
5 ment as the Secretary considers necessary or appro-  
6 priate.

7 **SEC. 3. REFERENCES.**

8 Any reference in any other Federal law, Executive  
9 order, rule, regulation, reorganization plan, or delegation  
10 of authority, or in any document—

11 (1) to the Environmental Protection Agency is  
12 deemed to refer to the Department of Environmental  
13 Protection;

14 (2) to the Administrator of the Environmental  
15 Protection Agency is deemed to refer to the Sec-  
16 retary of Environmental Protection; and

17 (3) to a subordinate official of the Environ-  
18 mental Protection Agency is deemed to refer to the  
19 corresponding official of the Department of Environ-  
20 mental Protection.

21 **SEC. 4. SAVINGS PROVISIONS.**

22 (a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—  
23 All orders, determinations, rules, regulations, permits,  
24 grants, contracts, certificates, licenses, privileges, agree-  
25 ments, registrations, and other administrative actions—

1           (1) which have been issued, made, granted or  
2           allowed to become effective by the President, the Ad-  
3           ministrator or other authorized official of the Envi-  
4           ronmental Protection Agency, or by a court of com-  
5           petent jurisdiction, which relate to functions of the  
6           Administrator or any other officer or agent of the  
7           Environmental Protection Agency actions; and

8           (2) which are in effect on the date of the enact-  
9           ment of this Act,

10 shall continue in effect according to their terms until  
11 modified, terminated, superseded, set aside, or revoked in  
12 accordance with law by the President, the Secretary, or  
13 other authorized official, by a court of competent jurisdic-  
14 tion, or by operation of law.

15       (b) PROCEEDINGS NOT AFFECTED.—(1) This Act  
16 shall not affect any proceeding, proposed rule, or applica-  
17 tion for any license, permit, certificate, registration, or fi-  
18 nancial assistance pending before the Environmental Pro-  
19 tection Agency on the date of the enactment of this Act,  
20 and the effect of any such proceeding, proposed rule, or  
21 application shall continue. Orders shall be issued, and  
22 final determinations shall be made, in any such pro-  
23 ceeding, proposed rule, or application, appeals shall be  
24 taken therefrom, and payments shall be made pursuant  
25 to such orders, as if this Act had not been enacted, and

1 orders issued with respect to any such proceeding, pro-  
2 posed rule, or application shall continue in effect until  
3 modified, terminated, superseded, or revoked by a duly au-  
4 thorized official, by a court of competent jurisdiction, or  
5 by operation of law.

6 (2) Nothing in this subsection prohibits the dis-  
7 continuance or modification of any such proceeding, pro-  
8 posed rule, or application under the same terms and condi-  
9 tions and to the same extent that such proceeding, pro-  
10 posed rule, or application could have been discontinued or  
11 modified if this Act had not been enacted.

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

18 (d) NONABATEMENT OF ACTIONS.—No suit, action,  
19 or other proceeding commenced before the date of enact-  
20 ment of this Act by or against the Environmental Protec-  
21 tion Agency, or by or against any individual in the official  
22 capacity of such individual as an officer of the Environ-  
23 mental Protection Agency, shall abate by reason of the  
24 enactment of this Act.

1           (e) **PROPERTY AND RESOURCES.**—The contracts, li-  
2 abilities, records, property, and other assets and interests  
3 of the Environmental Protection Agency shall, after the  
4 date of enactment of this Act, be considered to be the con-  
5 tracts, liabilities, records, property, and other assets and  
6 interests of the Department of Environmental Protection.

7 **SEC. 5. CONFORMING AMENDMENTS.**

8           After consultation with the appropriate committees of  
9 Congress, the Secretary shall prepare and submit to Con-  
10 gress proposed legislation containing necessary and appro-  
11 priate technical and conforming amendments to the laws  
12 of the United States, to reflect the changes made by this  
13 Act. Such proposed legislation shall be submitted not later  
14 than one year after the date of enactment of this Act.

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