

107TH CONGRESS
1ST SESSION

H. R. 1431

To provide additional authority to the Office of Ombudsman of the
Environmental Protection Agency.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. BILIRAKIS (for himself, Mr. OTTER, Mr. NORWOOD, Mr. SAWYER, Mr. SCARBOROUGH, Mr. SHIMKUS, Mrs. THURMAN, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide additional authority to the Office of Ombudsman
of the Environmental Protection Agency.

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 “Ombudsman Reauthor-
5 ization Act of 2001”.

6 **SEC. 2. OFFICE OF OMBUDSMAN.**

7 The Solid Waste Disposal Act (42 U.S.C. 6901 et
8 seq.) is amended by striking section 2008 (42 U.S.C.
9 6917) and inserting the following:

1 **“SEC. 2008. OFFICE OF OMBUDSMAN.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ASSISTANT ADMINISTRATOR.—The term
4 ‘Assistant Administrator’ means the Assistant Ad-
5 ministrator for Solid Waste and Emergency Re-
6 sponse of the Environmental Protection Agency.

7 “(2) OFFICE.—The term ‘Office’ means the Of-
8 fice of the Assistant Administrator for Solid Waste
9 and Emergency Response of the Environmental Pro-
10 tection Agency.

11 “(3) OMBUDSMAN.—The term ‘Ombudsman’
12 means the director of the Office of Ombudsman es-
13 tablished under subsection (b).

14 “(b) ESTABLISHMENT.—

15 “(1) IN GENERAL.—The Administrator shall es-
16 tablish within the Office an Office of Ombudsman,
17 to be directed by an Ombudsman.

18 “(2) OVERSIGHT.—The Ombudsman shall re-
19 port directly to the Administrator.

20 “(c) DUTIES.—The Ombudsman shall—

21 “(1) receive, and render assistance concerning,
22 any complaint, grievance, or request for information
23 submitted by any person relating to any program or
24 requirement under this Act; and

1 “(2)(A) identify areas in which citizens have,
2 and assist citizens in resolving, problems with the
3 Office;

4 “(B) propose changes in the administrative
5 practices of the Environmental Protection Agency to
6 eliminate or, to the maximum extent practicable,
7 mitigate those problems; and

8 “(C) conduct investigations, make findings of
9 fact, and make nonbinding recommendations con-
10 cerning those problems.

11 “(d) POWERS AND RESPONSIBILITIES.—In carrying
12 out this section, the Ombudsman—

13 “(1) may, on receipt of a complaint or at the
14 discretion of the Ombudsman, investigate any action
15 of the Assistant Administrator without regard to the
16 finality of the action;

17 “(2) may, under the authority of this section or
18 section 104(e) of the Comprehensive Environmental
19 Response, Compensation, and Liability Act of 1980
20 (42 U.S.C. 9604(e)), examine any record or docu-
21 ment of, and enter and inspect without notice any
22 property under the administrative jurisdiction of, the
23 Environmental Protection Agency;

24 “(3) in a case in which the Ombudsman experi-
25 ences difficulty in gathering information pertaining

1 to an investigation conducted by the Ombudsman,
2 may request the Department of Justice or applicable
3 United States attorney to subpoena any person to
4 appear to give sworn testimony concerning, or to
5 produce documentary or other evidence determined
6 by the Ombudsman to be reasonably material to, the
7 investigation;

8 “(4) may carry out and participate in, and co-
9 operate with any person or agency involved in, any
10 conference, inquiry on the record, public hearing on
11 the record, meeting, or study that, as determined by
12 the Ombudsman—

13 “(A) is reasonably material to an inves-
14 tigation conducted by the Ombudsman; or

15 “(B) may lead to an improvement in the
16 performance of the functions of the Office;

17 “(5) shall maintain as confidential and privi-
18 leged any and all communications concerning any
19 matter pending, and the identities of any parties or
20 witnesses appearing, before the Ombudsman; and

21 “(6) shall administer a budget for the Office of
22 Ombudsman.

23 “(e) ADMINISTRATION.—

24 “(1) IN GENERAL.—The Ombudsman may—

1 “(A) appoint an Associate Ombudsman for
2 each region of the Environmental Protection
3 Agency; and

4 “(B) evaluate and carry out personnel ac-
5 tions (including hiring and dismissal) with re-
6 spect to any employee of the Office of Ombuds-
7 man.

8 “(2) CONTACT INFORMATION.—The Ombuds-
9 man shall maintain, in each region of the Environ-
10 mental Protection Agency, a telephone number, fac-
11 simile number, electronic mail address, and post of-
12 fice address for the Ombudsman that are different
13 from the numbers and addresses of the regional of-
14 fice of the Environmental Protection Agency located
15 in that region.

16 “(3) COOPERATION.—All Federal agencies
17 shall—

18 “(A) assist the Ombudsman in carrying
19 out functions of the Ombudsman under this
20 section; and

21 “(B) promptly make available, in such for-
22 mat as may be determined by the Ombudsman,
23 all requested information concerning—

24 “(i) past or present agency waste
25 management practices; and

1 “(ii) past or present hazardous waste
2 facilities owned, leased, or operated by the
3 agency.

4 “(4) REPORTS.—The Ombudsman shall, at
5 least annually, publish in the Federal Register and
6 submit to the Committee on Energy and Commerce
7 of the House of Representatives, the Committee on
8 Environment and Public Works of the Senate, the
9 President, and, at the discretion of the Ombudsman,
10 any other governmental agency, a report on the sta-
11 tus of health and environmental concerns addressed
12 in complaints and cases brought before the Ombuds-
13 man in the period of time covered by the report.

14 “(f) PENALTIES.—Any person that willfully—

15 “(1) obstructs or hinders the proper and lawful
16 exercise of the powers of the Ombudsman; or

17 “(2) misleads or attempts to mislead the Om-
18 budsman in the course of an investigation;

19 shall be subject, at a minimum, to penalties under sections
20 1001 and 1505 of title 18, United States Code.

21 “(g) APPLICABILITY.—

22 “(1) IN GENERAL.—This section—

23 “(A) shall not limit any remedy or right of
24 appeal; and

1 “(B) may be carried out notwithstanding
 2 any provision of law to the contrary that pro-
 3 vides that an agency action is final, not review-
 4 able, or not subject to appeal.

5 “(2) EFFECT ON PROCEDURES FOR GRIEV-
 6 ANCES, APPEALS, OR ADMINISTRATIVE MATTERS.—
 7 The establishment of the Office of Ombudsman shall
 8 not affect any procedure concerning grievances, ap-
 9 peals, or administrative matters under this Act or
 10 any other law (including regulations).

11 “(h) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
 13 appropriated to carry out this section—

14 “(A) \$2,000,000 for each of fiscal years
 15 2002 and 2003;

16 “(B) \$3,000,000 for each of fiscal years
 17 2004 through 2006; and

18 “(C) \$4,000,000 for each of fiscal years
 19 2007 through 2010.

20 “(2) SEPARATE LINE ITEM.—In submitting the
 21 annual budget for the Federal Government to Con-
 22 gress, the President shall include a separate line
 23 item for the funding for the Office of Ombudsman.

24 “(i) TERMINATION.—The Office of Ombudsman shall
 25 cease to exist on the date that is 10 years after the date

1 of enactment of the Ombudsman Reauthorization Act of
2 2001.”.

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