

Notes on HR 861

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| Short title: | To terminate the Environmental Protection Agency | |
| Sponsor | Rep. Matt Gaetz (R-FL-1) | 202.225.4136 507 Cannon House Office Bldg |
| Date | 3 Feb 2017 | |
| Cosponsors: 3 | Thomas Massie (R-KY-4) | 202.225.3465 |
| | Steven Palazzo (R-MS-4) | 202.225.5772 |
| | Barry Loudermilk (R-GA-11) | 202.225.2931 |
| Referred to committees | 3 Feb: Energy & Commerce | 202.225.2927 |
| | 10 Feb: Subcommittee on Environment and the Economy | No Virginia members |
| | 3 Feb: Agriculture | 202.225.2171 |
| | 3 Feb: Transportation & Infrastructure | 202.225.9446 |
| | 3 Feb: Science, Space & Technology | 202.225.6371 |
| Legal basis | National Environmental Policy Act of 1969 [NEPA, 42 USC section 4321-4347] Signed into law by Pres. Nixon on 1 Jan 1970. 1970: Pres. Nixon proposed executive reorganization to consolidate federal government's environmental responsibilities under one agency: EPA. <i>Wikipedia notes that EPA was approved by House and Senate, but key reference hosted at epa.gov has been blocked since last retrieved 6 Feb 2013.</i> | |
| Full text of HR 861 | Be it enacted, etc. ... SECTION 1. TERMINATION OF THE ENVIRONMENTAL PROTECTION AGENCY. The Environmental Protection Agency shall terminate on December 31, 2018. | |
| Source | https://www.congress.gov/bill/115th-congress/house-bill/861/text?q=%7B%22search%22%3A%5B%22hr861%22%5D%7D&r=1 | |

The National Environmental Policy Act of 1969 was codified as chapter 55 of title 42, United States Code. See: <https://www.law.cornell.edu/uscode/text/42/chapter-55>

Section 4321 of title 42, U.S. Code:

“The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.”

It appears that NEPA established a “Council on Environmental Quality” to reside in the Executive Branch. The Environmental Protection Agency as we know it may be an administrative convenience to do the work of the Council on Environmental Quality—despite many years of existence, recognition in the budgetary process, and citations elsewhere.

In that respect EPA may be a perfect example of the “administrative state” that Steve Bannon & Co. are determined to destroy. It is not a straightforward Agency established in Law.

That may mean the incredible simplicity of HR 861 is sufficient to scuttle the EPA.