

AMENDMENT TO RULES COMMITTEE

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OFFERED BY MR. CALVERT OF CALIFORNIA

At the end of title III of division L, add the following:

1 **Subtitle C—Federal Integrated**
2 **Species Health Act**

3 **SEC. 83501. SHORT TITLE.**

4 This subtitle may be cited as the “Federally Inte-
5 grated Species Health Act” or the “FISH Act”.

6 **SEC. 83502. TRANSFER OF FUNCTIONS WITH RESPECT TO**
7 **ANADROMOUS SPECIES AND CATADROMOUS**
8 **SPECIES.**

9 (a) **TRANSFER OF FUNCTIONS.**—All functions with
10 respect to anadromous species and catadromous species
11 under the Endangered Species Act of 1973 (16 U.S.C.
12 1531 et seq.) that were vested in the Secretary of Com-
13 merce or the National Marine Fisheries Service imme-
14 diately before the enactment of this Act are transferred
15 to the Secretary of the Interior.

16 (b) **CONFORMING AMENDMENTS.**—The Endangered
17 Species Act of 1973 (16 U.S.C. 1531 et seq.) is amend-
18 ed—

1 (1) in section 3(15) (16 U.S.C. 1532(15))—

2 (A) by inserting “(A)” after “(15)”; and

3 (B) by adding at the end the following:

4 “(B) Notwithstanding subparagraph (A),
5 with respect to anadromous species and
6 catadromous species, the term ‘Secretary’
7 means the Secretary of the Interior.”; and

8 (2) in section 3 (16 U.S.C. 1532) by adding at
9 the end the following:

10 “(22) The term ‘anadromous species’ means a
11 species of fish that spawn in fresh or estuarine
12 waters and that migrate to ocean waters.

13 “(23) The term ‘catadromous species’ means a
14 species of fish that spawn in ocean waters and mi-
15 grate to fresh waters.”.

16 **SEC. 83503. MISCELLANEOUS PROVISIONS.**

17 (a) REFERENCES.—Any reference in any other Fed-
18 eral law, Executive order, rule, regulation, or delegation
19 of authority, or any document of or pertaining to a depart-
20 ment or office from which a function is transferred by this
21 subtitle—

22 (1) to the head of such department or office is
23 deemed to refer to the Secretary of the Interior; or

24 (2) to such department or office is deemed to
25 refer to the Department of the Interior.

1 (b) EXERCISE OF AUTHORITIES.—Except as other-
2 wise provided by law, the Secretary of the Interior may,
3 for purposes of performing the functions transferred by
4 this subtitle, exercise all authorities under the Endangered
5 Species Act of 1973 (16 U.S.C. 1531 et seq.) that were
6 available with respect to the performance of that function
7 immediately before the effective date of the transfer of the
8 function under this subtitle.

9 (c) SAVINGS PROVISIONS.—

10 (1) LEGAL DOCUMENTS.—All orders, deter-
11 minations, rules, regulations, permits, grants, loans,
12 contracts, agreements, certificates, licenses, and
13 privileges—

14 (A) that have been issued, made, granted,
15 or allowed to become effective by the Secretary
16 of Commerce, any officer or employee of the
17 Department of Commerce, or any other Govern-
18 ment official in the performance of any function
19 that is transferred by this subtitle, or by a
20 court of competent jurisdiction with respect to
21 such performance; and

22 (B) that are in effect on the effective date
23 of this subtitle (or become effective after such
24 date pursuant to their terms as in effect on
25 such effective date),

1 shall continue in effect according to their terms until
2 modified, terminated, superseded, set aside, or re-
3 voked in accordance with law by the President, any
4 other authorized official, a court of competent juris-
5 diction, or operation of law.

6 (2) PROCEEDINGS.—

7 (A) IN GENERAL.—This subtitle shall not
8 affect any proceedings or any application for
9 any benefits, service, license, permit, certificate,
10 or financial assistance pending on the date of
11 the enactment of this Act before an office
12 transferred by this subtitle. Such proceedings
13 and applications shall be continued. Orders
14 shall be issued in such proceedings, appeals
15 shall be taken therefrom, and payments shall be
16 made pursuant to such orders, as if this subtitle
17 had not been enacted, and orders issued in any
18 such proceeding shall continue in effect until
19 modified, terminated, superseded, or revoked by
20 a duly authorized official, by a court of com-
21 petent jurisdiction, or by operation of law.

22 (B) LIMITATION.—Nothing in this para-
23 graph shall be considered to prohibit the dis-
24 continuance or modification of any such pro-
25 ceeding under the same terms and conditions

1 and to the same extent that such proceeding
2 could have been discontinued or modified if this
3 subtitle had not been enacted.

4 (3) SUITS.—This subtitle shall not affect suits
5 commenced before the date of the enactment of this
6 Act, and in all such suits, proceeding shall be had,
7 appeals taken, and judgments rendered in the same
8 manner and with the same effect as if this subtitle
9 had not been enacted.

10 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
11 tion, or other proceeding commenced by or against
12 the Department of Commerce or the Secretary of
13 Commerce, or by or against any individual in the of-
14 ficial capacity of such individual as an officer or em-
15 ployee of the Department of Commerce, shall abate
16 by reason of the enactment of this subtitle.

17 (5) CONTINUANCE OF SUITS.—If any Govern-
18 ment officer in the official capacity of such officer
19 is party to a suit with respect to a function of the
20 officer, and under this subtitle such function is
21 transferred to any other officer or office, then such
22 suit shall be continued with the other officer or the
23 head of such other office, as applicable, substituted
24 or added as a party.

1 (6) ADMINISTRATIVE PROCEDURE AND JUDI-
2 CIAL REVIEW.—Except as otherwise provided by this
3 subtitle, any statutory requirements relating to no-
4 tice, hearings, action upon the record, or administra-
5 tive or judicial review that apply to any function
6 transferred by this subtitle shall apply to the exer-
7 cise of such function by the head of the Federal
8 agency, and other officers of the agency, to which
9 such function is transferred by this subtitle.

10 **SEC. 83504. DEFINITIONS.**

11 In this subtitle:

12 (1) ANADROMOUS SPECIES AND CATADROMOUS
13 SPECIES.—Each of the terms “anadromous species”
14 and “catadromous species” has the meaning that
15 term has under section 3 of the Endangered Species
16 Act of 1973 (16 U.S.C. 1532), as amended by sec-
17 tion 83503.

18 (2) FUNCTION.—The term “function” includes
19 any duty, obligation, power, authority, responsibility,
20 right, privilege, activity, or program.

21 (3) OFFICE.—The term “office” includes any
22 office, administration, agency, bureau, institute,
23 council, unit, organizational entity, or component
24 thereof.

