AMENDMENT TO RULES COMMITTEE
PRINT 116–54
OFFERED BY MR. CALVERT OF CALIFORNIA

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

Subtitle C—Federal Integrated Species Health Act

SEC. 83501. SHORT TITLE.
This subtitle may be cited as the “Federally Integrated Species Health Act” or the “FISH Act”.

SEC. 83502. TRANSFER OF FUNCTIONS WITH RESPECT TO ANADROMOUS SPECIES AND CATADROMOUS SPECIES.
(a) Transfer of Functions.—All functions with respect to anadromous species and catadromous species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that were vested in the Secretary of Commerce or the National Marine Fisheries Service immediately before the enactment of this Act are transferred to the Secretary of the Interior.

(b) Conforming Amendments.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended—
(1) in section 3(15) (16 U.S.C. 1532(15))—

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

(B) by adding at the end the following:

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

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

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

“(23) The term ‘catadromous species’ means a species of fish that spawn in ocean waters and migrate to fresh waters.”.

SEC. 83503. MISCELLANEOUS PROVISIONS.

(a) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this subtitle—

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

(2) to such department or office is deemed to refer to the Department of the Interior.
(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Secretary of the Interior may, for purposes of performing the functions transferred by this subtitle, exercise all authorities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that were available with respect to the performance of that function immediately before the effective date of the transfer of the function under this subtitle.

(e) SAVINGS PROVISIONS.—

(1) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(A) that have been issued, made, granted, or allowed to become effective by the Secretary of Commerce, any officer or employee of the Department of Commerce, or any other Government official in the performance of any function that is transferred by this subtitle, or by a court of competent jurisdiction with respect to such performance; and

(B) that are in effect on the effective date of this subtitle (or become effective after such date pursuant to their terms as in effect on such effective date),
shall continue in effect according to their terms until
modified, terminated, superseded, set aside, or re-
voked in accordance with law by the President, any
other authorized official, a court of competent juris-
diction, or operation of law.

(2) PROCEEDINGS.—

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

(B) LIMITATION.—Nothing in this para-
graph shall be considered to prohibit the dis-
continuance or modification of any such pro-
ceeding under the same terms and conditions
and to the same extent that such proceeding
could have been discontinued or modified if this
subtitle had not been enacted.

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

(4) Nonabatement of Actions.—No suit, ac-
tion, or other proceeding commenced by or against
the Department of Commerce or the Secretary of
Commerce, or by or against any individual in the of-
ficial capacity of such individual as an officer or em-
ployee of the Department of Commerce, shall abate
by reason of the enactment of this subtitle.

(5) Continuance of Suits.—If any Govern-
ment officer in the official capacity of such officer
is party to a suit with respect to a function of the
officer, and under this subtitle such function is
transferred to any other officer or office, then such
suit shall be continued with the other officer or the
head of such other office, as applicable, substituted
or added as a party.
(6) **Administrative Procedure and Judicial Review.**—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this subtitle shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this subtitle.

**SEC. 83504. Definitions.**

In this subtitle:

(1) **Anadromous Species and Catadromous Species.**—Each of the terms “anadromous species” and “catadromous species” has the meaning that term has under section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532), as amended by section 83503.

(2) **Function.**—The term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) **Office.**—The term “office” includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.