

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. CALVERT OF CALIFORNIA

Add at the end the following:

1 **TITLE V—FEDERALLY**
2 **INTEGRATED SPECIES HEALTH**
3 **SEC. 501. TRANSFER OF FUNCTIONS WITH RESPECT TO**
4 **ANADROMOUS SPECIES AND CATADROMOUS**
5 **SPECIES.**

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

13 (b) CONFORMING AMENDMENTS.—Section 3 of the
14 Endangered Species Act of 1973 (16 U.S.C. 1532) is
15 amended—

16 (1) in paragraph (15)—

17 (A) by striking “The” and inserting “(A)
18 The” ; and

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

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

5 (2) by redesignating paragraphs (3) through
6 (21) as paragraphs (5) through (23), respectively;

7 (3) by redesignating paragraph (2) as para-
8 graph (3);

9 (4) inserting after paragraph (1) the following:

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

13 (5) by inserting after paragraph (3), as so re-
14 designated, the following:

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

18 **SEC. 502. MISCELLANEOUS PROVISIONS.**

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

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

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

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

11 (c) SAVINGS PROVISIONS.—

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

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

24 (B) that are in effect on the effective date
25 of this title (or become effective after such date

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

8 (2) PROCEEDINGS.—

9 (A) IN GENERAL.—This title shall not af-
10 fect any proceedings or any application for any
11 benefits, service, license, permit, certificate, or
12 financial assistance pending on the date of the
13 enactment of this title before an office trans-
14 ferred by this title. Such proceedings and appli-
15 cations shall be continued. Orders shall be
16 issued in such proceedings, appeals shall be
17 taken therefrom, and payments shall be made
18 pursuant to such orders, as if this title had not
19 been enacted, and orders issued in any such
20 proceeding shall continue in effect until modi-
21 fied, terminated, superseded, or revoked by a
22 duly authorized official, by a court of competent
23 jurisdiction, or by operation of law.

24 (B) LIMITATION.—Nothing in this para-
25 graph shall be considered to prohibit the dis-

1 continuance or modification of any such pro-
2 ceeding under the same terms and conditions
3 and to the same extent that such proceeding
4 could have been discontinued or modified if this
5 title had not been enacted.

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

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

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

1 of such other office, as applicable, substituted or
2 added as a party.

3 (6) ADMINISTRATIVE PROCEDURE AND JUDI-
4 CIAL REVIEW.—Except as otherwise provided by this
5 title, any statutory requirements relating to notice,
6 hearings, action upon the record, or administrative
7 or judicial review that apply to any function trans-
8 ferred by this title shall apply to the exercise of such
9 function by the head of the Federal agency, and
10 other officers of the agency, to which such function
11 is transferred by this title.

12 **SEC. 503. DEFINITIONS.**

13 For purposes of this title:

14 (1) ANADROMOUS SPECIES AND CATADROMOUS
15 SPECIES.—The terms “anadromous species” and
16 “catadromous species” have the meaning given such
17 terms in section 3 of the Endangered Species Act of
18 1973 (16 U.S.C. 1532), as amended by section 501
19 of this Act.

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

23 (3) OFFICE.—The term “office” includes any
24 office, administration, agency, bureau, institute,

- 1 council, unit, organizational entity, or component
- 2 thereof.

