AMENDMENT TO RULES COMMITTEE PRINT 116-40

OFFERED BY MR. CALVERT OF CALIFORNIA

Add at the end the following:

TITLE V—FEDERALLY INTEGRATED SPECIES HEALTH

SEC. 501. 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.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—

(1) in paragraph (15)—

(A) by striking “The” and inserting “(A) The” ; 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.”;
(2) by redesignating paragraphs (3) through
(21) as paragraphs (5) through (23), respectively;
(3) by redesignating paragraph (2) as para-
graph (3);
(4) inserting after paragraph (1) the following:
“(2) The term ‘anadromous species’ means a species
of fish that spawn in fresh or estuarine waters and that
migrate to ocean waters.”; and
(5) by inserting after paragraph (3), as so re-
designated, the following:
“(4) The term ‘catadromous species’ means a species
of fish that spawn in ocean waters and migrate to fresh
waters.”.

SEC. 502. MISCELLANEOUS PROVISIONS.

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

(c) 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 title, or by a court of competent jurisdiction with respect to such performance; and

(B) that are in effect on the effective date of this title (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 revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(2) PROCEEDINGS.—

(A) IN GENERAL.—This title 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 title before an office transferred by this title. 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 title 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 competent jurisdiction, or by operation of law.

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

(3) Suits.—This title shall not affect suits commenced before the date of the enactment of this title, 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 title had not been enacted.

(4) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of the Department of Commerce, shall abate by reason of the enactment of this title.

(5) Continuance of Suits.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this title 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 title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this title 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 title.

SEC. 503. DEFINITIONS.

For purposes of this title:

(1) Anadromous species and catadromous species.—The terms “anadromous species” and “catadromous species” have the meaning given such terms in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532), as amended by section 501 of this Act.

(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.