

105TH CONGRESS
2D SESSION

H. R. 4335

To transfer to the Secretary of the Interior the functions of the Secretary of Commerce and the National Marine Fisheries Service under the Endangered Species Act of 1973.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1998

Mr. YOUNG of Alaska (for himself, Mr. HERGER, Mr. POMBO, Mr. NETHERCUTT, Mrs. CHENOWETH, Mr. SMITH of Oregon, and Mr. CRAPO) introduced the following bill; which was referred to the Committee on Resources

A BILL

To transfer to the Secretary of the Interior the functions of the Secretary of Commerce and the National Marine Fisheries Service under the Endangered Species Act of 1973.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Endangered Species
5 Consolidation Act”.

1 **SEC. 2. TRANSFER OF FUNCTIONS UNDER ENDANGERED**
2 **SPECIES ACT OF 1973 FROM SECRETARY OF**
3 **COMMERCE TO SECRETARY OF THE INTE-**
4 **RIOR.**

5 (a) TRANSFER.—All functions that were performed
6 by the Secretary of Commerce under the Endangered Spe-
7 cies Act of 1973 (16 U.S.C. 1531 et seq.) immediately
8 before the enactment of this Act, including functions per-
9 formed by the National Marine Fisheries Service, are
10 transferred to the Secretary of the Interior.

11 (b) CONFORMING AMENDMENTS.—The Endangered
12 Species Act of 1973 is amended—

13 (1) in section 3(15) (16 U.S.C. 1532(15)), by
14 striking “or the Secretary” and all that follows
15 through “1970;” and inserting a comma;

16 (2) in section 4(a) (16 U.S.C. 1533(a)), by
17 striking paragraph (2) and redesignating paragraph
18 (3) as paragraph (2);

19 (3) in section 4(c) (16 U.S.C. 1533(c)), by
20 striking “or the Secretary of Commerce” each place
21 it appears;

22 (4) in section 8A(e)(1) (16 U.S.C.
23 1537a(e)(1)), by striking “ the Secretary of Com-
24 merce,”; and

25 (5) in section 15(a) (16 U.S.C. 1542(a)), by
26 adding “ and” after the semicolon in paragraph (1),

1 by striking paragraph (2), and by redesignating
2 paragraph (3) as paragraph (2);

3 (c) REFERENCES.—Any reference in any other Fed-
4 eral law, Executive order, rule, regulation, or delegation
5 of authority, or any document of or pertaining to the De-
6 partment of Commerce or any agency of the Department
7 of Commerce —

8 (1) to the Secretary of Commerce or the head
9 of such agency, with respect to a function that is
10 transferred by this section, is deemed to refer to the
11 Secretary of the Interior; or

12 (2) to the Department of Commerce or such
13 agency, with respect to such a function, is deemed
14 to refer to the Department of the Interior.

15 (d) EXERCISE OF AUTHORITIES.—The Secretary of
16 the Interior may, for purposes of performing any function
17 transferred by this section, exercise all authorities under
18 any other provision of law that were available to the Sec-
19 retary of Commerce for the performance of the function
20 immediately before the effective date of the transfer of the
21 function under this section.

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