H. R. 5270

To abolish the Marine Mammal Commission and transfer its functions to the United States Fish and Wildlife Service.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2016

Mr. RUSSELL introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To abolish the Marine Mammal Commission and transfer its functions to the United States Fish and Wildlife Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Efficient Marine Mammal Protection Act”.

SEC. 2. ABOLISHMENT OF MARINE MAMMAL COMMISSION; TRANSFER OF FUNCTIONS.

(a) ABOLISHMENT OF DEPARTMENT.—The Marine Mammal Commission is abolished.
(b) Transfer of Functions.—All functions that immediately before the effective date of this section are authorized to be performed by the Commission, by any officer or employee of the Commission acting in that capacity, or by any agency or office of the Commission, are transferred to the Director of the United States Fish and Wildlife Service.

SEC. 3. CONFORMING AND CLERICAL AMENDMENTS.

(a) Marine Mammal Protection Act of 1972.—The Marine Mammal Protection Act of 1972 is amended—

(1) in section (3) (16 U.S.C. 1362), by adding at the end the following:

“(30) The term ‘Director’ means the Director of the United States Fish and Wildlife Service.”;

(2) by striking “Marine Mammal Commission” each place it appears and inserting “Director of the United States Fish and Wildlife Service”;

(3) by striking “Commission” each place it appears in reference to the Marine Mammal Commission and inserting “Director”;

(4) by striking “Chairman of the Marine Mammal Commission” each place it appears and inserting “Director of the United States Fish and Wildlife Service”;
(5) by striking “Chairman of the Commission” each place it appears and inserting “Director of the United States Fish and Wildlife Service”;

(6) by striking “Chairman” each place it appears in reference to the Chairman of the Marine Mammal Commission and inserting “Director”;

(7) in section 104(l)(2) (16 U.S.C. 1383a(l)(2)), by striking “Chairman’s” and inserting “Director’s”;

(8) in the heading for title II, by striking “MARINE MAMMAL COMMISSION” and inserting “UNITED STATES FISH AND WILDLIFE SERVICE”;

(9) by striking section 201 (16 U.S.C. 1401);

(10) in the heading for section 202 (16 U.S.C. 1402), by striking “COMMISSION” and inserting “UNITED STATES FISH AND WILDLIFE SERVICE”;

(11) in the heading for section 206 (16 U.S.C. 1402), by striking “ADMINISTRATION OF COMMISSION” and inserting “AUTHORITIES OF DIRECTOR OF UNITED STATES FISH AND WILDLIFE SERVICE”; and

(12) in the table of contents in the first section—
(A) by striking the item relating to the title enumerator and heading for title II and inserting the following:

“TITLE II—UNITED STATES FISH AND WILDLIFE SERVICE”;

(B) by striking the item relating to section 201;

(C) by striking the item relating to section 202 and inserting the following:

“Sec. 202. Duties of United States Fish and Wildlife Service.”;

and

(D) by striking the item relating to section 206 and inserting the following:

“Sec. 206. Authorities of Director of United States Fish and Wildlife Service.”.

(b) TITLE 10, U.S.C.—Section 7524(a) of title 10, United States Code, is amended by striking “Marine Mammal Commission” and inserting “Director of the United States Fish and Wildlife Service”.

c) WHALE CONSERVATION AND PROTECTION STUDY ACT.—Section 3 of the Whale Conservation and Protection Study Act (16 U.S.C. 917a) is amended by striking “Marine Mammal Commission” and inserting “Director of the United States Fish and Wildlife Service”.

d) NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.—Section 4(g) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(g)) is amended by striking “Marine Mammal Com-
mission” and inserting “Director of the United States
Fish and Wildlife Service”.

SEC. 4. REFERENCES.

Any reference in any other Federal law, Executive
order, rule, regulation, or delegation of authority, or any
document of or pertaining to the Marine Mammal Com-
mission to such Commission or an official of such Commis-
sion is deemed to refer to the Director of the United
States Fish and Wildlife Service.

SEC. 5. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, the Director of
the United States Fish and Wildlife Service may, for pur-
poses of performing a function is transferred by this Act,
exercise all authorities under any other provision of law
that were available with respect to the performance of that
function to the Marine Mammal Commission.

SEC. 6. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations,
rules, regulations, permits, grants, loans, contracts, agree-
ments, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or al-
lowed to become effective by the President, the Ma-
rine Mammal Commission, any officer or employee
of any office such Commission, or any other Govern-
ment official, or by a court of competent jurisdic-
tion, in the performance of any function that is transferred by this Act, and

(2) that are in effect on the effective date of such transfer (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.

(b) PROCEEDINGS.—This Act 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 the Marine Mammal Commission, but 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 Act 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. Nothing in this subsection shall be considered to prohibit the discontinuance 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 Act had not been enacted.

(c) Suits.—This Act 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 Act had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Marine Mammal Commission, or by or against any individual in the official capacity of such individual as an officer or employee of such Commission, shall abate by reason of the enactment of this Act.

(e) 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 Act 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.

(f) Administrative Procedure and Judicial Review.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that
apply to any function transferred by this Act 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 Act.

SEC. 7. TRANSFER OF ASSETS.
Except as otherwise provided in this Act, so much
of the property, records, and unexpended balances of ap-
propriations, allocations, and other funds employed, used,
held, available, or to be made available in connection with
a function transferred to an official or agency by this Act
shall be available to the official or the head of that agency,
respectively, at such time or times as the Director of the
Office of Management and Budget directs for use in con-
nection with the functions transferred.

SEC. 8. DELEGATION AND ASSIGNMENT.
Except as otherwise expressly prohibited by law or
otherwise provided in this Act, an official to whom func-
tions are transferred under this Act (including the head
of any office to which functions are transferred under this
Act) may delegate any of the functions so transferred to
such officers and employees of the office of the official as
the official may designate, and may authorize successive
redelegations of such functions as may be necessary or ap-
propriate. No delegation of functions under this section
or under any other provision of this Act shall relieve the
official to whom a function is transferred under this Act of responsibility for the administration of the function.

SEC. 9. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under this Act.

(b) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.
SEC. 10. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this Act shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 11. DEFINITIONS.

For purposes of this Act—

(1) the term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term “office” includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.