

108TH CONGRESS  
2D SESSION

# H. R. 4368

To transfer the National Oceanic and Atmospheric Administration to the  
Department of the Interior.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2004

Mr. SAXTON (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To transfer the National Oceanic and Atmospheric  
Administration to the Department of the Interior.

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 “Weather and Oceans  
5 Resources Realignment Act”.



1           (1) to the Secretary of Commerce or another of-  
2           ficer of the Department of Commerce is deemed to  
3           refer to the Secretary of the Interior; or

4           (2) to the Department of Commerce is deemed  
5           to refer to the Department of the Interior.

6 **SEC. 4. EXERCISE OF AUTHORITIES.**

7           Except as otherwise provided by law, a Federal offi-  
8           cial to whom a function is transferred by this Act may,  
9           for purposes of performing the function, exercise all au-  
10          thorities under any other provision of law that were avail-  
11          able with respect to the performance of that function to  
12          the official responsible for the performance of the function  
13          immediately before the effective date of the transfer of the  
14          function under this Act.

15 **SEC. 5. SAVINGS PROVISIONS.**

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

19                 (1) that have been issued, made, granted, or al-  
20                 lowed to become effective by the President, the Sec-  
21                 retary of Commerce, any officer or employee of any  
22                 office transferred by this Act, or any other Govern-  
23                 ment official, or by a court of competent jurisdic-  
24                 tion, in the performance of any function that is  
25                 transferred by this Act, and

1           (2) that are in effect on the effective date of  
2           such transfer (or become effective after such date  
3           pursuant to their terms as in effect on such effective  
4           date),

5 shall continue in effect according to their terms until  
6 modified, terminated, superseded, set aside, or revoked in  
7 accordance with law by the President, any other author-  
8 ized official, a court of competent jurisdiction, or operation  
9 of law.

10       (b) PROCEEDINGS.—This Act shall not affect any  
11 proceedings or any application for any benefits, service,  
12 license, permit, certificate, or financial assistance pending  
13 on the date of the enactment of this Act before an office  
14 transferred by this Act, but such proceedings and applica-  
15 tions shall be continued. Orders shall be issued in such  
16 proceedings, appeals shall be taken therefrom, and pay-  
17 ments shall be made pursuant to such orders, as if this  
18 Act had not been enacted, and orders issued in any such  
19 proceeding shall continue in effect until modified, termi-  
20 nated, superseded, or revoked by a duly authorized official,  
21 by a court of competent jurisdiction, or by operation of  
22 law. Nothing in this subsection shall be considered to pro-  
23 hibit the discontinuance or modification of any such pro-  
24 ceeding under the same terms and conditions and to the

1 same extent that such proceeding could have been discon-  
2 tinued or modified if this Act had not been enacted.

3 (c) SUITS.—This Act shall not affect suits com-  
4 menced before the date of the enactment of this Act, and  
5 in all such suits, proceeding shall be had, appeals taken,  
6 and judgments rendered in the same manner and with the  
7 same effect as if this Act had not been enacted.

8 (d) NONABATEMENT OF ACTIONS.—No suit, action,  
9 or other proceeding commenced by or against the Depart-  
10 ment of Commerce or the Secretary of Commerce, or by  
11 or against any individual in the official capacity of such  
12 individual as an officer or employee of an office trans-  
13 ferred by this Act, shall abate by reason of the enactment  
14 of this Act.

15 (e) CONTINUANCE OF SUITS.—If any Government of-  
16 ficer in the official capacity of such officer is party to a  
17 suit with respect to a function of the officer, and under  
18 this Act such function is transferred to any other officer  
19 or office, then such suit shall be continued with the other  
20 officer or the head of such other office, as applicable, sub-  
21 stituted or added as a party.

22 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-  
23 VIEW.—Except as otherwise provided by this Act, any  
24 statutory requirements relating to notice, hearings, action  
25 upon the record, or administrative or judicial review that

1 apply to any function transferred by this Act shall apply  
2 to the exercise of such function by the head of the Federal  
3 agency, and other officers of the agency, to which such  
4 function is transferred by this Act.

5 **SEC. 6. TRANSFER OF ASSETS.**

6 Except as otherwise provided in this Act, so much  
7 of the personnel, property, records, and unexpended bal-  
8 ances of appropriations, allocations, and other funds em-  
9 ployed, used, held, available, or to be made available in  
10 connection with a function transferred to an official or  
11 agency by this Act shall be available to the official or the  
12 head of that agency, respectively, at such time or times  
13 as the Director of the Office of Management and Budget  
14 directs for use in connection with the functions trans-  
15 ferred.

16 **SEC. 7. DELEGATION AND ASSIGNMENT.**

17 Except as otherwise expressly prohibited by law or  
18 otherwise provided in this Act, an official to whom func-  
19 tions are transferred under this Act (including the head  
20 of any office to which functions are transferred under this  
21 Act) may delegate any of the functions so transferred to  
22 such officers and employees of the office of the official as  
23 the official may designate, and may authorize successive  
24 redelegations of such functions as may be necessary or ap-  
25 propriate. No delegation of functions under this section

1 or under any other provision of this Act shall relieve the  
2 official to whom a function is transferred under this Act  
3 of responsibility for the administration of the function.

4 **SEC. 8. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**  
5 **AGEMENT AND BUDGET WITH RESPECT TO**  
6 **FUNCTIONS TRANSFERRED.**

7 (a) DETERMINATIONS.—If necessary, the Director  
8 shall make any determination of the functions that are  
9 transferred under this Act.

10 (b) INCIDENTAL TRANSFERS.—The Director, at such  
11 time or times as the Director shall provide, may make  
12 such determinations as may be necessary with regard to  
13 the functions transferred by this Act, and to make such  
14 additional incidental dispositions of personnel, assets, li-  
15 abilities, grants, contracts, property, records, and unex-  
16 pended balances of appropriations, authorizations, alloca-  
17 tions, and other funds held, used, arising from, available  
18 to, or to be made available in connection with such func-  
19 tions, as may be necessary to carry out the provisions of  
20 this Act. The Director shall provide for such further meas-  
21 ures and dispositions as may be necessary to effectuate  
22 the purposes of this Act.

23 **SEC. 9. DEFINITIONS.**

24 For purposes of this Act—

1           (1) the term “function” includes any duty, obli-  
2           gation, power, authority, responsibility, right, privi-  
3           lege, activity, or program; and

4           (2) the term “office” includes any office, ad-  
5           ministration, agency, bureau, institute, council, unit,  
6           organizational entity, or component thereof.

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