

114TH CONGRESS
2D SESSION

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.

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 “Efficient Marine Mam-
5 mal Protection Act”.

6 **SEC. 2. ABOLISHMENT OF MARINE MAMMAL COMMISSION;**
7 **TRANSFER OF FUNCTIONS.**

8 (a) ABOLISHMENT OF DEPARTMENT.—The Marine
9 Mammal Commission is abolished.

1 (b) TRANSFER OF FUNCTIONS.—All functions that
2 immediately before the effective date of this section are
3 authorized to be performed by the Commission, by any
4 officer or employee of the Commission acting in that ca-
5 pacity, or by any agency or office of the Commission, are
6 transferred to the Director of the United States Fish and
7 Wildlife Service.

8 **SEC. 3. CONFORMING AND CLERICAL AMENDMENTS.**

9 (a) MARINE MAMMAL PROTECTION ACT OF 1972.—
10 The Marine Mammal Protection Act of 1972 is amend-
11 ed—

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

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

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

19 (3) by striking “Commission” each place it ap-
20 pears in reference to the Marine Mammal Commis-
21 sion and inserting “Director”;

22 (4) by striking “Chairman of the Marine Mam-
23 mal Commission” each place it appears and insert-
24 ing “Director of the United States Fish and Wildlife
25 Service”;

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

4 (6) by striking “Chairman” each place it ap-
5 pears in reference to the Chairman of the Marine
6 Mammal Commission and inserting “Director”;

7 (7) in section 104(l)(2) (16 U.S.C.
8 1383a(l)(2)), by striking “Chairman’s” and insert-
9 ing “Director’s”;

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

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

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

18 (11) in the heading for section 206 (16 U.S.C.
19 1402), by striking “ADMINISTRATION OF COMMIS-
20 SION” and inserting “AUTHORITIES OF DIRECTOR OF
21 UNITED STATES FISH AND WILDLIFE SERVICE”; and

22 (12) in the table of contents in the first sec-
23 tion—

1 (A) by striking the item relating to the
 2 title enumerator and heading for title II and in-
 3 serting the following:

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

4 (B) by striking the item relating to section
 5 201;

6 (C) by striking the item relating to section
 7 202 and inserting the following:

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

8 and

9 (D) by striking the item relating to section
 10 206 and inserting the following:

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

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

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

20 (d) NATIONAL FISH AND WILDLIFE FOUNDATION
 21 ESTABLISHMENT ACT.—Section 4(g) of the National Fish
 22 and Wildlife Foundation Establishment Act (16 U.S.C.
 23 3703(g)) is amended by striking “Marine Mammal Com-

1 mission” and inserting “Director of the United States
2 Fish and Wildlife Service”.

3 **SEC. 4. REFERENCES.**

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

10 **SEC. 5. EXERCISE OF AUTHORITIES.**

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

17 **SEC. 6. SAVINGS PROVISIONS.**

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

21 (1) that have been issued, made, granted, or al-
22 lowed to become effective by the President, the Ma-
23 rine Mammal Commission, any officer or employee
24 of any office such Commission, or any other Govern-
25 ment official, or by a court of competent jurisdic-

1 tion, in the performance of any function that is
2 transferred by this Act, and

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

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

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

1 ceeding under the same terms and conditions and to the
2 same extent that such proceeding could have been discon-
3 tinued or modified if this Act had not been enacted.

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

9 (d) NONABATEMENT OF ACTIONS.—No suit, action,
10 or other proceeding commenced by or against the Marine
11 Mammal Commission, or by or against any individual in
12 the official capacity of such individual as an officer or em-
13 ployee of such Commission, shall abate by reason of the
14 enactment 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. 7. TRANSFER OF ASSETS.**

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

15 **SEC. 8. DELEGATION AND ASSIGNMENT.**

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

1 official to whom a function is transferred under this Act
2 of responsibility for the administration of the function.

3 **SEC. 9. AUTHORITY OF DIRECTOR OF THE OFFICE OF MAN-**
4 **AGEMENT AND BUDGET WITH RESPECT TO**
5 **FUNCTIONS TRANSFERRED.**

6 (a) DETERMINATIONS.—If necessary, the Director of
7 the Office of Management and Budget shall make any de-
8 termination of the functions that are transferred under
9 this Act.

10 (b) INCIDENTAL TRANSFERS.—The Director of the
11 Office of Management and Budget, at such time or times
12 as the Director shall provide, may make such determina-
13 tions as may be necessary with regard to the functions
14 transferred by this Act, and to make such additional inci-
15 dental dispositions of personnel, assets, liabilities, grants,
16 contracts, property, records, and unexpended balances of
17 appropriations, authorizations, allocations, and other
18 funds held, used, arising from, available to, or to be made
19 available in connection with such functions, as may be nec-
20 essary to carry out the provisions of this Act. The Director
21 of the Office of Management and Budget shall provide for
22 the termination of the affairs of all entities terminated by
23 this Act and for such further measures and dispositions
24 as may be necessary to effectuate the purposes of this Act.

1 **SEC. 10. AVAILABILITY OF EXISTING FUNDS.**

2 Existing appropriations and funds available for the
3 performance of functions, programs, and activities termi-
4 nated pursuant to this Act shall remain available, for the
5 duration of their period of availability, for necessary ex-
6 penses in connection with the termination and resolution
7 of such functions, programs, and activities.

8 **SEC. 11. DEFINITIONS.**

9 For purposes of this Act—

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

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

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