

PART I

LEGISLATIVE HISTORY OF THE ENDANGERED SPECIES
ACT OF 1973

INTRODUCTION

BACKGROUND

The following material is taken from a review of fisheries and wildlife conservation legislation of the 93d Congress written by CRS and issued by the Senate Committee on Interior and Insular Affairs as a Committee Print (*See* Congress and the Nation's Environment: Environmental and Natural Resources Affairs of the 93d Congress, April 1975, Committee Print, Senate Committee on Interior and Insular Affairs, Washington, U.S. Govt. Print. Off., pp. 561-566):

Congress first comprehensively addressed the problem of endangered species with passage of the Endangered Species Preservation Act of October 15, 1966 (Public Law 89-669). This Act caused the Secretary of the Interior to initiate and carry out program efforts to conserve, restore, and in some cases propagate certain species of indigenous fish and wildlife he determined to be in danger of extinction. The Act also consolidated and even expanded authority for the Secretary of the Interior to manage and administer the national Wildlife Refuge System. The endangered species program was expanded by the Endangered Species Act of 1969 (Public Law 91-135) which authorized the Secretary of the Interior to develop a list of species or subspecies of animals threatened with worldwide extinction and prohibited the importation from any foreign country of any such animal or any part, any product, or egg thereof. Limited exceptions for scientific, educational, zoological or propagational purposes and for certain cases of commercial "economic hardship" were allowed under strict permitting procedures. The 1969 Act also amended existing laws to prohibit throughout the United States the sale or purchase by any person of any domestically endangered species or part or product thereof which was taken in any manner in violation of the laws or regulations of a State or foreign country. Finally, the 1969 Act authorized up to \$15 million to be appropriated to acquire lands for the purpose of conserving, protecting, restoring, or propagating any endangered species.

Experience of the Department of the Interior with these two endangered species acts indicated they did not provide the management tools needed to act early enough to save a

vanishing species. Hearing testimony indicated remedial, stronger legislation should provide the Secretary of the Interior with considerable discretion in listing and delisting animals so that he could afford immediate protection to those species both within present danger of extinction and likely within the foreseeable future to become so endangered. Such legislation should provide protection for animals which are endangered or threatened, should amend existing law to permit Land and Water Conservation Fund Act monies to be used for habitat acquisition for endangered species conservation, and should assure the Secretary authority to acquire lands for such purposes. Testimony taken at the hearings also argued that the many efficient state management programs for the benefit of endangered species ought to be protected and not undercut by Federal legislation. In short, the hearing record indicated concern for wisely relating Federal and State efforts, for broadening the concept of "endangered species" to include threatened species not yet actually endangered or populations of species which may be in danger in part of the species range but not necessarily over all of it, and for providing strengthened means of habitat acquisition in furtherance of endangered species conservation.

[Thus the 93d Congress again addressed the subject of endangered species protection and considered several bills with the following results:]

The Administration bill (H.R. 4758), Congressman Dingell's bill (H.R. 37), and Senator Williams' bill (S. 1983) were not greatly dissimilar in their approach or content. H.R. 37 as reported . . . combined elements of the Administration and Dingell bills. Some items of note include:

(1) The administration bill contained language somewhat ambiguous so far as Federal preemption of State laws was concerned. H.R. 37 as reported made it clear that the States were to be free to adopt legislation or regulations. The only exception to State powers to regulate more restrictively or to include species not on the Federal list is in cases where specific Federal permission had been granted for or ban issued on importation, exploitation, or interstate commerce.

(2) The Administration bill did not address itself to the problems of endangered or threatened plant species while H.R. 37 did. As reported, H.R. 37 provided authority for the acquisition of critical habitat of plants in the U.S., regulation of their importation and exportation, and foreign assistance programs consistent with the purposes and policies of the Act. The question of national regulation of endangered plants was assigned to the Smithsonian Institution to study and to recommend action to the Congress within one year of the Act's taking effect.

(3) The Administration bill recommended that the expired authority provided in the earlier endangered species Act of 1966 and 1969 for acquisition of habitat be renewed and ex-

panded to allow the Secretary of the Interior to use funds from the Land and Water Conservation Fund and to use authorities under the Migratory Bird Conservation Act, the Fish and Wildlife Act of 1956, and the Fish and Wildlife Coordination Act, H.R. 37, as reported, accomplished that.

As reported, the Senate bill contained language defining the term "conservation and management" as these concepts relate to endangered species; the House bill did not. Some refinement of the definition was made in Conference, but a definition remained. The Senate bill also included an exception allowing an exclusion from the Act's protection in those cases (admittedly unlikely) where an endangered or threatened species of insect might pose an overwhelming and overriding risk to man. Thus the Secretary's hands would not be tied in this hypothetical exigency. The Senate bill also added a definition of "commercial activity" to delineate the types of activities which would qualify for special treatment under the Act. Included are trades and exchanges of animals or their products wherever they are undertaken for gain or profit.

The bill reported out of Conference assigned responsibility for the general management and regulation of marine species to the Secretary of Commerce; neither House nor Senate bills had addressed that jurisdictional problem. While both bills require the Secretary of the Interior to engage in consultation with all affected parties prior to determining the status of any given species, the Senate bill had required consultation with a special Advisory Committee created for that purpose; the House bill had no such body created. The Conference bill as reported deleted creation of such a body but required the Governor of each state within which the species under consideration is known to occur to be specially notified that a review of the species' status was underway and specifying such State was to have at least 90 days in which to respond.

The Senate bill had followed in part and differed in part from the otherwise controlling Administrative Procedures Act; the House bill did not address the subject thereby deferring to that Act. Enforcement agencies had expressed concern that the variations might complicate matters unduly so the conference bill as reported substituted language extending the period of public notice, providing for discretionary hearings, and establishing procedures for emergency, short-term action.

With respect to land acquisition, both House and Senate bills provided authority for endangered species conservation program managers to acquire habitat deemed critical to the survival of such endangered species, but the Senate bill restricted the authority to fish and wildlife habitat. The House bill extended the authority to acquire plant habitat, but restricted it to the Secretary of the Interior alone; the Conference bill included these House provisions.

So far as cooperation with the states is concerned, the House placed responsibility for establishing and overseeing an endangered species program in the Federal government in combination with development of cooperative agreements with concerned state agencies. The Senate opted for cooperative state and federal programs but gave the initial responsibility to the states. The Conference bill as reported compromised with a device to give the states fundamental roles with regard to resident species for a given period of time in hopes that strong state programs will be developed avoiding any Federal preemption. After this establishment period, the law would apply as in the House bill.

While both bills provided for a grant program to enable the states to develop systems for conserving endangered and threatened species, the Senate bill authorized a sum of \$10 million over a 3 1/2 year period and the House bill was open-ended; the Senate bill restricted unobligated grant authority to other grant programs under that section of the bill whereas the House bill authorized a larger share of assistance. The Senate version prevailed except in respect to the federal percentage of cost-sharing agreements.

Both bills authorized international endangered species programs but the Senate restricted them to countries in which counterpart funds were provided; the House stipulated that where such counterpart funds were available, they should be used in preference to appropriated funds. The House version prevailed. The House also allowed foreign assistance programs relating to plants but the Senate did not; the Senate version prevailed.

On the subject of species held in captivity or in a controlled environment as of the date of enactment, the Senate bill restricted prohibitions so as to exclude such animals; the House bill was silent thus making such prohibitions applicable. The Conference version of these bills provided alternative language positively defending certain of these noncommercial activities but placing the burden of proof on the person holding such goods or animals to show noncommercial purpose and action.

Application of and exceptions under the Act so far as Alaskan natives were concerned was a sensitive consideration. The Senate bill had extensive language providing exceptions for certain Alaskan native and nonnative residents to take threatened or endangered species for purposes of subsistence or native handicrafts; the House bill was silent on the subject. The Conference version provides for an Alaskan native exception which allows the State of Alaska to restrict native and non-native taking as a part of or separate from a state endangered species program. Natives, in this act, are considered to be as defined in the Alaska Native Land Claims Settlement Act.

Both bills provided for study of problems associated with endangered and threatened plant species, such as controls on

interstate commerce. The House version prevailed, assigning the study directive to the Smithsonian Institution.

The Senate bill provided language specifying whenever a conflict between the Endangered Species Act and the Marine Mammal Protection Act might occur, the stricter of the two should prevail. The House accepted the Senate provision.

Finally, the Senate bill contained language prohibiting construction of a road through the Pioneer Weapons Hunting Area in the Daniel Boone National Forest. This provision was deleted in Conference on the grounds it was controversial enough to warrant separate hearings and Congressional consideration. There were other, relatively minor, differences between the Senate and House bills but these were largely of a technical, confronting or clarifying nature.

Thus, as enacted, Public Law 93-205 finds biological extinction is a continuing threat domestically and internationally and that it is the responsibility and intent of the Nation to conserve various species of fish and wildlife and plants both domestic and foreign, and that a key to meeting international and domestic responsibilities for fish and wildlife conservation is through financial assistance and other incentive programs which encourage States and other interested parties to develop and maintain conservation programs meeting national and international standards. The purpose of the Act is stated to be provision of "a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth" (in a subsection of the Act). The stated policy of the Congress is declared to be "that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act."

To effect this policy in pursuit of the Act's purposes, the Act provides for the Secretaries of the Interior and Commerce to determine which species are endangered and which threatened according to any of a number of broadly worded causes and on the basis of the best scientific and commercial data, and after following specified procedures of consultation and notification of intent, to publish official lists of such species. The Act provides for the Secretaries of Commerce and of the Interior, as appropriate, to promulgate regulations designed for the conservation of such listed species. They may extend endangered and threatened species status to non-endangered or non-threatened species which resemble listed species if necessary to best assure adequate protection of the latter. Other provisions of the Act include establishment and implementation of a program by the Secretary of the Interior to conserve certain species of fish, wildlife and plants by utilizing land acquisition and other authority under the Fish and Wildlife Act of 1956, as amended, and

the Migratory Bird Conservation Act, as appropriate, and by newly authorized authority to acquire lands, waters or interests therein, which authority is in addition to any other land acquisition authority the Secretary of the Interior possesses. Land and Water Conservation Fund Act of 1956 funds are made available for land acquisition as part of endangered species conservation programs. In carrying out the program authorized by the Act, the appropriate Secretary is charged to cooperate with the States to the maximum extent possible, including consultation, entry into management and administration agreements for certain areas, and entry into cooperative agreements to assist States in implementing their own "adequate and active" programs for the conservation of endangered and threatened species. The Secretary is authorized to provide financial assistance to any State with which it has entered into a cooperative agreement; the allocation of available funds is to be on the basis of specified factors or criteria; and the Federal share of program costs is to be no more than 66 2/3 percent (or up to 75 percent if the joint Federal-state cooperative agreement involves two or more states).

The Endangered Species Act of 1973 also provides that in case of conflict between state laws and this law, the Federal law takes precedence unless the State law is more restrictive in provisions protecting endangered or threatened species. The Secretary is charged to review other programs under his administration and utilize them in furtherance of the purposes of the Act. All other Federal departments and agencies are to consult with the Secretary of Commerce or the Secretary of the Interior, as appropriate, and with the assistance of those Secretaries to use their authorities to carry out endangered and threatened species conservation programs, to see that actions authorized, funded or carried out by them do not have adverse effects on the survival of such species including destruction of habitat deemed critical to their survival as determined by the appropriate Secretary.

The President is authorized to use certain foreign currencies to assist any consenting foreign country in the development and management of programs in that country determined by the appropriate Secretary to be necessary or useful for the conservation of any listed species. He is also authorized, when necessary, to use appropriated funds as well as, or instead of, available foreign currencies. The Secretaries of the Interior and Commerce, certain foreign countries in the form of loaned personnel, conduct of personnel education and training programs, and conduct of law enforcement investigations and research abroad.

The Act also provides for assistance of various kinds in implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

There is a detailed section dealing with prohibited acts which apply to all individuals subject to U.S. jurisdiction. Listed species may not be taken, possessed, bought, sold,

traded, imported, exported, delivered, carried, transported, received, etc. on penalty of fine or imprisonment or both. Similar prohibitions apply to violations of provisions of the Convention cited above.

Species held in captivity or in controlled environments for noncommercial purposes on the effective date of the Act are exempted from these prohibitions. Exemption is also provided for taking of listed species by Alaskan natives for subsistence purposes. A permit system is also established to regulate some taking and possession of endangered species for scientific purposes or to enhance propagation or survival of the affected species or for reasons of economic hardship as carefully prescribed.

Finally, civil and criminal penalties for violations are set forth, court jurisdiction is addressed, citizen suits in support of the purposes of this legislation are specifically authorized. The Smithsonian Institution is instructed to prepare a proposed list of endangered and threatened plants and to recommend methods of adequate protection of such species, including needed legislative action. Conforming amendments addressing other pertinent legislation are provided, portions of the earlier endangered species acts are repealed, appropriations are authorized, and a last section of the law provides that no provision of the Act shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972.

As signed into law, S. 1983 became Public Law 92-205. There follow the texts of the 1966 and 1969 Acts, and a chronology of enactment of the 1973 statute. Subsequently, the next section provides the documentary history of the 1973 Act.



AN ACT

80 STAT., 926

To provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the National Wildlife Refuge System; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds and declares that one of the unfortunate consequences of growth and development in the United States has been the extermination of some native species of fish and wildlife; that serious losses in other species of native wild animals with educational, historical, recreational, and scientific value have occurred and are occurring; and that the United States has pledged itself, pursuant to migratory bird treaties with Canada and Mexico and the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, to conserve and protect, where practicable, the various species of native fish and wildlife, including game and nongame migratory birds, that are threatened with extinction. The purposes of this Act are to provide a program for the conservation, protection, restoration, and propagation of selected species of native fish and wildlife, including migratory birds, that are threatened with extinction, and to consolidate, restate, and modify the present authorities relating to administration by the Secretary of the Interior of the National Wildlife Refuge System.

(b) It is further declared to be the policy of Congress that the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense, together with the heads of bureaus, agencies, and services within their departments, shall seek to protect species of native fish and wildlife, including migratory birds, that are threatened with extinction, and, insofar as is practicable and consistent with the primary purposes of such bureaus, agencies, and services, shall preserve the habitats of such threatened species on lands under their jurisdiction.

(c) A species of native fish and wildlife shall be regarded as endangered threatened with extinction whenever the Secretary of the Interior finds, after consultation with the affected States, that its existence is endangered because its habitat is threatened with destruction, drastic modification, or severe curtailment, or because of overexploitation, disease, predation, or because of other factors, and that its survival requires assistance. In addition to consulting with the States, the Secretary shall, from time to time, seek the advice and recommendations of interested persons and organizations including, but not limited to, ornithologists, ichthyologists, ecologists, herpetologists, and mammalogists. He shall publish in the Federal Register the names of the species of native fish and wildlife found to be threatened with extinction in accordance with this paragraph.

Sec. 2. (a) The Secretary of the Interior shall utilize the land acquisition and other authorities of the Migratory Bird Conservation Act, as amended, the Fish and Wildlife Act of 1966, as amended, and the Fish and Wildlife Coordination Act to carry out a program in the United States of conserving, protecting, restoring, and propagating selected species of native fish and wildlife that are threatened with extinction.

Fish and wildlife.
Conservation and protection.

39 Stat., 1702j
50 Stat., 1311.
56 Stat., 1354.

Publication in
Federal Register.

45 Stat., 1222j
70 Stat., 1119
60 Stat., 1080.
16 USC 715, 742a
note, 661 note.

80 STAT., 927

16 USC 4601-4
note.

Cooperation with
States.

78 Stat., 701a.
National Wildlife
Refuge System.

Administration.

(b) In addition to the land acquisition authorities in such Act, the Secretary is hereby authorized to acquire by purchase, donation, or otherwise, lands or interests therein needed to carry out the purpose of this Act relating to the conservation, protection, restoration, and propagation of selected species of native fish that are threatened with extinction.

(c) Funds made available pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) may be used for the purpose of acquiring lands, waters, or interests therein pursuant to this section that are needed for the purpose of conserving, protecting, restoring, and propagating selected species of native fish and wildlife, including migratory birds, that are threatened with extinction. Not to exceed \$5,000,000 may be appropriated annually pursuant to that Act for such purpose for any fiscal year, and the total sum appropriated for such purpose shall not exceed \$10,000,000: *Provided*, That the Secretary shall, to the greatest extent possible, utilize funds from the Land and Water Conservation Fund Act of 1965 for such purpose. Such sums shall remain available until expended. The Secretary shall not use more than \$750,000 to acquire lands, waters, or interests therein for any one area for such purpose unless authorized by Act of Congress.

(d) The Secretary shall review other programs administered by him and, to the extent practicable, utilize such programs in furtherance of the purpose of this Act. The Secretary shall also encourage other Federal agencies to utilize, where practicable, their authorities in furtherance of the purpose of this Act and shall consult with and assist such agencies in carrying out endangered species program.

Sec. 3. (a) In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the several States. Such cooperation shall include consultation before the acquisition of any land for the purpose of conserving, protecting, restoring, or propagating any endangered species of native fish and wildlife.

(b) The Secretary may enter into agreements with the States for the administration and management of any area established for the conservation, protection, restoration, and propagation of endangered species of native fish and wildlife. Any revenues derived from the administration of such areas under these agreements shall be subject to the provisions of section 401 of the Act of June 16, 1936 (49 Stat. 883), as amended (16 USC. 715b).

Sec. 4. (a) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary of the Interior for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the "National Wildlife Refuge System" (referred to herein as the "System"), which shall be subject to the provisions of this section. Nothing contained in this Act shall restrict the authority of the Secretary to modify or revoke public land withdrawals affecting lands in the System as presently constituted, or as it may be amended, whenever he determines that such action is consistent with the public interest.

(b) In administering the System, the Secretary is authorized—

(1) to enter into contracts with any person or public or private agency through negotiation for the provision of public accommodations when, and in such locations, and to the extent that the

Secretary determines will not be inconsistent with the primary purpose for which the affected area was established.

(2) To accept donations of funds and to use such funds to acquire or manage lands or interests therein, and

(3) To acquire lands or interests under his jurisdiction which he finds suitable for disposition, or (b) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) No person shall knowingly disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof: *Provided*, That the United States mining and mineral leasing laws shall continue to apply to any lands within the System to the same extent they apply prior to the effective date of this Act unless subsequently withdrawn under other authority of law. Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife, including endangered species thereof, on lands not within the System. The regulations permitting hunting and fishing of resident fish and wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws and regulations. The provisions of this Act shall not be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System.

(d) The Secretary is authorized, under such regulations as he may prescribe, to—

(1) permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established: *Provided*, That not to exceed 40 per centum at any one time of any area that has been, or hereafter may be acquired, reserved, or set apart as an inviolate sanctuary for migratory birds, under any law, proclamation, Executive order, or public land order may be administered by the Secretary as an area within which the taking of migratory game birds may be permitted under such regulations as he may prescribe; and

(2) permit the use of, or grant easements in, over, across, upon, through, or under any areas within the System for purposes such as but not necessarily limited to, powerlines, telephone lines, canals, ditches, pipelines, and roads, including the construction, operation, and maintenance thereof, whenever he determines that such uses are compatible with the purposes for which these areas are established.

(e) Any person who violates or fails to comply with any of the provisions of this Act or any regulations issued thereunder shall be

Prohibited activities.

Use of areas.

Penalties.

Enforcement.

fined not more than \$500 or be imprisoned not more than six months, or both.

(f) Any person authorized by the Secretary of the Interior to enforce the provisions of this Act or any regulations issued thereunder, may, without a warrant, arrest any person violating this Act or regulations in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations, and may with a search warrant search for and seize any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof, taken or possessed in violation of this Act or the regulations issued thereunder. Any property, fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or egg thereof seized with or without a search warrant shall be held by such person or by a United States marshal, and upon conviction, shall be forfeited to the United States and disposed of by the court.

(g) Regulations applicable to areas of the System that are in effect on the date of enactment of this Act shall continue in effect until modified or rescinded.

(h) Nothing in this section shall be construed to amend, repeal, or otherwise modify the provision of the Act of September 28, 1892 (76 Stat. 693; 16 U.S.C. 460K-4) which authorizes the Secretary of the Interior to administer the areas within the System for public recreation. The provisions of this section relating to recreation shall be administered in accordance with the provisions of said Act.

(i) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water law.

Definitions.

72 Stat., 486.

(a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The terms "State" and the "United States" as used in this Act mean the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

(d) Section 4(b) of the Act of March 16, 1924 (43 Stat. 431), as amended (16 U.S.C. 718d(b)), is further amended by changing the colon after the word "areas" to a period and striking the proviso, which relates to hunting at certain wildlife refuges and which are now covered by section 4 of this Act.

(e) Sections 4 and 12 of the Migratory Bird Conservation Act (43 Stat. 1292), as amended (16 U.S.C. 715c and 715f), are further amended by deleting the word "game" wherever it appears.

(f) Section 10 of the Migratory Bird Conservation Act (43 Stat. 1224), as amended (16 U.S.C. 715i), which relates to the administration of certain wildlife refuges, is amended to read as follows:

"Sec. 10. (a) Areas of lands, waters, or interests therein acquired or reserved pursuant to this Act shall, unless otherwise provided by law, be administered by the Secretary of the Interior under rules and regulations prescribed by him to conserve and protect migratory birds in accordance with treaty obligations with Mexico and Canada, and in other species of wildlife found thereon, including species that are threatened with extinction, and to restore or develop adequate wildlife habitat.

"(b) In administering such areas, the Secretary is authorized to manage timber, range, and agricultural crops; to manage other species of animals, including but not limited to fenced range animals, with the objectives of perpetuating, distributing, and utilizing the resources; and to enter into agreements with public and private agencies."

(c) Section 11 of the Migratory Bird Conservation Act (45 Stat. 1924) (16 U.S.C. 715f) is amended by striking the period at the end thereof and adding the following: "(39 Stat. 1702) and the treaty between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1986 (50 Stat. 1311)."

(d) Sections 13 and 14 of the Migratory Bird Conservation Act (45 Stat. 1925), as amended (16 U.S.C. 715i and 715m), which provide for the enforcement of said Act and for penalties for violations thereof and which are covered by section 4 of this Act, are repealed.

Sec. 8. (a) Sections 302 and 303 of title III of the Act of June 15, 1935 (49 Stat. 382), as amended (16 U.S.C. 715d-1 and 715d-2), which authorize exchanges at wildlife refuges and which are covered by section 4 of this Act, are repealed.

(b) The last sentence of section 401(a) of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715b), is amended by inserting after the term "wildlife refuges" the following: "lands acquired or reserved for the protection and conservation of fish and wildlife that are threatened with extinction."

Sec. 9. The first clause in section 1 of the Act of September 29, 1962 (76 Stat. 635), is amended by deleting the words "national wildlife refuges, game ranges" and inserting therein "areas within the National Wildlife Refuge System."

Sec. 10. (a) The first sentence in section 1 of the Act of August 22, 1957 (71 Stat. 412; 16 U.S.C. 696), is amended to read as follows:

"Sec. 1. In order to protect and preserve in the national interest the key deer and other wildlife resources in the Florida Keys, the Secretary is authorized to acquire by purchase, lease, exchange, and donations, including the use of donated funds, such lands or interests therein in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, as he shall find to be suitable for the conservation and management of the said key deer and other wildlife: *Provided*, That no lands within a one thousand-foot zone adjacent to either side of United States Highway Numbered 1 in Monroe County shall be acquired for the Key Deer National Wildlife Refuge by condemnation. The Secretary, in the exercise of his exchange authority, may accept title to any non-Federal property in townships 65 and 66 south, ranges 28, 29, and 30 east, Monroe County, Florida, and in exchange therefor convey to the grantor of such property any federally owned property in the State of Florida under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."

(b) Section 8 of such Act of August 22, 1957 (16 U.S.C. 696b), is amended by striking out the second and third sentences and inserting in lieu thereof the following: "The Secretary shall not utilize more than \$2,035,000 from appropriated funds for the acquisition of land and interests in land for the purposes of this Act."

Approved October 15, 1966.

71 Stat. 413.

LEGISLATIVE HISTORY

HOUSE REPORTS: No. 1168 (Comm. on Merchant Marine & Fisheries) and SENATE REPORT No. 1463 (Comm. of Conference).
CONGRESSIONAL RECORD: Vol. 111 (1965): Oct. 19, considered and passed House. Vol. 112 (1966): Aug. 31, considered and passed Senate, amended. Oct. 7, Senate agreed to conference report. Oct. 13, House agreed to conference report.



Wildlife

To prevent the importation of endangered species of fish or wildlife into the United States; to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 2 through 5 of this Act, the term—

- (1) "Secretary" means the Secretary of the Interior;
- (2) "fish or wildlife" means any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, products, eggs, or offspring thereof, or the dead body or parts thereof;
- (3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam; and
- (4) "person" means any individual, firm, corporation, association, or partnership.

Sec. 2. Except as provided in section 3 of this Act, whoever imports from any foreign country into the United States any species or subspecies of fish or wildlife which the Secretary has determined, in accordance with the provisions of section 3 of this Act, to be threatened with worldwide extinction, shall be punished in accordance with the provisions of section 4 of this Act.

Sec. 3. (a) A species or subspecies of fish or wildlife shall be deemed to be threatened with worldwide extinction whenever the Secretary determines, based on the best scientific and commercial data available to him and after consultation, in cooperation with the Secretary of State, with the foreign country or countries in which such fish or wildlife are normally found and, to the extent practicable, with interested persons and organizations and other interested Federal agencies, that the continued existence of such species or subspecies of fish or wildlife is, in the judgment of the Secretary, endangered due to any of the following factors: (1) the destruction, drastic modification, or severe curtailment, of its habitat, or (2) its overutilization for commercial or sporting purposes, or (3) the effect on it of disease or predation, or (4) other natural or man-made factors affecting its continued existence. After making such determination, the Secretary shall promulgate and from time to time he may revise, by regulation, a list in the Federal Register of such fish or wildlife by scientific, common, and commercial name or names, together with his determination. The Secretary shall at least once every five years conduct a thorough review of any such list to determine what, if any, changes have occurred relative to the continued existence of the species or subspecies of fish or wildlife then on the list and to determine whether such fish or wildlife continue to be threatened with worldwide extinction. Upon completion of such review, he shall take appropriate action consistent with the purposes of this Act. The Secretary shall, upon the request of any interested person, also conduct such review of any particular listed species or subspecies at any other time if he finds and publishes his finding that such person has presented substantial evidence to warrant such a review.

(b) In order to minimize undue economic hardship to any person importing any species or subspecies of fish or wildlife which are determined to be threatened with worldwide extinction under this section, under any contract entered into prior to the date of publication of such determination in the Federal Register of such species or subspecies, the

83 STAT., 275

Fish or wildlife.
Importation of endangered species, prevention.

Species threatened with extinction.
Determination by Interior Secretary.

Publication in Federal Register.

Economic hardship.
Filing of application.

83 STAT., 276

Importation for educational or scientific purposes.
Penalty.

80 Stat., 383.
Violations, penalty provisions.

Hearing notice.

Search and seizure warrant.

Posting of bond.

Notification of seizure.

Secretary, upon such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, shall permit such person to import such species or subspecies in such quantities and for such periods, not to exceed one year, as he determines to be appropriate.

(c) The Secretary may permit, under such terms and conditions as he may prescribe, the importation of any species or subspecies of fish or wildlife listed in the Federal Register under this section for zoological, educational, and scientific purposes, and for the propagation of such fish or wildlife in captivity for preservation purposes, unless such importation is prohibited by any other Federal law or regulation.

(d) The provisions of section 553 of title 5 of the United States Code shall apply to any regulation issued under this section.

Sec. 4. (a) (1) Any person who violates any provision of section 2 or 3 of this Act or any regulation or permit issued thereunder, or any regulation issued under subsection (d) of this section, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than \$5,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this paragraph, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty *de novo*.

(2) Any employee authorized pursuant to subsection (e) of this section to enforce the provisions of sections 2 and 3 of this Act, and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section, shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any fish or wildlife or property or items taken, used, or possessed in connection with any violation of any such section, regulation, or permit with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such fish, wildlife, property, or item so seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty pursuant to paragraph (1) of this subsection for any non-willful violation of any such section, regulation, or permit, such fish, wildlife, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such fish, wildlife, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any fish or wildlife or property or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such fish, wildlife, property, or item so seized no action is commenced in any court of competent jurisdiction .. obtain the

forfeiture of such fish, wildlife, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such fish, wildlife, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

(b) Any person who willfully violates any provision of section 2 or 3 of this Act or any regulation or permit issued thereunder or any regulation issued under subsection (d) of this section shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both.

(c) The provisions of sections 2 and 3 of this Act and any regulations or permits issued pursuant thereto or pursuant to subsection (d) of this section shall be enforced by either the Secretary or the Secretary of the Treasury, or both such Secretaries. Either Secretary may utilize, by agreement, the personnel, services, and facilities of any other Federal agency or any State agency. Any employee of the Department of the Interior or the Department of the Treasury authorized by the Secretary or the Secretary of the Treasury may, without a warrant, arrest any person who such employee has probable cause to believe is willfully violating, in his presence or view, any such section, or any regulation or permit issued thereunder, the penalty for which is provided under subsection (b) of this section, and may execute a warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of such sections, regulations or permits. An employee who has made an arrest of a person in connection with any such willful violation may search such person at the time of his arrest and seize any fish or wildlife or property or items taken, used, or possessed in connection with any such violation, or any such employee shall have authority, in addition to any other authority provided by law relating to search and seizure, to execute any warrant to search for and seize any such fish, wildlife, property, or item so taken, used, or possessed. Any fish or wildlife or property or item seized shall be held by any employee authorized by the Secretary or the Secretary of the Treasury or by a United States marshal pending disposition of the case by the court, commissioner, or magistrate, except that the Secretary may, in lieu thereof, permit such person to post a bond or other surety satisfactory to him. Upon conviction, any (1) fish or wildlife seized shall be forfeited to the Secretary for disposal by him in such manner as he deems appropriate, and (2) any other property or items seized may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such fish, wildlife, property, or item so seized, shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such fish, wildlife, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (a) of this section.

(d) For the purposes of facilitating enforcement of sections 2 and 3 of this Act and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury, shall, after notice and an opportunity for a public hearing, from time to time designate, by regulation, any port or ports in the United States for the importation of fish and wildlife, other than shellfish and fishery products imported for commercial purposes, into the United States. The importation of

Penalty.

Enforcement provisions.

Return of property to owner.

Notification of seizure.

U.S. ports of entry designated by Secretary. Hearing notice.

Exceptions.

Regulations, issuances, international agreements for fish and wildlife preservation.

International conservation convention.

Appropriation.

Law administration, coordination. 26 Stat. 4161 32 Stat. 7923 76 Stat. 1291 46 Stat. 689.

46 Stat. 741.

such fish or wildlife into any port in the United States, except those so designated, shall be prohibited after the effective date of such designations; except that the Secretary, under such terms and conditions as he may prescribe, may permit importation at nondesignated ports for movement to designated ports of entry. Such regulations may provide other exceptions to such prohibition if the Secretary deems it appropriate and consistent with the purposes of this subsection.

(9) In carrying out the provisions of sections 2 through 5 of this Act, the Secretary may issue such regulations as may be appropriate. Sec. 3. (a) In carrying out the provisions of sections 2 and 3 of this Act, the Secretary, through the Secretary of State, shall encourage foreign countries to provide protection to species and subspecies of fish or wildlife threatened with worldwide extinction, to take measures to prevent any fish or wildlife from becoming threatened with extinction, and shall cooperate with such countries in providing technical assistance in developing and carrying out programs to provide such protection, and shall, through the Secretary of State, encourage bilateral and multilateral agreements with such countries for the protection, conservation, and propagation of fish or wildlife. The Secretary shall also encourage persons, taking directly or indirectly fish or wildlife in foreign countries for importation into the United States for commercial or other purposes, to develop and carry out, with such assistance as he may provide under any authority available to him, conservation practices designed to enhance such fish or wildlife and their habitat. The Secretary of State, in consultation with the Secretary, shall take appropriate measures to encourage the development of adequate measures, including, if appropriate, international agreements, to prevent such fish or wildlife from becoming threatened with worldwide extinction.

(b) To assure the worldwide conservation of endangered species and to prevent competitive harm to affected United States industries, the Secretary, through the Secretary of State, shall seek the convening of an international ministerial meeting on fish and wildlife prior to June 30, 1971, and included in the business of that meeting shall be the signing of a binding international convention on the conservation of endangered species.

(c) There are authorized to be appropriated such sums, not to exceed \$300,000, as may be necessary to carry out the provisions of subsection (b) of this section, such sums to remain available until expended.

Sec. 6. (a) The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act and amendments made by this Act, with the administration of the animal quarantine laws (21 U.S.C. 101 et seq., 21 U.S.C. 111, 21 U.S.C. 134 et seq.) and the Tariff Act of 1930, as amended (19 U.S.C. 1306). (b) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations of animals and other articles and no proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture.

(c) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, as amended, including, without limitation, section 527 of said Act (19 U.S.C. 1527) relating to the importation of wildlife taken, killed, possessed or exported to the United States in violation of the laws or regulations of a foreign country.

Sec. 7. (a) Section 43 of title 18, United States Code, is amended to read as follows:

§ 43. Transportation of wildlife taken in violation of State, National, or foreign laws; receipt; making false records

"(a) Any person who—
"(1) delivers, carries, transports, or ships, by any means whatever, or causes to be delivered, carried, transported, or shipped for commercial or noncommercial purposes or sells or causes to be sold any wildlife taken, transported, or sold in any manner in violation of any Act of Congress or regulation issued thereunder; or
"(2) delivers, carries, transports, or ships, by any means whatever, or causes to be delivered, carried, transported, or shipped for commercial or noncommercial purposes or sells or causes to be sold in interstate or foreign commerce any wildlife taken, transported, or sold in any manner in violation of any law or regulation of any State or foreign country; or

"(b) Any person who—
"(1) sells or causes to be sold any products manufactured, made, or processed from any wildlife taken, transported, or sold in any manner in violation of any Act of Congress or regulation issued thereunder; or
"(2) sells or causes to be sold in interstate or foreign commerce any products manufactured, made, or processed from any wildlife taken, transported, or sold in any manner in violation of any law or regulation of a State or a foreign country; or

"(3) having purchased or received wildlife imported from any foreign country or shipped, transported, or carried in interstate commerce, makes or causes to be made any false record, account, label, or identification thereof, or
"(4) receives, acquires, or purchases for commercial or noncommercial purposes any wildlife—
"(A) taken, transported, or sold in violation of any law or regulation of any State or foreign country and delivered, carried, transported, or shipped by any means or method in interstate or foreign commerce; or
"(B) taken, transported, or sold in violation of any Act of Congress or regulation issued thereunder; or

"(5) imports from Mexico to any State, or exports from any State to Mexico, any game mammal, dead or alive, or part or product thereof, except under permit or other authorization of the Secretary or, in accordance with any regulations prescribed by him, having due regard to the requirements of the Migratory Birds and Game Mammals Treaty with Mexico and the laws of the United States forbidding importation of certain live mammals injurious to agriculture and horticulture; and shall be subject to the penalties prescribed in subsections (c) and (d) of this section.

"(c) (1) Any person who knowingly violates, or who, in the exercise of due care, should know that he is violating, any provision of subsection (a) or (b) of this section may be assessed a civil penalty by the Secretary of not more than \$5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Any such civil penalty may be commuted by the Secretary. Upon any failure to pay the penalty assessed under this paragraph, the Secretary may request the Attorney General to institute a civil action in a district court of the United

83 STAT. 279
62 Stat., 6871
74 Stat., 754.

States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo.

"(2) Any employee authorized by the Secretary to enforce the provisions of this section, or any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in violation of this section with respect to which a civil penalty may be assessed pursuant to paragraph (1) of this subsection. Such wildlife, product, property, or item so seized shall be held by such employee pending disposition of proceedings by the Secretary involving the assessment of a civil penalty pursuant to paragraph (1) of this subsection; except that the Secretary may, in lieu of holding such wildlife, product, property, or item, permit such person to post a bond or other surety satisfactory to the Secretary. Upon the assessment of a civil penalty in violation of this section, such wildlife, product, property, or item so seized may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. Whenever any wildlife, product, property, or item is seized pursuant to this subsection, the Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. If, with respect to any such wildlife, product, property, or item so seized, no action is commenced in any court of competent jurisdiction to obtain the forfeiture of such wildlife, product, property, or item within thirty days following the disposition of proceedings involving the assessment of a civil penalty, such wildlife, product, property, or item shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

"(d) Any person who knowingly and willfully violates any provision of subsection (a) or (b) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

"(e) Any wildlife or products thereof seized in connection with any knowing and willful violation of this section with respect to which a penalty may be imposed pursuant to subsection (d) shall, upon conviction of such violation, be forfeited to the Secretary to be disposed of by him in such manner as he deems appropriate. Any other property or item so seized may upon conviction, in the discretion of the court, be forfeited to the United States or otherwise disposed of. The owner or consignee of any such wildlife, product, property, or item so seized shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary or the Secretary of the Treasury. If no conviction results from any such alleged violation, such wildlife, product, property or item so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (c) of this section.

Search and seizure warrant.

Posting of bond.

Notification of seizure.

Penalty.

50 Stat., 1311.

Penalty.

Hearing notice.

Definitions.

"(f) For the purpose of this section, the term—

"(1) 'Secretary' means the Secretary of the Interior;

"(2) 'person' means any individual, firm, corporation, association, or partnership;

"(3) 'wildlife' means any wild mammal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, egg, or offspring thereof, or the dead body or parts thereof, but does not include migratory birds for which protection is afforded under the Migratory Bird Treaty Act, as amended;

"(4) 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam; and

"(5) 'taken' means captured, killed, collected, or otherwise possessed."

(b) Section 3054 of title 18 of the United States Code is amended to read as follows:

"§ 3054. Officers' powers involving animals and birds

"Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, may arrest any person who violates section 42 or 44, or who such employee or officer of the customs has probable cause to believe is knowingly and willfully violating section 43, in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections."

(c) Section 3112 of title 18 of the United States Code is amended to read as follows:

"§ 3112. Search warrants for seizure of animals, birds, or eggs

"Any employee authorized by the Secretary of the Interior to enforce sections 42, 43, and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any wildlife, product, property, or item used or possessed in connection with a violation of section 42 or 44, or in connection with a knowing and willful violation of section 43, and any such wildlife, product, property, or item so seized shall be held by him or by the United States marshal pending disposition thereof by the court."

Sec. 8. (a) The first paragraph in section 44 of title 18, United States Code, is amended by deleting "wild animals or birds, or the dead bodies or parts thereof," and inserting "any wild mammal, wild bird, amphibian, or reptile, or any mollusk or crustacean, or the dead body or parts or eggs thereof."

(b) Section 44 of title 18, United States Code, is amended by adding at the end thereof a new paragraph to read as follows:

In any case where the marking, labeling, or tagging of a package under this section indicating in any way the contents thereof would create a significant possibility of theft of the package or its contents, the Secretary of the Interior may, upon request of the owner thereof or his agent or by regulation, provide some other reasonable means of notifying appropriate authorities of the contents of such packages."

Sec. 9. (a) Section 2 of the Black Bass Act (44 Stat. 576), as amended (16 U.S.C. 852), is amended to read as follows:

"(1) to deliver or receive for transportation, or to transport, by any means whatsoever, in interstate or foreign commerce, any black bass and other fish, if such person knows or in the exercise of due care should know that (A) such delivery or transportation is contrary to the law of the State or any foreign country from which such black bass or other fish is found or transported, or is contrary to other applicable law, or (B) such black bass or other

40 Stat., 755.
16 USC 710.

62 Stat., 817.

63 Stat., 89.
Ante, p. 279.
62 Stat., 687.

62 Stat., 820.

Marking and labeling provisions.

Black Bass Act, amendments.
61 Stat., 517.

fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State or foreign country, in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported, or contrary to other applicable law;

"(2) to purchase or receive any such black bass or other fish, if such person knows, or in the exercise of due care should know, that such bass or fish has been transported in violation of the provisions of this Act;

"(3) receiving any shipment of black bass or other fish transported in interstate or foreign commerce to make any false record or render a false account of the contents of such shipment, if such person knows, or in the exercise of due care should know, that such record or account is false. For the purposes of this section, the provisions of section 10 of title 18, United States Code, shall apply to the term 'interstate or foreign commerce.'"

62 Stat., 686.

61 Stat., 517.

(b) Section 3 of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 852a), is amended by deleting the comma after "commerce" and inserting therein "or foreign commerce."

(c) Section 6(a) of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 852d(a)), is amended by adding a new sentence at the end thereof to read as follows: "The provisions of this section and any regulations issued thereunder shall be enforced by personnel of the Secretary of the Interior, and he may utilize by agreement, with or without reimbursement, personnel, services, and facilities of other Federal agencies."

(d) The first section of the Black Bass Act (46 Stat. 846), as amended (16 U.S.C. 851), is amended by inserting immediately before the period at the end thereof a comma and the following "and the term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam."

Repeal.
40 Stat., 755
49 Stat., 1556.
Effective date.

"Fish and wildlife."

Sec. 12. (a) Section 1 of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668a), is amended by adding new subsection at the end thereof to read as follows:

"(d) For the purpose of sections 1 through 3 of this Act, the term 'fish and wildlife' means any wild mammal, fish, wild bird, amphibian, reptile, mollusk, or crustacean."

(b) The last sentence of section 2(c) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668bb(c)), is amended by changing the "\$750,000" to "\$2,500,000."

(c) Section 2(d) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668bb(d)), is amended by adding a new sentence at the end thereof to read as follows: "The Secretary is authorized to acquire land, water, or interests therein within the boundaries of any area administered by him, for the purpose of conserving, protecting, restoring, or propagating any selected species of native fish and wildlife that are threatened with extinction and each such acquisition shall be administered in accordance with the provisions of law applicable to such area, and there is authorized to be appropriated annually for fiscal years 1970, 1971, and 1972 not to exceed \$1,000,000 to carry out the provisions of this sentence."

Appropriation.

- (d) The provisions of sections 1 through 5 of this Act and sections 1 through 3 of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa-668cc), as amended by this section, shall hereinafter be cited as the "Endangered Species Conservation Act of 1969".
- (e) The second sentence of section 1 (a) of the Act of October 15, 1966 (80 Stat. 926; 16 U.S.C. 668aa (a)), is amended by changing the comma after the word "extinction" to a period and deleting the remainder of the sentence.
- (f) The provisions of sections 4 and 5 of the Act of October 15, 1966 (80 Stat. 929; 16 U.S.C. 668dd-668ee), as amended, shall hereinafter be cited as the "National Wildlife Refuge System Administration Act of 1966".
- Approved December 5, 1969.

Citation of act.

Citation of act.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-382 (Comm. on Merchant Marine & Fisheries).
 SENATE REPORT No. 91-526 (Comm. on Commerce).
 CONGRESSIONAL RECORD, Vol. 115 (1969):
 July 21: Considered and passed House.
 Nov. 10: Considered and passed Senate, amended.
 Nov. 20: House concurred in Senate amendments.

CHRONOLOGY—PUBLIC LAW 93-205

October 15, 1966—H.R. 9424 signed into law (Public Law 89-669).
 December 5, 1969—H.R. 11363 signed into law (Public Law 91-135).
 January 3, 1973—H.R. 37 introduced, referred to House Committee on Merchant Marine and Fisheries.
 June 12, 1973—S. 1983 introduced, referred to Senate Committee on Commerce.
 July 1, 1973—S. 1983 reported to Senate, amended, S. Rept. 93-307.
 July 24, 1973—S. 1983 passed Senate, amended.
 July 27, 1973—H.R. 37 reported to House, amended, H. Rept. 93-412.
 September 18, 1973—S. 1983 passed House, amended, in lieu of H.R. 37.
 December 19, 1973—Senate agreed to Conference Report (H. Conf. Rept. 93-740).
 December 20, 1973—House agreed to Conference Report (H. Conf. Rept. 93-740).
 December 28, 1973—Signed into law (Public Law 93-205).