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HOUSE CONSIDERATION AND PASSAGE OF H.R. 37, WITH AMENDMENTS

ENDANGERED AND THREATENED SPECIES CONSERVATION ACT OF 1973

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 37) to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes, as amended. The Clerk read as follows:

H. R. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Endangered and Threatened Species Conservation Act of 1973".

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FINDINGS, PURPOSE, AND POLICY

Sec. 2. (a) The Congress finds and declares that one of the unfortunate consequences of growth and development in the United States and elsewhere has been the extermination of some species or subspecies of fish, wildlife, and plants; that serious losses in species of wild animals with educational, historical, recreational, and scientific value have occurred and are occurring; that the United States has pledged itself, pursuant to migratory bird treaties with Canada and Mexico, the Migratory and Endangered Bird Treaty with Japan, the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, the International Convention for the Northwest Atlantic Fisheries, the International Convention for the High Seas Fisheries of Wild Fauna and Flora, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and other international agreements, to conserve and protect, where practicable, the various species of fish, wildlife, and plants facing extinction; that a key to the more effective protection and management of native fish and wildlife that are endangered or threatened is to encourage and assist the States in developing programs for such fish and wildlife; and that the conservation, protection, restoration, or propagation of such species will inure to the benefit of all citizens.

(b) The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, protected, or restored, to provide a program for the conservation, protection, restoration, or propagation 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 subsection (a) of this section.

(c) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to protect endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.

DEFINITIONS

Sec. 3. For the purposes of this Act--

(1) The term "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed on March 3, 1973, and the appendices thereto.

(2) The term "endangered species" means any species of fish or wildlife which is in danger of extinction throughout all or a significant portion of its range.

(3) The term "fish or wildlife" means any wild member of the animal kingdom, whether or not raised in captivity, including without limitation, any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement) amphibian, reptile, mollusk, or crustacean, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(4) The term "foreign commerce" includes, among other things, any trans-action--

(A) between persons within one foreign country;

(B) between persons in two or more foreign countries;

(C) between a person within the United States and a person in a foreign country; or

(D) between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.

(5) The term "import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(6) The term "person" means (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(7) The term "plant" means any member of the plant kingdom, including seeds, roots and other parts thereof.

(8) The term "Secretary" means, except as otherwise herein provided, the Secretary of the Interior or the Secretary of Commerce as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970; except that with respect to the enforcement of the provisions of this Act and the Convention which pertain to the importation or exportation of terrestrial plants, the term means the Secretary of Agriculture.

(9) The term "species" includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.

(10) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

(11) The term "take" means to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to harass, pursue, hunt, shoot, wound, kill, trap, capture or collect.

(12) The term "threatened species" means any species of fish or wildlife which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

(13) The term "United States", when used in a geographical context, includes all States.

DETERMINATION OF ENDANGERED SPECIES AND THREATENED SPECIES

Sec. 4. (a) The Secretary shall by regulation determine whether any fish or wildlife is an endangered species or a threatened species because of any of the following factors:

(1) the present or threatened destruction, modification, or curtailment of its habitat or range;

(2) overutilization for commercial, sporting, scientific, or educational purposes;

(3) disease or predation;

(4) the inadequacy of existing regulatory mechanisms; or

(5) other natural or manmade factors affecting its continued existence.

(b) (1) The Secretary shall make determinations required by subsection (a) of this section on the basis of the best scientific and commercial data available to him

and after consultation, as appropriate, with the affected States, interested persons and organizations, other interested Federal agencies, and, in cooperation with the Secretary of State, with the country or countries in which the fish or wildlife concerned is normally found or whose citizens harvest such fish or wildlife on the high seas; except that in any case in which such determinations involve native species of fish or wildlife, the Secretary shall consult with and consider the recommendations of each State concerned before adding such species to, or removing such species from, any list published pursuant to subsection (c) of this section.

(2) In determining whether or not any fish or wildlife is an endangered species or a threatened species, the Secretary shall take into consideration those efforts, if any, being made by any nation or any political subdivision of any nation to protect such fish or wildlife, whether by predator control, protection of habitat and food supply, or other fish or wildlife conservation or management practices, within any area under the jurisdiction of any such nation or political subdivision.

(3) The Secretary shall give full consideration regarding whether or not fish or wildlife which have been designated by any foreign country, or pursuant to any international agreement, as requiring protection from unrestricted commerce are endangered species or threatened species.

(c) (1) The Secretary shall publish in the Federal Register, and from time to time he may by regulation revise, a list of all fish or wildlife determined by him to be endangered species and a list of all fish or wildlife determined by him to be threatened species. Each list shall refer to the species contained therein by scientific and common name or names and shall specify with respect to each such species over what portion of its range it is endangered or threatened.

(2) The Secretary shall, upon the petition of an interested person under subsection 563(e) of title 5, United States Code, also conduct a review of any listed or unlisted species of fish or wildlife proposed to be removed from or added to either of the lists published pursuant to paragraph (1) of this subsection, but only when he finds and publishes his finding that, to his satisfaction, such person has presented substantial evidence to warrant such a review.

(3) Any list in effect on the day before the date of the enactment of this Act of species of fish or wildlife determined by the Secretary of the Interior, pursuant to the Endangered Species Conservation Act of 1969 to be threatened with extinction shall be republished to conform to the classification for endangered species or threatened species, as the case may be, provided for in this Act, but until such republication, any such species so listed shall be deemed an endangered species within the meaning of this Act. The republication of any species pursuant to this paragraph shall not require public hearing or comment under section 553 of title 5, United States Code.

(4) Whenever the Secretary lists a species of fish or wildlife as an endangered species or a threatened species pursuant to subsection (a) of this section, he shall issue such regulations as he deems necessary and advisable to provide for the conservation, protection, restoration, or propagation of such species. The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a) of this Act with respect to endangered species; except that with respect to native species of fish or wildlife, such regulations shall apply in any State which has entered into a cooperative agreement pursuant to section 6(c) of this Act only to the extent that such regulations have also been adopted by such State.

(e) For the purpose of facilitating the enforcement of this Act, the Secretary may from time to time, by regulation, treat, to the extent he deems it advisable, any species of fish or wildlife or of any plant which is not listed pursuant to section 4 of this Act as an endangered species or threatened species. If such species so closely resembles in appearance, at the point in question, a species of fish or wildlife or plant which has been so listed that substantial difficulty is posed to enforcement personnel in attempting to differentiate between listed and unlisted species or subspecies of fish or wildlife or plants, and this difficulty poses an additional threat to an endangered species or threatened species.

(1) Section 553 of title 5, United States Code, shall apply with respect to any regulation issued pursuant to this Act.

LAND ACQUISITION

Sec. 5. (a) The Secretary shall establish and implement a program to conserve, protect, restore, or propagate (A) fish or wildlife which are listed as endangered species or threatened species pursuant to section 4 of this Act or (B) plants which

are included in Appendices to the Convention. To carry out such program, the Secretary—

(1) shall utilize the land acquisition and other authority under the Migratory Bird Conservation Act, the Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act, as appropriate; and

(2) is authorized to acquire by purchase, donation, or otherwise, lands, waters, or interest therein, and such authority shall be in addition to any other land acquisition authority vested in him.

COOPERATION WITH THE STATES

Sec. 6. (a) In carrying out the program authorized by this Act, the Secretary shall cooperate to the maximum extent practicable with the States. Such cooperation shall include consultation with the States concerned before acquiring any land or water, or interest therein, for the purpose of conserving, protecting, restoring, or propagating any endangered or threatened species.

(b) The Secretary may enter into agreements with any State for the administration and management of any area established for the conservation, protection, restoration, or propagation of endangered or threatened species. 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 15, 1935 (49 Stat. 383; 16 U.S.C. 715s).

(c) In furtherance of the purposes of this Act, the Secretary is authorized to enter into cooperative agreements to provide financial assistance to States, through their respective fish and wildlife agencies, which maintain or establish adequate and active programs to manage and protect endangered and threatened species. In order for any State to qualify for assistance under this subsection, the Secretary must find annually that under the State program—

(1) authority resides in the State fish and wildlife agency to manage and protect native species of fish or wildlife determined by the State agency or the Secretary to be endangered or threatened;

(2) the State fish and wildlife agency has established acceptable management programs, consistent with the purposes and policies of this Act, for all species of fish or wildlife indigenous to the State which are deemed by the Secretary to be endangered or threatened;

(3) the State fish and wildlife agency is authorized to conduct investigations to determine the status and requirements for survival of indigenous species or subspecies of fish and wildlife;

(4) the State fish and wildlife agency is authorized to establish programs, including the acquisition of land or aquatic habitat or interests therein, for protection and management of endangered or threatened species; and

(5) provision is made in such programs for public participation in designating indigenous species or subspecies of fish or wildlife as endangered or threatened.

(d) (1) Funds appropriated annually for purposes of assistance under subsection (c) shall be available to the Secretary for allocation to the States under cooperative agreements to assist in development by States of programs for management and protection of endangered and threatened species of fish or wildlife including research, censusing, law, enforcement, and habitat acquisition or improvement. The Secretary shall make an allocation of appropriated funds to the States based on consideration of—

(A) the international obligations of the United States to protect a species; (B) the national significance of a species found to be endangered or threatened within a State; and (C) the potential for preventing extinction of a species and restoring such species to nonendangered or nonthreatened status.

So much of any appropriated funds allocated for obligation to any State for any fiscal year as remains unobligated at the close thereof is authorized to be made available to that State until the close of the succeeding fiscal year. Any amount allocated to any State which is unobligated at the end of the period during which it is available for expenditure is authorized to be made available for expenditure by the Secretary in conducting programs under this Act.

(2) Such cooperative agreements shall provide for (A) the actions to be taken by the Secretary and the States; (B) the benefits that are expected to be de-

ried in connection with preservation and restoration of endangered or threatened species: (C) the estimated cost of these actions; and (D) the share of such costs to be borne by the Federal Government and by the States; except that—

(1) the Federal share of such program costs shall not exceed 65% per centum of the estimated program costs stated in the agreement; and

(2) the Federal share may be increased to 75 per centum whenever two or more States, having a common interest in a program that the Secretary deems to meet the criteria of paragraph (1), enter jointly into an agreement with the Secretary.

The Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon in the cooperative agreement.

(e) Any action taken by the Secretary under this section shall be subject to his periodic review at no greater than annual intervals.

(f) Any State law or regulation which applies with respect to the importation or exportation of, or interstate or foreign commerce in, endangered or threatened species is void to the extent that it may effectively (1) permit what is prohibited by this Act or by any regulation which implements this Act or (2) prohibit what is authorized pursuant to an exemption or permit provided for in this Act or in any regulation which implements this Act. This Act shall not otherwise be construed to void any State law or regulation which is intended to conserve and manage migratory, resident, or introduced fish or wildlife, or to permit or prohibit sale of such fish or wildlife. Any State law or regulation respecting the taking of an endangered or threatened species may be more restrictive than the exemptions or permits provided for in this Act or in any regulation which implements this Act, but not less restrictive than the prohibitions so defined.

(g) The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the provisions of this section relating to financial assistance to States.

(h) There are hereby authorized to be appropriated for the fiscal years 1974, 1975, and 1976 such sums as may be necessary to carry out the purposes of this section.

INTRAGENCY COOPERATION

Sec. 7. (a) The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purpose of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the protection of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

(b) The Secretary of Agriculture is authorized, not withstanding the provisions of any other law, to bear the full cost, or any lesser amount that he, in consultation with the Secretary, may determine desirable to accomplish the objectives of the Act, of the cost of installing any practice, measure, work of improvement, facility, or other developmental, protective, or management systems on private land, the primary purpose of which is to enable landowners to comply with the regulations, or other recommendations, of the Secretary pertaining to the conservation, protection, restoration, or propagation of such species. The Secretary of Agriculture, in carrying out the purposes of this subsection, shall utilize his authorities to conduct research and investigations into vegetative and structural methods and other methods and practices, measures, works of improvement, and facilities most appropriate or effective in the protection, control, management, or enhancement of such species. If determined desirable, the Secretary and the Secretary of Agriculture may jointly carry out such research and investigations. The Secretary may transfer to the Secretary of Agriculture such funds as may be necessary to carry out the purposes of this subsection.

INTERNATIONAL COOPERATION

Sec. 8. (a) As a demonstration of the commitment of the United States to the worldwide protection of endangered species and threatened species, the President

may, subject to the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), use foreign currencies accruing to the United States Government under the Agricultural Trade Development and Assistant Act of 1954 or any other law to provide to any foreign country (with its consent) assistance in the development and management of programs in that country which the Secretary determines to be necessary or useful for the conservation, protection, restoration, or propagation of any endangered species or threatened species listed by the Secretary pursuant to section 4 of this Act. The President shall provide assistance (which includes, but is not limited to, the acquisition, by lease or otherwise, of lands, waters, or interests therein) to foreign countries under this section under such terms and conditions as he deems appropriate. Whenever foreign currencies are available for the provision of assistance under this section, such currencies shall be used in preference to funds appropriated under the authority of section 15 of this Act.

(b) In order to carry out further the provisions of this Act, the Secretary, through the Secretary of State, shall encourage—

(1) foreign countries to provide for the protection, conservation, restoration, or propagation of fish or wildlife including endangered species and threatened species listed pursuant to section 4 of this Act;

(2) the entering into bilateral or multilateral agreements with foreign countries to provide for such protection, conservation, restoration, or propagation; and

(3) foreign persons who directly or indirectly take fish or wildlife and plants in foreign countries or on the high seas for importation into the United States for commercial or other purposes to develop and carry out, with such assistance as he may provide, conservation practices designed to enhance such fish or wildlife and plants and their habitat.

(c) After consultation with the Secretary of State, the Secretary may—

(1) assign or otherwise make available any officer or employee of his department for the purpose of cooperating with foreign countries and international organizations in developing personnel resources and programs which promote the protection, conservation, restoration, or propagation of fish or wildlife and plants; and

(2) conduct or provide financial assistance for the educational training of foreign personnel, in this country or abroad, in fish, wildlife and plant management, research and law enforcement and to render professional assistance abroad in such matters.

(d) After consultation with the Secretary of State and the Secretary of the Treasury, as appropriate, the Secretary may conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the purposes of this Act.

(e) The President is authorized and directed to designate appropriate agencies to act as the Management Authority or Authorities and the Scientific Authority or Authorities pursuant to the Convention. The agencies so designated shall thereafter be authorized to do all things assigned to them under the Convention, including the issuance of permits and certificates. The agency designated by the President to communicate with other parties to the Convention and with the Secretariat shall also be empowered, where appropriate, in consultation with the State Department, to act on behalf of and represent the United States in all regards as required by the Convention. The President shall also designate those agencies which shall act on behalf of and represent the United States in all regards as required by the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

PROHIBITED ACTS

Sec. 9. (a) Except as provided in section 10 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to—

(1) import into, or export from, the United States any endangered species listed pursuant to section 4 of this Act;

(2) take any such species within the United States or the territorial sea of the United States, upon the high seas, or in any foreign country, except that this paragraph shall apply within any State which has entered into a cooperative agreement pursuant to section 6(c) of this Act only to the extent that the taking of any such species is contrary to the law of such State;

(3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of paragraph (2);

(4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and for commercial purposes, any such species;

(5) sell or offer for sale in interstate or foreign commerce any such species; or

(6) violate any regulation promulgated by the Secretary pursuant to section 4(d) of this Act.

(b) (1) It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article I thereof.

(2) Any importation into the United States of fish or wildlife shall, if—

(A) such fish or wildlife is not an endangered species listed pursuant to section 4 of this Act but is listed in Appendix II to the Convention,

(B) the taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable requirements of the Convention have been satisfied, and

(C) the applicable requirements of subsections (d) and (e) of this section have been satisfied,

be presumed to be an importation not in violation of any provision of this Act or any regulation issued pursuant to this Act.

(c) (1) It is unlawful for any person to engage in business as an importer or exporter of fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act as endangered or threatened species, and (B) are imported for commercial purposes or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants without first having obtained a permit from the Secretary.

(2) Any person required to obtain a permit under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, or plants made by him and the subsequent disposition made by him with respect to such fish, wildlife, or plants;

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his place of business, an opportunity to examine his inventory of imported fish, wildlife, or plants and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

(C) file such reports as the Secretary may require.

(3) The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

(d) It is unlawful for any person importing or exporting fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act as endangered or threatened species, and (B) are imported for commercial purposes or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants to fail to file any declaration or report as the Secretary deems necessary to facilitate enforcement of this Act or to meet the obligations of the Convention.

(e) (1) It is unlawful for any person subject to the jurisdiction of the United States to import into or export from the United States any fish or wildlife (other than shellfish and fishery products which (A) are not listed pursuant to section 4 of this Act as endangered species or threatened species, and (B) are imported for commercial purposes or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants, except at a port or ports designated by the Secretary. For the purpose of facilitating enforcement of this Act and reducing the costs thereof, the Secretary, with approval of the Secretary of the Treasury and after notice and opportunity for public hearing, may, by regulation, designate ports and change such designations. The Secretary, under such terms and conditions as he may prescribe, may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or plants, or for other reasons. If, in his discretion, he deems it appropriate and consistent with the purpose of this subsection.

(2) Any port designated by the Secretary of the Interior under the authority of section 4(d) of the Act of December 5, 1969 (16 U.S.C. 666cc-4(d)), shall, if such designation is in effect on the day before the date of the enactment of this Act, be deemed to be a port designated by the Secretary under paragraph (1) of this subsection until such time as the Secretary otherwise provides.

(f) It is unlawful for any person subject to the jurisdiction of the United States to attempt or conspire to commit, or cause to be committed, any offense defined in this section.

EXCEPTIONS

Sec. 10. (a) The Secretary may permit, under such terms and conditions as he may prescribe, any act otherwise prohibited by section 9 of this Act for scientific purposes or to enhance the propagation or survival of the affected species.

(b) (1) If any person enters into a contract with respect to a species or subspecies of fish or wildlife or plant before the date of the publication in the Federal Register of notice of proposed listing of that species as an endangered species and the subsequent listing of that species as an endangered species pursuant to section 4 of this Act will cause undue economic hardship to such person under the contract, the Secretary, in order to minimize such hardship, may exempt such person from the application of section 9(a) of this Act to the extent the Secretary deems appropriate if such person applies to him for such exemption and includes with such application such information as the Secretary may require to prove such hardship; except that (A) no such exemption shall be for a duration of more than one year from the date of publication in the Federal Register of notice of a proposed listing of the species or subspecies concerned, or shall apply to a quantity of fish or wildlife or plants in excess of that specified by the Secretary; (B) the one-year period for those species or subspecies of fish or wildlife listed by the Secretary as endangered prior to the effective date of this Act shall expire in accordance with the terms of section 3 of the Act of December 5, 1969 (83 Stat. 275); and (C) no such exemption may be granted for the importation or exportation of a specimen listed in Appendix I of the Convention which is to be used for primarily commercial purposes.

(2) The Secretary shall publish notice in the Federal Register of each application for an exemption which is made under this subsection. Each notice shall invite the submission from interested parties, within thirty days after the date of the notice, written data, views, or arguments with respect to the application. Information received by the Secretary as a part of any application shall be available to the public as a matter of public record at every stage of the proceeding.

(c) The Secretary may grant exemptions under subsections (a) and (b) of this section only if he finds and publishes his finding that (1) such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of this Act.

(d) Any taking by an Indian, Aleut, or Eskimo of any marine mammal (as defined in section 2(5) of the Marine Mammal Protection Act of 1972) which is listed pursuant to section 4(a) of this Act as an endangered species or threatened species shall not be deemed to be in violation of this Act or any regulation issued pursuant thereto if such taking is lawful under section 101(1) of the Marine Mammal Protection Act of 1972.

PENALTIES AND ENFORCEMENT

Sec. 11. (a) (1) Any person who violates any provisions of this Act, of any permit or certificate issued hereunder, or of any regulation issued in order to implement subsection (a) (1), (2), (3), (4), or (5), (b), (c) of section 9 of this Act may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation. Any person who knowingly violates any provision of any other regulation issued under this Act may be assessed a civil penalty by the Secretary of not more than \$5,000 for each such violation. No penalty may be assessed under this subsection 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 remitted or mitigated by the Secretary. Upon any failure to pay a penalty assessed under this subsection, 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, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. The court shall hear such action on the record made before the Secretary and shall sustain his action if it supported by substantial evidence on the record considered as a whole.

(2) Hearings held during proceedings for the assessment of civil penalties authorized by paragraph (1) of this subsection shall be conducted in accordance with section 554 of title 5, United States Code. The Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) (1) Any person who knowingly commits an act which violates any provision of this Act, of any permit or certificate issued hereunder, or of any regulation issued in order to implement subsection (a) (1), (2), (3), (4), or (5), (b), (c) (other than a regulation relating to recordkeeping or filing of reports), (e), or (f) of section 9 of this Act shall, upon conviction, be fined not more than \$20,000 or imprisoned for not more than one year, or both. Any person who knowingly or imprisomed for not more than one year, or both. Any person who knowingly commits an act which violates any provision of any other regulation issued under this Act shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than six months, or both. Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the fine incurred but not to exceed \$2,500 to any person who furnishes information which leads to a conviction for a criminal violation of any provision of this Act or any regulation or permit issued thereunder. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

(2) The head of any Federal agency which has issued a lease, license, permit, or other agreement authorizing the use of Federal lands, including grazing of domestic livestock, to any person who is convicted of a criminal violation of this Act or any regulation, permit, or certificate issued hereunder may immediately modify, suspend, or revoke each lease, license, permit, or other agreement. The Secretary shall also suspend for a period of up to one year, or cancel, any Federal hunting or fishing permits or stamps issued to any person who is convicted of a criminal violation of any provision of this Act, or any regulation, permit or certificate issued hereunder. The United States shall not be liable for the payments of any compensation, reimbursement, or damages in connection with the modification, suspension or revocation of any leases, licenses, permits, stamps, or other agreements pursuant to this section.

(c) The several district courts of the United States including the courts enumerated in section 400 of title 28, United States Code, shall have jurisdiction over any actions arising under this Act. For the purpose of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii.

(d) (1) The provisions of this Act and any regulations or permits issued pursuant thereto shall be enforced by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, or all such Secretaries. Each such Secretary may utilize by agreement, with or without reimbursement, the personnel services, and facilities of any other Federal agency or any State agency for purposes of enforcing this Act.

(2) The judges of the district courts of the United States and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process as

(d) (1) The provisions of this Act and any regulations or permits issued thereunder.

(3) Any person authorized by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, to enforce this Act may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation. Such person may execute and serve any arrest warrant, search warrant, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction for enforcement of this Act.

Such person so authorized may search and seize, with or without a warrant, as authorized by law. Any fish, wildlife, property, or item so seized shall be held by any person authorized by the Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating pending disposition of civil or criminal proceedings, or the institution of an action in rem for forfeiture of such fish, wildlife, property, or item pursuant to paragraph (4) of this subsection; except that the Secretary may, in lieu of holding such fish, wildlife, property, or item, permit the owner or consignee to post a bond or other surety satisfactory to the Secretary.

(4) (A) All fish or wildlife or plants taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this Act, any regulation made pursuant thereto, or any permit or certificate issued hereunder shall be subject to forfeiture to the United States.

(B) All guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid the taking, possessing, selling, carrying, chasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting, or importing of any fish or wildlife or plants in violation of this Act, any regulation made pursuant thereto, or any permit or certificate issued thereunder shall be subject to forfeiture to the United States upon conviction of a criminal violation pursuant to section 11 (b) (1) of this Act.

(5) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs law, the disposition of such vessel or of the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this Act, be exercised or performed by the Secretary or by such persons as he may designate.

(e) The Secretary, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating, are authorized to promulgate such regulations as may be appropriate to enforce this Act, and charge reasonable fees for expenses to the Government connected with permits or certificates authorized by this Act, including processing applications and reasonable inspections, and with the transfer, board, handling, or storage of fish or wildlife or plants and evidentiary items seized and forfeited under this Act. All such fees collected pursuant to this subsection shall be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the services. Appropriated funds may be expended pending reimbursement from parties in interest.

(f) (1) Except as provided in paragraph (2) of this subsection any person may commence a civil suit on his own behalf to enjoin any person, including the United States and any other governmental instrumentality or agency (to the extent permitted by the eleventh amendment to the Constitution) issued under the authority thereof, of any provision of this Act or regulation issued under the authority thereof. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce any such provision or regulation, as the case may be.

(2) No action may be commenced—
(A) prior to sixty days after written notice of the violation has been given to the Secretary, and to any alleged violator of any such provision or regulation;

(B) if the Secretary has commenced action to impose a penalty pursuant to subsection (a) of this section; or
(C) if the United States has commenced and is diligently prosecuting a criminal action in a court of the United States or a State to redress a violation of any such provision or regulation.

(3) (A) Any suit under this subsection may be brought in the judicial district in which the violation occurs.

(B) In any such suit under this subsection in which the United States is not a party, the Attorney General, at the request of the Secretary, may intervene on behalf of the United States as a matter of right.

(4) The court, in issuing any final order in any suit brought pursuant to paragraph (1) of this subsection, may award costs of litigation (including reasonable

attorney and expert witness fees) to any party, whenever the court determines such a ward is appropriate.

(5) The injunctive relief provided by this subsection shall not restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Secretary or a State agency).

(g) The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act with the administration of the animal quarantine laws (21 U.S.C. 101-105, 111-135b, and 612-614) and section 306 of the Tariff Act of 1930 (19 U.S.C. 1306). 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 or possession 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.

(h) Nothing in 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, including, without limitation, section 527 of that 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.

ENDANGERED PLANTS

Sec. 12. The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of providing adequate protection to such species, and to report to Congress, within one year after the date of the enactment of this Act, the results of such review including recommendations for new legislation or the amendment of existing legislation.

CONFORMING AMENDMENTS

Sec. 13. (a) Subsection 4(c) of the Act of October 15, 1966 (80 Stat. 928, 16 U.S.C. 968dd(c)), is further amended by revising the second sentence thereof to read as follows: "With the exception of endangered species and threatened species listed by the Secretary pursuant to section 4 of the Endangered and Threatened Species Conservation Act of 1973 in States wherein a cooperative agreement does not exist pursuant to section 6(c) of that Act, nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system."

(b) Subsection 10(a) of the Migratory Bird Conservation Act (45 Stat. 1224, 16 U.S.C. 715(a)) and subsection 401(a) of the Act of June 15, 1935 (49 Stat. 388, 16 U.S.C. 715(a)), are each amended by striking out "threatened with extinction," and inserting in lieu thereof the following: "listed pursuant to section 4 of the Endangered and Threatened Species Act of 1973 as endangered species or threatened species."

(c) Section 7(a) (1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(a)) (1) is amended by striking out: "Threatened Species.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction," and inserting in lieu thereof the following:

"ENDANGERED SPECIES AND THREATENED SPECIES.—For lands, waters, or interests therein, the acquisition of which is authorized under section 5(a) of the Endangered and Threatened Species Conservation Act of 1973, needed for the purpose of conserving, protecting, restoring, or propagating endangered species of fish or wildlife or plants."

(d) The first sentence of section 2 of the Act of September 28, 1962, as amended (76 Stat. 653, 16 U.S.C. 460k-1), is amended to read as follows:

"The Secretary is authorized to acquire areas of land, or interests therein, which are suitable for—

"(1) incidental fish and wildlife-oriented recreational development,

"(2) the protection of natural resources,

"(3) the protection of endangered species or threatened species listed by the Secretary pursuant to section 4 of the Endangered and Threatened Species Conservation Act of 1973, or

"(4) carrying out two or more of the purposes set forth in paragraphs (1) through (3) of this section, and are adjacent to, or within, the said conservation areas, except that the acquisition of any land or interest therein pursuant to this section shall be accomplished only with such funds as may be appropriated therefor by the Congress or donated for such purposes, but such property shall not be acquired with funds obtained from the sale of Federal migratory bird hunting stamps."

(e) The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) is amended—

(1) by striking out "Endangered Species Conservation Act of 1960" in section 3(1)(B) thereof and inserting in lieu thereof the following "Endangered and Threatened Species Conservation Act of 1973";

(2) by striking out "pursuant to the Endangered Species Conservation Act of 1969" in section 101(a)(3)(B) thereof and inserting in lieu thereof the following: "or threatened species pursuant to the Endangered and Threatened Species Conservation Act of 1973";

(3) by striking out "endangered under the Endangered Species Conservation Act of 1973";

(3) by striking out "endangered under the Endangered Species Conservation Act of 1969" in section 102(1)(3) thereof and inserting in lieu thereof the following: "an endangered species or threatened species pursuant to the Endangered and Threatened Species Conservation Act of 1973"; and

(4) by striking out "Endangered Species List, authorized by the Endangered Species Conservation Act of 1969," in section 202(a)(6) thereof and inserting in lieu thereof the following: "endangered species list and threatened species list published pursuant to section 4(c)(1) of the Endangered and Threatened Species Conservation Act of 1973".

REPEALS

Sec. 14. The Endangered Species Conservation Act of 1969 (section 1 through 3 of the Act of October 15, 1966, and sections 1 through 6 of the Act of December 5, 1969; 16 U.S.C. 668aa-668cc-6), is repealed.

AUTHORIZATION OF APPROPRIATIONS

Sec. 15. Except as authorized in section 6 of this Act, there are authorized to be appropriated—

(A) not to exceed \$6,000,000 for fiscal year 1974, not to exceed \$8,000,000 for fiscal year 1975 and not to exceed \$10,000,000 for fiscal year 1976, to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this Act; and

(B) not to exceed \$1,500,000 for fiscal year 1975 and not to exceed \$2,000,000 for fiscal year 1976, to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this Act.

EFFECTIVE DATE

Sec. 16. This Act shall take effect on the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan and the gentleman from Pennsylvania will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Missouri, such time as she may require.

Mrs. SULLIVAN. Mr. Speaker, H.R. 37 should be enacted at the earliest possible moment. It represents hours of intense committee consideration and of painstaking analysis by members and staff of the committee.

H.R. 37 revises and extends existing law—law which was proposed by this committee in earlier years. As far as it went, the earlier legislation has been valuable—even invaluable—but that law did not go far enough. That defect we hope to remedy today.

H.R. 37 comes on the heels of and implements, an important international convention, which produced a treaty providing for the protection and preservation of endangered species of plants and animals. That Convention, signed by the United States on March 3 of this year, has been submitted to the Congress for approval by the Senate and was in fact approved 5 months later. That is pretty fast action and I would hope that we can reciprocate by moving promptly on H.R. 37 today.

That additional protection for endangered species of plants and animals is necessary is indisputable. Within the past few years, it was necessary for the Department of the Interior to place eight species of whales on that list, and as many species of "spotted cats": leopards, tigers, cheetahs, et cetera.

For the most part, the principal threat to animals stems from the destruction of their habitat. The destruction may be intentional, as would be the case in clearing of fields and forests for development of resource extraction, or it may be unintentional, as in the case of the spread of pesticides beyond their target area. Whether it is intentional or not, however, the result is unfortunate for the species of animals that depend on that habitat, most of whom are already living on the edge of survival. H.R. 37 will meet this problem by providing funds for acquisition of critical habitat through the use of the land and water conservation fund. It will also enable the Department of Agriculture to cooperate with willing landowners who desire to assist in the protection of endangered species, but who are understandably unwilling to do so at excessive cost to themselves.

Another hazard to endangered species arises from those who would capture or kill them for pleasure or profit. There is no way that the Congress can make it less pleasurable for a person to take an animal, but we can certainly make it less profitable for them to do so. H.R. 37 makes it a Federal offense to violate the act or regulations published pursuant to the act, and prescribes penalties and fines of up to \$20,000 for persons convicted of violations.

I should point out, however, that in our desire to create unpleasant consequences for those who violate the act, we have at the same time been very aware of the need to assure due process for anyone accused of violating the act. There are requirements for public hearings on violations, with a full opportunity for the defendants to review the evidence against them, and judicial review of decisions which are felt to be unjust.

Protection of endangered species is, as the gentleman from Michigan has already indicated, far more than a matter of esthetics. As our report on the bill points out, endangered species of plants and animals possess genetic characteristics which cannot be replaced or artificially reproduced. Once the passenger pigeon disappeared, it was gone. It will not, and cannot, ever be back. The loss of the passenger pigeon is unfortunate; it may or may not be tragic. The loss of the blue whale, on the other hand, might very well be tragic: It is possibly the largest

mammal ever to have existed on the face of the Earth, and it may be the most efficient harvester of tiny marine life that exists today. In a protein-hungry world, the loss of huge potential sources of food is not an occasion which can be lightly considered.

When we threaten endangered species, we tinker with our own futures. We run risks whose magnitude we understand dimly, if at all. And we do so, for the most part, for reasons that can be described most charitably as trivial.

The purpose and intent of the bill before you is to bring into focus the costs of further endangering the plants and animals of this world. I believe that we have achieved this objective, and I support the bill strongly, and urge the support of my colleagues.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes. Mr. Speaker, I strongly urge enactment of H.R. 37, a bill to protect and encourage endangered and threatened species of fish and wildlife. This bill has been considered at length by our committee in the course of hearings during this and the previous Congress. It has been unanimously endorsed by members of our subcommittee and by members of the full Committee on Merchant Marine and Fisheries. It should be enacted today.

H.R. 37 amends and extends laws now on the books: Endangered species legislation enacted in 1966 and 1969. The existing laws are sound, as far as they go, but later events have shown that they do not go far enough. Present laws need to be made more flexible, to adapt themselves to the needs of the animals themselves and to deal with problems which did not exist until a few years ago.

There is a further need, which enactment of this legislation will meet. In March of this year, representatives of 80 nations met in Washington, in response to an earlier congressional directive, and negotiated a comprehensive convention for the protection of endangered species of plants and animals. On August 3, that convention was approved by the Senate, making this country the first to approve the convention. That it will ultimately be in force—which will take place after the 10th ratification takes place—is not questioned by anyone. Enactment of H.R. 37 will take all the steps which must be taken by this country in order to fully implement the requirements of this convention. It will place us in the forefront of the nations of the world that have expressed interest and concern for this problem.

The principal changes to be effected by passage of H.R. 37 are: First, it extends protection to animals which may become endangered, as well as to those which are now endangered.

Second, it extends protection to animals which are in trouble in any significant portion of their range, rather than threatened, and they must now be, with worldwide extinction.

Third, it makes taking of such animals a Federal offense. Fourth, it eliminates existing dollar ceilings on acquisition of critical habitat for such species. The present ceiling, which has been almost exhausted, is \$15 million.

Fifth, it gives to the Department of Commerce the authority to manage endangered and threatened species which were transferred to them under Reorganization Plan No. 4 of 1970.

Sixth, it authorizes the use of counterpart funds for programs involving foreign countries, wherever this is appropriate.

Seventh, it authorizes and encourages the State governments to adopt and enforce laws and regulations which are consistent with those adopted by the Federal Government.

Eighth, it clarifies and extends the authority of the Department of Agriculture to assist landowners, wherever they are willing to carry out the purposes of the act.

Ninth, it directs that a study be made of the problems associated with the domestic regulation of trade in endangered species of plants. For a more extended discussion of these and other changes which will be accomplished by passage of this bill, I invite the attention of the House to our committee's report on H.R. 37 (H. Repr. 93-412).

I would like to address for a few moments the issue of the relationship of the State and Federal governments under this act. Let me begin by putting to rest one story that has circulated from time to time: H.R. 37 does not preempt the States from enacting endangered species legislation.

Rather it declares a national policy that endangered species should be protected, and prescribes what amounts to a Federal floor to regulate the taking of such species. The States are free, just as they are now, to adopt stricter rules except to the extent that these contravene specific Federal permits or prohibitions, and to enforce these.

The bill goes further and provides a mechanism whereby the State and Federal governments may develop cooperative agreements governing the research, management and/or enforcement of regulations involving endangered or threatened species. The bill also provides for the Federal Government to contribute to the financial costs of State endangered species programs on a matching basis.

I might say that we have given this troublesome question of State and Federal relationships a great deal of thought and consideration. On the basis of this review, I am satisfied that the formula which we have developed is the best and most workable possible. I do not feel that it would be proper or desirable to place a heavy burden upon the Federal agencies to make findings that State programs are not consistent with the Federal plan before allowing that plan to be instituted. I say this principally because I am aware, as we all are, that there is considerable inertia involved in getting Government agencies and agency programs moving, and I feel that that inertia should not operate to the detriment of the species of animals with which this legislation is concerned. It makes far more sense, in my view, to provide an existing framework of rules and then to encourage the States to work cooperatively with the Federal Government in developing regulatory procedures which are consistent with that framework.

It may well be that some States have laws and regulations on their books that will allow them to negotiate and sign cooperative agreements soon after this bill becomes law. This is certainly to be encouraged, and I have received firm assurances from the agencies concerned that there will be prompt and good faith consultations at an early date to see that such agreements are rapidly developed. It is not our intention to encourage a long and dragged-out process of bureaucratic review and delay and we do not feel that H.R. 37 can be used in this fashion.

As a further inducement to the development of such agreements we have also provided for the furnishing of financial assistance to state

wildlife agencies to assist their carrying out endangered species programs along the lines of the act. There is an open-ended authorization for this purpose in the act, and we have been informed that under no circumstances would the funds requested under this authorization exceed \$10 million in any year.

H.R. 37 has been attacked by some as a anti-hunter bill; it has been attacked by others as a prohunter bill. In reality, it is neither—it is a bill which has been carefully drafted to encourage State and foreign governments to develop healthy stocks of animals occurring naturally within their borders. If these animals are considered valuable as trophy animals, and are not endangered, they should be regarded as a potential source of revenue to the managing agency and they should be encouraged to develop to the maximum extent compatible with the ecosystem upon which they depend.

I have been informed by the Department of the Interior that they will carefully review the status of animal stocks in foreign countries and that where nonendangered trophy animals are being managed in such a way as to assure their continued harvesting of those animals barriers will be placed upon the continued harvesting of those animals by the government. This is as it should be, because it is only in the understanding that these animals have a real and measurable value that many of the less developed countries will agree to take steps to assure their continued existence.

There is language in the legislation which incorporates a presumption of validity as to export permits issued by governments of foreign countries for animals which are not on appendix I of the international endangered species convention. This will allow persons subject to U.S. jurisdiction to accept export permits from these countries for animals which have legitimately been taken as trophies without the fear that the U.S. Government will arbitrarily refuse to accept those permits as valid.

We are assured by representatives of the Government that this is what they would do in any case, but we felt it best to spell out just what could and should be done at this time, in order to avoid future misunderstandings.

After the question of State versus Federal responsibilities, I would say that the most troublesome issue which confronted the committee was that of the best way to deal with endangered species of concern. This is a subject that has caused a considerable degree of concern among botanists, to which too little attention has been devoted in the past. Plants and plant species are particularly sensitive to variations in habitat; for the most part, the small and peculiar species of plants are that way because of particular variations in the habitat and range in which they have evolved. Our interest in preserving these species is more than esthetic; they may hold answers to questions which we have not yet learned to ask, and to lose these answers for all time involves a decision which should be made only upon careful consideration of all the facts.

We had great trouble in attempting to spell out the implications of national control over these species of plants. Internationally, the convention requires such control and it is not difficult to develop a scheme to screen plants as they enter the country; as a matter of fact, such a system is already in effect, involving inspections by agents of

the Department of Agriculture. The problem area involves interstate regulation of transit, sale, and taking—and here there are no mechanisms to deal with the problem. Ultimately, the committee concluded that the best approach would be to designate and independent agency to study the problem and to report back to the Congress within a year with suggestions on the proper ways to deal with it. We selected the Smithsonian Institution as the best agency to handle this issue, principally on the basis of its independence and lack of commitment on ways of handling such questions. It is not at all unlikely that the Smithsonian will contract out for part of this study to the Agriculture Department, since that Department has much of the expertise and experience that must be developed in order to achieve an understanding of the problem. We felt, however, that since that Department has an interest in the matter, and since there are strong indications that it has made some prejudgments on the question, it would be better not to have them in charge of the study.

Mr. Speaker, the bill before the House, H.R. 37, represents considerable effort on the part of the committee, and considerable imagination in dealing with a number of complex and highly charged emotional issues. It is supported by most major conservation organizations, sportsmen's organizations, and environmental groups. The bill and the report (H. Rept. 93-412) has been available for review for over a month and I have yet to hear a whisper of opposition to its passage at the earliest opportunity. A similar bill has passed the Senate and is now on the Speaker's table. We are ready to go to conference, and hopeful that a good bill can be produced and sent to the President quite soon.

I urge that H.R. 37 be enacted.
Mr. Goodling. Mr. Speaker, I rise in support of H.R. 37, a bill designed to strengthen and improve the existing Endangered Species Act of 1969. H.R. 37, as reported out by the committee unanimously, embodies the vast majority of the proposals of the administration in H.R. 4738 and is somewhat similar to the version which passed in the other body on July 24, 1973, by a vote of 92 to 0.

The first Endangered Species Act became law in 1966 and authorized the Department of the Interior to establish a conservation program of native species threatened with extinction and expanded its authorities under the National Wildlife Refuge System.

This basic act was amended extensively in 1969 by requiring the publication of an endangered species list by prohibiting the importation of species on that list, permitting selected taking of such species for scientific and educational purposes, providing for a 1-year economic hardship exemption from the prohibitions, prohibiting the sale or purchase of such endangered species by U.S. citizens, and increasing the authorization levels for land acquisitions designed to conserve such species.

Since 1969, the lessons learned from implementation of the act on a Federal and State level have prompted the need for basic and comprehensive revisions. Experience has taught us that, under existing laws, the Federal Government was unable to adequately provide con-

servation and protection measures to those species which had not yet met the legal and technical definition of "extinct", but due to a variety of factors were closely approaching that population level. H.R. 37 broadens the concept of "endangered species" by vesting authority in the Secretary to list those species which are "likely within the foreseeable future to become threatened with extinction". Thus, both Federal and State authorities can regulate trade, prevent taking, and provide for habitat acquisition for those species before they actually become extinct. The bill contemplates the promulgation of two lists; one designating actually endangered or extinct species, and the other listing those which are threatened. Regulations would be promulgated to protect the species based upon their individual status. Greater flexibility is provided while at the same time additional means of protection, conservation, and management is permitted and required.

The bill also implements the recently signed Convention on International Trade in Endangered Species of Wild Fauna and Flora, requires the Smithsonian to study methods to protect endangered plants, vests agency responsibility for plants in the Department of Agriculture, establishes a closely-woven Federal/State relationship in the form of financial assistance programs to the States to assist in the management and conservation of such species, provides for cooperative agreements between the Federal Government and the States, and permits the States to enact laws which may be more restrictive than the Federal law. The measure also recognizes the important environmental role of the Department of Commerce in protecting marine plants and species, eliminates existing dollar ceilings on acquisition of critical habitat areas, and makes the taking of such species a Federal offense punishable both on a civil and criminal basis.

There is urgent need for enactment of this legislation. In the United States alone, there are 109 species listed as endangered. On the foreign list, there are over 300 species. The list of those species which are threatened but not yet actually extinct is even longer. We are dealing with the future of many species of fish and wildlife, species which are or may become extinct due to carelessness, lack of human concern, inadequate Federal, State, and local laws, and loss of habitat areas. These animals are part of our natural resources, our history and heritage, and deserve the favorable action of this body.

It is my understanding that the administration does not oppose enactment of H.R. 37, for it embodies to a great degree provisions of the administration's bill, H.R. 4758.

The Speaker. Does the gentleman have further requests for time? Mr. Goodling. Mr. Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. Young).

Mr. Young of Alaska. Mr. Speaker, I should like to address a question to the gentleman from Michigan primarily because he has been kind enough to come to our State and hold hearings concerning a bill that is similar to this. There is a provision in the Marine Mammal Protection Act that has caused some confusion and misunderstanding. It is due to the Department of Commerce's regulations rather than to the act itself. It was discussed at some length in the subcommittee hearings recently held at Anchorage and across the State.

I should like to ask the gentleman from Michigan if he can explain and clarify the situation as I see it today.

Mr. Dingell. Mr. Speaker, will the gentleman yield?

Mr. Young of Alaska. I yield to the gentleman from Michigan.

Mr. Dingell. I would say to the gentleman that we did discuss this question in the course of our recent oversight hearings in Alaska. I do not read the Marine Mammal Protection Act as specifically requiring that subsistence hunters meet the requirements which relate to native handicrafts. I do think that the Secretary of Commerce has the authority which he needs to assure that those who claim to be subsistence hunters are in fact subsistence hunters, but those requirements cannot and should not be unreasonable.

We heard, for example, of cases in which sealskins taken from animals killed for their meat and blubber were left to rot on the beach instead of being sent to commercial tanners for processing. In my view, this makes no sense at all, and it does not conform to the Marine Mammal Protection Act.

I am, further, happy to note that the Department of Commerce has finally chosen to allow the processing of skins by tanners. This allows the processing of skins by tanners which are taken by hunters under the subsistence section of the act.

I would repeat, however, that the Secretaries of Commerce and Interior clearly have adequate authority to regulate subsistence hunters to the extent that such regulation is reasonably necessary to determine whether that hunting is taking place for subsistence purposes, and not as a subterfuge for other purposes.

If the gentleman will yield further, I will observe that there is an interrelation between this statute and the Marine Mammal Protection Act in that where actions which are allowed under the Marine Mammal Protection Act are not inconsistent with the purposes of this proposed statute, then they may be engaged in under this statute. If I recall correctly that was the amendment offered by the gentleman from Alaska.

Mr. Young of Alaska. I thank the gentleman from his interest and clarification of this matter.

I want to point out that I am sure that at any hearings on this bill, if there are any questions, they will be clarified.

Mr. Speaker, in regard to this provision in section 10(d) which pertains to the taking of marine mammals by Alaska Natives in accordance with the provisions of Marine Mammals Protection Act of 1972; it has come to my attention that there has been a distinct difference between the intent of section 101(1) of the Marine Mammal Protection Act of 1972, and the interpretation of this section by the Department of Commerce as promulgated in the regulations printed in the Federal Register, volume 38, number 158, dated August 16, 1973, page 22136, section 216.23(b) (1).

Section 101(1) of the act appears to place no restriction on how the subsistence taker may use or dispose of the skins of such animals as were taken for human consumption, whereas section 216.23(b) (1) of the regulations of the Department of Commerce clearly places unintended conditions upon such use and disposition.

This issue was considered during the course of hearings recently conducted by the Subcommittee on Fisheries and Wildlife Conservation in Anchorage, Alaska.

This situation has been interpreted counter to the best interest of those people the act intended to protect, and has worked a distinct hardship upon them.

I would like to solicit further comment upon this situation by the gentleman from Michigan and I thank the gentleman from Michigan for yielding his time.

The Speaker. Does the gentleman from Michigan have further requests for time?

Mr. Goodling. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Grover).

Mr. Grover. Mr. Speaker, I rise in support of passage of H.R. 37 and wish to associate myself with the remarks of the gentleman from Michigan (Mr. Dingell) and the gentleman from Pennsylvania (Mr. Goodling), the ranking minority members of the subcommittee.

This committee has had under consideration major revisions of the existing Endangered Species Act of 1969, as amended, since the last Congress. H.R. 37 and similar bills were introduced at the beginning of this Congress and represented the committee's efforts and findings up to that date. After extensive and lengthy hearings on the administration's bill and others, during which significant testimony and amendments were proposed by wildlife and environmental organizations, State agencies, and Federal agencies affected, the committee amended H.R. 37 accordingly.

Endangered species occupy the total spectrum of the Earth's habitats from the Arctic regions to the equator, including all the eco-types from alpine to marine. Enactment of H.R. 37 will prevent or regulate the taking of species found on the endangered and threatened lists. It will permit administrative, economic, and legal actions designed to increase the population levels of these affected species wherever they may live and restore them to a meaningful role in their and our environment.

When one realizes that half of the recorded extinctions of animals over the past 2,000 years have occurred in the most recent 50-year period, it may well be that we are too little, too late, in terms of adequate enforcement mechanisms and actual appropriations for acquisition of habitat for species preservation purposes.

There are two key elements in this bill which I would like to emphasize.

First, the United States appears to have been the determining factor in conveying and obtaining worldwide agreement on a new international convention designed to more strictly prohibit and control international trade in endangered and threatened species. This bill updates our Federal laws on the basis of our own past experience for such need and in recognition of the U.S. actions and signature to this new international convention, currently pending ratification in the other body.

Second, we have adequately protected legitimate State interests, powers, and authorities, in H.R. 37 by providing for concurrent Federal/State jurisdiction and permitting the States to enact their own, more restrictive laws, if so desired. Such fine acts as New York State's Mason Act, which prohibits the sale of some species not on the Federal list, will not be superseded by this bill to the extent that such State laws are more restrictive. It is imperative to realize, as the committee did, that the greater bulk of the enforcement capability concern-

ing endangered species lies in the hands of the State fish and game agencies, and not the Federal Government. It is on a State level that most of the game agents are located; it is on the State level that habitat areas will be located; it is on a State level that this new Federal law will be implemented, subject to overall Federal criteria and guidelines. For those States which have taken a strong and active role in the protection and conservation of endangered species, I commend them and say that their interests and activities are well preserved. For those States which have been lax in assisting the Federal Government in meeting the national goals in prior laws on endangered species, the bill provides for State financial assistance under cooperative agreements once specified Federal criteria are met. If a cooperative program for species management does not exist in a State, the State law will be void and Federal law, rules and regulations shall apply. Thus, we have provided for a strong incentive to the States to assist the Federal Government in protecting endangered species, while, at the same time, recognizing legitimate State interests and authorities.

I know of no opposition to H.R. 37 and urge its immediate passage. As the House is aware, the other body has already taken action on this subject by passing S. 1983, with amendments, by an overwhelmingly favorable margin.

Mr. PRICE of Illinois, Mr. Speaker, the life cycle is the most natural and most inevitable of happenings. Without this cycle there could be no change, and without change the world would not be as we know it today.

This never-ending cycle, then, is a good thing for man, but unfortunately man has taken this natural situation and twisted it so that nature would not recognize it. Man has disturbed the balance of nature killing directly or indirectly hundreds of species of plants and animals, and continues to do so heedlessly. Though we see what this senseless slaughter is doing to the balance of nature—exterminating animals and destroying valuable resources—still we are doing little to voluntarily stop while there is still a chance to recoup our losses.

To protect man from himself is the main thrust of H.R. 37, the Endangered and Threatened Species Conservation Act of 1973. This bill provides for the extension of protection to animals threatened with the danger of extinction, as well as those already on the way to extinction. In addition, H.R. 37, would protect species threatened in any significant portion of their range, rather than only those threatened with worldwide destruction, and makes the taking of these animals a Federal offense.

More and more species of animals are on the way to extinction, as living conditions for them deteriorate. Pollution is driving animals out of their natural ranges, and those that have not yet been threatened by impure air and water face increasing danger from those entrepreneurs who find a profit in trapping and selling endangered animals.

In Illinois, there are numerous species of animals threatened. According to some experts, as many as 100 kinds of mammals, birds, fish, reptiles, and amphibians indigenous to the State may be considered endangered. In my district, the 23d, a species of black heron is nearly gone, in addition to many other species of birds and reptiles. I am sure that my colleagues will agree that we cannot allow the balance of nature to continue to be upset in the way we have done.

The world is not as large as our fathers thought. We know now that there are limits even to the bounty of this Nation—and that we are rapidly approaching the bounds of those limits. If the slaughter of species continues, we will have no one to blame but ourselves, and I am sure that we here are not prepared to take the responsibility of jeopardizing future generations with a come-what-may attitude.

For these reasons I would like to take this opportunity to extend my support to the passage of H.R. 37, and to urge other Members concerned with the future of this country and the world at large to do likewise.

Mr. LEGGERT, Mr. Speaker, the bill we are considering today represents another step forward in our continuing efforts to preserve the natural character of the world we inhabit. Members are no doubt aware of our previous actions in this area in the 89th and 91st Congresses which have served as models for the rest of the world in wildlife protection. This previously passed legislation was also directly responsible for the very successful international meeting here in Washington which resulted in the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which was signed on March 3 of this year.

While the acts of 1966 and 1969 laid the framework for an increasingly effective program for conservation of endangered species, our efforts have progressed to the point where existing law just does not provide the kind of management tools we need to act early enough to save a vanishing species. For that reason we must act here today to expand our previous efforts.

A few things in this bill should be pointed out as being worthy of more than passing interest. First, the bill addresses the fact that some States have already recognized the need for active conservation programs and have acted to meet that need. It provides that no State laws in this area will be superseded where they are more restrictive than the provisions of this bill. Furthermore, States are free at any time in the future to adopt more stringent regulations than we are enacting. What we are discussing here are minimum standards to be met in conserving endangered plant and animal resources.

Another item I would like to point out is the authorization in the bill for the use of the land and water conservation fund to acquire habitat areas of endangered species. You may recall that in his initial budget, the President asked for an appropriation of only \$55,223,000 of the \$338,500,000 available in the fund. I felt at that time, and I still feel, that there are legitimate, important uses for the money in that trust fund, and that we should use as much of it as possible for its intended purposes. This bill gives us a constructive outlet for those moneys, and makes much less justifiable any future attempts at a raid on this most valuable trust fund.

This farsighted legislation also contains a continued mandate for international cooperation which has proved invaluable in our efforts at conservation. It not only provides for implementation of the recently signed convention, but also authorizes and directs the Secretary to encourage international collaboration in efforts to preserve endangered species. Here again we have a chance to assure our continued leadership in this area of evergrowing concern.

There is no objection that I know of to the aims of this bill. It is the product of some very good mutual cooperation between the administration and our committee, and deserves the favorable consideration of every Member of the House.

Mr. BIAGOR. Mr. Speaker, I want to express my support for H. R. 37 and strongly urge its passage.

The need for this bill is manifest; our hearings in the Merchant Marine and Fisheries Committee clearly established the serious danger to many species in our environment.

But I also want to recommend the bill, which I cosponsored with many of my colleagues on the committee, for another reason: It represents a sound approach to tackling environmental problems. We are doing three things in this bill which are important and which should be models for future environmental legislation.

First, we are defining the problem as broadly as possible. Instead of merely protecting those species which are now in danger, we are developing a concept of protection which will have continuous force. We are including those species which, at some future date, might become endangered. This is a long range and comprehensive approach to the problem of environmental protection, and this is as it should be. The seriousness of the problem amply justifies such action.

Second, we are making the killing of animals in the protected class a Federal offense. This approach is also fundamentally important. If we are going to have effective environmental legislation we must write tough penalties for violation of the law. Again, no other approach does justice to the seriousness of the problem.

Third, the bill eliminates existing dollar ceilings on the acquisition by the Federal Government of critical habitat areas. This provision represents an important philosophy in environmental legislation—namely, that if we are serious about preserving our environment we are going to have to spend some real money. It is not a question of saying that cost is no object, but of determining that unwise cost restriction now may do damage that will later cost far more, and may not be correctable at all.

Mr. Speaker, I urge all my colleagues to support this bill. What it does is right, and the way it does it is right. And so is the time.

Mr. HARRINGTON. Mr. Speaker, by polluting the air and water, destroying natural habitats, and catering to commercial demands for items like rare furs, man unnaturally interferes in the natural process of evolution. H. R. 37, the Endangered and Threatened Species Act of 1973, is designed to rectify the harm that has been done.

The legislation changes and enlarges the scope of existing conservation law by extending protection to animals which may become endangered, as well as those now endangered; by making the killing of such animals a Federal offense; by eliminating existing limitations on the acquisition of critical habitat area; by allowing States to adopt more restrictive legislation than the Federal Government if they wish; and by mandating the Secretary of the Smithsonian Institution to study any plant species in possible danger of extinction, with the objective of recommending further action that Congress should take to protect endangered plant life.

It seems to me that man may lose more than he thinks, if he does not act to correct his interference with nature. A particular animal or

plant species contributes much more to the world than general esthetic pleasure; it contributes to that much-used but little-understood phrase "the balance of nature." If man is going to grow sufficient food for himself; find cures for the diseases that plague him, and expand his understanding of how his own body functions, he will have to derive much of the needed knowledge from his fellow species.

In his effort to guard the Earth from his own awesome technological capacity, man has yet to learn that an instinct for self-preservation is not enough. He must direct both his intellect and ability to plan for the future toward insuring his self-preservation, as well. H. R. 37 represents recognition of this imperative.

Mr. ANTRONZO. Mr. Speaker, H. R. 37—legislation for which I am a cosponsor. Passage of this measure today will be one more significant step toward righting a serious wrong. Simply stated—many of the thousands of animal species which have disappeared from the face of the Earth have gone because of the interference of mankind. Nearly a thousand species are endangered today because of man's interference with natural habitats, because of his greed, and because he fouls the air and the waters. We have filled the Red Book of the International Union for the Conservation of Nature with mammals, birds and fishes who are running out of places to go to escape human carelessness.

Historically the evolution of new species and the decline of others was a natural process—the result of various natural forces. However, as man emerged as a more dominant life form, things began to change. Our powerful technologies and our blind desire for "progress" enabled us to interrupt the rhythm of nature.

In the name of fashion, we have stalked our big cats and birds with showy plumage until they are gone forever from the face of the Earth—or threatened with extinction. In the name of science and education, we have shipped—and killed through poor and unregulated shipping regulations—countless animals.

Each year our growing world population places greater and greater stress on wilderness areas and national parks. We have crowded many species to the point where their numbers are too slight to insure survival in their natural habitat. Often, that habitat is threatened by land development.

We have mistreated our wildlife—one of nature's greatest gifts—and we are paying a high price. We have made attempts to stop the ravage of wild animals, but unless we do more, the price we pay will be still higher. Already we have denied our children and all generations that follow the wonder of some of our animals. We must not, as an international people, hesitate any longer, or we will seal the fate of grizzly and polar bears, spotted cats and so on. The balance of nature, on which we depend for our survival, depends on the survival of our wildlife.

Any action we take now will, unfortunately, be too late to save some species presently on the list. But we still have a chance to save thousands and thousands of species. We can still cut the Red Book list back drastically and increase our own well-being at the same time. Not all, but certainly some of the wrongs man has perpetrated on wildlife, can still be righted. I think the measures which we are considering today can help in that direction.

The United States has long been a leader in the effort to protect our animals. Enactment in 1969 of an important Endangered Species Act led the way to a more sane approach to caring for our living resources. But it has not proved to be enough.

We were, as a Nation, eager to participate in the Convention on International Trade in Endangered Species of Wild Fauna and Flora held in February of this year. That convention represents a significant turning point in the history of endangered species conservation, and especially in international cooperation to achieve protection for threatened animals. The measure we are considering today would speed formal U.S. participation in that convention.

H.R. 37 would extend maximum protection to the animals of this Nation which are endangered, or are likely to become endangered. It will assure active participation, by the States, in programs responsive to the needs of endangered animals found within the State.

One of our greatest needs is the acquisition of essential wildlife habitat. Our experience in wildlife management has taught us that the availability of habitat is a key factor in protection and restoration. H.R. 37 would remove the current ceiling imposed by law for the acquisition of essential wildlife habitat with land and water conservation fund moneys.

H.R. 37 would strengthen the protection afforded to endangered species by restricting import and export of endangered species.

There are many other provisions of H.R. 37 which are vital to the protection of endangered and threatened wildlife the world over. Those provisions have been carefully studied by conservationists, hunters, preservationists, ecologists, and by Members of the House and Senate. Strong support has come from all circles. As a cosponsor of this measure, I urge prompt passage of H.R. 37 and early enactment of an effective Endangered Species Act of 1973.

Mr. DON H. CLAVSEN, Mr. Speaker, I rise in support of H.R. 37, the Endangered and Threatened Species Conservation Act of 1973.

The need for this legislation is overwhelming. Current laws designed to protect species of fish and wildlife are no longer adequate to meet today's expanded needs. Recent research and studies have indicated that the pace of disappearance of species is rapidly accelerating and threatening the world's ecological balance. At present, the Department of the Interior recognizes more than 100 species of fish and wildlife which are threatened with extinction within the United States alone. The number threatened in the world as a whole reaches more than 400.

In addition to expanding our efforts to protect and conserve species which are already endangered, this legislation goes one step further. The most important feature of the bill is the provision extending protection to animals and plants which may become endangered within the foreseeable future.

In the past, little action was taken until the situation became critical and the species was dangerously close to total extinction. This legislation provides us with the means for preventive action.

As I am certain everyone will agree, it is far wiser to take such preventive steps to keep a species or subspecies from reaching this critical point than to stand idly by until emergency action is necessary which may not in every case be successful.

In my opinion, this bill is a milestone in this Nation's attempt to preserve its natural environment by altering slightly the philosophy we have adopted to protect and perpetuate our natural heritage.

I hope, Mr. Speaker, that H.R. 37 will be speedily enacted into law.

Mr. GRIMAN, Mr. Speaker, I rise in support of H.R. 37, the Endangered and Threatened Species Conservation Act under consideration today.

Fish and wildlife are extremely sensitive to any environmental changes. With our rapidly advancing technology causing topographic and climate changes, we must not be insensitive to the potentially damaging effect those changes may have upon wildlife.

We have begun to recognize the delicate balance between wildlife and its habitat. In 1970, while I served in New York State Assembly, we made some gains in protecting wildlife by legislating New York State's first endangered species bill. In 1971, we improved upon that legislation by strengthening existing regulations.

Today we are involved in a similar process. The original Federal endangered species law needs to be tightened. The measure now before us, H.R. 37, puts some teeth in our efforts to provide a program for the conservation and protection of endangered wildlife.

A particularly important provision in this measure is our State grant program. By offering an incentive to those States making serious efforts at formulating endangered species legislation, we will be encouraging our States to take worthwhile action in this often neglected area. We should not have to forever compensate for environmental changes resulting from excessive pollution, poor farming and forestry practices and other technologically destructive occurrences. Having begun the battle in this area, let us continue to move forward.

H.R. 37 also includes provisions for extensively expanding our endangered species listings. In approving this legislation, we will be giving authority for the inclusion of those species which are not presently endangered but which might be threatened by extinction in the near future.

Such foresight will help avoid the regrettable plight of repairing damages already incurred. By heeding the warnings of possible extinction today, we will prevent tomorrow's crisis.

Accordingly, I urge and join with my colleagues in resoundingly adopting this measure so that we may begin to implement the provisions of this important conservation measure, the Endangered and Threatened Species Conservation Act.

The Speaker. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 37, as amended.

The question was taken.

Mr. GROVER, Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 12, not voting 32, as follows:

[Roll No. 461]

YEAS—390

Abzug	Clausen, Don H.	Frelinghuysen
Adams	Clawson, Del	Frenzel
Addabbo	Clay	Freych
Alexander	Cleveland	Froylich
Anderson, Calif.	Cochran	Fulton
Andrews, N. C.	Cohen	Fuqua
Annunzio	Collins, Ill.	Gaydos
Arden	Collins, Tex.	Gialmo
Armstrong	Conable	Gibbons
Ashbrook	Conlan	Gilman
Ashley	Conte	Ginn
Aspin	Conyers	Goldwater
Badillo	Corman	Gonzalez
Bafalis	Cotler	Goodling
Baker	Coughlin	Grasso
Barrett	Cronin	Gray
Bauman	Daniel, Dan	Green, Oreg.
Beard	Daniel, Robert W., Jr.	Green, Pa.
Bell	Daniel, Dominick V.	Griffiths
Bennett	Danielson	Grover
Bergland	Davis, S. C.	Gubser
Bevill	Davis, Wis.	Gude
Biaggi	de la Garza	Gunter
Blester	Delaney	Guyer
Bingham	Dellenback	Haley
Blackburn	Dellums	Hamilton
Blatnik	Denholm	Hammerschmidt
Boggs	Dennis	Hanley
Boland	Derwinski	Hanrahan
Bolling	DeVere	Hansen, Wash.
Bowen	Dickinson	Harrington
Brademas	Diggs	Harrsha
Brasco	Dingell	Harvey
Bray	Donohue	Hastings
Breaux	Dorn	Hawkins
Breckinridge	Downing	Hays
Brinkley	Drinan	Hebert
Brooks	Dulski	Hechler, W. Va.
Broomfield	Duncan	Heckler, Mass.
Brown, Calif.	du Pont	Helms
Brown, Mich.	Eckhardt	Helstoski
Brown, Ohio	Edwards, Ala.	Henderson
Broyhill, N. C.	Edwards, Calif.	Hicks
Broyhill, Va.	Eilberg	Hills
Burgener	Erlenborn	Hinschaw
Burke, Calif.	Esch	Holfield
Burke, Mass.	Eshleman	Holt
Burke, Mass.	Eyrans, Colo.	Holtzman
Burkison, Mo.	Eyrans, Tenn.	Horton
Burton	Fascell	Howser
Butler	Findley	Howard
Byron	Fisher	Howard
Camp	Fisher	Hudnut
Carey, N. Y.	Flood	Hudnut
Carmey, Ohio	Flowers	Hunt
Carter	Flynt	Hutchinson
Casey, Tex.	Foley	Ichord
Cederberg	Ford, Gerald R.	Jarman
Chamberlain	Ford, William D.	Johnson, Calif.
Chisholm	Forsythe	Johnson, Colo.
Chancy	Fountain	Johnson, Pa.
Clark	Fraser	Jones, Ala.
		Jones, N. C.

YEAS—Continued

Jones, Okla.	Moss	Sebelius
Jordan	Murphy, Ill.	Selberling
Karath	Murphy, N. Y.	Shipley
Kastenmeier	Myers	Shoup
Kazen	Natcher	Shuster
Keating	Nedzi	Sikes
Kemp	Nichols	Sisk
Ketchum	Obey	Skubitz
King	O'Brien	Slack
King	O'Hara	Smith, Iowa
Kinzyanski	Owens	Smith, N. Y.
Koch	Paris	Snyder
Kuykendall	Passman	Spence
Kyros	Patten	Stagers
Landrum	Pepper	Stanton,
Latta	Perkins	J. William
Lehman	Pettis	Stark
Lent	Perkins	Steed
Lifton	Peyser	Steele
Long, Ia.	Pickle	Stelger, Wis.
Long, Md.	Pike	Stephens
Lott	Poage	Stokes
McCarty	Podell	Stratton
McClister	Powell, Ohio	Stubbs
McCormack	Preyer	Stuckey
McDade	Price, Ill.	Studds
McFall	Pritchard	Sullivan
McKay	Quie	Talcott
McKinney	Quillen	Taylor, Md.
McSpadden	Railsback	Taylor, N. C.
Macdonald	Randall	Teague, Calif.
Madden	Rangel	Thompson, N. J.
Madigan	Rees	Thomson, Wis.
Mahon	Regula	Thone
Marillard	Reid	Thornton
Mallory	Reuss	Therman
Mann	Rhodes	Tierman
Maraziti	Riegle	Towell, Nev.
Martin, Nebr.	Rinaldo	Treen
Martin, N. C.	Roberts	Treen
Mathias, Calif.	Roberts	Udall
Mathis, Ga.	Robinson, Va.	Ullman
Matsumaga	Robinson, N. Y.	Van Deerlin
Mayne	Rodino	Van Der Jagt
Mazzone	Roemer	Vander Jagt
Meeds	Roemer	Vank
Melcher	Rogers	Veysey
Metcalf	Roncallo, Wyo.	Vigorito
Mezvinsky	Roncallo, N. Y.	Waggoner
Michel	Rooney, N. Y.	Waldie
Miller	Rooney, Pa.	Walsh
Millford	Rose	Wampler
Miller	Rosenthal	Ware
Mintish	Roush	Walsten
Mink	Fousselot	White
Minshall, Ohio	Roy	Whitehurst
Mitchell, Md.	Roybal	Whitren
Mitchell, N. Y.	Ruppe	Whitren
Moakley	Ruth	Wigans
Mollohan	Ryan	Williams
Montgomery	St. Germain	Wilson, Bob
Moorhead,	Sarasin	Wilson,
Calif.	Sarbanes	Charles H.,
Moorhead, Pa.	Saylor	Calif.
Morgan	Scherle	Winn
Mosher	Schneebeli	Wolf
	Schroeder	Wright